



SECTION ON

CLINICAL LEGAL EDUCATION

NEWSLETTER

89-2

JULY-AUGUST, 1989

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WHAT'S INSIDE?

	<u>page</u>
Message from the Chair.....	1
Committee Reports.....	4
Of Interest to Clinicians.....	6
Among Ourselves.....	11
Publications by Clinicians.....	12
Other Publications of Interest.....	13
JOBS.....	14

This NEWSLETTER is a forum for the exchange of points of view. Opinions expressed here are not necessarily those of the Section on Clinical Legal Education and do not necessarily represent the position of the Association of American Law Schools.

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MESSAGE FROM THE CHAIR

Two Special Committees of the AALS are currently engaged in projects which could have profound impact on the status of clinicians. The Special Committee on Tenure and the Tenuring Process has just begun its work. The Special Committee to Review the Requirements of Membership in the AALS presented its final report to the Executive Committee last fall; action on those proposals is anticipated at the Annual Meeting next January.

The Special Committee on Tenure and the Tenuring Process was appointed this year by President Herma Kay Hill. It is chaired by Victor Rosenblum (Northwestern), with members Theodore St. Antoine (Michigan), Charles Lawrence (Stanford), Karen Moore (Case Western), Martha Minow (Harvard), Robert O'Neil (Virginia) and Susan Prager (UCLA). This Special Committee has been charged with gathering and evaluating data on member schools concerning their tenure standards, their procedures, and the statistical record of th tenure decisions. The Committee will be looking not only at the internal procedures of member schools, but also at the interaction between the law school and the university of which it is a part, where appropriate. The Committee met on July 6, 1989. It has expressed a strong desire to hear from our Section. Our response is due no later than then end of September. If you are interested in working on such a document, please contact me immediately. [Susan D. Kovac, U.T. Legal Clinic, 1505

W. Cumberland Ave., Knoxville, TN 37916; phone 615-974-2331]

Last fall, the Special Committee to Review the Requirements of Membership in the AALS [Article 6 of the AALS Bylaws] presented its final report to the AALS Executive Committee, which approved the report for distribution to law school deans and members of the House of Representatives in November, 1988. [See AALS Memorandum 88-92.] The document was discussed at the January 1989 meeting of the House of Representatives in New Orleans and a final draft will be on the agenda for action at the January 1990 meeting in San Francisco.

I did not see the document before the New Orleans meeting, but I did hear about it. What I heard concerned only one section, the new standard on faculty, staff and student diversity and affirmative action [Section 6.2], which would replace the current bylaw on equality of opportunity [Section 6-4]. Given my own interest in improving the way we address sensitive issues of difference in our teaching, I was delighted that a standard on diversity would even be discussed. What progress!

When I finally saw the report last month, I was dismayed to find, hidden in a Committee Comment, a definition of law school faculty which could represent a serious setback for clinical legal education. I am excerpting the relevant sections below. I ask you to read them carefully and then to address your individual comments to Betsy Levin, Executive Director of the AALS,

to be transmitted to the AALS Executive Committee prior to the distribution of the final draft this fall. If you prefer, you may send comments to me or another member of the Section Executive Committee and we will submit a response on behalf of the Section. If the final draft is distributed unchanged, we will certainly have work to do in San Francisco.

The Special Committee to Review the Requirements of Membership of the AALS was established by the AALS Executive Committee in 1985. It consisted of David J. McCarthy (Georgetown), John A. Bauman (UCLA), Paul D. Carrington (Duke), Mary Louise Fellows (Iowa), and Betsy Levin (Colorado). Millard Ruud replaced Betsy Levin in September when she became Executive Director and he became Professor Emeritus at Texas. The Committee rejected the notion that AALS should get out of the accreditation business altogether, recommending instead that AALS remain in "the accreditation partnership with the ABA, continuing its membership review "with requirements that accurately reflect its distinctive role as a membership association emphasizing faculty scholarship, teaching quality, and the institutional efforts to assure an intellectual community while respecting member schools' institutional autonomy". The recast requirements were designed "to concentrate on 'qualitative-general criteria,' using limited instances of 'quantitative-specific criteria' to illustrate, guide, and express central

definitional assumptions." This approach was based on the Committee's conclusion that the AALS membership requirements "now contain a few anomalous provisions and, in some respects, too many specific, quantitative measures. Too much specificity risks static inflexibility, distraction from more aspirational objectives, and constraint upon creative institutional autonomy."

Section 6-5 defines law faculty, their rights and responsibilities, and should be read in conjunction with Section 6-6 on law school governance.

