



SECTION ON

CLINICAL LEGAL EDUCATION

Reply to:

Peter T. Hoffman  
University of Nebraska  
College of Law  
Lincoln, NE 68583-0902  
(402) 472-2161

MESSAGE FROM THE CHAIR  
by

Susan Bryant

This end of the year message is short so that you receive it before the annual meeting. As the report on the program details, I think the program committee has put together a thoughtful presentation for New Orleans. We should all find something on the program which interests us. In addition to the the Sunday program we will have our section's business meeting/reception on Saturday night. At the business meeting we will elect new officers, discuss committee activities, and hear from Gary and Roy about the ABA skills committee.

I also propose we spend time at this meeting discussing "burn-out"; the annual meeting seems the best forum for this discussion because experienced clinicians attend this meeting. Many experienced clinical teachers admit to being worn out; others report that they continue to be stimulated by their work. If burn-out is a problem for clinical teachers, an evening discussion rather than a program presentation is more likely to identify the causes and cures. So come to the business meeting and enjoy some wine and beer while we discuss some of the issues facing clinical teachers.

At this point the business meeting is scheduled for the La Galerie 6, Marriot Hotel from 8:30 - 10:00 p.m. I am trying to change the time to make it earlier. The program is scheduled for the following day from 9:00 - 12:00 with the luncheon following. Check when you register for the exact times and any changes.

\*The business meeting of the AALS Section on Clinical Legal Education has been rescheduled for 6:30-8:00 p.m. on Saturday, Jan. 4, 1986 in Mardi Gras M on the 4th floor of the Marriott Hotel. Please note that the program distributed at the Annual Meeting will list the business meeting at the original time and location.

## COMMITTEE NOTES

Gary Palm, Chicago, Chair Elect, will be making committee assignments over the Christmas holidays. Section members who are interested in serving on a committee should contact Gary at the AALS Annual Meeting in New Orleans or by writing him at the University of Chicago Law School, 1111 East 60th Street, Chicago, Illinois 60637.

The success of the Section rests in its committees. Not only do the committees provide an opportunity to influence the course of clinical education, but they also provide an opportunity to get to know and exchange ideas with fellow clinicians. Get involved.

### COMPUTER COMMITTEE

Phil Hamilton, New England, Chair; Clint Bamberger, Maryland; John Bonine, Oregon; Frank Bress, NYU; Lewis Burke, South Carolina; Karen Czapanskiy, Maryland; Marc Lauritsen, Harvard; Marjorie Murphy, Cincinnati; Mike Norwood, New Mexico; Bob Seibel, Maine; Ron Staudt, Chicago-Kent.

The committee's nationwide survey of the uses of computers in clinics is nearing completion. Although we were not able to poll everybody before the summer, we have continued our efforts this fall and expect to have the results tabulated by the time of the annual meeting in New Orleans. Preliminary results indicate that computers are being used in many clinical programs. However, few programs use them for anything but word processing. One of the goals of the survey is to disseminate information on other uses, such as case management, telecommunications, training, registration and running the law office. Several clinics are using their computers for some or all of these functions, and it looks like many others could be doing so with little additional investment in hardware or software.

All law schools should be polled by telephone by the end of November. The caller ordinarily tries to speak to a clinical person at the law school being polled. If your clinic has not been contacted by November 30, please call Phil Hamilton at (617) 357-9200.

### NOMINATING COMMITTEE

The Nominating Committee, chaired by Graham Strong, Virginia, is pleased to notify the Section membership of the names of those it has nominated for the elective positions of the Section on Clinical Legal Education that are due to become vacant in January. The nominees:

Peter Hoffman (Nebraska)  
for the office of Chairperson-Elect;

William Greenhalgh (Georgetown and  
Lois Knight (Boston University)  
for three-year terms on the Executive Committee.

The vacancies on the Executive Committee will be created by the expirations of the terms of Jennifer Rochow (Boston College) and Bea Frank (NYU).

The elections will be held at the Section Business Meeting during the AALS Annual Meeting, which is scheduled for January 4th through 7th in New Orleans. Please note that the Section By-Laws do not provide for new nominations from the floor during the Business Meeting itself. A regular member of the Section may, however, be nominated for an elective position on the Executive Committee by petition signed by three other regular members and submitted to the Section Chairperson and the AALS Executive Director not less than 15 days before the Annual Meeting.

The Nominating Committee wishes to express special thanks to those who suggested nominees in response to the Committee's solicitation of recommendations in September. The members of the Nominating Committee are Mark Heyrman (Chicago); Carrie Menkel-Meadow (UCLA); Janet Motley (California Western); Kandis Scott (Santa Clara); Michael Sheldon (Connecticut); Norman Stein (Hofstra); Graham Strong (Virginia), Chair; and Stephen Wizner (Yale).

#### TEACHING MATERIALS

Sue Bryant decided not to appoint a chair of the Teaching Materials Committee this year because the charge for the committee is not clear. While the committee has been very active in the past in attempting to put together a survey of teaching materials, it became clear last year that the management of the information was a tremendous problem. At this time, the material that has been compiled is out of date and it is unclear whether the Section or anyone else has the time or resources to get new information and put that information in a useful form. Accordingly, Sue plans to put the question of the future role of the Teaching Materials Committee before the Section at the Annual Meeting and felt that no productive work could be done this year.

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DUES ARE DUE  
RENEWAL FORMS ARE ATTACHED AT END

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#### BITS AND PIECES

AALS NATIONAL CLINICAL TEACHERS CONFERENCE PLANNED  
FOR BOULDER IN MAY

The 1986 AALS National Clinical Teachers Conference is scheduled for May 17 through the 22, 1986 in Boulder, Colorado. The theme of the Conference is the supervision of students in live client and simulation clinics, a topic that has been neglected in recent years.

The program, which is geared to both new and experienced clinical teachers, will require the participants to think critically about the hows and whys of supervision, to have their own supervisory styles critiqued, and to develop their own models of supervision. The Conference will provide participants with the opportunity to observe and compare three different supervisory models presented by the faculty as well as to discuss a number

of other issues relevant to the supervision of students as part of the participants developing their own models and styles.

The Conference Planning Committee is composed of Peter T. Hoffman, Nebraska, Chair; Gary Palm, Chicago; Jennifer Rochow, Boston College; and Phil Schrag, Georgetown. Further information about the Conference will be appearing in future Newsletters.

#### MIDWEST CLINICAL TEACHERS CONFERENCE PLANNED

From Information Supplied By  
Nina W. Tarr, William Mitchell

A 1 1/2 day clinical teachers conference is planned for March 7-9, 1986 at the University of Minnesota Law School for teachers from Minnesota, Iowa, Illinois, Indiana, Michigan, Nebraska, North Dakota, South Dakota and Wisconsin. The conference will begin on Friday night, March 7 with a reception and end around noon on Sunday, March 9.

The conference will be geared to clinicians who are actually working with students rather than administering programs. The conference will focus on four intertwining areas that need addressing. The first topic will be the pros and cons of various clinical models including a discussion of in-house v. externship type programs, skills with simulation courses v. live clients, and the use of adjunct teachers. In addition, this topic will cover evaluating the educational soundness of various types of cases.

The second general topic is funding including comparing the priority clinics are given vis-a-vis other programs at our various law schools; funding sources, such as grants from LSC; and the cost effectiveness of clinical education under the different models.

The third topic is maintaining and generating student interest in clinics. Students tend to complain that the hours invested in clinics are not reflected in the credit received. Even though they seem to find clinics to be exciting and satisfying, they do not register for them in large numbers.

The final topic could be titled professional identity. This covers our expectations as clinicians and our roles in the law schools and the examining of the differences in how schools are treating clinicians in terms of privileges, responsibilities, and salaries.

The plans for the conference are tentative and any suggestions for changes or comments are welcome. The registration fee has not yet been determined, but will be minimal. The University of Minnesota has been chosen as the site for the conference because it is one of the few schools in the country creating and using computer based clinical instruction. The computer exercises on discovery, professional responsibility, and interviewing will be available for review.

If interested in attending, contact Nina W. Tarr or Ann Jurgens, William Mitchell College of Law, 875 Summit Ave., St. Paul, MN 55105; Bev Balos, University of Minnesota Law School, Minneapolis, MN 55455; or Angie McCaffrey or Pat Siuta, Hamline College of Law, St. Paul, MN 55104.

Telephone contact may be made through Bev Balos (612) 373-9980 or Pat Siuta (612) 641-2338.

AALS OFFERS MINI-WORKSHOP ON  
ALTERNATIVE DISPUTE RESOLUTION

The AALS, as part of the Annual Meeting in New Orleans, will be conducting a one day mini-workshop on alternative dispute resolution on Saturday, January 5, 1986. The objectives of the program are to demonstrate why and how dispute resolution should be taught throughout the law school curriculum in all years and in both large and small classes. A separate registration fee of \$35 is required. Several clinical teachers will be on the faculty including Carrie Menkel-Meadow, UCLA, speaking on issues in alternative justice; Gary Lowenthal, Arizona State, conducting a workshop on ADR in criminal law and Joe Harbaugh, American, conducting a workshop on negotiation. A full schedule is available from the AALS.

