
CLINICAL LEGAL EDUCATION ASSOCIATION

Newsletter

VOLUME IV, No. 3 *Myron Taylor Hall / Ithaca, NY 14853*

December, 1995

* MESSAGE FROM CLEA PRESIDENT, JANE AIKEN *

This is my last President's address. As I look over the past year, there have been a number of opportunities for clinicians to speak out on issues as an organized unit. CLEA has seized those opportunities by testifying before the Wahl Commission, opposing Title IX cuts, and commenting on the ABA consent decree, the Wahl Commission Report and plans for revising site inspections. This year has been a confirmation of the need for our existence. We have been able to react effectively when needed. We have also begun thinking of ways to be proactive in the coming years.

The Internet is filled with discussion of the U.S. News and World Report's survey about clinical programs. The questions raised only point to the need for more dialogue on what makes clinical programs good. We started that conversation at the Mid-West Clinical Conference in St. Paul. There was a great deal of interest on a number of levels and I hope that in the new year that will flower into something

of use to all. CLEA has a committee devoted to this issue. There are a range of approaches to this discussion and we hope to identify that range in the coming years. The forum at the Mid-West Conference was extremely lively. It is clear that we need to have this discussion no matter what we resolve to do about it. CLEA is the natural entity to see this through.

CLEA will also be present at the AALS convention in San Antonio. The organization will have a suite to allow committees to meet and parties to flourish into the night. Liz Ryan Cole will also be selling our newest CLEA-wear: a book bag with our symbol emblazoned on it. It is a perfect gift for yourself and those you love who bear harsh burdens or need to carry books and papers. Save those holiday dollars to invest in CLEA "luggage!"

CLEA will have our business meeting and reception in San Antonio on Thursday at 5:30 pm in the Concepcion Room on the second floor of La Mansion Del Rio Hotel.

Happy Holidays!

May the new year

Be healthful and

Fulfilling in every way.

See A Joyful Note, Page 17

(Continued..>>>)

Telephone: (607) 255-4196 / FAX: (607) 255-7193

(Pres. Contd...)

We will have a special guest from England who is forming the British version of CLEA. His name is Richard Grimes. He has just concluded a visit to the Fiji Islands where he was setting up a legal education system focused on experiential learning. He will be coming to the conference with Nina Tarr and has agreed to speak with us about his experience and answer any questions. More and more clinicians are assisting in the development of international legal programs. CLEA should be playing a role in that. Richard Grimes may help spur us more in that direction.

I have enjoyed my year as president. I look forward to supporting Karen Tokarz in her coming year as President. CLEA is an exciting organization. Our potential is limitless. We have made it through a volatile year for legal education as a strong voice for clinical teachers. We have even greater opportunities and challenges ahead.

CLINICAL STANDARDS PROJECT

By Mark Heyrman

CLEA has created a working group to develop standards or guidelines for clinical education. The 22-member group will consider the uses for such standards and

then work to develop standards to help evaluate and improve clinical education.

More than 50 clinical teachers participated in an open meeting in conjunction with the Midwest Clinical Teachers Conference. While the group expressed many different views, there was a general consensus on a number of issues:

(1) that we should not at this time attempt to create our own accreditation process;

(2) that we should not assign numerical rankings to clinics, although we may wish to assign stars or give a seal of approval;

(3) while there are some issues about which there may be a consensus, there are probably many issues about which we do not know enough yet to promulgate precise standards;

(4) standards could be helpful for new clinicians and isolated clinicians;

(5) care should be taken not to create standards which could be used to weaken programs which exceed those standards; and

(6) standards could help us to implement the MacCrate Report.

A preliminary list of topics for examination of possible standards has been created. This list can be obtained from Mark Heyrman. From time to time the group will bring its work product to gatherings of clinicians and will publish that work in this newsletter in order to obtain

further guidance and direction. Anyone who wants a copy of the topic list or who wishes to communicate with the entire group can do so by contacting: Mark Heyrman, 6020 South University Avenue, Chicago, Illinois 60637 (312) 702-9611. FAX: (312) 702-2063. Internet: mark_heyрман@law.uchicago.edu.

The members of the working group are: Gerald Brask, Stacy Caplow, Liz Ryan Cole, Karen Czapanskiy, Bob Dinerstein, Mary Jo Eyster, Julie Kunce Field, Sally Frank, Peter Joy, Larry Krieger, Gary Laser, Suzanne Levitt, Vanessa Merton, Ann Miller, Sandy Ogilvy, Gary Palm, Kevin Ruser, Bob Seibel, Roy Stuckey, Margaret Walker and Mary Wolf and me.

ELECTION NEWS

You should have received ballots for the election of CLEA officers and Board of Directors. You may have received a ballot even if your dues have not been paid, but you can only vote if your dues are current. You can tell by looking at the label on the envelope--if it does not say 1995 or 1996, you are not current. But you can remedy the situation by enclosing a \$30 dues check in the outside envelope when you return your ballot. Then your vote will count and you will be paid up through 1996. Questions should be directed to Mark Heyrman.

**CLEA COMMENTS ON THE PROPOSED CONSENT DECREE
BETWEEN THE JUSTICE DEPT. AND THE ABA**

The Clinical Legal Education Association (CLEA) is an organization of more than 400 clinical teachers affiliated with more than 125 law schools. It is the only independent organization of clinical teachers. Because clinical teachers have a dual identity as law teachers and practicing lawyers, we believe that we are in a unique position to address issues concerning the relationship between law schools and the bar and to evaluate the competing demands upon law schools which make the accreditation process so difficult.

Law schools have two major purposes:

(1) to prepare students for the competent, ethical and effective practice of law; and

(2) to conduct research designed to increase our understanding of law and legal institutions with the ultimate aim of improving our system of justice.

Any system of accreditation must be designed to increase the likelihood of achieving these purposes. It must also recognize that law is a diverse and complex field and that a sound legal education system will include law schools that are diverse in their methods and practices and in the balance they chose to strike between these sometimes competing goals.

Because of law's complexity, few non-lawyers are able adequately to assess the ability of lawyers to perform on their behalf. Additionally, few prospective law students are able to assess the skills and qualities of mind that they will need to practice law effectively. Thus, the ordinary market mechanisms are insufficient to insure either that law students demand an appropriate legal education or that clients, the ultimate consumers of legal education, can with confidence locate lawyers who are capable of competently assisting them. On the other hand, most law faculty derive the largest share of their prestige within the legal education community from their scholarly output. Consequently, while the accreditation process should enhance the ability of law schools to produce scholarship, there is far less need for outside pressure to insure that this important goal will be met. Thus, the consent decree must be designed to insure that its efforts to eliminate anti-competitive practices do not interfere with the most important goal of accreditation: the need to improve the quality of lawyers. (See ¶ 33 of the Complaint, describing the legitimate goals of accreditation.)

Because, as alleged in the Complaint (¶¶ 9-14), the accreditation process has been dominated by academics and deans, it has not been able to serve the function of

insuring that students are adequately prepared to practice law. The failure of law schools to prepare students to practice law competently and ethically has been documented repeatedly, most recently in Legal Education and Professional Development: An Educational Continuum, the 1992 Report of the ABA Task Force on Law Schools and the Profession: Closing the Gap (this Report is commonly referred to as the MacCrate Report after the Task Force's chairman, Robert MacCrate). Thus, CLEA supports those aspects of the proposed decree which will improve the likelihood that accreditation serves students and clients, not deans and academics.

