



CLINICAL LEGAL EDUCATION

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This Newsletter is a forum for the exchange of points of view. Opinions expressed here are not necessarily those of the Section and do not necessarily represent the position of the Association of American Law Schools. AALS Executive Committee Reg. 12.4(c).

Section Announces San Antonio Programs

On Friday evening, January 2nd, the Section's Executive Committee will meet to receive committee reports and to discuss issues relevant to clinical legal education. All members of the Section are invited to attend. The meeting will begin at 8:00 p.m. in the LaReina Group Room at the Hilton Palacio del Rio.

A day long program will be presented on January 3rd in Room 32 at the San Antonio Convention Center. There will be a \$10 fee collected at the door, primarily to cover the luncheon. The tentative schedule is set out below:

- 8:00-10:00 a.m. Registration - Pick up materials
9:00-9:30 a.m. Clinical Legal Education - Overview
- The State of the Art of Clinical Teaching
- Changing Trends 1977-78-79-80 Conferences
- Goals of the day long Conference
9:30-10:15 a.m. Discussion on Tenure Policies in Law Schools- Hiring Criteria, Results of Tenure Survey
10:15-10:30 a.m. Coffee Break
10:30-12:00 noon Workshop for New Clinicians
Syllabus, materials, case load, evaluations, grading, supervision
Format 1) preperformances; 2) classroom teaching; 3) 1:1; 4) post-performance (critique)

10:30-12:00 noon	Development of Teaching Materials for Dissemination to Clinical Teachers on a National Basis
12:00-1:15 p.m.	Luncheon (Room 31) <i>Topic: At 2:00 p.m. there will be a discussion of the</i> Speaker: Kenneth Penegar
1:30-2:45 p.m.	Workshops 1) Administration of Clinic 2) Clinical Teachers in the Classroom Theories and Techniques
2:45-3:00 p.m.	Break
3:00-4:20 p.m.	Teaching Demonstrations (20 minute teaching demos with materials available for distribution)
3:00-3:20	Fact Investigation
3:30-3:50	Direct and Cross
4:00-4:20	Simulation
4:30-5:00 p.m.	Conference Evaluation and Wrap up
8:00-9:00 p.m.	Business Meeting (Fiesta Room 1)
9:00-10:00 p.m.	Informal Discussion/Cash Bar

During the business meeting new officers will be elected and the Section will consider the adoption of by-laws. At this time, Joe Harbaugh's term as Chair will end, and Judy Potter, Maine, and Dean Rivkin, Tennessee, will assume the coChair of the Section.

Nominees for Officers Announced

The Section's nominating committee (Gary Palm, chair, Paul Bergman, Ken Gould, Susan Kupfer, and Bob Seibel) will place the following names in nomination during the business meeting at San Antonio:

Chair: Elliott Milstein, American

Executive Committee: Lonnie Rose, Kansas; Rod Jones, Southwestern; Gary Lowenthal, Arizona State; Jack Sammons, Mercer; Bill Kerr, Maryland; and Susan Bryant, Hofstra.

These nominations are based on an assumption that the by-laws committee will recommend and the Section will approve an Executive Committee of seven (including the Newsletter editor). It is also anticipated that the by-laws committee will recommend two or three year staggered terms for Executive Committee members.

Section Award Approved; Will Be Given in San Antonio

The AALS Executive Committee has approved the Section's request that it be allowed to give an annual award for outstanding contributions to clinical legal education. The guidelines for the award are set out below:

Title - AALS Clinical Section Award for Outstanding Contributions to Clinical Legal Education

Purpose - The purpose of this award shall be to recognize outstanding contributions to the furtherance of clinical legal education. It may be awarded each year to a person who or organization which has supported and encouraged the inclusion, expansion and improvement of intellectually sound, experientially-based learning programs in the nation's law schools. Such efforts are agreed to affect beneficially the improvement of the legal profession by enhancing the professional development of future lawyers.

Awards Committee - An awards committee of five persons, all of whom must be active members of the Section, shall be appointed by the Section Chairman, with the advice and consent of the Executive Committee of the Section. The Section Chairman shall designate one of the five appointees as chairman of the committee.

Recipient Selection Criteria - The Clinical Section Award recognizes individuals who or organizations which have made outstanding contributions to clinical legal education. Such contributions may be in the form of superior clinical teaching, scholarship, leadership, service to the Section or any other accomplishment which the selection committee deems to be a significant contribution to and in furtherance of clinical legal education. If a majority of the selection committee agree upon a nominee, he or she shall be declared nominee of the Clinical Section Award.

Process for Announcing and Nominating Recipients - The Awards Committee will circulate a description and statement of purpose of the Clinical Section Award for Outstanding Contributions to Clinical Legal Education. This statement will be mailed to the Dean of each AALS member law school for circulation to the law school faculty. The statement will invite nominations for the Clinical Section Award and will set a deadline for the submission of nominations. The nominations will be submitted to the Chairperson of the Awards Committee. Thereafter, the Awards Committee will review the nominations with respect to the selection criteria and submit a nominee for the Section Executive Committee for its consideration.

