

CLEA
NEWSLETTER

- Upcoming CLEA Events
- Articles on Clinical Teaching
- Social Justice Creative Writing
- CLEA Election Results

President’s Message

When the December newsletter comes around, it is customary for the CLEA President to look back on the year and think about what has been accomplished and what is left to do. When I look back on 2013, I can think of no better words Charles Dickens penned in the opening lines of *A Tale of Two Cities* when he published it as a serial novel in 1859:



Katherine (Kate) Kruse
CLEA President
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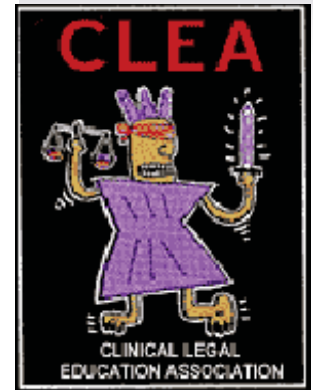
It was the best of times, it was the worst of times, it was the age of wisdom, it was the age of foolishness, it was the epoch of belief, it was the epoch of incredulity, it was the season of Light, it was the season of Darkness, it was the spring of hope, it was the winter of despair, we had everything before us, we had nothing before us, we were all going direct to heaven, we were all going direct the other way . . .

In 2013, legal education entered a time of profound instability. With enrollments in a steep plummet—and the bottom not yet clearly in view—law schools face difficult choices. As the blogosphere rings with warnings of doom, law schools quietly cope with the austerity and uncertainty that lower enrollments create. The impact of these quiet, difficult choices on clinical legal education is not likely to be fully seen or completely understood until the situation stabi-

lizes. But the critiques of the cost of legal education cut deeply into the substructure that finances the current system, raising questions of whether law schools will ever return to their old ways, even when applications return law school budgets to more sustainable levels.

In the meantime, the changes in legal education are destabilizing the regulatory structures in which law schools have operated. In 2013, the ABA Council for the Section of Legal Education and Admissions to the Bar sent out, for notice and comment, sweeping changes to the standard governing job security of clinicians.

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President's Message, continued.

In response to calls for greater flexibility, the ABA proposes to eliminate the category of job security developed in Standard 405 over many years to respond to the unique circumstances of clinical professors. In its place, the ABA would evaluate only whether law schools are providing a form of security of position “sufficient to attract and retain a competent faculty”—the standard currently applicable to legal writing faculty. This change in ABA Standard 405 would remove what has historically operated as an important guide that schools have followed in shaping distinct retention and promotion standards for clinicians outside the regular tenure-track.

At the same time, the ABA is proposing to up its professional skills instruction standard. The ABA initially proposed that law schools require 3 credits of professional skills instruction for all students in clinics, externships, or simulation courses. By the time the proposal went out for notice and comment in August, the ABA had raised it to a minimum of 6 credits of professional skills instruction for every graduating student. And, in response to a CLEA petition, the ABA voted in December to send out for notice and comment an alternative proposal that would mandate 15 skills credits.

State bar admissions authorities are also increasingly attending to the need for students to receive practice-based and skills instruction as a condition of bar admission. California recently adopted the recommendation of its Task Force on the Future of Legal Education and Bar Admissions that all applicants to the California bar demonstrate that they have completed 15 credit hours of skills instruction while in law school or to participate in post-graduate clerkship or apprenticeship program. California is not alone, and may represent the beginning of a new trend toward practical training-based bar admission requirements in the states.

As we know from the influence of bar examinations, changes to bar admissions standards are likely to ripple backward into legal education, reshaping what law schools perceive to be at the core of their teaching mission.

The future of clinics and clinicians in the “new normal” of legal education remain to be seen. The typical law school—with a largely classroom-based curriculum and an in-house clinic and externship program on the side—is giving way to a proliferation of skills-based and experiential programming that blurs the lines between classroom and clinic teaching. Although in the past, clinicians have enjoyed virtually unquestioned authority on what it takes to make students practice-ready, we find ourselves scrambling to name, categorize, and evaluate new models of experiential education and to situate our more traditional modes of clinical legal education within the growing spectrum of new possibilities.

As we look ahead to 2014, we will continue to confront the ambiguities that reside in times of profound transition, buffeted between the extremes that Dickens describes: wisdom and foolishness; belief and incredulity; hope and despair. The instability that is shaking law schools at their foundations provides us an opportunity to participate in reshaping legal education. But positive change is unlikely to occur if we cling too tightly to what we think we know and what we are most comfortable believing. We must instead take to heart the lessons that we teach our students every semester as they journey through our clinics and externships: to question assumptions, to look for multiple explanations of facts, to insist on precision in thinking, and to be brave enough to act in an unsettling universe of unstructured possibilities.

CLEA Events at the AALS Annual Meeting

The Clinical Legal Education Association (CLEA) will be meeting on Saturday, January 4, 2014, at Fordham University School of Law, 140 W. 62nd Street (between Columbus and Amsterdam Avenues), in Room 118.

The CLEA Membership Meeting will be held from 7:30 am to 8:30 am to update members on CLEA's advocacy and initiatives. It will be followed at 8:30 am by the CLEA Board Meeting to transact CLEA business.

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2013 CLEA Executive Committee

Kate Kruse (Hamline), President
Jenny Roberts (American), Vice-President
Donna H. Lee (CUNY), Vice-President
Claudia Angelos (NYU), Treasurer
Maritza Karmely (Suffolk), Secretary (2014)
Leigh Goodmark (Baltimore), Immediate Past
President

[http://www.cleaweb.org/Default.aspx?
pageId=1248249](http://www.cleaweb.org/Default.aspx?pageId=1248249)

2013 CLEA Board of Directors

Cynthia Batt	Lisa Bliss
Evelyn Cruz	Patience Crowder
Maritza Karmely	Anjum (Anju) Gupta
Praveen Kosuri	Karla McKanders
Perry Moriearty	Binny Miller
Mae Quinn	Beth Schwartz
Michael Robinson-Dorn	Kele Stewart
Janet Thompson Jackson	Ian Weinstein

[http://www.cleaweb.org/Default.aspx?
pageId=1250262](http://www.cleaweb.org/Default.aspx?pageId=1250262)

2014 CLEA Officer Election Results

Janet Thompson Jackson (Washburn),
Co-Vice President
Mary Lynch (Albany), Co-Vice President
Praveen Kosuri (Penn), Treasurer

2014 CLEA Board Election Results

Tamar Birkhead (Univ. North Carolina)
Martina Cartwright (Texas Southern)
D'lorah Hughes (Arkansas-Fayetteville)
Benjie Louis (Albany)
Perry Moriearty (Univ. Minnesota)
Beth Schwartz (Fordham)

Congratulations to all of the new Board
members and officers!

2013 CLEA Elections Committee

Sameer Ashar	Evelyn Cruz
Maritza Karmely	Laura McNally
Alex Scherr	Kele Stewart
Binny Miller (Chair)	

CLEA Events at the AALS Annual Meeting, cont'd

CLEA has been busy this year, advocating in the ABA's ongoing process of reviewing the standards for accrediting law schools, connecting with state bar associations and licensing agencies, and continuing to advance the development of best practices in legal education in these dramatically changing times. The coming year will be an important one on all these fronts:

- The ABA has put out for notice and comment—among other things—proposals to gut the standards governing clinicians' security of position and to increase to six credits its mandate that all law students receive substantial instruction in professional skills.
- The state of California has approved a task force recommendation that bar applicants demonstrate that they have received 15 credits of skills instruction prior to admission to practice law in the state and is in the process of developing the rules to implement this requirement. And, other states are considering similar action.
- The CLEA Best Practices Project is well on its way to the publication of an update to the influential 2007 CLEA publication, Best Practices in Legal Education.

CLEA Board meetings are open to all CLEA members, so CLEA members are welcome to attend both or either of these meetings. Coffee and pastries will be provided!

ABA Proposes Changes in the Law School Accreditation Standards

By Claudia Angelos



Claudia Angelos
(NYU)

The American Bar Association's comprehensive review of the Standards for Approval of Law Schools has reached a critical point, with the ABA sending out proposed amendments to several key standards for notice and comment. The ABA has scheduled an open session for comment on these changes on February 6-7, 2014, at the ABA headquarters in Chicago. CLEA will be filing comments and appearing to speak at that hearing, but invites the participation of individual clinicians as well, to share your views on these proposed changes.

Changes to ABA Standard 405 Governing Status of Clinicians

In its August, 2013, meeting, the ABA's Council for the Section of Legal Education and Admissions to the Bar sent out for notice and comment a substantially modify Standard 405, which governs the security of position afforded to law professors. Standard 405 currently requires that law schools have "an established and announced policy with respect to tenure and academic freedom," which has been read to require a tenure system. Recognizing that clinical professors may not always be a good fit for a unitary tenure-track system, Standard 405(c) requires that law schools "shall afford to full-time clinical faculty members a form of security of position reasonably similar to tenure," and interpreted that to mean "a separate tenure track or a program of renewable long-term contracts." In subsection 405(d), the ABA

addresses the security of position of legal writing professors, requiring that law schools afford "such security of position . . . as may be necessary to (1) attract and retain a faculty that is well qualified to provide legal writing instruction . . . and (2) safeguard academic freedom."

The ABA's proposed changes would do away with this three-tier system, delete the language requiring tenure, and do away with the special provision addressing the status and security of position for clinicians. In its place, the ABA proposes a single standard that would require only that law schools "afford to all full-time faculty a form of security of position sufficient to ensure academic freedom and attraction and retention of a competent faculty."

There is no interpretation that further defines what this proposed standard means, though it uses the language that currently governs the security of position of legal writing faculty. A second alternative would eliminate any reference to security of position.

In support of these proposed changes, the ABA Council cited the perceived lack of connection between security of position and the quality of legal education needed to provide schools with more flexibility in hiring and retention decisions; and a discomfort with a tiered system that differentiates among tenured, clinical, and legal writing faculty. The Society of American Law Teachers (SALT), a collection of over 500 faculty members, sixteen former AALS Presidents, and at least one law school faculty (Rutgers Uni-

versity School of Law-Newark) have filed comments in opposition to these proposed changes on the ground that they undermine protections for faculty that only a tenure system can ensure and threaten diversity in the legal academy.

CLEA shares these concerns and has a special concern of its own to add. Historically, clinicians have been protected under a special subsection of Standard 405 precisely because a unitary tenure system is not a viable option at many law schools where the tenure process is dominated by a concern with academic scholarship to the exclusion of the valuable work that clinicians do. Standard 405(c) has provided a guideline for law schools seeking to fashion alternative standards that better fit the unique needs and accomplishments of clinicians. In times of financial instability, the loss of this protection is likely to have a particularly harsh impact on clinical faculty.

Professional Skills Instruction Required of Law Graduates

The ABA Standards currently require that each graduating student receive "substantial instruction" in professional skills, which can be fulfilled by showing that the school requires at least one credit in professional skills instruction as a condition of graduation. The ABA Council has sent out for notice and comment a series of changes that would substantially strengthen and clarify this requirement.

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ABA Proposes Changes in the Law School Accreditation Standards, continued.

The proposed changes would define the professional skills requirement as one or more experiential courses in a simulation course, a clinic, or a field placement. To satisfy the new requirement, the courses must integrate doctrine, theory, skills and legal ethics; engage students in the performance of one or more professional skills; develop the concepts underlying the skills being taught; provide multiple opportunities for performance; and provide opportunities for self-evaluation. In August, the ABA Council voted out for notice and comment a proposal that all law school must require their graduates to take at least 6 credits in experiential courses. In December, in response to a petition from CLEA, the ABA Council voted out an alternative proposal that law schools must require their students to take at least 15 such credits. Along with these proposed changes, the ABA is also—for the first time—providing definitions of what counts as a “simulation course” and what counts as a “clinical course.” These new definitions further clarify where and how the ABA will draw lines regarding its new and increased requirements for professional skills instruction.

The package of amendments also includes changes that affect externship programs. Current standards draw a distinction between programs that award four or more credits, which are required to have periodic on-site inspections and to provide contemporaneous opportunities for student reflec-

tion. The proposed standards would lower the threshold for such requirements to three credits, rather than four. At the same time, it would eliminate specific reference to site visits and replace it with “regular contact between the faculty supervisor or law school administrator and the site supervisor to assure the quality of the student educational experience, including the appropriateness of the supervision and the student work.”

Process Concerns

CLEA continues to take issue with the process through which these proposed changes have occurred. CLEA advocates have attended every ABA Standards Review Committee meeting since the inception of the comprehensive review process, and have regularly filed comments on various aspects of the standards under review. Throughout the process, we have never heard any reference—positive or negative—to our comments, suggestions, or proposed changes to language, nor to the comments or proposals of the many other affiliate organizations that have been following the process closely. With the exception of one open session, the Committee has chosen not to take comments from those in attendance as a way of informing their work, limiting our role to that of observers.

This past year, CLEA unearthed a seldom-invoked procedural rule that permits anyone to propose an amendment to an accreditation rule and requires the appropriate ABA committee to consider the proposal, report on it,

and the Council to respond. CLEA used this rule to petition for a minimum of 15 credits of skills education and a mandatory real practice experience for every graduate, citing the substantial requirements for practical training in every other profession. Because we invoked that rule, our petition was heard and the Council responded by sending an alternative proposal for 15 credits of professional skills training out for notice and comment. However, in their very next meeting, the Standards Review Committee proposed a re-tooling of their procedural rules that included eliminating the rule that CLEA invoked.

The road that CLEA has been traveling in the ABA’s comprehensive review of the law school accreditation standards has been a long one, and there have been many ups and downs along the way. It is likely that the road will reach an end in August 2014, when the proposed changes are sent to the ABA House of Delegates. CLEA urges clinicians to become informed about these proposed changes now and to participate in the notice and comment process that is underway, adding the voice of clinicians to these important debates about the future of legal education. More information about the notice and comment process is available at: http://www.americanbar.org/groups/legal_education/resources/notice_and_comment.html.

States as the Laboratories of Legal Education Reform

Robert (Bob) Kuehn

For decades, most state bars showed limited interest in influencing the content of legal education, ceding oversight to the ABA's Section of Legal Education and Admissions to the Bar. Yet as the ABA increasingly believes that the market should primarily drive the form and content of legal education and that accreditation should simply reflect, not drive changes to, current legal education practices, states are stepping into the breach to address the lack of adequate practice-based training in law school.