Unfortunately, the proposed consent decree will not necessarily further that goal. Indeed, it may weaken an accreditation process which is already quite weak. One of the ways in which the decree may weaken the accreditation process is its insistence that each site visit team include "one university administrator who is not a law school dean or faculty member" (Decree, p. 4). This requirement is apt to increase the likelihood that law school resources are expended on research rather than on education. University administrators have neither an ethical obligation to, nor a highly developed interest in, insuring that the quality of lawyering be improved. Indeed, the principle tension between law schools and the universities with which they are affiliated is the concern the law schools are not sufficiently academic. Since the prestige of most universities is most commonly measured by the scholarly output of its faculty, these administrators are apt to pursue the goal of improving scholarly output as their highest priority. Finally, if the Complaint is correct in alleging that accreditation has been taken over by a "guild" of academics, then it seems odd to add to the accreditation process persons so completely identified as running the guild.

The requirement that site visit teams include a university administrator, when coupled with the new requirement that the majority of each team not be full-time faculty members, is also apt to reduce the likelihood that these teams contain clinical teachers. Since clinical teachers are the only full-time members of most faculties who practice law, this result may exacerbate the imbalance between research and the education of lawyers which already exists

More importantly, the Proposed Consent Decree does little to change or challenge existing standards and practices which enhance the power of academics at the expense of the needs of students and their future clients. For example, the existing standards mandate that legal academics be granted tenure, but do not provide this protection to many clinical teachers who are involved in preparing students to practice law. Standard 405(d),(e).
(continued >>>>)

(CLEA Comments contd...)

The standards also require law schools to permit legal academics to participate in the governance of the law school, but have not been interpreted to mandate that clinical teachers be allowed to partake in governance. Standard 403. This differential treatment serves to preserve the status quo in which the research and other needs of academics are given priority over the needs of students and their future clients. That is because clinical teachers and adjuncts, who often are the only members of law faculties with substantial interest in how law is practiced, are often denied a voice in governance.

As set forth in the Complaint (¶ 21), the current accreditation standards specify student-faculty ratios. Standard 402. However, under this standard, many clinical teachers and adjunct faculty primarily engaged in preparing students for the competent and ethical practice of law are not included in the faculty component of the ratios. Complaint, ¶ 21). This omission discourages law schools from employing many persons whose primary role in the law school is to prepare students to practice law. CLEA supports the provision in the proposed consent decree which requires the ABA to reconsider its standards concerning faculty-student ratios. (Decree, p. 8)

The proposed Consent Decree also does nothing to change the fact that the current accreditation standards do not even require law schools to provide students with any experience in the practice of the law. Indeed, the self-interested nature of the standards is demonstrated by the fact that they are virtually silent concerning curriculum. This silence permits academics to pursue their own teaching interests without concern for the effect on students or their future clients. Thus, while the superiority of clinical methodology for preparing professionals is well documented (see, for example, D. Schon, *The Reflective Practitioner* (1983), the accreditation standards do not require law schools to provide any clinical experience for students and many law schools do not so provide. The Consent Decree should prohibit the ABA accreditation process from being used to protect the interests of academics by mandating standards that, at a minimum, treat the obligation of law schools to prepare students to practice law as being of equal importance to their obligation to conduct research.

CLEA supports the continued role of the American Bar Association in accreditation. However, the current process has failed, not because the standards are too vigorously enforced, but because they are misdirected. Given the interests of legal academics and law school administrations, accreditation standards can serve to heighten competition and serve consumers only if they are focussed primarily on curriculum and are designed to insure

that curricula reflect the needs of consumers in addition to those of the academy.

In order to improve consumer choice, the accreditation process should require law schools to provide information to applicants to improve their ability to make informed choices among schools. (Complaint, ¶ 33.) This information should reveal the actual availability of courses and programs and the extent to which each school is able to prepare students for the practice of law. The Consent Decree should require the special commission provided for in Section VII of the proposed decree (pp. 7-8) to review the standards relating to disclosures to prospective students.



SEPARATE COMMENTS BY GARY PALM

I have decided to file comments about the proposed consent decree because (i) it does not recognize that the real conspiracy was of academics and deans and not all faculty to control the accreditation process and (ii) the proposed reforms will likely result in a lessening of vigorous enforcement of accreditation standards. Both results are not in the public interest of providing dramatically different and better legal education so that lawyers of the future can redeem the reputation of the profession by providing better representation to their clients and improving our system of justice.

I. MY INVOLVEMENT IN THE ABA SECTION OF LEGAL EDUCATION AND ITS ACCREDITATION PROCESS

After serving for many years on the American Bar Association's (hereinafter "ABA") Section of Legal Education and Admission to the Bars (hereinafter "Section of Legal Education") Clinical Education and Skills Training Committees, I was appointed by the Chair of the Section to the Accreditation Committee in 1987 and was re-appointed in 1990. I served on the Accreditation Committee for a total of seven years

(continued >>>>)

(PALM Comments contd...)

(1987 - 1994). In 1994, the Nominating Committee of the Section on Legal Education nominated me to one of the twelve at-large positions on the Council of the Section. I was unanimously elected by the Section to a three-year term of office in 1994. I participated in all the decisions at issue in this case with the exception of when I recused. I spent anywhere from 30 - 40 hours preparing for each of the 2 - 3-day long meetings each year. I did not receive any compensation for the 200 hours I spent on the Accreditation Committee's work (I spent another 100 - 200 hours each year on domestic and foreign site visits). (Contrary to the supposed embarrassment of receiving one round-trip plane ticket to Europe each year to inspect one or two foreign programs which took 20 - 30 hours each, I feel it was an earned "perk".) Of course, the ABA could have paid my customary hourly rate.

I have also been part of a political movement of clinical teachers to drastically reform legal education so that issues relating to serving the client, instruction in lawyering skills, and knowledge about the legal rights and needs of the poor would begin to be covered in law schools. I have seen meritorious proposals submitted by clinical teachers and recommended by the Skills Training Committee repeatedly rejected by the Council of the Section of Legal Education. I believe that the Council, the officers and the Section itself have been controlled by academic faculty and Deans and lawyers and judges who had been deans and academics. Many on the Council and the Accreditation Committee have served previously in leadership positions in the Association of American Law Schools, ("AALS") the trade association of law schools. Indeed the AALS has been routinely allocated one position on each site evaluation form

I believe that persons representing other aspects of legal education have been excluded from leadership in the Section or are grudgingly accepted into the Section's Committees and the Council only after making major political demands and efforts. For example, in the early 1980's clinical and professional skills teachers sought to be involved in the Section of Legal Education but were repeatedly rebuffed. Finally, out of desperation, a group of these teachers ran an alternative slate for election to the Council and for the officer positions. Only then were these groups invited to participate.

Even then, only a handful of accreditation site visit teams included a skills teacher or a clinical teacher. After many efforts to urge the increased use of persons knowledgeable in these areas and several resolutions from the Skills Training Committee did the Section of Legal

Education begin to send out skills and clinical teachers on a regular basis. Recently the Section has assigned a clinical teacher to nearly every team. The Section's Wahl Commission has also recognized the importance of including skills and teachers on the teams. I urge the Justice Department to strengthen the consent decree by assuring that there is truly outside regulation apart from the academic faculty and deans. Maybe a different Section of the ABA or a new entity should conduct the accreditation of legal education.

But whoever does accreditation should be much more vigorous than the ABA has been. Yet the Justice Department seems to take the position that there has been over-enforcement. The reality is that the ABA has been a "paper tiger" and has not sufficiently pushed to improve legal education to train our students to be prepared to practice. The ABA has been a "paper tiger" by not adopting and enforcing Accreditation Standards which relate to providing adequate education in skills and values needed by lawyers. Indeed only after a concerted initiative by certain members of the House of Delegates did the Section agree to amend the Accreditation Standards to require that each Law School "shall maintain an educational program that is designed to . . . prepare them [students] to participate effectively in the legal profession." Before this change, the ABA only required that schools have a program designed "to qualify its graduates for admission to the bar." Many aspects of law schools that do not directly relate to teaching such as scholarly, theoretical research have been the basis for strong action, but the quality and type of teaching has not been as carefully and thoroughly addressed in the accreditation process.

