
CLINICAL LEGAL EDUCATION ASSOCIATION NEWSLETTER

VOLUME II, No. 4

536 MISSION STREET, SAN FRANCISCO, CA 94105

MARCH 1994

Election Results

The annual CLEA election is now official. Almost 200 members took the trouble to complete and mail in their ballots. Jane Harris Aiken (South Carolina) was elected Vice-President, replacing Richard Boswell who automatically became President at the end of his term as Vice-President. Three new Board members were elected: Gary Bellow (Harvard), Nancy Cook (New Mexico) and M. Shanara Gilbert (CUNY-Queens).

Also on the ballot was a proposal to improve collaboration between law schools and the legal services community. The proposal was approved by more than 85% of those voting. This result was communicated to the newly elected Board of the Legal Services Corporation. CLEA has already begun working with PAG and NLADA on issues relating to LSC. (See separate article on LSC.)

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Message from the President

Most of us would acknowledge that an organization is not about individuals but the collective contributions made by individuals working to accomplish some larger purpose. At the same time, the larger goals of the group can never be attained without the contributions of determined individuals. Similarly, without a driving purpose for an organization, the individuals would never have gotten together in the first place. This is the story of CLEA and virtually every successful organization. When we started up CLEA our goal was to enable clinical teachers to speak out without the encumbrances of the AALS. As CLEA moves from its first phase of development (the organizational stage) we will have to set forth a blueprint of where we wish to go. Unless we have a clear sense of purpose, we will find that we are working at cross-purposes and little will be accomplished.

The Meaning of Membership.

CLEA's members come from a broad group of people who are dedicated to clinical teaching. Clinical education has come to mean different things to different people. While most of our members come from a legal services background, others do not. We are not all live-client clinical teachers as many of us do simulations or supervise students in externships. However, we share a common purpose in that we care deeply about public service and community; and most of all, we wish to impart these ideals to the next generation of lawyers. While CLEA

cannot be everything for everybody, it can be an organization which is open to a broad group of people who share common goals.

Programs and Projects.

So far CLEA has developed a very successful record of accomplishments. We have put together the first peer reviewed scholarly journal on clinical education. The journal will come out with its first issue this Spring. It is ironic that our non-clinical colleagues have abdicated control of their scholarly discourse to the fledgling law student while we, the so called "non-academics" have created a peer reviewed journal. CLEA has also organized reasonably priced conferences, showing all that a conference doesn't have to charge its participants exorbitant registration fees. This Spring we will have a one day program for new clinical teachers immediately preceding the AALS program in Newport Beach.

On the political front, we have been able to weigh in on important issues such as the National Service proposals of the Clinton Administration, funding for Legal Services and Title IX. CLEA will and must continue to be a voice for clinical teachers and others interested in the place that public service plays in legal education and the practice of the law. It seems to me that if we cannot become an effective political voice for clinical teachers we will have squandered a unique opportunity.

Status.

Another matter which continues to be an area of serious concern, is

the way in which so many of us are treated within our own institutions and within legal education. While some of us have survived the struggle to be treated as equals within our own institutions, others continue to be treated as second and even third class citizens. Many clinicians on both hard and soft money are paid substantially below their "stand-up" colleagues and are marginalized into forms of status which all of us would acknowledge are inequitable. We also know that as a group, women clinicians are paid substantially less than men. All of this is happening at the same time that the widely disseminated MacCrate report calls for a more prominent place for our work within legal education. CLEA must be a place where we can work together with other friends in legal education and the bar to find creative ways of dissolving these inequities.

I urge you to join with those of us who have already begun to roll up our sleeves, so that we can work together on these and other problems. All you need to do is to contact one of the CLEA officers (page 1) and we will put you to work or even create a new working group. If you have an idea for a project please contact me as I am available and can be reached at the following:

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Joint CLEA/Clinical Section MacCrate Implementation Task Force

