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LSSC SOCIAL JUSTICE PROJECT SUMMARIES 2008-2009

1. ACLU Technology and Liberty Program (Washington DC)

This project will address erosion of U.S. Constitution Fourth Amendment privacy provisions in the face of evolving technologies, and the potential role of stronger state constitutional privacy guarantees as an alternative source of protections. U.S. Supreme Court cases like *U.S. v. Miller* and *Smith v. Maryland* have narrowed the scope of "reasonable expectations of privacy" and by creating the "third party doctrine." The deliverable will be a strategy memo comparing the best states to pursue suits that will advance the goal of data protection and individual privacy.

2. Boston Area Colleges Election Improvement Project

This project will examine the legal and practical aspects of how states have sought to regulate Election Day exit polling and how courts have treated attempts to inhibit the process, particularly in light of First Amendment protections. Exit polling is increasingly important in redistricting disputes, and in assessing voting barriers facing various marginalized communities. From these findings, the project will develop guidance concerning best practices for the regulation of exit polling and concerning constitutional challenges to overly restrictive regulations.

3. Committee for Public Counsel Services -- Mental Health Litigation Unit

The goal of this project is to eventually establish through legislation or case law, a right to counsel in all guardianship proceedings in Massachusetts. It will explore how and whether to bring a class action on behalf of indigent unrepresented wards in guardianship proceedings (adults with mental illness, adults with mental retardation, the elderly, etc.), asserting that the imposition of guardianship without the benefit of counsel constitutes a substantial due process deprivation of liberty.



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4. Drug Policy Alliance

This project aims to explore Veterans' access to mental healthcare/substance abuse treatment programs, and to propose legislative and policy changes that will increase their access to such services. The project begins with a factual investigation into the scope and possible causes of the problem veterans now experience in accessing mental health and substance abuse treatment programs. The project will then examine the various laws at both the federal and Mass. state level that either mandate or impede veterans' access to these vital treatment programs. The end product will propose how the laws should be changed, and will be presented at a conference sponsored by the Drug Policy Alliance.

5. Justice Resource Institute/JRI Health Law

This project will focus on developing a city-wide system for the provision of HIV/AIDS legal services. The ultimate goal is to create a seamless system of legal services by building upon the current system as well as seeking new and innovative ways to address the breadth and depth of legal issues that people living with HIV/AIDS face. The project will examine the current state of legal support for persons with AIDS/HIV in these particular areas and will diverse funding sources to create a city-wide system for HIV/AIDS legal services.

6. LAMBDA Legal

This two pronged project will develop an educational campaign and supporting materials to help non-transgender people (including gay and lesbian people) understand that all human beings have a gender identity and expression and that every gender non-conforming person is vulnerable to discrimination on that basis, and thus should have recourse to legal protections. It will also, develop a model federal court brief that explores perceived sexual orientation discrimination claims, the viability of Title VII sex stereotyping claims and Constitutional claims that gender/expression based unequal treatment should receive heightened scrutiny.



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7. Legal Assistance Corp. of Central Massachusetts

This project looks to expand opportunities for minority-owned businesses, and in particular immigrant-owned businesses. It will examine whether the City of Worcester and other local governments can create legal incentives, programs or preferences for such businesses. This will entail research on the legal issues presented by municipal preferences for minority-owned businesses that will withstand legal challenges.

8. Legal Momentum

This project will prepare a study of local ordinances that require affirmative action in government-funded contracting with a particular focus on Worcester, Boston and New Haven ordinances, and also the federal law governing these ordinances. A primary focus for the client organization is measures that enhance opportunities for women in the skilled construction trades. The project will include an analysis of the legal issues such ordinances raise, will discuss legal challenges to such measures, and will assess their political and enforcement aspects.

