

CLINICAL LEGAL EDUCATION ASSOCIATION

NEWSLETTER

VOLUME VII NO. 4

JUNE, 1999

PRESIDENT'S MESSAGE



Margaret Martin Barry
Catholic University

It's getting hot in Washington. For those of us whose homes defy air conditioners it's a time when the office has the ability to soothe, even invigorate. The office also can seem like a retreat. The pace has slackened at school since the students have moved on, while all the things ignored at home for so long bounce vigorously, and without any sensitivity to conventions suggesting the propriety of invitation, onto the front burner. Pause. Deep breath. A message.

CLEA has much to be proud of this mid-year. Carrie Kaas did an excellent job in putting together the New Teachers Conference. There were over seventy-five participants, each of whom received a packet of solid networking and other basic resources. The sessions were informative, for "seasoned" as well as new teachers. At the luncheon, a joint affair of the AALS Directors Conference and the CLEA New Teachers Conference participants (which incidentally proved that such joint ventures do not cause major disturbances in the force), Carrie reminded us that it was seven years ago, also on Cinco de Mayo, that CLEA was formed. The milestone was duly celebrated with cake and song, and we basked for a moment in the fine sense that forming this organization served and continues to serve clinical legal education well.

It was agreed by the CLEA Board that a New Teacher's

Conference will be planned at the beginning of each AALS Workshop, thus every other year. CLEA has sponsored other professional conferences this year and plans to sponsor more. Carrie's Conference Committee report in this newsletter will discuss them in greater detail. Also, note the special announcement in the newsletter advising of CLEA's support for the Global Alliance for Justice Education (GAJE) international clinical legal education conference planned for this December in Trivandrum, India, and requesting individual donations from our membership for participants from developing countries.

The upcoming conference that I especially urge each of you to plan to attend is the **CLEA conference in Atlanta on August 7, 1999**. The purpose of this conference is to discuss the standards review process and to prepare to take a stand, that same day, opposing the vote on the floor of the ABA House of Delegates which vote is the final step in the process of handing complete control of the accreditation process over to the Council on Legal Education. It is in the House of Delegates that clinicians had success in getting the language in Standard 405c passed, despite the negative vote in the Council. It is

there that we can appeal to the practicing bar and others who have a deeper appreciation for the benefits of clinical legal education or at least less of a vested interest in traditional teaching than the faculty and deans who tend to dominate the Council.

The vote on the floor of the House of Delegates will be to accept or reject changes to the By-Laws of the ABA Section on Legal Education that would allow the Council to have the final say on the accreditation process. Once the by-law change is approved, the restructuring will be complete. **You are needed in Atlanta to vote against the change in the by-laws.** As discussed in greater depth in the announcement in this newsletter, CLEA is taking steps to minimize the financial burden of attending this conference. This is an opportunity to contribute significantly to the future of clinical legal education. **Your vote is needed. Please be there, and bring sympathetic faculty colleagues with you.**

On May 11, 1999, I testified before the Department of Education's National Advisory Committee on Institutional Quality and Integrity, which was considering the Council on Legal Education's reorganization plans. Basing my testimony on CLEA's statement, prepared

by Jay Pottenger, I argued that (1) the Secretary should exercise his statutory and regulatory authority to waive the requirements that lead to DOE's pressuring for the accommodation that the Council's proposed autonomy is intended to address; (2) the proposed change is closer to the self-interested regulation which precipitated the Department of Justice's antitrust suit against the ABA; and (3) the proposed advisory role for the House of Delegates violates the ABA constitution (see §13.1(a) which provides that the House of Delegates shall "supervise and direct" all aspects of the organization). While the Committee did pause on the constitutional argument, Judge Shepherd responded for the Council that the proposed structure ran through all ABA reviews, including constitutional compliance. This vague response seemed to satisfy the Committee. (CLEA has also written to the ABA formally raising the constitutional issue and requesting a response). I also argued that while the Council is currently reviewing standards ostensibly in response to DOE's requests, its review of Standard 405 reflects a process driven by political pressure instead of an application of the outcome-based criteria that is antici-

pated by DOE. This last argument is one the Committee emphatically reserved consideration of until its December meeting. Gary Palm also testified. He argued that in reviewing the ABA's application for renewal as the recognized accreditation body, DOE brought undue pressure on the ABA to restructure and that DOE's doing so resulted from its misinterpretation of the consent decree that resulted from DOJ's antitrust suit. He urged acceptance of the waiver proposed by himself and CLEA. Gary also noted that the ABA had requested a waiver (footnoted in its submission), but DOE staff denied that such a request had been made by the ABA, without specifically referencing the document. Gary's written statement was posted to the lawclinic list and is worth reading.

Not unexpectedly, the Committee voted unanimously to accept the proposed reorganization. Still, it is important to continue to make a record of our position regarding the folly of pursuing the course of action that DOE is precipitating.

The concern over the composition of the Council is all the more poignant given the Council's current review of the ABA Accreditation Standards. Last fall, CLEA submitted

statements to the Standards Review Committee regarding proposed changes to Standards 3 and 4. In January, Mark Heyerman testified on behalf of CLEA before the ABA Standards Review Committee in opposition to the proposed changes to Standard 405, and at the Committee's hearing on May 19, Chuck Weisselberg expanded on those arguments on behalf of CLEA. Jay Pottenger has kept the CLEA Board well-informed on all issues related to the ABA Section of Legal Education. He will travel to the Council's June 5-6 meeting in Nantucket as an observer for CLEA of the Council's open deliberations.

While professional development conferences and issues related to the status of clinical teaching and teachers within the academy have been a major focus for the CLEA Board this year, other activities also have their place on the CLEA agenda. To reference a few: the CLEA Board voted to approve Bob Seibel's proposal that CLEA sponsor a creative writing contest (no footnotes allowed) - more on this to follow; Suzanne Levitt is monitoring the suit challenging the narrowing of the Louisiana Student Practice Rule and is committed to drafting a brief on CLEA's behalf if needed; and CLEA's website continues to be

a vibrant source of pertinent information.

So while it's summer and it's hot and there are those demands that keep pressing forward, pause for a moment. Breathe deeply (unless in LA or Atlanta). The saying goes that the more you do the more efficient you become (hmm....). Consider the many CLEA projects described in this newsletter. Become involved in one, or more. And *do* come to Atlanta in August (despite the air quality--its only for a day).



The next CLEA Newsletter will be published in September. Items for the Newsletter may be e-mailed, faxed or sent to the Editor, Larry R. Spain, University of North Dakota School of Law, P.O. Box 9003, Grand Forks, ND 58202 (701) 777-2510 (701) 777-2217 (FAX) larry.spain@thor.law.und.nodak.edu

CLEA Submits Comments on ABA Accreditation Process

CLEA has submitted comments on the proposal to divest the House of Delegates of its supervisory role in the issuance of Accreditation Standards. The text of the letter follows:

May 14, 1999

Robert A. Stein, Esq.
Executive Director,
American Bar Association
750 Lake Shore Drive
Chicago, IL 60611

Dear Mr. Stein:

The majority of the approximately 850 members of the Clinical Legal Education Association ("CLEA") are clinical teachers who are also members of the American Bar Association ("ABA"). On their behalf, I am writing in order to inquire as to the legal basis for the ABA's decision to divest its House of Delegates of its supervisory role with respect to the issuance of Accreditation Standards by the Section of Legal Education and Admissions to the Bar ("Section"). At its February meeting, the House of Delegates approved the Section's proposal that the ABA by-laws be changed so that the House will have only an advisory role with respect to the promulgation of Accreditation Standards. We understand that the ABA leadership intends to have this restructuring finalized at its annual meeting this August.

We do not understand, however, why the ABA leadership is seeking this restructuring without following the procedures required by the ABA Constitution for amendment of that Constitution. See Sec. 13.1(a). Under the applicable Illinois law the planned restructuring violates the requirement of Sec. 6.1 of the ABA Constitution, which provides that the House of Delegates "shall supervise and direct the Board of Governors, officers, sections, committees and employees and agents and agents of the Association." (Emphasis supplied). Indeed, the purpose and effect of the proposed restructuring is to require that the House shall not "supervise and direct" the Section of Legal Education with respect to the issuance

of Accreditation Standards. Illinois law, as that of all other states, could not be clearer that relegating the House to an advisory role does not satisfy the requirement that the House "supervise and direct" ABA sections. The power to "supervise and direct" is the power to control, not the power to advise. See e.g. Longfellow v. Corey, 286 Ill. App.3d 366, 369-70 (4th Dist. 1996). Webster's Third New International Dictionary defines 'supervise' as follows: "[T]o coordinate, direct, and inspect continuously and at first hand the accomplishment of: oversee with the powers of direction and decision the implementation of one's own or another's intentions." Webster's Third New International Dictionary 2296 (1986). The Oxford English Dictionary defines 'supervision' as "[g]eneral management, direction, or control; oversight, superintendence." Oxford English Dictionary 245 (2d ed. 1989). Further, the Oxford English Dictionary defines 'direct' in the following manner: "[k]eep in right order; to regulate, control, govern the actions of ...[t]o cause (a thing or person) to move--- towards a place." Oxford English Dictionary 701 (2d ed. 1989).

We hope that the ABA leadership will reconsider its plan to go ahead with the finalization of the proposed by-law amendment not only because it is violative of the ABA's Constitution, but also because it is against it is against the long-term interests of legal education in this country. The House of delegates has been a key force in the movement to make legal education more responsive to the needs of the legal profession and the public. For example, the 1996 revisions to the Standards, which strengthened law schools' commitment to clinical teaching and which were opposed by the Section's officers and many influential law school deans, were adopted only because the House had the authority to "supervise and direct" issuance of Standards.

We understand that several people in ABA leadership positions have indicated publicly that they would prefer to retain the House's supervisory role in Section affairs but have supported the restructuring only because they have been led to believe that it is necessary to retain the Section's role in accreditation pursuant to requirements of the U.S. Department of Education ("USDOE"). We suggest this understanding is both premature and mistaken. First, USDOE approval is necessary only for the 18 law schools that are not affiliated with universities. The 163 law schools with such affiliation already have USDOE approval under regional accrediting programs. The Section could easily set up for those 18 schools a

separate and parallel accreditation program that does not involve the House of Delegates.

Second, it is by no means clear that the USDOE would not be receptive to a variety of options which would, on the one hand, retain the House's supervisory role in regard to the Standards while, on the other hand, either satisfy the USDOE's "separate and independent" requirement or qualify for a waiver from that requirement. The history of the Section leadership's response to the USDOE regulations indicates to us, however, that, instead of trying to retain a meaningful role for the House in Section affairs, the leadership saw the USDOE regulations as a unique opportunity to expand and consolidate the power of legal academics to control accreditation without interference from the practicing bar. The fact that the Section leadership had made its decision to approve the restructuring proposal before several commentators had an opportunity to explain the reasons for their opposition at scheduled hearings is further indication of the leadership's unseemly haste in wanting to rid itself of any meaningful role for the House in Section affairs.

We have no doubt that were the Section leadership truly interested in retaining the role of the House in supervising the Section's issuance of accreditation standards, it could develop alternative regulatory schemes or compromises with the USDOE that would be likely to accomplish that end. We hope that the Section leadership will reconsider its position in that regard and, instead of seeking final House approval of the restructuring plan this August, will seek to negotiate with the USDOE in order to retain the House's supervisory role in the issuance of Accreditation Standards, as is now required by the ABA Constitution.

Should the Section leadership, however, insist on finalizing the restructuring plan, we would point out that it would be acting not only in violation of CLEA-ABA members' contractual rights under the ABA Constitution, it would also be acting in violation of the consent decree in United States v. ABA, which approved a specific structure for the House's involvement in accreditation decision-making that is contrary to the one now being sought by the Section leadership. We, of course, are not contending that the ABA is powerless to rid itself of the House's decision-making role in accreditation matters. Rather, we suggest only that in order to accomplish that end. The ABA must follow the provisions of its own Constitution as well as the procedures for modifying its consent decree with the U.S. Department of Justice.