LEGAL SERVICES CORPORATION ANNOUNCES ELDERLAW GRANTS

The Legal Services Corporation has announced 20 grants totaling \$1.6 million to law school clinical programs under its Elderlaw Project. These grants are one time awards, for a maximum of two years to support the providing of legal services by clinical programs to the low income elderly. Recipients were selected from a total of 43 proposals. Among the readers for the grants was Sue Bryant, CUNY-Queens, chair of the AALS Clinical Legal Section; Mary Rosen, Director of the Institute of Law and Aging, and Bob Brown, a clinical teacher at Detroit.

The recipient schools are:

Alabama	\$92,000
Brooklyn	97,150
Campbell	48,975
Catholic	99,750
Cooley	56,829
Drake	100,000
Franklin Pierce	100,000
George Washington	92,122
Loyola-Chicago	53,732
McGeorge	100,000
Nebraska	99,070
New Mexico	100,000
Lewis & Clarke	55,200
Southern Illinois	80,861
Stetson	80,000
Texas	75,000
Thurgood Marshall	86,220
Utah	60,000
West Virginia	80,000
William & Mary	80,000

An additional \$360,000 in grants was awarded for the development of source materials on elderlaw and for generating private bar involvement in legal services to the elderly. Lynn Szymoniak, Director of the Legal Clinic at

Nova University was one of the recipients of a grant for materials development while the Law Clinic at Loyola-New Orleans received a grant for private bar involvement.

LSC WILL CONTINUE FUNDING OF THE LAW SCHOOL  
CIVIL CLINICAL RESEARCH PROJECT  
From  
Law Teachers for Legal Services Newsletter

The Legal Services Corporation Board at its September meeting adopted committee recommendations to annualize funding for clinical projects, although these projects will have to enter into yearly competition for the money. While it sorts out the financial details of the expected \$1.5 million to be allocated to programs in the FY 1986 budget, the Board has reallocated \$500,000 from the 1985 Reggie program budget to continue clinical projects ending in February, 1985, through the end of the school year. It appears at this point, however, that the Elderlaw Program will not be refunded.

CONGRESS FUNDS TWO CLINICAL PROGRAMS  
From  
Law Teachers for Legal Services Newsletter

Drake Law School and Loyola University of New Orleans were awarded a combined total of \$8 million by Congress for clinical programs in a direct appropriation passed by Congress in early August, and later signed by the President. This appropriation was made as a supplement to the FY 1985 budget. Loyola was awarded its appropriation for the Gillis Long Poverty Law Center, and Drake's appropriation is believed to be at the request of Congressman Smith. Loyola's Dean recently met with Legal Services Corporation officials at their request to discuss additional roles which the Center might play in Legal Services work. The Dean was asked to take on the following responsibilities which would be funded out of monies outside the appropriation for the clinic: a) put on a two-week new attorney training program every summer for Legal Services lawyers; b) publish articles on poverty law and Legal Services issues annually (this duty would probably be split with Drake, and each would take certain issues such as family, consumer, housing, entitlements and employment law); and c) host a new Research Institute, to be placed on the campus of the law school. It is not known whether Loyola will agree to undertake these roles.

CLINICAL TEACHERS ACTIVE IN LAW TEACHERS  
FOR LEGAL SERVICES

Several clinical teachers are active in Law Teachers for Legal Services, a group of legal educators active in support of legal services and its field programs. Among others, Paula Galowitz, NYU is co-chair of the group; Marshall Prettyman, Seton Hall, is chair of the committee on litigation; Joe Barrette, Syracuse, is chair of the committee on lobbying; Bob Bloom, Boston College, is co-chair of the committee on research; and Hank Rose, Loyola-Chicago, and Elliott Milstein, American, are co-chairs of the membership committee. The group will be hosting a wine-and-jeans informal get-together during the AALS Annual Meeting in New Orleans, January 4-7. Check at the headquarters desk for further information. If interested in

joining the group, contact Marie Failinger, Hamline University School of Law, 1536 Hewitt Ave., St. Paul, MN 55104, (612) 641-2124.

#### DICKINSON ANNOUNCES NEW DISABILITY LAW CLINIC

By  
Robert Rains, Dickinson

The Dickinson School of Law announced the opening of its Disability Law Clinic beginning the Fall term of 1985. The purpose of this newest of the Dickinson law clinics will be to serve indigent residents of Cumberland County, Pennsylvania, providing them with free advice and representation on disability issues such as: disability benefits under the Supplemental Security Income (SSI) Program, special education due process hearings, rights of patients in mental institutions such as the Harrisburg State Hospital, rights of veterans and their dependents regarding VA disability claims, incapacity hearings involving welfare claimants and Social Security Disability Insurance Benefits.

The clinic will be staffed by two third year law students who are certified legal interns, who will be working under the supervision of a professor. The staff will be available throughout the school year and during the summer.

#### SHORT STUFF

Doug Frankel, Pennsylvania, was a presenter at a conference for law and business school professors entitled "Teaching Negotiation and Mediation" as well as a member of the conference planning committee. The conference, held October 4-5 at NYU School of Law, was sponsored by the American Arbitration Association and the National Institute for Dispute Resolution.

Other clinicians at the conference were Carol Liebman, Boston College, and David Medine, George Washington, who conducted a workshop on teaching mediation in clinical education and Andy Schepard, Columbia, who conducted another workshop on domestic relations.

Carol Anderson has been appointed Assistant Director of Clinical Programs at Wake Forest.

Rick Perna, Dayton, will be visiting at South Carolina during the Spring.

John Barkai and Jim Countiss, Hawaii and Walt Heiser, San Diego are rumored to have been spotted individually and together in such widely diverse locales as Great Britain, Ireland, the Continent, India and Nepal. God's authority has it that these sojourns have been justified to their respective deans as clinical field work.

Joe Harbaugh, American and Barbara Britzke are expecting twins early next Spring. Congratulations.

#### ABA SKILLS TRAINING COMMITTEE SOLICITS INPUT

The Skills Training Committee of the ABA Section of Legal Education and Admissions to the Bar has been considering a wide range of issues related

to professional skills instruction. Some of the issues on which the Committee expects to take action this year are listed below.

Everyone with an idea or reaction related to these items is encouraged to communicate with a member of the Committee. Those people who are willing to help work on specific projects are implored to step forward. There is too much work on the table to be finished quickly by the members of the Committee alone. If more people volunteer to get involved, the Committee can accomplish its work more quickly, probably with better results. The members of the Skills Training committee are: Professor Marilyn Yarbrough, Kansas, chair; Professor Roy Stuckey, South Carolina, vice-chair; Professor Gary Palm, Chicago; Dean Nina Appel, Loyola-Chicago; Dean John Roberts, Wayne State; and Herbert Fishbone, Esquire, Allentown, Pennsylvania. (Professor Yarbrough has announced her intention to resign from the Committee when she becomes President of LSAC in January, 1986. Roy Stuckey will chair the Committee when this happens.)

ABA Annual Questionnaire: The Committee has been asked to make suggestions fo revising the portions of the Annual Questionnaire which relate to professional skills instruction. What information about professional skills instruction should be gathered? The ABA needs to monitor the growth and development of professional skills instruction. How can the information be collected so that it will be clear, meaningful and, hopefully, useful in predicting or recognizing trends? Gary Palm is responsible for coordinating this project for the Committee.

Site Inspectors' Instructions: These are set forth elsewhere in the Newsletter. Reviewing the instructions as they relate to professional skills instruction programs is a continuing agenda item for the Committee. Significant changes in format, if not in content, are expected to be recommended by the Committee before next Summer.

405(e) Questionnaire: The questionnaire sent to all ABA-approved law schools last summer is expected to be repeated annually for another year or two, at least. The Committee will review the data which has been collected and make recommendations for improving the questionnaire before next year.

One of the issues involved in this is what courses to count as part of a professional skills instruction program. The Committee may try to create a checklist of course titles and abbreviated descriptions which would accompany the next questionnaire. Initial efforts to do this indicate that it will not be easy. Any ideas at all will be very appreciated.

Workload and Working Conditions: ABA Accreditation Standard 404 sets limits on the number of scheduled class hours per week which a faculty member may be required to teach. Interpretations to Standards 201 and 401-405 further define the minimum working conditions for law facutly. These Standards and Interpretations are of little benefit in helping schools define appropriate workloads and working conditions for clinical teachers. As a result, there is very little uniformity around the country. It is important for clinical educators to begin considering how these issues should be addressed.

The Committee intends to make this one of its priority items in the near



future.

#### FIELD STUDIES OVERSIGHT COMMITTEE APPOINTED

A new committee of the ABA Section of Legal Education and Admissions to the Bar has been created to oversee the development of a field study of professional skills programs in ABA-approved law schools.