In Fall, 1993, Karen Tokarz, then chair of the AALS Section on Clinical Education, and Liz Ryan Cole, then president of CLEA, appointed a joint task force on implementation of the MacCrate Commission Report. That task force, co-chaired by Minna Kotkin and Mark Heyrman, met in Orlando in conjunction with the annual meeting of the AALS. Its members include Jane Aiken, Bev Balos, Gary Bellow, Richard Boswell, Bob Dinerstein, John Elson, Larry Grosberg, Randy Hertz, Paula Johnson, Peter Joy, Louise Howells, Marjorie McDiarmid, Gary Palm, Hank Rose, Barbara Schwartz, and Nina Tarr. At the Orlando meeting, the Task Force agreed upon the following general

goals: 1) to develop a specific set of achievable goals based upon the Report; 2) to work for concrete implementation of those goals; 3) to monitor and cooperate with the efforts already underway within the ABA, state and local bar associations, and law schools; and, 4) to

least one live-client in-house clinical program; 3) Through a combination of in-house clinics, externships, lectures and simulation courses, every student should be provided with instruction in the full range of skills and values in the Statement of Skills and Values (SSV); 4) The SSV should reflect a greater emphasis on teaching students the role of the legal system in creating and maintaining poverty and the obligation of lawyers to improve our system of justice, particularly as it relates to the indigent. 5) Every student should be required to participate in an in-house clinical program or externship as a requirement for graduation or bar admission.

Clinicians are encouraged to communicate with members of the Task Force if they have suggestions to make concerning the above goals or any other part of the Task Force's agenda, or if they have developments to report.

Clinicians are encouraged to communicate with members of the Task Force if they have suggestions to make concerning the above goals or any other part of the Task Force's agenda, or if they have developments to report. In particular, the State Bar Association Committee is looking for one or more individuals from each state to monitor activities within that state and report them to the Task Force. Please contact Peter Joy (Case Western) if you are willing to work in this capacity.

The resolution passed by the American Bar Association during its February meeting concerning implementation of the MacCrate Report makes the work of this task force more urgent. **There will be a meeting of the Task Force, to which all clinicians are invited, on the evening of June 4, 1994 in conjunction with the AALS Clinical Conference in Newport Beach, California.**

Bill Greenhalgh Dies

Just as this issue of the newsletter was going to press, we learned that Professor William W. Greenhalgh (Georgetown) died on February 27, 1994. This short notice does not permit us to provide even a sketchy outline of Bill's numerous contributions to legal education and the development of criminal law and practice. As one of the founding fathers of clinical legal education and the development of criminal law and practice, Bill will be missed by his many former students and colleagues at Georgetown and across the country.

work to implement the recent amendment to Standard 301(a) of the ABA accreditation standards which requires law schools for the first time "to prepare [students] to participate effectively in the profession." The Task Force has created the following subcommittees: 1) Standard 301(a) Implementation (chaired by John Elson); 2) Position Paper Committee (chaired by Mark Heyrman); and State Bar Association Committee (chaired by Peter Joy).

At its Orlando meeting, the Task Force considered a preliminary set of five goals: 1) Law schools should provide a live-client, in-house clinical experience for every student who wants one; 2) Every law school should have at

Clinic Salary Survey

A CLEA Project?

by Bob Seibel

CLEA is considering becoming the sponsor of the Clinic Salary Survey that I have conducted for several years (but not last year). If anyone has objections or questions about such sponsorship, please

"One issue that I have been struggling with is to find ways to make the survey have more credibility with Deans, the ABA, and other people of power."

direct them to Richard Boswell, or any member of the Board of Directors.

If any CLEA members are interested in helping with the planning, distribution, or administration of the survey, please let me know. I would like to have the survey forms distributed in March by mail, and then also distribute and collect them at the AALS workshop in June in Newport Beach.

One issue that I have been struggling with is to find ways to make the survey have more credibility with Deans, the ABA, and other people of power. That is one reason why I would like to have CLEA become a sponsor. There are other issues relating to the

number of responses and the completeness of the information which have been raised. The fact that the ABA does not collect data in a form which is comparable, and which would allow us to compare data with non-clinical teachers from the same school is also troubling, but somewhat beyond our control. Below are some suggestions for making the survey more credible and also potentially more useful among ourselves--I would be glad to hear reactions or additional suggestions.