We hope it is possible to reach an amicable resolution of the problems we have just noted. If the ABA leadership has been given a legal opinion which answers our objections, we would very much appreciate being apprized of the substance of that opinion so that we can avoid engaging in any unnecessary or unwarranted adversary proceedings. We understand that in the past you have expressed your support for maintaining an active role for the practicing bar in the ABA accreditation process as well as your appreciation for legal academics' wish for greater autonomy in that process. We believe that, in light of your credibility with all sides in this dispute and your reputation for finding common ground among disputing parties, there is a great need for your active intervention in seeking an agreed-upon solution to the issue of the proper role of the House of Delegates in law school accreditation matters. We would look forward to working with you toward that goal. Please contact me by telephone at (202) 319-6787 or in writing at,

Columbus School of Law
The Catholic University of America
Washington, D.C. 20064

Sincerely,

Margaret Martin Barry
President, CLEA

cc. Hon. Randall T. Shepard

ACCREDITATION UPDATE **ATLANTA IN AUGUST!**

CONFERENCE ON LEGAL EDUCATION SATURDAY, AUGUST 7

The struggle for the soul of American legal education is at a critical juncture: who will control the accreditation process is to be decided on Saturday afternoon, August 7th in Atlanta -- and YOU have a vote on the outcome!

ACCREDITATION STRUCTURE

Let us explain. The ABA now runs the law school accreditation process, both (i) setting the Standards and (ii) performing the site visits and “approving” individual schools and programs. The Council of the ABA’s Section of Legal Education has long administered the accreditation process; for example, the two key ABA committees (Standards Review and Accreditation) are selected by and report to the Council on these matters. Until recently, however, the final power over both these functions was vested in the ABA’s House of Delegates. That is why CLEA (and, before its formation, clinicians acting collectively) have sought support from the lawyers and judges who comprise the House at the ABA’s annual meetings. With their help, prior votes in the House have helped make clinical education a required part of the law school curriculum, and Standards protecting clinical teachers’ rights to job security, status, and a role in law school governance have been adopted.

Although the Council has administered the process, under the ABA Constitution it only had the power to recommend decisions to the House. Thus, both the Standards and individual school approvals would be voted on by the full House of Delegates. Earlier this year, however, the ABA (under pressure from the U.S. Dept. of Education) took steps to restructure control over the accreditation process, by taking final decision-making power over accreditation away from the House and giving it to the Council. The Council (long dominated by deans) has not usually been supportive of efforts to strengthen clinical legal education. So CLEA has opposed this transfer of power. But we have not succeeded — so far.

ONE MORE VOTE REMAINS

In order to finish the restructuring and transfer of power, the Bylaws of the Section of Legal Education need to be amended. This can only be done at the Annual Meeting of the Section of Legal Education (to be held this year at 4:30 p.m. on Saturday, August 7th, in Atlanta). All members of the Section — which includes most law school faculty, including clinical faculty — have the right to vote at the meeting. If you are an ABA member through your school, you are a voting member of the Section. If we are able to bring enough voting members to Atlanta to defeat the proposed Bylaw amendments, then the restructuring will be delayed by an entire year. CLEA expects that such a delay would create new opportunities to rethink or renegotiate these issues with the ABA’s power structure and DOE, or to seek allies in the House of Delegates.

WHY CARE?

The Accreditation Standards shape both the form and content of legal education. A

group of deans opposed to clinical education has been fighting to weaken the protections clinical — and non-clinical — faculty enjoy under the current Standards. One proposed revision would eliminate the current guarantees of “substantially similar” status, job security, and governance rights for clinical teachers. Indeed, this proposal would allow a school to abolish tenure completely — or to eliminate it just for “certain classes” of teachers. (You know which “class” that would be)

As of now, changes to the Standards — like the one abolishing protections for clinical teachers — have to be approved by the full House of Delegates. If the Bylaws are amended, however, the Council itself would have final authority to change the Standards.

THAT IS WHY WE ALL NEED TO GO THE ATLANTA. We need to STOP the shift of power to protect clinical teachers’ ability to fight for better legal education — including protections for our important role in the ivory tower — by taking our case to the practicing lawyers and judges who comprise the ABA’s House of Delegates.

SEE YOU THERE!

LOGISTICS

To make it easy for you to come to Atlanta and vote, CLEA is taking a variety of steps.

1. We will hold a brief, mini-”Conference” on “Measuring Outcomes in Legal Education,” scheduled (conveniently) Saturday, August 7th in Atlanta probably at Georgia State University in downtown Atlanta.
 - a. No registration fee for the conference.
 - b. Tentatively -- Will run from 11 a.m. to 3:30 p.m. on August 7.
 - c. Designed to start late to permit you to attend for just one day with no overnights, if you wish.
 - d. We will figure out how to get us all to the meeting at 4:30 for the vote.
2. We are arranging cheap hotel rooms for Friday and/or Saturday nights — or dorm rooms at Georgia State or Georgia Tech. In addition CLEA will purchase some of the rooms for you to share, to help those of you whose schools will not reimburse you for this trip
3. Here is information on airfare discounts to Atlanta, which the ABA is offering in connection with its annual meeting:

No Saturday night stay required.
American Airlines: Special ABA Code: 3579UA 1-800-433-1790
Delta Air Lines: Special ABA Code: DMN115802A 1-800-241-6760
4. As we get more info on logistics, we will post it on the listserv and the CLEA website. Note: the listserv announcements WILL NOT contain all of this “political organizing” information. It will appear as information on the “CONFERENCE.” You will know what we’re talking about.
5. You should also **DOUBLE-CHECK** your current ABA membership status to make sure you can vote. Most law schools use a group membership plan for their faculties, which automatically makes you a member of the “Section on Legal

Education & Admission to the Bar.” That is the Key Section to which you must belong in order to be eligible to vote.

- Call the ABA at 1-800-285-2221.
- If you are a member for 1998-99, membership is valid thru 8/31/99.
- Ask to verify your current membership in the ABA and your sections. It helps if you have your ABA number handy.

6. We urge you to recruit some “friendly” colleagues on your faculty who may already be planning to attend the ABA Convention, to also attend the Section meeting and vote “No” on the by-law change.

- Find out who the delegates are from your own state bar to the ABA House of Delegates. We all may need to be doing some lobbying in the very near future with the delegates. More to follow on this topic, too.....

It will help in our planning if we get some idea of who is coming.

Send in this tear-off page.

**CLEA CONFERENCE AUGUST 7
Atlanta, Georgia**

Yes, I will definitely attend.

I will keep trying to arrange it so that I can come.
[Note that “No” is not an option.]

Name:

Address:

Phone:

E-mail:

(Please print clearly!)

Return this page to:

CLEA Conference
c/o Prof. Carrie Kaas
Legal Clinic
Quinnipiac College School of Law
275 Mt. Carmel Avenue
Hamden, CT 06518

You may also call, fax, or e-mail this information to:

Ms. Patrice LeMoine
Phone: 203-287-3282 or
Fax: 203-287-3237
patrice.lemoine@quinnipiac.edu

**CLEA BOARD ACTS IN SUPPORT OF GAJE CONFERENCE AND ENCOURAGES
INDIVIDUAL DONATIONS TO TRAVEL FUND TO PROMOTE
PARTICIPATION FROM DEVELOPING COUNTRIES**

At its May meeting, the CLEA Board of Directors considered a request for financial assistance to a fund to assist law teachers from developing countries who would otherwise be unable to travel to the Global Alliance for Justice Education (GAJE) inaugural conference to be held in Trivandrum, India, December 8 - 17, 1999. The Board approved a donation of \$750 to the travel fund, authorized support for a reception at the conference, and agreed to publicize the fundraising effort to the CLEA membership.

The GAJE conference themes center on collaborative efforts among law teachers and the sharing of information and perspectives among law teachers in developing and developed countries. (See article on GAJE Conference elsewhere in this newsletter.) The planners, themselves from India, Argentina, South Africa, Australia, U.K. and U.S.A., are recruiting panelists and announcing the conference to possible participants with geographic representation in mind. A multi-national fundraising effort is underway to provide travel funds for teachers from developing countries to promote balance in representation of the world regions. GAJE planners and panelists from developed nations will pay full registration, hotel and travel cost.

CLEA's support of this conference reflects its recognition of the value of interaction with foreign colleagues. Not only is the current CLEA support as an institution and through its membership important to assist with travel costs, but it also helps GAJE seek funds from foundations and other possible funding sources.

If you are interested in making a tax-deductible donation to enable participation in the GAJE conference by colleagues from developing countries who would otherwise be unable to attend, please send your check, payable to "South Asian Fund-Washington University" and mail it to:

Peter Milne
Washington University School of Law
Campus Box 1120
One Brookings Drive
St. Louis, MO 63130-4899

Donations made by September 1, 1999 will facilitate planning by foreign colleagues and conference organizers.

COMMITTEE REPORTS

CLEA CONFERENCE COMMITTEE

Carrie Wilkes Kaas, Chair
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(203) 287 - 3234
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The CLEA Board recently affirmed its previous commitment that supporting and encouraging conferences is a major part of the mission of CLEA. CLEA does so at three levels: It can "endorse" a conference that another entity sponsors. This action involves no financial commitment but is a statement that the conference is important to clinical legal education or other related field. CLEA also "supports" conferences organized by a school or other entity, by providing discrete grants of \$400 each and technical advice. At times, the Board votes to support conferences through other financial means, including by providing scholarship money or other monetary support, such as it is doing for the GAJE conference, described elsewhere in this newsletter. Finally, CLEA "sponsors" its own conferences on occasion. Its conferences tend to be smaller in focus (and less

expensive) than the annual AALS conferences.

The 1/2 day conference in Atlanta on August 7, 1999 is the next CLEA-sponsored conference event. See Announcement in this newsletter!

The New Clinical Teacher's Conference, held on May 5, 1999 in Squaw Valley, California, is the most recent past example of a CLEA sponsored event. Over 70 new (defined as 0-3 years experience) clinical teachers attended. The Conference was held on the day immediately preceding the AALS Workshop and was designed to provide a basic understanding of some of the more pressing concerns that we all have - or had - as new teachers. It was our goal to make the more advanced discussions at the AALS Workshop accessible, but also simply to provide a chance for new teachers to meet each other. The conference received very positive and constructive feedback. We note that many of the "new" teachers were very experienced lawyers who were struggling to redefine themselves as teachers - a process that we all should remember was difficult at times. Supervision issues were clearly the "hot topics" of the day.

CLEA intends to run these Conferences every other year, tacked on to the AALS Workshops for ease of travel and attendance. Keep your eyes open for announcements for the next one, since we will need

volunteers, and keep this resource in mind for any new clinical teachers hired within the next two years at your school.

Other upcoming Conference events:

The Committee intends to continue to encourage others to organize conferences in topic areas of interest to any segment of the clinical community, and to act as a clearinghouse to "connect" interested people with each other. Here's what's cookin' so far....

The Community Lawyering Skills Workshop in Toronto in June - the third in a series - is endorsed and supported by CLEA. (Contact: Nancy Cook, Cornell).

Liz Ryan Cole is ready, willing, & able to do her highly acclaimed "Supervision Workshop" at any school that wants to co-sponsor the event with CLEA. I understand there may be one soon at Michigan and possibly at the Southeast Clinicians' Conference in Charleston, SC. West Coast, anyone? (Contact: Liz at Vermont. Lcole@vermontlaw.edu)

The word on the street is that the Externship teachers are planning another conference in two years or so. CLEA will support/ sponsor that endeavor. (Contact: Cindy Slane, Quinnipiac).