In my areas of concern and interest, the official action taken by the Council and the Accreditation Committee has been grossly inadequate to improve the legal education of American law students. Although clinical education has been the most significant change in law school teaching methods in the last 30 years, it is not even mentioned once in the Accreditation Standards. The Justice Department seems satisfied with the current state of legal education. Apparently it has not examined the many reports and studies which show a widespread dissatisfaction about the lack of training for practice. Such reports include the Cranton Report and the Report on the Future of the In-House Clinic. If an evidentiary hearing were held, the Justice Department would find that legal education is still mired in the past with large lecture classes, a bar examination orientation or esoteric theoretical courses of interest only to the faculty.

(continued > > > >)

(PALM Comments contd...)

The schools have been slow to change. The ABA has been responsible for what little progress toward teaching more about lawyering skills, using live client representation, preparing students to do pro bono to serve the poor and offering well-supervised externships have come through the ABA's House of Delegates and grudgingly from the Section of Legal Education.

Years ago, Chief Justice Burger summarized the conclusion earlier reached by many knowledgeable persons, that the trial bar was "incompetent." Yet still many schools limit the number of courses a student can take in litigation skills, including interviewing, counseling, pre-trial, trial and post-trial skills (sometimes to as few or six credits on a quarter system). Some schools still do not provide a live client clinic even though educational literature shows that this method of close supervision and collaboration with a law professor in serving a real client is the best way to teach students in a service profession and to teach adult learners. Yet many schools still do not provide credit for clinical instruction or severely limit the amount of credit that can be earned for clinical work.

II. MY APPEAL WITHIN THE AMERICAN BAR ASSOCIATION

When the possibility of a consent decree was raised, I opposed it because I did not believe it was in the public interest. I was allowed to attend the Board of Governors meeting when it was considered, but was not given the privilege of the floor. Upon the advice of the legal counsel of the ABA that I could challenge the actions of the Board of Governors by appealing to the Secretary of the ABA, I filed two appeals with the Secretary. President Bushnell ruled that the appeals were mooted by the agreement to enter into the Consent Decree. I have decided not to pursue these appeals further, not because they are moot as indicated in President Bushnell's letter, but because I have sadly and regretfully concluded that the Board of Governors' decisions were justified in part.

I challenged the Board's actions because (i) they were taken in violation of proper procedures required by the controlling ABA governing documents and due process of law and (ii) the actions including the consent decree were not in the public interest of effective accreditation of law schools--the responsibility assigned to the American Bar Association by the highest courts of the states; and (iii) were not in the best interest of the ABA. Based on the positions taken by the Council and officers of the Section of Legal Education this spring and summer, I have reluctantly concluded that the Board of Governors was justified in deviating from the normally required procedures

because of the emergency nature of the matters under consideration.

Recent decisions by the officers and the Council of the Section show that the Board of Governor's decision to enter into the consent decree was correct. The Council has acknowledged that the consent decree is justified by its failure to present a theory of the case or otherwise defend its accreditation practices (within the ABA or publicly) from the Justice Department's accusations. As far as I am aware, I have never been a party to any effort to raise salaries of faculty and Deans for any reason other than to improve the quality of legal education.

I now also believe that the reforms adopted were partially justified but do not go nearly far enough. Through the years, the Council of the Section of Legal Education has failed to include enough "outsiders," (such as adjuncts, legal writing instructors, clinical teachers, practicing lawyers, younger lawyers, judges and public members) and has unduly relied on full-time academic faculty and deans and those allied with them. I urge the Justice Department to recognize that the process needs substantial additional diversification to include more clinical teachers, adjunct faculty, externship supervisors, writing instructors, younger lawyers, law students and judges and practicing lawyers who have not been full-time academics or deans previously. I agree with the conclusion in the competitive impact statement that the accreditation process has been captured by the deans and faculty of American law schools. I disagree though that it was captured by all types of full-time faculty. Rather the "guild" is composed of the academics and deans and those aligned with the academics.

III. STUDENT/FACULTY RATIO

The Justice Department is correct that the student-faculty ratio did not allow adequate consideration of the importance of many at the institution who teach and hold lesser status than full-time tenured faculty. Thus, as noted in the impact statement, the groups excluded from the count, include many important teachers in the skills area:

- 1) Adjunct professors who often provide all or nearly all the teaching staff for skills courses:
- 2) Clinical teachers who hold short-term contracts or are not accorded security of position similar to tenure; and
- 3) Legal research and writing instructors who are nearly all employed on one-year contracts.

(continued > > > >)

(PALM Comments contd...)

The purpose of the ratio, though, has been well-intended--to move towards smaller classes and increased student-faculty contact. Other circumstances have undercut accomplishing those purposes, such as the imposition of very low teaching load limits on academics by the schools and by the ABA and the increasingly extensive outside practice of many of our most distinguished and effective full-time tenured faculty. Indeed what is particularly shocking is that while Congress provided \$14 million dollars a year through the U.S. Department of Education for clinical education (until the recent election of 1994), much of that money was only used for temporary hires. At the same time, the law schools used their increased revenues from raises in tuition to increase the size of the academic faculty and increase scholarly production without adding equally to the permanent, full-time faculty committed to clinical and skills instruction with security of position equivalent to tenure under Standard 405(e).

IV PHYSICAL FACILITIES

In the portion of the Competitive Impact Statement about facilities, the Justice Department makes some flaws of logic. The Statement indicates that one-third of all ABA approved law schools were "put" on report for inadequate facilities by the Accreditation Committee in 1994. It takes many years to build new buildings so schools are on report for inadequate buildings for maybe a decade or more. Schools with prior violations are in the process of correcting them by building additions or adding heating and ventilation and the like. So the one-third must have been put on report over a seven-year sabbatical period.

But the more troubling aspect of the facility portion is that the Justice Department apparently wants one rule for "law schools of recognized distinction" and another rule for those schools that it would not recognize as "law schools of recognized distinction." The problem is one of equal treatment and the public interest. Those who teach at "schools of recognized distinction" know how much room they have to improve in terms of the quality of legal education provided their students. Some of those schools have been particularly reluctant about entering into clinical education and skills instruction and have slowly, and in some cases, only recently increased their commitment in this regard. The need for assuring that even students who go to law schools of "recognized distinction" are prepared to represent individuals in major criminal cases and civil cases of significance after graduation upon passing the Bar is just as great as it is for other law schools. To apply one standard at schools of "recognized distinction" and a substantially higher standard to others would be wrong. Hopefully, the Justice Department will indicate that it did

not intend this result and will correct the impression left on Page 8.

If the Justice Department is concerned about improving the process to have more equal treatment, it should require the ABA to provide more funding to add staff to improve the evenness of the decision making. The overreliance on volunteers at every stage of the process has resulted in some unintended differences in treatment. But, by and large the volunteers have done very well at implementing the Standards established by those in control of the process.

V. RESOURCES

The problem of inadequate resources is not only with the total resources available to the law school but also more importantly, the prioritization of its use. Since schools are required by ABA Standards to be controlled by the full-time academic faculty, they naturally tend to favor adding additional academic faculty over full-time skills and writing instructors and full-time clinical teachers. The public interest demands a change in priorities and an improvement in the methods of instruction for all students at an schools. The ABA has not done enough in this regard. It has not required that law schools provide instruction in the core professional skills to all students who want this instruction, let alone to all students. Clinical education is not *even* mentioned once in the Accreditation Standards.

More money is needed to reduce the teaching ratios to something more appropriate to professional education or graduate education--where ratios are set as low as 3 to 1. Increased sums are needed and if the Justice Department does not recognize the importance of increases in resources for legal education, then it really is not aware of the realities of funding for different parts of the university and the needs of legal education. The failure to require additional resources for law schools may be the result of an effort, which is apparent throughout the decree, to respond to the complaints of the regulated--the presidents of universities. Indeed, overall the decree seems to be more a response to individual constituent complaints than legitimate antitrust concerns.