The charge to this committee originates in Recommendation 1 of the Report and Recommendations of the Special Committee for a Study of Legal Education (the Foulis Report). That Recommendations states:

"Resolved, that the House of Delegates recommend that the Section of Legal Education and Admissions to the Bar by its Research Committee or other designee of the Council, consider undertaking a project to identify and conduct field studies of those programs at approved law schools (e.g., trial advocacy instruction, negotiation, interviewing and counseling theory and skills) which have significantly augmented and enhanced the typical law school core curriculum, and preparing and disseminating 1) detailed description of the content and format of such programs, 2) evaluative comment as to the effectiveness thereof and 3) cost analysis of such programs."

The recommendation was on the agenda of the Section's Skills Training Committee, who suggested that a special small committee of knowledgeable persons be appointed to determine the specific goals and objectives of such a study, the procedure for accomplishing the study, the identification of funds for the project and candidates for appointment as principal investigator.

Dean Talbot D'Alemberte of Florida State University College of Law has agreed to chair the Field Study Committee. The following persons have been asked to joint the committee: R. W. Nahstoll, Esquire, Portland, Oregon; Professor Leo M. Romero, University of New Mexico; Professor Dean Hill Rivkin, University of Tennessee and Dean Betsy Levin, University of Colorado.

The Committee is expected to hold its first meeting during the AALS Annual Meeting in January, 1986, in New Orleans.

#### ABA ELDERLAW GRANTS

The American Bar Association has an eight-month grant competition for projects to enhance the legal awareness of older Americans. Ten grants of up to \$4,000 each will be awarded. The funds are available through the Marie Walsh Sharpe Endowment.

The ABA plans to make one or more grant awards to meet the following objectives: (1) the delivery of legal services to older Americans through private bar involvement; (2) continuing legal education for attorneys; (3) preventive-law community education to older persons; (4) legislative activities involving bar groups and private attorneys; and (5) projects

focusing on ethical issues involved in assisting older clients.

The request for proposals is open to not-for-profit groups, including state/local bar committees on the needs of older persons, other committees such as ethics, and trusts and estates, law-related educational groups, and any groups seeking to develop or strengthen the legal awareness of older Americans.

Deadline for the applications is December 1, 1985. Grant announcements will be made on or about January 15, 1986. For more information and a copy of the grant guidelines, contact Jane Koprowski, Public Education Division, American Bar Association, 750 North Lake Shore Drive, Chicago, Illinois, 60611. (312) 988-5729.

### JOBS

#### KANSAS

The University of Kansas School of Law is seeking well qualified lawyers for positions beginning with academic year 1986-87. These positions are contingent upon the availability of funding and include permanent, visiting, 12-month, 9-month, semester, and summer session appointments. Positions can include tenure-track appointments in clinical education. Applicants must hold J.D. or LL.B. with outstanding academic record from an accredited law school. Significant legal experience is preferred. For information, contact Professor Sidney A. Shapiro, Faculty Recruitment Committee, School of Law, University of Kansas, Lawrence, Kansas 66045. We are an Equal Opportunity/Affirmative Action employer.

WILLIAM MITCHELL

Position:

Staff attorney/clinical instructor for the St. Paul Office of Southern Minnesota Regional Legal Services. Caseload emphasis on evictions, unemployment compensation hearings, and other cases that are good vehicles for law students to learn litigation skills.

Responsibilities:

1. Supervise students participating in the Civil Litigation Clinic of William Mitchell College of Law.
2. Carry independent caseload.

Qualifications:

1. At least two years experience as an attorney, including significant trial and/or administrative hearing experience.
2. Admitted to practice in Minnesota or able to obtain admission upon motion (requires 18 months experience with a legal services program or a law school or 5 years experience in private practice).

Opening/Closing Date: December 13, 1985

Salary/Benefits: \$19,600 plus D.O.E.

Applications: Send resume to

Thomas Vasaly, Managing Attorney  
Southern Minnesota Regional Legal Services, Inc.  
300 Minnesota Building, 46 E. Fourth Street  
St. Paul, Minnesota 55101 (612) 222-5863

NORTHERN ILLINOIS

The Northern Illinois University College of Law is seeking applicants with clinical teaching interests, particularly in civil litigation, for a full-time, tenure-track faculty position beginning August, 1986. The position may involve: (1) teaching a simulation-based course in law office and pre-trial litigation skills, (2) administration, supervision, and teaching in externship programs, and (3) teaching other traditional law courses. Women and minorities are strongly urged to apply. Submit resumes or address inquiries to:

Professor Malcolm L. Morris  
Northern Illinois University  
College of Law  
DeKalb, Illinois 60115

SANTA CLARA  
(Summer Opening)

The Santa Clara University Law Clinic seeks a clinical teacher to supervise its clinic for the summer semester, June and July, 1986. The clinic handles both criminal misdemeanors and civil matters, including domestic relations cases. Approximately 9 students are usually enrolled and their supervision can usually be managed in 3 days/week. The teacher will be in charge of the entire clinic and responsible for the classroom component also.

California Student Practice Rules require that a supervising attorney be admitted to practice in California for at least 2 years.

Please respond to Kandis Scott or Mervin Cherrin, Santa Clara University Law Clinic, 3100 The Alameda, Santa Clara, California 95050. Telephone No. (408) 554-1945.

#### SOUTH CAROLINA

The University of South Carolina School of Law invites applications for a faculty position in the clinical program beginning in the 1986-87 academic year. Minimum requirements include: an interest in a career in clinical legal education; two years experience in practice or teaching; and either a member of the S. C. Bar or willingness to take exam at earliest opportunity.

Contact Roy T. Stuckey, Director of Clinical Education, U.S.C. School of Law, Columbia, South Carolina 29208. An Equal Opportunity/Affirmative Action Employer.

#### WEST VIRGINIA

The West Virginia University College of Law seeks applications for the position of Visiting Assistant Professor in its Clinical Legal Services Program, with appointment of seventeen months' duration commencing in January 1986.

Responsibilities of the position will include teaching of third-year clinical law students and supervision of civil cases in an in-house clinic with an emphasis on legal issues affecting low-income elderly persons. Applicants should have extensive litigation experience; teaching or supervisory experience desirable.

Candidates should direct resumes, including references, by November 15, 1986, to:

Professor Gerald Ashdown  
College of Law  
West Virginia University  
Morgantown, West Virginia 26505-6130

West Virginia University is an equal opportunity employer and strongly encourages applications of women, minorities and the handicapped.

The following positions appeared in the October 4, 1985 AALS Placement Bulletin:

UNIVERSITY OF CALIFORNIA, LOS ANGELES LAW SCHOOL seeks applicants for teaching positions to begin August 1986 or January 1987. We seek both experienced and beginning teachers for permanent and visiting, clinical and nonclinical positions. In addition, we have a limited number of openings for temporary part-time or full-time law teachers. Our principal though not exclusive interest is in individuals who would like to teach clinical courses, business associations, or property, and who would be qualified to direct our Communications Law Program. Qualifications for all positions include excellence in academic legal training and scholarly distinction or promise. Applicants primarily interested in clinical teaching and research should also have clinical or litigation experience, at least two years' bar membership or willingness to take the California Bar exam no later than July 1986. The School of Law has a special interest in enriching its intellectual environment through further diversification of the range of ideas and attitudes represented within the faculty. We therefore particularly welcome applications from minority group members, women and others whose varying backgrounds may contribute to this end. Contact: Chair, Faculty Appointments Committee, UCLA School of Law, Los Angeles, CA 90024.

UNIVERSITY OF IOWA COLLEGE OF LAW seeks experienced and entry-level candidates for visiting and permanent classroom and clinical teaching positions. Consideration of any applicants for a faculty position may depend upon the current curricular needs of the College, but flexibility ordinarily exists with respect to courses and other assignments. Contact: Professor David H. Vernon, Chair, Faculty Appointments Committee, College of Law, University of Iowa, Iowa City, IA 52242.

UNIVERSITY OF MINNESOTA LAW SCHOOL seeks applicants for three to five clinical positions. Responsibilities include the supervision of law students in various civil or criminal clinical programs and classroom instruction on lawyering skills such as interviewing, negotiation and trial preparation. These positions, which commence July 1, 1986, are in the University's Academic Professional and Administrative Class. Initial appointments will be made for a three-year period and may thereafter be renewed or made permanent. Salary will be commensurate with background and experience.

NEW YORK UNIVERSITY SCHOOL OF LAW seeks to fill two clinical tenure-track positions. Interested persons should send a resume with references, a writing sample, and a law school transcript by November 15, 1985 to Professor Anthony G. Amsterdam, Director of Clinical and Advocacy Programs, New York University Law School, 40 Washington Square South, New York, NY 10012. Applicants should be admitted to practice in the Eastern and Southern Districts of New York or capable of securing such admission by the summer of 1986.

#### Criminal Law Clinic

One position involves primary responsibilities in the Criminal Law Clinic. The principal form of teaching in this position is direct supervision of student fieldwork in the representation of indigent criminal defendants in the federal courts, supervision of students placed with the defender organizations and participation in a program designed to teach lawyering

skills in criminal trial advocacy as well as criminal procedure and evidence. Applicant having substantial experience in criminal litigation, substantial trial experience, significant experience in the representation of individual clients, and some experience in federal practice are preferred.

