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# CLINICAL LEGAL EDUCATION ASSOCIATION

# Newsletter

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VOLUME V, No. 1 Myron Taylor Hall / Ithaca, NY 14853 SEPTEMBER, 1996

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## \* MESSAGE FROM CLEA PRESIDENT, KAREN TOKARZ \*



WHY IS THIS WOMAN SMILING???

BECAUSE SHE IS THE FIRST PERSON EVER TO HAVE HER PICTURE PUBLISHED IN THE CLEA NEWSLETTER!

### Why am I really smiling these days?

Because this year has been a banner year for CLEA and the clinical education movement.

**NEW CLINICAL ACCREDITATION STANDARDS:** The new law school accreditation standards relating to clinical education, adopted at the ABA annual meeting in Orlando, mark a major milestone in the clinical education movement. As Roy Stuckey points out in his article in this newsletter, the new standards are the culmination of years of work. The standards portend positive changes for clinical teachers, legal education, and ultimately the practice of law. For the first time, law schools are required under the standards:

· to provide full-time clinical teachers the opportunity to achieve tenure or job security reasonably similar to tenure;

· to provide full-time clinical teachers the opportunity to participate in governance in a manner reasonably similar to other full-time faculty members;

· to provide full-time legal writing directors and teachers conditions adequate to attract and retain competent legal writing teachers;

· to offer all students adequate opportunities for instruction in professional skills;

· to offer live-client or other real-life practice experience for credit through clinics or externships (not necessarily for all students); and

· to provide suitable space for conducting professional skills courses and programs.

For those of us who have been in clinical teaching for many years, it is almost incomprehensible that we have finally achieved recognition of those long-sought goals. Roy Stuckey (So. Car.) and Gary Palm (Chi.) deserve our heartfelt thanks for a decade and a half of work behind the scenes on the ABA Skills Training Committee, Accreditation Committee, Standards Review Committee, and Council of the Section on Legal Education and Admission to the Bar. They are true champions in every sense of the word. Countless others

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### NOTE NEW NUMBERS:

Effective October 12, CLEA will have a new area code: (773). To contact Mark Heyrman, Secretary Treasurer, the new numbers will be:

phone 773 702 9611  
fax 773 702 2063

Numbers for other board members, officers and the newsletter are not affected.

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

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(Pres. Contd...)

have contributed to the process through the years, including but by no means limited to, Bob MacCrate (former ABA pres.), Hon. Rosalie Wahl (former clinician and member of the Council), John Elson (Northwestern) now on the ABA Accreditation Committee, and Randy Hertz (N.Y.U.), who served as reporter for the MacCrate Report and the Wahl Commission.

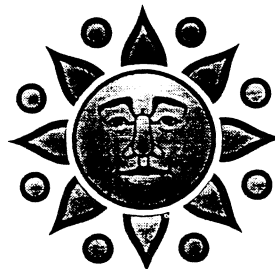
CLEA played a pivotal role in the more recent developments leading up to the ABA vote in Orlando. Since the Midwest Clinical conference in St. Paul last October, the CLEA Ad Hoc Committee on Accreditation has been strategizing via teleconference on a bi-monthly basis about the new standards, the ABA litigation with the Justice Dept, and other matters. Never have I spent so much time on the phone except for a long distance relationship, and never have I worked with such ferociously committed individuals – what one might describe as a clinical "dream team."

In addition to our "forwards," Roy and Gary, the starting five included "captain" Jay Pottenger (Yale), who served as our front-line representative on countless occasions; "center" Mark Heyrman (Chi.), who was always there to set up phone calls, collect information, and distribute materials; and "point guard" Bob Dinerstein (American), who testified and negotiated on a number of key occasions. Randy Hertz, Peter Joy (Case), Homer LaRue (D.C.), Liz Ryan Cole (Vt.), Jane Aiken (So. Car.), and Dave Chavkin (Cath.) also served on the committee, attended meetings, and periodically joined in phone calls. All deserve our gratitude.

I was at the ABA meeting in Orlando for the days leading up to the vote on the standards, although I missed the actual event due to a family illness. Roy spoke as the long-time chair of the ABA Skills Training Committee; Gary

spoke as a member of the Council; and Jay spoke on behalf of CLEA. They were eloquent and courageous advocates. Tom Leahy (Ill. Bar), Susan Brody (John Marsh.), Ralph Brill (Chi. Kent), and Richard Neumann (Hofstra) also assisted us in promoting our issues to members of the House of Delegates. In the end, the ultimate success was the result of collaboration between clinicians and non-clinicians, between clinicians and legal writing teachers, between clinicians and state bar members, and between CLEA and the Section.

Much work remains to be done to implement the new standards and to force compliance, and we cannot underestimate how difficult it will be for some law schools to embrace the changes required by the new standards. But, through the course of the debate clinicians have increased in stature and influence. We are now in a stronger position to affect implementation and to resist cutbacks that might result from the tougher standards. At the upcoming ABA training sessions in Indianapolis for schools to be accredited this year, for chairs of site inspection teams, and for new inspection team members, I (as the incoming chair of the ABA Skills Training Committee) have been invited to speak on how schools should evaluate their professional skills programs. Roy Stuckey will have a much larger role, explaining to all three groups the implications of all of the new standards, clinical and otherwise. (Watch for his upcoming Nebraska Law Review article on this issue.) We are hopeful there will be clinicians on all site teams and, this year for the first time, a clinician (Roy) will chair a team.



As the impact of the accreditation standards becomes more vivid in the coming year, it is imperative that all of us share information and support each other where necessary. The Ad Hoc Committee will continue in existence to serve as a resource for clinicians in what ever way possible. If you have ideas or concerns or would like to join the group, contact me or Mark Heyrman.

#### COMMUNICATION AND THE CLINICAL COMMUNITY:

The new CLEA Web Site will help the clinical community become closer, better informed, and more connected than ever. It is now up and running, thanks to the work of the CLEA Technology Committee in the past year. Special credit goes to Nina Tarr (Ill.) for her creative inspiration, to Bob Seibel (Cornell) for his energy and persistence, and to all of the technical folks at Cornell for facilitating the process. (Applause!) The Web Site will allow clinicians to find other clinicians, see their pictures, and send e-mail with just a few mouse clicks. It will also allow us to readily access important clinical information, such as Karen Czapanskiy's (Md.) annotated clinical teaching bibliography and Cheryl MacDonald's directory of ADR clinics; also, clinical articles, past newsletters, clinical salary data and demographic information, etc.

Like the new clinical accreditation standards, the new CLEA Web Site highlights a new stage in the clinical movement. For almost two decades, from the early 1970's until the early 1990's, many clinicians were isolated, with only the annual AALS conference/workshop and AALS newsletters as links. In recent years, we have been blessed with a number of new avenues for communication. The formation of CLEA in 1992 brought the CLEA newsletter, initially

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(Pres. Contd...)

produced by Mark Heyrman followed by Laura Dorman and more recently by Bob Seibel. In 1993, while I was chair of the Section, Peter Joy, Marjorie McDairmid (W.Va.), Deborah Barthel Caplan (G.W.) and the Committee on In-House Clinics developed and we distributed the first Section Directory of Clinical Programs, identifying clinicians by school and by subject matter. David Chavkin has since computerized the project for the Section; it now comes with a helpful Windows-based program.

In 1994, Nina Tarr, Mark Folmsbee (Washburn), Sandy Ogilvy (Cath.) and their committee created the Clinic Listserv, opening the door to daily communications among multiple clinicians on multiple clinical issues. As Bob Seibel indicates in his article, the new CLEA Web Site will open that door even wider.

#### INTERNATIONAL CLINICAL EDUCATION INITIATIVES:

In the past year, interest in international clinical legal education has mushroomed, both here and abroad. In November 1995, there was an open meeting with the ABA in Washington, D.C. for persons interested in international clinical legal education, including those involved in the ABA Central and East European Law Initiative (CEELI) and the African Law Initiative (AFLI). That meeting, facilitated in part by George Critchlow (Gonzaga), Neil Gold (Windsor) and Roy Stuckey, drew about 15 clinicians with many more on a mailing list. From that meeting, a "work in progress" document has evolved on suggested protocols for Americans visiting law schools overseas. In May 1996, there was an open meeting at the AALS Clinical Conference in Miami, facilitated by Richard Boswell (Hastings) and Arlene Kanter (Syracuse), at which 50-60 clinicians attended. From that meeting, an international clinical network and

listserv will be developed that will allow participants to share information on funding, teaching opportunities, curricula, etc.

I am also aware of various clinical association initiatives in other countries. In November 1995, there was a three-week clinical training conference at the National Law School in Bangalore, India for law professors from South Asia. The international faculty included Frank Block (Vanderbilt), Clark Cunningham (Washington-St.L.), Jane Schukoske (Balt.) and Ken Gallant (Idaho). After the conference, there was a short meeting to form a South Asian Clinical Law Teachers Association.