Timetable for Nominations and Awards (1981-82 and Thereafter) - Nominations for the Clinical Section Award shall be solicited each year through notice in the AALS Newsletter and perhaps the Clinical Section memo. The closing date for nominations shall be July 31. All nominations received shall be distributed to members of the Awards Committee during August. The Awards Committee recommendation on nominations shall be made and forwarded to the Executive Committee of the Section by September 15. The Executive Committee shall review the Awards Committee recommendation by October 15 and shall forward its final recommendation to the AALS Executive Committee in time for its November meeting. As soon as the nomination is approved by the AALS Executive Committee, the nominee shall be advised of the selection by the chairman of the Section or his designee. The Clinical Section Award shall be presented at the annual AALS Convention.

Timetable for Nominations and Awards (1980-81 only) - Nominations for the Clinical Section Award shall be solicited during the 1980-81 year through a special newsletter circulated to law school Deans and Clinical Section members. The closing date for nominations shall be December 10, 1980. The Awards Committee will review the nominations and make its recommendation to the Executive Committee of the Section by December 18, 1980. The Executive Committee shall review the Awards Committee recommendation and shall forward its final recommendation to the AALS Executive Committee or its Chairman for approval in time for presentation of the Clinical Section Award at the 1980-81 AALS Convention.

If this Newsletter is received too late to submit nominations before December 10th, please disregard that date. All nominations should be sent to Professor Elliott Milstein, American University, Washington College of Law, Office of Clinical Programs, 4900 Massachusetts Ave., N.W., Washington, D.C., 20016. (202) 686-3872 Members of the committee which developed the award are: Elliott Milstein, chair, Lisa Blitman, Roger Haydock, Ronald Belfon, Robert Doyle, and James Stark.

By-laws Committee to Submit Report

The Section's Executive Committee will receive and discuss the report of the by-laws committee at the Executive Committee's meeting on January 2nd. It is expected that by-laws will be submitted for the Section's consideration at the business meeting on January 3rd.

One by-law under consideration would recommend that the Section begin charging dues for membership. The by-laws committee includes Paul Boland, chair, John Bowman, Evelyn Cannon, Vance Cowden, Roark Reed, and Kandis Scott.

Special Committee Final Report Approved

The AALS Executive Committee has given unanimous approval to all recommendations submitted by the AALS Special Committee on Clinical Education. (William D. Warren, chair; William W. Greenhalgh, Gary H. Palm, Kenneth L. Penegar, Judy R. Potter, and David S. Ruder.)

The report included the following recommendations (edited to save space):

A. Matters for Action by the AALS Executive Committee.

1. Establish a standing committee on clinical legal education to be concerned with issues affecting clinical legal education.

2. Support, sponsor and assist in funding the continuation of annual national clinical law teaching workshops and encourage regional conferences on clinical education..

B. Policy Recommendations

1. Membership on the standing committee should be balanced between clinicians and nonclinicians.

2. The AALS should consider performing a clearinghouse function with respect to clinical teaching materials.

3. The AALS should provide more support for client representation models of clinical programs in the allocation of federal funds.

4. The AALS should not adopt accreditation criteria for clinical legal education at this stage of its development, but it should review current accreditation standards to determine their suitability for clinical programs. Clinicians should be considered fully eligible for membership on accreditation terms.

5. The AALS should help collect and publish information about the tenure standards for clinicians in use around the country.

The Committee urged a monitoring role for the AALS with respect to clinical education, identifying that which is excellent, constructively criticizing that which can be made better, and disseminating information useful for all.

Dean Albert M. Sacks, President, AALS, is expected to appoint the members of the Standing Committee on Clinical Education in the near future. Dean William D. Warren, chair of the special committee, has asked that he not be appointed to the Standing Committee because of heavy duties at UCLA owing to a building program which he is attempting to get underway.

Hearings Scheduled on Proposed Accreditation Standard 302(a)

Public hearings will be held by the ABA at its midwinter meeting in Houston and at the AALS annual meeting in San Antonio to receive comments about the proposed changes in ABA accreditation standard 302(a) which would require law schools, inter alia to offer trial and appellate advocacy, counseling, negotiation and drafting.

The AALS Executive Committee has voted to oppose adoption of the changes. Any person wishing to make a statement about the standard during the San Antonio meeting should contact Fred Franklin at the ABA.

SALT Plans Program

Although the details have not been announced, the Society of American Law Teachers (SALT) will present a program at its annual meeting in San Antonio on January 5th which will focus to a large extent on status and tenure issues affecting clinical law teachers.