VI. REMEDIES.

The requirement that no more than 50 percent of the Council members should be law school deans or faculty, should provide that at least one of those should be a clinical teacher or else the Committee will be controlled
(continued > > > >)

(PALM Comments contd...)

exclusively by academics. Likewise, the provision that 40 percent of the members of the Nominating Committee shall be law school deans or faculty, should be changed to require that at least one of those be a full-time clinical or skills teacher. Again, with respect to the Accreditation Committee, one of the members of the Accreditation Committee should be a clinical teacher, or else up to 50 percent of the Accreditation Committee may be academics or deans. Likewise, with the Standards Review Committee, a clinical or skills teacher must be included. Each site team should include one clinical teacher. The AALS should no longer be allocated one position on each site team. It should be noted that the Justice Department is seeking to include one non-law school university administrator. It may be that this addition will replace the clinical teacher, who has been on nearly all teams recently, a practice of which the Wahl Commission approves. This would be a most disastrous result

I am particularly concerned that the non-law school university administrator, who will most likely reflect the views of the regulated entity that is refusing to provide the resources necessary to improve the quality of legal education, will be siding with the University in the face of demonstrable needs for legal education. But, if the Justice Department is intent upon putting the regulated entity into the process, then certainly the decree should provide that that person not displace the one non-academic full-time teacher on the team.

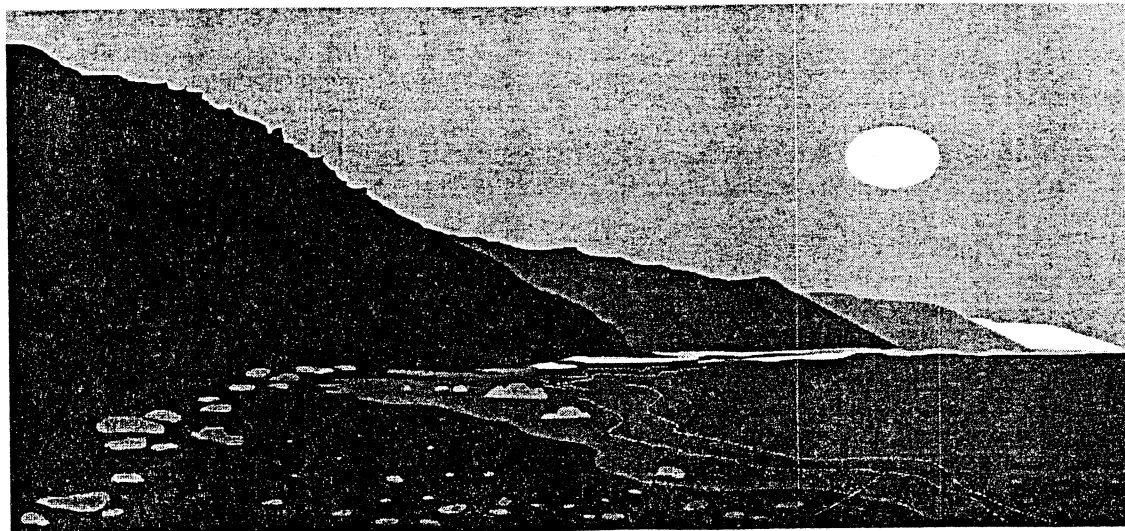
VI OVER-ENFORCEMENT

With respect to the consent decree, it should be noted that the Justice Department has agreed that the ABA can continue to adopt reasonable standards, interpretations and rules and that it can enforce its standards and interpretations even with respect to the ability of a law school to attract and retain a competent faculty. This ratification of the accreditation process is a good sign. Yet, in many places in the competitive impact statement the Justice Department undercuts that recognition and seems to indicate that it believes there has been over-enforcement of the accreditation standards. Even though American legal education needs great improvement, the Justice Department does not want the accreditation process to play a significant role in assuring that future law students are actively prepared to practice law.

VII DISCRIMINATION AGAINST CLINICAL AND SKILLS TEACHERS

Some Deans and academic faculty have alleged that clinical teachers, including extern faculty supervisors and other skills teachers have "captured" the Section on Legal Education's accreditation apparatus. To my knowledge, no active clinical teacher has chaired a site evaluation team. No more than one clinical teacher has served on the Accreditation Committee at one time. Likewise, only one clinician serves on the Council. Only recently has a clinical teacher been included on nearly all site evaluation teams

(Continued >>>>)



(PALM Comments contd...)

The following chart shows the kind of discriminatory treatment accorded clinical and skills instructors by the ABA:

**DIFFERENTIAL TREATMENT
BETWEEN ACADEMICS AND SKILLS IN THE
STANDARDS AND INTERPRETATIONS**

SKILLS

NON-SKILLS

1. SKILLS CURRICULUM

a) Schools need only "offer instruction in professional skills. There is no requirement that all students who want to take "core skills courses" must be accommodated. For example, trial practice courses at many schools are overbooked and students are turned away. Likewise, many students who want courses in interviewing, counseling, negotiation, alternative dispute resolution, pre-trial practice, problem solving, representing organizations and other skills courses are turned away.

b) Schools are not required to offer clinics to all, nor even to those students who want this training. Indeed the ABA has not even chosen to recommend that schools offer clinics by using a "should offer" standard.

1. ACADEMIC CURRICULUM

a) "Shall offer to all students instruction in those subjects generally regarded as the core curriculum." Standard 302(a)(i).

b) "Shall offer to all students at least one rigorous writing experience." Standard 302(a)(ii).

The ABA uses a "should" standard to recommend that schools "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 other full-time faculty members Standard 405(e). This standard originally was a "shall" standard that was mandatory with respect to a predominant number of the full-time skills faculty. However, when the deans of some schools (the Justice Department would call them "**schools of recognized distinction**") organized to defeat this standard and the Association of American Law Schools came out in opposition, the Council of the Section of Legal Education reversed its previous recommendation that there be a "shall" standard and changed it to a "should" standard. The clinical teachers then organized a campaign to support a resolution introduced before the House of Delegates by the Section on Criminal Justice, that the "should" standard be changed back to a "shall" standard. The Council of the Section on Legal Education opposed this. The proposal was then defeated in a close vote on the floor of the House of Delegates. Likewise, the efforts by the deans of the elite schools to eliminate even a "should" standard was resoundingly defeated by the House of Delegates with the Section opposing it. Recent practice of the Accreditation Committee is only to express a concern about lack of compliance with Standard 405(e) and not to find a violation. (The medical accrediting authorities would find a violation when a school lacks a good justification for not following a "should" standard). The short-term contract clinicians have absolutely no security of contract even under the "should" provisions of Standard 405(e).

(Continued >>>>)

(PALM Comments contd...)

CHART OF DIFFERENTIAL TREATMENT, CONTINUED:

SKILLS2. STATUS

a) Schools are not required to give tenure or any job security to full-time faculty members whose primary responsibilities are in its professional skills program

b) The requirement of tying faculty salaries to the prevailing compensation of comparably qualified private practitioners and government attorneys led to the anomaly where the Accreditation Committee and the Council would not require schools to raise the salaries for clinical and skills teachers if they were close to the salary levels of legal aid lawyers and government lawyers (prosecutors and public defenders) at the state and local level. This stifled any effort to diversify the faculty teaching in clinical programs by attracting persons in private practice at large and small firms and with qualifications more like those hired to the academic faculty. Many schools argued that 405(a) allowed them to keep clinical salaries very low and the leadership of the ABA has agreed. The Accreditation Committee has not required comparable salaries for skills faculty because the Committee has concluded time and time again, over objections by some Committee members, that compensation is not a "perquisite" of the position under 405(e).

c) Most often those on the clinical professorial track are not allowed to vote on appointments to the academic faculty and in many instances are not allowed to vote at all. In some schools, professors holding clinical ranks are not even allowed to attend faculty meetings. short-term contract clinicians are afforded no involvement whatsoever in governance at most schools. They cannot attend faculty meetings, do not serve on committees, and sometimes are not even listed in the catalogue. The ABA does not require that clinical skills teachers be allowed to participate in governance.