Coming up on September 4, there will be a smaller gathering to discuss international clinical education preceding the Australasian International Professional Legal Education

Conference (APLEC) in Sydney, Australia. Clark Cunningham, Frank Bloch, N.R. Madhava Menon (Nat'l Law School of India) and Les McCrimmon (Sydney) have been involved in the conference planning. Gary Blasi (UCLA), Judy Frank (Cooley) and others will be presenting at the conference.

CLEA supports the development of clinical education associations worldwide, as well as increased coordination with existing international human rights education programs. We hope the CLEA Web Site will enhance our ability to forge international dialogues and to exchange resources with legal educators and lawyers in other countries who share our clinical philosophy and social justice goals.

#### CLINICAL GATHERINGS:

Liz Ryan Cole (Vermont), former chair of the CLEA conference committee, coordinated another successful conference on supervision skills in New Hampshire last February. This was part of the continuing series of regional workshops on skills training which Liz and the committee have organized. This hard working committee is now chaired by Carrie Kaas (Quiinnipiac) and they are planning events for the coming year. Contact Carrie or Liz if you have some ideas.

I encourage everyone (no matter where you live) to attend the 11th Annual Midwest Clinical Education Conference October 18-19 at Case Western Reserve Law School and the Rock and Roll Hall of Fame in Cleveland. Peter Joy and his cohorts at Case have planned a great conference at a great location. There will be a CLEA reception (YES, REFRESHMENTS WILL BE SERVED!) and short meeting on Thursday evening from 8 to 10 pm, October 17, at Glidden House, one of the conference hotels. Everyone is welcome! Hope to see you there!

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## **COME TO THE CLEA RECEPTION AT THE MIDWEST CLINICAL CON- FERENCE.**

**RECEPTION FROM  
8 TO 10 PM ON  
Thursday, October  
17 AT GLIDDEN  
HOUSE.**

**CONFERENCE IS  
ON THE 18TH AND  
19TH. SEE DETAILS  
IN THIS NEWS-  
LETTER.**

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## CONFERENCES AND WORKSHOPS

### UCLA/University of London

#### CONCEPTUAL PARADIGMS IN CLINICAL LEGAL EDUCATION

Fourth International Conference

Fall 1997

#### THE CONFERENCE

UCLA School of Law and the University of London Institute of Advanced Legal Studies are delighted to announce the Fourth International Conference on Clinical Legal Education and Scholarship to be held in Fall 1997 for clinical teachers and others interested in the content and goals of clinical education. The dates are Thursday, October 23 to Sunday, October 26, 1997. The conference, to be held at Lake Arrowhead, will be followed by an additional two-day program at the UCLA School of Law. The post-conference program will focus on clinical teaching.

#### CALL FOR PAPERS

The purpose of the Arrowhead conference is to explore the conceptual paradigms or models that underlie clinical teaching. The conference will proceed on the assumption that clinical education ought to provide students with a conceptual basis for continuing to learn and evolve as lawyers after graduation. To accomplish this goal, clinical teaching must provide students with conceptual paradigms or models through which to view and amalgamate the discrete experiences they encounter in practice. For example, what conceptual models can clinical education give students to guide their decision making when counseling clients,

conducting negotiations or trying cases.

This call for papers invites clinical teachers to highlight or identify the major conceptual models or paradigms they teach in clinics or clinical courses and why they focus on such paradigms.

The schedule for submission of papers is as follows:

Abstracts or short descriptions are due by September 16;

First draft of full paper is due by May 30, 1997;

Final Draft is due by August 1, 1997.

Acceptances will be made after submission of the first draft. Submissions and requests for additional information should be addressed to:

Susan Gillig, Assistant Dean  
UCLA School of Law  
405 Hilgard Avenue  
Los Angeles, CA 90095-1476  
Phone (310) 825 7376  
e-mail: gillig@law.ucla.edu

### CLEA's Conference Committee is going strong, on line!

Submitted by Liz Ryan Cole

For the first few years of CLEA's existence, the Conference Committee has been a small and loosely structured committee. We are now no longer small (about 15 active members right now) and are thinking about how

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## CONFERENCES AND WORKSHOPS

(Conf. Comm. Cont'd)

to keep our famous flexibility and still have a structure that helps us accomplish a great deal.

We are currently meeting "on line" & are discussing a number of conferences which have been suggested - ranging from ADR to a small meeting (or series of meetings) focusing on looking ahead to the next 10 years. In fact, now that we are getting better at meeting on line, we will begin discuss what process(es) to use when deciding which training events/conferences to "support".

This committee has been co-chaired by Carrie Kaas (Quinnipiac) and Liz Ryan Cole (Vermont) but Liz is now turning her attention to writing (will she get tenure in another two years time? only the Shadow knows!) so Carrie and the Committee would love to have a volunteer to serve as co-chair with Carrie.

If you are interested in joining the discussion, send an e-mail to Liz.Cole@dartmouth.edu and she will send you a complete list of members on line and try to help you join the discussion - one way or another. (and for those of you not on line, hard copy of all comments, etc is available and your comments can be included).

The committee is in the early planning stages for several possible events, including additional presentations of the very successful regional supervision skills training programs, a mini-conference to be coordinated with the next AALS Section workshop in May of 1997, and other possible conference or workshop events.

Among the items under discussion are a possible ADR clinic conference to coordinate with the AALS workshop, but the committee would be glad to hear suggestions of other topics also.

A possible independent 2 day conference on cutting edge clinical issues, or issues on the horizon, or special problems of coordinating the changing interests of experienced clinical teachers with the fundamental needs of new clinic students has also been discussed. Ideas for other regional conferences in addition to the supervision skills programs are also welcome. If there is a topic for a conference or workshop that you would like to see CLEA develop and sponsor, please contact Carrie Kaas or Liz Ryan Cole.

### THE 1997 AALS CLINICAL SECTION WORKSHOP

Submitted by John Barkai

The 1997 Clinical Workshop will be held May 3-6, 1997 in Dallas Texas. The Workshop will begin with a reception on Saturday, May 3 at 5:30. The first session will start at 8:45 on Sunday. The last session will end at noon on Tuesday, May 6. There will also be a clinical director's Program at the same location starting in the morning of Saturday, May 3, and lasting the full day. The planning committee met in Washington this summer to work out the program. Because the committee has yet to contact many of the proposed panelists and presenters, it

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## CONFERENCES AND WORKSHOPS

(AALS Section Conf. Cont'd)

is too early to announce the program, but you already know why you should attend.

You should attend because the Workshop is going to be great! If you have ever attended an AALS clinical workshop or conference, you already know that it is the best opportunity for clinicians to meet and discuss the latest developments in clinical education as well as innovative teaching methods, issues of faculty status and retention, unique issues for externships, alternative funding sources, technology needs of clinics, recent clinical scholarship, and a host of other issues related to clinical education. What ever is new and exciting in clinical education in May 1997, you will hear about it at this workshop.

If you are new to clinical education, you will meet many, exciting, talented clinicians at this workshop and vastly expand your clinical network. You will meet other clinicians who do almost exactly what you do, and who are interested in discussing clinics and sharing materials with you. You will meet the people whose messages you read on clinic e-mail listserv. Are you interested in hearing about how other clinics operate, select and assess students, find funding sources, handle conflicts, appoint extern supervisors, or prepare for ABA and AALS site inspections for accreditation? You can learn the answers to these questions and many more from someone at the workshop.

As a section we have grown so large that our plenary sessions are huge audiences. As a result, the

planning committee has only scheduled two plenary sessions for this workshop. Most of the time will be used for small group meetings arranged by subject area (ADR, criminal, externship, family, general civil, etc.) and concurrent sessions on a wide range of topics. The workshop will also have a swap meet. What are your clinical needs? Maybe you can find them at the swap meet. Will you bring something to share or trade? This workshop will increase your knowledge and enthusiasm for clinical education. And, we plan on having some fun too. Maybe you will even learn to do the Texas two-step.

Aloha, John



### MIDWEST CLINICAL TEACHERS

The 11th Annual Midwest Clinical Legal Education Conference, "Experiential Learning and Clinical Legal Education," will be held on October 18-19, 1996, in Cleveland, Ohio, and hosted by the Milton A. Kramer Law Clinic, at Case Western Reserve University School of Law. Though hosted each year in the midwest, the conference welcomes clinicians from all over the country. The schedule follows:

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## CONFERENCES AND WORKSHOPS

(Midwest Conf. Cont'd)

Friday, October 18

8:30 a.m./ Registration

9:00 a.m./ Welcome: Michael Gerhardt, Dean, CWRU School of Law

9:15-10:45 a.m./ Presentations and Demonstrations: "Understanding Experiential Learning Theory for Effective Clinical Teaching." David A. Kolb (Professor of Organizational Behavior at CWRU and author of EXPERIENTIAL LEARNING- EXPERIENCE AS THE SOURCE OF LEARNING AND DEVELOPMENT); Don Peters and Marty Peters (U. of Florida), and Vernellia Randall (Dayton).