The major change in the form itself would be to request that people identify the school at which they teach, and maybe even to identify themselves. While I would plan to keep confidential the information about each person and each particular school, it would permit me to make more relevant comparisons in response to inquiries. For example, someone who is negotiating at their school could give me a list of schools that they consider peer school, and I could then give salary data for that group, but not for any individual school. If you think this is a bad idea, or if you would not be willing to identify your school on the survey form, I would like to hear from you soon.

Another change relates more to the methodology of obtaining responses. I have mailed and distributed the survey form at relevant clinic teacher meetings in the past. I have felt that with over 200 respondes, we are getting a

representative sample, if not a complete one. But the ABA believes that it gets a complete

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response because all of the deans give them information. I am considering asking the director of clinics or the dean at each school to supply the information for all clinicians at that school, or at least to take an active role in soliciting the clinicians at the school to respond. If schools are identified on the form, we could follow up with phone calls and letters, and other embarrassing or annoying tactics, to ensure a more complete response. I would be very interested in hearing your opinions on this possible change.

If you have ideas about the survey, the methodology, or your willingness to help, please call me (607) 255-4196; fax me (607) 255-7193; write to me at Cornell Law School, Myron Taylor Hall, Ithaca, NY, 14850; e-mail me at Seibel.r2d2@law.mail.cornell.edu.; or send smoke signals!

Input Sought on Proposed 405(e) Changes

The Skills Training Committee of the ABA Section on Legal Education and Admissions to the Bar has recommended to the Section's Council that ABA Accreditation Standard 405(e) be amended

to replace "should" with "shall." The current version of the standard is:

The law school should afford to full-time faculty members whose primary responsibilities

are in its professional skills program a form of security of position reasonably similar to tenure and perquisites reasonably similar to those provided to other full-time faculty members by Standard 401, 402(b), 403 and 405. The law school should require these faculty members to meet standards and obligations reasonably similar to those required of full-time faculty members by Standards 401, 402(b), 403 and 405.

Consideration of this proposal has been deferred to provide an

ABA Establishes Professional Skills Clearinghouse

A clearinghouse for information and materials related to professional skills courses and programs is being established by James P. White, the ABA Consultant on Legal Education.

A survey will be sent to all ABA-approved law schools this Spring. The purpose of the survey is to gather, in an organized format, information about professional skills programs which law schools believe other schools may be interested in replicating. Dean White's office will serve as the repository for the materials. As materials are received, they will be categorized and catalogued. The current plan is to provide law schools with lists of the materials from time to time and to distribute copies on request at no charge other than the actual copying and shipping costs. The project was conceived by Mike Norwood (New Mexico) and Roy Stuckey (South Carolina) while they were serving on the MacCrate Task Force. They have been assisting

Bill Powers on Dean White's staff with the survey documents.

Participation in the survey is voluntary and the burden of responding to the survey falls on the shoulders of all clinical teachers. It will probably take a couple of hours to pull together the requested information. However, the importance of widespread cooperation on this project cannot be underestimated. Our knowledge about the details of each other's courses has never been as limited since clinical programs were introduced in the late 1960's. It seems that new courses are appearing with greater frequency, and it will become increasingly important to keep track of national trends and events as more and more schools begin responding to the MacCrate Report. The clearinghouse is one way to avoid reinventing the same wheels. It will only work if everyone contributes some time and effort to the enterprise.

Does this change need to be made? Would it have a positive or negative impact at your school? Is it important enough to fight for at this time?

opportunity to determine how important this issue is to the professional skills community. Does this change need to be made? Would it have a positive or negative impact at your school? Is it important enough to fight for at this time?

If you have an opinion about this, please call or write Roy Stuckey (ABA Council member) at South Carolina (803/777-2278) or Richard Boswell (President of CLEA and Chair, ABA Skills Training Committee) at Hastings (415/565-4633).