NON-SKILLS2. STATUS

a) Schools are required to provide eligibility for tenure status for academic faculty under Standard 405(d).

b) Until recently Standard 405(a) the academic faculty were required to be provided conditions adequate to attract and retain a competent faculty. The standard included that the compensation should be sufficient to attract and retain persons of high ability and should be reasonably related to the prevailing compensation of comparably qualified practitioners and government attorneys and of the judiciary. This standard of course has been eliminated in the consent decree. It was applied in the past in a way to increase academic salaries while putting a lid on clinical and skills salaries.

c) Under Section 405, professors on the academic faculty are usually allowed to vote on all matters, including appointments and tenure on the selection on the Dean and, often, on budgetary matters as well.

(Continued >>>>)

(PALM CHART OF DIFFERENTIAL TREATMENT, CONTINUED):

SKILLS	NON-SKILLS
<p>3. PHYSICAL FACILITIES</p> <p>The Accreditation Committee has ruled that the absence of space for a clinical program or professional skills instruction does not violate Standard 702. The Standard 701 requires that the physical plant is adequate for both its current program and for such growth in program should be anticipated in the immediate future. Many schools will report in their self-studies that they would very much like to have a clinical program in house, but do not have the facilities or lack the resources.</p> <p>4. ADEQUACY OF FINANCIAL RESOURCES</p> <p>a) Standard 201(b) has been repeatedly applied so that schools do not have to provide skills instruction or clinical education if they plead that they lack adequate resources to do so.</p>	<p>3 PHYSICAL FACILITIES</p> <p>Standard 702 requires "classrooms and seminar rooms to permit reasonable scheduling of all courses."</p> <p>a) There must be adequate resources to accomplish the objectives of its educational program.</p>

VIII. PROCEDURAL DIFFICULTIES WITH THE INCOMPLETE DECREE

Another problem is that the Justice Department and the ABA did not resolve several matters. Six areas were left for later determination. The result of this approach could be to deprive the public of a chance to comment on those actions. This approach may also preclude review and approval by the Court. The ABA has until February 29, 1996 to act. The Justice Department will either agree with the actions taken or it can challenge them within 90 days. But the public apparently will not be given an opportunity to express its views about the public interest. Essentially, there will either be a trial or a second consent decree as to these six areas.

Since the Justice Department has made crystal clear its conclusion that tough standards and tough enforcement to improve legal education are inappropriate for the ABA, the likely result of this process will be to come up with watered-down new standards that will get by Justice Department scrutiny. It is very strange for the Justice Department, which is supposed to be protecting the public interest, to take the position that it wants less vigorous enforcement to improve legal education. Even worse, is its use of an approach that will preclude effective public involvement. Therefore, I request either that (i) when the Justice Department decides on its response to the ABA's recommendations, the public be given a new chance to take part and submit its response and comments or (ii) that the consent decree be held open and not be deemed a final judgment and that the court continue the matter until the completion of the Wahl Commission and ABA process and Justice Department's decision on whether to agree or oppose the ABA's recommendations.

Indeed, given the reluctance of the Justice Department to support strong, vigorous, tough accreditation of American law schools for the improvement of legal education, the Court should go further and appoint an *amicus curiae* to represent the public interest in improved legal education. Surely the performance of the legal profession has never been held in lower regard by the public than it is today. The next generation of lawyers needs a different and better education in skills and values to improve the profession. The Justice Department seems too much concerned with satisfying different discrete constituents and not really bringing about major reforms in legal education. The American Bar Association on the other hand has been too concerned with the costs of litigation, the loss of its effectiveness with the Justice Department and others in Washington and perhaps the disclosure of embarrassing details that might surface. Much more is at stake and the Court should act to protect the public interest in improving legal education even if the Justice Department and the ABA will not.

[Submitted to the Justice Department by Gary Palm and reproduced with his permission.]

VERMONT LAW SCHOOL STUDENTS: LEARNING WHILE BUILDING, HOUSES AND COMMUNITY

by: Maryann Zavez,
Vermont Law School

The South Royalton Legal Clinic at Vermont Law School is a civil, poverty law live client clinic, a course offering available to students on a part-time or full-time basis in their second or third year at the law school. The following article describes the integration of a community-based Habitat For Humanity building project into the law school community and more specifically into the lives of Clinic students and faculty and the impact that such integration has had on the way we define ourselves as lawyers and as members of the larger community.

When Adam, a second year law student, and I, went out to do an initial interview with a new Social Security disability client last Fall, we were unprepared for the level of poverty and hardship that would greet us at the client's doorstep. For both of us, rural poverty had just become a more stark and personalized reality. The Clinic's client and his family lived a

half mile up a non-town maintained dirt road, impassable in all but summer without a four-wheel-drive vehicle. The family's homestead consisted of a small travel trailer (much smaller than a conventional mobile home) with an attached frame of a wood structure that the family hoped some day would become a full scale house. There was not, as of the time of our visit, even a tarp roof to keep rain and snow out of the unfinished structure, even though the family used this space for cooking and to store some of their belongings.

There was no electricity or running water. The family had an outhouse and hauled water from a stream three tenths of a mile from the house site.

Our immediate objective that day last October was to interview our client in preparation for a Social Security disability hearing. When we left however, the conversation focused on the bigger picture, the intertwining of all of the myriad life circumstances that brought to bear on our client's current situation and what, if anything, we could do to assist him in improving his housing conditions.

Unbeknownst to me at the time, Vermont Law School had formed a campus chapter of the international organization Habitat For Humanity a few years before. Students had worked with local community action agencies to renovate and weatherize mobile homes. This seemed a possible avenue of housing improvement for our client and his family.

It wasn't long before a formal steering committee was formed to discuss a Habitat building project for this client's family. The steering committee consisted of four students: two former clinicians, a student who was in the traditional J.D. program who had organized the campus Habitat chapter for the past couple of years, a student doing the law school's Masters program in environmental law and myself, who serves as the Faculty Advisor to the group. These initial discussions began in February 1995. The next steps included videotaping the site for presentation to the Habitat parent chapter's family selection committee; developing fundraising strategies and beginning to implement them; and, with volunteer experts, evaluating the house site to see

(Continued>>>>>)

(Vermont contd...)

what kind of site prep would need to be done, for example, would the road, a "jeep trail" on town maps, need to be improved, and, if so, who would do the work and how much would it cost?

Vermont Law School is nationally known for its environmental law programs. Consistent with this focus, it was the consensus of the steering committee that our building project would use recycled materials as much as possible, that we would get our lumber from local sawmills that could ensure that the timber was harvested in conjunction with principles of long term forest sustainability, and that the structure would be energy efficient and use alternative sources of energy as much as possible .

It is now one full year later and the roof has just been put on a small energy efficient house on a building site adjacent to the family's current home. The building design and construction people on the steering committee drew the sketches for the house and worked with local town officials and engineers to design appropriate septic and water systems. When it came time to order the wood needed for the project, we found a

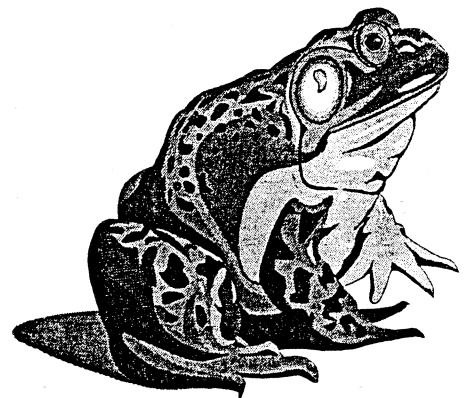
local sawmill that could provide local timber that had been harvested in accordance with ecologically sound forestry practices.