10:45-11:00 a.m./ Break

11:00 a.m.-12:15 p.m./ Small Group Discussions

12:15-1:30 p.m./ Lunch (included with registration); AALS Clinical Section and Clinical Legal Education Association (CLEA) sponsored discussion: "What the New ABA Accreditation Standards Mean." Homer LaRue, (Howard) Chair of the Clinical Section; Karen Tokarz, (Washington University) President of CLEA; Gary Palm, (Chicago) member of the Council of the ABA Section of Legal Education and Admissions to the Bar, and John Elson (Northwestern) 1994-96 member of the ABA Accreditation Committee.

1:30-2:00 p.m./ Presentation: "Applying Learning Theory to Effective Student Evaluation: The Four-Part Evaluation Model. Liz Ryan Cole (Vermont).

2:00-3:30 p.m./ Small Group Exercise: Applying the Four-Part Model

3:30-3:45 p.m./ Break

3:45-4:45 p.m./ Plenary. Large group discussion of the application of experiential learning theories to clinical teaching.

5:15-7:00 p.m./ Reception. Student Lounge. Sponsored by Case Western Reserve University School of Law.

DINNER (on your own)

\* \* \*

SATURDAY, OCTOBER 19

9:00-10:45 a.m./ "Saturday Morning at the Movies: "The Use of Film and Video in Clinical Teaching." David Chavkin (Catholic), Nancy Cook and Bob Seibel (Cornell), Kim O'Leary (Dayton), Mike Walsh (Akron), and Mary Wolf (Indiana-Indianapolis).

10:45-11:00 a.m./Break

11:00-11:30 a.m./Presentation: "FolioViews For Case Planning." Mark Heyrman (Chicago).

11:30 a.m.-12:30 p.m./ Small Group Discussions Based on Subject Matter of Clinics Taught. This session is designed to encourage clinicians with common subject matter interests to discuss current issues in their clinics and innovations in their classroom components including the use of audio/visual aids.

12:30 p.m./Pick up box lunch (included with registration). Car pooling to go the Rock and Roll Hall of Fame and Museum.

1:30-2:00 p.m./ Gather at the Rock and Roll Hall for group admission (included with registration).

2:00-6:00 p.m./ The Rock and Roll Hall is open till 5:30 p.m. Explore

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## CONFERENCES AND WORKSHOPS

(Midwest Conf. Cont'd)

the Rock Hall and other sites of Cleveland, but be sure to make it back in time for dinner and dancing.

7:00 p.m.-12:00 a.m. Dinner and dancing to live music by D.T. and the Shakes at the CWRU Law School.

### Lodging

Glidden House Inn 216-231-8900  
Omni International Hotel  
216-791-1900

The Glidden House, located across the street from the law school, offers special rates for conference attendees: \$101 single or \$111 double, plus tax. The Omni, located about one mile from the law school, offers a special rate for conference attendees: \$94 single or double, plus tax. RESERVATIONS AT EITHER HOTEL MUST BE MADE BY SEPTEMBER 17 to assure room availability and to obtain the conference rate. There is a shuttle bus from the Omni to the law school. For reservations, contact the hotel directly and tell them you are with the Midwest Clinical Teachers' Conference.

Registration fee received by September 20th is \$100, after September 20th it is \$110. Registration price includes two lunches, admission to the Rock and Roll Hall of Fame and Museum, and Saturday dinner and dance. For registration form, call 216-368-2766 or FAX 216-368-5137. A form will be faxed back to you.

For more information call any of the conference planners at 216-2766, or e-mail us. See you in October!

Bryan Adamson  
bla@po.cwru.edu

Peter Joy  
paj2@po.cwru.edu  
Judy Lipton  
jpl@po.cwru.edu  
Ken Margolis  
krm@po.cwru.edu



Peter

Joy!

\* \* \* \* \*

### THE NATIONAL CONFERENCE ON PEACEMAKING AND CONFLICT RESOLUTION

Submitted by Linda Baron

PEACEMAKING JOURNEYS--INVITATION TO  
PRESENT

May 23-27, 1997  
Duquesne University  
Pittsburgh, Pennsylvania

PROPOSALS MUST BE POSTMARKED BY  
SEPTEMBER 16, 1996

NCPCR is a highly collaborative and participatory event. We eagerly solicit your input, concerns and interests for the conference. Whether or not you are submitting a conference proposal, we would appreciate your response to the first two questions on the submission form at the end of this document.

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## CONFERENCES AND WORKSHOPS

(NCPCR Cont'd)

### WHAT IS NCPCR?

The people who travel from all over the world to participate in this conference work on conflict resolution, violence prevention, diversity and other difficult issues with families, courts, community mediation centers, congregations, businesses, workplaces, schools, colleges and universities, after-school programs, in neighborhood streets, and in war-torn regions around the world.

### NCPCR's MISSION

NCPCR promotes the use and acceptance of non-violent approaches to the resolution of conflict and the improvement of conflict resolution theory and practice.

We invite you to experience an evolutionary peacemaking journey. You may have been on a lifelong journey toward peace and justice or you may have just begun your journey. Wherever you make peace or practice conflict resolution, you can share your stories, skills and visions with others.

Join the journey -- connect with others, create paths and build bridges together.

### HOW TO PARTICIPATE

At NCPCR people participate in many creative ways. We welcome proposals for all paths of the conference, for seminars, training, presentations, workshops, and other activities, including the Social Justice Day on Race Relations and the Youth Conference. We seek information about and examples of peacemaking and conflict resolution models from around the world and the neighborhood. Conference participants value lively,

interactive sessions. Consider nontraditional approaches, alternative formats, and combinations of ways to present your work and participate in the conference. Be a convener, presenter, facilitator, or discussant and have a voice at the next NCPCR.

### INFORMATION FOR PROPOSERS

While we strive to accommodate as many presentations as possible, space and time are limited and all proposals may not be accepted. Proposals will be selected on the basis of relevance to NCPCR's mission and the conference themes. The individual designated as the lead presenter or moderator will be advised of the results of the selection process in December 1996.

NCPCR regrets that it cannot reimburse travel or registration fees for program participants. A limited amount of financial assistance will be available. Details will be included in the preliminary program.

To get more information or assistance in developing your ideas, please feel free to call:

Linda Baron, Executive Director,  
NCPCR  
703-993-2400  
FAX 703-993-3070 lbaron@gmu.edu

SY Bowland, Conference Co-chair  
770-997-2087  
FAX 770-997-2087 or 6785  
sybow@aol.com  
Martha Harty, Conference Co-chair  
412-268-8532  
FAX 412-268-6074 mh51@andrew.cmu.edu

## REPORT ON CHANGES IN THE ABA ACCREDITATION STANDARDS

Submitted by Roy Stuckey

### NEW ABA ACCREDITATION STANDARDS: AN INSIDER'S VIEW

The ABA House of Delegates adopted a recodification of the Standards for Approval of Law Schools during its Annual Meeting in Orlando in August. This action consummates over seven years of work by the ABA Section of Legal Education and Admissions to the Bar. There are some significant changes in the Standards, including some which I believe will, over time, dramatically improve the preparation of lawyers for law practice.

Some of the changes of greatest interest to clinical teachers include:

1. Law schools are now required to give full-time clinical teachers an opportunity to achieve a form of job security reasonably similar to tenure, although a school may continue to employ a limited number of clinical teachers on fixed, short term appointments. (Standard 405(c))

2. Full-time clinical teachers must be given an opportunity to participate in law school governance in a manner reasonably similar to

other full-time faculty members. (Interpretation 405-8)

3. Law schools which employ full-time legal writing teachers or directors shall establish and maintain conditions adequate to attract and retain well qualified legal writing teachers. (Standard 405(d))

4. Law schools are required to offer all students adequate opportunities for instruction in professional skills. (Standard 302(a)(4))

5. Law schools are required to offer all students an educational program designed to provide its graduates with basic competence in legal analysis and reasoning, legal research, problem solving, and oral and written communication. (Standard 302(a)(2))

6. Law schools are required to offer live-client or other real life practice experience for credit through clinics or externships, but not necessarily to all students. (Standard 302(d))

7. Law schools should encourage students to participate in pro bono activities and provide opportunities for them

to do so. (Standard 302(e))

8. Law schools are required to take reasonable steps to ensure the teaching effectiveness of their faculties. (Standard 401(b))

9. Law schools are encouraged to include experienced practicing lawyers and judges as teaching resources, and they are required to provide part-time faculty with orientation, guidance, monitoring, and evaluation. (Standard 403(c) and Interpretation 403-1)

10. Law schools are required to have suitable space for conducting their professional skills courses and programs, including clinical, pretrial, trial, and appellate programs. (Interpretation 701-2(2))

Although not changed by the ABA's action in Orlando, several other Standards deserve mention. Standard 301 was amended in 1993 to require law schools to maintain an educational program designed to prepare their graduates to participate effectively in the legal profession. Standard 202 requires law schools to address in their self-studies

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## REPORT ON CHANGES IN THE ABA ACCREDITATION STANDARDS

(Accred. Contd.)

how their programs of legal education conform to the requirements of Standard 301 (a) and (c). Standard 509 requires law schools to publish basic consumer information, and Interpretation 509-1 says this includes curricular information. These Standards will also be beneficial for legal education.