Leading this effort is the State Bar of California. In October, its Board of Trustees adopted a proposal that a candidate for admission to the bar must have taken at least 15 units of practice-based, experiential law school coursework designed to develop law practice competencies or, in lieu of some or all of the 15 units, may opt to participate in a Bar-approved externship, clerkship, or apprenticeship during or following completion of law school. A special committee is developing an implementation plan, with the requirement expected to be implemented for 2017 bar candidates. A public comment period, including hearings, on draft rules is expected in early 2014.

The Chief Justice of the Ohio Supreme Court has appointed a task force of deans to explore the recommendations in a 2009 report by the Ohio State Bar Association Task Force on Legal Education Reform. Those recommendations included a

requirement that bar applicants have completed a law clinic or externship in law school or a practice experience through an organized bar association program involving law school faculty and the practicing bar. The Ohio deans have decided that there will be no process for public comment but that it will send its recommendation directly to the court in early spring. The New York State Bar Association's Committee on Legal Education is similarly studying whether skills training should be required for admission to its bar; it has not announced a public comment process.

The Arizona Supreme Court passed a new rule last year allowing students to sit for the bar exam if they have satisfied all law school graduation requirements except 8 semester credits. Thus, interested third-year students at Arizona's three law schools will be able to take the bar this February and will return afterwards for a special early bar curriculum that focuses primarily on practice-based courses.

As has been well publicized, New York has adopted a new 50-hour mandatory pro bono requirement for all persons applying for bar admission after January 2015. The law-related work can include work in an externship or law clinic. Some expect this new pro bono requirement to increase student interest in taking a clinical course prior to graduation. The State Bar of California has proposed a similar rule for its bar applicants, and the Conference of Chief Justices passed a resolution in July encouraging the



Bob Kuehn
(Washington Univ—
St. Louis)

chief justice of each state to discuss the adoption of a similar requirement with the deans of their law schools.

As Eldridge Cleaver once said, “if you are not part of the solution, you are part of the problem.” Having seen the problems with the current approaches to legal education, state bars and regulators are increasingly looking to be part of the solution and no longer waiting for law schools to take the steps necessary to better prepare their students for the modern practice of law.

**CLEA POSTS
CLINICAL JOB
OPPORTUNITIES
AT**

[http://www.cleaweb.org/Jobs?
pg=1](http://www.cleaweb.org/Jobs?pg=1)

Building on Best Practices: Legal Education in a Changing World
A work in progress



Carolyn Kaas
(Quinnipiac)



Lisa Radtke Bliss
(Georgia State)



Debbie Maranville
(Univ. Washington)



Antoinette Sedillo-Lopez
(New Mexico)

The Best Practices Implementation Committee has launched the ambitious endeavor of publishing a companion volume to CLEA's first book, *Best Practices for Legal Education*, written by Roy Stuckey, et al., and published in 2007. The new book is expected to be completed by fall 2014 and out in early 2015. Lisa Bliss (Georgia State), Carrie Kaas (Quinnipiac), Deborah Maranville (U of Washington), and Antoinette Sedillo Lopez (U of New Mexico) serve as co-editors.

The *Building on Best Practices* book is not intended as a classic second edition. We will be recommending that the two books be read together. The first book is a masterful "road map" to improving legal education to better prepare students to practice law; most sections will not be revisited or rewritten. Rather, the second book is designed to capture the evolution and revolution that is underway in legal education. It will address topics that either have changed or for other reasons, were not fully covered in the first book. The overarching themes will include the integral role of experiential education, and the increasing

call for integration, sequencing, and teaching for transfer. This new book will address intercultural education, technology, the globalization of the profession, interdisciplinary education, and the changes in the Dispute Resolution and Externship pedagogy, to highlight but a few topics.

There are a large number of people involved in the book project. Because we recruited authors from a diverse cross-section of the academy, not all the authors are clinical professors, or members of CLEA. Drafts of approximately 10 sections are already undergoing review and revision. Many of the authors met for a workshop at the University of New Mexico on October 11-12, 2013 to receive feedback on their work and identify issues to be addressed in the book. More sections will be presented and reviewed at the AALS Annual Meeting in New York in January (on Jan 3 and 4), and still others will be presented at the Externship 7 Conference in February in Denver, and at the AALS Clinical Legal Education Conference in April in Chicago.

Negotiations are underway for publication of the book by a private

publisher. The goal is for the book to be published and distributed as widely as possible without charge, based upon the distribution model of the first book, which was published by CLEA. There will be no royalties. Although there is presently no firm contract, the editors and authors are proceeding with a target submission date for completion of October 1, 2014.

We wish to thank CLEA for the ongoing support of the Best Practices project. In particular, CLEA helped to support the recent workshop in Albuquerque, and to support the attendance of Roy Stuckey at the workshop. His participation was invaluable, and inspiring to the authors who are taking up the baton for the next phase of advocating for reform of legal education.

PDF of CLEA's first full
book at [Best Practices for
Legal Education](#)

Good News : Moves, Honors & Promotions

The Clinical Programs at **Ohio State University (OSU)** is pleased to welcome **Amna Akbar** as an Assistant Professor of Law. Amna, a former CUNY Teaching Fellow, and former NYU Clinical Fellow and Research Scholar, is already part of the OSU community and has been a Visiting Assistant Professor in the Civil Law Clinic last year and this year. We have already benefited from her commitment to clinical education and her thoughtful input and now look forward to continuing to work with her for many years to come. Thanks, and welcome aboard Amna!



University of Wisconsin Law School Clinical Professor **John Pray** and Clinical Associate Professor **Mary Prosser**,



along with eight other individuals from all over the U.W. Madison campus, were selected to receive recognition for their achievements in leadership, public service, research, teaching and overall



excellence with Academic Staff Excellence Awards. This award honors staff members representing a broad spectrum of fields and duties at the U.W.-Madison.



Rutgers-Camden celebrated the work of (presumptively) renewed clinical professor, **Victoria Chase**, who directs the Domestic Violence Clinic. Victoria's vision has allowed the clinic offers to expand fourfold during her years serving in various capacities like clinic department chair, associate dean, and overall beloved member of the faculty. She is also quite popular with the students, who want to learn from her to try a restraining order case even though they know that their career trajectories will ultimately take them into a tax law or corporate restructuring field.

The **UDC** President and Board of Trustees approved the law school faculty's unanimous recommendation that **Matthew Fraidin** be awarded tenure and promoted to the rank of Professor.



The 2014 Deborah L. Rhode Award goes to **Dean Matthew Diller, Benjamin Cardozo School of Law**, based upon his distinguished record of and commitment to public service. As a professor, scholar, and administrator, Dean Diller has worked tirelessly to advance access to justice, including: (1) innovative development of the "field clinic" model to create collaborations to advance representation in growing areas of need such as health care and special education, (2) support for the Center for Public Service, spearheading efforts to raise \$600,000 for public service stipends and additional funds for the Bridge to Practice Program, (3) creation of the Public Service Council, (4) establishment of a home for the National Center for Access to Justice, and (5) service as a key member of Chief Justice Jonathan Lippman's Task Force to Expand Access to Civil Legal Services in New York and chair of its Law School Collaborations Committee. According to one of his nominators, Dean Diller has taken "the knowledge learned on the front lines of representing the poor and made it a meaningful part of his approach to academia and his leadership as a dean." The award will be presented following the AALS Pro Bono and Public Service Opportunities Section Program, Building Support for Pro Bono and Public Service: Identifying and Cultivating Allies and Partners, at the AALS Annual Meeting on January 3rd at 3:30 – 5:15. The program begins at 3:30 and the awards presentation will begin at 4:30 p.m.

Deborah Burand (Michigan), the director of the International Transactions Clinic, was appointed to a 3-year contract on the long-term clinical track. Deb returned to Michigan in January 2012, after taking a leave of absence to serve in Washington as general counsel to the Overseas Private Investment Corporation (the development finance agency of the U.S. government).



John Craft (Faulkner) has accepted an appointment as Acting Director of Clinical Programs. John teaches and supervises the Elder Law Clinic and has now assumed responsibility for directing the program. He is an expert lawyer, an activist for elder justice, and a great teacher. He loves and understands the vocation of clinical education and will continue to do great things at Faulkner.



Moves, Honors & Promotions



Thomas A. Kelly III (Univ. of North Carolina) was named Paul B. Eaton Distinguished Professor of Law.



Kristina Campbell (UDC) was promoted to Associate Professor of Law.

Karen Tokarz (Washington Univ.—St. Louis) (*Civil Rights, Community Justice and Mediation Clinic*) has been named among the *Best Lawyers in America* in the “Mediation” category.



Terry L. Turnipseed, Professor of Law and Professor of Engineering and Computer Science at **Syracuse University**, has been appointed Director of the new Syracuse University Semester in D.C. Externship Program. This Program will provide 25 second and third year law students per semester (or 75 per year total) with the opportunity to extern full time in various premier Washington D.C. placements. Professor Turnipseed was promoted to full Professor in August 2013. Prior to Turnipseed’s academic career, he spent 17 years working in Washington, D.C., including nonprofits, the federal government, and private practice, most recently in the estate planning group at Covington and Burling. Professor Turnipseed has an LL.M. in Taxation, *cum laude*, and a J.D. from Georgetown University and two graduate degrees from MIT in Nuclear Engineering and Technology and Policy where he was a National Science Foundation Fellow. Professor Turnipseed received a bachelor’s degree in Nuclear Engineering, *summa cum laude*, from Mississippi State University where he was a Harry S. Truman Memorial Scholar and has been designated as a Distinguished Engineering Fellow.

The 2014 Father Robert Drinan Award goes to Professor **Linda McGuire, University of Iowa College of Law**, based upon her creation and leadership of a robust program devoted to providing students with pro bono and service opportunities, while helping them to grow as legal professionals. Through the Citizen Lawyer Program she created, Ms. McGuire launched a comprehensive program that develops a life-long commitment to service, prepares students as community leaders, raises awareness of community issues (including access to justice), and manages a wide range of law and non-law related community volunteer opportunities. Despite the law school’s location in a non-urban college town, almost half of the Class of 2013 had participated in or more of the program’s pro bono projects. As one of her nominators stated, “In all of these ways - service, design, and management - [she] has truly fostered an ethic of public service and a commitment to increasing access to justice.” The award will be presented following the AALS Pro Bono and Public Service Opportunities Section Program, Building Support for Pro Bono and Public Service: Identifying and Cultivating Allies and Partners, at the AALS Annual Meeting on January 3rd at 3:30 – 5:15. The program begins at 3:30 and the awards presentation will begin at 4:30 p.m.



Rutgers-Camden enthusiastically and unanimously promoted **Meredith Schalick** to a 5-year “clinical tenure” contract. As a Child & Family Advocacy clinician, Meredith has created a program that takes a multidisciplinary approach, involving consultants in the fields of medical, mental health, education, and social work professionals. Meredith has also built partnerships with the Office of the Law Guardian, the Rutgers School of Social Work, and the South Jersey Legal Services. Meredith came to Rutgers-Camden as the statewide expert on child abuse and neglect, and parental termination issues. She has been honored for her teaching and has a teaching repertoire that extends to other courses, including Professional Responsibility, Child Abuse & Neglect, and an advanced writing course, Persuasion in Legal Writing.



Eduardo R.C. Capulong (Montana), Director of the Mediation Clinic and Professor of Law, received tenure this year.



Moves, Honors & Promotions



Congratulations to **Robert Dinerstein (American)**, who received the ABA Paul G. Hearne Award for Disability Rights! Details [here](#).

The National Law Journal named **Emily Benfer (Loyola Chicago)** one of Chicago's top 40 lawyers under 40. Emily received the honor for her work as a Clinical Professor of Law and the Director of the Health Justice Project, a medical-legal partnership litigation and policy clinic. Details [here](#).



Good news from **Quinnipiac**: **Kevin Barry** was granted tenure and promoted to full professor, and **Sarah Russell**, who is on the tenure track, was promoted to Associate Professor. Kevin and Sarah teach and co-direct our Civil Justice Clinic. Kevin also teaches Disability Law, and has published in the areas of the ADA, Disability Law and Gender, Autism, Death Penalty repeal, and has taught Legislative and Policy clinics. Sarah's scholarship is in the area of Sentencing and Juvenile Justice Reform.



Congratulations to **Jay Mitchell (Stanford)** on his recent promotion to Professor of Law. Professor Mitchell founded Stanford's Organizations and Transactions Clinic in 2007 and has supervised students in their work with established Northern California

nonprofit corporations on governance, structural, and programmatic matters. Professor Mitchell's recent written work includes a white paper on how corporate lawyers can learn from graphic design principles in creating legal documents for clients (Putting Some Product into Work-Product: Corporate Lawyers Learning from Designers (September 22, 2013)) and an article on the core professional activity of lawyers and ideas for developing reading skills in clinic (Reading (in the Clinic) is Fundamental, 19 Clinical L. Rev. 297 (2012)). He also recently received the 2013 Outstanding Nonprofit Lawyer Academic Award from the ABA Section of Business Law, Nonprofit Corporations Committee.

Gowri Krishna, who came to **Michigan Law** from Fordham Law School where she was a teaching fellow, taught in Michigan's Community Economic Development Clinic this year while Alicia Alvarez was on sabbatical. This summer she moved to **Roger Williams**, where she is working in the new Community Economic Development Clinic.



The State Bar of Michigan will honor **Michele Halloran (Michigan State Univ.)** with its Champion of Justice Award. This award recognizes integrity and adherence to the highest principles of the legal profession and extraordinary professional accomplishment that benefits the nation, the state or the local community.



Rachel Deming, co-director of **Michigan Law's** International Transactions Clinic (ITC), has headed south to **Barry University's** Environmental Law Clinic. While at U-M, she built connections with the Business and Engineering Schools.



Professor **Pam Karlan (Stanford)** and the team of students from Stanford's Supreme Court Litigation Clinic were honored by Stanford Pride, the university's LGBT alumni organization, at its 2013 annual homecoming event.



Anne Schroth, founder and director of **Michigan Law's** Pediatric Advocacy Clinic, has headed back east to be closer to her family. Anne was part of U-M's great hiring class of 1998.



representing Edie Windsor in challenging the constitutionality of the federal Defense of Marriage Act.