CLEA Workshop for New Clinical Teachers

We are attempting to put together a workshop for new clinical teachers to take place just prior to the AALS Clinical Teachers Conference in Newport Beach this coming June. The CLEA Workshop will focus on two themes: Goals and Directions in Different Clinical Models; and, Making the Transition from Practicing Lawyer to Lawyering Teacher. We expect the CLEA Workshop to be held at the Newport Beach Marriot (which is also the AALS Conference site) and to run from 1:00 p.m. Friday, June 3 until noon on Saturday, June 4. (The AALS Conference begins at 2:00 on Saturday.) There will be a nominal registration fee (probably under \$50, and certainly less than \$100) for participants. The Workshop will be geared to "new" teachers (roughly, those with three years or less experience in the field), but those with more experience and an interest in program development and/or teaching

methodologies are also encouraged to participate. If you need additional incentive to arrive in Newport Beach a day early, consider the fact that CLEA will host a reception on Friday evening; you don't need to be registered for the CLEA workshop to attend the reception, although non-participants will no doubt be asked to contribute some \$ to help cover the costs.

You can help make the workshop a success in a number of ways: New teachers in particular can help by sending in specific suggestions for topics to be covered at the workshop. Since this workshop is primarily for you, your input is of obvious importance. In addition, we would like to get proposals from anyone interested in being a presenter at the workshop. Put your ideas down in about 250 words or so and send them on. (Please be as specific as possible as to both anticipated content and methodology.) It would also be nice

to hear from any of you who are thinking about attending, just to get an idea about numbers and general demographics. We are investigating child care possibilities, so it would be particularly useful to know whether any of you would be interested in taking advantage of sitters or playtime organizers. Finally, if you want to offer any other kind of help (entertainment, child care, bartending, accounting, whatever), don't be shy. All ideas, proposals et cet should be sent by March 21 to:

Nancy Cook
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School of Law
1117 Stanford NE
Albuquerque, NM 87131
FAX: (505) 277-4367
Internet: cook@law.unm.edu
More information about the

workshop will be forthcoming. Registration forms will be mailed in early April. If you have any questions, call Nancy at (505) 277-5265.

Conferences, Meetings, and Self Improvement

For those of you bitten by the MBTI bug, Leary Davis and the Economics of Law Practice Section of the ABA have collaborated to bring you a 16 TYPES Workshop. This meeting for 40-60 lawyer/professor participants is scheduled for June 19, 20, and 21 in Gainesville, Florida (well, at least it doesn't conflict with the clinical meeting, right!). For more information contact Leary directly at (910) 893-1772, Campbell School of Law.

In the area of substantive law, through the generosity of the National Legal Aid and Defender

Association (NLADA), clinical faculty are invited to participate in the annual Substantive Law Conference which is run by NLADA each August in Berkeley, California. Bristow Hardin is the person to contact, (202) 452-0620, 1625 K Street, NW, 8th floor, Washington, DC 20006, if you want a program schedule, etc. We also discussed the possibility that Legal Services folks might like to work with clinicians in developing materials for the conference. If you have significant substantive expertise (and of course you do) and you'd like to

help work with legal services providers, get in touch with friends at your local legal services program or back up center (state or national) or call me (Liz Ryan Cole, 802/763-8303) and I'll try to put you in touch with the right people. This conference is always reasonably priced and can help put you in touch with another critical mass of people working on issues close to your heart.

Note also Nancy Cook's note on the training for new clinicians which is being held right before the annual meeting in Newport Beach.

Funding Update

The Legal Services Corporation Board has a new face and a new direction (see the upcoming SALT Newsletter for more information on this topic). Generally this new direction is seen as very positive. As regards clinical legal education, however, we need to work hard to educate the Board about what is it that distinguishes a clinic from a summer job. Luckily we will have a chance to meet Nancy Rogers, chair of the Provisions Committee while she is at the annual meeting in Newport Beach. For the upcoming year, you will have received copies of the LCS's request for proposals by the time you read this newsletter. For the future, CLEA is working hard to build a relationship with the field and the Corporation so that the proposal developed initially by Mark Heyrman, and supported overwhelmingly by Clea's membership, can become reality. One very positive gesture has been the initiation of a committee with representatives from the field and from clinics to discuss how we can best work together. More on that committee in the next newsletter.

As regards the AALS, John Barkai reports that AALS is taking a role in trying to get clinical money back into the budget. If you are interested in this issue (and \$15 million is a significant amount of money!) please contact your Dean directly as it appears that AALS will be working through. Also, if you are taking any action please let John Barkai or Liz Ryan Cole so we can pass that information on.

