



SECTION ON

## CLINICAL LEGAL EDUCATION

Reply to: Roy T. Stuckey  
U.S.C. Law School  
Columbia, South Carolina 29208

TO: Clinical Teachers

FROM: Roy T. Stuckey  
Editor, Section Newsletter

DATE: June 3, 1980

### Phoenix AALS Meeting Eventful

#### Program Report

Standing-room-only crowds were the rule for the full day of Clinical Section programs on Saturday, January 5. Faces in the crowd included new AALS President Jerre S. Williams and President-elect Albert M. Sacks who dropped in and stayed for a significant portion of the meeting.

A panel discussion about the future of clinical legal education in the retrenching university focused on the challenges facing clinical educators during the next five to ten years. While recognition was given the growth and progress of clinical education during the past ten years, the panelists (Dave Barnhizer, Judy Potter, and Dean Rivkin) warned of the problems which could be created for many clinical programs by an economy in recession, the demise of CLEPR and other factors.

Those who attended the second program of the day were rewarded with a sixty-five page "Catalog of Definitions of Generic Lawyering Competencies" and performance evaluation forms which had been developed by a task force at Antioch Law School. The catalog contains definitions of lawyering competencies and criteria for them in much more detail than most clinical teachers or programs could develop on their own. These materials should become of great importance to clinical teachers in helping us observe and assess student performances. Bob Katz and Ralph Tyler, Cleveland State; Jack Sammons, Mercer; Terry Anderson, Miami; and Russell Cort, Jr., Antioch explained how the documents were developed and how they are being used at Antioch.

After lunch, the meeting broke into small groups with readers for the 1979 Title XI grant proposals. The readers answered questions and made suggestions about effective grantsmanship, and a few model proposals were distributed.

The final program of the day was a discussion of the use of clinical methodology in the first year writing and research programs at Hofstra and Northwestern. Sondra Harris and Richard Newman, Hofstra; and Helen Shapo, Northwestern, explained the good things about the programs as well as the problems, and they made suggestions for adapting their models to fit different situations at other schools.

#### Harbaugh Succeeds Barnhizer and Calls For Help

Joe Harbaugh of Temple Law School assumed the Section chair at the annual meeting. Previous chairperson, Dave Barnhizer of Cleveland-Marshall Law School stepped down after serving three years in this capacity. Dave is leaving the teaching profession after eight years as a clinician to move to Washington, D.C., where he will work with the Natural Resources Defense Council in seeking solutions to international environmental problems. Dave will focus on problems associated with atmospheric pollution from fossil fuels as well as environmental policies involving third world countries. Although Dave will no longer be able to devote all of his energies to clinical education, he has promised to remain interested and active.

Upon accepting the chair, Joe announced his plans to create three new Section committees and he asked for volunteers to serve on them. These new committees will be an executive committee which Joe intends to use as a core group to assist him in planning and coordinating activities for the Section; a bylaws committee which is critically needed because the Section presently has no bylaws and this limits the activities it can undertake (Joe is open for suggestions as to what bylaws are needed, or not needed); and an awards committee which would enable the Section to acknowledge outstanding contributions to clinical education. He also asked for volunteers to serve on the Section's program planning committee for the AALS meeting in San Antonio in January, 1981. Please contact Joe if you are interested in participating on these committees. His telephone number is (215) 787-1858. His address is: Temple University School of Law, 1719 N. Broad Street, Philadelphia, Pa., 19122.

#### Potter And Rivkin Elected

Dean Rivkin of Tennessee and Judy Potter of Maine were elected to co-chair the Section when Joe's term ends at the San Antonio meeting. Dean will be a visiting professor in the UCLA clinical program for the Fall, 1980, semester.

#### Harbaugh Appointed To Executive Committee

Joe Harbaugh became the first clinical teacher elected to the AALS Executive Committee. His election by the house of representatives was unanimous and he will serve a three year term.

### Special Committee Approved and Appointed

The AALS Executive Committee voted on January 3 to create a special committee on clinical education. The committee's charge is to make whatever recommendations it deems appropriate for Executive Committee action at next year's annual meeting in San Antonio. Absent new Executive Committee action, the special committee will go out of existence after that meeting.