#### Urban Law Clinic

The second position involves primary responsibilities in the Urban Law Clinic. The principal form of teaching in this position is direct supervision of students in all aspects of client representation in civil matters before administrative agencies and before the state and federal courts of New York, in such areas of housing, immigration, Medicaid, social security, health, welfare, education, rights of minors, and employment. The position also involves teaching in seminar and simulation programs focused upon such lawyering skills as interviewing, counseling, negotiation, drafting and litigation. Applicants having substantial trial-level experience in the subjects and skills just mentioned and significant experience are preferred.

The following positions appeared in the November 1, 1985 AALS Placement Bulletin:

UNIVERSITY OF BRIDGEPORT SCHOOL OF LAW invites applications for a permanent tenure-track clinical faculty position beginning with the 1986-87 academic year. Candidates should possess a J.D. or LL.B. degree, outstanding academic credentials and three years' litigation experience. This is a Civil Clinic position and applicants should be admitted to the Connecticut bar or be eligible to take the Connecticut bar examination no later than the July 1986 sitting. Contact: Professor Gary L. Bahr, Faculty Recruitment Committee, University of Bridgeport School of Law, 303 University Avenue, Bridgeport, CT 06601.

UNIVERSITY OF CINCINNATI COLLEGE OF LAW invites applications for several tenure track positions beginning with the 1986-87 academic year. Candidates with superior academic records and a strong commitment to scholarship at both entry and experienced teaching levels are sought. Particular curricular interests are law and economics, research in professional skills, torts, criminal law, but other areas will also be considered. Women and minorities are particularly encouraged to apply. Contact: Robert J. Martineau, Chairman, Faculty Appointments Committee, University of Cincinnati College of Law, Cincinnati, OH 45221.

UNIVERSITY OF HAWAII, THE WILLIAM S. RICHARDSON SCHOOL OF LAW may have assistant, associate, full professor of law, three or four full-time, tenure track positions available for the 1986-87 academic year, pending allocation of available general funds, to begin approximately August 1, 1986. Visiting and part-time, nontenure track positions may also be available. Duties include teaching courses and directing program activities in Pacific and Asian law, teaching legal clinic, or courses in the business/commercial areas. Additional courses may include, but are not limited to antitrust, administrative law, international business transactions and other courses in our J.D. curriculum. Additionally, scholarship, professional activities, committee work, and other assignments

are required. Minimum qualifications for assistant professor are a J.D. degree, outstanding academic record. The minimum annual salary is \$33,648 for a nine-month appointment. Minimum qualifications for associate professor are four or more years of high quality practice or teaching with proven potential for research and publications. The minimum annual salary for associate professor is \$44,280 for a nine-month appointment. Minimum qualifications for full professor are ten or more years of high quality practice or teaching, or equivalent rank at another law school, with proven research ability and excellent reputation as a teacher. The minimum annual salary for full professor is \$51,804 for a nine-month appointment. Closing date: continuous recruitment until positions are filled. Send a detailed resume. Contact: Professor David Callies, University of Hawaii, William S. Richardson School of Law, 2515 Dole Street, Honolulu, HI 96822.

MCGEORGE SCHOOL OF LAW, UNIVERSITY OF THE PACIFIC invites applications for visiting or permanent tenure-track and permanent professional skills tenure-track faculty positions commencing in the 1986-87 academic year. We seek both experienced and beginning teachers for these positions. Our principal though not exclusive interest is in individuals who would like to teach civil procedure, evidence, torts or professional responsibility and professional skills courses in legal advocacy. Qualifications for all positions include excellence in academic legal training and strong scholarly distinction or promise. Applicants for professional skills positions should also have clinical or litigation experience, at least two years bar membership in any jurisdiction and California Bar membership or willingness to take the California Bar no later than July 1986. The School of Law has a special interest in enriching its intellectual environment through further diversification of the range of ideas and attitudes represented with the faculty. We therefore particularly welcome applications from women, minority group members and others whose varying backgrounds may contribute to this end. Contact: Dean Gordon D. Schaber, McGeorge School of Law, University of the Pacific, 3200 Fifth Avenue, Sacramento, CA 95817.

UNIVERSITY OF SAN DIEGO SCHOOL OF LAW invites applications for permanent and visiting faculty in nearly every field of law. We have special interest in tax (both J.D. and LL.M.), clinic, evidence, criminal law and procedure, commercial law, property, remedies and corporations. Permanent positions begin August 1986, and visiting positions are available for academic 1986-87 or either semester. Please send resume noting at least three references and a letter indicating subject matter of interest. Women and minorities are encouraged to apply. Deadline date is November 25, 1985. Contact: University of San Diego School of Law, Department 5, San Diego, CA 92110.

The following positions appeared in the September 25, 1985 and November 13, 1985 issues, respectively, of the Chronicle of Higher Education:

Law: Hamline University School of Law seeks an instructor to establish and operate a General Practice Clinic serving Hmong and Lao refugees. Duties include assisting in the development of course materials, classroom teaching, and supervising students. Candidates must be licensed to practice law in Minnesota and have three years' legal experience, preferably in consumer, housing, immigration, and family law. Good

academic record, excellent writing and communications skills, substantial courtroom experience, and experience with clinical education, as either student or teacher, preferred. To be filled as soon as qualified applicant is found. Immediately send letter of application, resume, writing sample, and three references to Patricia A. Siuta, Director of Clinics, 1536 Hewitt Avenue, St. Paul, Minnesota 55104. Hamline University is an Equal Opportunity Employer.

Law: Indiana University Bloomington School of Law is seeking to fill several faculty positions beginning in August 1986. Applications will be considered for most areas in the standard law school curriculum, however there are special needs in the areas of clinical programs, family law, property, wills and trusts and commercial law. Salary and rank commensurate with education background and experience. Applications are invited from all interested persons of high academic promise. Prior teaching experience desirable but not essential. Applicants are invited to submit samples of written work and indicate their plans for future research. Applications received prior to December 15, 1985 will be assured of consideration. Contact S.J. Plager, Indiana University Bloomington, School of Law, Bloomington, Indiana 47505. Indiana University is an equal employment, affirmative action employer.

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#### ESSAYS

Normally the Newsletter attempts to include several essays in each issue centered around a selected topic. Because of the length of Gary Palm's essay and the importance of the topic, only one essay is included in this issue.

Anyone who is interested in submitting an essay is encouraged to do so. Few forums exist for proposing ideas developed in less than law review article length. Take advantage of the only one devoted exclusively to clinical education.

#### THE ABA ACCREDITATION PROCESS AND ITS EFFECT ON CLINICAL EDUCATION

By

Gary Palm, Chicago

Forces outside law schools have been significantly responsible for the reforms of legal education resulting in the extensive use of clinical education today. Law schools have often reluctantly and cautiously responded. Yet throughout, there have been many academics who have supported these reforms and can be counted on to engage in the sometimes difficult and wearing struggles to maintain these reforms while also creating the circumstances that will allow excellence to be attained.

One major outside force that clinical teachers have organized to influence has been the American Bar Association and its accreditation authorities. New accreditation standards have been adopted by the ABA and the accreditation process now includes special attention to clinical education and skills training. Clinical teachers are being included on many more accreditation evaluation teams. Additionally several committees of the ABA's Section on Legal Education and Admissions to the Bar are monitoring the performance of law schools as reported by schools' responses to the

ABA's annual questionnaire and other periodic surveys.

However, the most significant opportunity for ongoing reform is the periodic accreditation evaluation conducted by the ABA through the site visit and evaluation report to the ABA's Accreditation Committee and the Council of the Section on Legal Education and Admission to the Bar. Through this process clinical teachers can make certain that their schools come into compliance with these national standards. Also, new areas of concern about clinical education in general can be identified that may need further action through changes in accreditation standards.

The accreditation process also provides a special opportunity for self-evaluation by each school of its clinical program and how it relates to the overall program of the school. Issues can be addressed that might otherwise be avoided. Many who have been involved in the accreditation process believe that the periodic re-evaluation offers clinical teachers the best opportunity to obtain major improvements at their schools. But success requires a great deal of work. Planning must begin well ahead of the visit of the ABA's evaluation team. Documentation and written presentations must be prepared. Issues must be selected with care. The process can only be exploited successfully by the most adroit analysis of what can be accomplished. We do not mean to suggest that threats to have the school discredited will usually be successful or appropriate. Such "traitorous" efforts are not likely to be rewarded with voluntary, long term improvements.

Rather, the accreditation process requires that the school gather the facts to demonstrate that it is in compliance with the accreditation standards and is meeting its own goals and institutional standards. It is because the school must respond to this outside body that clinical teachers can present the facts and raise issues which otherwise might not be addressed. Clinical teachers can take the position that it is their duty to raise these questions so that the school can show it is in compliance with the accreditation standards or is taking steps to come into compliance. The ABA's site evaluation team is likely to discover these problems anyway through its interviews of faculty members, the bar, students and administrators. We should be seen as "team players" who are helping the school receive ABA approval by fully and adequately responding to questions raised by the evaluation and developing solutions to problems.