Meanwhile, there are faint rumblings about a gathering on skills teaching, such as I/C/N courses (Contact: Gretchen Viney, Wisconsin or Carrie Kaas, Quinnipiac) and one on Elder Law (Contact: Michael Bryce, St. John's).

Do you have an idea for a conference? Are you willing to be an organizer for it? Do you want to serve on this committee? If you have answered yes to any these questions, contact Carrie Kaas. The Committee will post periodically announcements or feelers for interest in tentative ideas, both on the listserv and on the CLEA web site. Also on the web site will be the more detailed material on the "CLEA Conference Committee Guidelines."

BOOKLETS AVAILABLE FOR NEW CLINICIANS

The Conference Committee created and distributed a simple little booklet at the New Clinician's Conference that contains an introductory bibliography, some program descriptions, some welcoming comments from our current CLEA president and AALS Section chair, and includes the (current) ABA Standards, the MacCrate Skills and Values, and finally, a "Road Map" to Clinical Education (i.e., how to subscribe to the listserv, what is the difference between CLEA and the Section, etc.) For \$3.00 -- the cost of printing -- CLEA will provide a copy of this booklet to anyone else who is a new clinician but could not attend the conference. While some of the bigger clinical programs have highly developed orientation programs for their new colleagues, complete with impressive materials, we know that many of us do not have any such resources, and tend to scramble around at the last minute when we hire a new person,

collecting miscellaneous things that we hope will prove relevant and helpful. So if you are among the latter group, let CLEA help welcome your new colleague. And if you have created any documents at your school that you would like to share by including in future editions of booklet in the future, let us know. Thanks. (Contact person for booklets: Carrie Kaas, Quinnipiac.)

EXTERNSHP COMMITTEE

THE POLITICS OF EXTERNSHIPS

Bill Patton, Whittier
(co-chair AALS Externship committee)

The Tahoe Clinical Conference provided externship professors needed opportunities for discussion of field placements, supervisors, classroom components, second externships, assessment tools, and supervisor training. It also gave us a chance to brainstorm our lobbying efforts against the Standards Review Committee's proposed changes to Standard 305 and our support for better regulation of externships by the AALS now that the ABA appears to be abandoning efforts of quality control.

The AALS Externship Committee has proposed the following projects for 1999-2000. If you are interested in being considered for a position on the project sub-committee, please let me know as soon as possible.

Consortium Project: Many law school externship faculty now see the benefit of externship consortia, like GLACE, the Greater Los Angeles

Consortium of Externships, which help raise the level of supervision and assist schools in sharing administrative responsibilities. This committee will assist law schools in forming externship colloquia. Current sub-committee members include myself and Professor Rosenfeld from Boalt.

Accreditation Project: What changes will take place if the SRC's proposed changes to Standard 305 are approved? How many full-time faculty will be replaced by adjuncts? What other issues of quality pedagogy might arise? These are the issues which the accreditation sub-committee will explore. Current members include myself and Sandy Ogilvy, Catholic.

Program Committee. This group will begin planning for the next AALS externship conference, including the selection of topics and speakers. Current members include Alexander Scherr and Leah Wortham.

Distance Shared Site Inspections and Supervision: Now that it appears that the proposed Standard 305 rules will be approved by the Council, externship professors will be able to coordinate site inspections and student supervision in distant placements with faculty from other schools. What standards should apply? Since it is probable that faculty in certain large metropolitan areas will be disparately impacted, should they receive compensation from the host school for helping with the administrative burdens of running the host school's externship placement? Current

members are Liz Ryan Cole and Marlana Valdez.

COMMITTEE ON INTEGRATION

Kathy Hessler (Dayton), Chair

The Committee on Integration met at Tahoe and had a very energetic and productive meeting. Jim Weeks (Syracuse) volunteered to co-chair, and the members are: Kim Connolly (South Carolina), Alice Ratliff (UNC), Charles Williams (Tulane), Gay Gellhorn (UDC), Charlotte Hughart (Texas Wesleyan), Mark Peterson (Lewis and Clark), Debbie Maranville (U of Washington), Betty Luke (South Texas), Gaby Davis (Toledo), Justine Dunlap (Southern New England), Randi Mandelbaum (Hastings).

We are planning to focus on a number of things and are interested in any input or assistance from others. We are planning to develop a central resource that will be helpful to anyone thinking of integrating skills or clinical methods in non-clinical courses. We are also planning to develop strategies and techniques for integration.

Finally, and perhaps most importantly, we are hoping to develop new vocabulary to describe who we are and the work we do. The clinic/stand-up dichotomy and the skills/substance dichotomy are no longer very useful and marginalize and minimize the work we do. We are hoping to eliminate some of the distance between ourselves and our colleagues and to harmonize the work we all do be developing

language that is appropriately descriptive and inclusive.

INTERDISCIPLINARY CLINICAL EDUCATION COMMITTEE

We are in the process of setting up a new committee (of the AALS Clinical Section) to focus on issues related to interdisciplinary clinical education. I am co-chairing the committee this year, along with Monica Mahan, a social worker at Northwestern's Children and Family Justice Clinic. We had our inaugural meeting at the conference in Lake Tahoe. As a first step, we have decided to gather information about the interdisciplinary clinical activities currently taking place around the country. We plan to send out a very (I repeat very) brief questionnaire to interested clinicians, and then to publish the results in the fall newsletter. If you are interested in the committee's activities and/or would like to receive a copy of the questionnaire, please respond to me privately by e-mail or fax. (If you attended the meeting and have already received an e-mail from me, you need not respond to this message. For those at the meeting who did not receive my earlier e-mail, my apologies--some of your addresses didn't work for some reason.....)

I look forward to hearing from you!

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International News

Roy Stuckey, South Carolina

The **International Journal of Clinical Legal Education** is being launched by the University of Northumbria at Newcastle, England. It will consist of refereed articles, book reviews, news, an events diary, and student contributions. Plans are to publish the Journal twice a year beginning in the Spring of 2000.

CEELI is in the process of producing a **Manual on Clinical Legal Education**. The manual will be a resource for law teachers in countries that are interested in developing or improving externships, in-house clinics, and simulation skills courses. **Bob Dinerstein**, American, and **Jenny Lyman**, George Washington, are coordinating the project for CEELI. Other clinical teachers are being lined up to write various sections.

Bob Dinerstein went to Slovenia in May as a legal specialist for CEELI. In March, **Wally Mlyniec**, Georgetown, participated in a clinical conference in Poland for law teachers from 20 East European and Central Asian countries.

Louise McKinney, Case Western, is on a Fullbright in Nairobi. Louise, **Bob Golten**, Denver, and **Don Peters**, Florida, conducted a four day training session and workshop in February for the clinic staff, its

advisory board, and law faculty at the Law Development Center in Kampala, Uganda. They also met with law faculty and students at the University of Nairobi to discuss a possible clinical law initiative.

Connie de la Vega, San Francisco, supervised students who presented written and oral statements to the U.N. Commission on Human Rights and the Working Group on Migrant Worker Rights in Geneva, Switzerland in February/March 1998, and February/March 1999. Topics included migrant worker rights, the effects of the illicit transfer of toxic substances on human rights, trafficking of women and children, and the relationship between inadequate housing and violence against women.

Peter Hoffman, Nebraska, made a South Pacific swing in September. He began at the University of the South Pacific in Fiji where he directed a week-long litigation skills program organized by the New Zealand Crown Office. He then went to Hong Kong where he made two presentations at the City University of Hong Kong and participated in the Advocacy Institute of the Hong Kong Law Society. **Lorreta Moore**, Washburn, taught Alternative Dispute Resolution with an English co-teacher, **David Hartley**, in Washburn University's Law in London Program, June and July 1998.

Phyllis Bookspan, Widener, will return to the Graduate Institute of International Studies at the University of Geneva this summer. She will teach International Women's Human Rights and International

Women's and Children's Rights as part of Widener's summer abroad program in June and July, as she did in 1995. **Susan Akram**, Boston University, will also make a return trip. She has a nine month teaching and research fellowship with the Fullbright Program. Her research topic is "durable solutions for the Palestinian refugees: recommendations for the final status talks." She will also teach in the graduate program at the Palestine School of Law at Al-Quds University in East Jerusalem. She taught Comparative Refugee Law there in 1997.

Planning continues for **GAJE's inaugural conference** in Trivandrum, India, in December, 1999.

Please keep me informed about your international activities (fill out the survey form included in the newsletter). I will try to report what you've done during the past year in these newsletter columns, and I will add those and even older activities to my database. By the time you read this, the complete database should be on CLEA's website (<http://clinic.law.cuny.edu/clea/clea.html>), or you can obtain a hard copy can from me. Thanks.

CONFERENCES AND WORKSHOPS

JANUARY WORKSHOP WILL FOCUS ON NEW AND EVOLVING LAWYERING SKILLS

Washington, D.C.

January, 2000

Planning for the January 2000 clinical section workshop at the AALS Annual Meeting is underway. The

section has requested a full-day workshop at the annual meeting, which will be held in Washington, D.C. The theme of the program will be new and evolving skills in lawyering education.

As a complement to the January workshop, the Clinical Law Review will be publishing a symposium issue in April 2000 that similarly will focus on new and evolving skills. Following the brief description of the January program below, therefore, is a call for papers for the symposium issue. It is anticipated that some presenters at the Annual Meeting will be motivated to turn their ideas into publishable articles and essays, although publication is neither a requirement nor a promise for presenters. At the same time, the Clinical Law Review hopes that the forthcoming opportunity for an exchange of ideas at the Annual Meeting and in a symposium issue of the Review will provide an incentive for many of you who have been developing new skills in your teaching and practice to write about your pedagogical theories, the results of your experiments and research, and the knowledge you have acquired in teaching and implementing new skills.

The January Program

The January program is expected to follow this general chronology: opening plenary; interactive teaching demonstrations; lunch program; interactive supervision; demonstrations; panel-discussions; closing plenary. The plenaries (and lunch) will bring all participants

together. During the other three sessions--teaching demonstrations, supervision demonstrations, and panel-discussions--participants will be able to choose from among five options. The options for each of the three sessions fall into these five categories:

- 1) Preventive law (including ADR and therapeutic lawyering)
- 2) Community Economic Development
- 3) Interdisciplinary Work
- 4) Intercultural/International aspects of practice
- 5) Lawyering Without Clients

There will thus be a total of fifteen breakout sessions (five each in teaching, supervision, and discussion). People can opt either to follow a single "track" throughout the day (e.g., interdisciplinary; CED) or to pick and choose from among the various options.

Members of the planning committee would be happy to hear from anyone who has ideas for specific skills and/or presenters that fit (broadly speaking) within the range of topics identified. When communicating with any of us, it would be helpful if you would identify which of the five topical skills categories your suggestion fits into and whether the proposed or suggested presentation would be best as a teaching demonstration, a supervision demonstration, or a panel-discussion. Committee members are: Alicia Alvarez (DePaul; aalvarez@condor.depaul.edu); Jim Coben (Hamline; [jacoben@gw.hamline.edu](mailto:jcoben@gw.hamline.edu)); Nancy Cook (Cornell;

cook@law.mail.cornell.edu); Susan Jones (George Washington; sjones@clinic.nlc.gwu.edu); and Mike Norwood (New Mexico; norwood@libra.unm.edu).

CLINICAL LAW REVIEW **Call for Papers**

The Clinical Law Review plans to devote its first issue of the new millennium (the Spring 2000 issue, which will be published in April, 2000) to further exploration of the subject that will be addressed at the AALS Annual Meeting: new and evolving skills in clinical legal education. This symposium issue of the Review will be open both to those who will be speaking at the Annual Meeting and anyone else who is interested in writing on the subject.