As law schools begin to consider the implications of the recodification package, some faculty members may argue against fully implementing them by claiming that these changes were foisted on the rest of legal education by clinical teachers. Last year, I heard one dean claim that the process had been captured by the clinical teachers. Nothing could be farther from the truth and you should be prepared with the facts to confront such claims.

The changes to the Standards resulted from a long deliberative process which was affected by a sequence of unrelated events not likely to occur again. The process was led by and controlled by lawyers, judges, deans, and non-clinical law professors. In fact, very

few clinical teachers were permitted to participate in the key events from which these changes grew, and we certainly did not control the outcome.

Let me review the history. I will try to get it right, but I apologize now for the errors and omissions which future historians are sure to discover in my remarks. I am writing mostly from memory as I strive to make the deadline for the newsletter.



A good starting point is the conference on the validity and reliability of the standards which the ABA Section of Legal Education and Admissions to the Bar convened in February, 1989. As the accrediting body for law schools recognized by the Department of Education, the Council of the

Section is required to determine the validity and reliability of the Standards for Approval of Law Schools. I believe only one clinical teacher, John Elson, was invited to that closed conference. One result of the conference was a determination that some of the Standards did not seem to be valid and reliable, and the Council eventually promised the Department of Education that it would begin a seriatim review of the Standards to ensure they are valid and reliable. The recodification package approved by the ABA in August, 1996, is the result of the first phase of this process, which is continuing.

The seriatim review promised by the Section was delayed a couple of years by the illness of Gordon Schaber, then Dean of McGeorge Law School and Chair of the Standards Review Committee. Once it became clear Dean Schaber would not resume his duties as chair of the committee, Robert Walsh, Dean of Wake Forest Law School was appointed chair and the promised review began. The process proceeded slowly, not because of a lack of effort by the committee members who gave far

(Continued>>>>>)

## REPORT ON CHANGES IN THE ABA ACCREDITATION STANDARDS

(Accred. Contd.)

more time to this project than it is reasonable to expect of volunteers, but because the project was complex and it required careful consideration and debate over every word in the Standards.

I was the only clinical teacher on the Standards Review Committee when it began the recodification project and the Section did not appoint another clinical teacher when I was forced off the Committee in 1995 when the Consent Decree was entered between the ABA and the Department of Justice (it limits service on the committee to three years).

While the Standards Review Comm. was proceeding with its review, a number of other events occurred which influenced the final product. The MacCrate Report was published in 1992 and helped focus attention on the need for law schools to improve the preparation of lawyers for practice. There were only two clinical teachers on the MacCrate Task Force, Tony Amsterdam and me.

In August, 1993, the ABA House of Delegates, with no objection from the Section

of Legal Education, implemented one of the MacCrate recommendations by amending Standard 301(a) to make it clear that law schools have a responsibility to maintain an educational program that is designed to prepare graduates to participate effectively in the legal profession. As far as I know, clinical teachers did not initiate this action nor actively participate in it.

In February, 1994, frustrated by the slowness of the Council in considering the recommendations of the MacCrate Report, the ABA House of Delegates adopted Resolution 8A, which "invited" the Section of Legal Education to report to the House at its meeting in August, 1994, as to the manner in which skills and values instruction should be integrated in the accreditation process. Again, as far as I know, clinical teachers were not involved in this action by the House. In its report in August, 1994, the Council informed the House that the Council was creating a commission to review the accreditation function of the Section. This became the Wahl Commission, chaired by Minnesota Justice Rosalie Wahl. The commission did not include

a single clinical teacher who could vote (Randy Hertz was its reporter).

The Wahl Commission recommended in August, 1995, that Standard 302(a)(iii) be amended to require law schools to offer adequate instruction in professional skills to all students. The Wahl Commission also recommended that Standard 201(a) be amended to require law schools to address and describe in their self-studies how the law schools' educational programs conform to the requirements of Standard 301(a) [to prepare graduates to participate effectively in the practice of law] and 301(c) [to prepare graduates to deal with recognized problems of the present and anticipated problems of the future]. These changes were subsequently recommended by the Council and adopted by the House of Delegates in February, 1996 (I think).

(Continued. . . .)



## REPORT ON CHANGES IN THE ABA ACCREDITATION STANDARDS

(Accred. Contd.)

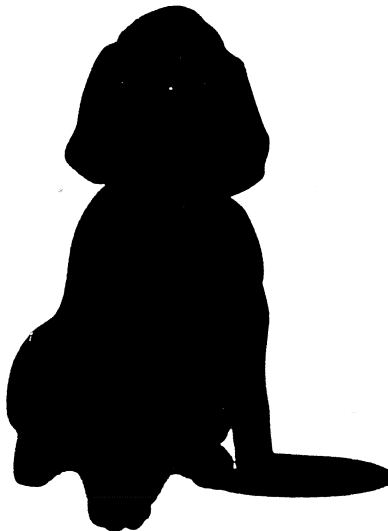
Meanwhile, the Standards Review Committee continued working on the recodification project. Most of the decisions by the committee were made by consensus. It would be unfair to single out individual members of the committee for credit, with one exception. When Millard Ruud was the Executive Director of the AALS in 1985, he led the fight which defeated the clinical teachers' attempt to have the ABA House of Delegates adopt Standard 405(e) as a "shall" instead of a "should" Standard. His main argument in 1985 was that schools needed time to adjust to the idea of providing job security for clinical teachers.

When the Standards Review Committee reached Standard 405(e), it was Millard Ruud who suggested that it was time to change it to a "shall" Standard. He believes law schools have had enough time to adjust. It is very possible that 405(e) would still be a "should" standard but for Millard Ruud's character and leadership.

A draft of the recodification package was circulated for comment in December, 1995, and public hearings were

held. The Standards Review Committee considered the comments it received through this process and it proposed additional changes at its meeting in May, 1996 (when there was no clinical teacher on the committee). It proposed that Standard 302 be amended to include a provision that law schools should offer live-client or other actual-practice experience for credit. Gary Palm asked the committee to consider this amendment, but he was not a member of the committee.

The committee also proposed amending Standard 302 to provide that law schools should encourage and provide opportunities for students to participate in pro bono activities. I believe this change was suggested by members of the ABA interested in promoting the pro bono obligations of lawyers.



The Illinois State Bar, led by President Tom Leahy, filed a number of proposed amendments to the Standards to be considered by the House of Delegates in Orlando unless the Council approved them first. These were circulated for comment and a public hearing was held in July.

At its meeting in June, 1996, the Council considered the Illinois and other new proposals. It voted to change "should" to "shall" in the interpretation on governance. Only one clinician, Gary Palm, was a member of the Council.

At its meeting in Orlando before the House of Delegates met, the Council voted on the question of whether the Standard about having live-client or other real-life practice experience should be a "shall" Standard. The result was a 6 to 6 tie which Council Chairperson Erica Moeser broke in favor of "should."

Only two more changes occurred after that. The representatives of the Council agreed with the representatives of the legal writing teachers that they should  
(Continued>>>>)

## REPORT ON CHANGES IN THE ABA ACCREDITATION STANDARDS

(Accred. Contd.)

have some recognition in the Standards, and a negotiated amendment to accomplish this passed the House without objection. The issue of whether a school "shall" or "should" offer live-client or other real-life practice experience was considered by the House of Delegates which voted to make it "shall."

Clinical teachers helped bring about this change, but as far as I know there is not one clinical teacher in the House of Delegates which decided the question. I know I've left out details and I certainly have not given credit to everyone who deserves credit. I will leave it to others to elaborate on this brief history. We should not underestimate how difficult it will be for some law schools to embrace these changes. Much work remains to be done to realize the potential benefits.

There are many more friends than enemies of clinical legal education in the ABA and in positions of leadership in the Section of Legal Education. Throughout my years of involvement with the recodification project I learned that almost all the other participants in this endeavor are sincere

people with high standards of professionalism who care deeply about the future of legal education.

The new Standards resulted from a collaborative effort, the outcome of which was controlled by people who are not clinical teachers. Clinical faculty (and all others interested in legal education) were allowed to have a voice in the process, and we were sometimes heard, but we do not deserve credit for the product. These victories were won on the merits of the issues considered. They are not being foisted on legal education by clinical teachers.

### Legal Writing Teachers Organize, Join Clinicians on Accreditation

By Richard Neumann

Over the past year, legal writing directors have formed their own professional organization, called the Association of Legal Writing Directors. The ALWD officers are Jan Levine (Temple), pres.; Katie McManus (Marquette), VP; and Katie Mercer (Case Western), sec./treas.