Rutgers-Camden promoted **Alison Nissen** (no photo available) to a 5-year “clinical tenure” contract. Alison has built the Academic Success program from an informal catch-as-catch-can system to one that now involves courses, workshops, individual academic advising, individual conferencing, peer mentoring, and so forth. Her scholarly agenda focuses on veterans and military students in law school. She is working on starting a veterans’ pro bono project and hopes to someday have an associate clinic.



Nekima Levy-Pounds, Director of the Community Justice Project, and **Jennifer Wright**, Elder Law Practice Group, have both been promoted to the rank of full Professor of Law at the **University of St. Thomas Minneapolis**.

They have built an outstanding clinical program literally from scratch.



The University of New Mexico Provost's Office has granted tenure and promotion to Professor **Barbara Creel** of Jemez Pueblo! The **University of New Mexico School of Law** is pleased to welcome Professor Creel to their Law and Indigenous Peoples Program permanent faculty. Professor Creel has distinguished herself as an emerging scholar, publishing in the area of federal Indian criminal law and the rights of the Indian criminal defendants in federal and tribal courts. She has established herself as an extraordinary teacher, receiving praise, recognition, and a UNM campus-wide "all-around" award for her excellence as a professor. Professor Creel is a fierce advocate and an accomplished clinical teacher and co-director of the Southwest Indian Law Clinic (SILC). She has supervised clinical students and represented clinical clients in tribal and state courts as well as in the Federal District Court for the District of New Mexico, the Tenth Circuit Court of Appeals, and the United States Supreme Court, inspiring jurists and fellow attorneys with her tenacity, vigor, and exemplary community lawyering skills.



DC Law Students in Court (LSIC), a not-for-profit legal clinic, has appointed **Moses Cook** as Executive Director. Moses has been with LSIC since 2005 as a supervisor and then chief of LSIC’s criminal division, teaching law students critical trial skills and defending the constitutional rights of indigent individuals. The full press release is available [here](#).

Marcy Karin (Arizona State Univ.) has been granted continuing status and promoted to Clinical Professor of Law.



The 2014 AALS Section on Clinical Legal Education William Pincus Award goes to Professor **Jeanne Charn**. Professor Charn is a Senior Lecturer on Law at **Harvard Law School**. She began her legal career as a student practitioner at the federally-funded Community Legal Assistance Office (“CLAO”) in Boston from 1968 to 1970. She continued with CLAO as a staff attorney and law student supervisor from 1970 to 1971. She then became a staff attorney with the Mass Law Reform Institute from 1971 to 1973. In 1973, she began her academic career with Harvard Law School when she became the Assistant Dean for Clinical Programs. At this time, she and her late husband, Gary Bellow, conceived of and founded the Legal Services Institute (“LSI”) (now the Wilmer Hale Legal Services Center, the “LSC”) which began operating in 1979 in Jamaica Plain, Massachusetts. As co-founder and director of the LSI, she managed Harvard’s largest clinical offering in a community-based setting and served more than 100 students and several thousand clients every year. Since 1999, Professor Charn has been the Director of the Bellow-Sacks Access to Civil Legal Services Project which leads research and policy initiatives to expand access to civil legal advice and assistance for low and moderate income households. Beginning in 2003, Professor Charn became a Senior Lecturer on Law and she teaches courses on the legal profession and delivery of legal services and researches legal services delivery, the legal and financial needs of low and moderate income households, professional skills and social welfare law and policy. Professor Charn will be presented with the Pincus Award at the Section luncheon on Friday, January 3, at 12:15 PM.





Dana Thompson (Univ. of Michigan), who co-directs the growing Entrepreneurship Clinic (EC), was promoted to clinical professor of law on a 7-year presumptively renewable contract. At the EC, Dana and her colleagues foster student start-ups and other intellectual property as part of the U-M's interdisciplinary Zell Entrepreneurship and Law Program.

Maxine Lipeles (Washington Univ.—St. Louis) (*Interdisciplinary Environmental Clinic*) has been named as among the *Best Lawyers in America* in the “Litigation - Environmental Law” category.



Marianne Artusio (Touro) will be taking a two-year leave from the position of Director of the Clinical programs to start a new venture, Touro's Institute on Aging and Longevity Law. **Leif Rubinstein** of the clinical faculty will

Karla McKanders was awarded the **Tennessee College of Law's** Bass, Berry and Sims Award for Outstanding Service to the Bench and Bar in February 2012. This award honored Karla's hard work providing numerous training sessions and clinics for the bar on immigration issues, which recruited many Tennessee attorneys to represent immigrants who cannot afford counsel. She also received the Gardener of Change Award from the organization Community Shares of Knoxville this spring. The Gardener of Change Award is presented to an educator within the community that fosters social justice and critical thinking among her students.



become the Acting Director for two years. Leif is the Director of the Mortgage Foreclosure and Bankruptcy Clinic and Advanced Bankruptcy Clinic; he is a specialist in bankruptcy law and has been an important part of the development of the clinical program.



Suellyn Scarnecchia returned to the **University of Michigan** this year after serving stints as dean at New Mexico and vice-president and general counsel at the University of Michigan. She is teaching in the Human Trafficking Clinic and is learning immigration law.



Margaret Martin, who co-taught in the Immigrants' Rights/International Human Rights Clinic, at **Seton Hall Law School** Center for Social Justice (CSJ), accepted a position at the Immigration Services Department, Catholic Charities Community Services, Archdiocese of New York .



Pepperdine University School of Law welcomes **Jeff Baker** as its new Director of Clinical Education and an associate clinical professor of law. Since 2006, Jeff has been the Director of Clinical Programs at Faulkner University Jones School of Law in Montgomery, Alabama, where he directed the clinical and externship programs and taught the Family Violence Clinic. Jeff was the first dedicated clinical teacher and director at Faulkner Law and saw the program through final ABA accreditation while expanding the program's offerings, enrollment, scope of practice and physical space. He was named Professor of the Year in 2012 at Faulkner Law. The Montgomery Advertiser named him a Martin Luther King Spirit Honors recipient in 2009, and the local domestic violence shelter presented him with the 2009 Justice for Victims Award. He has convened sessions and has presented at AALS clinical conferences, Externships 6, the Southern Regional Conference, and he serves on the AALS clinical section's interdisciplinary committee, and he has served on the Alabama State Bar's pro bono task force.

Bridgette Carr (Univ. of Michigan), who founded and directs the Human Trafficking Clinic, was promoted to clinical professor of law on a 7-year presumptively renewable contract.



After two years as a Clinical Teaching Fellow and one year as a Visiting Assistant Clinical Professor at **Seton Hall Law School** Center for Social Justice, **Rachel Lopez** has moved to a tenure-track position at Drexel's Earle Mack School of Law, where she will establish and direct their Community Lawyering Clinic.





Michael Bloom (Univ. of Michigan), who came last fall from the University of Chicago Law School, is directing the new Transactional Lab. The Lab matches law students to in-house corporate counsel's offices, increasing our business-oriented offerings. Michael is a 2009 Yale Law grad and co-author (with David Zarfes) of two books on contracts and commercial transactions.



Bridget McCormack (Univ. of Michigan), who served for much of the last decade as the associate dean for clinical affairs, won election to the Michigan Supreme Court last November and took office in January. Her campaign drew national attention (and she out-pollled the two sitting justices). As time permits, she will teach a seminar at UM.

Anne Sikes Hornsby (University of Alabama) was promoted to Professor of Clinical Legal Instruction with security of position.



Mary Perry (Washington Univ.—St. Louis) has been appointed Director of Externship Programs. In this new position, Mary will oversee the School's 9 externship courses, including 3 in St. Louis and 6 outside the region. In addition to this new position, Mary also directs the *Lawyering Practice Externship* and *Semester-in-Practice Externship*.

David Koelsch (University of Detroit Mercy) received full faculty tenure and was selected by the faculty to receive the prestigious Barnes award for producing the highest quality and most prodigious faculty scholarship during the past year.



Kyle Rosenkrans, who served as a Practitioner in Residence with the Urban Revitalization Initiative at **Seton Hall Law School** Center for Social Justice (CSJ), as well as Visiting Assistant Clinical Professor, accepted a position as Vice President for Policy and Advocacy with the Northeast Charter Schools Network.



Farrin R. Anello has joined **Seton Hall Law School** Center for Social Justice as a Visiting Assistant Clinical Professor to work in the Immigrants' Rights and International Human Rights Clinic for 2013-14, in the vacancy left by Professor Margaret Martin's departure. Under her supervision, clinic students are representing indigent New Jersey clients in a wide range of immigration cases. Professor Anello was previously a Lecturer and Supervising Attorney at the University of Miami School of Law Immigration Clinic, where she supervised students on immigration cases, federal litigation, international human rights litigation, and community-based advocacy projects, including a multi-faceted campaign against deportations to post-earthquake Haiti. She has also worked as a Skadden Fellow at the American Civil Liberties Union Immigrants' Rights Project and a litigation associate at Cleary Gottlieb Steen & Hamilton LLC. She clerked for Judge Janet C. Hall of the U.S. District Court for the District of Connecticut and Judge Denise Cote of the U.S. District Court for the Southern District of New York. Professor Anello attended Yale College and Yale Law School, where she received the Charles G. Albom Prize for appellate advocacy in connection with her clinical work and was an editor for the Yale Law Journal. She is a director of the Refugee Reunification Project Fund, which provides travel grants to reunite asylees and their families.



The **University of Illinois College of Law** is thrilled to welcome **Matt Andres** as its newest Assistant Clinical Professor of Law on our clinical tenure track. Matt will be directing the new Elder Financial Justice Clinic at Illinois that will focus on combating financial abuse of the elderly through litigation, policy work, and other means of advocacy. Matt comes to Illinois from Cooley Law School's Family Law Assistance Project, where he was a staff attorney for three years doing divorce, custody, and protection order cases, primarily for domestic violence victims. Matt has worked at a variety of other applicable legal jobs in the Midwest since graduating from Michigan Law School.



Clinical teaching fellow **Priya Baskaran (no photo available)**, who spent two excellent years in the Community Economic Development Clinic at **University of Michigan Law School**, moved to **Georgetown University Law Center** as a clinical fellow in the Social Enterprise and Nonprofit Law Clinic.

Good News : “Teacher of the Year” Honors

Note: Since the last CLEA newsletter was published in April of this year and featured clinicians who won top teaching awards, many more clinicians were honored by their schools. Clinicians had a banner year!



Mike Martin (Fordham) was voted public interest faculty member of the year by students. Mike has supported Fordham’s vibrant public interest community in so many ways—he is a stalwart of the auction that has funded so many summer fellowships at Fordham, he developed a raft of international service opportunities for Fordham students and, at the heart of his work are the many clinic cases that have opened so many Fordham students to social justice and public interest law.

Bob Solomon was honored by the students as the first "Outstanding Professor at **UCI Law School** for an Upper Division Course" at the law school's annual awards event. This is all the more amazing because Bob won it while teaching Evidence for the very first time, to meet an imperative teaching need in the curriculum.



The graduating JD and LLM students at **Columbia Law School** elected **Philip Genty** the 2013 Public Interest Faculty Member of the Year.



Sue McGraugh (Saint Louis University School of Law), Associate Professor and Supervisor, Criminal Defense Clinic, was named Faculty Member of the Year by graduating students. Sue also received an award for her work in experiential learning.

Gary Craig (Loyola Law School Los Angeles) received the Excellence in Teaching award from the graduating class. Gary directs the Civil Litigation Skills Practicum.



Lewis Goldfarb, Associate Professor of Clinical Law and Director, Entrepreneurship and Community Development Clinic at the **University of Cincinnati College of Law**, was awarded the law school's top teaching honor, the 2013 Goldman Prize for Excellence in Teaching. Goldman Prize winners are selected annually by the students.

Professor Ben Kempinen (University of Wisconsin) was named the Law School’s 2013 Clinical Teacher of the Year. A member of the Law School’s clinical faculty since 1976, Ben has directed the Frank J. Remington Center’s Prosecution Project since August 2000.



Books & Publications



Karla McKanders (University of Tennessee)

Anatomy of an Uprising: Women, Democracy and the Moroccan Feminist Spring, Texas J. Women & L. (forthcoming); GLOBAL ISSUES IN IMMIGRATION LAW, CHAPTERS ON: FRANCE, FREEDOM OF MOVEMENT & LIVING CONDITIONS OF IMMIGRANTS (Thomson-West Publishing 2013)(co-authored with Raquel Aldana, Beth Lyon, and Won Kidane); *Moroccan Feminist Spring*, B.U. INT’L L.J. (forthcoming spring 2014); *Federalism and Immigrant’s Rights*, 3:2 WAKE FOREST J.L. & POL’Y 333 (2013)

Becky Jacobs (University of Tennessee)

Book Chapter, “*Environmental Challenges to the Energy Sector*,” THE ENCYCLOPEDIA OF THE BUSINESS OF ENERGY (Praeger Intl.) (forthcoming); *Skort Reform - A Series of Unfortunate Events in Rio*, U. MIAMI INTER-AM. L. REV. 167 (2013); *The Biggest Environmental Law Case in Twentieth Century Tennessee...and Where Was the Press? The Little Endangered Snail Darter versus TVA’s Tellico Dam*, 80 TENN. L. REV. 495 (2013)



Annette Appell (Washington Univ.—St. Louis)



Accommodating Childhood, 19

CARDOZO J. OF L. & GENDER 715 (2013)

The Pre-political Child of Child-Centered Jurisprudence, in THE CHILDREN'S TABLE (Anna Mae Duane, ed. 2013)

Book Review, Abbie E. Goldberg, Gay Dads: Transitions to Adoptive Fatherhood, 16 ADOPTION QUARTERLY 81 (2013)

Valorie K. Vojdik (University of Tennessee)



Sexual Violence Against Men and Women During War: A

Masculinities Approach, NEV. L.J., forthcoming 2013-14.

Anjum Gupta (Rutgers-Newark)



The New Nexus, 85 COLO. L. REV.

(Forthcoming 2013)

Jon C. Dubin (Rutgers-Newark)



SOCIAL SECURITY DISABILITY LAW AND PROCEDURE IN FEDERAL COURT (2014 EDITION;

CO-AUTHORED WITH CAROLYN A. KUBITSCHKE, THOMSON REUTERS/WEST PUBLISHING CO.) (FORTHCOMING JAN. 2014)

Jon C. Dubin, *The Rutgers Cases and the State of the Law of State Law School Clinical Programs*, 65 RUTGERS L. REV. 817 (2013).

Tanya Asim Cooper (Alabama),

Racial Bias in American Foster Care: The National Debate, 97 MARQ. L. REV. 215 (forthcoming 2014).

