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Penn Law School Professor and Students Assist in Second Supreme Court Case

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PHILADELPHIA -- It's a rare opportunity for law students to work on one Supreme Court case, but some University of Pennsylvania Law School students have had the opportunity to handle two cases in this school year.

Students in Penn Law's Supreme Court Clinic are assisting in *Abbott v. Abbott*, a case involving a parent taking a child out of a country without the other parent's consent.

Professor Stephanos Bibas and lecturer Stephen Kinnaird will be seated at the counsel's table at the Supreme Court on Jan. 12, assisting attorney Karl Hays of Austin, Texas, who is representing Jacquelyn Vaye Abbott in her case against her former husband, Timothy Mark Cameron Abbott. Jacquelyn Abbott was awarded custody of their son in Chile, where they lived at the time of their divorce. Later, she took the child from Chile to Texas without Timothy Abbott's consent.

"The Supreme Court almost never gets involved because family law is a matter of state law," Bibas said. "But here it involves families moving from one country to another and whether one nation must automatically return a child to another nation or whether it can weigh what's best for the child in the individual case."

The Penn Law group researched family law and international treaties on child custody from several countries, strategized and edited and rewrote briefs.

"Writing the briefs has been a collaborative project that has challenged my writing and forced me to be open to suggestion and criticism," student Chad Albert said. "The drafts that we submit to Professor Bibas and Mr. Kinnaird

invariably change dramatically before they are submitted to the Court, and the process of having my work torn to shreds and then rebuilt has given me invaluable insight into the editing process at the highest level of legal writing.”

In October, the Penn Law class also assisted in *Padilla v. Kentucky*, a case that tests the limits of the Sixth Amendment’s guarantee of effective assistance of counsel for non-citizen criminal defendants. Rulings in both cases are expected by the spring.