The ALWD board of directors are Mary Beth Beazley, Ralph Brill,

Susan Brody, Steve Jamar, Linda Edwards, Richard Neumann, Nancy Schultz, Martha Siegel, and Ruth Vance. As a member of both CLEA and ALWD, I have been asked to act as a liaison between the organizations.

Legal writing teachers and directors have suffered from the same academic discrimination that clinicians have, but perhaps more so. Last year and this, legal writing people became involved for the first time in the process through which ABA accreditation standards are developed. The results are described in Roy Stuckey's article in this issue of the newsletter.

In the process, we saw first-hand the work that Roy and Gary Palm have been doing in the ABA Legal Education section. It is true, as Roy says, that the new standards were adopted by objective and fair minded non-clinicians -- deans, practitioners, and classroom teachers -- who were convinced of the merits of each of the new standards. Even so, Gary and Roy have done an enormous amount of good work over the years, selflessly, with much skill, and always outnumbered. They deserve the admiration and gratitude of all skills teachers.

**JOBS**

**LOYOLA CHICAGO**

The Civitas ChildLaw Clinic at Loyola University Chicago School of Law has an opening for a Visiting Clinical Professor to teach and supervise students in the clinic during the 1996-97 academic year.

Using an interdisciplinary approach, and in keeping with Loyola's Jesuit Catholic tradition of service, the Civitas ChildLaw Clinic teaches students - how to represent children in child abuse, neglect and dependency cases. The Visiting Professor will work closely with individual students on these cases, helping students develop the skills needed to represent children while facilitating their growth as professionals. The work will include assisting the clinic's director in teaching the classroom component of the ChildLaw Clinic course. It will also involve introducing first and second year students to the representation of children and to clinical education.

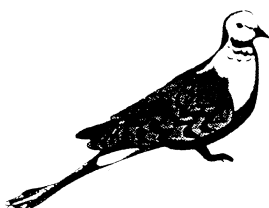
Applicants must be licensed to practice law in Illinois or be eligible for prompt licensure (through reciprocity). They also should have a strong litigation background in the representation of children and some supervisory experience. In addition, they should be

interested in working creatively and in cooperation with other professionals in an interdisciplinary setting. Minority candidates in particular are encouraged to apply. The salary for the 1996-97 academic year will range from \$35,000 to \$42,000, depending on qualifications. Full benefits, including undergraduate tuition remission for the attorney's spouse and dependent children, will be provided.

Applicants should send a cover letter and a resume to Prof. Diane Geraghty at the address listed below. Questions regarding the position may be directed to Prof. Michael Dsida, the Clinic Director, at 312/915-7927 or at mdsida@luc.edu.

Loyola University Chicago School of Law is an equal opportunity employer.

Mike Dsida  
Civitas ChildLaw Clinic  
Loyola University Chicago  
School of Law  
16 East Pearson Street  
Chicago, Illinois 60611



**FORDHAM**

Fordham University School of Law and Northern Manhattan Improvement Corporation, a community based legal services provider, seek two public benefits attorneys for a great on AFDC eligibility, child care, and work program issues. Both positions involve individual direct service delivery, advocacy, impact litigation, and law student supervision. One person will be employed full-time by Northern Manhattan Improvement Corporation and be an adjunct professor at the Law School; the other will be employed full-time as a contract clinical professor. Teaching experience and Spanish fluency preferred. Applications should be sent to: Professor James A. Cohen, Fordham University School of Law, 140 West 62nd Street, New York, New York 10023, by July 29, 1996. The Fall semester begins August 26, 1996. Affirmative action/Equal opportunity employers.

If you have any questions, please do not hesitate to contact me: Liz Cooper  
212 / 636 - 6934  
ecooper@mail.lawnet.fordham.edu

(Ed. Note. Some of the positions posted here may have been filled by press time. Please check with the schools.)

## MORE JOBS

### MICHIGAN

The University of Michigan Law School has an open permanent position starting in the fall of 1997 in its general (civil-criminal) clinic, which is a seven-credit one-semester course. The program comprises 28 new students, four re-treads (returning students), four faculty, two secretaries and an administrator. The opening is primarily on the civil side but criminal experience would be a plus. Applicants should have a strong litigation background or teaching experience and should be interested in working cooperatively with experienced lawyers. The cut-off date for applications is September 30, 1996.

Applications/resumes should go to Paul Reingold at the address listed below. The salary will be competitive based on the applicant's experience. Ann Arbor is a wonderful place to live and over the last several years the Law School's commitment to clinical legal education has risen sharply. Questions can be directed to Paul Reingold (see below) or to Suellyn Scarnecchia (313-763-5000; suellyns@umich.edu). The University of Michigan is an equal opportunity employer.

Paul D. Reingold --  
pdr@umich.edu  
University of Michigan Law School, 363 Legal Research Building, 801 Monroe Street  
Ann Arbor, MI 48109-1215  
phone: (313) 763-4319, fax: (313) 764-4702

### MORE MICHIGAN!

The University of Michigan Law School, Ann Arbor, Michigan, is seeking applicants for one or possibly two positions in our Legal Assistance for Urban Communities Clinic. In this clinic, students practice transactional law in the areas of community economic development and affordable housing in the City of Detroit and neighboring cities. The position(s) may be either long-term or short-term. A long-term position would be filled either by an initial three-year contract as a Clinical Assistant Professor -- which will lead to consideration for a seven-year renewable contract as a Clinical Professor -- or directly by a seven-year contract as a Clinical Professor. A grant-funded, short-term position, also with the title of Clinical Assistant Professor, would provide a two-year contract, with the possibility of one additional year of employment at the Dean's discretion. Substantial experience with

nonprofit law in areas of corporations, housing development, finance or tax is required. Demonstrated excellence in clinical teaching and the ability to administer a clinical program are prerequisites for a long-term position.

Applicants should send a letter of interest and resume to:

Professor Suellyn Scarnecchia,  
Clinic Coordinator  
Univ. of Michigan Law School  
313 Legal Research  
801 Monroe Street  
Ann Arbor, Michigan  
48109-1215

The early application deadline is August 1, 1996 for a grant-funded position which could be filled as early as September. Final deadline for all applications is September 30, 1996.

The University of Michigan is an affirmative action, equal opportunity employer. Women and minorities are encouraged to apply.





**MORE JOBS****ST. JOHN'S**

St. John's University School of Law has one opening for a staff attorney position in its Elder Law Clinic. The position is for the 1996-97 school year and is a permanent slot. The Elder Law Clinic is a civil clinic, handling predominantly consumer and public benefit cases. Interested applicants should have a strong interest, or prior experience in clinical teaching and an extensive litigation background. The staff attorney position involves supervising students on the cases they are working on, and assisting the supervising attorney with the weekly academic seminar.

Because time is of the essence, the closing date for applications will be August 23d. For those who are interested, please send a letter to: C. Michael Bryce, Assistant Dean for Public Advocacy and Clinical Programs, St. John's Univ. School of Law, 8000 Utopia Parkway, Jamaica, New York 11439, or fax it to (718) 990-1961.

St. John's University is an equal opportunity employer.

Michael Bryce  
E - m a i l      A d d r e s s :  
MBRYCE@SJULAW.STJOHN  
S.EDU

**BALTIMORE**

The University of Baltimore School of Law invites applications for a tenure-track position in its Civil Clinic beginning in the 1997-98 academic year. Minimum qualifications include a J.D., an outstanding academic record and excellent scholarship potential. Practice related experience in civil litigation and transactional matters is highly desirable. Applicants should also have an interest in community development. Candidates with the flexibility to teach occasional non-clinical courses are encouraged to apply.

The University of Baltimore is an equal opportunity employer and especially encourages applications from women and minority candidates. A cover letter and curriculum vitae should be sent to Professor Robert Lande, Chair, Faculty Appointments Committee, University of Baltimore School of Law, 1420 N. Charles Street, Baltimore, Maryland 21201-5779.

**NOTRE DAME**

NOTRE DAME LAW SCHOOL anticipates having one permanent full-time position in its Legal Aid Clinic beginning in January, 1997. The position

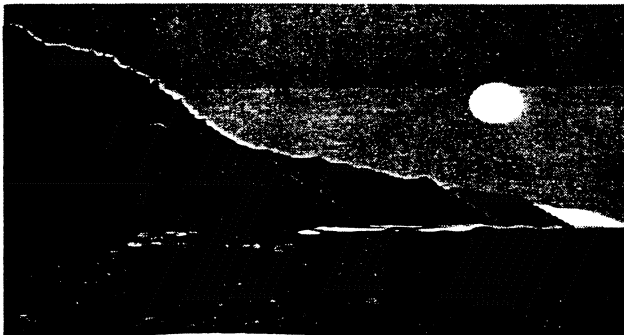
carries a one-year appointment, renewable annually, to the clinical faculty. Responsibilities involve the supervision of students representing clients in a range of legal matters, such as disability and Medicaid entitlements, dissolutions involving domestic violence, other family cases involving the representation of children, and landlord-tenant and consumer matters. Some clinical teaching responsibilities are also possible.