The Review requests that anyone interested in publishing an article in the issue submit a 5-10 page abstract of the proposed article (with a description of the planned subjects and themes of the article and its likely length) by no later than Labor Day. A fairly polished first draft will have to be submitted by no later than December 17, 1999. Authors will have an opportunity to revise their articles after the Annual Meeting so as to respond to subjects addressed at the conference and to add ideas sparked by panel discussions, small group meetings, or informal conversations. All drafts must be completed and submitted, however, by no later than January 15, 2000.

Because of space constraints, the Review cannot make a commitment

to publish all of the articles it receives. The Review will, however, endeavor to publish as many of the articles as possible and will use the abstracts and first drafts to work with authors in refining their ideas and increasing the likelihood of their work being published in the symposium issue.

The Editors-in-Chief and the Board of Editors of the Review view this symposium issue as an exciting opportunity to build on the kinds of rich exchange of ideas that always take place when the clinical community comes together at conferences. The editors and Board members hope that a large number of you will accept this invitation to join with us in this new chapter in clinical scholarship.

The abstracts, first drafts and final drafts should be submitted to Randy Hertz, N.Y.U. Law School, 249 Sullivan Street, New York, N.Y. 10012. Abstracts and drafts can be submitted by e-mail to "randy.hertz@nyu.edu." If you have any questions about the symposium issue, please contact Randy at telephone number (212) 998-6434 or at the above e-mail address.

**COMMUNITY BASED ADVOCACY
TRAINING**

Toronto
June 24-26, 1999

Osgoode Hall Law School in Toronto and Parkdale Community Legal Services, in conjunction with the Clinical Legal Education Association are holding a workshop for clinical educators which will provide an

opportunity for skills training in community based advocacy. This series of workshops will be held in Toronto on June 24 - 26, 1999. Panelists will be coming from across North America and include: Bill Quigley (New Orleans), Fred Zemans (Osgoode Hall), Ana Novoa (St. Mary's), Shauna Marshall (Hastings), Ngai Pindell (Baltimore), Deborah Kenn (Syracuse), Russell Gabriel (Georgia). The deadline for registration is approaching quickly and due to space limitations enrollment is limited to 50.

Early registrants had voiced concerns regarding the overlap of our keynote address with the commencement of the baseball game that evening [Thursday, June 25] between the Toronto Blue Jays and the Cleveland Indians. In consideration of this, we have re-arranged our schedule of events for that afternoon and have also blocked seats at the Toronto Skydome for conference attendants. The week-end is bound to be both informative and enjoyable. There are many things to do in Toronto and the workshop coincides with Toronto's Lesbian and Gay Pride Weekend.

For further information, please feel free to contact: Kathryn Goosen <gander@yesic.com> or Professor Shelley Gavigan, Osgoode Hall Law School, 4700 Keele Street, Toronto, ON, M3J 1P3 Tel: 416.736.5558 (fax) 416.736.5736

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MIDWEST CLINICAL CONFERENCE

Madison, Wisconsin
November 5-6, 1999

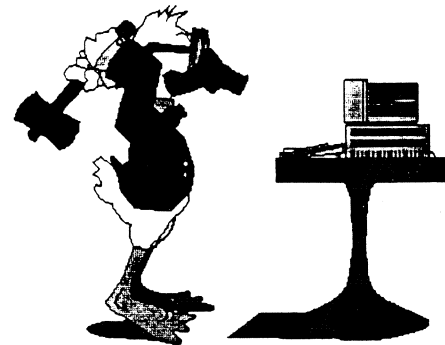
The Midwest Clinical Conference will be held on November 5-6, 1999 at the University of Wisconsin Law School in Madison, Wisconsin. The theme of the conference will be "Clinical Education: Challenges for the New Millennium." All clinicians are invited to attend, whether or not you teach in the Midwest. The setting should be lovely, notwithstanding the early November date. Conference attendees will be staying at the Inn on the Park, a hotel overlooking Madison's beautiful downtown Capitol Square. Capitol Square is connected to the university by six blocks of State Street, which features an abundance of coffee spots, ethnic eateries, and unique clothing and artisan shops. The conference will be held in the newly-remodeled law school building, and topped off by a dinner and dance at the Inn on the Park on Saturday night.

Anyone with ideas or proposals for the program should contact conference organizer Kate Kruse at the Frank J. Remington Center, 975 Bascom Mall, Madison, Wisconsin 53706 (608)262-2030; (608)263-3380 (FAX); krkruse@facstaff.wisc.edu

NLADA Substantive Law Conference

The National Legal Aid and Defender Association (NLADA) Substantive Law Conference to be held July 28-31 in Berkeley.

Registration forms and additional information about the conference can be found on NLADA's website at <http://www/nlada.org> The conference will provide training in specialized substantive tracks including health law, employment law, children and youth, welfare, consumer law, social security and SSI, domestic violence and public housing.



CLINICAL EDUCATION INFORMATION RESOURCES

CLEA WEBSITE

The CLEA website, which is hosted by CUNY Law School, contains information about the Clinical Legal Education Association, information of interest to clinical teachers, pictures of many clinical teachers, and links to other relevant websites. Its address is <http://clinic.law.cuny.edu/clea/clea.html>.

LAWCLINIC LISTSERV

The clinic listserv, "**LAWCLINIC**", maintained by Washburn Law School is a method for clinical teachers to share and exchange ideas by e-mail about many topics. You can subscribe to the listserv by sending an e-mail addressed to listserv@lawlib.wuacc.edu. Do not put anything in the subject space, and in the body of the message just put the words "subscribe lawclinic" followed by your first name and your last name. You will get an e-mail confirming that you are subscribed and giving you information about how to post messages on the list. For more information about the LAWCLINIC listserv, contact the "co-owners," Julie Field (Washburn) at zzfield@washburn.edu or Sandy Ogilvy (Catholic) at ogilvy@law.cua.edu.

EXTERNSHIP LISTSERV

Similarly, there is a listserv for externship teachers, "**LEXTERN**", maintained by Catholic University Law School. You can subscribe to it by sending an e-mail addressed to listserv@lists.cua.edu. Again, do not put anything in the subject space, and the text of the body of the message should simply say "subscribe lextern." [For more information about the LEXTERN listserv, contact Sandy Ogilvy (Catholic) at ogilvy@law.cua.edu.]

ONLINE DIRECTORY OF CLINICALTEACHERS

An on-line directory of clinical teachers is maintained by David

Chavkin on the Washington College of Law at American University website. You can locate clinical teachers by subject taught, by school or by geographical location. You can access this database at the website with this address

<http://www2.wcl.american.edu/clinic/>

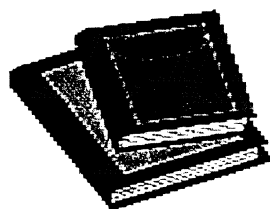
NEW GAJE WEB SITE HAS INFORMATION ON DECEMBER CONFERENCE IN INDIA

The Global Alliance for Justice Education (GAJE) now has a web site: <http://ls.wustl.edu/Academics/Faculty/Activities/Global>

This site contains information about its upcoming inaugural conference in Trivandrum, South India, December 8-17, 1999, including color photographs of the spectacular beaches, inland waterways, and coastal mountains surrounding Trivandrum, information about hotels, and the conference program. The conference brochure and registration materials will be available in June. The early registration fee is \$225 and cost of hotel accommodation will be in the range of only \$30 - \$60 per night. The main conference will take place from December 9-12 with pre- and post-conference workshops. The preliminary program to date includes participants from Argentina, Australia, Bangladesh, Canada, Chile, England, Hungary, India, the Phillipines, Poland, Russia, Slovakia, South Africa, Uganda, and the United States. A committee of seven Indian law deans is organizing a "legal aid camp" to take place during the conference as

well as extensive local hospitality, including two cultural evenings and optional home visits. The Second All-India Client Counseling Competition finals are scheduled to coincide with the conference and will take place in Trivandrum on December 6-7.

The GAJE web site also contains information about GAJE, including email addresses and biographical data for the GAJE Steering Committee, and links to other web sites around the world relevant to clinical education and public interest law. Further information about the conference and joining the free GAJE listserve can be obtained from Frank Bloch at Vanderbilt <fbloch@law.vanderbilt.edu> or Clark Cunningham at Washington University <cunningc@law.wustl.edu>.



BOOKS AND PUBLICATIONS

Christine Zuni Cruz (New Mexico), *On the Road Back In: Community Lawyering in Indigenous Communities*, 5 Clinical L. Rev. 557 (Spring, 1999).

Clark D. Cunningham (Washington, St. Louis), *Race, Class, Caste ...? Rethinking Affirmative Action*, 97 Michigan Law Review No. 5 (March

1999) (co-authored with N.R. Madhava Menon, published with a reply by Cass Sunstein).

Clark D. Cunningham (Washington, St. Louis), *Evaluating Effective Lawyer-Client Communication: an International Project Moving From Research to Reform*, 67 Fordham Law Review No. 5 (April 1999)

Kenneth S. Gallant (Idaho), *Individual Human Rights in a New International Organization: The Rome Statute of the International Criminal Court*, in 3 M.C. Bassiouni, ed., International Criminal Law (Enforcement) 693 (2d ed., Transnational Publishers 1999).

Frances Gibson (New South Wales), *Clinical Legal Education in Australian Universities* (Copies of the guide to clinical legal education courses running in Australian universities in 1999 are available from Kingsford Legal Centre, University of New South Wales, 11 Rainbow Street Kingsford NSW Australia 2032; Contacts are: Vedna Jivan (v.jivan@unsw.edu.au); Frances Gibson (f.gibson@unsw.edu.au))

Seth A. Grob (Denver), *Out of the Shadow and Into the Courtroom, Serving the Needs of the Child Client: Keeping Pace with the Practice of Law for Children* (National Association of Counsel for Children, 1998)

Andrew Horowitz (Roger Williams) *Taking the Cop Out of Copping a Plea: Eradicating Police Prose-*

cution of Criminal Cases 40 Arizona Law Review 1305 (1998).

Kathryn Kruse (Wisconsin) *Race, Angst and Capital Punishment: The Burger Court's Existential Struggle*, 9 Seton Hall Constitutional Law Journal 67 (1998).

Antoinette Sedillo Lopez (New Mexico), ed. Latino Communities: Emerging Voices: Political, Social, Cultural and Legal Issues (Garland Publishing, 1998) [7 vols]

Antoinette Sedillo Lopez (New Mexico), *Testimony*, 6 American U. J. Gender & Law (1998)

Antoinette Sedillo Lopez (New Mexico), *Evolution*, XIX La Herencia 22 (Fall, 1998)

Antoinette Sedillo Lopez (New Mexico), *Tracking Kidnapped Children Over the 'Net*, 4 Family Advocate 42 (1999).

Jane C. Murphy (Baltimore), *Rules, Responsibility, and Commitment to Children: The New Language of Morality in Family Law*, 60 U. Pitt. Law Rev. ____ (1999) (forthcoming)

Calvin Pang (Hawaii) *Slow-Baked, Flash-Fried, Not to be Devoured: Development of the Partnership Model of Property Division In Hawaii*, 20 U. Haw. L. Rev 1 (1998).

Calvin Pang (Hawaii) *Eyeing the Circle: Finding a Place for Spirituality in a Law School*

Clinic, 35 Willamette L. Rev. ____ (1999).

William Wesley Patton (Whittier) *Biblical, Legal, and Miltonic Influences in Melville's REDBURN*, 23 Oklahoma City Univ. L.Rev. 911 (Fall, 1998).

William Wesley Patton (Whittier) *Legislative Regulation of Dependency Court Attorneys: Public Relations and Separation of Powers*, 24 Notre Dame J. of Legis. 1 (1998).

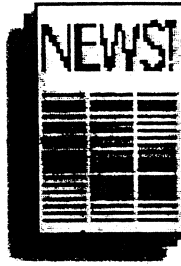
Robert Rubinson (Baltimore), *Constructions of Client Competence and Theories of Practice*, 31 Ariz. St.L.J. 121 (1999).