Race is Evidence of Parenting in America: Another Civil Rights Story in CIVIL RIGHTS IN AMERICAN LAW, HISTORY, AND POLITICS (Cambridge University Press) (Austin Sarat, ed.) (forthcoming 2014).



Paula Williams ((University of Tennessee)

Paula J. Williams, Kris Anne Tobin, Eric Franklin, & Robert J. Rhee, *Tackling "Arithmophobia": Teaching How to Read, Understand, and Analyze Financial Statements*, 14 TRANSACTIONS THE TENNESSEE JOURNAL OF BUSINESS LAW 341 (2013)



Robert C. Holmes (Rutgers-Newark)

The Clash of Home Rule and Affordable Housing: The Mount Laurel Story Continues, 13 CONN. PUB. INT. L.J. 325 (2013);

Mount Laurel: The New Jersey Supreme Court Confronts the Inequality Demon of Housing, in NEW JERSEY GOES A-COURTING: 10 CASES THAT SHOOK THE NATION (PAUL TRACTENBERG, ED. RUTGERS UNIVERSITY PRESS 2013)



Meredith Schalick (Rutgers-Camden),

Bio Family 2.0: Can the American Child Welfare System Find Permanency for "Legal Orphans" with a Statute to Reinstate Parental Rights?, U. MICH. J.L. REFORM (forthcoming January 2014).



Jay Mitchell, Professor of Law and Director of **Stanford's** Organizations and Transactions Clinic authored a white paper: *Putting Some Product into Work-Product: Corporate Lawyers Learning from Designers* (September 22, 2013).



Available at SSRN: <http://ssrn.com/abstract=2325683> or <http://dx.doi.org/10.2139/ssrn.2325683>

Seton Hall clinical law students in the Immigrants' Rights/International Human Rights Clinic, under the supervision of Professors **Lori A. Nessel** and **Rachel Lopez**, along with New York Lawyers for the Public Interest, released "Discharge, Deportation, and Dangerous Journeys: A Study on the Practice of



Medical Repatriation" (December 2012) (available at <http://law.shu.edu/ProgramsCenters/PublicIntGovServ/CSJ/upload/final-med-repat-report-2012.pdf>) (documenting an alarming number of cases in which U.S. hospitals have forcibly repatriated vulnerable undocumented patients, who are ineligible for public insurance as a result of their immigration status, in an effort to cut costs).



Books & Publications

Jessica Miles (Seton Hall) recently published "We Are Never Ever Getting Back Together: Domestic Violence Victims, Defendants and Due Process," 35 *CARDOZO L. REV.* 141 (2013) (addressing due process issues and interstate flight in domestic violence cases, and considers the perspectives of it as defendant) (available at <http://www.cardozolawreview.com/content/35-1/MILES.35.1.pdf>).



Laura Cohen (Rutgers-Newark)
Freedom's Road: Youth, Parole, and the Promise of Graham v. Florida and Miller v. Alabama, 35 *CARDOZO L. REV.* ____ (forthcoming 2013).

Extend the Guiding Hand: Incarcerated Youth, Law School Clinics, and Expanding Access to Counsel, 17 *U. PA. J. L. & SOC. CHANGE* ____ (Forthcoming 2014)



Professors Michael W. Martin and Paul Radvany (both from Fordham) have co-authored (with Laurence Dubin and Thomas Guernsey) a second edition of *Trial Practice* with LexisNexis, a much-revised trial advocacy text that includes new chapters on Case Theory and Story-Telling, as well as the Habits of Successful Trial Lawyers and Skills Checklists that provide a quick reference for the trial lawyer to ensure s/he has covered the important aspects relating to each stage of a trial.



Karen Tokarz (Washington Univ.—St. Louis), *Legal Education at a Crossroads: Innovation, Integration, and Pluralism Required!*, 43 *WASH. U. J. L. & POL'Y* (2013) (co-author)



Dean Hill Rivkin (University of Tennessee), *No Child Left Behind: Representing Youth and Families in Truancy Matters*, 47 *Clearinghouse Review: Journal of Poverty Law and Policy* ____ (forthcoming 2013) (co-authored with Brenda McGee)



Peter Joy (Washington Univ.—St. Louis)
Ethics: Criminal Practice and the Media, in MEDIA COVERAGE IN CRIMINAL JUSTICE CASES (Tablitz ed. 2013) (co-author);
Ethics in Criminal Advocacy, in THE STATE OF CRIMINAL JUSTICE (Rader ed. 2013) (co-author);
Internet Marketing, 28 *ABA CRIMINAL JUSTICE* 43 (Summer 2013) (co-author);
Supervisors, Subordinates, and Sanctions, 28 *ABA CRIMINAL JUSTICE* 64 (Fall 2013) (co-author);
Considering the Cost of Clinical Legal Education, *NEW YORK STATE BAR JOURNAL* (Sept. 2013)



Professor **Pam Karlan** of **Stanford's** Supreme Court Litigation Clinic has recently written several articles:
Answering Questions, Questioning Answers, and the Role of Empiricism in the Law of Democracy, 65 *STAN. L. REV.* 1269 (2013);
The Constitution Without the Court, *BOSTON REV.*, July/Aug. 2013, at 10;
A Moveable Court, *BOSTON REV.*, Sept./Oct. 2013, at 10.



Wendy Bach (University of Tennessee), *The Hyperregulation of the Poor*, *Yale Journal of Law and Feminism* (forthcoming 2013).



John Kettle (Rutgers-Newark)
2012 Seton Hall Journal of Sports and Entertainment Law Symposium, 23 *SETON HALL J. SPORTS & ENT. L.* 26 (2013)



Jennifer N. Marshall and Hugh M. Lee (both from Univ. of Alabama)
"Foreclosure and the Elderly Homeowner: An Overview of Possible Solutions," 269 *Elder Law Advisory* 1 (August 2013).
Hugh M. Lee and Jo Alison Taylor, *ALABAMA ELDER LAW* 6th edition (West Publishing 2013-2014).





University of Baltimore School of Law Sayra and Neil Meyerhoff Center for Families, Children and the Courts (CFCC) Director, Professor **Barbara Babb**, has authored a chapter in a new book edited by Richard L.

Wiener and Eve M. Brank entitled *Problem Solving Courts: Social Science and Legal Perspectives*, published by Springer. Professor Babb's chapter, "Unified Family Courts: An Interdisciplinary Framework and a Problem-Solving Approach," provides an argument and a blueprint for Unified Family Courts using the problem-solving perspective. The book explores the concepts and practices of therapeutic jurisprudence for professionals in the legal and psychology fields, including examples of successful programs across the U.S., Australia, and New Zealand. Contributors examine training and other issues relevant to the problem-solving model. Professor Babb also published "Maryland's Family Divisions: Sensible Justice for Families and Children," in the current issue of the *Maryland Law Review* (72 Md. L. Rev. 1124). The article, which discusses the history of family justice system reform in Maryland, is one of several articles emanating from a symposium convened to celebrate the life and times of Maryland's Chief Judge Robert M. Bell, who retired this summer. Professor Babb's article shows how Chief Judge Bell's interest in family law led to the creation of the Family Divisions in Maryland and contextualizes the enormity of the process and outcomes resulting from his guidance and oversight.

Katherine R. Kruse (Hamline) (pictured on 1, 18), *Legal Education and Professional Skills: Myths and Misconceptions about Theory and Practice*, 45 MCGEORGE L. REV. 7 (2013).



James. H. Stark (UConn) & Douglas N. Frenkel (UPenn), *Changing Minds: The*



Work of Mediators and Empirical Studies of Persuasion, 28 Ohio State J. Disp. Resol. 263 (2013). The second edition of their widely adopted mediation textbook was published by Aspen Law & Business in the summer of 2012: Douglas N. Frenkel & James H. Stark, *The Practice of Mediation: A Video Integrated Text* (2d ed. 2012).

Penny Venetis (Rutgers-Newark), *Enforcing Human Rights in the United States: Which Tribunals Are Best Suited to Adjudicate Treaty-Based Human Rights Claims*, 23 S. CAL. REV. L. & SOC. JUST. ____ (Forthcoming 2013)



Jennifer Rosen Valverde (Rutgers-Newark), *Hindsight is 20/20: Finding Teachable Moments in the Extraordinary and Applying Them to the Ordinary*, 20 CLINICAL L. REV. ____ (Forthcoming 2013); *A Poor IDEA: Statute of Limitations Decisions Cement Second-Class Remedial Scheme for Low-Income Children with Disabilities in the Third Circuit*, 41 FORDHAM URB. L.J. ____ (Forthcoming 2014)

Gwynne Skinner (Willamette)

is having her article, *Misunderstood, Misconstrued, and Now Clearly Dead: The Political Question Doctrine in Cases Arising in the Context of Foreign Affairs*, published in the *Journal of Law and Politics* at the University of Virginia.



Alicia Alvarez (Univ. of Michigan) & Paul Tremblay (Boston College), *INTRODUCTION TO TRANSACTIONAL LAWYERING PRACTICE* (West, 2013)



Farrin R. Anello (Seton Hall) Her forthcoming article, *Due Process and Temporal Limits on Mandatory Immigration Detention*, will be published in the *Hastings Law Journal* in 2014.



Jeffrey Selbin (Berkeley) is co-author of a forthcoming casebook: *Poverty Law, Policy and Practice* (Aspen, 2014) (with **Juliet Brodie (Stanford)**, **Clare Pastore (USC)** and **Ezra Rosser (American)**).



New Decanal Appointments

The **University of Connecticut** has joined the ranks of law schools that have created the position of Associate Dean for Clinical and Experiential Learning, and **Paul Chill** has been named to fill this new position. Paul has served the law school in many important capacities over the past 25 years. Press release available [here](#).



Lisa Bliss (Georgia State) has been named the law school's first Director of Experiential Education. Bliss, associate clinical professor and co-director of the Health Law Partnership Legal Services Clinic, will help the College of Law unify its robust collection of experiential learning opportunities for students, beginning in the first year and continuing throughout the upper level curriculum. Press release available [here](#).



Christine Cimini has been appointed Associate Dean for Research and Faculty Development at **Vermont Law School**. This is a newly created position designed to promote excellence in scholarship and teaching, facilitate and coordinate scholarly activities and teaching innovation, and to publicize the scholarly and teaching activities of the faculty.



Congratulations to Professor **Anne Traum** on her appointment as the Associate Dean for Experiential Legal Education at **UNLV's Boyd Law School**. In her new position, Anne will oversee Boyd's clinical and externship programs and will work to expand experiential learning across the curriculum. Press release available [here](#).



Brooklyn Law School is thrilled to announce that **Stacy Caplow** has been appointed to a new role: Associate Dean for Professional Legal Education. The newly created position will encompass not only clinical education but also simulation courses, the Office of Public Service Programs, and other aspects of the law school's professional skills and career development. Press release available [here](#).



Linda Morton (Cal Western) has been appointed to the new position of Associate Dean for Experiential Learning. This position has been created to pull together and expand their existing range of offerings over all three years of the curriculum. Linda will have a primary objective of expanding integration of experiential learning into existing courses and at the same time she will work on adding new opportunities to the already extensive experiential curriculum.



Professor **Katherine (Kate) Kruse**, a highly regarded leader in the national clinical legal education community, has been named **Hamline Law's** Associate Dean for Experiential Education and Curriculum. Dean Kruse joined Hamline in 2012 as Professor of Law and Director of Clinics and has worked since then to bolster Hamline's leading-edge, high-impact experiential education programs. Press release available [here](#).



At the **University of Michigan Law School**, **Paul Reingold** handed over the administrative reins to **David Santacrose**, who has been named as Associate Dean for Experiential Education. David's portfolio will include clinics, externships, the legal practice program, simulations, and workshops.





Stanford is pleased to welcome **Phil Malone** as Professor of Law and the inaugural director of the Juelsgaard Intellectual Property and Innovation Clinic. A leading expert in IP, innovation and cyberlaw, he brings to the position nearly a decade of

experience in clinical education and another 20 years of antitrust and technology litigation. His clinical work and scholarship is focused on understanding and promoting sound innovation and exploring how intellectual property and competition policy in high-tech industries affect it. His work also looks at ways in which to encourage broad opportunities for creativity, online expression, open access and dissemination of information, and increased access to justice. His teaching has addressed the relationship between legal policy and innovation, including the role of competition and antitrust law, intellectual property, privacy, and security law. Professor Malone comes to Stanford from Harvard Law School, where he was a clinical professor of law and the director of the Cyberlaw Clinic at the Berkman Center for Internet & Society. He also taught courses in cybercrime; antitrust, technology and innovation; IP and cyberlaw litigation; and a Harvard College freshman seminar, Cyberspace in Court: Law of the Internet. Professor Malone was one of the faculty directors of the Berkman Center and was the initial HLS liaison to the Harvard Innovation Lab, a new, university wide center aimed at facilitating innovation and entrepreneurship among Harvard students and faculty. Prior to joining the academy, Professor Malone was a senior attorney for over 20 years with the Antitrust Division of the U.S. Department of Justice (DOJ), where he directed numerous civil and criminal investigations and litigated a number of major antitrust trials. Much of his DOJ experience focused on high-technology industries, the Internet and computer software and hardware. Beginning in 1996 he was lead counsel in the DOJ's investigations of Microsoft, and he was the primary career counsel, along with outside counsel David Boies, in the trial of U.S. v. Microsoft Corp (D.D.C). Before leaving the Justice Department he was one of the lead lawyers in the government's antitrust case against Oracle Corp. Read more about Professor Malone [here](#).

The **UConn School of Law** is pleased to announce the addition of **Joseph A. DeGirolamo** as Director and Assistant Clinical Professor of Law of its Intellectual Property and Entrepreneurship Law Clinic. A USPTO-registered patent attorney, Professor DeGirolamo joined the Law School faculty in August 2013 after more than 30 years in private practice. The holder of a B.S. in Chemistry from Fordham University and a J.D. from Brooklyn Law School, he was a partner at Morgan & Finnegan LLP in New York City where his practice concentrated on complex patent litigation as well as business and strategic counseling services in patent prosecution and litigation. Prior to joining UConn, Professor DeGirolamo ran his own solo law practice, working primarily on patent litigation matters. A presenter on various patent litigation issues, Professor DeGirolamo is currently a member of the Federal Circuit Bar Association Patent Litigation Committee and Inter Partes Review Committee. He previously served as the patent law co-chair of the New York State Bar Association's Intellectual Property Law Section. Professor DeGirolamo brings with him a wealth of knowledge and experience to be shared with the students in the Intellectual Property and Entrepreneurship Law Clinic.