Also, our project has found ways to maximize the reusing of as many materials as possible. In April of this year, a group of VLS Habitat volunteers helped take down a structure that the town in which the project is based needed to have removed. The town donated the wood framing to the project. 2x4s from this town building were used to frame the walls of the house. Because the project family cannot afford to hook up to the conventional electric grid, alternative sources of power will continue to be utilized such as propane for the refrigerator and stove.

The steering committee is currently evaluating various water system technologies and is hoping to raise enough money for a compost toilet.

What are the students learning from this experience? Does it enhance their understanding of substantive law in any way? What is it teaching them about the role of public interest lawyers and community? Inevitably some of the primary lessons students have

learned are related to a fuller understanding of the poverty issues dealt with at the South Royalton Legal Clinic on a daily basis...what is the impact on families of the recent reduction in ANFC and other public benefits? What does it mean to live in sub-standard housing and not be able to find any programs to help alleviate the conditions? What is our responsibility as lawyers, and as members of a larger community, to respond to community need? Lessons are also there for the learning about finding the common ground that enables members of a community to work together toward a common purpose and letting go of the societal delineations such as wealth and social status that can serve to divide communities and obscure common goals.



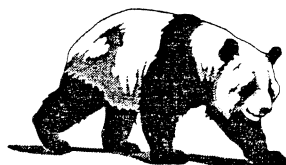
(Continued >>>)

(Vermont contd...)

The project has also presented numerous opportunities to the students to delve into various areas of the law such as land use planning, municipal law generally e.g. researching the permits required to build and the legal processes to obtain the permits, and the entire realm of nonprofit organization and management. Vermont Law School has also recently begun a group that explores the concept of "community". Students, faculty and staff involved in the Habitat project are experiencing in a very personal and heartfelt way what community organizing and working for community good can mean.

The Vermont Law School Habitat chapter hopes to remain a viable community resource over the long term by building coalitions with other groups in the area who are strategizing about how to meet the housing needs of the lower income members of the community. Several years may go by before our chapter has the human and financial capital to build a complete structure again, but, in the meantime, assisting our parent chapter with building projects and fundraising, and doing smaller renovation projects, will undoubtedly keep our Habitat

chapter busy and continue to provide students with an outlet for putting some of their public interest (defined here as "for the public good") zeal into a hands-on multi-faceted learning experience.



SYRACUSE LAW STUDENTS REALLY GOOOOOOOO....

by Arlene Kanter

Who said law students are heartless? In freezing temperatures, with piles of snow everywhere, Syracuse University Law students and faculty turned out on the evening of November 16 to show what cooperation and warm hearts can do.

Amidst a cheering crowd the faculty auctioneers raised over \$8,500 for the school's Grant Opportunity Program. The "GO" Program as it is called, was founded in 1989 by a former clinic student who became disheartened when he saw his classmates accepting lucrative summer jobs while

he and others who were committed to public interest law remained unemployed.

GO raised about \$1500 the first year. The money raised during that first year as used to fund two students to work in public interest jobs during the summer. This year's GO Auction, together with contributions from faculty and alumni, will enable approximately 15 students to receive stipends to work in the public interest this summer. As a clinical law professor who doubts almost daily the commitment of today's students to public interest law, the GO auction warmed my heart a bit.....The real test, of course, will be how many of these students will be working in the public interest six years from now.



EXTERNSHIP COMMITTEE

By Larry Krieger

The good efforts of many people have produced progress on all of our chosen projects. A second questionnaire on accreditation experience has received good response; Bill Patton reports that conclusions/data will be available by San Antonio. A survey instrument on externship workloads (Krieger) is in review and nearing distribution to you all (December 20?). The compilation of classroom component materials (Jim Backman) is continuing to receive major focus as we develop a long-term approach. IF YOU HAVE RECEIVED THE FINAL OR TRIAL INSTRUMENTS ON ANY OF THE FOREGOING, PLEASE RESPOND TO THE PROJECT PERSON SO WE CAN MOVE AHEAD. Rough notes or a phone call/message are helpful if nothing else is workable for you. Great appreciation is extended to all the people who have already responded, and especially to the many helping coordinate these projects.

San Antonio will give us the opportunity to convene and discuss the status of these projects and anything else offered to the agenda. I suggest we begin a discussion of how extern faculty can best

support the in-house clinics nationwide given the current flux; how we can support the provision of legal services to the disadvantaged given the same difficult outlook; and how to resolve the apparent conflict between helping in the legal services arena without further jeopardizing support for our in-house clinics! I hope we will resolve to resist any pressure to create poorly structured or supervised externships as a "cheap" alternative to our traditional clinical structures. (I also expect the externship workload survey to demonstrate that quality externship experiences require very significant faculty resources, and hence cannot be used to replace in-house clinics on a broad basis; we shall see.)

Other agenda items for San Antonio should be sent to me as you think of them. Probable meeting time is Friday, 9:00-10:30 a.m.

LKrieger@law.fsu.edu

DEATH PENALTY TEACHERS TO MEET

By Keri Gould

I am interested in setting up a meeting time and place during the San Antonio AALS conference for clinical professors and others who teach about death penalty theory and practice to get together and discuss course structure, curriculum, and pedagogy as it relates to individual clinic and/or institutional goals. I propose that we meet on Thursday, January 4th at noon.

Please contact me if you are interested:

Keri Gould
Fordham University School of Law
140 W. 62nd St.
NYC, NY 10023
phone:(212) 636-7937
fax: (212) 636-6923

kgould@mail.lawnet.fordham.edu



CENTER FOR SOCIAL WELFARE PROJECT

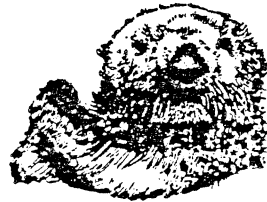
By Minna Kotkin

The Center for Social Welfare Policy and Law is developing plans to address the increased need for legal representation to challenge unlawful state welfare policies.

Although it is losing its LSC funding, the Center will continue its work as a backup center with funds from private sources. There is some likelihood, however, that local LSC offices will be barred from handling welfare "reform" litigation under Congressional restrictions. Therefore, the Center wants to solicit the help of clinical programs, as well as the private bar and public interest organizations.

The Center is developing plans for a national strategy meeting to take place in New York City in January. There will be more information about this in the clinic newsletter, but I wanted to alert interested clinicians to contact the Center, if you want to be on their mailing list for

"Project Fair Play."
275 Seventh Avenue
NY, NY 10001
tel: 212-633-6967
fax: 212-633-6371



SEND STUDENTS TO ZIMBABWE

By Paula Johnson

The dates for the program are June 8 to August 5, 1996. Students receive 6 credits for the course. The focus is a comparative clinical legal educational experience. Students actually work with Zimbabwean attorneys, judges, magistrates and legal workers in public interest, human rights and governmental offices.

The application deadline is February 15, 1996. Interested students can feel free to reach me at (315) 443-3364, or by e-mail, at pcjohnso@law.syr.edu

Please encourage students to apply for this exciting and unique opportunity.

Report of the MacCrate Bar Association Network

By Peter Joy

The MacCrate Bar Association Network, a joint effort of the AALS Clinical Section and the Clinical Legal Education Association (CLEA), continues to monitor state and local bar associations responding to the ABA's MacCrate Task Force Report. During the past six months, there have been reports of at least three more state wide conclaves to discuss the MacCrate Report. This brings the total number of states that have had conclaves to at least fifteen.

The conclaves have been intensive one day or weekend meetings involving members of the bar, the judiciary, and law schools. Many clinicians have participated in the conclaves. In some states, special committees have been created to study the implementation of the MacCrate Report recommendations. In some states, clinical faculty are represented on these committees.

Some states have been discussing implementing new "bridge the gap" programs for recent law school graduates as a direct response to the MacCrate Report.