Applicants should be members of the Indiana bar or eligible to waive in, and should have at least 3-5 years experience in public interest law and/or clinical teaching experience.

Notre Dame's Legal Aid Clinic emphasizes the ethical and value-oriented dimensions of legal practice, and seeks to integrate these dimensions into its teaching and supervision of students. Those who are interested should send a resume by October 15, 1996, to: Jay Tidmarsh, Vice-Chair, Faculty Appointments Committee, Notre Dame Law School, Notre Dame, IN 46556 [FAX (219)-631-4197; e-mail jay.h.tidmarsh.1@nd.edu]. We welcome applications from women and those who will add diversity to our faculty.

## GEORGETOWN FELLOWSHIPS

**THE GEORGETOWN UNIVERSITY LAW CENTER.** Founded in 1870, the Georgetown University Law Center has become the largest law school in America and one of the country's most successful centers of academic legal training. The remarkable growth of the Law Center has occurred in all areas. Its faculty, student body, and library are nationally recognized; its campus has recently been expanded to accommodate its many and varied programs; its clinical programs have developed into the largest public interest law center in America.



The innovations of Georgetown's approach to the study of law are most evident in its approach to clinical education. A pioneer in clinical legal education, Georgetown has developed the largest, strongest, and most diverse program in the country. The Law Center now offers no fewer than 11 clinical courses, with over 300 students participating each aca-

demical year. At least 12 members of the full-time faculty, 4 visiting faculty, 24 graduate fellows, and numerous adjunct instructors devote a substantial portion of their teaching energies to clinical education.

Within this unique environment of scholarship and professional education, the Georgetown University Law Center is pleased to announce the availability of graduate law fellowships to commence in the summer of 1997. This Fellowship program is unique in American legal education. Each fellowship is associated

with one of the Law Center's clinical programs, and each offers the opportunity to combine study with practice in the fields of clinical legal education and public interest advocacy.

The fellowships vary considerably in purpose, requirements and duties. They all share, however, a common goal. All fellowships offer inter-

action among faculty, students, and clients, and provide an opportunity for personal education and professional development. Each is designed to provide highly motivated young lawyers the opportunity to develop skills as teachers and litigators within an exciting and supportive educational environment.

Typically, fellows enroll in a two-year program during which they are in residence at a specific Georgetown clinic. Upon completing the residence and the requirements for graduation, a fellow is awarded the degree of Master of Laws (Advocacy). The fellowships usually begin in the late summer with an intensive orientation. The training program is designed to immerse the new fellow in the substantive law applicable to a particular clinic and to train the fellow for the specific tasks to be undertaken in the clinical setting.

The Fellowship program offers a stipend of approximately \$30,000 (taxable) per annum, plus all tuition and fees in the LL.M. program. Additional information may be obtained from Wallace J. Mlyniec, Associate Dean for Clinical Education.

## EXTERNSHIP SURVEY REPORT

### Summary of Results

*Professor Marc Stickgold*

*Assistant Dean Sue Schechter*

During the 1995 fall semester, we mailed out questionnaires to all 179 A.B.A. accredited law schools making certain inquiries concerning their externship programs. The responses were all received between November, 1995 and January, 1996. Following is a summary of some of the results which are capable of numerical evaluation. Two copies of the questionnaire were sent to each school: one addressed to the Dean of the Law School, and one addressed to the Director of Externship Programs. When two questionnaires were returned from a school (which happened in 18 cases), the information from both of them was compared and entered.

#### Existence of Externship Programs:

- ♦ All 179 A.B.A. schools were contacted, and 141 schools responded.
- ♦ Of the 141 responding schools, 126 indicated they did have an externship program; 15 indicated they did not have such a program.
- ♦ Of the 126 schools that indicated they had an externship program, 28 indicated they had a full-time option in their externship program.
- ♦ Of the 28 schools that indicated they had full-time programs, 10 of those programs were at California law schools, and 5 additional programs were in West Coast states (WA, OR, HI, AZ).

#### Nature of Placements for Externship Programs:

The schools were asked to indicate what kinds of law settings were used

for their externships. The results from the 124 schools were as follows:

Corporations	36
Courts	111
Government	113
Law Firms (total)	36
(only if <i>pro bono</i> )	10 of the 36
Public Interest Agencies	104

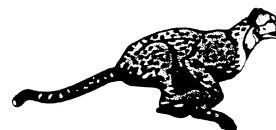
#### Who is in charge of program?<sup>1</sup>

The schools were asked to indicate who was in charge of the school's externship program. While it is clear that under A.B.A. rules, and most law school structures, the full-time faculty has the ultimate policy control over the programs, we were most interested in who was in charge of the day-to-day operations of the program. Here are results:

Full-Time Faculty	73
Adjunct Faculty	2
Clinical Instructors	6
Administrative Staff	16
Mixed or Unclear	28

Mixed or Unclear' responses resulted from the respondent checking more than one of the categories, or from a lengthier written response that did not fall within the categories listed.

(Continued.....)



<sup>1</sup> The response (141 out of 179 schools) was far greater than we anticipated. If we had known these issues were so "hot," we would have drafted some of our questions more carefully. Nevertheless, we hope that this information, as a beginning, is useful to those who expressed interest in receiving the results.

(Externs Contd.)

### What is the total number of Extern credits that a student can receive towards graduation?

This ranged from a low of 1 credit to a high of 20 credits. Within this range:

**44** schools allowed a total of **6** or **fewer** total credits

**37** schools allowed between **7** and **12** total credits

**24** schools allow **over 12** total credits

The balance of the responding schools did not answer this question, while a few answered "varies" or "depends".

### How many hours per semester must a student work for one credit?

The vast majority of schools responding indicated that students worked between **45** and **65** hours per semester per credit. While some of the responses were confusing, it appears that only **4** responding schools require less than 45 hours per credit (all were in the 30's); a significant minority of schools require more than 65 hours. Most of these require between 65 and 75 hours per credit, with four schools indicating they require more than 75 hours per credit.

### Can students participate in externships only within the immediate vicinity of the school, or elsewhere as well?

This question obviously draws from the A.B.A. rule interpretation that seems to require, or strongly suggest, full-time faculty visitation to any externship. It is also clear that providing students with a concurrent classroom component is more complicated for students on long distance externships. The responses were grouped as follows:

Immediate vicinity	<b>56</b>
Immediate vicinity plus limited long distance	<b>18</b>
Anywhere or wide-ranging long distance	<b>39</b>

'Immediate vicinity plus' responses fell into two separate categories. Some schools responded, in effect, that most placements were local but that special permission could be obtained for a long-distance placement, or that a very few long-distance placements were available. Some other schools indicated that long-distance placements were more generally available, but only in the summer session.

The balance of the responding schools did not answer this question.

### Has your current program been evaluated and approved by the A.B.A.?

Only **50** schools responded to this question, and many indicated that their programs **had been approved** during an A.B.A. accreditation visit. A few said that they were anticipating an accreditation visit soon, or that they had not recently gone through the process.

### Full Time Externship Programs

As indicated above, **28** responding schools indicated that there was at least some opportunity for students to engage in full-time externships during a semester. It would appear that **3** schools have **only** full-time externships. Of the **28** schools, a number of them indicate, in one way or another, that full-time externships are limited. Phrases such as "infrequent," "severely limited," "limited to 1 or 2 students a semester," "are only available in international law placements" and the like appear in several of the responses.

(Continued&gt;&gt;&gt;&gt;&gt;)

(Externs Contd.)

Since the sample is much smaller, it is harder to draw general conclusions regarding full-time externships. But here are some items that might be helpful:

### Range of Placements:

Most schools allow full-time externships at a more limited range of placements than they do for part-time externships. The results were:

- 16 schools are more limited in placements.
- 8 schools use the same placements for part-time and full-time.
- 3 schools have only full-time, and two of those indicated that they are quite limited. One school said "1 or 2 students a year" do a full-time externship. A second limited externs only to "international law" placements.

### Academic Requirements:

Since the A.B.A. rules seem to hold full-time externships [Interpretation 305-2(h) of ABA Standard 305 (proposed 12/20/95) re externships of more than 6 credits] to stricter requirements, we inquired concerning the academic component. There was a wide variety of responses. One school indicated that the extern is only required to keep a journal (program approved by A.B.A., 1993) Another school only requires that the extern turn in some legal work and consult periodically with a faculty member (program approved by A.B.A., no date). Most schools, however, require substantially more--often in direct response to the requirements of the A.B.A. Standards and Interpretations.

Here are the requirements as deciphered from the questionnaire:

- 18 schools require some form of diary/journal/logs/timesheets.

- 14 schools require a contemporary classroom component of at least seven classes per semester.
- 4 schools spoke of some lesser contemporary classroom requirement, or a pre- or post-requisite class.
- 13 schools require regular individual contact with a faculty member.
- 13 schools (perhaps more--responses unclear) require some "substantial" research paper. This was sometimes indicated by number of pages (ranging from 25 at one school to 60 at another); sometimes in terms of "publishable quality;" sometimes in terms of credits, i.e. a 2 or 3 credit seminar paper.
- 3 schools did not seem to require any written work to be submitted at all, and for
- 2 additional schools it was unclear whether written work was required.