Subsection 6-5a requires that a "member school shall maintain a faculty of individuals of suitable intellectual attainments who commit their full professional careers to teaching and research in law, including law reform and other public service related to their teaching and research, and who adhere to standards of conduct befitting teachers and lawyers, whether they are themselves lawyers."

Subsection 6-5c mandates that member schools provide their law faculty with "sufficient time and support to permit effective teaching, research, and publication".

Subsection 6-5d requires that member schools "assure the academic freedom" of their faculty and provide tenure or other employment security "sufficient to protect academic freedom and to facilitate effective individual participation in the governance of the school."

Section 6-6 states ". . . a member school shall vest in the law faculty primary responsibility for determining educational policies."

The troubling language is in the last paragraph of the Committee's Comment at the end of Section 6, which reads:

The definition of academic freedom in Bylaw Subsection 6-5d is sufficiently flexible to accommodate the long-term contract structure of clinical status in some schools while requiring that the status of clinicians be resolved if they are to be considered the fully committed faculty described in Subsection 6-5a. If clinicians are not required to engage in scholarship, they may be considered "faculty" by the member institution but are not the law faculty described in Bylaw Subsection 6-5a.

And that is supplemented by the Committee's Comment to Section 6-6: Whoever else the member school may denominate faculty, the law faculty primarily responsible for determining institutional policy is that defined by Bylaw Section 6-5.

In other words, we would have two classes of faculty, those who participate in governance, enjoy academic freedom, and receive support for teaching and research, and those who do not. An individual school, if it so desired, could consider as "faculty" law school teachers who are not "required to engage in scholarship", but the AALS would not accept that definition. If a member school chose to allow such teachers to participate as equals in the faculty life of the law school,

the AALS apparently would not object. On the other hand, the Association would no concern itself if such teachers were excluded from governance and denied the other faculty rights and responsibilities which member schools are required to provide.

Despite the Committee's Comment, I do not see anything in Subsection 6-5d which would make it applicable to long-term contract clinicians (or others who may not come within the new definition of core faculty) if the remaining provisions of Sections 6-5 and 6-6 exclude them. And I am puzzled by the change in language from Subsection 6-5a, which describes a faculty committed to teaching and "research in law" to the Comment, which substitutes a requirement to engage in "scholarship". Even the proposed standard on diversity would be affected, since these teachers could not be included in the faculty count. Are they now considered Staff? I suppose some extern teachers might end up being counted as administrators.

Since publication of the Report of the AALS-ABA Committee on Guidelines for Clinical Legal Education in 1980, Schools have been encouraged to experiment with employment arrangements for incorporating clinical teachers. These include long-term contracts, separate tenure tracks, unified tenure tracks (perhaps with explicit recognition that some requirements are more important than others), and combinations of the above. With notable exceptions, the trend has clearly been toward integration of clinicians. Adoption of

totally separate or slightly modified tenure tracks has been a happy solution for some schools, meeting both the needs of the clinicians and of the schools. Now the AALS would change the rules. Those clinicians who have accepted positions where they are not required to engage in scholarship would suddenly discover that they are no longer members of the club, no longer considered law school faculty by one of the most powerful organizations in legal education. It would be disingenuous to claim that such a change would not adversely affect the status of individual clinicians at member schools.

One other note, this one on the positive side. Proposed Section 6-5 refers to "faculty . . . who commit their full professional careers to teaching and research . . . " This is a change from the current Section 6-5f which speaks of "full-time teachers". This is a deliberate change, as the Committee notes, "intended to encompass persons who are assigned less than full duties so that they may fulfill family responsibilities. These persons do commit their full careers in the legal education profession." I would like the Comment better if it recognized that family responsibilities are not the only reason for choosing less than "full duties". (One's own health, for instance.) But this is a step in the right direction. Perhaps we can also persuade the ABA that a clinician who works 80% time and has no other employment or career is sufficiently committed to meet the demands of Standard 306.

COMMITTEE REPORTS

POLITICAL INTERFERENCE GROUP (PIG)

The conflict of interest case involving the Rutgers Constitutional Litigation Clinic was argued before the New Jersey Supreme Court on February 27, 1989. An intermediate appellate court had ruled that a state conflict of interest statute barred Rutgers clinicians from representing a coalition of low and moderate income groups before a state agency. Frank Askin (Rutgers) appeared on behalf of the clinicians. According to Professor Askin, the argument went well; opposing counsel conceded that there was no actual conflict in the Rutgers attorneys' representation of the Civic League of Greater New Brunswick.