Charles Weissellberg (Cal-Berkley) *Exploring "Institutional Schizophrenia" in Baltimore: Reflections on David Simon's Homicide*, 2 THE JURIST Books-on-Law (Feb. 1999) (<http://jurist.law.pitt.edu/lawbooks/revfeb99.htm#Weissellberg>)

Charles Weissellberg (Cal-Berkley) *Saving Miranda*, 84 Cornell L. Rev. 109 (1998).

Rick Wilson (American) and Francisco Forrest Martin, THE RIGHTS INTERNATIONAL COMPANION TO CRIMINAL LAW AND PROCEDURE, (Kluwer Law International, 1999).





NEWS AND ANNOUNCEMENTS

Barbara Babb (Baltimore) received a University System of Maryland Regent's Award for Outstanding Public Service, one of 9 faculty members honored from throughout the entire University System of Maryland, for her efforts to create a Family Court for Maryland.

Paris Baldacci, Leslie Salzman and Ellen Yaroshefsky have all been promoted to full Clinical Professors of Law at **Cardozo Law School**.

Paul Chill (Connecticut) received the 1999 University of Connecticut Law Review Award "for excellence in legal scholarship and service to the legal community." *[His remarks in accepting the award are contained elsewhere in the newsletter]*

Douglas Colbert (Maryland) was given the annual award for the attorney who excelled in promoting unpopular causes by the Maryland State Bar Association for his efforts to guarantee counsel for indigent defendants at bail proceedings.

Clark Cunningham (Washington University-St. Louis) visited Monash University in Melbourne, Australia in March and the Inns of Court

School of Law in London, England in May in connection with an international research project on lawyer-client communication.

Kenneth Gallant (Idaho) will become the Director of Clinical Programs at University of Arkansas--Little Rock School of Law in Fall 1999.

Gerry Glynn will complete a short stint as a full-time father and house-husband when he joins **Barry University School of Law** in Orlando, Florida where he will be a Visiting Professor of Law for the 1999-2000 academic school year. Gerry will be assisting Barry develop a clinical program as they seek ABA accreditation.

Stanley Herr (Maryland) received the Annual Award from the Maryland State Bar Association for representing the disabled. Stan also received a University System of Maryland Regent's Award for Outstanding Public Service, one of nine faculty members honored from throughout the University System of Maryland, for his work on behalf of the disabled.

Scott Hughes (Alabama) will be joining the University of New Mexico School of Law where he will be teaching ADR.

Kim O'Leary (Dayton) has been granted tenure.

Leslie Mansfield (New Mexico) has accepted a position with the Clinic at Tulsa.

Jane C. Murphy (Baltimore) has been promoted to full professor. She will be visiting at Washington University St. Louis in Spring 2000.

Lonny Rose (Miami) been appointed as NITA's Executive Director of Education/ Vice President by the NITA Board of Trustees, effective July 1, 1999 for a five-year term. He will be responsible for NITA's educational programming, both in the U.S. and abroad, including public, pro bono and in-house programming. He will also be responsible for the quality and effectiveness of NITA's faculty and the recruitment of new faculty, program directors and educational consultants. Although on leave for the year, he remains as Professor and Director of the Litigation Skills Program at the University of Miami School of Law.

Ellen Scully (Catholic), long-time director of Columbus Community Legal Services, was awarded the 1999 Jerrold Scoutt Award, presented annually for exceptional service by a D.C. Bar member employed full-time by a legal services provider in the Washington area.

Ellen has spent her nearly 30-year legal career representing low-income families in the District of Columbia. She was honored for her scholarship, particularly in the area of landlord-tenant law, and for her dedication to clinical education in poverty law. Ellen joined CCLS after many years of service in Neighborhood Legal Services in the District. In accepting the award, Ellen used

words that sent a similar message to the words that she uses in introducing students to the clinic. She said: "Most of all I thank our clients, from whom I have learned and been privileged to serve. They continue to amaze me with their good humor, courage, and strength in the circumstances they find themselves in."

Paul Tremblay (Boston College) has been promoted to the rank of full Clinical Professor of Law, making him the first person to achieve that status at Boston College.

NEWS FROM CLINICAL PROGRAMS

Denver

After a year-long search the faculty at the College of Law voted to appoint **Christine Cimini** and **Wadine Gehrke** to two new clinical tenure-track positions in the Student Law Office, our in-house clinic. Christine was a Robert Cover Fellow at Yale Legal Services Organization from 1993-1996, where she supervised students and implemented a poverty law and HIV/AIDS curriculum. She has practiced law since 1992 at Neighborhood Legal Services in Hartford, Conn., Legal Aid Services of Oregon, and the American Civil Liberties Union of Colorado. Wadine Gehrke has held a short-term contract position at the University of Denver for ten years, where she has supervised students in a wide

range of civil and criminal matters. Wadine has received awards from local legal organizations and is active in issues involving guardians ad litem, diversity, and how law students and lawyers cope with stress.

The Student Law Office has hired Barbara Zeek Shaw, M.S.W., as Domestic Violence Advocacy Coordinator under a U.S. Department of Justice Violence Against Women Act grant. Barbara has worked at the grass-roots level in the field of domestic violence for over twenty years. She and a Domestic Violence Staff Attorney will supervise social work interns who will team with clinic students to serve victims of domestic violence in under-served communities in the metropolitan Denver area. Asst. Prof. **Jackie St. Joan** is the project director.

The Battered Women's Clemency District 6 of the Council for Advancement and Support of Education (CASE) has awarded the Battered Women's Clemency Reform Project a Silver Medal in the Community Community Relations Programs and Projects category of its Circle of Excellence Awards Program for Alumni Relations and Communications. Judges were impressed that the University of Denver would tackle such a tough issue, that students were involved in a real-world project with statewide policy implications, and with the extent of the attention we were able to focus on the issue.

Jackie St. Joan was recently awarded a \$10,000 fellowship from the American Council of Learned Societies to develop an inter-

disciplinary curriculum for an internship course, "Contemplative Practice and the Practice of Law," which she hopes to teach in Spring 2000.

Each year, half of the upper class students at the University of Denver enroll in clinical programs. In 1998, ninety-three students enrolled in clinical courses, and approximately 300 enrolled in internships.

George Washington

The George Washington University Law School is delighted to announce that Lisa DiSanctis, a prosecutor from Los Angeles, will become a member of the clinical faculty in the Domestic Violence Clinic in the Fall of 1999. Lisa is a rising star in the Ventura County DA's Office, who has specialized in domestic violence and, while still a law student, was an initiator and key actor in a successful law reform effort to amend the evidence law in California. We are excited she is joining us - welcome, Lisa!

Golden Gate

The Environmental Protection Agency's Region IX Administrator on Earth Day (4/22) honored the Golden Gate University School of Law's Environmental Law and Justice Clinic (ELJC) for its efforts to preserve and protect the environment.

ELJC was awarded \$43,653.38 in fees and costs by the California Public Utilities Commission for its work representing the Southeast

Alliance for Environmental Justice (SAEJ). The Clinic assisted SAEJ in opposing the sale under California's energy deregulation policy of the Hunters Point power plant, located in a predominantly African-American low-income community in San Francisco. In 1997, the utility owner PG&E withdrew the plant from an auction and in 1998 agreed to permanently withdraw the plant from sale and shut it down.

The ELJC assisted West Oakland Neighbors, a community group in the poorest area of Oakland, in obtaining a precedent setting air quality mitigation program for the Port of Oakland's expansion project, which will abut West Oakland. The Port Commissioners decided in 4/99 to spend \$9 million dollars on retrofits for trucks, cargo equipment, tugboats and local buses as well as investigate controls on local stationary sources of pollution. The ELJC had previously obtained a federal consent decree requiring the Port to develop mitigation measures, provide funding for a consultant for the community group and pay fees for the ELJC.

A settlement regarding an expansion of a non-hazardous recycling facility negotiated by ELJC on behalf of Alviso Residents in Action, a community group located in the low-income Latino neighborhood of Alviso in San Jose, has cleared its last hurdle and is now being implemented. The owners are providing \$500,000 in community services and implementing stringent air and water pollution controls.

The ELJC also received \$35,000 in fees for its efforts.

Employment Opportunities

AMERICAN UNIVERSITY

Practitioner-in-Residence

American University, Washington College of Law, is seeking two lawyers who are interested in careers in clinical teaching to fill two openings in its Clinical Program for a two year renewable term as Practitioners-in-Residence beginning in the summer of 1999.

The Practitioners in Residence will take part in a training program during the summer to prepare them to supervise students who are representing real clients in actual cases; supervise a group of law students practicing in the clinical program and be supervised by experienced clinical teachers while doing so; participate with the clinical faculty in planning the seminar portion of each clinic; share teaching responsibilities with the clinical faculty for the seminar portion of the program; conduct case rounds with his or her supervisees as a group; participate with the clinical faculty in periodic discussions of "problems in clinical teaching;" participate in the intellectual discussion about lawyering and clinical teaching that is an established part of the work-lives of the clinical faculty at

Washington College of Law; have an opportunity to earn an LL.M. degree in International Legal Studies, with a specialization in one of five areas: International Human Rights, Gender Studies, International Environmental Law, International Trade and Banking or International Organizations or an LL.M. in Law and Government; engage in scholarly research and write for publication with the encouragement, feedback and support of interested colleagues

Because one of the goals of the program is to provide an opportunity for practitioners to develop the abilities and credentials necessary for careers as clinical teachers, applicants must have an academic and professional record that would make it likely that they would fulfill this ambition. Minimum qualifications include a J.D. degree, outstanding academic record, three years of experience as a practitioner in a field of law relevant to the work of the program and membership in a bar. A demonstration of scholarly interest in the relevant fields of law is helpful.

Applicants should send a cover letter and curriculum vitae to Prof. Ann C. Shalleck, Director of Clinical Programs, American University, Washington College of Law, 4801 Massachusetts Ave., N.W., Washington, D.C. 20016. American University is an EEO\AA employer committed to a diverse faculty, staff and student body.

AMERICAN UNIVERSITY

Visiting Clinical Professor

American University, Washington College of Law, is seeking a visiting professor in its Clinical Program for AY 1999-2000. Responsibilities in the in-house, live-client clinical program include teaching a seminar component of a clinic, conducting case rounds and supervising students in their fieldwork. In addition, visiting faculty teach one course each year outside of the clinical curriculum and participate fully in all aspects of the life of the law school. The Washington College of Law currently has the following clinics: civil practice clinic, community and economic development law clinic, criminal justice clinic (prosecution and defense); domestic violence clinic (criminal and civil); international human rights clinic; tax clinic; and women and the law clinic. Possible positions include teaching in the civil practice clinic, the criminal justice clinic, the community and economic development law clinic, and the women and the law clinic. The applicant's teaching responsibilities will depend on experience, interest, and the overall needs of the clinical program.

Minimum qualifications include a J.D. degree, outstanding academic record, three years experience as a lawyer, membership in a bar, and experience as a clinical teacher. Desired qualifications include published legal scholarship,

participation in clinical teachers' conferences and workshops, and membership in the District of Columbia bar. American University is an EEO\AA employer committed to a diverse faculty, staff and student body.

Applications consisting of a curriculum vitae and cover letter should be sent to Professor Jamin Raskin, Chair, Faculty Appointments Committee, c/o Office of the Dean, American University, Washington College of Law, 4801 Massachusetts Avenue, N.W., Washington, D.C. 20016, with a copy to Professor Ann Shalleck, Director, Clinical Program, at the same address.