But the accreditation process does not only measure whether a school is in compliance with the accreditation standards. It goes much further. The accreditation standards also require that each school be measured by its own objectives. Every law school is striving for excellence in its teaching, scholarly, and public service activities. However, law schools seek to achieve these goals in different ways. The accreditation process requires that the school articulate its own methods and timetables for attaining its objectives. The accreditation inquiry can then determine whether the school has set appropriate goals for itself and whether those goals are being met.

It is in the process of helping to articulate the law school's own goals and timetables that clinical teachers can make the greatest contribution. We are uniquely qualified to specify standards of excellence for our work

and to suggest how these standards may be met. Whether the issues be status, lower student/teacher ratios, more credit, reduced teaching loads for pursuit of scholarly efforts, increased use of full time teachers in skills training instruction, courses in more skills areas, greater integration of clinical with the rest of the curriculum, better facilities, improved salaries for clinical teachers or whatever, the accreditation process legitimizes raising these issues, presenting the facts and developing suggested improvements. These results will be obtained through the customary persuasive skills and approaches that typify professional interaction within law schools. The accreditation process is not a substitute for the normal political process at any school or university. Rather, it provides an opportunity to raise the issues.

Careful use of the site evaluation can bring to bear outside expertise to support our position. If the issues have been discussed in the self-evaluation process, it is natural to obtain the assistance of the evaluators in arriving at solutions. Our friends on the faculty will no doubt be able to use the opinions of the outside evaluators to persuade others on the faculty. Of course, the issues raised and solutions proposed by us must be consistent with the current state of the art in clinical education or be sufficiently justified to obtain the concurrence of the evaluators. Discussion of the issues in the site evaluation report that is transmitted to the dean and the president may well aid in keeping these issues before the school even after the accreditation process is completed.

In order to explore how the accreditation process might be used by clinical teachers, it may prove useful to use a hypothetical example and suggest steps that could be taken. Assume that a school has only one or two full time faculty involved in clinical teaching and skills training. The school has extensive placement in "out-of-house" clinical settings staffed by adjunct faculty or non-faculty attorneys. The skills training instruction through simulation is also primarily taught by adjuncts. The full time faculty spend most of their time co-ordinating and monitoring these activities. Assume further that these two full-time clinical teachers have concluded that the school should have an in-house clinic staffed by full time teachers in which most students receive clinical instruction. Assume further that they have concluded that the skills training courses should be taught primarily by full time faculty as are other core courses. What follows is a discussion of how clinical teachers might use the accreditation process to obtain these results.

For approved law schools, site evaluations are conducted the third year following the granting of full accreditation and in the seventh year following the granting of full approval. Site evaluations are conducted once every seven years thereafter. In order for the clinical teachers to be effective in getting the faculty and administration to examine the part-time faculty issue, the clinical teachers should participate actively in the process of accreditation from beginning to end. In addition, the clinical teachers should see themselves as consultants to the faculty about skills training issues and other related aspects of the law school.

#### THE SELF-EVALUATION

The first part of the process is the self-study. The law school is

expected to begin the process of developing the self-study 6 to 18 months before the visit of the site evaluation team. The self-study is to be conducted by a committee of the faculty with each of the committee members having specific assignments. It is not to be the product solely of the dean but rather of the work of all appropriate constituents of the law school, including students, alumni and members of the judiciary and practicing bar. The self-study should describe the goals the law school has set for itself, identify and analyze the areas of the school's strengths and weaknesses in light of their stated objectives and relate the available resources to the stated objectives. With the current emphasis on skills training in the accreditation standards and in legal education generally, every law school should devote a portion of the self-study specifically to skills training and clinical education.

To assure that this is done, the clinical teachers should consider volunteering to participate in the preparation of the self-study. In undertaking these responsibilities, the clinical teachers may well want to involve other members of the faculty who are friendly but not directly involved with the work of the clinic. In this way the requirement that the self-study involve the full faculty in a review of the school will be met and credibility will be given to the process and the proposals. Likewise it seems appropriate to involve the clinical faculty fully in evaluation of the clinical program and the skills training curriculum. A retreat or some other opportunity for concentrated evaluation might be used in schools with large clinical faculties.

Many feel that the self-study report is not nearly as important as the process of self-study itself. Many schools have found that the self-study process stimulates long range planning and a continual effort to gauge the educational effectiveness of the institution and of its various components even after the accreditation process is completed. Often, the self study process is an easier way of bringing about change than the normal institutional methods within the school. It is my suggestion that clinical teachers should participate actively in the entire self-study process and not limit their involvement to clinical issues. Rather, they should make certain that all the issues are addressed.

The self-study also provides a good opportunity to examine the clinical program itself. How good is the supervision? How effective is the clinical curriculum? Many of the same issues that are addressed for the law school at large can be isolated and examined with particular attention and regard for the clinical program.

Also, there are issues involving the clinic which need to be addressed by the law school at large. Those issues are adequacy of funding; adequacy of staffing; sufficient involvement of clinical teachers in the work of the school; the status of clinical teachers; the workloads of clinical teachers; the research opportunities for clinical teachers; and the choice of methods of teaching between simulations, actual client representation, lecture, readings, traditional socratic methods, and case analysis.

It has been the experience of many clinical teachers that many non-clinicians know little about clinical teaching. For example, they may not understand the teaching goals and methods involved in direct

supervision of law student engaged in representing real clients, or how clients, cases and tasks are selected to maximize learning opportunities for students. Indeed, some law teachers who have not practiced law may not be fully conversant with modern litigation or law office practice. Thus, the self-study process may prove beneficial, in part, because it can provide an educational opportunity for the non-clinical faculty.

#### SITE EVALUATION VISIT

The second most important aspect of the site evaluation is the visit by the site evaluation team. The ABA has assured the AALS Section on Clinical Education that clinical faculty members will be included on site evaluation teams, particularly those that are visiting schools with clinical programs. When this occurs, the clinical teacher on the team may become a de facto consultant. The visit provides an opportunity to explore the quality of the program and obtain ideas for improvement and innovation. (Similarly, those clinical teachers who have served on site evaluation teams find that they return to their own programs with new ideas and enthusiasm.)

The process usually proves not to be threatening, but to be one of growth and development. This is not to say that clinical teachers should avoid bringing out issues that are troublesome and for which an outside body can prove helpful. Nor should obvious violations of accreditation standards be overlooked. Those of us who have been involved with this process see the accreditation visit as an opportunity to bring to bear some very modest outside pressure on the school. Often deans or clinical directors will find it useful to have a report from the accreditation team that contains recommendations for action. The accreditation team often will only learn about issues from clinical teachers.

The team member assigned the responsibility for evaluating the clinic and skills training areas should be contacted as early during the site visit as possible. The team member will likely have reviewed all the statistical information provided by the school in response to the Annual ABA Questionnaire and the site evaluation questionnaire as well as the self-study report and have prepared a list of topics and concerns for discussion. Likewise, the clinical teachers should have prepared a list of topics to be addressed. Among these might be the issue of use of part time teachers. The current status of discussion about this issue would be reported.

The team will not make a recommendation about accreditation. Rather it gathers facts and submits a report to the Accreditation Committee of the Section on Legal Education and Admissions to the Bar. The report is primarily factual and descriptive. This fact-finding function provides a special opportunity for clinical teachers. The facts about the use of part time teachers should be fully presented. Comparisons should be drawn with the use of part time teachers in other areas of the curriculum.

Frequently we are not fully aware of the plans and intentions of the dean, the president of the university and others on the faculty. The team has the responsibility to ask tough questions and press for answers. Just getting the right questions raised by the team may well be all that is needed to obtain change. It is not infrequent that a dean will respond to

the team that he is also concerned about the same issues. Indeed changes have been made right then during the visit. In any event answers will be given and attention drawn to matters of importance that otherwise might have continued to be overlooked. The team will often be able to report that the dean or president intends to look into the matter further or appoint a committee or take other positive steps. Therefore, the clinical teachers should indicate to the team member how the team might help the process of change and identify what might be accomplished.

The team might well include the importance of hiring full time faculty to teach in the clinic and skills training areas in the report, which brings it directly to the attention of the dean, president and faculty again. A draft of the report will be sent to the dean, et. al. for a response. Again this will provide an opportunity for discussion at the law school. The dean may decide to report the tenor of those discussions in his response to the draft report, which will be sent to the chairperson of the evaluation team for consideration in revising the draft into a final report. The final report is submitted to the Accreditation Committee. A copy is sent to the president of the university and the dean of the law school, who can submit a further response to be considered by the Committee.

#### CONCLUSION

When your school is scheduled for an accreditation site evaluation, you should begin to prepare well in advance of the visit. The self-evaluation process should begin 6-18 months before the visit. The clinical faculty should give themselves plenty of time to identify the issues that should be raised and confronted before this process begins.

Efforts to require skills training instruction and to upgrade the status of skills training and clinical teachers through accreditation standards were necessary because of the reluctance and opposition of academic faculty, deans and university administrators to these changes in legal education. These changes must be implemented to improve the quality of legal education. While it is highly unlikely that any law school will lose its accreditation over any of these issues, most schools will recognize that these standards are worthy of compliance. But law schools will need our assistance in working through the problems to arrive at compliance consistent with other institutional goals and constraints.