Jerre S. Williams, new AALS president, has appointed the membership of the special committee: Dean William D. Warren, UCLA (chairperson); Dean David S. Ruder, Northwestern; Dean Kenneth L. Penegar, Tennessee; Gary H. Palm, Chicago; William W. Greenhalgh, Georgetown, and Judy R. Potter, Maine. The committee will conduct its initial meeting in Washington, D.C., on May 21 and 22. The main purpose of the meeting will be to decide what its charge should be. Two proposed agenda items for that meeting include a discussion of what is clinical legal education and a discussion of standards for promotion and tenure of clinical teachers.

### Pincus Honored

At the luncheon on Friday, January 4, Bill Pincus was presented an award by the AALS for his contributions to legal education. As President of the Council on Legal Education for Professional Responsibility since its creation more than ten years ago, Bill can claim direct or indirect responsibility for the existence of most clinical programs in the country. Equally important, however, has been Bill's commitment to high standards of quality in clinical programs which, hopefully, will insure the continuation of the movement he has nurtured.

Barring unforeseen events, CLEPR will cease to exist after December 31, 1980, when its cycle of funding from the Ford Foundation is scheduled to run out.

### Executive Committee Acts on Title IX

At its meeting in late January, the Executive Committee of the AALS decided that the Association would ask the Senate to modify the reauthorization language for the program for support of clinical legal education so as to increase from \$75,000 to \$125,000, the maximum amount of money any school could obtain, to permit a consortium for organization or association of schools to be a recipient of a grant for the educational purposes stated and to preclude the use of grant money to pay indirect costs for charges.

The Executive Committee did not adopt two other proposals made by the committee on government relations. One was a proposal that the simulation programs eligible for support be limited to those that were "innovative." The other proposal recommended that the Act contain a limitation that no more than twenty percent of the funds may be granted to support programs that are primarily simulation. On motion of Joe Harbaugh, however, the Executive Committee did agree to support language in the legislative history that client contact clinics will continue to be preferred in funding.

### Title IX Passes/Funding in Trouble

As most of you know through the memorandum from John R. Kramer, Chairman, AALS Committee on Government Relations dated April 21, 1980, the Senate Subcommittee on Education, Arts, and the Humanities has reported to its full Committee, Labor and Human Resources, S.1839, the Education Amendments of 1980. Title IX, Part G of that Bill reauthorizes the law school clinical experience program for the fiscal years 1981 through 1985 and follows to the word the AALS' suggestions for modifications (reported above). The amendments could become law by late summer.

The memorandum also reported that President Carter had specifically included in his recession message the \$4 million which had been appropriated for funding clinical experience grants for the 1980-81 academic year. It detailed the legislative process which is involved and called for a lobbying effort by the law schools to prevent rescission of the 1980-81 appropriation and to encourage an equivalent appropriation, at least, for 1981-82.

The House omitted the clinical experience program from its rescission list, but the Senate Appropriations Subcommittee put the program on its rescission list. The issue will have to be resolved in conference (as happened in previous years), and the prediction is that this will result in the appropriation remaining at the 1979-80 level (\$2 million), although there is no certainty that this will occur. Resolution of the problem is being held up with the budget package and it could be late June before it's decided.

On the chance that money will be available, application materials have been distributed and the closing date extended to June 16. Grant readers are being lined up to meet in Washington from July 8-11 which means the earliest notification date will be in mid-July (and that would be on a strictly unofficial basis).

### ABA Interest Increased

The interest of the ABA in clinical education seems to be on the rise. The council of the ABA section on legal education and Admission to the Bar met on February 2 and decided to establish

a committee to consider recommendations made by the Key Biscayne Group concerning the role the Section might play in assisting the development of clinical legal education. This committee will meet to consider recommendations made by the Group and all related matters, and it is expected to submit a preliminary report at the Council's May 31 - June 1 meeting.

The Cramton Report and the Guidelines will be topics for discussion at the Section's meeting in Honolulu, and the Section will consider "Legal Education - The Proper Role of Clinical Training in Legal Education in the United States, Australia, and New Zealand" at its meeting in Sydney. Although there has been no reported action concerning clinical education by other ABA sections, there have been indications that increased support of clinical education can be expected in the future from them.

#### National Clinical Teachers Conference in June

The fourth annual training conference for clinical teachers sponsored by the AALS will be held in Big Sky, Montana from June 15-21. The major goal of the conference is to increase the understanding and awareness of various clinical teaching techniques, alternatives and styles. The format will be a clinical one whereby participants will learn by performance and evaluation.