BROOKLYN LAW SCHOOL

Visiting Clinical Teacher

BROOKLYN LAW SCHOOL seeks a visiting clinical teacher for a one-year position in our Federal Litigation Clinic. The ideal person should have some federal court litigation experience. Clinical teaching experience is not required although participation in a clinic while in law school would be very desirable. The position would begin in late August 1999 and run through June-July 2000.

The Fed Lit Clinic handles a variety of cases in the district courts and occasionally in the 2d Circuit. The cases involved a range of discrimination, civil rights and employment matters. (For those people who attended the AALS workshop, turn to your materials to see an example of one of our

cases!) We also have a class action unit funded by an IOLA grant and staffed by IOLA Fellows. Students in the clinic work on both individual and class actions.

If you are interested in this position, please contact Stacy Caplow at any one of the addresses listed below. Also, please feel free to pass along the information about the position to lawyers you know who might be interested in taking a sabbatical from practice or having a one-year clinical teaching experience.

Stacy Caplow
Brooklyn Law School
250 Joralemon Street
Brooklyn, NY 11201
718-780-7944
718-780-0376 FAX
scaplow@brooklaw.edu

CAMDEN REGIONAL LEGAL SERVICES

Executive Director

Camden Regional Legal Services, Inc. (CRLS) is a large civil legal services program (\$4.8M budget) with a staff of approximately 75 full-time employees serving low income residents in a five-county area in southwestern New Jersey and farm workers throughout the state. CRLS has five offices with the administrative office located in Camden, NJ. The Executive Director is the chief administrative officer of the program and reports to the CRLS Board of Trustees. Salary is

commensurate with qualifications and experience.

Duties and Responsibilities include administration and supervision of all program operations including finances, personnel, budgets, public relations, fundraising, and union negotiations.

Qualifications:

*Admission to the NJ Bar, or the Bar in any state with admission to the NJ Bar within 18 months of hire;

*At least seven years of experience as a practicing attorney;

*At least five years of legal services experience or comparable experience in providing civil legal assistance to low-income people;

*At least three years of experience in directing a major non-profit or substantially similar type of agency with full responsibility for financial administration, personnel administration and general programmatic oversight, or comparable experience;

*Past experience in or directing organizations with a diverse, multi-cultural staff serving diverse, multi-cultural communities;

*Demonstrated background in and success with raising funds and securing grants, labor-management relations, complex personnel matters, and community outreach.

CRLS is an equal opportunity employer. Send resume, writing sample and three references to:

Joyce Lutz, Human Resource Director
Camden Regional Legal Services, Inc.

745 Market Street
Camden, NJ 08102
Fax 609-964-0228

COLORADO

**Director, Indian
Law Clinic**

The University of Colorado School of Law seeks a Director for its Indian Law Clinic. The Clinic provides a rigorous educational experience to students in the context of delivering quality legal assistance on Indian law issues. The Clinic is engaged in litigation involving the Indian Child Welfare Act, environmental issues, religious freedom, education, and treaty rights; in drafting tribal codes; and in providing legal advice to tribal courts.

The Director is responsible for teaching and supervising students in carrying out the Clinic's work. The Director is also required to foster relations with local and state-wide Indian organizations and do some fundraising to support special projects. Qualifications: law degree, admission to the bar (if not a member of the Colorado Bar, a commitment to seek admission as soon as possible), and at least five years of relevant practice. (Up to two years of related practical experience can be substituted for law practice.)

Desirable knowledge or skills: Indian law and policy; litigation; teaching; law office administration fundraising; and social and cultural issues facing Native Americans.

Applicants should send a resume and cover letter to: Professor David H. Gethces, Campus Box 401, Boulder, CO 80309-0401. Consideration of applications will begin April 15, 1999. The University of Colorado at Boulder is committed to diversity and equality in education and employment.

THOMAS M. COOLEY

Tenure-Track Clinical Faculty

Thomas M. Cooley Law School, an independent law school committed to practical legal education, seeks a full-time, tenure track professor. The primary teaching responsibility is in our in-house clinic. The candidate must have experience in the practice of law or clinical teaching, possess excellent lawyering skills, and be eligible for admission to the Michigan State Bar. Start date is flexible. Salary is competitive with an excellent benefits package. For details about the school and its clinical programs, see www.cooley.edu. Cover letter, resume, and references should be sent to Professor Norman Fell, Thomas M. Cooley Law School, P.O. Box 13038, Lansing, MI. 48901. Review of applications will begin June 15, 1999. Cooley Law School does not discriminate against qualified applicants or students on the basis of race, color, religion, age, national origin, disability, height, weight, familial status, marital status, or gender.

DISTRICT OF COLUMBIA DAVID A. CLARKE SCHOOL OF LAW

Clinical Faculty HIV-Public Entitlements Clinic

The University of the District of Columbia, David A. Clarke School of Law, is accepting applications for a clinical supervisor in the HIV-Public Entitlements Legal Clinic. The law school has received federal funding to create this twelve-month position. The person hired will join current clinical law staff in training and supervising law students and providing legal assistance to parents, children and their families who are living with HIV/AIDS in the District of Columbia.

The school of law has a nationally-recognized AIDS family law program. Working with social workers, case managers and medical staff from local clinics, AIDS service agencies and hospitals, UDC law students and teachers provide legal assistance to families in the AIDS crisis, to secure the care and custody of AIDS orphans and other children who are abandoned or at risk of displacement due to parental AIDS.

The ideal candidate would:

- be a member in good standing of the Bar of the District of Columbia (or of another state, with eligibility to waive into the D.C. Bar);
- *have a minimum of two years experience practicing Family Law, specifically child custody law;

- *possess teaching, supervisory experience, or equivalent experience with law students in a clinical setting, or demonstrate the ability to excel as a law student supervisor, and to have the potential for effective teaching;
- *demonstrate professional competence and practice experience serving the legal needs of HIV/AIDS-infected clients and their families;
- *have the potential to undertake scholarly research and writing; and
- *have other professional achievements, credentials, and experience relevant to the mission of the School of Law.

Please send a letter of application, together with a resume, list of references, and writing sample to Prof. Susan Waysdorf, Chair, Faculty Appointments Committee, University of the District of Columbia David A. Clarke School of Law, 4200 Connecticut Ave. NW Bldg. 38 - Rm. 228, Washington DC 20008. Funding is available immediately; School of Law faculty and administrators seek to fill the position as soon as possible.

MAINE

Visiting Adjunct Professor

The University of Maine School of Law has an opening for a half-time visiting adjunct professor to serve as faculty supervisor in the Law School's General Practice Clinic during the 1999-2000 academic year

(mid-August to late-May). The visiting adjunct professor will provide educational and professional supervision of up to eight third-year student attorneys who provide legal representation to financially-eligible clients in a broad range of criminal, family law, and other civil cases as part of the School's clinical program. The visiting adjunct professor will also assist in the administration of the Forensic Psychiatry Project, a joint endeavor of the Law School and Maine Medical Center.

This is a one-year, half-time, non-tenure track appointment, with possible extension to a second year, contingent upon funding and the incumbent's success in meeting the position requirements.

Qualifications include: Must be admitted to practice before the courts of Maine and the United States District Court for the District of Maine. Must have minimum of five years combined experience in practice of law or supervision in similar live-client clinical program. Demonstrated excellence in broad range of lawyering skills and in-depth knowledge of substantive and procedural law required. Excellent legal research, writing and drafting skills required. Requires effective assistance of individual students in integration of substantive and procedural law with counseling, negotiation, legal research and advocacy skills. Requires travel and appearance in wide number of courts; must have access to reliable personal transportation. Experience in

criminal and civil litigation, including family matters, preferred. Oversight and case management experience preferred.

The University of Maine Law School is the law school of the University of Maine System and an administrative unit of the University of Southern Maine. The Law School is strongly committed to diversity; women and members of underrepresented communities are especially encouraged to apply.

A cover letter, resume, and the names and addresses of three references should be sent to: Prof. L. Scott Gould, Chair, Search Committee, University of Maine School of Law, 246 Deering Avenue, Portland, ME 04102, to begin review by May 21, 1999.

OHIO NORTHERN

Interim Director of Clinics

The Ohio Northern University College of Law is seeking an Interim Director of Clinics/Visiting Assistant Professor of Law. The Interim Director reports directly to the Dean and has broad responsibilities to manage and supervise the law college's widespread clinical program, including overseeing of the clinical staff attorney in the Lima Clinic, administering the externship placements, and managing several other small in-house clinics. As a faculty member, the responsibilities include teaching, engaging in legal scholarship, and serving on law college and university committees. Applicants must hold the J.D. from an ABA approved law school, have a

minimum of three years practical experience, and be licensed to practice in the State of Ohio or eligible to seek admission by motion. Experience in supervising similar clinical programs is preferred. This is a twelve-month interim/visiting appointment, beginning September 1, 1999. A search for a permanent Director will be conducted during Fall 1999, and the Interim Director will be invited to be a candidate for the permanent position. Competitive salary and fringe benefits, dependent on experience and qualifications. Candidates should submit an introductory letter, resume, transcripts, and names of three references with addresses and telephone number to Dean Victor L. Streib; Pettit College of Law; Ohio Northern University; Ada, Ohio 45810-1599.

PENNSYLVANIA

Clinical Faculty

The UNIVERSITY OF PENNSYLVANIA LAW SCHOOL seeks a qualified applicant to teach and supervise student casework in its litigation-based clinical program. We will consider candidates who can start in Summer 1999 and those who may not be available until January 2000. Women and minority candidates are especially encouraged to apply. The University is an EOE/AA employer. Please direct applications to Valerie Rose, Assistant to the Director of Clinical Programs, University of Pennsylvania Law School, 3400 Chestnut Street,

Philadelphia, PA 19104-6204. Fax:
215-573-6783 No telephone inquiries
please.

RUTGERS-CAMDEN

Clinic Staff Attorney

The Rutgers-Camden Civil Practice Clinic is seeking a full-time staff attorney for a grant-funded position. Responsibilities of the staff attorney, working under the supervision of the Clinic director, will include classroom teaching and one-on-one supervision of law students representing actual clients with a variety of legal problems. At least half of the position will involve directing a school-based legal services program. The staff attorney should have experience with a range of civil legal matters; legal services experience or a demonstrated commitment to serving traditionally underserved populations strongly preferred.

The initial appointment will be for the period July 1, 1999 - June 30, 2000, with the possibility of subsequent renewals. Candidates should have a minimum of three years law practice experience and experience supervising law students and/or other lawyers. Experience in a law school clinic is required. Prior teaching experience and fluency in Spanish is preferred.

Send a letter of interest and resume to: Alice K. Dueker,
Director of Clinical Programs,
Rutgers Civil Practice Clinic,
Rutgers University School
of Law - Camden, 217 N. 5th Street,
Camden, NJ 08102. Rutgers

University is an Affirmative
Action/Equal Opportunity Employer.

STANFORD

Clinical Teacher/ Supervising Attorney

Stanford Law School and the East Palo Alto Community Law Project seek an experienced attorney to supervise and train clinical law students and provide direct legal services. The Law Project, with a dual mission of providing quality legal representation and quality clinical training to its target community, offers a diverse and challenging opportunity to engage in individual and joint representation and community legal education.

The attorney will assume responsibility for current casework involving Domestic Violence intervention and guardianship for minor children. The practice can, if desired, be restructured to address additional community-wide legal and social needs in the area of family law. The family law practice provides significant opportunities for courtroom work and community advocacy. Attorneys with significant relevant practice experience outside the area of family law may also apply for this position.

The teaching responsibilities include working with students individually and teaching a seminar related to clinical practice. Minimum Requirements: JD; 4 years of relevant practice experience; evidence of teaching ability;

interest in supervising clinical students; ability to work effectively in a diverse, multicultural community. Spanish language proficiency, and active license to practice in California preferred.

Persons of color are especially encouraged to apply.