The accreditation process provides an opportunity to move forward. Law schools must at least try to comply or accreditation will be threatened. Excuses may be accepted, but only with demonstrated progress toward compliance. No school that is not in full compliance with the accreditation standards should be able to make it through the process without making substantial progress toward compliance. It is the responsibility of clinical teachers to insure that the accreditation power of the ABA is used appropriately to achieve compliance with these standards.

Likewise, if there are hurdles to achieving excellence in our programs, we should be able to use the accreditation process. But we must prepare for the process and anticipate a lengthy effort over several years before and



after the accreditation visit. Most of our work will need to be educational and supportive. It need not be confrontational. We need to raise the issues, provide the data, develop alternatives, generate information and astutely involve the accreditation authorities on our side.

A copy of the instructions for review of professional skills programs which are being used by ABA site inspection teams during 1985-86 is attached. This document is reviewed regularly, and it is very likely that revisions in format and content will be made before the 1986-87 academic year. The Skills Training Committee is one of the entities within the ABA Section on Legal Education and Admissions to the Bar which will review the document this year. Anyone with specific suggestions for improving these instructions is invited to contact any member of the Skills Training Committee.

# American Bar Association

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August 13, 1985

## MEMORANDUM

TO: Members of Site Evaluation Teams

FROM: James P. White, Consultant on Legal  
Education to the American Bar Association

RE: Review of Professional Skills Program

Each law school site evaluation team is expected to review the professional skills program established at the law school they are evaluating.

This memorandum is intended as an aid to those team members whose task it is to review professional skills programs. All courses with a professional skills component should be included in this review. This document contains suggested questions and areas to review. THIS DOCUMENT SHOULD NOT BE READ OR USED AS STATING MANDATORY REQUIREMENTS FOR SKILLS TRAINING PROGRAMS.

### Scope of Review

To clarify, the term professional skills program is defined as follows:

A "professional skills program" is that portion of a law school's curriculum in which student performance in lawyering roles is paramount. The teaching of "professional skills" involves teaching and evaluating law student performance on live cases or problems, or in simulation of the lawyer's role, for the mastery of basic lawyering skills, and the better understanding of the professional responsibility, substantive and procedural law, and the theory of legal practice.

## SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR

OFFICE OF THE CONSULTANT ON LEGAL EDUCATION TO THE AMERICAN BAR ASSOCIATION  
INDIANA UNIVERSITY SCHOOL OF LAW—INDIANAPOLIS 735 W. NEW YORK ST., INDIANAPOLIS, IN 46202  
TELEPHONE (317) 264-8071

This definition encompasses a broader range of courses than some people would normally associate with the term. This is intentional. However, some care should be taken not to apply the definition too broadly. The following guidelines might be helpful in deciding close questions:

Courses carrying titles clearly connected with professional skills, such as "trial practice" or "interviewing" should be included even if they are 100% lecture courses with no performance or problem solving component. Law office management courses should not be included. Professional responsibility should not be included.

Any course in which students are involved in client representation should be included (i.e. all clinics, including placement and externship.)

Although a course involves student performance, it may not be appropriate to include it. For example, a corporation's course might use simulations or problem-solving exercises. However, most such courses should not be included because the primary purpose of the skills tasks would be to enhance students understanding of the underlying substantive law. Skills would be of secondary importance, usually negligible.

However, if skills instruction is a significant educational goal of the course, it might be appropriate to include it. One test would be whether or not materials related to skills instruction are required for the course.

Drafting courses after the first year, such as estate planning or pleadings practice should be carefully considered for inclusion. The presumption should be to include them unless it is felt that the drafting skills learned are a minor part of the course.

Other descriptive terms applied to professional skills programs are "client contact" and "simulation". Client contact would refer to those programs which involve students in representing actual clients. If these programs are operated by the law school (full-time members of the faculty have professional responsibility for the legal work), they are denominated as "school-operated". If the students are placed with outside offices or agencies whose attorneys retain professional responsibility for the legal work, they are referred to as "placement clinical programs".

Simulation programs refer to those courses which use simulation exercises, but not actual client representation or

other legal work. Many client clinics will use simulations to prepare students for their legal work.

I call your attention to an amendment to Standard 302(a) of the ABA Standards for Approval of Law Schools, adopted by the House of Delegates at its August, 1981 Annual Meeting. The House adopted the following language:

302(a) The law school shall:

(iii) offer instruction in professional skills;"

In accordance with the action taken by the Council at its May, 1981 meeting, and coincidentally, with the adoption of the foregoing amendment of Standard 302(a)(iii), the following Interpretation of Standard 302(a)(iii) is effective:

Interpretation 2 of 302(a)(iii):

Such instruction need not be limited to any specific skill or list of skills. Each law school is encouraged to be creative in developing programs of instruction in skills related to the various responsibilities which lawyers are called upon to meet, utilizing the strengths and resources available to the law school.

Thoughtful professional studies have urged that trial and appellate advocacy, counseling, interviewing, negotiating, and drafting be included in such programs. August, 1981.

At its May, 1981 meeting, the Council determined that the Section of Legal Education and Admissions to the Bar would undertake a study of skills courses as recommended by the ABA Special Committee for a Study of Legal Education. The resolution as adopted by the ABA House of Delegates states:

"BE IT RESOLVED that the House of Delegates commends the Section of Legal Education and Admissions to the Bar for undertaking a Project to identify and conduct field studies of applied skills courses and programs, (i.e., trial counseling) at approved law schools, which have significantly augmented and enhanced the typical law school core curriculum and to prepare and disseminate, 1) detailed descriptions of the content and format on such programs, 2) evaluative comment as to effectiveness thereof, and 3) cost analysis thereof."

As a part of this study, members of the Consultant's staff review the comments on professional skills programs made in site evaluation reports. Therefore, we ask that you describe the programs as fully as possible, and attach any descriptive material prepared by the schools regarding the professional skills instruction.

### Faculty

In addition, part of your review will involve an evaluation of the professional skills program faculty and what is their status on the faculty.

The House of Delegates of the American Bar Association, at its August, 1984 Annual Meeting, upon recommendation of the Section of Legal Education and Admissions to the Bar, adopted the following new Standard 405(e) of the ABA Standards for Approval of Law Schools:

"The law school should afford to full-time faculty members whose primary responsibilities are in its professional skills program, a form of security of position reasonably similar to tenure and perquisites similar to tenure and perquisites reasonably similar to those provided other full-time faculty members Standards 401, 402(b), 403, and 405. The law school should require these faculty members to meet standards and obligations reasonably similar to those required of full-time faculty members by Standards 401, 402(b), 403 and 405."

Coincidentally, with the adoption of Standard 405(e) by the ABA House of Delegates, and in accordance with Standard 801 of the ABA Standards for Approval of Law Schools, the following Interpretation of Standard 405(e), which was adopted by the Council at its May, 1984 meeting, is in effect:

#### A. Interpretation

A form of security of position reasonably similar to tenure includes a separate tenure track or a renewable long-term contract. Under a separate tenure track, a full-time faculty member, after a probationary period, reasonably similar to that for other full-time faculty, may be granted tenure as a faculty member in a professional skills program. After tenure is

granted, the faculty member may be terminated only for good cause, including termination or material modification of the professional skills program.

#### B. Interpretation

In determining if the members of the full-time faculty of a professional skills program meet standards and obligations reasonably similar to those provided for other full-time faculty, competence in the areas of teaching and scholarly research and writing should be judged in terms of the responsibilities of faculty members in the professional skills program. Each school should develop criteria for retention, promotion and security of employment of full-time faculty members in its professional skills program.

#### C. Interpretation

Standard 405(e) does not preclude a limited number of fixed, short-term appointments in a professional skills program predominately staffed by full-time faculty members within the meaning of this Standard, or in an experimental program of limited duration.

Please discuss the faculty status of the professional faculty.

One area of concern is the extensive use of part-time teachers in the Professional Skills Program. Please compare the extent of the school's use of part-time teachers in this area with the school's use of part-time teachers in its core curriculum.

#### Method of Review - General

Before any specific component is examined, the inspection team should evaluate the school's overall program for professional skills instruction. The team should identify where in the curriculum each of the professional skills listed on pages 14 and 15 of the Guidelines\* is taught. This exercise

\* Report of the Association of American Law Schools-American Bar Association Committee on Guidelines for Clinical Legal Education, 1980.

will help identify any significant gaps in coverage. It will also help the team understand how the school's professional skills curriculum is structured and where emphasis is placed.