Stanford welcomes **Matthew Sanders** ('02) as Clinical Supervising Attorney and Lecturer in Law in the Environmental Law Clinic. Matthew brings diverse experience to Stanford. From 2011 to 2013, he clerked for Judge Consuelo M. Callahan of the U.S. Court of Appeals for the Ninth Circuit. From 2007 to 2011, he was an attorney at Paul Hastings LLP in San Francisco, where he represented clients in a wide variety of environmental counseling, compliance, and litigation matters, with a focus on renewable energy and natural resources. From 2002 to 2007, he was an appellate attorney in the Environment & Natural Resources Division of the U.S. Department of Justice in Washington, D.C., where he represented federal agencies in environmental cases in the federal courts of appeals, especially the Ninth Circuit. He also taught legal writing at American University's Washington College of Law between 2006 and 2007. Matthew received his J.D. from Stanford Law School in 2002, where he was co-editor-in-chief of the Stanford Environmental Law Journal and was awarded the Hilmer Oehlmann, Jr. Prize for excellence in legal research and writing. He received his B.A. from Carleton College in 1997, magna cum laude, in history with a minor in environmental science.



New & Visiting Faculty



Faulkner is pleased to announce that **Kelly McTear** has joined the law school faculty to teach and supervise the Family Violence Clinic. Kelly comes to Faulkner from Legal Services of Alabama where she represented victims of domestic abuse at Montgomery's One Place Family Justice Center, and she has been an exceptionally dedicated field-placement supervisor for years in Faulkner's externship program. She is a proud graduate of the University of Alabama School of Law and its fine clinics, and she received the CLEA Award as a 3L in UA's Domestic Violence Law Clinic. She will be a great asset to Faulkner.



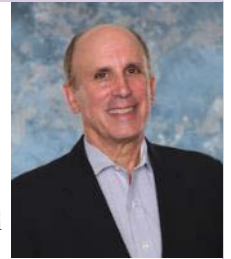
University of California, Irvine School of Law clinical faculty are extremely pleased to welcome **Professor Jane Stoever** to direct and teach in the law school's Domestic Violence Clinic. For the past four years, Jane was an Assistant Professor of Law at Seattle University, and Seattle's Domestic Violence Clinic Director. Earlier in her career, she was a clinical teacher at both American and Georgetown law schools.

The University of New Mexico School of Law is pleased and honored to welcome Assistant Professor of Law **Jeanette Wolfley** (Shoshone-Bannock Tribes/Navajo), as the newest member of their Law and Indigenous Peoples Program faculty. Professor Wolfley began her first semester teaching at UNM School of Law in fall 2013. Professor Wolfley has practiced Indian law for the past thirty years, serving as an attorney with the Native American Rights Fund and as general counsel for her tribe in Idaho.



Caitlin Plummer (no photo available), a 2011 **Michigan Law** grad, will be joining the Michigan Innocence Clinic as a staff attorney and teaching fellow. She was previously at the University of Wisconsin Law School's Innocence Clinic, following work as an associate at Baker Hostetler in NYC.

Professor **David Gibbs** has joined the faculty of **Chapman** to teach Practice Foundation Transactions and expand the experiential learning curriculum. Professor Gibbs previously taught at Suffolk University Law School, where he established the first Investor Advocacy Clinic, created client interview simulation programs and created new course materials emphasizing practical skills, effective advocacy, ethical practice and professional development. He is a former partner at Bowditch & Dewey LLP in Boston, where he focused on litigation relating to closely held businesses, securities, technology, intellectual property, mergers & acquisitions, consumer class actions, land use, permitting and environmental matters. He has tried more than 70 cases in court, arbitration and administrative hearings. He has a national practice in dispute resolution, where he has served as a mediator or arbitrator on more than 250 matters. Professor Gibbs is the founder of the Massachusetts Innovation and Technology Exchange. He has published numerous articles on alternative dispute resolution, arbitration and damages and has been a senior member of boards and committees, including Chair of the ADR Network, a meditation program certified by the Massachusetts Superior Court.



Professor **Luz Herrera** will visit **UCI** for the 2013-14 academic year. She will teach in the law school's Consumer Protection Clinic in the fall semester, and in the Community and Economic Development Clinic in the spring. Luz is an Assistant Professor of Law at Thomas Jefferson School of Law, where she has taught since 2008. Earlier in her career, she was a Clinical Fellow at Harvard Law School.



University of California, Irvine School of Law clinical faculty are extremely pleased to welcome **Professor Annie Lai** to teach in the law school's Immigrant Rights Clinic. Prior to joining UCI, Annie was a Clinical Lecturer in Law and Robert M. Cover Clinical Teaching Fellow at Yale Law School. Before her fellowship, she was a staff attorney with the American Civil Liberties Union of Arizona.



New Faculty



Professor **Julie Marzouk** joins **Chapman University's** Bette & Wylie Aitken Family Violence Clinic from Orange County's Public Law Center (PLC). While at PLC, she provided direct legal services to low-income immigrant clients and directed county-wide legal initiatives serving immigrant victims of domestic violence and sexual assault. She managed the legal services portion of the Orange County Human Trafficking Task Force, oversaw PLC's partnership in the Orange County Immigration Detention Collaborative, and developed the Orange County Naturalization Initiative Collaboration. Professor Marzouk has worked as an Immigration Staff Attorney at Neighborhood Legal Services of Los Angeles County, and as a private practice immigration attorney, representing individuals in removal and deportation proceedings. She has published on asylum law and diversity issues, and has presented numerous lectures on issues including immigration detention, LGBT asylum claims, human trafficking, and the representation of immigrant victims of crime. Professor Marzouk has traveled extensively throughout Latin America, and lived and worked in Oaxaca, Mexico as a human rights investigator.

The Veterans Law Clinic at **Widener Law School** in Wilmington, Delaware has enhanced its services to veterans with two, full-time Veterans Legal Corps fellows, **Kerry Porter**, Esq. (photo available [here](#)) and **Elizabeth Tarloski**, Esq. (photo available [here](#)). The fellowship positions were made possible by the Equal Justice Works Americorps Legal Fellowship program. In addition to public outreach, Ms. Porter and Ms. Tarloski will provide the clinic "much-needed" professional legal assistance to low-income, disabled U.S. military veterans and dependents in areas beyond the clinic's previous focus of appeals of disability claims with the Department of Veterans Affairs. The fellowship positions, coupled with two graduate student interns (Master of Social Work candidates) working part-time in the clinic, will provide the Veterans Law Clinic the ability to take a holistic approach in assisting its current and future veteran clients.

Emeritus Faculty

Raven Lidman, has been named Professor Emeritus upon her retirement from **Seattle University School of Law** after a 26 year career. Professor Lidman has been an invaluable member of the law school's clinical program and the national and international clinical community throughout her career. At the time she joined the faculty, her primary area of expertise was in family law, but, as the program expanded, she took on the supervision and instruction of students in several other areas of practice, including criminal law (both defense and prosecution), international human rights, and special education advocacy. Her flexibility and willingness to learn new fields was both a wonderful example to the students and an essential component of the programs' significant expansion in recent years. Of nearly equal significance, Professor Lidman has been a key player in the development of Seattle's international programming. For a decade, she has been responsible for overseeing an internship program in which, each year, two Seattle University law students have worked in the law clinic at the Universidad CentroAmerica in Nicaragua. She has also worked with faculty at the Pontificia Universidad Catolica del Peru in Lima, Peru, helping them to develop their approach to clinical education. Along these same lines, she has been an active participant in the Global Alliance for Justice Education, an organization that facilitate conversations and exchanges among an international community of legal educators. On the domestic front, Professor Lidman has played a leading research and advocacy role in the Civil Gideon effort, a project designed to the make the right to counsel a central feature of the American civil legal system.



The University of Chicago has appointed **Gary Palm** to the position of Professor Emeritus of law which is defined by the University as an honorary one which is conferred, upon retirement, to full professors who have served the University with distinction.



Photograph courtesy of The Chicago Maroon, University of Chicago Photographic Archive, apf7-00423r.jpg.

I'm a Believer!
Converted by Three-Way Mid-Term Conferences
By Denise Platfoot Lacey

For years, I routinely conducted mid-term conferences with my externship students to discuss the progress of their externships, as well as receive mid-term feedback from the field supervisors about their externs' performance, in separate forums. Prior to my meeting with each student, the student would be assigned to meet with their field supervisor to get feedback on the student's performance and to discuss what opportunities the student would have to continue to meet their externship goals for the remainder of the semester. The field supervisor's feedback was recorded on a form and signed by both the student and field supervisor certifying that the discussion took place. In my conference with the student, I would review the form and discuss the field supervisor's feedback, among other things.

This process seemed to work well for me, for the student, and for the field supervisor. I felt as though the student and field supervisor were deliberately connecting mid-way through the semester to have an important discussion about the student's progress; I felt as though I was able to stimulate reflection from the student on their meeting with their field supervisor; and I felt as though I was getting sufficient information to supplement the other information I elicited throughout the semester about the substance of the student's field work, as well as their performance in their field office.

In hearing from externship faculty

at other law schools at conferences and in other forums, I was intrigued by those who conducted mid-term conferences with their externs and field supervisors together at the externship field office. I was also skeptical of doing so myself. Would such a meeting be received well by my students and field supervisors? Would the student think my presence in a three-way meeting with them and their field supervisor was an awkward intrusion, especially since they already sometimes acted as if my role in their field experience was less-than-valued since I was not entrenched in their field office as a practitioner there? Would the field supervisor think that I didn't trust that feedback would be given to the student if I wasn't present to facilitate it? Would everyone be resentful that I was part of a conversation that was naturally happening—perhaps frequently—in the externship office and the client work in which I had no role?

Despite my many reservations, I remained intrigued by three-way mid-term conferences and tentatively began planning how I would conduct such a conference if I were going to take the plunge to do them. I referred to many resources in the externship community - including having extremely useful conversations with colleagues at other schools who conducted these conferences - and planned a strategy that I thought just might work for a three-way mid-term conference in my course.

The format I created for my three-

way mid-term conferences included: (a) an explanation to my students about the conference goals and format and a reflective assignment about their field experience that they needed to submit to me in advance of the conference; (b) a memo to the field supervisor with an explanation of the conference, questions to consider in developing their feedback to the student, and suggestions for making the conference most meaningful to the student; (c) a mid-term conference report for the field supervisor to submit to me in advance of the conference; (d) the ½ hour conference facilitated by me and attended by both the field supervisor and the student together; and (e) an anonymous survey about the conference for the students to complete after the conferences were completed, along with a request for conference feedback from the field supervisors.

I conducted my first three-way conferences in the spring semester this year, and I have never turned back.

I was so sufficiently converted to the value of this process in one semester that I repeated them in the summer semester, despite supervising almost triple the number of students that I supervised in the spring and having a much more difficult timeframe to work within because our summer semester is half the number of weeks as our fall and spring semesters (7 versus 14 weeks).

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I'm a Believer!
Converted by Three-Way Mid-Term Conferences, cont'd.

Further complicating the summer semester was that some of my students were taking the course out of state (whose three-way conferences I conducted via video conferencing and in a relatively few instances, via telephone conferencing). This fall, I again conducted my mid-term conferences with my students and their field supervisors in their field offices.

I have found the advantages to three-way mid-term conferences to be overwhelming. First, the conferences serve as my ABA-required site visit with the field supervisors supervising our externs. Structuring these meetings with the focus entirely on a particular student's field experience and performance makes my site visits so much more meaningful to me and my field supervisors. Before, site visits seemed to be like a box to be checked with the discussion very generally describing the work the student was performing. Now, the site visit's focused goal is to provide meaningful feedback to the student about their performance on specific tasks, and as such, I learn far more details about the nature of each student's field work because it is being discussed within the context of feedback to them about that work.

Second, the conferences generate an evaluation and discussion of the student's progress toward his or her learning objectives which the student identified, recorded and discussed with their field supervisor at the beginning of the semester, and they enable all three of us to identify ways

that the student can further their professional development in the second half of the semester.

While I had previously assigned students to talk to their field supervisors about this before I met with my students individually at the mid-point of the semester, the ability to facilitate and contribute to this discussion enhances it.

Moreover, I had previously been concerned at times that by asking the student and field supervisor to meet on their own, there were varying degrees at which they discussed the opportunities for the student to continue to meet their externship goals—perhaps because they did not deliberately set aside time to have the discussion or because the student did not feel comfortable insisting that they needed specific details of how their future assignments would continue to meet their goals. By inserting myself, a third party, into the discussion, the student and field supervisor are forced to set aside time specifically to discuss the student's goals—not just do so in a passing conversation. Additionally, as the student's faculty supervisor, I have their educational interests in the forefront of my mind and can (and do) kindly insist upon details about the opportunities the student will have for the rest of the semester. I can also inquire about opportunities that the student has indicated to me in advance of the meeting that they would like to be exposed to without implicating the student in that request. Therefore, the student is

not in the position to feel as though they have “demanded” an opportunity, but I have advocated for the student's goals, often without revealing that it was done at the request of the student.

Third, the conferences enable me to facilitate specific feedback from the field supervisor to the student about their performance and from the student to the field supervisor about the benefits of their experience. As the facilitator of the discussion, I can ask questions to elicit details when the field supervisor is being vague. I can also add my perspective (sometimes during the conference or separately with the student) if the field supervisor's feedback seems as though it should be put into perspective as only one person's preferences. Finally, I can re-focus the discussion when necessary to keep the field supervisor focused on specific feedback that will help the student learn.

Fourth, the conferences underscore to students and field supervisors alike the educational nature of the field work in which the student is expected to engage and the importance the law school places on specific and constructive feedback to the student to maximize that learning. This semester, one field supervisor appeared to have an “aha” moment when he commented to me that as a result of our conference, he could see why regular feedback to the student could really help the student learn more. Aha, indeed!

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I'm a Believer! Converted by Three-Way Mid-Term Conferences, cont'd.

Finally, the conferences solidify—especially to students—the tripartite relationship upon which our externship program is built. Some students question my role in the externship relationship from the outset, and three-way conferences seem to legitimize my role and increase my credibility with them. They see me interacting professionally with a practitioner. They see how their field supervisor respects the conference process. They see that I am an advocate for them in their field experience, especially when they may be hesitant to advocate for themselves. As a result, they realize that I have a necessary and valid role in the course.