A number of groups filed amicus curiae briefs to support the Rutgers clinicians. Nadine Taub and Patricia Rousseau (Rutgers) submitted a brief on behalf of the other Rutgers clinics, addressing academic freedom and the impact of the case on their programs. The AALS brief was prepared by William A. Bradford of Hogan & Hartson. It emphasized the lower court's restriction of Rutgers' educational activities. Stefan Krieger (Southern Methodist) prepared an amicus curiae brief for the AAUP. SALT's brief was written by Chuck Weisselberg (Southern California). It traced the development of the law school clinics and explained that the lower court's decision represented a giant step backwards in legal education.

The New Jersey Public Advocate also wrote to support the Rutgers attorneys. As of June 19, 1989, the case remains under submission. Watch this space for future developments.

Otherwise, the spring has been blissfully quiet.

COMMITTEE ON INTEGRATION OF CLINICAL METHODOLOGY

The Committee on the Integration of Clinical Methodology into the Traditional Curriculum plans to prepare a short guide that will set forth some general principles for non-clinical teachers who have an interest in using simulation, role playing or other clinical techniques in their classrooms. There are a number of published articles that describe such efforts, most often in the context of a particular subject area. These accounts may not be particularly useful to teachers who wish to explore new methodologies, because they frequently describe intimidatingly ambitious efforts, and do not provide much in the way of generalization from experience. The goal of the Committee's project is to put forward some simple "do's and don't's" for those contemplating a limited foray into clinical methodology. It is hoped that this piece can serve as a starting point for discussion when clinicians are asked by non-clinicians for advice on integrative approaches to classroom teaching. If you have any suggestions, relevant materials that you have prepared or know of, or would like to join the Committee,

please contact Minna Kotkin, Brooklyn Law School, 250 Joralemon Street, Brooklyn, New York 11201, (718) 780-7992.

SUBCOMMITTEE ON CLINICAL RECOVERY OF ATTORNEYS' FEES

Over the past several years, the Subcommittee on the Clinical Recovery of Attorneys' Fees has been gathering information about practices followed by clinics around the country when they are involved in litigation that may generate attorneys' fees. The committee has also analyzed the legal and practical issues that arise when clinics collect fees, and has prepared a draft report dealing with some of those issues.

The Committee is now involved in several new and interrelated projects. First, members of the Committee will conduct either a telephone or written questionnaire survey of clinics to gather updated information about fee-related practices. Second, the committee will attempt to prepare a statement of principles to guide clinics and their law schools in deciding on the proper uses of fees. Among the issues to be considered will be the relationship between fees and hard money funding, the impact of possible fee recovery on case selection, and the proper response to outside pressures caused by requests for court-awarded fees.

Third, the Committee is preparing extensive revisions to the draft report on legal issues related to clinical recovery of fees that was originally assembled under Mike

Axline's direction several years ago. That report will focus on the propriety of clinics collecting fees and on possible fee-splitting issues that may arise where a law school exercises control over fees collected by clinic attorneys, and will review recent developments in cases where clinics have negotiated or litigated over the proper amount of fees for student and staff work.

The subcommittee hopes to have the revised report on the legal issues, supplemented with the results of our new survey, ready next spring. In the interim, the earlier draft report is available for clinicians who wish to get a general idea of some of the problems they may face if they collect fees. If you have collected fees or intend to do so, it may not be possible to avoid consideration of some of the issues discussed in the earlier report, and the subcommittee urges you to look at it. Copies of the draft report are available from the chair of the subcommittee, Doug Parker at Georgetown.

**TO THE EXTERNSHIP SUBCOMMITTEE
ON DRAFTING STANDARDS**

Please remember to send your write-ups of our Washington discussion to Carol Liebman, Boston College Law School, 885 Centre Street, Newton, MA 02159, as soon as possible.

COMPUTER COMMITTEE
Report on page 16.

OF INTEREST TO CLINICIANS

**HARBAUGH DROPPED FROM COUNCIL
(An Open Letter From Roy Stuckey)**

I have already begun hearing from some of you who are outraged by the nominating committee's failure to recommend Joe Harbaugh for a second term on the Council of the ABA Section of Legal Education and Admissions to the Bar. I, too, was shocked, saddened and angered when I learned what had happened, and the explanation I've received has not made me feel any better about it.

One factor was the committee's desire to have more women and minorities elected to the Council. A worthy goal, but not one which required Joe to be sacrificed. Another factor was that dropping Joe made it easier to explain to the other three people in Joe's "class" why they were not being renominated. There may have been more reasons, but none has been suggested to me. (If you hear of any, please let me know.)

In short, it appears that Joe was a victim of circumstances which are unrelated to the merits of Joe's service during his first term. Anyone who is familiar with Joe's performance knows that he has made exceptionally positive contributions during his three years on the Council. He clearly deserved to be renominated.

