



John F. O'Toole: Director of the National Center for Youth Law, Oakland, CA

[By Kenneth Davis]

The shifting political and social landscapes of the late 1960s and early 1970s played a big role in shaping John F. O'Toole's career path as a public interest lawyer and child advocate.

"I was politically active when I was in college in the late 1960s and in law school in the early 1970s," he said. "I was outraged by the injustice of racism and poverty and by the war in Vietnam. I wanted to be able to change things that I thought were wrong, and I felt that I could use law as a tool for social change."

As that's exactly what O'Toole has been doing for more than three decades. A year after he earned his law degree from Boalt Hall School of Law at UC Berkeley in 1974, he began working as a staff attorney in the Marysville office of California Rural Legal Assistance, which provides free legal assistance to the rural poor. O'Toole worked at the organization for four-and-a-half years, where he specialized in welfare and public-benefit issues and general civil rights work. He also handled a mixture of individually oriented cases and larger-scale litigation.

In 1980, he joined the National Center for Youth Law as a staff attorney and became its director the following year. He said the chief aim of the center is to use the law to improve the lives of poor children.

"We work to ensure that low-income children have the resources, support, and opportunities they need for a healthy and productive future," O'Toole said. "Our job is to reform and improve systems of care so children actually benefit from them."

He added that the center, which was established in 1970, focuses its efforts on four areas: foster care, access to healthcare and mental healthcare, government

programs intended to help children and adolescents, and juvenile justice. The center is comprised of 11 lawyers and six other employees who handle various administrative and fundraising activities. And at any given time, there are roughly 10 law students, undergraduate interns, and volunteers working at the center. The center has two offices, one in Oakland (where O'Toole works) and one in Sacramento.

O'Toole said the types of cases that the center is usually involved in tend to be large class-action lawsuits against government entities. He and his colleagues recently won a lawsuit in federal court in Los Angeles in which they represented a statewide class of foster children who are not getting the necessary mental healthcare. The case, *Katie A. v. Bonta*, began in July 2002, when the center and a consortium of state and national public interest groups filed a class-action lawsuit against the California Department of Health Services, the California Department of Social Services, Los Angeles County, and the Los Angeles County Department of Children and Family Services. The suit was filed on behalf of children who were in, or at risk of being in, foster care in California and who had behavioral, emotional, or psychiatric needs requiring individualized mental health services. The complaint alleged that the defendants' failure to provide these services had seriously harmed foster children with mental health needs. In March, United States district Judge A. Howard Matz issued a preliminary injunction requiring that the defendants provide intensive mental health services to foster children who need them. O'Toole said the victory is likely to

have a "tremendous impact on the lives of tens of thousands of vulnerable children in California."

"This case provides the opportunity to redesign the way mental health services are delivered to children in foster care in California," he said. "Children who are abused or neglected by their parents are normally traumatized by that experience; and then when they get removed from their families and put into foster care, that's an additional traumatic experience. So even by the time they go into the foster care system, they're already fragile, emotionally and psychologically. And many of them do need mental health services, and unfortunately, the foster care system doesn't really address those needs very effectively."

The center has also achieved a number of other legal victories over the years. In the case *American Academy of Pediatrics (AAP) v. Lungren*, the center worked with the American Civil Liberties Union and international law firm Morrison & Foerster in overturning a California statute that would have required a minor to get her parents' permission or a court order to exercise her constitutional right to an abortion. In *Sullivan v. Zebley*, the center helped win a case in the United States Supreme Court that enabled more than 450,000 poor children and their families to receive both monthly cash benefits and Medicaid coverage through the Supplemental Security Income program. The center was also involved in a federal class-action lawsuit, *Morales v. Turman*, in Texas that established benchmark standards for the treatment of confined juveniles and



was the precedent upon which much of the successful juvenile-conditions lawsuits nationwide were based. In addition, the center successfully litigated statewide class-action lawsuits in Arkansas, Utah, and Washington that substantially improved foster care in those states, as well as played a key role in amending the federal Fair Housing Amendments Act of 1988 to prohibit, for the first time, housing discrimination against families with children.

O'Toole said what he enjoys most about being a child advocate is the opportunity to help make a difference in the lives of poor children.

"If you are able to reach a child early enough, you can really turn a life around," he said. "That's exciting and incredibly rewarding. Children are too often defenseless in our society. We provide children with a voice in our legal system."

O'Toole said that raising money is one of the more difficult challenges that he faces as a child advocate.

"We used to get federal money from the Legal Services Corporation," he said. "However, Newt Gingrich and his colleagues on the right ended that in 1996. We lost over \$800,000 in annual funding because the Republicans who controlled Congress no

longer wanted to fund legal services for the poor."

He said that it is his responsibility to raise \$1.8 million every year to support the center's work, starting from zero every year. O'Toole goes to individuals, law firms, and private foundations to raise the money, which he said is "incredibly time-consuming and challenging."

O'Toole said that he's been fortunate enough to have a number of mentors over the years. He said that when worked at the Legal Aid Society of Alameda County as a law student, Steve Ronfeldt and Steve Berzon were very influential in shaping him into the lawyer he is today. Other mentors included Richard Pearl, Al Meyerhoff, and Ralph Abascal from California Rural Legal Assistance. He added that center board president Peter Edelman is a "tremendous positive influence on [the center] and me."

O'Toole said he also really enjoys working with students at the center.

"I spend a lot time with the law students who work here and talking to law students and undergraduates interested in child advocacy or poverty law careers," he said. "It's one of my favorite parts of my job. I am constantly inspired by their energy, idealism, and enthusiasm."

He added that every summer, the center has eight or nine law students and an undergraduate intern working there.

"These students are among the best and brightest law students in the country," he said. "We select them from nearly 200 applicants. It's amazing to me that we have such incredibly talented students volunteering to work for us. We don't pay them. We are able to arrange fellowships and stipends so that the students get paid in some way."

O'Toole advised law students interested in a career in child advocacy not to allow others to dissuade them.

If you want a career as a child advocate, it's possible to do; and it's extremely rewarding," he said. "Don't let people convince you that there are no jobs or that it's not a worthwhile endeavor."

ON THE NET

National Center for Youth Law
www.youthlaw.org
California Rural Legal Assistance
www.crla.org

Boalt Hall School of Law at UC Berkeley
www.law.berkeley.edu