By all accounts my three-way mid-term conferences have been very successful. In addition to the advantages I have mentioned, I believe the conferences are a success because I learn a great deal about my students' field work and field performance. Perhaps more importantly, because I am integrally involved in facilitating discussion between the students and their field supervisors, I have the opportunity to observe their interaction, make note of their professional relationship, and explore issues that arise during the discussion or that either of them indicated in advance that they want to discuss, without having to reveal that the topic was at the behest of either of them.

Additionally, my field supervisors give me positive feedback about the mid-term conferences. My field

supervisors indicate they appreciate the time that I spend meeting with them and their extern in their office, facilitating feedback to the student, and generating feedback about the student's experience for the field supervisor to consider. Some excerpts of written feedback I have received from my field supervisors include:

- *Absolutely they were time well spent. The conferences provided an excellent opportunity to assess the learning objectives accomplished to date by the extern along with addressing any areas that required additional attention. The conferences also provided an opportunity to go into greater detail the exact extent of the extern's experience to date.*
- *I thought the mid-term conference went well. It gave me an opportunity to get to know you. It also gave us an opportunity to give [the extern] some additional feedback.*
- *I thought the mid-term conference was great. I don't remember doing that the last time we did an externship, and I think it served its purpose well. I thought it was great to have another person involved that could ask questions regarding what kind of experience the extern was hoping to get during their term.*

Furthermore, my students overwhelmingly indicate that the conferences successfully meet the stated goals. 95% of my students responding to my conference survey¹ agree that the conference goals are met. They further report similar experiences about what was most useful to them about the conferences. Examples of common responses I have received are:

- *While I get feedback on a daily basis*

from my field supervisor, it was great to learn how my supervisor felt about my progress this semester. This alone was the most useful thing about the conference. It was also nice to discuss more activities that I would like to do before the semester ends.

- *Meeting in person to discuss general and specific progress within the externship was perhaps the most useful aspect of the conferences. It afforded the opportunity to reflect on what had been accomplished so far and what remained to be completed. Strengths, weaknesses, and areas of improvement were all brought to the forefront, which helped narrow the focus for the remainder of the term.*
- *It was useful to receive feedback from my field supervisor and to make sure we are on the same page.*
- *The most useful thing about the conference was getting a sense of how I was measuring up to my field supervisor's expectations.*

Finally, because I had been worried that my students would see my presence in the discussion with their field supervisor as an unwelcome intrusion, perhaps the most surprising and rewarding feedback for me has been that students consistently indicate that having me participate in the conversation with their field supervisor is valuable. Common feedback I have received include:

- *It was nice to get my supervisor's feedback because sometimes I don't know exactly how he is feeling about my work so it was nice to hear what he had to say to my teach-*

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I'm a Believer! Converted by Three-Way Mid-Term Conferences, cont'd.

Also it was nice to have the one on one time with our externship teacher because having the class mostly online you don't get that one on one connection where they know how hard you are working.

- *It was very good to receive both positive and constructive feedback from my field supervisor and also from the professor. I wanted to be sure I was doing a good job and meeting the goals I had and also meeting the expectations of my field supervisor. I think it was also helpful to sit down face to face (over Skype) so the professor and my field supervisor could meet in person (sort of) to know that the field supervisor is doing what he is supposed to do as well as making sure the professor approves of and knows what is going on this end of things. The overall conference was a very positive experience.*

- *The most useful aspect of the conference was hearing feedback from both the faculty supervisor and the field supervisor. My field supervisor has been very good about giving me feedback as the process has went along, but he went into greater detail here and really commended me on some things and on others he pointed out places where I can improve. This was also useful because, even though I know I need to become more efficient, I think knowing that someone else notices that need is attention grabbing. It was also useful to hear the feedback of the faculty supervisor to know that the tasks I am being assigned and the observations I am doing are meeting the criteria of the class and that she is as enthusiastic about this experience as we are. It is reassuring to know that all the effort I am putting into this externship is meeting the necessary criteria, and that I have really been impacting my objectives that I set for myself at the beginning of the semester. Her guidance on how I can continue to meet and exceed those objectives and expose myself to even more things is welcomed. It is always reassuring to know that you are doing the right thing and even when you are doing the wrong thing how you can course correct to get the most out of your experience.*

- *Bringing together all parties in one room. While my FS and I interact multiple times a day, a midterm conference is one way to focus strictly on my work ethic. I particularly enjoyed my conference because of the thoughtful compliments and analysis my FS provided about my legal writing. By having an externship coordinator present and facilitating discussion, it was easier for us reflect on the experience. That is what happened in my case. It was a very positive experience.*

Overall, my three-way mid-term conferences have been one of my most valuable and rewarding experiences in my externship course. That is not to say that conducting them is free of challenges. I have run into the occasional healthy skepticism from either a student or a field supervisor, and

scheduling can become a nightmare when you are dealing with the demanding schedules of multiple practitioners who may work an hour or more away from the law school. However, the challenges that I have experienced pale in comparison to the benefits of conducting my mid-term conferences with students and field supervisors together.

I encourage every faculty member supervising students in a field placement program to consider whether the three-way mid-term conference would enhance their course and provide additional meaningful opportunities to connect with their students and their field supervisors. Who knows, you too may become a believer!

Notes

¹The survey response rate for all three semesters was 83%. The first semester I did not require the students to take the anonymous survey and only 27% of my class took it. In the summer and fall, all of my students took the anonymous survey as a requirement.



[Denise Platfoot Lacey](#) is Lecturer of Law and Externship Faculty University of Dayton School of Law. Denise specializes in professionalism and ethics, and at Dayton Law, she initiated the [Women in the Law Program Series](#).

Denise can be reached at dlacey1@udayton.edu.

The results of the 2013 CLEA Creative Writing Competition are in, and we are so happy to congratulate the winners. We also want to acknowledge the many talented writers who didn't make the final cut, but whose work evidences the creativity, thoughtfulness, and spirit of this great community. Awards were presented at the CLEA Bash last April in San Juan, Puerto Rico, but we are featuring the first place winners' work in this issue. CLEA's Creative Writing Committee: Liz Solar, Maritza Karmely, Leigh Goodmark, and Nancy Cook

Creative Nonfiction

1st Prize

Stacy Caplow

(Brooklyn)

Case Closed

2nd Prize

Susan Rutberg

(Golden Gate)

Revelation, Municipal Court

Honorable Mention

Cindy Adcock

(Charlotte)

Burying Ernest Basden

Cheryl Wattley

(Oklahoma Univ.)

The Tough Minded, Tender Hearted Lawyer

Poetry

1st Prize

Lisa Kelly

(Univ. of Washington)

Dear Son

2nd Prize

Michele Halloran

(Michigan State)

Master Silversmiths

Honorable Mention

Diane Adair

(State of Washington)

County Blues

Short Form

1st Prize

Deborah Burand

(Univ. of Michigan)

What Counts

2nd Prize

Stephen Rosenbaum

(Berkeley)

Letter of Nov 9, 2012

Fiction

1st Prize

Lisa Kelly

(Univ. of Washington)

Steal Away

2nd Prize

Diane Adair

(State of Washington)

I'm Sorry

Honorable Mention

Catherine Valdez

(State of FL)

Custody and Sisterhood

Karon Rowden,

(Texas Wesleyan)

I Win

Thakshila Dhammearatchi,

(India)

Thorns of Yesteryear

2013 CLEA Creative Writing Contest Judges

Kim McLarin is the author of three, critically-acclaimed novels, *Taming It Down*, *Meeting of The Waters* and *Jump At The Sun*, all published by William Morrow. *Jump at the Sun* was chosen as a 2007 Fiction Honor Book by the Massachusetts Center for the Book. It was also nominated for a Hurston-Wright Legacy Award and chosen by the Black Caucus of the American Library Association as a 2007 Fiction Honor Book. She is a former staff writer for *The New York Times*, *The Philadelphia Inquirer* and the *Associated Press*. Her nonfiction has appeared in *The New York Times*, *Glamour*, *The Washington Post*, *The Root*, *Slate.Com* and other publications. She is an assistant professor in the Department of Writing, Literature and Publishing at Emerson College in Boston. McLarin is also a regular panelist on *Basic Black*, Boston's historic weekly television program devoted to African-American themes produced by WGBH-TV in Boston.

Dana Elkun obtained her BA from Stanford and an MFA from the University of Washington. Her first book of poems, *Black Box Theater as Abandoned Zoo*, won the Concrete Wolf Poetry Prize in 2009. She is widely published, with work appearing in the *Bellingham Review*, *Beloit Poetry Journal*, *Puerto del Sol*, and *Poetry Northwest*, among many other journals. Elkun has taught in youth homes and correctional facilities, as well as at the Universities of Washington, Colorado, Arizona, and Naropa. Currently Elkun resides in Minneapolis, where she teaches at the Loft Literary Center and online courses through the Lighthouse Writers' Center in Denver.

CLEA's Creative Writing
Contest
1st place winner
Creative Nonfiction

CASE CLOSED

by

Stacy Caplow

CLINICAL LEGAL
EDUCATION
ASSOCIATION

Anyone looking at the courthouse steps on that bright morning in June 1971 would have ducked for cover at the sound of the shots. A policeman in full uniform was firing a rifle, and then firing again and again at a man walking out of the building. That's exactly what Gus Larson did. Then a second-year law student at NYU on his way to his summer job, he dropped to the ground and covered his head with his almost new brown leather briefcase, a gift bought at Carter's Department Store and given to him with great ceremony as he waited with his parents to board the plane in Indianapolis that would take him to his new life in New York City.

Augustus Larson, Esq. remembers that morning as he glumly exits the subway in front of the courthouse. He usually chuckles when he looks at the spot where he lay on the concrete in his one and only suit and heard "CUT!" He looked up and saw the cameras, the crew, and the movie equipment. A year later, watching *The Godfather* on a widescreen, he saw that cop and those courthouse steps, now recognized around the world from infinitely rebroadcast *Law and Order* episodes, in the grand finale when all of the old guard mobsters are assassinated to an operatic soundtrack. He loves to tell this story. He even used it on jurors when he was making a point about eyewitnesses.

Gus is one of a dying breed, the Baxter Street Bar, lawyers whose offices, often up one flight from street level, behind the main Criminal Court building and the detention center, provide easy access to the newly arrested and the soon-to-be-convicted. He cherishes that parental parting gift so much that he had dubbed it 'Portia' many years ago. He thought he was being both literary and even a bit sexy, but when he referred to his 'Portia,' most people misunderstood and thought he meant a fancy sports car. If only. His battered, battle-scarred leather Portia is both his prized possession and his lifeline ever since he had been evicted from his office last year to make way for the gentrification that would have been unimaginable to the generations of immigrants who once teemed in that neighborhood. Portia was his paralegal, his file drawer, and his supply cabinet. Gus is old school and believes it's possible to represent his current standard clientele of petty thieves, DUIs, and prostitutes without doing much paperwork, actually without doing much work at all. These days, he never tries cases, so his *Godfather* story sits on the shelf gathering the same dust as the rest of his legal skills.

Few people actually hire Gus to represent them anymore; instead he relies on assigned cases, a usually steady flow which recently has been reduced to a trickle as younger lawyers flood into the criminal defense bar trying to earn a living in a lousy economy at a job they would have derided with a sneer only a few years ago. Every time he sees a three-piece-suited, clean-cut newly admitted lawyer standing before the judge at arraignments or talking on a cell phone in the courthouse lobby Gus thinks, or maybe even says out loud, "These kids don't know shit about how to work in these dirty halls and piss-soaked holding pens." Feeling superior makes Gus forget his unpressed suit, dwindling caseload and shrinking bank balance.

He is wrong, at least about one young lawyer. Maria Shelley Riley-Bustamonte does know this world very well even though she hadn't been born long after 1971 and actually had never even seen *The Godfather*. Her view of the street and the courthouse is very different from Gus's as she treks up the same subway stairs, not five feet behind this man whose fate would braid with hers in just a few hours. The warmth of the sunlight hits her in the face giving her the energy and spirit to bounce up the last few steps. Maria carries a bag also, but it is full of the trappings of her generation: a laptop, granola bars, various electronics chargers, a pair of black leather shoes with 2" heels, and a few scrunchies to tame her curly hair when she wants to be taken seriously by a judge or prosecutor. Maria is what her teachers always described as a "force of nature," "a breath of fresh air," "a thoroughly modern" Mizz (as she as she is now called by her friends, much better than Busty, her junior high nickname).

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CASE CLOSED, continued.

She'd been the sweetheart of the Public Defender's Office with a 100% acquittal rate until she abruptly quit after catching one of her male colleagues peeking through a hole in her office wall while she was changing into her court clothes. He was summarily fired, but enough was enough for Mizz. She started working from home, a studio in Bushwick with a really low rent because of a former bedbug infestation, but now was doing just fine, well enough to be moving to a freshly painted apartment in Dumbo with a million dollar view of lower Manhattan.

This morning she was rushing to the courthouse where a new client awaited her arrival. So did Judge Waxwrath, the terror of the Criminal Court bench, a man with bird wing eyebrows, pitted cheeks and the impatience of a hungry viper. Over the years, his oily black hair has greyed so now he behaves like some venerable Olympian shooting angry thunderbolts at the lawyers who disappoint him, which is just about all of them. He'd become even more arrogant since his book, "I'll Be the Judge of That," was published. No media even reviewed it, but the judge kept a copy by his side to flaunt at the lesser mortals who approached for a bench conference. His temper worsened with each case so by the time Mizz enters the courtroom, he'd worked up a lather and is standing in his robe, arms crossed, berating the ADA fumbling in his file for some piece of paper that stubbornly refuses to attach to his sweaty fingers.

"Ah, Ms. Riley-Bustamonte," Waxwrath hisses. "Your client is in the holding pens waiting for you. When I was a public defender, I never kept a client waiting. Show a little respect for the accused."

"What a dick," Mizz mutters, "as if you ever show respect for anyone."

"What did you say? Speak up. I'm sure I'd like to hear whatever it is you have to say to me." Mizz vanishes behind the door to the pens ignoring the judge's question.

"Jimmy Kinder? I'm here to see Jimmy Kinder." Mizz peered into the cell. These cells always depress Mizz. Small, smelly, ringed by benches stained by the butts of thousands of prisoners, the cell is a terrible place to kick off any kind of decent lawyer-client relationship. The discussion takes place through bars that are so grimy that Mizz simply won't touch them.