On the bright side, I believe there is as relatively good prospect that Joe can be reelected to the Council next

year. I invite you to work with me toward that goal. We can discuss the specifics during the AALS Annual Meeting in January, or you can give me a call at your leisure.

I believe it would be counterproductive to initiate any immediate reaction to the nominating committee's decision.

MIDWEST REGIONAL CONFERENCE

Washburn School of Law will be hosting the fall 1989 Midwest Regional Clinical Conference October 20 - 22, 1989. The Conference will begin with a reception the evening of Friday, October 20, and end after morning meetings on Sunday, October 22. Please mark your calendar and plan on attending. The tentative topic will be, "Who are Our Clients? What are Our Cases? And What are the Implications?" For more information, contact Professor Nina W. Tarr at 913-295-6691.

WORKSHOP PROPOSED: ART OF STUDENT CRITIQUE

Susan Kovac (Tennessee) writes: One of the sessions at the May workshop in Washington dealt with training for clinical teachers. I was surprised to discover that only 5 of the 25 people in my small group had attended one of the AALS conferences where we worked on the art of student critique. (You know, where we got to critique the faculty members after they performed various lawyering skills and then the whole group critiqued our critique.) Several of us thought we heard a need for

such training. In response, we are proposing a one-day regional workshop for new teachers, focusing on student critique, on January 3, 1990, at Hastings Law School. David Oppenheimer at USF has agreed to put the workshop together IF there really is a need and IF there are enough of us who have taught in earlier AALS conferences to staff the program. So . . . if you are a new teacher (or if you've been around a while but missed those conferences) and would like to participate in this workshop (the day before the AALS Annual Meeting), please let David know NOW. Similarly, if you've taught in one of these programs before and would be willing to contribute your time to this effort, contact David. I've assured him that there are plenty of new teachers and experienced faculty -- all he has to do is match them up. don't let me down! You can reach David at University of San Francisco School of Law, 2130 Fulton Street, San Francisco, CA 94117, or by calling 415-666-6752.

THE ABA SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR has appointed a "Task Force on Law Schools and the Profession: Narrowing the Gap." The Task Force is to undertake a two-year project leading to recommendations concerning the education programs in American law schools in the context of developments over the past twenty years in professional skills instruction, elective course offerings, the doubling in the number of practicing lawyers, and the changes in the practice of law and in the delivery of legal services.

The primary goal of the Task Force will be to further narrow the gap between legal education and the practice of law as begun by the Council on Legal Education for Professional Responsibility ("CLEPR"). The Task Force proposes to address "various unfinished aspects of the agenda of CLEPR for the legal profession while taking into account the significant further developments which have occurred over the last two decades in the law schools and in the profession."

The focus of the Task Force will be upon strengthened skills instruction of all kinds for law students, better integrated with core curriculum instruction as well as with the diverse demands of modern law practice in the different practice settings which law graduates now enter. The work of the Task Force will include a systematic study and analysis of skills instruction in American law schools. The Task Force will seek to identify and detail the different models for enhancing skills instruction; address the question of when and how law students can best obtain supervised live-client practice experience; develop recommendations regarding the components necessary to provide adequate professional skills instruction for the legal profession of today; explicate how more effectively to involve judges and practicing lawyers in specific kinds of professional skills instruction; create a proposed agenda for change; and provide an assessment of the resources needed to accomplish such an agenda.

ATTORNEY COMPETENCE PROPOSALS

The State Bar of California is in the process of reviewing proposals concerning attorney competence. The proposals were developed by The Consortium on Competence that was created in August 1985 by the Board of Governors of the State Bar of California. The Consortium was charged with 1) studying problems of attorney competence; 2) designing programs to address improving the competent performance of legal services; and 3) implementing programs to enhance lawyer performance. The Consortium is composed of private practitioners, law professors, legal secretaries, a consultant, and liaisons from Continuing Education of the Bar and California Young Lawyers Association.

Public hearings were held in June in Los Angeles and San Francisco. A 90-day comment period runs through July 24, 1989. The Synopsis of Proposals drafted by the Consortium follows:

1. At the pre-admission or post-admission level, more lawyering skills training and experience must be obtained, which could include one or more of the following Proposals:
 - A. The Board of Governors should adopt a lawyering skills requirement as a condition for admission to the Bar.
 - B. The Board of Governors should implement an internship requirement as a condition for admission to the Bar.
 - C. The State Bar should develop minimum criteria for

certification of a 2-year residency program and develop a model program.

2. The Board of Governors should encourage law schools to assess policies regarding development of teaching materials focusing primarily on performance skills: utilization of practitioners as faculty and adoption of tenure and sabbatical policies that encourage faculty to practice law.