Once the team begins to examine individual components of the skills program, some common criteria should be applied. Minimum criteria for awarding academic credit for law student participation in professional skills programs include:

1. The educational objectives should be clearly articulated. There should be very specific objectives articulated, as well as general.
2. The manner in which these educational objectives will be achieved should be clearly described, and must encompass the role of the one-to-one teaching done by the attorneys who provide direct supervision of casework.
3. Instruction should cover planning, doing and reflecting about the performance of lawyering skills.
4. There must be meaningful involvement by the law faculty (preferably those whose primary teaching responsibilities are in the professional skills program) in controlling and evaluating all components of the program and the teachers in it, including compensated and uncompensated part-time adjuncts, field supervisors, and other teachers.
5. Responsibility for, and method of, evaluating student performance must be clear.

#### Client - Contact

For those professional skills programs involving client-contact, or other legal work on non-simulated problems, the following areas of inquiry are suggested. These areas should be explored for school operated and placement clinics. At the outset, much can be learned by having the program director articulate the educational goals of the program and the manner in which these goals are achieved. A second general question is, given these goals, does the program receive sufficient resources in terms of time, money, and personnel to achieve the goals. Other questions to consider include the following:

1. Does the program provide enough supervisory input to supervise students and cases adequately?...

(Some factors that might be considered are the number of students, the nature and size of the caseload, the number of supervisors, and whether non-clinical activities of the supervisors detract from their supervisory responsibilities.)

2. As to the person(s) responsible for day to day fieldwork supervision of students and cases, have they had sufficient prior experience in law practice?...

(Some factors you might take into account in judging what is sufficient experience, are the nature and complexity of the caseload and whether or not the supervisor in question is in turn supervised by someone with more experience.)

3. Are students adequately prepared for client representation?...

(Here you can inquire about the use and value of orientation sessions, introductory and prerequisite courses, and mock run-throughs of impending performances.)

4. Are students adequately evaluated?...

(Here you might consider the grading system used, the basis of evaluation, the use of evaluation forms, etc.)

5. Does the program take place in a well managed law office?...

(Some factors that might be considered are whether files are adequately maintained; is client confidentiality preserved; is there an adequate case management system so that appointments are kept, letters answered, court appearances made, filing deadlines adhered to, etc.? Also, do students and supervisors have desks, telephones, secretarial services, etc.?)

(A tip on finding out about supervision and management, is to arrange for interviews of several participating students and ask them about the program.)



6. With respect to questions 1-5 above, does the law school have sufficient mechanisms to insure that adequate supervision is in fact being provided?
7. Is the program complying with the requirements of the applicable student practice rule?...

(Most state rules permitting student practice have the twin goals of educating law students and insuring adequate representation of clients. Compliance with these rules is, therefore, important. The rule itself can be scrutinized to see if it adequately fixes the respective responsibility of student, supervising attorney and law school.)

8. Do students have sufficient academic credit for the amount of time they must spend in the program?

### Placement Clinics

Placement clinics take different forms. Most models assign primary responsibility for the daily direct supervision of students on casework to an attorney employed by the placement agency or office ("field supervisors"). Most schools will assign overall responsibility for the course to a member of the law faculty ("faculty supervisor").

In all client clinics, a major part of the educational experience occurs through the one-to-one meetings between students and their direct supervisors. In placement clinics this function is usually performed by the "field supervisor", therefore, particular attention should be directed at their appreciation of these education obligations and the school's recognition of them.

At least one member of the team should visit as many placement clinics as possible. To the extent possible, field supervisors and students should be interviewed. A meeting between the field supervisors and members of the team might also prove useful. Any faculty member responsible for supervising a placement clinic should also be interviewed. Of particular significance will be the extent to which the response of those participating in the placement clinics seem to diverge from those given by the faculty members. Differences should be brought to the attention of the school and included in the report.

There is a danger that placement clinics are often not providing adequate instruction because of the failure of the law school to retain adequate control of the teaching. As each

of the above topics is examined, however, particular attention should be given to the amount of time, energy and money being devoted by the school. One useful measure of the school's involvement can be obtained by comparing the quality of instruction in the placement clinics with that given at any school-operated clinics. Differences in quality and methods of instruction should be addressed. Does the law school have lower standards and lower expectations for its placement clinics than it has for other parts of the curriculum?

In addition to the topics applicable to all clinics, the following areas of inquiry relating particularly to placement clinics should also be covered.

1. Who is in charge of implementing the educational objectives? Does the person (or group) have a career interest in professional skills instruction? If the faculty supervisor is an administrator or a teacher whose primary career interests are in other areas, one should inquire more closely about the kind and amount of direct faculty involvement. One should also be alert for situations in which career clinicians have been assigned responsibility for placement clinics as an additional duty on top of an already full work load.

2. Does the law school assign any full-time faculty members to supervise the placement clinic? How are these members selected? Are they given adequate credit for this assignment? Are they interested in the placement clinic and looking forward to continued involvement? Is this responsibility counted as a course in determining teaching loads? Is it considered at all? Do the faculty supervisors visit each placement clinic on at least a weekly basis? Do the faculty supervisors meet regularly with each student? Do they review student work regularly? Do they observe student performances in court? Do they participate in grading the student? Do they monitor the quality of instruction and meet regularly with the field supervisors to make suggestions and answer questions?

3. Why did the school decide to offer each placement clinic? Why does the placement agency want to operate the clinic? Are there conflicts between the goals of the placement agency and the teaching goals of the school?

4. How does the law school select the field supervisors? What are the criteria used? Do faculty members teaching in the school's Professional Skills Program participate in the selection process? What is the compensation paid to field supervisors? What is the title given to these teachers?

5. How many hours each week are field supervisors expected to devote to their teaching activities? How many hours of direct contact with students do they provide? What percentage of their caseload is used in supervising students? How are classes selected for use in supervision? What criteria are applied? Are the criteria written? What are the learning goals for each student in the Clinic? Does the field supervisor or faculty supervisor have individualized goals for each student? Are these reviewed and adjusted during the course? Are students given primary responsibility for any case? Any parts of cases?

6. Are regularized planning procedures used? Are written planning documents prepared? Does the placement have a manual or other written materials to introduce students to office procedures and performance of lawyering skills? If so, review these materials.

7. Do the field supervisors have regularized processes for supervising students? Can they describe the processes they use for different skills and articulate what they expect students to learn? It may be useful to discuss one particular skill, such as cross examination of an adverse witness, to determine whether the clinical teacher has a regularized agenda or instructions to introduce students to the skills and supervise them throughout this type of assignment. Or, is the teacher proceeding on an ad hoc basis?

8. Does the field supervisor participate with the student in collaborative work, or is the student simply given assignments to be performed for critique? To the extent that collaborative work is used, does the supervisor assure that the student is actually participating in the decision-making process? How does the supervisor determine which tasks are to be performed by the student and which are to be handled by the supervisor?

9. What functions are the students performing? Are these functions selected because of educational aims or because of service needs? Do the students perform routine functions only, or are they given a range of functions including more complex work? Are students given non-lawyering functions? Are they given functions which the placement agency would otherwise assign to paid staff, such as paralegals, docket clerks, investigators, or secretaries? Are the students provided rich learning experiences? Are students functions unduly limited to intake or legal research?

10. What relationship do attorneys in the agency or office, other than the field supervisors, have with

the students? Are students ever supervised by attorneys other than the field supervisors selected by the law school?

11. Are students provided secretarial services on the same basis as other professionals in the placement? Are they provided adequate office space, equipment and supplies? Are they reimbursed for out-of-pocket expenditures on the same basis as other professionals? Are any office services not provided to the students? Do the students have fixed office hours? Do they keep time sheets? Do they keep journals that are reviewed by the faculty supervisor? If so, do they receive feedback on their journal entries?

12. What orientation is given to the field supervisors? Is there a manual explaining their functions? Does the school provide any introduction in pedagogy, especially one-to-one teaching? Are they provided funds to attend teachers training conferences, AALS meetings and the like? How are the educational objectives explained to the field supervisors? Are materials suggested to them?

13. What is the evaluation process for the field supervisors? Are the evaluation criteria similar to those set forth in Guideline XVII, p. 34-36? Are student evaluations collected? Have any field supervisors been dropped for failure to meet those criteria? Does the law faculty's process for evaluating teachers encompass the performance of field supervisors? If not, why not?

14. Does each clinic have regular classroom meetings? Is there a syllabus for the course? Is it followed? Are there course materials? Do they relate to the educational goals of the course? Are they discussed in class? Are they referred to by the students and field supervisors in one-to-one meetings about casework? Do field supervisors participate in classroom instruction? Do they attend? Has the school established written instructions about how the one-to-one supervision on cases should relate to the rest of the course?

#### Simulation and Other Professional Skills Courses

Do the simulation courses provide rigorous educational experiences? Are the students required to work hard throughout the semester and to prepare thoroughly for each class and each simulated performance?

Are the methods of instruction effective? How does the school measure the effectiveness of these courses? Is there a final examination? If not, why not?

How are students taught to prepare for performances as lawyers? If their preparation reviewed and evaluated? What is the role of the teacher during the preparation stage? Are written plans or other materials which are developed by students reviewed by the teachers? If so, do the students receive prompt feedback about them?

Are students performances videotaped? Are these reviewed individually with the students by the teachers?

Does every student perform every exercises or every skills being taught in the course? How many performances does each student do during the semester? Are students usually allowed sufficient time to complete a performance? Are they required to repeat preparation and execution following unsatisfactory performances?