"Hey, are you Jimmy?" Mizz asks the only occupant, a slight, young man in an orange jumpsuit seated with his eyes closed. The prisoner looks up in the dim cell at Mizz standing outside. "I'm Jenny Kinder. I don't know why you're calling me Jimmy."

For the first time, Mizz really looks at the file she'd picked up on her way back to the pens. "I'm really sorry, Jenny, I guess I can't read very well." This kid really did look indeterminate, short, pale, scrawny, shapeless, and young. How did this mix up happen?

"That's ok, lady, neither can I. As long as you're here to help me?" Mizz hoists her left foot to rest on a bar and balances the file on her knee, creating the makeshift writing surface she'd used so many times in the past to conduct cellblock interviews. "I'm your lawyer, Maria Shelley Riley-Bustamonte, but you can call me Mizz. Let's see what's going on here, Jenny."

Downstairs at the entrance to the courthouse, Gus is with the security guards, a group of gabby guys who spend the day watching people empty their pockets, sometimes being bossy, but mostly bored. They love to hassle Gus, calling him "Fussy Gussy" behind his back and making him empty Portia every time he puts the bag on the conveyor belt. Gus never minds their petty harassment. Deaf to sarcasm and malevolence, he misinterprets their spite as friendly joshing.

Today is different. Gus arrives empty-handed, lacking his normal bluster, looking even more disheveled than usual.

"Hey, Gus. How's it doin', fella? What's your girl got today?"

"Don't ask. My Portia was stolen yesterday."

"Whoa, what happened to the old bag?"

CASE CLOSED, continued.

“I was sitting on a stool in Purity Coffee Shop with Portia on the floor right next to me reading the paper. A kid just snuck up and stole her. I didn’t even realize it until he was running away. I tried, but you know, I just couldn’t catch him.” Gus looks ruefully at his portly belly straining the buttons on his shirt.

“What’re you gonna do?”

“I heard they arrested someone trying to pawn Portia so I’m headed to Waxwrath’s courtroom to sign a complaint.”

As he arrives in the courtroom, Mizz is just vanishing behind the pen door and Waxwrath, his back to the almost empty room, is reading the paper. The ADA hands Gus the paperwork. Gus had seen a million of these blue forms before but because he so rarely took his cases to trial he never really considered what real victims feel while they read and sign the inanimate piece of paper. Gus feels really anxious. He wants Portia back and doesn’t want anyone fishing around her nooks and crannies. He reads the complaint:

On or about February 14, 2012, in the County of New York, Jenny Kinder, did take a leather bag valued in excess of \$250, from its owner Augustus Larson, without his permission and authority.

“Sure, I’ll sign this,” Gus told the ADA, one of those jut-jawed defenders of justice he usually disdained for their rigidity and lack of sense of humor. But this time, the guy was his champion; so all of his bias was tabled temporarily.

“Where’s my Portia? When can I get her back?”

“Not until the case is over. We need the bag for evidence. As soon as we’re done here today, it will go to the Property Clerk. Let’s get moving. I’ve a pile of cases on the calendar today and Waxwrath is about to start foaming and spitting. Any minute now the bus is going to disgorge 50 guys from the detention center and Waxwrath will want to start the parade of guilty pleas.”

“This is unacceptable, young man. I need that bag and its contents so, with all due respect, figure out a way to give it to me. Get me Portia, now!” This isn’t Fussy Gussy or even Augustus Larson, Esq. This is Augustus Agonistes speaking.

“Ah, Mr. Larson,” Judge Waxwrath bellows, noticing Gus for the first time. “I’m delighted to see you. There is a defendant in the pens who is in need of an attorney. I’m assigning you to the case.” Before Gus could reply, the judge added, “Don’t thank me. I know you need the work. I’m sure we can work out a speedy disposition and you can just submit your payment voucher to me later in the day. Chop, chop.”

“Jenny, tell me what happened. Why did they arrest you? And while you’re talking, tell me where you live and who I can contact. You shouldn’t be in here and I want to get you out.”

“I don’t exactly know where to start, Mmmmm.” She has to put her faith in this woman but Jenny can’t quite bring herself to call her lawyer such a silly name. “I was in this coffee shop. I saw a bag lying on the floor. It looked like someone had left it there so I was going to look through it and call the owner or take it to the police. I thought maybe I’d get a reward.”

“I don’t understand. I can’t picture what happened. Why didn’t you ask the people in the coffee shop about the bag? Maybe they’d know who it belonged to.’ Mizz doesn’t want to accuse Jenny of lying, even if lies were what most of her clients delivered. But this sweet-faced kid wasn’t telling the truth. Mizz was determined to get the real story before she walked into court. She wasn’t about to stand in front of Waxwrath with this half-baked story. He’d look at her from under those brows and shoot bullets from the bench. “Is-that-the-story-your-client is-telling, Ms. Ri-lee-Bust-a-mont-tee? Surely, she can do better than that-a-tat.”

Gus drags himself into the pens, turning this short trip across the courtroom into a funeral procession. “He’ll hold me in contempt if I don’t take this case. But I can’t take the case. I need to get Portia back. I can’t do lawyer work. I need my bag.”

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CASE CLOSED, continued.

Gus mutters as he walks toward the cells looking and sounding slightly deranged. Mizz steps aside. “Hi, Mr. Larson. Are you here on a case? There’s only one person back here and I’m talking to her.”

“Oh no, oh no, oh no, it’s him.” Jenny jumps up pointing at Gus, “it’s him. It’s the guy with the bag.”

“What are you talking about, Jenny?” Mizz is so surprised by Jenny’s reaction that she backs into Gus, knocking him onto a bench facing the cell. Gus lands hard, banging his head on the wall. Mizz herself falls on the floor, both hands sticking to the gummy linoleum. “Get him away. Get him out of here.” Jenny’s now a waterfall of tears and shouts.

Mizz pulls herself up by grabbing the grimy bars that now seem clean compared to her yucky hands. Where’s the Purell when you need it? “Stop it, Jenny. Stop that wailing. You have to explain.”

“He...he...he lost my brother. I hope he’s having a heart attack. Do you think he’s dying?”

Gus actually was looking pretty terrible sprawled on the bench, glasses askew and skin khaki-colored. “That’s the kid who stole Portia. Where’s my bag, you demon-child?”

Standing between these two lunatics is driving Mizz crazy, too. “I’m outta here. Let Waxwrath deal with this.”

“No, no, don’t leave,” Gus pleads. “Make her tell me where Portia is.”

“I’ll tell you if you tell me where Jimmy is. Where did they take him? You were supposed to be in court the day of his hearing with my petition for custody. I sat there all day watching kid after kid tell sad stories. You never showed up. The judge just sent him away to foster care. She wouldn’t listen to me when I said you were coming. She said, ‘If Mr. Larson is your lawyer, you may as well have hired a block of wood.’ I’ve been following you ever since to find out where Jimmy was sent. I stole your bag to see if you had any papers that would help me find Jimmy. You miserable waste of space, you didn’t help me then. You have to help me now.”

Gus closes his eyes, picturing Jenny not in a cell but on a bench outside Family Court. They had talked quickly while he took notes on a pad pulled from the depths of Portia. Jenny was shivering, he remembered, in a short coat on a chilly day. Her story was hopeless: no parents, waitressing, subsisting on minimum wage, about to be evicted, kid not going to school, riding the trains all day. His notes were sketchy but the story needed no details to know that the conclusion was foregone. The brother goes to care; the sister is on her own. Why spend much time on this? Why spend any time at all? The case was so unlikely to generate more than a \$100 fee for him, he might as well get some other work for that day that would actually pay the bills. Gus sat there, catching his breath, remembering with newly discovered shame how he’d missed the court appearance.

“If you’d open your eyes, you pathetic excuse for a lawyer, you’d see the bag over there.”

Gus and Mizz both look where Jenny is pointing. There, on the floor, next to the guard’s table was Portia in all her battered splendor. Gus’s jaw drops. Mizz gapes, too. She sees Gus’s eyes narrow with a thought that she actually could read like a cartoon balloon over his head: “Just walk over to the bag, pick it up and act like I had it with me all along.”

Amazing for a guy who minutes before looked like he needed an ambulance, Gus springs up from the bench, walks to the bag that quietly sits waiting for his fingers to grasp the well-worn tracks on the handle, and quickly walks out the door. Mizz doesn’t have a minute to call out, to say something, even if she had wanted to. And actually she hadn’t. Case gone, case over. Gus walks straight through the courtroom, ignoring the judge’s “Where do you think you are going, Mr. Larson. Get back here right now!”

Jenny too is speechless, but only for a minute. She starts her wailing again. “My brother. What about Jimmy? Now, I’ll never find him.” “Quiet, Jenny,” Mizz hisses, “you have to let me think. This is really a break for you. Your case will be dismissed. Let’s deal with that first.”

When Mizz tells the ADA and the judge what had happened, Waxwrath sputters and shouts about disbaring Gus and excoriates the “criminal justice circus.” But what could he do without the evidence? “Not a thing,” Mizz crows to herself as she walks Jenny out of the courtroom.

Continued on p. 31

CASE CLOSED, continued.

When they reach the sidewalk, where usually lawyer and client would part company with a handshake, or even an exchange of money, Mizz hesitates, not knowing what to do about this desperate girl and her vanished brother. “Go home, Jenny. Let me see if I can do anything to find Jimmy.” Mizz reaches for Jenny to give her a comforting pat on the back, but Jenny’s eyes tell the story: She has nowhere to go.

“Oy vey.” Mizz, always the quick learner, had absorbed the Yiddish expressions of her law school classmates. She relents and crosses her “never get personal with a client” boundary line. “Let’s go to my office. We’ll figure things out from there.”

Gus is skipping for joy, looking like the ballet-dancing hippos in *Fantasia*, minus the tutu. Portia is like adrenalin, recharging his batteries. “I’ve got to make this right.” He bolts out of the Criminal Court and heads straight for Family Court hoping that it’s still open for business. At the clerk’s office, true to Gus form, he realizes he can’t remember Jenny’s brother’s name, has no idea about the docket number, but he does have the date and judge’s name marked on the calendar he pulls from the depths of Portia. That’s enough for the clerk who locates Jimmy Kinder’s file and gives it to the attorney-of-record, Augustus Larson, Esq.

“Get over to Family Court first thing tomorrow morning,” Mizz hears on her voicemail when she listens to her messages a few days later. “Oh and this is Gus speaking.” Mizz arrives just in time to see Gus, pressed suit, combed hair, Portia on the table in front of the judge, put his arm across the shoulder of a young man. “I promise that Jimmy will attend school, report to a family services officer, and not get into trouble.” “So ordered,” bangs the gavel.

Gus can’t suppress his big grin when he introduces Jimmy to Mizz. “This is your sister’s lawyer. The judge is letting Jimmy and Jenny see each other as much as they want in exchange for my promise to stay involved in their lives as surrogate grandfather. Go tell her the good news.”

“Oh, my God, oh, my god. Goddamn,” Jenny can’t make up her mind when she hears what happened. “The fat slug pulled this off? Amazing?” She pauses and pulls something out of her pocket. “Do you think I should return this to him now? I took it from the bag before I was arrested.” Jenny shows Mizz and Jimmy a photo of an almost unrecognizable Gus with long black hair, clear eyes, and a trim waist, his arms around the shoulders of a man and a woman, both of whom had that goofy proud parent smile across their faces. His look of anticipation and excitement beamed off the photo. At his feet, unmistakably, was Portia looking spiffily brand new, an almost living creature ready to jump into Gus’s hand.

Gus’s revived energy had dissipated from the effort of his good deed so he lumbers along toward the subway, the wrinkled senior citizen version of Portia firmly in his grasp. “This would be the moment that the music would begin as the old gunslinger rides his horse into the sunset, the town saved, the young sheriff married to the rancher’s daughter,” Gus muses.

“Gus, Gus!” He turns to see Mizz running after him and then she is hugging him. “You did good, Gus. Thanks so much. Let’s get some coffee. Better yet a beer.” A beer would be fine with Gus as long as there were some pretzels on the side, and Mizz picked up the tab.



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CLEA's Creative Writing
Contest
1st place winner
Poetry

Dear Son

A letter to Camp Ten Trees

By Lisa Kelly

Since you've been away at camp, every dawn, the TV in your room
has been waking me up.
You programmed it
and I don't know how to turn it off.
Home and Garden
blaring from your room into mine,
voices of women explaining to each other how to lacquer chairs,
Martha Stewart coaxing window treatments out of a simple swath of cloth,
and in my sleep, I remember your saying, "This is what comes of a boy
growing up in a house of girls
and a father who reads."

Since you've been away at camp, the orange striped cat you brought home
without permission
has been chewing on my eyebrows as I sit
and try to write.
She lolls atop the couch
as though intending nothing more
but ever so slowly she slides
until her long body is draped over my head
like a stole.
She twists and reaches her head down,
soft paws pressed gently against my forehead,
until her kitten teeth are bared.

Since you've been away at camp, your little sister has refused
to take a bath.
Her sweaty grey face dodges the scrub.
Tim-tim is the crucified savior of shampoo and comb
and she wails, grief-stricken as a disciple,
her once golden curls,
now a tangled wreckage,
await your baptismal rinse.

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CLEA's Creative Writing
Contest
1st place winner
Poetry

Dear Son

A letter to Camp Ten Trees, cont'd

While you've been away at camp, I have been trying to do
what you asked of me. You wanted me
to set it down, to tell the story.
So here it is.
The boys followed you home from school,
three white boys who watched wrestling
and wore their pants slung low.
They put their arms across the back of your shoulders
across your neck
like buddies
but you knew better.

A whoosh of cracked air left you
and the tiny bits of gravel breaded your palms black.
What is it with boys that they should want
to kick ribs?
They told you to get up;
they told you to run faggot run.
When you didn't because you couldn't,
they lit matches that fluttered down to you,
hot stars burning out just in time.
They left you there,
disappointed by your silence,
by your lack of movement.

The principal said
Take them to juvie.
The principal said
You know the ringleader's father,
He is a hard man.
And then I remembered that boy's father,
His mother with the bruise on her face,
Her eyes never meeting mine.

While you've been away at camp,
I have been trying to do what you asked of me,
a careful quiet exorcism.
It is a difficult thing,
driving out demons
sparing the angels.