The eleven-person faculty will include seven clinical teachers who have not previously taught at the conference and non tenure-line clinical teachers will be represented in this group. The conference faculty will be: Paul Bergman, Lecturer, UCLA; Asst. Prof. Evelyn C. Bracy, Maryland; Prof. Susan J. Bryant, Hofstra; Stacy Caplow, Asst. Clinical Prof., Brooklyn; Prof. Joseph D. Harbaugh, Temple; Prof. Rodney Jones, Southwestern; Prof. Gary T. Lowenthal, Arizona State; Prof. Elliott Milstein, American; Assoc. Prof. Dean Hill Rivkin, Tennessee; Prof. Michael Sheldon, Connecticut; and Prof. Ronald Staudt, Chicago-Kent.

The slots for the conference have been filled by sixty clinical teachers with experience levels from one to five years. The organizers of the conference expect it to be even more successful than the very good one which was held last year in Colorado. Events at the conference will be reported in the next newsletter.

#### Californians Hold Skills Conference

Without waiting for the AALS conference, a consortium of clinical programs in California (Southwestern, Loyola, Pepperdine, UCLA, and USC) held a supervisory skills training conference at Pepperdine University on February 1 and 2. The goal of the day and a half long conference was to allow clinical supervisors the opportunity to see, discuss, participate in and think about supervisory skills through working with critiquing clinical

supervisors (both "in-house" faculty and "extern" supervising attorneys). The first afternoon of the conference concentrated on classroom teaching and the Saturday sessions focused on basic supervisory skills. Methodology for the conference was clinical, of course.

The Saturday sessions were attended by approximately fifty-five clinical teachers, more than half of whom are volunteer supervisors in extern programs. According to Rod Jones of Southwestern, the meeting was quite successful but only scratched the surface of its potential due to the limited time available. Pepperdine made its facilities available and the instructors donated their time, therefore, the conference required almost no budget to stage. Noel Keyes of Pepperdine and Jayne Wolf Eldridge of Loyola are credited with the administrative effort taken to organize the meeting.

#### Guidelines Imminent:

The long-awaited Guidelines for Clinical Legal Education, developed by an AALS-ABA committee created during the summer of 1977, are expected to be released in June, 1980, perhaps in time for discussion at the clinical teachers conference. While the Guidelines will have no official force when issued they are of great importance to clinical teachers and drafts have already become a focal point of discussion and debate. Some clinical teachers feel the Guidelines are inadequate and claim that clinicians were not consulted sufficiently by the committee members. (No clinical teacher was appointed to be a voting member of the committee.)

#### Clinical Exhibit at Education Opening:

When the doors to the new Department of Education opened on May 6, 1980 in Washington, D.C., the lobby contained a number of exhibits dealing with education. Among these was an exhibit on clinical education put together by R. Paul Richard, AALS Associate Director. A monitor showed a videotape prepared by the Georgetown University Law Center which depicted law students in a wide variety of clinical situations.

#### Jobs Available

UNIVERSITY OF PENNSYLVANIA LAW SCHOOL is seeking a Lecturer/Clinical Supervisor to teach in its in-house civil clinical program. Position to commence on July 1, 1980. Applicants must have minimum of three years' experience. Please include resume and names of references. Contact: Director, Clinical Program, University of Pennsylvania Law School, 3400 Chestnut Street, Philadelphia, PA 19104. The University is an equal opportunity employer.

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At present, the Key Biscayne Group is continuing to operate as an ad hoc group. The idea of establishing a separate national organization continues to be actively discussed and considered, but the Group has decided to take a wait and see approach, for now, in the hope that this will not be necessary.

A coordinating group is serving to keep track of events and to inform other members of the Group of relevant information, and it hopes to meet sometime this summer. The members of the coordinating group are David Barnhizer, Cleveland State; Roy Stuckey, South Carolina; Gary Palm, Chicago; Joe Harbaugh, Temple; Elliott Milstein, American; Dean Rivkin, Tennessee; Peter Smith, Maryland; Rod Jones, Southwestern (L.A.) If you have information for or questions about the Group, please contact any of these people.

#### Newsletters to Increase

My appointment as editor of the newsletter proves once again that oil is not always what the squeaky wheel gets. It resulted from my harangues on the virtues of a clearinghouse for information and materials dealing with clinical education and my lamentations over the termination of CLEPR which is the closest thing we have to one.

The newsletter is not a clearinghouse, but I will do what I can to help keep you informed about news of interest to us. Joe Harbaugh and I agree that it should come out more often and include more news, as long as the budget holds out.