Terms: This is a two-year renewable appointment, at both Stanford Law School and the Law Project. The appointment at Stanford will be as a lecturer. Start date will be as early as August 1, 1999 but no later than September 1999.

To Apply: Please send a 2-page cover letter explaining your interest in the position and a resume, by July 1, 1999, to: R. Renee Glover, Executive Director, East Palo Alto Community Law Project, 1395 Bay Road, East Palo Alto, California 94303.

ARTICLES/ESSAYS

TESTIMONY OF JOHN ELSON (NORTHWESTERN) BEFORE THE STANDARDS REVIEW COMMITTEE REGARDING THE REVISION OF THE ACCREDITATION STANDARDS

February 27, 1999

The Standards Review Committee's project to revise the Accreditation Standards was undertaken in response to the U.S. Department of Education's requirements that the Section of Legal Education demonstrate the validity and reliability of its accreditation efforts.

I see no indication, however, from the Committee's work product that it has tried to do what the Council leadership promised the Department of Education it would do in reviewing and revising the Standards. Instead of examining whether existing standards and interpretations are valid and reliable measures of whether law schools are fulfilling the goals of the ABA Accreditation process, the Committee seems to have been basically tinkering with phraseology and often doing so in response to the complaints of various deans who do not even believe in the essential mission of ABA accreditation.

I suggest that the fatal flaw in the Committee's approach thus far is that it has lost sight of ABA's Accreditation's mission. How can one possibly determine the validity of a standard unless one defines what purpose the Standard is supposed to accomplish? In other words, the mission of Accreditation should be the touchstone of all of this Committee's determinations as to validity and reliability.

There is no mystery as to what the mission of ABA accreditation is, or at least as to what it is supposed to be. The ABA would have no business setting standards for legal education and thereby restricting access to the legal profession if those restrictions were not deemed essential to assuring that accredited law schools are serving the public interest by preparing law students for their initial roles as ethical and competent practitioners of law.

This public interest dimension of legal education should not be seen as a mere platitude. Aside from the anti-trust consequences of restricting access to legal education without a corresponding public benefit, the mission of educating students for professional competence has become official Section policy. The Preamble to the Accreditation Standards states in essence that to protect the interests of the public, law students, and the profession, an approved school's curriculum must develop various fundamental skills that are "necessary to participate effectively in the legal profession."

Yet, the accreditation process now requires law schools to make very little showing that they are effectively performing this justifying mission. Most important, the accreditation process does not require law schools to demonstrate that their curricula are rationally planned, periodically updated and consistently taught so as to provide students with what they need to know and to be able to do in order to perform their initial professional roles competently and ethically.

Without going into detail about how accreditation visits are conducted, the methods now used to evaluate directly the outcomes of legal education are wholly inadequate. These include talking to prominent alumni, usually at cocktail parties, reviewing NALP placement data and comparing bar passage rates with other competing law schools. The latter indicators

are obviously important as a minimal floor of what is acceptable in an accredited law school, but they clearly do not purport to measure whether law schools are doing what they should do to prepare students for the challenges of modern law practice.

What the Standards do say in regard to the direct evaluation of student achievement in law school demonstrates just how far the Accreditation process now is from taking seriously its mission of assuring that law schools provide students with the fundamental skills that are "necessary to participate effectively in the legal profession." The Accreditation Standard that is concerned with law schools' evaluation of their students is 303(b), which states: "The scholastic achievements of students shall be evaluated from the beginning of the students' studies." Assuming "scholastic" here has an intended meaning broader than what the dictionary defines as a type of abstract and obscure reasoning for which certain medieval philosophers were noted, 303(b), nevertheless, deems school achievement to be evaluated as an end in itself rather than a means of gaining the sort of practice-based knowledge and ability which is needed to be ready to take on the challenges of a real-world profession. I suggest that, if the Standards Review Committee were taking seriously its task of reviewing the standards for their validity and reliability in serving the goals of Accreditation, the Committee would have devoted major

attention to the review and radical reformulation of 303(b). This obviously has not happened.

Instead of assessing directly law schools' effectiveness in preparing students for the challenges of law practice, the accreditation process now relies on two indirect indicators of adequate teaching: the requirement of a core curriculum (Standard 302(a)(1)) and the fact that faculty members must possess certain minimal credentials. The requirement of a core curriculum is unhelpful (as this Committee seems to have recognized); not only is it undefined, but its derivation lies in a long-discredited nineteenth century Langdellian pseudo-scientific conception of law that only coincidentally relates to what law students need to know and do in order to become competent, ethical legal practitioners.

As to reliance on the credentials of faculty to assure adequate preparation for practice, Judge Edwards and a host of other commentators have pointed out how the scholarship-oriented incentive structure of legal academia, whether or not it is a positive hindrance to the cause of professional education, does not assure that faculty will adequately prepare students for their professional roles, that is, whether they devote the time and effort which is required both to learn what needs to be taught in order to prepare students for the initial challenges of modern law practice and to develop the time-consuming and innovative pedagogical methods which

are needed to prepare students to meet those challenges.

Even if, however, one were to assume that most law faculty now can and want to do whatever is necessary to effectively prepare their students for their professional roles, it would still be unacceptable for the ABA to maintain that it is adequately accomplishing its public protection mission in the absence of accreditation standards which require law schools to make at least some empirically-based showing that their curricula are rationally designed and effectively operated to prepare students for those professional roles.

In order to assure that law schools are adequately preparing students for their professional roles, I suggest it would be necessary to thoroughly restructure the accreditation process so that schools must affirmatively demonstrate that their students are being adequately taught in light of the professional challenges they are likely to face after graduation. Such a restructuring would clearly be a formidable task, requiring carefully conducted empirical studies and consultation with educational assessment experts from a variety of fields. It is, however, a task which from all indications it appears that this Committee does not believe it is required to undertake.

Nevertheless, I suggest it is a task that is inherent in your mission of revising the Standards so that ABA Accreditation becomes a valid and reliable means for assuring that accredited law schools

are preparing their students "to participate effectively in the legal profession." It is also a task that the Section leadership has promised the U.S. Department of Education that you would undertake in performing your standards review process. In his 1996 testimony before the DOE's National Advisory Committee On Institutional Quality and Integrity, Section Chair Dean Rudolph Hasl, stated that the above-quoted Preamble to the Accreditation Standards gives "a renewed emphasis upon the development of fundamental lawyering skills, including writing skills; including oral communications skills" and that "the preamble provides an immediate reference point in looking to continued validity and reliability (of the Standards)." He went on to suggest that in the course of the Section's review of the Accreditation Standards over the next six years, there will be "changes as we begin to look at individual items and try to relate the connection between a requirement and some kind of an output measure that we have identified in our preamble." (Tr. of November 22, 1996 hearing at pp. 19-20, 60-61 (emphasis added)). I hope Dean Hasl here was not engaging in convenient strategic hyperbole. If not, I suggest this Committee has a duty to back his words with action.

This is obviously not the time, and I am obviously not the person, to suggest a blueprint as to how the entire accreditation process needs to be restructured in order to become a valid and reliable means of

assuring that law schools are fulfilling their mission of preparing their students to participate effectively in the legal profession. I do have one suggestion, however, as to how your Committee might take a first step in the process of developing the needed outcome-based measures of educational effectiveness. It could require law schools to engage in a three step process that would compel them to seriously address their mission of preparing their students for their professional roles. First, law schools should be required to make periodic surveys of the competencies needed by their graduates in order to be ready to perform the initial professional roles they are most likely to assume. Second, they should be required to develop their own internal, accurate, valid and reliable measures to assess the effectiveness of their curricula in preparing those students to assume the professional roles the schools have identified, and, third, the schools should be required to provide their faculties with the support needed to enable them to adapt their teaching to ongoing developments in law and the methods of its practice.

These requirements could be written as independent standards or as showings that schools must make in their self-study under Standard 202. In either case, law schools, law students, the profession and the public could only benefit if law schools were required to begin to develop thorough methods for

evaluating the effectiveness of their curricula in preparing students for their professional roles.

PROPOSAL FOR REVISION OF STANDARD 202:

ABA Accreditation Standard 202(c) SELF STUDY

The self-study shall demonstrate that the law school has implemented a teaching support and review process pursuant to which the law school: 1) periodically surveys the competencies needed by its graduates to be ready to perform the initial professional roles they are most likely to assume; 2) uses accurate, valid and reliable measures to assess the effectiveness of the curriculum in preparing its student to assume those roles; and, 3) provides faculty with the support needed to enable them to adapt their teaching to ongoing developments in law and the methods of its practice.

ACCEPTANCE SPEECH OF PAUL CHILL (CONNECTICUT) UPON RECEIVING THE 1999 UNIVERSITY OF CONNECTICUT LAW REVIEW AWARD "FOR EXCELLENCE IN LEGAL SCHOLARSHIP AND SERVICE TO THE LEGAL COMMUNITY".

Dean Macgill, members of the judiciary, members of the law review, past and present, colleagues, family members and friends: Thank you for the honor you bestow on me by your presence this evening.

I am delighted to have been chosen for the 1999 Connecticut Law

Review Award, for excellence in legal scholarship and service to the legal community. I must say I was startled when Adam Schweickert told me of my selection, and bewildered when I saw the list of past recipients. I feel wholly undeserving of comparison with these many distinguished members of our profession, persons whose level and duration of accomplishment far exceed my own. I am therefore especially grateful for this tribute.

My surprise was sufficient to prompt me to undertake a brief investigation of the circumstances of this year's selection process. One colleague, notoriously cynical of such matters, argued that the abundant press coverage of the *Pamela B. v. Ment* lawsuit, especially by the Connecticut Law Tribune, unduly influenced the result. The Law Tribune had run several front-page stories on the case during its three-year life span, several of which included a (fortunately!) old file photograph of me. My worst fears were confirmed by a conversation with one of the law review members, a student for whom I have very high regard. Responding to my inquiry about how exactly it is that law students know who is doing what for the legal community, she insisted that people had really done their homework, and made a point of assuring me that there are always copies of the Law Tribune lying around the law review office.

Joking aside, I do believe that this award has a fundamentally

different tenor than it has in the past. My work for the past ten years has been a total collaboration with other faculty members and students -- that is the nature, if not the essence, of clinical legal education. I therefore believe that tonight's honor is at least as much about the clinical program that I represent, and that I have been privileged to be a part of for ten years, as it is about me personally. And to the extent the Law Review today honors our clinical program, my modesty is cast aside and I must tell you that I commend you for having chosen so wisely.

Time prevents me from properly acknowledging each of the people who have made our clinical program into a "defining strength" of the law school, as Dean Macgill once described it. [Acknowledgements omitted]

The people I've just mentioned can tell you, I think, how much I love my job as a clinical teacher. I feel incredibly fortunate, almost every day, to have the opportunity to do the work I do. And I'm aware what an exceptional thing that is to be able to say.

I am also an unabashed proponent of clinical legal education. To me its benefits, in terms of preparing law students to be competent, ethical and public-spirited practitioners, are clearly without parallel. Nor do I think there is any adequate substitute, in today's difficult legal world, for clinical education. Call me an

extremist, but I believe that every law student should be provided the opportunity, and indeed required, to undergo at least a full year of training in a law school clinical program as a prerequisite to gaining admission to the bar.

Some of you, I know, are already true believers like myself. As for the rest of you, I'm not sure I can hope to persuade you of the rightness of my position in the brief time available tonight. So I will content myself with a few observations about what makes clinical education so beneficial, and in my view imperative. Like a good cross-examiner I will limit myself to three points. Well, actually, I have four.

First, most people learn better -- much better -- by doing. Confucius is credited with observing that: what I hear, I forget; what I see, I remember; but what I do, I understand. This is no less true of learning the incredibly complex set of skills it takes to be a good lawyer, as it is true of learning anything else. I think we all know this intuitively. How many of us would go to a doctor who has never treated a real patient? Or hire a plumber who has never laid his hands on a wrench? Yet we annually set loose upon an unsuspecting world thousands of new lawyers who have never even had a client.