3. The State Bar should create a Law Student Section with certain benefits and functions as outlined in the Proposal.

4. The State Bar proposal for Mandatory Continuing Legal Education should be modified to substantially enhance the requirements for law practice management and introduce requirements for law performance skills competency, thus emphasizing the major areas of lawyers' lack of competency. Therefore, if 36 hours of MCLE are mandated, at least half of the time, or 18 hours should be devoted to these areas, with a minimum of 12 hours devoted to practice management and performance skills. If more than 36 hours are to be devoted to MCLE, then more than half of the time should be devoted to these subject areas.

5. The State Bar should establish a voluntary peer assistance program, operating through state and county bar sections; develop a "peer review" panel to work in conjunction with the State Bar Court that will operate as a condition of probation for attorneys found to be in

violation of the appropriate Rules of Professional Conduct.

6. The Board of Governors should take steps to insure preventive law education should be included in law schools and insure that preventive law education should be included in Mandatory Continuing Legal Education.

7. The State Bar should hire a consultant who would, if requested by an attorney, review the law practice management procedures being utilized by the attorney and make recommendations as to ways to improve those procedures.

8. The Board of Governors should expand the State Bar's current substance abuse and stress management programs to assure that these programs be given the highest priority within the State Bar.

9. The State Bar should develop and aggressively distribute educational materials to the lay public to provide clients and potential clients information and methods to assess and monitor lawyering performance.

10. The State Bar should prepare and disseminate a pre-law curriculum pamphlet to law schools, colleges and high schools, either free of charge or at cost.

11. The Board of Governors should refer to the Council [and] Section Chairs of the State Bar of California programs designed to assist sections of the State Bar of California to improve attorney competence within their membership.

12. The State Bar requirements for specialty certification should be amended to include a requirement for courses in practice management and performance skills.

13. The Board of Governors should adopt a policy requiring those persons seeking admission to law school demonstrate proficiency in communication skills as a prerequisite to admission to law school. To help implement this Proposal the Board of Governors should refer the Proposal to the Committee of Bar Examiners, members of the Special Project on Minority Pass Rates, the American Bar Association Legal Education Section, the National Committee of Bar Examiners, the American Association of Law Schools and the Educational Testing Service for their input and suggestions.

The complete Proposal is available from the State Bar of California, Office of Professional Standards, 555 Franklin Street, San Francisco, CA 94102-4498; telephone: (415) 561-8325.

MODEL RULE FOR ADMISSION TO PRACTICE FOR CLINICIANS

The Skills Training Committee of Section of Legal Education and Admissions to the Bar of the ABA has endorsed a proposal to draft a model rule for admission to practice for clinical teachers for the purpose of supervising clinical teachers.

UNIVERSITY OF BALTIMORE CLINIC WINS PRESTIGIOUS AWARD

The University of Baltimore's Family Law Clinic was awarded the Maryland Volunteer Lawyer's Service 1989 Pro Bono Award for outstanding service to the poor of Maryland. The award was presented to the clinic's director, Professor Jane Murphy, at the plenary session of the Maryland State Bar Association's annual meeting in June.

CHANGES IN STATUS OF CLINICIANS AT VANDERBILT

Frank Bloch, director of clinical education at Vanderbilt reports that Vanderbilt University has created a new clinical faculty line at the law school. The new positions, titled Assistant, Associate, and Professor of the Practice of Law, are long-term, non-tenure track positions. Incumbents have all of the privileges and responsibilities of the tenure track faculty, except voting on tenure track appointments. Susan Kay, Steve Palevitz and Andy Shookhoff, all of whom had held positions as Clinical Instructors, were appointed Assistant Professors of the Practice of law effective July 1, 1989.

CALS CONTINUES TO TRAIN NEW CLINICIANS

Phil Schrag at Georgetown's Center for Applied Legal Studies reports that the last seven graduate Fellows who spent two years teaching at CALS will all be teaching law next year. The seven are:

CALS 1987-89: Margaret Woo,
Assistant Professor,
Northeastern;

1986-88 Yvonne Cherna,
Instructor, DC School of Law;

1985-87 Alice Dueker, Director,
Legal Writing & Lawyering
Program, NYU;

1984-86 Joyce McConnell,
Assistant Professor, CUNY;

1983-85 Jane Aiken, Professor,
Arizona State;

1982-84 Lisa Lerman, Assistant
Professor, Catholic
University; and

1980-83 J. P. Ogilvy, Associate
Professor, Texas Southern
University.

AMONG OURSELVES

David Aaronson (American) was
named the 1989 Scholar/Teacher
of the Year at American.