California Bay Area Clinicians Conference

Last May, many clinicians from the San Francisco Bay Area attended the CLEA conference in

"The conference was a great opportunity to get to know our colleagues, to share ideas and concerns, to trade resources, and generally to keep each other updated on what is happening in our various clinics."

Virginia. Some of us met each other for the first time there. All of us found we had many issues in common, and appreciated the opportunity to share common concerns regarding teaching methods, fund-raising, logistics, and

other issues. We therefore decided to meet as a group on a regular basis in our own backyards, and began planning our first conference last October. On February 19, the first Bay Area Clinicians Conference was held at Boalt Hall, U.C. Berkeley School of Law. There are at least forty clinicians associated with the nine law schools in the San Francisco Bay Area, and each of the law schools sent representatives to the conference. The conference was a great opportunity to get to know our colleagues, to share ideas and concerns, to trade resources, and generally to keep each other updated on what is happening in our various clinics. We highly recommend that other clinicians pursue this type of regional networking. If anyone is planning on visiting the Bay Area and would like to call on one of our clinics, please feel free to contact Laura Dorman, Golden Gate University School of Law, (415) 442-6664.

Items for the Newsletter

Are there job openings at your school? Program announcements? Do you have items for the next CLEA newsletter?

Send items to:

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The Project Group of the Interuniversity Consortium on Poverty Law

The project group formed in 1988, with the goal of challenging older ideas of the nature and purpose of poverty law. It strove to motivate law schools to work on poverty law issues and to further

These exchanges allow the other project group members to spend several days observing the host's poverty law project. They are also opportunities for members discuss poverty law theory and practice in broader terms.

interaction with poverty law advocates in the field. By 1990, the project group had expanded to include 20 schools. The methodology embraced by the project group in the last year, 1993-94, is to sponsor peer exchanges at various project group-associated law schools. These exchanges allow the other project group members to spend several days observing the host's poverty law project. They are also opportunities for members to discuss poverty law theory and practice in broader terms. In addition, the exchanges are designed to generate a case study on the topic of each exchange.

The consortium sponsored six peer exchanges during 1993. The host universities and topics of these

peer exchanges were:

--Mercer University: "Developing Externships and Public Interest Placements."

--Rutgers University: "Women and AIDS/Access to Drug Trials."

--Northeastern University: "Labor Law and the Low Wage Worker."

--SUNY-Buffalo: "Affordable Housing Development."

--University of Wisconsin: "Critical Lawyering/Developing Critical Clinics."

--University of Maryland: "Education Global Public Interest Lawyers."

We expect that many of the articles that came from these peer exchanges will be published in the *Boston University Public Interest Law Journal*.

The University of Wisconsin will sponsor a peer exchange from April 29 to May 1. This exchange will be on the teaching of poverty law, including the importance of clinics and externships. It will also address the development of materials in this area. For more information, contact Louise G. Trubek, (608) 262-1679.

In addition, there will be four other peer exchanges in 1994. Deborah Maranville, at University of Washington Law School, will host an exchange on unemployment issues. Kathleen Sullivan, at Yale Law School, (203) 432-1426, will host an exchange on welfare reform. Joan Meier, (202) 994-7463, and Naomi Cahn, (202) 994-7463, at George Washington University, will host an exchange on domestic violence and feminist jurisprudence. Karl Klare, at Northeastern University, (617) 437-

3290, will host a follow-up session to his successful fall peer exchange on labor law and the low wage worker.

More information on these exchanges will be available later, or contact the individuals hosting the

The purpose of the annual meetings is to enable participants to further develop their ongoing cooperative efforts for law school change.

exchanges.

Annual meetings are an important element of the project group. The purpose of the annual meetings is to enable participants to further develop their ongoing cooperative efforts for law school change. The meetings also serve to break down the feelings of isolation those working on these issues frequently encounter. Annual meetings have been held after the Association of American Law Schools' annual meeting. At this year's Law and Society meeting in Arizona, the Consortium will sponsor a brown bag discussion on Friday, June 17, 1994. This will be an open discussion of teaching about poverty in all disciplines.

