hard to tell the mother of the boy I was working with that she didn’t have a good case,” said Sibyl Kane ’03. In that case, a mother had hoped that the school could provide her son needed occupational therapy, but the facts showed that his disability was not affecting his schoolwork. Thus, under federal law, the school was not obligated to provide the service.

Beth Piotrowicz, a mental retardation and developmental disability case manager who works for a state program in Orange, Person and Chatham counties, said the Clinic fills an important niche. “The school systems haven’t always met the needs of disabled children, and the Clinic insists that schools provide adequate resources in these cases.”

Clinic students cite working directly with clients and becoming a part of their lives and communities as rewarding aspects of the work. “Usually, I don’t go anywhere but my apartment, the Law School, the grocery store and the movie theater,” confessed Jennifer Simon ’03. “But working in the Clinic took me out into the community. I saw where people lived and worked and went to school. I just loved feeling I was a part of that.”

Parents helped by the Clinic often say they had nowhere else to turn. Glenn Evans was devastated when his learning-disabled son was given a 365-day suspension after another student pressured him into making a bomb threat at his school. That meant the boy would miss so much class that he essentially would have to take the ninth grade three times. Evans also said the school system did almost nothing to keep his son from falling irretrievably behind during the suspension, despite an agreement that his son would receive some help at home. With aid from the Clinic, Evans’ son was allowed to return to school in October of 2002, four months earlier than he would have returned otherwise. “We like the way the Clinic people talked to us about the case,

Carolyn McAllaster turned a personal loss into the community’s gain when she started Duke Law’s Legal Assistance Project in 1996. McAllaster, clinical professor of law, had watched her brother, Joseph McAllaster, slowly succumb to AIDS through the late 1980s and early ’90s. After his death, she decided to channel her legal expertise into helping HIV-infected people fight for health care, employment, privacy, control of their families’ future and other rights.

“I just realized one day that this is what I had to do,” said McAllaster, who had done years of pro bono legal work for people with AIDS before formally launching the Clinic at Duke Law. “I feel like my brother was sitting on my right shoulder when I made the decision to do this full-time. I felt a huge amount of compassion for people with this illness.”

Through the Clinic, 10 students each semester work with HIV-infected people and their families for free. In addition to a classroom component, the students perform 100 hours of work with clients during the semester. Among their most frequent tasks:

- Working with clients to navigate the complexities of obtaining private and public benefits such as Social Security disability, Supplemental Security Income, Medicaid, food stamps, health insurance, disability insurance and accelerated death benefits. The Project’s representation has saved several clients from homelessness and assisted others in obtaining life-saving medications and medical treatment.
- Helping HIV-infected parents make permanent plans for the future care of their children. This representation can involve petitioning the court for standby guardianship under a law recently enacted in North Carolina, ending an absent parent’s rights to custody or pursuing adoption for a named guardian after a parent dies.
- Assisting clients with end-of-life planning, by writing wills, health care powers of attorney, living wills and financial powers of attorney.
- Fighting for clients against discrimination and breaches of their confidentiality in employment, housing and other settings.

“As a result of the high standards set in the AIDS Clinic, I have actively sought strong supervisors, searched out colleagues with whom I could ponder cases, and have focused on maintaining the level of organization that was expected of me as a student.”

— Emily Friedman ’98
and as soon as they started working on it things started clicking,” Evans said. “They knew the law and they had everything in order. I wouldn’t have been able to get my son back in school without them.”

That’s just the kind of situation – and conclusion – Wettach and Berlin hope their students will experience in the Clinic. “The students know their work will have a real effect on the outcome, such as whether a child stays in school or spends the rest of the school year at home,” Wettach said.

His mother just felt overwhelmed by it all. That’s why I want to be a lawyer: to help people with problems that to them are overwhelming. This Clinic has been wonderful.” – Marta DeLeon ’04

Since its inception, the Clinic has represented 710 clients and provided telephone counseling and advice or referrals to more than 300 others. Its clients are among the neediest in North Carolina, McAllaster said, as all of them have little money and many are very ill. The clients have come from 54 North Carolina counties, including some of the most rural counties in the state.

As HIV disease now affects larger numbers of poor people, access to affordable legal services has become increasingly important, she said. And because those with access to more effective medications now are living longer, the legal issues facing people with HIV and AIDS have become more complex.

Others who fight the disease offer high praise for the Clinic. “As the epidemic evolves in North Carolina, we are seeing increasing proportions of severely impoverished persons, particularly women. These individuals frequently do not have access to legal consultation,” said John Bartlett, clinical research director of the Duke University Center for AIDS Research. “The consultation and services provided by Duke Law students has been critical in serving the needs of those patients.”
Students benefit as well through their interaction with clients and courts, putting into practice the lessons learned in the classroom. Third-year student Christine Soares spent much of the fall semester helping a mother who was dying from AIDS complications work out a guardianship arrangement for her two sons. The mother wanted to be sure the boys would stay with her long-time boyfriend, who had been their father figure for years, rather than other relatives. The father of one of the boys contested that arrangement.

That meant Soares, under the guidance of McAllaster and Allison Rice, a Duke Law senior lecturing fellow and the Clinic’s other teacher, would go through a court hearing in December to pursue the mother’s wishes after her death. Soares prepared for the hearing, made an opening statement, examined and cross-examined witnesses, and made a closing statement. In the end, she was successful, and both boys stayed with the man their mother believed to be the best guardian for them.

“I know I learned a lot, and the hearing ended up going really well,” said Soares, who plans to become a litigator. “It’s a great place to learn because it’s real life.” Soares also worked on cases involving disability, employment discrimination and end-of-life planning.

Lauralyn Beattie ’98 said the skills she learned in the AIDS Clinic, among others she participated in at Duke Law, immediately helped her when she became a lawyer with the firm of Wilmer, Cutler & Pickering after graduation. She now is an attorney for Georgetown University. “I was astounded to find how many of these skills were directly transferable,” Beattie said in a letter supporting the Clinic when she was with the law firm. “Even today I call on the skills I first learned in Duke’s clinics. I was asked by a partner...to draft an expert affidavit, a task I was able to assure him I had done before – as a student in the AIDS Clinic.”

Emily Friedman, also a ’98 graduate, gives the Clinic similar marks. “As a result of the high standards set in the AIDS Clinic, I have actively sought strong supervisors, searched out colleagues with whom I could ponder cases, and have focused on maintaining the level of organization that was expected of me as a student,” she said. “In sum, I obtained my grounding in public interest lawyering, and the practice of law generally, while at the AIDS Clinic.”

And rarely does a learning experience for a law student mean so much to a client, McAllaster said. “A lot of these people are facing the toughest decisions of their lives, such as what to do with their children if they die or become too sick to take care of them,” she said. “They can’t always do it by themselves.”