In addition, some schools mentioned the use of (a) evaluation forms for students and supervisors, or (b) "reflection papers" due from one to four times per semester. Most schools have a combination of three or more of all these requirements. Almost all require either a classroom component or individual faculty meetings--some both. Most, but not all, require some substantial written work, either in the form of a "substantial" paper, or by turning in written work product from the placement, or both. The "mix" however was too complicated to report in more detail here.

(Continued.....)

(Externs Contd.)

### Miscellaneous:

To the degree information was provided, it appears that full-time externships are more often limited to courts and government agencies than part-time externships. A few full-time externship programs included public interest placements. Corporations and law firms rarely appear as available placements for full-time externships, although a few respondents indicated that private law firms were acceptable if the work was *pro bono*.

**Semester in school:** Those that responded indicated most often that full-time externships must be done during the 4th or 5th semesters. Far fewer allowed them during the 3rd or 6th semester. No one allowed them for first-year students.

Other academic requirements, and the degree to which there was individualized evaluation or approval of each placement (as opposed to a pre-approved category, e.g. appellate judges) were widely varied.

With regard to A.B.A. accreditation, of the 28 schools with full-time externship programs, 12 schools said their program had been approved since 1992; 5 said that inspection was coming this year or next; 2 said they were "restructuring" based on a recent inspection. The balance of the 28 schools either did not respond or said "no."

### Issues For Discussion

This brief questionnaire touched only certain issues, dictated by the particular information needed for our internal Faculty Committee work. Many other important issues, and information, still need to be explored. The Externship Committee of the AALS Clinical Section, and the Clinical Legal Education Association (CLEA), are coordinating more extensive and

ongoing inquiries. Following are just some of the issues our Committee discussed, and which we think need further exploration and enlightenment.

1. How do we determine the best content for the classroom components that accompany externships? Should they focus on substantive law? ethics and PR? practice hints? lawyering skills? legal research? systemic institutional examination? student work experience? other? Should different types of externships have different foci? Are there times when a classroom component is not needed? counterproductive?
2. What types of written work should be required? Work from the placement? Research papers (and on what)? Reflection/self evaluation papers? Journals? How should they be used in class? should they?
3. How do we choose field supervisors? evaluate them? keep track of them? Are there learning values furthered by not keeping close tabs on field supervisors? How do we best facilitate self-learning & evaluation by the student?
4. How should externships be "connected" to other law school offerings, if at all? In-house clinics? Other skills classes? Substantive courses/seminars?
5. Who are the law school people who actually run and teach the externship classes and students? What models are out there? What are their strengths and weaknesses? Can adjunct faculty, field supervisors, former clinic students, others be effectively incorporated?

(Continued. . . .)

(Externs Contd.)

6. How do schools handle "long distance" externships, particularly in light of A.B.A. requirements that seem to require "site visits" and "classroom components?" Is there any way to facilitate these externships through a structured cooperative agreement among schools to provide faculty oversight and classroom components for "visiting" externs (e.g., a student from Golden Gate in San Francisco wants an externship in Washington, D.C.)?

7. What will be the impact on externships of the current "readjustment" in federal funding that is available for in-house clinics?

8. Do any of these questions, or others not listed here, dictate changes or modifications in the current A.B.A. Standards and Interpretations concerning externship programs?

#### Contact Information:

Marc Stickgold can be reached by telephone at (415) 442-6666, or by e-mail at mstickgold@ggu.edu. Sue Schechter can be reached at (415) 442-6625, or sschechter@ggu.edu. Both receive mail at 536 Mission Street, San Francisco, CA 94105.



### New Committee Forming

President Karen Tokarz would like to create an Ad Hoc Budget Committee, chaired by Nina Tarr (Illinois), to develop a policy on spending for

CLEA. The Committee will put together a draft policy to present to the Board and the membership at the

annual meeting in January if possible. The draft policy will give some formality to the process of presenting to the Board proposed expenditures, and try to balance the need for budgetary planning with CLEA's tradition of flexibility. If you are willing to volunteer a small amount of time to help draft this policy, please contact Nina Tarr.

### Miscellaneous News

**Michigan:** The Law School has upgraded the position of clinic coordinator to associate dean for clinics, with Suellyn Scarnecchia serving the first 2-year term. Paul Reingold

**South Carolina:** Patrick J. Flynn was awarded tenure at the rank of Associate Professor, and Annette Appell, formerly of Northwestern, joined the USC faculty beginning with the Fall 1996 semester. Annette is scheduled to be sworn in by the SC Supreme Court in September as the first person admitted under the court's new certificate to practice rule for clinical teachers. Vance Cowden.

**Tennessee:** On a sad note, Charlie Miller, a pioneer in clinical education died this summer. He worked with James Bradway to establish an in-house clinic at Duke in the 1940s and then joined the Tennessee faculty in 1947 and founded the clinic there. He retired in 1976 and received the 2d annual SALT teaching award that year. He stayed active with the Tennessee clinic after "retirement" and was working on an article about new directions for clinical education at the time of his death. Doug Blaze.

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## Board and Officer Nominations

The Nominations/Elections Committee is soliciting nominations for the Board of Directors of CLEA. There are **five** vacancies on the Board created by the expiration of the terms of Jane Aiken, Shanara Gilbert (dec.), Richard Boswell, Gary Bellow, and Nancy Cook.

In addition, nominations are being solicited for the positions of **secretary-treasurer** and **vice-president**; these two positions are currently filled respectively by Mark Heyrman (Chicago) and Nina Tarr (Illinois) (who assumes the office of president in January). All current board members are eligible to run for reelection.

Any CLEA member interested in becoming a candidate for office or wishing to nominate another for office should contact one of the Nominations/Elections Committee members:

Bob Seibel  
Cornell Law School  
Myron Taylor Hall  
Ithaca, NY 14850  
Phone: (607) 255 4196  
FAX: (607) 255-7193  
E-mail: seibel@law.mail.cornell.edu

Cheryl B. McDonald  
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A very brief biographical description and statement of reasons in support of the nomination would be helpful to the Committee.

All nominations must be received by **Wednesday, October 9, 1996**. Elections will be held in mid-November and new board members will take office at the CLEA annual meeting in January.

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## CLEA IN CYBERSPACE--ON THE WORLD WIDE WEB

**<http://www.clea.cornell.edu/clea.html>**

The CLEA site on the World Wide Web became a reality this summer. Many of you may have learned of this through postings to the lawclinic listserv. For those of you who did not know about it or have not tried it, the address is above.

As in most things related to computers, the entry of the address is interpreted very strictly, so you must enter it exactly as shown here. The website is still "under construction" and the contents of the website are subject to regular change and addition. The whole concept is dynamic, not static. I will describe here briefly what is available now and what will soon be available at the website, and I will give you some ideas about possible future directions for the website. But the most important thing is for everyone to try it out, tell us how it is working and what you would like to see or be able to do through the website. And try out the site on a regular basis, because there will be a steady stream of changes and enhancements.

First of all, what is on the website now? There is a copy of CLEA's mission statement. There is a *really cool* list of the members of the Board of Directors, complete with **pictures** of some of them, and addresses, phone, fax and e-mail information for all of them. And you can send e-mail to a board member simply by clicking (with a computer mouse device) on the e-mail address as it shows on your screen. There is a link to Karen Czapanskiy's annotated bibliography of materials about clinical teaching.

This directory of the CLEA Board is a working prototype for the the **CLEA Picture Directory**. We envision having an on-line updateable database of clinical teachers, complete with pictures. Eventually you will be able to search this database in several ways. You will be able to get a list, and see pictures, of all the clinicians in Oklahoma, or San Francisco, or who do Elder law, or criminal clinics. Or you will be able to browse through the pictures to refresh your memory with the name of some person that was in your small group at the last workshop. In addition, you will be able to *send e-mail* directly to any person who is in our directory.

As you may know, I ran around the AALS conference in Miami taking lots of pictures with a digital camera that could transfer the images directly into the computer. As a result, shortly after you read this, you will be able to go to the CLEA website and *see a rogue's gallery of about 150 clinical teachers*. We won't have all the data and the search capability up and running yet, but before the end of this month you will be able to peruse the pictures. You may find yourself there and you may want to send me a better picture!! We can scan in good pictures in addition to the work of your humble frustrated photographer! So check out the web site and **look for pictures**. Some of them just look like typical police mug shots, others are hilarious.

(Continued. . . .)

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(CLEA in Cyberspace Cont'd)

Some other additions that will be available soon: copies of all past CLEA newsletters, a list of ADR clinics with names and descriptions (supplied by Cheryl McDonald), and a list of CLEA committees and their members so you know who to call when you are ready to get involved.

We are excited about the possibilities for international access (after all, it is the world wide web). There have already been inquiries from several countries where e-mail is not so reliable, but web access works fine.