(Continued >>>>>)

(MacCrate Contd....)

Other states have discussed formalized mentoring or apprenticeship programs. There has not been any news of state or regional bar associations seriously influencing any changes in law school curricula. So far, it does not seem that any states have made any significant changes in bar admission standards, legal education requirements, or continuing legal education (CLE) requirements in response to the MacCrate Report.

If your state or regional bar association has taken, or is planning, any concrete responses to the MacCrate Report (other than setting up meetings or creating a committee or commission), please contact me prior to January 15, 1995. I will prepare a detailed report of any responses or changes for the next newsletter and I will post it on the lawclinic list.

Thank you. Please contact:

Peter Joy
Milton A. Kramer Law Clinic
Case Western Reserve
University School of Law
11075 East Blvd.
Cleveland, OH 44106
(216) 368-2766
FAX: (216) 368-5137
E-mail: paj2@po.cwru.edu

A JOYFUL NOTE

By Ann Juergens

In my 12 years of clinical teaching, it is clear that we in the clinic simply have more fun than do teachers in other areas of the law school. We are not as isolated in our work--we have a community. We have cases we care about, that we laugh and scream and cry about. When the students drive us crazy we have the clients to keep us engaged and caring; when the clients drive us crazy we have the students to keep us there. When we drive ourselves and our colleagues crazy, the clients and the students pull us through. And, with the help of all three groups--clients, students, colleagues--in spite of the tragedies we witness and the social collapse we try to shore up, we can both model and experience the joyful practice of law.

[ed. Note: This newsletter issue seems a somewhat gloomy one, especially for the holiday season. But the issues are real and very important, so they warrant emphasis. I think we should all be grateful to Ann for providing an insight that most of us share and need to keep in mind. RFS]

CONFERENCE COMM. CAN USE HELP

By Liz Ryan Cole

The CLEA Conference Committee is gearing up and needs a few good members. If you would like to work on the CLEA Conference Committee please e-mail me. If that is not possible, call me at (802)763-8303 x 2240.

A number of you have expressed an interest at some time in the past and I will try to avoid leaving anyone out by sending a copy of this memo to those people but if you are reading this on e-mail or in the newsletter, an e-mail response will 1) save me a letter and 2) help me form a "conference committee group" on the internet. The committee needs to do some quick work now (I know it's December) but even if you may only be interested in theory and too busy to do anything till the spring, please respond now.

The first item of business is Supervision Skills Training 1 (SST 1) tentatively scheduled for Feb 15-17 so please put this on the top of your "to do" pile. Thanks.

Liz Ryan Cole
Vermont Law School
lcole@vermontlaw.edu
liz.cole@dartmouth.edu

PUBLIC INTEREST LAWYERING

By Sue Bennett and Kim O'Leary, co-chairs

The Committee on Lawyeing in the Public Interest has devoted much of its time in recent months to monitoring Congressional actions that affect low income clients.

The Legal Services Corporation experienced a real threat of elimination or severe reduction via a block grant approach; however, it now appears that the Legal Services Corporation will remain intact, but will be crippled by severe service restrictions and reduced funding.

However, at the time this report was written, there was no agreement between the House and Senate about particulars of a final bill, and none had passed. It is very likely that the final bill will include some or all of the following restrictions upon legal services lawyers: no ability to challenge welfare reform legislation in any way; cannot represent clients who are being evicted from subsidized housing if the allegations include any substance abuse; cannot represent clients who sue any governmental entity in a

class action lawsuit; no representation of clients in any *potentially* fee generating case, even when lawyers are not actually available; no legislative or rule making advocacy; and, the same restrictions upon non-LSC funding as will exist for LSC funding. In addition, legal services grantees were subjected to a competitive bidding process this fall. Budget projections would eliminate line items for all national and state support centers.

Needless to say, your local legal services offices are going through a great deal of turmoil. Layoffs and reorganizations are likely. Service priorities will be affected by the new restrictions. Legal services lawyers will be limited in even organizing other lawyers or groups to pick up the slack in areas (such as welfare reform) that they will be unable to assume their traditional leadership role.

NOW is the time to make contact with your local and state legal services providers to see whether there is anything you can do to help!

The Center for Law and Social Policy issues a newsletter entitled CLASP Update that

reports on the status of welfare reform bills. Their address is 1616 P Street NW, Suite 150, Washington, D.C. 20036. Their phone is 202/328-5140. At the time this report is being written, their major focus was twofold: 1)urging President Clinton to veto the bill and 2)targeting House and Senate conferees to eliminate the most egregious aspects of the bill.

CLASP is also hosting a series of audio conferences on the new welfare bill. They are currently scheduled to be held on 12/11, 12/12, 12/13, 12/14, 12/15, 12/18, 12/19, 12/20, and 12/21 from 12:45-1:45 EST. To register, mail checks for \$12 per session to : CLASP Audio Conference, 1616 P St., NW Suite 150, Washington, D.C. 20036. Questions? Call Tyrone Brown, 202/328-5110. If there is no welfare bill by 12/11, CLASP will reschedule the conferences.

The Center for Social Welfare Policy and Law will host a national strategy meeting in New York City sometime in January to develop leadership in welfare reform efforts. If you want to be on their mailing list for

(Continued>>>>)

(Public Interest, Contd...)

"Project Fair Play", you can write or call: 275 Seventh Avenue, NY NY 10001, 212/633-6967.

Top five things you can do during this crisis affecting low income people:

1. Support your local anti-poverty bar (legal services lawyers, pro bono private bar, other clinicians, etc.) Find out what is going on and exercise your right to participate in the political process. Find out if there is anything specific you can do to help.
2. Consider adding recent Congressional bills into your course syllabi (Clinic, Poverty Law, seminars, etc.) Consider asking students to analyze portions of one or more of the new programs and turning it into a group paper.
3. Inform your student body. Consider organizing a teach-in, a CLE, or a presentation before your Public Interest Law Organization.
4. Analyze an aspect of one of the new programs in your next scholarship project.
5. Spend some time thinking about your case priorities in the clinic. The new legislation will provide a wealth of

educational opportunities for clinic students and might allow you to take some leadership in developing new approaches to the new crop of problems your clients will face.

Finally, the committee has solicited suggestions for newsletters or resource materials that may be of use to clinical offices. Below are some of the responses we have received:

Clearinghouse Review, Journal of Poverty Law: published by the National Clearinghouse for Legal Services, Inc., 205 W. Monroe St., 2d floor, Chicago, IL 60606-5013; 312/263-3830; subscriptions are \$95 per individual, \$125 to organizations.

Race, Poverty and the Environment: c/o Earth Island Institute, 300 Broadway, Suite 28, San Francisco, CA 94133; a quarterly publication; the rate is \$30/year for institutions.

The Poverty Newsletter, the AALS Poverty Law Section quarterly newsletter; contact William P. Quigley, Gillis Long Poverty Law Center, 7214 St. Charles Ave., Campus Box 902, New Orleans, LA 70118. It is free. Gillis Long also co-owns and moderates the POVERTYLAW-L, which is used for general discussion

of substantive and practical issues as they relate to poverty law and the poor. It does not cover criminal law issues. To subscribe, send a message to : Listserv@lawlib.wuacc.edu and say "subscribe PovertyLaw-L [your name]."

If you are currently subscribing to other newsletters that might be of benefit to other clinicians, please write, call or e-mail us.

AFFORDABLE HOUSING

The American Bar Association forum on affordable housing and community development law is planning a conference on March 15 in Boston that will focus on the role of nonprofit organizations in housing and community development. Clinicians teaching in these subjects are contemplating a meeting prior to this program to discuss ongoing issues in transactional clinical education. Anyone interested in more information can contact me at the numbers below.

Janet Stearns
Affordable Housing
Development Clinic
University of Washington
School of Law
Tel. 206-543-3434
Fax. 206-685-2388 email:
jstearns@u.washington.edu

10th ANNUAL MIDWEST CLINICAL TEACHERS CONF.