No doubt some of you here tonight fit that description, and I certainly don't mean to offend you. Indeed, my heart goes out to you. I was in the same boat coming out of law school, never having

taken a clinic. For your sake, and that of your clients, I hope you are fortunate enough to have the kind of mentors I had when I entered practice thirteen years ago. I was incredibly lucky -- my mentors were Joe Garrison and Judge Janet Arterton, fantastic lawyers who cared deeply about their clients, their ethical obligations, and their responsibility to mentor new lawyers like myself. But lawyers like that are rare, and the economics of running a law practice have changed dramatically since 1985. There is precious little time for mentoring today. I fear some of you, and many more around the country, will not be as lucky as I was. And we will all pay the price.

My second observation is that the clinical method has the unique ability to slow down time. It's not that difficult a trick -- if students are only working on one or two cases at a time, a caseload impossible in any other practice setting. With that kind of caseload, you can focus on the small things. You can focus on the dozens of little decisions -- about strategy, tactics and ethics -- that practicing lawyers make every day with little conscious thought. I'm talking about decisions like how to respond to a phone call from an opposing lawyer, or what evidence to seek to discover to prove a fact in dispute, or whether and how to discuss a sensitive topic with a client. In a clinical setting, you can analyze, debrief and

deconstruct these little decisions. You can think systematically about how to connect these little dots with the big dots -- the purposes and themes of the representation -- as the dots change and shift in relation to one another. And you can stop time altogether when a significant ethical issue arises, and force yourself and others to resolve the issue before proceeding any further.

This is the kind of practical experience that develops not just technical competence, but skill in making decisions. It's the kind of training that cultivates not just an awareness of ethical rules, but a personal sense of, and interest in, the choices and values inherent in all that lawyers do. It's the kind of learning that develops not just good habits, but sound judgment.

If I may be allowed one sports metaphor, I think I can illustrate the point. Appropriately, it involves the game invented just up the road in Springfield a century or so ago, and recently perfected by our magnificent team from Storrs, for whose accomplishments the law school is justly proud -- and takes full credit. Back in college, I took a course taught by the basketball coach entitled "Basketball in Depth." I learned many valuable lessons. One I've never forgotten is the proper form for shooting the basketball. You have to curl your forearm and wrist back into a u-shape -- not a v-shape, which results when wrist is

straight. As you cradle the ball on your fingers, you keep your forearm perpendicular to the ground. When you shoot the ball, you push straight up with your forearm, keeping it perpendicular to the ground, rotating only your wrist forward. Watch Rip Hamilton someday, you'll see what I'm talking about.

The great thing about knowing the proper form is that when you're shooting erratically, you can actually help yourself get back on track. You just stand under the basket and shoot layups, emphasizing, even exaggerating, the correct form. Then you gradually back up, shooting from greater and greater distances, concentrating on form and follow-through all the way. Until you find yourself 30' away, swishing jump shots like it were easy. At least if you're Rip Hamilton, anyway.

I'm not sure which is more difficult, learning to shoot jumpers from 30' or learning to be a lawyer. I do suspect that lawyering, at least, is more learnable. And I think that the clinical method can provide the proper form for lawyering. It's not just that the first few times you go into court, or a negotiation, or a meeting with a client, you are better prepared than other beginning practitioners. It's much more than that. It's about having a basic template for lawyering. It's about being a reflective practitioner, and always knowing what questions to ask yourself to stay on the right track.

It's about being able to go back to the basics when your game is off. It's about remaining sensitive to the many little decisions about tactics and ethics you that you are making all the time, even as the time you have to consciously think about them dwindles in direct proportion to your caseload. It's about knowing what you should be doing, even when the vicissitudes of practice limit you to doing only what you must. That, I believe, is a long-lasting impact of clinical legal education.

My third observation relates to the quality of teacher-student relationships in the clinic. They are, and can be, quite extraordinary. Representing clients together naturally breaks down barriers, and blurs distinctions, between teachers and students. Each client is unique, and presents a unique set of issues, so even the most experienced clinical teacher is in some sense on the same footing as students when the client walks in the door. The Rules of Professional Conduct, moreover, dictate that both teacher and student devote their undivided loyalty to the client. They must subordinate any personal interests that may conflict. There can be no sacred cows -- both teacher and student must be prepared to give and accept constructive criticism, indeed, to welcome it, since mutual criticism is essential to doing a better job for the client. This shared sense of purpose, growing out of shared experience, and underwritten by the rules of ethics,

promotes an atmosphere of openness, equality and trust in which the opportunities for real learning -- and especially for learning values -- are enormous.

Last but not least, another thing that makes clinical legal education imperative is the ability, every once in a while, to bring a case like *Pamela B. v. Ment*. In an era of declining public funding for legal services to poor people, law school clinics can serve an important public interest, and fill a vital gap, by pursuing cases that achieve significant law reform. So let me close by briefly describing the *Pamela B. v. Ment* lawsuit, which after all is probably the main reason, or at least the catalyst, for my being up here tonight.

We did not go out looking for a case with which to make a broader impact. The *Pamela B. v. Ment* case grew instead out of the clinic's representation of a poor, mentally handicapped mother facing the permanent loss of her child. In August of 1995, the Department of Children and Families took emergency custody of Pamela B's then nineteen-month-old son, Johnathan, because of suspected medical neglect. It was a time when DCF, responding to the tragic death of Baby Emily Hernandez here in Hartford a few months earlier, and fueled by intense political and media pressure, was summarily removing large numbers of at-risk children from poor families and placing them in foster care.

Ten days after Johnathan was removed, Pamela B. appeared in juvenile court for a hearing to seek his return. Citing a large backlog of cases, however, and inadequate judicial resources with which to handle them, the trial judge denied Pamela B. a hearing. He scheduled that hearing instead for March of 1996, some seven months later. That meant that Johnathan would remain in foster during all that time, without our client even having an opportunity to tell her side of the story, never mind confronting the witnesses against her.

After extensively researching and evaluating our client's options, the clinic filed a class-action suit in state Superior Court in December 1995. The suit alleged that delays in holding temporary custody hearings were pervasive in the juvenile court system, and that they caused great harm to parents and children and violated their fundamental constitutional rights. We named as defendants the Governor, the Chief Court Administrator and the DCF Commissioner. We dropped the case against the Governor early on, for tactical reasons. (There is absolutely no truth to the rumor that we agreed to do so in order to stop the uncontrollable crying spells the Dean began to experience when he found out about the lawsuit.)

The case was mired in the trial court for more than two years, as we conducted discovery and the defendants filed a series of

dispositive motions that were ultimately unsuccessful in getting the lawsuit dismissed. The defendants argued that Connecticut courts lacked the power to remedy claims of systemic violations of constitutional rights within the court system itself. Just when we thought we were out of the woods, the defendants filed an extraordinary request with the Chief Justice of the state Supreme Court, seeking permission to file an interlocutory appeal on this issue. Chief Justice Callahan granted the request, and the case went up on appeal even though no final decision had been reached.

Almost exactly one year ago, the Supreme Court, sitting en banc, soundly rejected the defendant's arguments and remanded the case for trial. The Court ruled that the state judiciary had the power, and the obligation, to hear the plaintiff's challenge. The Court held that the constitutional right of family integrity is too important to allow the courthouse doors to remain shut, for weeks and months, to a parent trying to regain custody of her child. The decision set up a trial in the Superior Court on the issue of whether the Chief Court Administrator's allocation of resources and management of the Judicial Branch was constitutionally proper.

Five weeks later, on the heels of the Supreme Court's decision, the Legislature passed a bill guaranteeing parents and children quicker court hearings when DCF removes children because of

suspected abuse or neglect. The clinic declared victory, and the lawsuit was subsequently quietly settled. The new legislation took effect just six months ago, and although it is far from perfect -- if DCF takes your kids tomorrow, you may still have to wait as long as three-and-a-half weeks even to be able to tell your side of the story to a judge -- it is a vast improvement over the practices of the past.

For the citizens of this state, the *Pamela B.* decision, and the legislation it spawned, provided an important and necessary check on the growing power of the state child protection bureaucracy. For the law students and teachers who litigated the case, it also provided a rare opportunity to get behind the headlines and really see into one of the key issues of our time. And it empowered us all by demonstrating that we can make a difference, that lawyers can not only do well, but do good, with the fruits of our training.

But as I've tried to suggest, big cases like *Pamela B. v. Ment* are not primarily what has made our clinical program worthy of the honor you bestow on us tonight. Indeed, if another case like it never came along, I believe we would remain just as worthy of your tribute. And providing all law students with a clinical experience before joining the bar would remain no less important an objective. Thank you once again for this high honor, and for the added inspiration you have given me to continue the work that I love so much.

CLINICAL LEGAL EDUCATION ASSOCIATION

April, 1999

	Month	Year-to-Date
BEGINNING BALANCE	\$20,688.13	\$11,252.75
Conferences		
Facilities		\$ 950.00
Photocopying		
Postage		
Professional Fees		
Registration Refund		
Newsletter		
Printing		
Postage		
Other Postage		
Other Printing		
Telephone		
Journal	\$11,050.00	\$11,050.00
Meetings		\$ 777.24
Bank Fees		\$ 5.00
CLEA Merchandise		
Supplies		
Dues Refund		
Trophies		\$ 147.38
Website		
Travel		
TOTAL:	\$11,050.00	\$12,929.62
 INCOME		
Advertisements		
Conference Registrations	\$ 4,400.00	\$ 4,400.00
Donation		
Dues	\$ 480.00	\$13,650.00
Merchandise Sales		
TOTAL:	\$ 4,920.00	\$18,090.00
 Net Income (Loss)	 \$ (6,130.00)	 \$ 5,160.38
 ENDING BALANCE:		 \$16,413.13

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Conferences	Carolyn Kaas (Quinnipiac)
Externship	Mary Jo Eyster (Brooklyn)
Political Interference	Suzanne Levitt (Tulsa)
Scholarship	Ann Juergens (William Mitchell)
Website/Computing	Robert Seibel (CUNY)

NOTICE SEEKING NOMINATIONS FOR CLEA BOARD

A Nominating Committee has been appointed to solicit nominations for seats on the CLEA Board of Directors whose terms will be expiring this year. Nominations are due by October 1, 1999. Any of the following committee members may be contacted with nominations, indications of interest or questions:

Julie Kunce Field, Chair (Washburn)	zzfield@acc.wuacc.edu
Calvin Pang (Hawaii)	calvinp@hawaii.edu
Anne Schroth (Michigan)	schroth@umich.edu
Odeana Neal (Baltimore)	oneal@ubmail.ubalt.edu
TBA	

**CONTINUING SURVEY OF CLINICIANS
WHO HAVE CONSULTED OR TAUGHT IN A FOREIGN COUNTRY**

This is part of an ongoing project to identify clinical teachers who have served as consultants on legal education or who have taught in any capacity in other countries (including their own schools' semester abroad or foreign summer programs). The compilation now includes approximately 120 clinicians and 60 countries. If you have consulted or taught in other countries, or have confirmed plans to do so, please fill out this form (or report the information in any format) and send it to:

Roy Stuckey
USC School of Law
Columbia, SC 29208
803/777-2278; FAX 803/777-3401
email: Roy@Law.Law.SC.EDU

Listings from Canadian members of the AALS Section on Clinical Legal Education are welcome.

If you want to report more than one international teaching or consulting experience, please complete multiple copies of the survey or write on the back of this form.

Your Name: _____ School:

Country:

City:

Institution:

Duration/Dates:

Source of Funding (circle as many as apply):

sabbatical; CEELI/AFLI; foreign school; foreign government;
Fulbright; other:

Brief Description of Purpose (including any subjects taught):