Are written assignments reviewed in draft form? Are redrafts required until the teacher is satisfied with the quality?

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## AALS ANNUAL MEETING

Plans are proceeding apace for the Clinical Section program during the 1986 AALS Annual Meeting to be held in New Orleans from Saturday, January 4 through Tuesday, January 7. The Clinical Section Program is scheduled for the morning of Sunday, January 5. Note that this section of the Newsletter is designed to be ripped off and brought with you to New Orleans.

### Schedule of Section Events

#### Saturday, January 4

8:30 - 10:00 p.m. RECEPTION  
8:30 - 10:00 p.m. OPEN MEETING of the Executive Committee

Location: LaGaleria 6, Marriott Hotel

#### Sunday, January 5

9:00 - 10:30 a.m. Integration of Clinical Methodology into the Curriculum

\* Jenifer Schramm, University of Puget Sound Clinician  
as an Educational Force Outside the Clinic

Lawrence M. Grosberg, New York Law School-Brooklyn  
Use of Clinical Methodology in a Traditional  
First-Year Course

Robert D. Dinerstein, American University Use of  
Clinical Methodology in a Traditional Upper-  
Division Course

Location: La Galeria 3 Marriott Hotel

10:30 - 10:45 Break

10:45 - 12:00 Workshops

1. Evaluation of Clinical Programs

\* Susan J. Bryant, CUNY at Queens

Paul Murray, Ph.D., Tulane University  
Outside Evaluations of Clinical Programs

Dean H. Rivkin, University of Tennessee  
Self-Evaluations of Clinical Programs

Location: Mardi Gras M, Marriott Hotel

2. Clinical Education and the Elderly

\* Peter T. Hoffman, University of Nebraska

Multi-Disciplinary Approaches to Problems of  
the Elderly

Ellen Scully, Catholic University  
Clinical Education for the Night Student

Robert N. Brown, (representative of Section on  
Aging) University of Detroit  
Links Between Clinical Education, the Classroom  
and the Elderly

Location: Mardi Gras L, Marriott Hotel

3. Academic Freedom for Clinical Law Teachers:  
Is There Any?

\* Richard P. Perna, University of Dayton  
The Perspective of a Nonsupervisor

Suzanne Reilly, University of Pennsylvania  
The Perspective of a Supervisor

Location: Mardi Gras N, Marriott Hotel

4. Alternative Dispute Resolution in a Clinical  
Setting

\* Louis S. Raveson, Rutgers-Newark

Jonathan M. Hyman, Rutgers-Newark  
Whether There is an Inherent Conflict Between  
Teaching ADR and Teaching Advocacy

Carol B. Liebman, Boston College  
Mediation

Douglas N. Frenkel, University of Pennsylvania  
A Live Mediation Center as Part of the Law  
School Curriculum

Location: Mardi Gras I, Marriott Hotel

\* Moderator

12:00 noon

Lunch

Speaker: Marilyn V. Yarbrough, University of Kansas,  
President LSAC  
"The Future of Admissions and its Relationship  
to Clinical Education"

Location: Bay Side B, Sheraton Hotel

Note: You must purchase a ticket for the luncheon



by December 27. See below.

1:30 - 3:00 p.m. Section Committee Meetings (Committees that will be meeting will be announced)

The Ellendale, Evergreen, Crescent, Edgewood,  
Wildwood, Rooms, Sheraton Hotel

8:30 p.m. Section Business Meeting

Location: Mardi Gras H, Marriott Hotel

Monday, January 6

8:00 - 9:30 a.m. AALS Committee on Clinical Legal Education

Location: Jackson Room, Marriott Hotel

OTHER PROGRAMS OF INTEREST

"Lawyering Process: Bridging Theory and Practice."  
January 5, 1985  
3:30 - 5:15

Panelists: Barbara Bezdek (CUNY)  
Kenny Hegland (Arizona)  
Marjorie Murphy (Cincinnati)  
Len Riskin (Missouri)  
Tom Shaffer (Washington & Lee)  
Stephen Wizner (Yale)  
Jennifer Schramm (Puget Sound)

Moderator: Joseph Tomain



IMPORTANT

The Section Luncheon will be held on January 5 at noon following the Clinical Section Program. The Section's Annual Award given to an individual who has made an outstanding contribution to clinical legal education will be presented at the luncheon. The cost of the luncheon is \$16.00. To purchase a ticket, please send a check by December 27 to Gary Palm.

.....

Name: \_\_\_\_\_  
\_\_\_\_\_

School:

Luncheon Ticket (Enclosed is \$16) \_\_\_\_\_

Committee Preferences:  
\_\_\_\_\_

(See Committee Notes)

Gary Palm  
University of Chicago Law School  
1111 East 60th Street  
Chicago, Illinois 60637



MEMBERSHIP IN AALS SECTIONS

There are now 61 active Association of American Law School Sections. This form is for those faculty members listed in the Directory of Law Teachers who want to join more than 6 Sections (the Directory allows you to select membership in 6 Sections), for those who are not listed in the Directory, or for any other interested persons. AALS member and fee paid schools do not pay membership fees for as many Sections as an individual desires to join unless dues are required. Persons not affiliated with member or fee paid schools pay a fee schedule (listed below) plus dues when they are required for membership. Only faculty members and professional staff at AALS member schools may vote and hold office in an AALS Section. An exception is Canadian schools whose faculty may vote and hold office in the Canadian-American Cooperation Section. The fiscal year for Sections is July 1st to June 30th; the Clinical Section has a dues year of January 1st to December 31st.

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|--|---|
| <input type="checkbox"/> ADMINISTRATION OF LAW SCHOOLS     | <input type="checkbox"/> LAW & THE ARTS                       |
| <input type="checkbox"/> ADMINISTRATIVE LAW                | <input type="checkbox"/> LAW & COMPUTERS                      |
| <input type="checkbox"/> AGRICULTURAL LAW                  | <input type="checkbox"/> LAW & THE COMMUNITY                  |
| <input type="checkbox"/> ALTERNATIVE DISPUTE RESOLUTION    | <input type="checkbox"/> LAW & ECONOMICS                      |
| <input type="checkbox"/> ANTITRUST & ECONOMIC REGULATION   | <input type="checkbox"/> LAW & EDUCATION                      |
| <input type="checkbox"/> AVIATION & SPACE LAW              | <input type="checkbox"/> LAW & THE HUMANITIES                 |
| <input type="checkbox"/> BUSINESS ASSOCIATIONS             | <input type="checkbox"/> LAW & MEDICINE                       |
| <input type="checkbox"/> CANADIAN-AMERICAN COOPERATION     | <input type="checkbox"/> LAW & PSYCHIATRY                     |
| <input type="checkbox"/> CIVIL PROCEDURE                   | <input type="checkbox"/> LAW & RELIGION                       |
| <input type="checkbox"/> CLINICAL LEGAL EDUCATION          | <input type="checkbox"/> LAW & SOCIAL SCIENCES                |
| (Dues \$15 Faculty at AALS & ABA Fee                       | <input type="checkbox"/> LAW & SPORTS                         |
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| tional fee listed below)                                   | <input type="checkbox"/> LEGAL WRITING, REASONING & RESEARCH  |
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| <input type="checkbox"/> COMPARATIVE LAW                   | <input type="checkbox"/> LITIGATION (formerly Trial Advocacy) |
| <input type="checkbox"/> CONFLICT OF LAWS                  | <input type="checkbox"/> LOCAL GOVERNMENT                     |
| <input type="checkbox"/> CONSTITUTIONAL LAW                | <input type="checkbox"/> MARITIME LAW                         |
| <input type="checkbox"/> CONTRACT LAW                      | <input type="checkbox"/> MASS COMMUNICATIONS LAW              |
| <input type="checkbox"/> CREDITORS' & DEBTORS' RIGHTS      | (Non-members pay subscription fee                             |
| <input type="checkbox"/> CRIMINAL JUSTICE                  | of \$12 plus fee listed below)                                |
| <input type="checkbox"/> DONATIVE TRANSFERS, FIDUCIARIES & | <input type="checkbox"/> MINORITY GROUPS                      |
| ESTATE PLANNING  | (Dues \$15 Faculty at AALS & ABA                              |
| <input type="checkbox"/> EMPLOYMENT DISCRIMINATION         | Fee Paid Schools; Non-Members pay                             |
| <input type="checkbox"/> ENVIRONMENTAL LAW                 | additional fee listed below)                                  |
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| <input type="checkbox"/> GAY & LESBIAN LEGAL ISSUES        | TO LAW SCHOOL   |
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| <input type="checkbox"/> LAW & AGING                       |   |

NAME: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_  
 FACULTY MEMBER AT: \_\_\_\_\_

\$10 to join 1 Section	\$25 to join 3 to 5 Sections
\$20 to join 2 Sections	\$5 to join each additional Section

Please enclose check or money order. Total Remittance: \$ \_\_\_\_\_

Return to: AALS, One Dupont Circle, N.W. Suite 370, Washington, D.C. 20036