9. Mass Black Legislative Caucus

This project will explore prisoners' rights to mental health services under Massachusetts and federal law (and particularly the Americans with Disabilities Act) and the extent to which current Massachusetts legislative proposals further the goal of securing mental health services for prisoners. The project will also investigate the best legislative or administrative models from other states that enhance, if not guarantee, the provision of community-standard mental health services to incarcerated individuals. Finally, the project will examine any documented gaps between the provision of mental health services to people of color versus Caucasian prisoners, and research the legal implications of such gaps including potential civil rights violations. The project's goal is a set of recommendations that will address any disparities in the provision of mental health care 1) between individuals in the community and those who are incarcerated (with an eye to successful reintegration of prisoners



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with mental health issues upon release) and 2) among distinct groups of incarcerated individuals, including people of color and Caucasians.

10. Medial Legal Partnership for Children

The primary goal of this project will be to explore legal solutions to the problem of lack of mental health services in Massachusetts public schools. The project will research established federal and state laws to determine what services are now mandated and will also explore how new legal and legislative reforms, including the "Rosie D" decision and the recent expansion of the Massachusetts Children Psychiatric Access Project (MCPAP) may increase the availability of services to certain child populations. [The MCPAP was recently funded by the Massachusetts legislature to provide free mental health screenings in the school settings]. The project will identify gaps in services and recommend promising legislation and/or policy reforms to address these gaps. As a final product, students will prepare a set of practical guidelines to assist parents of children with mental health problems in accessing needed mental health services.

11. National Center for Law and Economic Justice

This project focuses on communication access for people with disabilities in dealing with state and local agencies that provide government benefits. It will identify best practices for benefits agencies in serving clients with disabilities who make contact by telephone, email, or other alternatives; develop a manual for legal services and other advocates on policies and practices to advocate for in their states and localities; analyze applicable disability rights and benefits law; and develop litigation strategies.

12. Office of Senator Spilka

Law office will need to develop a model for a free-standing youth court based on restorative justice principles to assist youth who are in need of Children in Need of Services (CHINS) law options. Building on the work the work of several prior LSSC student law offices, the final product will be legislative recommendations to create a system of restorative justice



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based youth courts statewide (Massachusetts) as a diversionary program for the Juvenile Court System.

13. Seattle Community Law Center

This project seeks a training manual on Social Security Disability/SSI overpayments, Due Process and accurate decision-making by district offices for claim representatives of the Social Security Administration. The manual will detail how to correctly process and evaluate requests for reconsideration and waiver of alleged overpayments in Social Security Insurance Disability Insurance or SSI.

14. Shelter Legal Services

This project addresses the problem of individuals who are at risk of losing their housing, or who are unable to secure housing, because they are required to register as sex offenders under the increasingly restrictive laws and/or regulations of the Massachusetts Sex Offender Registry Board (SORB). The project will research the Massachusetts statute creating the SORB, including its legislative history, the development of internal SORB regulations, and the expansion (or restriction) of SORB's powers through state and federal case law. Research will also include how an offender can terminate the registration requirement and what arguments can be used on appeal to support such a termination. Students will be encouraged to research similar registration and classification systems in other states, as well as secondary legal and other sources, to develop arguments against SORB's increasing power to restrict the housing choices of offenders.

15. Victim Rights Law Center

This project examines the problem that campus disciplinary proceedings in several Boston area colleges rarely—if ever—result in sanctions against an alleged perpetrator of sexual assault. The project has two components. First, it will investigate and compare disciplinary proceedings (and their results) in selected Boston area colleges to those disciplinary proceedings at colleges where sanctions are far more frequently



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imposed, in an effort to identify factors that may explain why so few disciplinary proceedings in the Boston area colleges result in sanctions. Second, the project will perform research to answer a very specific legal inquiry posed by the client VRLC, namely: "Can a class action lawsuit under Title IX be used to address the inadequacy of campus disciplinary proceedings against alleged perpetrators of sexual assault?, And, if so, what are the prerequisites for filing such a lawsuit?"

16. WAGE, Inc.

In a mobilization lawyering ongoing project to end the gap in women's wages, this project will continue our state statutory analysis on gender discrimination laws (equal pay statutes, equal rights amendments, human rights statutes and human rights commission regulations, sexual harassment statutes, comparable worth statutes, civil rights statutes and civil rights commission regulations and statutes and regulations for commissions against discrimination) in select states. It will also examine Alternative Dispute Resolution options and means of educating women about how to understand the legal parameters of negotiating pay at the point of hiring.