The University of Nottingham
Centre for Legal Studies in
association with The
Commonwealth Institute for
Legal Education and Training
has issued a call for papers on
the topic: The Effective
Negotiator: Theory, Research
and Practice. See the
announcement on page 18 of the
Newsletter.

Judith Areen (Georgetown) has
been named Dean of Georgetown
University Law Center. Dean
Areen was the co-founder of the
Juvenile Justice Clinic at
Georgetown in 1973.

E. Clinton Bamberger, Jr.
(Maryland) recently received
the Man for All Seasons Award
from the Maryland chapter of
the St. Thomas More Society, an
organization of Roman Catholic
lawyers, in recognition of his
"lifelong dedication to help
the poor and homeless through
legal representation in the
courts of Maryland."

John E. Bonine (Oregon) is the
1989 chair of the Environmental
Law Section of the AALS.

Karen Czapanskiy (Maryland)
served as Reporter for the
Special Joint Committee on
Gender Bias in the Courts of
Maryland.

The Minnesota Advocacy
Institute has been established
with \$200,000 from firms and
individuals. Roger S. Haydock
(William Mitchell) is the
Director.

James M. Klein (Toledo) is a
Distinguished Visitor at the
University of Western Australia
from January to July, 1989.

David Koplow (Georgetown) was
one of the American lawyers
that met in Philadelphia with a
group of six Soviet lawyers and
arms control experts as part of
the Sixth Annual U.S.-Soviet
Lawyers Conference, sponsored
by the Lawyers Alliance for
Nuclear Arms Control.

Wally Mlyniec (Georgetown) was named the associate dean for clinical programs by Dean Judith C. Areen.

Sandy Ogilvy (Thurgood Marshall) and his wife, Louise Howells, welcomed twin sons, Alexander James and Andrew McLaren, June 11.

Henry Rose (Chicago) is the 1989 Chair of the Poverty Law Section of the AALS.

Phil Schrag (Georgetown) and Lisa Lerman (Catholic) are parents of Sarah Lerman Schrag, born May 1.

Ronald W. Staudt (Chicago-Kent) spoke at an International Conference on Expert Systems in Law at the University of Bologna, Italy in May. His topic was "Practical Applications of Document Assembly Systems: Uses in Large Law Firms and Law School Curricula."

PUBLICATIONS BY CLINICIANS

Ashe, Marie (West Virginia). "Zig-zag stitching and the seamless web: thoughts on reproduction and the law," 13 Nova Law Review 356 (1989).

Balos, Beverly (Minnesota) & Trotsky, Katie. "Enforcement of the Domestic Abuse Act in Minnesota: A Preliminary Study," 6 Law and Inequality 83 (1988).

Bellow, Gary (Harvard), Falinger, Marie A. (Hamline), et al. Cases and Materials in

Poverty Law (Anderson Pub. Co. 1989).

Brookspan, Phyllis T. (Widener Univ., Delaware). "Jar Wars: Employee Drug Testing, The Constitution and The American Drug Problem," 26 A.C.L.R. 359 (1988).

Copacino, John (Georgetown) & Mlyniec, Wally (Georgetown). Juvenile Law and Tactics in the District of Columbia.

Gifford, Donald G. (Florida). Legal Negotiation: Theory and Applications (West Pub. Co. 1989).

Goldblatt, Steven H. (Georgetown) [Reporter] "Criminal Justice in Crisis," ABA Criminal Justice Section Special Committee on Criminal Justice in a Free Society (1989).

Goodpaster, Gary (California-Davis). "Rules of the Game: Comments on Three Views of the Independent Prosecutor Case," 38 American U. L. Rev. 383 (1989).

Kubitschek, Carolyn A. (Hofstra). "A Re-Evaluation of Mathews v. Eldridge in Light of Administrative Shortcomings and Social Security Nonacquiescence," 31 Ariz. L. Rev. 53 (1989).

Lubet, Steven (Northwestern). "International Criminal Law and the 'Ice-Nine' Error: A Discourse on the Fallacy of Universal Solutions," 28 Vir. J. Int'l L. 963 (1988).

Lubet, Steven, "Professor Polonius Advised Judge Laertes: Rules, Good Taste and the Scope

of Public Comment," 2
Georgetown J. Legal Ethics 665
(1989).

Medine, David (Indiana-
Bloomington). "The Adverse
Testimony Privilege: Time to
Dispose of a 'Sentimental
Relic'", 67 Ore. L. Rev. 519
(1988).

Meltsner, Michael
(Northeastern), et al. "The
Bike Tour Leader's Dilemma:
Talking About Supervision," 13
Ver. L. Rev. 399 (1989).