ABA Clinical Committee Selected

Willard L. Boyd, Chairman of the ABA Section of Legal Education and Admissions to the Bar, and Robert B. McKay, Chairman of the Section's Clinical Committee have asked the following people to serve on the Committee: Professor David A. Binder, Professor Alfred F. Conard, Dean Laurence M. Katz, Professor Dean H. Rivkin, Thomas B. Stoel, Esq., and Dean Frank K. Walwer. The committee is expected to be much more active than preceding ABA Clinical Committees.

Key Biscayne Group Remains Active

The ad hoc group of clinical teachers who came together at the CLEPR conference at Key Biscayne in October, 1979, is continuing its efforts to identify the needs of clinical legal education in the '80's and to propose mechanisms and strategies to respond to those needs. The coordinating group of eight clinical teachers (Joe Harbaugh, Peter Smith, Elliott Milstein, Roy Stuckey, Rod Jones, Gary Palm, Dean Rivkin, and David Barnhizer) have remained in contact through the year and have met in small groups several times. Members of the group have closely monitored activities affecting clinical legal education and have maintained a close relationship with the administrators of the Title XI/IX program of the Department of Education.

Major Clinical Teachers Conference Planned for March

A conference will be held in Washington, D.C. during March 12-14, 1981. All eighty-two Title XI grants for 1980-81 included funds earmarked to send a participant to this meeting and as many clinical teachers from other schools will be allowed to participate as space permits. The three topics on which the conference will focus are: 1) improving clinical legal education; 2) the future of federal support for clinical legal education; and 3) whether clinical teachers should support the McKay Guidelines, the Cramton Report, the Devitt Report or the proposed ABA Standard on Competency (302(a)).

The concept for the meeting was proposed to the Department of Education by members of the Key Biscayne Group, and the conference will be sponsored and planned by clinical teachers from around the country. These include: Joe Harbaugh, Elliott Milstein, Bill Greenhalgh, David Barnhizer, Gary Palm, Roy Stuckey, Carlton Bailey, Susan Kupfer, Susan Bryant, Peter Smith, Dean Rivkin, Rod Jones and Caliph Johnson.

Update on Title IX: The Title XI law school clinical experience program has been reauthorized by Congress (as Title IX). Funding has been appropriated for 1981-82, but it is too early to tell whether or not the appropriation will stand (remember last Spring?).

Clinical Law Reporter Dies

The Clinical Law Reporter will no longer be published by the Pepperdine University School of Law. The final issue was volume 3, number 2. The Reporter had gained only a small number of subscribers in its five years of existence, and the Pepperdine administration decided that it could no longer justify the University's commitment of funds and office space to the publication. Another law school has reportedly indicated an interest in producing a similar publication.

Jobs Available

1. St. Mary's University of San Antonio School of Law seeks a Clinical Director, preferably experienced in external programs, to begin next academic year, June, or July 1, 1981. Resumes should be sent to Professor Thomas B. Black, Chairman, Faculty Recruiting Committee. The University is an equal opportunity employer. (address: St. Mary's University of San Antonio, School of Law, One Camino Santa Maria, San Antonio, Texas, 78284. (512) 436-3424.)

2. Mercer University Law School seeks applicants for the position of Assistant Professor/Director of Administrative Law Clinic beginning with the Spring Semester of 1981. The Professor will have some individual case responsibilities twelve months of the year. Experience in clinical legal education, legal services, and administrative law is preferred. The salary is competitive with good fringe benefits. Send resume to: Leah F. Chanin, Faculty Search Committee, Mercer University Law School, Macon, Georgia 31207. Women and minority applicants are encouraged to apply. Telephone calls concerning this position should be directed to Jack Sammons, Director of Clinical Education, (912) 745-6811, ext. 297.
- 3, 4, & 5. Although no official notices have been submitted for inclusion in the Newsletter, Tennessee, Wake Forest and Emory are all believed to be seeking directors for their clinical programs.

Updates

1. The ABA-AALS Guidelines for Clinical Legal Education are now said to be ready for distribution before Christmas.
2. The proposed clearinghouse for lawyering skills has drawn no response. There is some good work being done in this area and it needs to be shared. If you have an examination for any lawyering skill, please send a copy to Associate Professor John Barkai, University of Hawaii at Manoa School of Law, 1400 Lower Campus Road, Honolulu, Hawaii 96822.
3. The questionnaire on issues of the status of clinical educators (attached to the last Newsletter) has drawn some response but not enough to provide meaningful data. If you've procrastinated in filling one out, please get it done and send it to Clinical Associate Professor Stacy Caplow, Brooklyn Law School, 250 Joralemon Street, Brooklyn, New York, 11201.
4. The results of the experimental skills testing portion of the California Bar Exam which was administered last summer are expected to be released in early December. A challenge on equal protection grounds by examiners who were not selected to participate in the skills exam has been rejected by the California courts.
5. Regional Conferences were held for midwestern clinicians in Chicago on November 14th and 15th (48 participants from 25 law schools); and for southeastern clinicians at Kiawah Island, S.C., on November 21st and 22nd (38 participants from 29 law schools). Both were quite successful and more details will be reported in the next Newsletter, if space permits.