For further information in the Project Group Interuniversity Consortium on Poverty Law, please contact Louise G. Trubek, (608) 262-1679.

MacCrate Update from Roy Stuckey (South Carolina)

The Council of the ABA Section on Legal Education and Admissions to the Bar has set aside a full day of its next meeting to discuss the MacCrate Report. It will meet on June 2-4 in Minneapolis.

At its Midyear Meeting in Kansas City in February, a far reaching resolution, Proposal 8A, submitted by the Illinois State Bar was adopted by the ABA House of Delegates. A substitute resolution

presented by the ABA Section on Legal Education and Admissions to

variety and differentiation of legal careers and to develop ways to build the education continuum" as presented in the MacCrate Report.

The resolution calls on state and local bar associations and the judiciary to "join with law schools to establish programs to inform [law] students of the breadth, variety and differentiation of legal careers and to develop ways to build the education continuum" as presented in the MacCrate Report.

The resolution urges among other things that law schools: 1) provide students with realistic information about opportunities for employment; 2) identify and describe in their course catalogs the skills and values provided; 3) advise students in selecting courses what opportunities may or may not be available to them after school to develop competencies they will need in practice; 4) to continue to emphasize the teaching of legal analysis and reasoning, legal research through instructional modes including well-structured clinical programs; 5) to expand instruction in problem solving, factual investigation, communication, counseling, negotiation and litigation; and 6) to assist employers to integrate educational values into the work experience.

the Bar was rejected by the House. The Section on Legal Education then opposed "8A" primarily on grounds that it was premature, but the House approved it by a wide margin. The resolution calls on state and local bar associations and the judiciary to "join with law schools to establish programs to inform [law] students of the breadth,

The resolution goes on to direct the Council of the Section of Legal Education to consider rescinding the policy of confidentiality of information submitted annually to the ABA to the extent that it is relevant, accurate and useful for applicants in making informed choices about which school to attend. It further directs the Council to consider amending Standard 201(a) to provide that law schools in the self-study process be required to evaluate their programs using the Statement of Skills and Values and Standard 301(a). Finally, the Section is invited to report to the House at its 1994 meeting, the manner in which skills and values instruction should be integrated into the accreditation process.

CLEA T-Shirts

During the AALS meeting in Orlando CLEA unveiled our eye-catching WILD JUSTICE T-SHIRTS. They must be seen. In high quality 100% fabric dyed cotton, sizes M, L, and XL, on a background of (choose one) teal or boysenberry, they are the perfect shirt to wear to work (well, sometimes), run in, garden in, and otherwise enjoy life in. We sold them for \$12 in Orlando. Order one now and we'll send them at the \$12 rate (Plus \$2 for postage for 1-4 shirts per envelope). We'll have them again in Newport Beach for \$15 (another printing you know). We intend to add extra extra large and possibly small. If there is enough interest we will order a run of children's shirts as well. For more information or for requests, please call Liz Ryan Cole at (802) 769-8303, or send me an E-mail at cole@moose.uvm.edu. Next year, posters.

Membership Renewal

It's that time of year again. Please take a few moments to complete the membership renewal form on page 11 and send it in with your check for \$15.00 made out to CLEA. On page 10 of this issue is a list of our members. If your name does not have an asterisk, you have not paid dues for 1994. Where else can you get so much for \$15.00?

CLINICAL LEGAL EDUCATION ASSOCIATION MEMBERS

As of February 28, 1994

*Indicates 1994 dues have been paid.

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William E. Adams, Jr.
Jane H. Alken *
Anthony V. Altieri
John Allen
Alicia Alvarez *
Alexis Anderson
Maureen Armour
Frank Askin
Alan D. Avery
Barbara A. Babb
James H. Backman
Brook K. Baker *
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John Barkal *
Sharon Barnett-Carter
Joseph A. Barrette
Margaret M. Barry
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Gary Bellow
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Alberto Benitez
Sue Bentch
Peter Berge
Ellen Bernstein *
Morris D. Bernstein
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Lawrence Brennan
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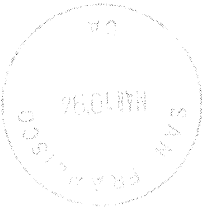
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