I hope you will keep me informed and make suggestions about new or better uses of the publication. In future issues, I plan to report career changes of clinical teachers as well as significant changes in programs.

I will be happy to provide updates on any news if you call me at (803) 777-2278.

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WAKE FOREST UNIVERSITY SCHOOL OF LAW is seeking applications for the position of Director of Clinical Education. Qualifications include superior academic record and experience in private practice or as a teacher in a clinical education program. Applications should be sent to Professor David F. Shores, Chairman, Faculty Recruitment Committee, Wake Forest University School of Law, P. O. Box 7206, Winston Salem, North Carolina 27109.

### Key Biscayne Group Active

As Dave Barnhizer reported in the November newsletter an ad hoc group of clinical teachers was created at the Key Biscayne Conference sponsored by CLEPR to consider the needs of clinical legal education during the next five to ten years and to propose mechanisms and strategies to respond to those needs. There are no really effective mechanisms or political relationships existing to present the special interests and needs of clinical legal education in the ABA and/or AALS decision-making process.

The Key Biscayne Group determined to examine the needs of clinical education and develop strategies to achieve them. Among the questions the Group has been considering are: 1) the language of the new Title IX legislation and the need for clinical teachers to play a primary role in the drafting of regulations, 2) the mechanisms necessary to bring the views of clinical teachers into the decision-making of both the AALS and ABA in relation to legal education issues, 3) the role clinical teachers can have in the ABA and AALS accreditation process, 4) whether there should be a separate permanent organization of clinical teachers, 5) positions to be taken on the Clinical Guidelines and Cramton Report, 6) education and training for clinical teachers.

In December, the Group asked the AALS to establish a standing committee to help meet these concerns. The formation of the Special Committee on Legal Education reported above was the result.

A meeting of the Key Biscayne Group, including ten additional clinicians who share similar concerns, was held in Phoenix to continue discussing the issues and possible strategies. The AALS special committee was recognized as a step in the right direction, but it was noted that this did not insure that the needs of clinical education in the 1980's would be satisfied.

After the meeting, a letter was written to the ABA Section on Legal Education and Admission to the Bar requesting action by the section to further our mutual interest in strengthening those areas of legal education of concern to the Bar, the bench, and the public. As reported earlier, the Section has established a committee to consider, inter alia, the proposals submitted by the Group.





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Joe Harbaugh  
Reply to: Temple University School of Law  
1719 N. Broad Street  
Philadelphia, PA 19122

### CHAIRPERSON'S MESSAGE

A funny thing happened on my way to assuming the chair of the Section on Clinical Education. I was elected to the AALS Executive Committee. There were two immediate personal consequences of my acceptance of the added duties of Committee membership. First, it strongly reinforced my commitment to expand the number of clinical teachers participating in the direction of Section activities. Sharing responsibility became necessary as well as prudent. Thus, I'm seeking volunteers to serve on four appointed committees: (1) Executive Committee; (2) Bylaws Committee; (3) Awards Committee; and (4) 1981 Program Planning Committee. Please let me know if you are willing to work on one of these committtes.

As a second consequence, I was forced to study the bylaws and regulations of the Association. That study produced some startling information impacting on my decision to appoint the above committees. Executive Committee Regulation 12.1(b) states that "a section shall adopt bylaws at the next Annual Meeting following approval of its formation." EC 12.1(b) goes on to require the election of a Section executive committee, as well as a chairperson and a chairperson-elect. Failure to comply with these (and other) mandates may constitute grounds for dissolution of the Section pursuant to the provisions of EC 12.2(a). It appears the Section has been in violation of Association regulations for the past six years! Hopefully, the earlier mentioned appointed committees will take steps which will culminate in Section action at the San Antonio meeting to bring us into compliance with the regulations.

I also learned the Section cannot make an award for outstanding contributions to clinical education unless the "purposes, criteria and procedures" for the award are approved by the Executive Committee, EC 12.7. Therefore, the proposed Awards Committee must act before the Section may honor deserving individuals for their work on our behalf.

It's obvious from even a quick reading of Roy Stuckey's excellent newsletter that it is an exciting and important time for those of us involved in clinical education. The politics of federal funding, the standards for retention and tenure of clinical faculty and the competing definitions of clinical education are issues vital to each of us. The Section will have to face these and other questions in the near future. As a group, we must assess the varied views and approaches to such problems prior to taking Section action. Join me in that effort by agreeing to serve on a Section committee. I look forward to hearing from you!