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CLEA's Creative Writing
Contest
1st place winner
Short Form

What Counts

By

Deborah Burand

CLINICAL LEGAL
EDUCATION
ASSOCIATION

*"If you build houses for Habitat for Humanity, that doesn't count.
But if you do legal work for a non-profit like Habitat for Humanity, that could count."
(Chief Judge Jonathan Lippman of the New York Court of Appeals)*

"What is an act of God?"

Before even coming to the end of my question, I hear the creaking of chair legs as you shift in your seats. I see you darting uneasy glances at each other as if to ask why on earth is she talking about God? What kind of law clinic is this? But then I show you a sample force majeure clause and you visibly relax.

"Oh that," one of you says, "that's just a catch-all term for natural disasters. Hurricanes, tsunamis and the like."

"Should acts of God ever excuse a party from meeting its performance obligations under a contract, particularly contracts that contain a force majeure clause like this?" I ask. A late afternoon sun sinks shafts of golden light into our classroom as if trying to help illuminate our faltering discussion.

The more diligent of you skim the sample clause before answering. "Only if the failure to perform is unavoidable."

"Unavoidable?"

"Could not be avoided by the exercise of due diligence or care."

I ask you to close your eyes, to visualize your home. And then I ask you to count the rooms. How many bedrooms? How many bathrooms? What does the kitchen look like? How many cooking elements are there? How big is the garage? Does it hold more than one vehicle?

Then I ask you to eliminate all but one room. To dismantle shingled roofs and to attach, in their place, pieces of corrugated tin or cardboard. To replace ovens, grills and microwaves with a can of burning charcoal. To trade cars and motorcycles for a single speed bicycle.

This, I tell you, is what life looks like for many of the three billion people who live at the bottom of the economic pyramid. This is the world where our law clinic works.

I tell you that it does not take many earthquakes to teach you to run outside at the first roll of ground or at the sound, like a runaway train, that reverberates through shaking walls. Some buildings fall faster than others, collapsing all in a heap as if the wolf of children's tales did indeed huff and puff, blowing down houses as if they were made of straw and twigs.

I tell you that the next morning I put away my legal documents and packed up my computer. Excused from my lawyerly performance by an act of God, one might say.

I am a lawyer not a construction worker or a doctor, I explain, as if you somehow missed this obvious fact about your professor. "What those people needed were folks who knew how to swing a hammer, stabilize walls, and set broken bones." I pause at the disapproving expressions on some of your faces. "Look, my legal skills just didn't count; so I came home."

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CLEA's Creative Writing
Contest
1st place winner
Short Form

What Counts, continued.

Here is what I do not tell you.

I do not tell you how I slept outside under a makeshift tent with others who, like me, were too frightened to sleep again under a roof that might collapse in the aftershocks. I do not describe how I willed myself to sleep, ignoring the lumpy ground under my back, breathing through my mouth to avoid the stench of burning tires and other debris, and stopping my ears against the wails of a mother whose infant had been crushed by falling cinderblock. I do not talk of watching men toss corpses onto truck beds as if they were throwing nothing more than large sacks of potatoes. I do not describe the swollen-bellied children who swarmed me in the market, dirty hands reaching up for a coin. I do not mention the entrepreneurial coffin maker who lined the road to the airport with his assortment of pine boxes of all sizes. And I do not tell you that, when my plane finally lifted from the tarmac, I averted my eyes from the window for I had seen too much already.

I ask you as a class to look at the sample force majeure clause one more time. "Tell me again," I say, "when does an act of God excuse performance?"

Here is what I want to ask you, but I do not. What kind of god acts like this?



Clinical Assistant Professor [Deborah Burand](#) is the founding director of the International Transactions Clinic (ITC) at the University of Michigan Law School. In 2012, the ITC, in collaboration with the law firm, Bingham McCutchen LLP, closed a fund initially capitalized with \$50 million for Habitat for Humanity International. Deborah can be reached at dburand@umich.edu.

CLEA's Creative Writing
Contest
1st place winner
Fiction

Steal Away

By

Lisa Kelly

Spare-changing only gets you so far. Dumpster diving helps. Lotterying into a shelter for the night is OK but you have to get out of there so early and anyway you have to go before they figure out who you are and call you in as a runner. It takes so long to fall asleep that by the time you do, you have to leave. Depending on the weather, it's sometimes better to just catch sleep where and when you can outside or maybe at somebody's place; your boyfriend might have a place that night for you or maybe one of his friend's. In the end, though, there are things you need and you have to get them somehow. And so you do. Today, I need something I can't find in any dumpster. I'm going to find out for sure even though I kind of know already.

The last time this happened I was in Shirley's foster home. Shirley said that I could stay there forever if I just acted right and at first I tried because the bed was so soft and warm, and Shirley smiled at me with all kinds of do-gooder promises and seemed to care. But then, like it always happens, Shirley started getting all cranky, and bitching about the food that had gone missing from the refrigerator and asking so damn many questions about where I was all the time and why she kept getting calls from the school saying I wasn't there. Shirley accused me of stealing food and said she had a girl like that before who hid food in her room, under the bed, in the drawers and closets and that it just got all nasty and the food was wasted and that she didn't have the money to let all that happen to her food. Shirley told me that I didn't have to do that, that if I didn't waste the food like that there would be food to eat every day.

But I wasn't hiding food. And I wasn't skipping school to do drugs like Shirley accused me of, although sometimes I did smoke some weed, because well hell if you were me you would too, but still. I was "stealing" the food (so much for "what's yours is mine") after Shirley went off to work and wrapping it up in paper towels and sticking it in my backpack. I had a metro bus pass for school but instead of getting on the bus to school, I'd head off in the other direction for downtown where I would go to Pioneer Square and look for her. I had heard from my aunt that my mom was in a bad way and that she was downtown again living near the courthouse and strung out. I would go find her, like my aunt said I should, I would find her and look after her a bit. Sometimes, I would tell her who I was and then give her the food and sometimes my mom would recognize me and sometimes she wouldn't, but no matter what I would still give her the food. She was always still my mom.

When I didn't find my mom at the square, I would walk around under the highway overpass and look for her where everyone else was shooting up or sleeping and if I didn't find her there I would come back to the square and sit on a bench keeping a look out, trying to avoid looking at the crazy guy who shouted shit at me and the slimy guy who told me I could score some if I did him "a favor," and the woman with the meth sores and the wrinkly skin that made her look really old, like she could be my grandma even though she might really be young enough to be my mom or even my older sister I lost track of a long time ago.

Some days, I would sit there on the bench and wait and when I didn't see anyone who looked like my mom and I got tired enough of waiting and hungry enough myself, I would eat some of the food and leave the rest there on the bench. The pigeons could eat it then, for all I cared, or the woman in the wheel chair or maybe even that woman's dog, the scraggly one with the American flag bandana tied around its neck.

Anyway, when this happened to me before I was staying with Shirley and I told her I was pregnant and Shirley had a fit. She hollered and screamed and called me a fourteen-year-old whore. She demanded to know who the father was and when I told her that was none of her business, the only thing Shirley wanted to know was how old he was and when I told her he was in high school, she looked all relieved.

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CLEA's Creative Writing
Contest
1st place winner
Fiction

Steal Away, cont'd

Then I realized that Shirley probably thought it might be her boyfriend, not that he hadn't tried to get with me, but I hated that guy, acting like he was some sort of hero like Shirley and then getting all up in my space and weird with his hugs when Shirley wasn't around. At least my mom's boyfriends were always straight up about what they wanted, and didn't pretend to be all about being someone there to help me out. Shirley told me that no matter who the father was, and she really didn't want to know, I still was going to have to get an abortion and she would help me get one and that no one needed to know, not even the caseworker. She told me if I thought I was going to be able to keep that baby I had another thing coming, that even if I had that baby they would only take it away and I would wind up living in some group home after the baby was born and the baby would be adopted by someone else.

I got an abortion, but afterwards I had nightmares and I got scared. The nightmares weren't really about the abortion; they were about being suffocated by sweaty men whose faces I never saw. They were about the tastes of sex and they were about being scared and hurt and I kept waking up with cramps. I couldn't tell anybody what I had done or about the nightmares, but I thought that telling my mom would be like telling nobody and she would just sit there and maybe she would be too strung out to say anything and that would be good. I just needed to tell someone and then maybe the nightmares would stop.

I did find my mom that day but of all days for her to be able to hear and understand what I said, it had to be that day and after my mom ate the food I brought her and heard what I had done and about the nightmares, the sights, smells and tastes of them, I sat there all drained and almost crying even though crying is not something that I ever do. My mom shook her head at me, the white cream from the Twinkie she had just finished eating still smeared at the corners of her mouth, the Twinkie that I had given her from Shirley's kitchen cabinet, my mom said, "They say I'm a shitty mother? But I didn't kill you, did I?"

I ran away.

I ran away from my mom. I ran away from Shirley. I was found. I was brought back. I did time in juvie and was supposed to be writing stupid essays about why I ran away and I refused to do it because whatever I would say would be lies anyway and truth be told I didn't mind detention. It was better than living with confusing people who were supposed to act like your family but they weren't and every one of them had their own set of rules and weird food, and other crazy kids who stole your stuff and on and on and on. But then they let me out of juvie, because I guess they couldn't keep me there forever, and they put me in a group home and there were more rules there and there was this big board with everyone's name on it and the stars that we earned for making our beds and going to meetings, and then the stars were taken away for doing bad stuff like throwing food at someone or screaming at a staff person and you had to have a certain number of stars for a certain period of time before they would let you do just the most simple things like go to the school in the neighborhood instead of the school in the group home. And you had to go to group therapy; you got stars for doing that and stars were taken away if you didn't talk and it was all such a crock of shit that when I finally did earn enough stars to step out the door, I left and told myself I was never going back.

I avoid my mom now though; I live on different streets in a different part of the city, away from the old sick crazy people. I don't hate her. I just can't be around her right now. Here everyone creates their own families and each one is different. Some of the families didn't want anything to do with me when I first showed up, they avoided me because I was too young, only fifteen, and they didn't want to get in trouble. The shelters are the same way when you aren't legal. On the streets, I am not a legal person, but I know I am still a person somehow.

Continued on p. 38

CLEA's Creative Writing
Contest
1st place winner
Fiction

Steal Away, cont'd

Eventually though I found my place with a boyfriend who saw to it that I mostly had what I needed; he said he would protect me and I pulled my own weight first with the spare-changing and then when times got rough I started making better cash for us both and now here I am in the Rite Aid trying to slip this pregnancy test into my hoodie front pocket. I haven't told him what I suspect because I'm pretty sure he will get mad. Lately when he gets mad, he turns nasty. And now I'm not even sure who the daddy might be. It could be him. It could be anyone he set me up with.

This one will be everybody's child and nobody's child and all mine.

Steal Away (from a forthcoming
book, "Re-Presenting Youth:
Hearing and Telling the Stories of
Youth across Systems

By
Lisa Kelly



[Lisa Kelly](#) is Director, Children and Youth Advocacy Clinic and Bobbe and Jon Bridge Endowed Professorship in Child Advocacy at the University of Washington School of Law. She is the co-author of *Adoption Law: Theory, Policy and Practice* (2006). She works closely with the Court Improvement Training Academy. Lisa can be reached at lisak2@uw.edu.

What is CLEA?

Most clinical teachers are members of the AALS Clinical Legal Education Section. But in 1992, several clinicians realized that there were important activities that could not be performed by AALS Section members, at least not without the cumbersome approval process of the AALS Executive Committee. CLEA was formed as a separate organization to permit clinical legal educators to act swiftly and independently, and to open membership to persons who were not eligible to join the Section. CLEA does not compete with the AALS Section but augments it, and CLEA continues to urge clinical teachers to belong to both entities.

CLEA is currently engaged in activities such as:

Advocating for excellence in legal education with the ABA Council on Legal Education and its committees (such as the Standards Review Committee). Indeed, this advocacy has become one of CLEA’s primary endeavors – whether supporting job security and governance rights for clinical and other skills teachers or seeking ABA support for curriculum reform. CLEA advocacy has made a difference. It has never been more important than it is now, when ABA support for our work preparing students for the practice of law is at risk of erosion.

CLEA supports individual schools and clinicians facing political interference or threats to academic freedom of clinics.

CLEA works with AALS and NYU to publish the peer reviewed Clinical Law Review (which comes free with a CLEA membership).

CLEA sponsors the bi-annual New Clinical Teachers conference and co-sponsors numerous other conferences.

CLEA authors amicus briefs on topics important to legal education.

CLEA commissioned the writing and publishing of the 2007 book, Best Practices for Legal Education (Roy Stuckey et al), which, along with the Carnegie Report, “Educating Lawyers,” is prompting a major re-evaluation of legal education.

CLEA sponsors awards for students, clinical teachers, and for clinical programs.

Upcoming Events

- **CLEA Membership Meeting**, Saturday, January 4, 2014, from 7:30-8:30 a.m. at Fordham University School of Law, 140 W. 62nd Street (between Columbus and Amsterdam Avenues), in Room 118 to update members on CLEA’s advocacy and initiatives. Fordham Law school is a short walk or

cab ride away from the Conference hotel (you can also take the 1 train to Columbus Circle). The law school’s main entrance is across 62nd street from the Lincoln Center (look for the construction shed).

- **CLEA Board Meeting**, Saturday, January 4, 2014, from 8:30-9:30

a.m. at Fordham University School of Law, 140 W. 62nd Street (between Columbus and Amsterdam Avenues), in Room 118 to transact CLEA business. All are welcome!

- **AALS Externship Meeting** from 7:30 until 9:00 a.m. on Friday, January 3, 2014 at the Conference hotel and dinner on Friday at 8:00 p.m.

CLINICAL LEGAL
EDUCATION
ASSOCIATION

Advocating for clinical
legal education
as fundamental to a
lawyer's education.

Awards Ceremonies

- 2014 AALS Section on Clinical Legal Education William Pincus Award honoring Jeanne Charn (see p. 11) at the Section luncheon on Friday, January 3, at 12:15 at the New York Hilton Midtown (Conference hotel).
- 2014 Deborah L. Rhode Award honoring Dean Matthew Diller (see p. 8) and 2014 Father Robert Drinan Award honoring Professor Linda McGuire (see p. 9) will be held at the AALS’s Section on Pro Bono and Public Service Opportunities Awards Presentation on January 3 at 4:30 p.m. at the Conference hotel.



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