By Marla Mitchell

A Good Reason To Teach in the Midwest

I don't care that it's already blistering cold and snowing; I love teaching in the Midwest. One reason is the annual Midwest Clinical Conference, which celebrated its tenth anniversary the second weekend of October. We returned to the site of the first conference--Minnesota. The conference was jointly sponsored by William Mitchell College of Law, The University of Minnesota and Hamline University, and hosted by William Mitchell.

Hon. Rosalie Wahl, retired justice of the Minnesota Supreme Court, joined by Gary Palm (University of Chicago), E. Thomas Sullivan (Dean, University of Minnesota) and Carl Warren (University of Minnesota) addressed the risks and benefits of the accreditation process in light of the ABA's settlement with the Justice Department.

Two panels focused on dealing with cultural difference. The first panel focused on how to teach students to interview clients with language

differences. The panel, consisting of Alicia Alvarez (DePaul University), Leticia Magdaleno (Loyola University), Alberto Benitez (Chicago-Kent) and Angela McCaffrey (Hamline) suggested ways to select and use interpreters in the client interview and court setting. The panel used vignettes from the O.J. Simpson trial to illustrate some of the problems associated with courtroom interpretation.

The second panel focused on how to teach about cultural difference. The panel, using other disciplines as a guide, explored how clinicians can better teach about diversity. The session was particularly lively and informative as Deborah Appleman (Carleton College), Mari Ann Graham (St. Thomas University), Barbara Leonard (University of Minnesota), Oliver Williams (University of Minnesota), and Mary Jo Brooks Hunter (Hamline) used a variety of teaching techniques to provide insight into this very important topic.

Technology was the topic of the final plenary session in which Al BeVier (OPM Information Systems), Maury Landsman (University of Minnesota), Tom Squire (Southern Minnesota Regional Legal Services), Laura Waterman Wittstock (Migizi Communications) considered the pros and cons of computerized

clinics and the balance that must be struck between technology and old fashioned lawyering.

In addition to the plenary sessions, CLEA hosted a lunch in which we discussed developing standards for clinical education. A Clinical Standards Committee has been formed and interested clinicians should contact Mark Heyrman at U. of Chicago.

John Lank of the Department of Education was available throughout the weekend to talk with clinicians about Title IX funding. Thank you, John, for your time and support.



Last, but not least, the dinner, dancing and entertainment commemorating the last ten years contributed to the weekend's huge success.

(Continued > > >)

(Songs of the Midwest Contd)

Songwriters were David Gottlieb (University of Kansas), Ken Margolis (Case Western Reserve) Randy Schmidt (University of Chicago) and Marla Mitchell (Thomas Cooley).

The songwriters were joined by performers David Battiato (University of Nebraska), Kathy Hessler (Capital University), Ann Juergens (William Mitchell), Kimberly O'Leary (Dayton), Kara Stein (Dayton), Louise McKinney (Case Western Reserve), and Bryan Adamson (Case Western Reserve), who brought the house down with their stellar performance. Most importantly, we felt the camaraderie that sends one home renewed.

INTERPRETATION

(TO THE TUNE OF "Do the LOCOMOTION")

Everybody's doing a brand new dance, now
Come on, Baby,
do interpretation.

A matter of training and certification.
Come on, Baby,
do interpretation.

It's not very easy,
you may lose control.

Your students gotta learn it,
don't you know?
So, come on, come on, and do
interpretation with me.

You can't go too fast, now
(oo--come on, jump back)
You've got to have some cash,
now

Here we are trial,
Assistance we need now
Come on baby,
do interpretation
The witness says plaquita,
What does it mean, now

Come on baby,
do interpretation for me

BY THE TIME WE GET TO...

(To the tune of "By the Time I
get to Phoenix)

By the time we got to
Minnesota we were freezing
we were welcomed by temp.
Of 10 below
Only 33 of us were in
attendance,
oh yes, that seemed like just
so long ago,

then in '87 we visited Chicago,
with Barbara B. At a school
they call De Paul
and in '89 we journeyed to
Topeka
where all the rooms had
mirrors on the walls,

Now in '88 we visited Drake's
palace

we thought we had been
invited by mistake
we saw clinicians driving round
in Porches
clinic offices with antiques we
tried to break,

In Wisconsin we shared our
knowledge and our spirits
drinking from a cowboy boot,
it was the rage
and afterward we almost got
arrested,
dancing with college kids so
underage,

Now here we are back in
Minnesota,
Celebrating Nina's 4th job in
10 years,
the rest of us aren't getting
any younger,
we're drinking sparkling water
instead of beer,

so it's time to say goodbye
until Cleveland
and we're sorry if this song
seems long and lame
so we hope that we will get
some new songwriters
when we meet at the Rock and
Roll Hall of Fame....



**CLINICAL LEGAL EDUCATION ASSOCIATION
1995 Board of Directors**

Jane Harris Aiken
President
University of South Carolina
School of Law
Columbia, SC 29208
(803) 777-8295
FAX: (803) 777-2368

M. Shanara Gilbert
CUNY School of Law--QUEENS
65-21 Main Street
Flushing, NY 11367
(718) 575-4438
FAX: (718) 575-4275

Karen Tokarz
Vice President
Washington University
School of Law
One Brookings Drive
Campus Box 1120
St. Louis, MO 63130
(314) 935 6414

Isabelle R. Gunning
Southwestern University
School of Law
675 South Westmoreland Avenue
Los Angeles, CA 90005
(213) 738-6700
FAX: (213) 383-1688

Mark J. Heyrman
Secretary-Treasurer
U. of Chicago Law School
6020 South University Avenue
Chicago, Illinois 60637
(312) 702-9611
FAX: (312) 702-2063

Peter Joy
Case Western Reserve Univ.
Law School
11075 East Boulevard
Cleveland, OH 44106
(216) 368 2769
Fax: (216) 368 5137
e-mail: paj2@po.ins.cwru.edu

Richard Boswell
Immediate Past President
American University
Washington College of Law
4400 Massachusetts Ave.
Washington, D.C. 20016
(visiting, 1995-96)

Nina W. Tarr
University of Illinois
College of Law
320 Law Building
504 East Pennsylvania Ave,
Champaign, Illinois 61820
(217) 333-2065
FAX: (217) 244-1478
e-mail: ntarr@law.uiuc.edu

Gary Bellow
Harvard University Law School
Cambridge, MA 02138
(617) 495-4701
FAX: (617) 495-1110

Non-Board

Editor of the Newsletter

Nancy Cook
Cornell Law School
Myron Taylor Hall
Ithaca, NY 14853
(607) 255-4196
FAX: (607) 255-7193 e-mail:
cook@law.mail.cornell.edu

Robert F. Seibel
Cornell Law School
Myron Taylor Hall
Ithaca, NY 14853
(607) 255 4196 e-mail:
seibel@law.mail.cornell.edu

Conrad Johnson
Columbia U. School of Law
435 West 116th Street
New York, NY 10027
(212) 854 2141

Clinical Legal Education Association
 6020 South University Avenue
 Chicago, IL 60637-2786

In this issue

• Message From The President	1	•Center for Social Welfare	16
•Clinic Standards Project Report	2	•Students to Zimbabwe	16
•Election News	2	•MacCrate Network Report	16
•CLEA Comments on ABA Consent Decree	3	•A Joyful Note	17
•Gary Palm Comments on Decree	4	•Conference Comm. Report	17
•Vermont Law, Habitat for Humanity Proj.	12	•Public Interest Lawyering	18
•Syracuse Law Students Gooo	14	•Affordable Housing Conf.	19
•Externship Comm. Report	15	•Midwest Clinical Teachers Conf. Report	20
•Death Penalty Teachers' Meeting	15	•Midwest Clinical Teachers' Songs	21

List of Board Members. 22