We are exploring some more exotic interactive capabilities--perhaps "real time" chat groups (sort of like a conference call without the phone bill!). We may set up places for access to different kinds of information--like building plans, computer and technology info, job postings. It will take us some time to learn the possibilities of this new technology, but we would welcome your ideas, and especially any volunteers to collect and edit material for the website.

For the moment you can contact me if you have ideas or want to volunteer in some capacity. The committee that worked on getting the web site started has been enjoying a breather while the development work got started, but it will be reactivated soon, and information about the members will be available again. If you want to be on the committee, just let me know.

Bob Seibel

### REQUEST FOR INFORMATION ABOUT CLINICAL CASEWORK

by Gary Palm

At the Miami Clinical Teachers Conference, I was again reminded from informal chats that our clinics are doing important and creative work to improve the lot of our clients. I do not recall that we have ever gathered a listing and summary of our important work. I do not mean to downplay the importance of individual casework, but we already tend to know the areas of practice at different clinics. (Furthermore, I question whether individual advocacy in a clinic can be considered effective unless issues are appealed with some frequency and systemic problems affecting many other people similarly situated to our clients are identified and attempts made to correct them.)

In any event, I am asking you to provide the information listed below, preferably on a disc as a WordPerfect document. We will compile the material you send and provide you and others with reports on the applied clinical scholarship that law school clinics have accomplished. The documents will also be made available through the CLEA website. Please make an effort to include the work of past clinical teachers. This material will be public--PLEASE DO NOT GIVE US CONFIDENTIAL OR PRIVILEGED MATERIAL.

#### **INVENTORY OF IMPORTANT CLINICAL CASEWORK**

Name:

School:

Please attach a summary of each case, project or activity in the following categories. Please include a citation (if one exists) and

(Continued. . . . .)

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(Casework Contd)

the names of the attorneys involved for each case or project.

I. U.S. Supreme Court Cases and amicus briefs (include citation and name of attorney)

II. Circuit Court of Appeals cases

III. Significant U.S. District Court Cases

IV. State Supreme Court Cases

V. State Appellate Court Cases

VI. Significant State Trial Court Cases

VII. Significant Administrative Agency Cases

VII. Non-litigation advocacy (reports produced, not for profits created, low income housing deals consummated, etc.)

IX. Legislation

X. Other Important Advocacy Projects

Please return this information and accompanying material to:

Gary H. Palm

Mandel Legal Aid Clinic

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Chicago, Illinois 60637

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## LAW SCHOOL CLINICAL TEACHERS

### 1994-95 SURVEY OF SALARIES

By Bob Seibel

I have finally closed the books and entered my data for 1994-95 and this is a report of some of the data. This report follows the format of prior reports in this newsletter. I shamelessly refer you to my recent article--Do Deans Discriminate?: An examination of lower salaries paid to Women Clinical Teachers, in 6 UCLA Women's Law Journal 541, Spring, 1996 for a more detailed discussion and interpretation of the prior data with respect to salary differentials related to gender (and race).

I continue to work with the data and will hopefully complete a more general demographic report later this year, perhaps for publication in the Clinical Law Review next spring. If you have any questions or suggestions about that, please contact me. I am also happy to comb the data for answers to specific questions, whether they be for research interests, or for specific salary or working condition discussions you may have with your dean or faculty.

This report is based on 265 survey responses for 1994-95, of which 240 indicated that they worked full time as teachers. Over 117 schools are represented. As a reminder, this data forms the basis for comparisons among clinical teachers. There are still significant issues relating to parity between clinical and non-clinical teachers that are beyond the scope of this

(continued.....)

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(Salaries, contd)

discussion. Also the data is for last year so if you find yourself thinking about salaries for next year, remember to adjust accordingly.

The overall average salary for all 240 full time clinical teachers was \$68,030.16 (for 1993-94 the comparable figure was \$67,220.08--the increase was 1.2% for the year, less than the inflation rate). Of the people who teach full time and indicated their status, the following shows a breakdown of the average salaries for each status category:

Number (percent)	Status	Average Salary
45 (19%)	Tenured	\$89,353
40 (17%)	Tenure Track	69,247
15 (6%)	Clinical Tenure	78,307
58 (24%)	Long Term Contract	69,655
79 (33%)	Short Term Contract	52,561

Note that this is the first year I had a category for special clinical tenure--combining that with tenure gives a total of 60 people with an average salary of \$78,307. Interestingly, percentage reporting they were tenured dropped from 30% to 19%, but the salary average rose significantly from just under \$84,000 to over \$89,000. But if you add the clinical tenure people to the traditionally tenured respondents, the total is still only 25% of all the people in the database, and the average salary is actually less than for the tenured group the prior year.

How well are clinic teaching salaries increasing over time? The following table shows the average salaries for 93-94 and 94-95 in each status category, and the percent change (for these purposes, clinical tenure people are omitted):

Status	93-94 Average	94-95 Average	% Increase
Tenured	\$83,967	\$89,353	6.41%
Tenure Track	67,851	69,246	2.06%
Long Term Cont.	65,393	69,655	6.52%
Short Term Cont.	51,665	52,561	1.73%

Of the full time teaching respondents, 133 (55.4%) are women and 107 (44.6%) are men. This is a slight increase in the percentage of women from last year, and represents the highest proportion of women since I started collecting data. The overall average salary for women was \$61,970; for men it was \$75,634.

Below I present data on salaries by gender and race in relation to years out of law school, since that allows comparison of somewhat equally experienced people, and years since receiving your first law school degree seems to be the most commonly used determinant in setting salaries. Later I will also look at status and years of teaching experience in connection with gender:

(Continued>>>>>)

(Salaries, contd)

Years Out	#	Total average	#	Men average	#	Women average
1-5	9	\$47,672.22	4	n/a	5	\$47,010.00
6-10	46	56,914.67	17	\$58,040.63	29	56,293.45
11-15	58	60,927.52	15	72,933.33	43	56,739.44
16-20	76	69,910.54	35	75,027.94	41	65,542.02
21-25	29	80,180.21	18	78,430.94	21	83,042.64
>25	22	95,307.95	18	97,931.94	4	n/a

This data continues to suggest that women are paid less than men of similar experience (but note the 21-25 year category). In general, these results are consistent with results from prior years.

Of the full time teachers who indicated their race or ethnic background, 212 (89.4%) are white, while 25 (10.6%) are not. The percentage of non-white clinical teachers is up from last year, and slightly above where it was 2 years ago (10.4%).

The average salary for the 212 full time teachers who indicated that they are white was \$68,628.65. For the 25 who indicated that they were of a different background, the average salary was only \$63,259.79 (92% of whites').

In order to anticipate the suggestion that people of color have come more recently to teaching positions, I next looked at the groups that were out of law school for at least 10 years. There were 173 whites with an average salary of \$72,188, while there were 17 non-whites with an average of \$66,008 (91.4% of whites'). Then I looked at people who had been out for at least 15 years. There were 124 whites with an average of \$76,433; while the 11 people of color had an average of \$69,665 (91.2% of whites').

As indicated above, a total of 137 (57%) of the full time clinical teachers are on long or short term contracts. Of these, 74 (54%) indicated that they have no voting rights at faculty meetings. Only 20 (15%) reported that they had full voting rights, and 42 (31%) said they had partial voting rights. Further refining the look at voting rights, 16 of 58 (28%) long term contract teachers have no voting rights; but 58 of 79 (73%) of short term contract clinicians have no voting rights. These percentages are similar to the results from the last survey.

This information is subject to refinement and further analysis, but I hope that it is helpful. My thanks to the many people who responded to the survey. If anyone needs more specific comparison information in connection with salary negotiations or other information relating to status and working conditions, please don't hesitate to call me or e-mail me (607 255 4196, seibel@law.mail.cornell.edu).

**CLEA FINANCIAL STATEMENT**  
Submitted by Mark Heyrman, July, 1996

	MONTH	YEAR TO DATE
<b>BEGINNING BALANCE:</b>	<b>\$14,700.07</b>	<b>\$ 9,483.83</b>
<b>EXPENSES</b>		
Conferences		311.6
Facilities		7,067.0
Photocopying		
Postage		
Prof. Fees	1,600.00	3,940.03
Reg. Refund		
Newsletter		
Printing		1,674.40
Postage		1,789.01
Other Postagee		8.57
Other Printing		
Telephone		62.99
Journal		
Bank Fees		26.60
CLEA Merchandise		1,500.00
Supplies		
Trophies		105.98
Equipment		400.00
<hr/>		
<b>TOTAL</b>	<b>1,600.00</b>	
<b>INCOME</b>		
Advertisements		
Conference registrations	460.00	9,660.00
Donation		
Dues	180.00	9,655.00
Merchandise sales		1,827.50
<hr/>		
<b>TOTAL</b>	<b>640.00</b>	<b>21,142.50</b>
<b>ENDING BALANCE:</b>		<b>\$13,740.07</b>

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