Neumann, Richard (Hofstra). "A
Preliminary Inquiry into the
Art of Critique," 40 Hastings
L. J. 725 (1989).

Schrag, Philip (Georgetown).
"Bush's MX plan should be
derailed," Chicago Tribune,
Saturday, June 3, 1989, Section
1, page 15.

OTHER PUBLICATIONS OF INTEREST TO CLINICIANS

"The Hiring and Retention of
Minorities and Women on
American Law School Faculties,"
by Richard H. Chused, in 137 U.
Penn. L. Rev. 537 (1988).

**Going to Trial: A Step-by-Step
Guide to Trial Practice and
Procedure**, by the General
Practice Section of the ABA.
An examination copy is
available by writing to
Publications Planning &
Marketing, American Bar
Association, 750 North Lake
Shore Drive, Chicago, Illinois
60611.

"Games People Play in
Supervision," by Alfred
Kadushin, Ph.D., in Social Work
23 (July 1968); and "Games
Supervisors Play," by Lillian
Hawthorne, MSW, in Social Work
179 (May 1972).

Both articles were recommended
by Jean Koh Peters (Columbia)
at the Clinical Teachers
Conference in May.

...JOBS...JOBS...JOBS...JOBS...JOBS...JOBS...JOBS...JOBS...JOBS..

Boston University School of Law seeks applicants for a position as Clinical Associate Professor to teach in its civil clinic. Applicants should have at least five years of litigation experience. Contact Robert Burdick, Director, Civil Clinic, Boston University School of Law, 765 Commonwealth Avenue, Boston, MA 02215.

The Christic Institute, a public interest law firm, seeks a litigation director. Responsible, in consultation with the General Counsel, for strategy decisions, assignment of workload to attorneys and support staff, and general management of litigation department. Minimum 5 years experience in all phases of federal litigation. Salary is \$30,000. Send resume and two writing samples to Lanny Sinkin, Christic Institute, 1324 N. Capitol Street, Washington, DC 20002. (Resumes and writing samples held in confidence.)

The University of Iowa College of Law invites applications for a full-time teaching position in its clinical program that will begin before the fall semester, 1989. Legal areas in which the successful candidate is likely to become involved include Employment Law and AIDS Law. Initial appointment to the position will be made on a year-to-year basis, although at some time the position may be converted into a long-term or continuing relationship with job security. Salary will be commensurate with the qualifications and experience of the person employed. Prior litigation experience is strongly preferred. Please apply in writing, enclosing a resume with references listed to: Chair, Skills Training Committee, University of Iowa, College of Law, Iowa City, IA 52242.

The University of Pittsburgh School of Law solicits applications from experienced litigators or clinicians for the tenure-track position of Clinical Assistant Professor of Law. This in-house civil litigation clinic will specialize in a particular area of substantive law (e.g., environmental, consumer protection, employment/labor law). The position will be filled based in large part on the successful candidate's professional experience and subject matter preferences. Beginning its work in 1990, the Civil Litigation Clinic will join the Appellate Public Defender Clinic as the primary clinical opportunities for students at the School of Law.

Creative lawyers who have supervisory or teaching experience and a manifest desire to train law students in the skills and attitudes requisite to excellent lawyering are urged to apply. Applications will be accepted until September 15, 1989, and should contain a resume or vita, two examples of your own legal briefs, memoranda or similar documents, and a letter briefly describing your interest in clinical legal education.

To obtain additional information, or to submit your application,

please contact Professor William V. Luneburg, University of Pittsburgh School of Law, 3900 Forbes Avenue, Pittsburgh, PA 15260 (412/647-1380).

Thurgood Marshall School of Law, Texas Southern University, invites applications for full-time tenure track positions, including clinical positions, for the 1990-1991 academic year from candidates who have a commitment to teaching and legal scholarship. Interested candidates should send a letter of application, curriculum vitae and three letters of recommendation to: Professor James W. Beard, Jr., Chair, Faculty Appointments Committee, Thurgood Marshall School of Law, Texas Southern University, 3100 Cleburne Avenue, Houston, Texas 77004. The Committee will begin reviewing applications on September 15, 1989.

All of the above are Equal Opportunity/Affirmative Action Employers. Minorities and women are especially encouraged to apply.

COMPUTER COMMITTEE
By Larry Weeks

I have a couple of thoughts about what the Computer Committee could be do for the Section. Certainly, the Committee should solicit articles for the Newsletter which suggest how computers are used to teach, as opposed to simply manipulate information, are important. If you read Bob Siebel's article in last summer's Newsletter, you will see a good example of what I am talking about. I don't mean to knock data manipulation, either. I firmly believe in the use of computers to make life as a teacher/lawyer more efficient. More efficient use of time means more time available to create new ways to teach or spend on scholarship. For the most part, however, the most interesting use of computers is to enhance teaching. I have not been a very active chair of the Computer Committee since I was appointed last January. I hope that changes.

Let me share with you one way in which our clinic has attempted to attempted to use the computer to teach and be a bit more efficient.

Two years ago, Apple gave the clinic where I teach five Macintosh SE computers, an ImageWriter (dot matrix) and a LaserWriter printers. These machines came "bundled" with an application called Hypercard™. With the help of the law school's computer specialist we created a time keeping system and a case management system using Hypercard™. Hypercard™ is an information organizing system using very graphical (as opposed to DOS prompt command line) way to enter and retrieve information. It also fun. An key aspect of the timekeeping system (TimeKeeper), is the fact that the person using it only uses the keyboard a little. The mouse and the program do most of the work. The student is presented with the basic screen containing the catagories (Fig. 1).

Name: Account #
 Utilities Tele Conf Draft Doc Research Case Conf
 Misc Trial Prep
 Date Time Action
 [] [] 1 []
 [] [] 2 []
 [] [] 3 []

Sat .10
 Sun .20
 Mon .50
 Tues 1.0
 Wed 1.5
 Thur 2.0
 Fri

**ASU College of Law
 Law School Clinic**

Student Attorney Timekeeper

FIGURE 1

She must then enter (type in) the case number. The program automatically enters the case name. At that point, the student then enters with the mouse and the appropriate "menus", the tasks which were performed on the case. We predefined these tasks in the menus which appear when the particular task category is "clicked" by using the mouse. (Fig. 2.)

Name: Account 0

Utilities Tele Conf Draft Doc Research Case Conf

Misc Trial P

Date Time Ac

		1	Letter to	Client	
		2	Draft Brief	Witness	
		3	Prepared document for	Attorney	
			Case Memo Re:	Doctor	
				Consultant	
				to...	

Sat .10
 Sun .20
 Mon .50
 Tues 1.0
 Wed 1.5
 Thur 2.0
 Fri

ASU College of Law
Law School Clinic

Student Attorney Timekeeper

FIGURE 2.

When a task is "selected" with the mouse, that language is automatically filled entered as text in the action line. The students then add any details which may be necessary. The date and the time increments are also automatic when the "buttons" are clicked by the mouse pointer. At the end of each week, the information is combined into a report which is distributed to the clinic faculty. Additionally, each faculty member can access the information at any time in order to ascertain the amount of time a student is spending on any one task.

This application is definitely information manipulation. Its weakness is that there is the possibility that a student may "pad" the hours. However, this has not been our experience. Additionally, each supervisor works so closely with each student that she knows the amount of time the student is spending on each task. This program is not really a teaching device. It was a first - and relatively easy-experiment with the use of Hypercard™. Another value of the timekeeper is apparent when the clinic has cases in which we are asking for attorneys fees. The TimeKeeper system can be sorted by case, as well as by student. Therefore the compilation of time is simple.

The Case management system for Social Security disability cases which we also developed in Hypercard™ is much more of a teaching tool than the TimeKeeper. We hope to implement that system this fall.

If you have any ideas, or applications that you use in your teaching, using any computer system, please let me know. I am a Macintosh aficionado, but of course most of you probably have to compute in the IBM/DOS world. There are many more applications and choices there. Our clinic also uses those machines and that operating system, so we have the advantage of both perspectives.

I will be contacting those of you who signed up at the AALS meeting in January. In the meantime, please write:

Larry Weeks
 Arizona State University
 College of Law

THE EFFECTIVE NEGOTIATOR: THEORY, RESEARCH AND PRACTICE

CALL FOR PAPERS

UNIVERSITY OF NOTTINGHAM CENTRE FOR LEGAL STUDIES

in association with

THE COMMONWEALTH INSTITUTE FOR LEGAL EDUCATION AND TRAINING

15th - 17th DECEMBER 1989

University of Nottingham

Negotiation remains one of the key processes by which legal, business and community disputes are settled. Following the successful Workshop on Alternative Dispute Resolution held in Nottingham in 1988, we are calling for papers covering the following issues and interests in the field:-

- developments in negotiating theory
- research findings/techniques
- practitioner viewpoints and experience
- how to teach negotiation and negotiating skills
- negotiation, litigation and ADR relationships
- the impact of cultural and social context

The workshop will be held on the University of Nottingham campus. It is aimed at practitioners, legal educators and the social research community.

INTERESTED?

Please send abstracts of papers or proposals for participative workshops
by 30 June 1989 to:



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