



SECTION ON

CLINICAL LEGAL EDUCATION

NEWSLETTER

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WARNING

UNLESS YOU ARE A MEMBER OF THE SECTION ON CLINICAL LEGAL EDUCATION
THIS IS YOUR LAST ISSUE OF THE NEWSLETTER

TO JOIN THE SECTION, CONTACT THE CHAIR OF THE MEMBERSHIP COMMITTEE,
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This NEWSLETTER is a forum for the exchange of points of view. Opinions expressed here are not necessarily those of the Section 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

By Bob Dinerstein (American)

We spend a great deal of time in this Section discussing clinical scholarship. Is clinical scholarship a coherent term? Does it define a distinct sub-discipline of legal scholarship? Does anything a clinician writes qualify as clinical scholarship? Assuming they have the choice, should clinicians engage in clinical scholarship? Does clinical scholarship promote the agenda(s) of clinical legal education? Are clinicians cut out to be legal scholars? Have law schools structured the work lives of clinicians so that they have the time to conduct serious scholarship? These and other questions continually vex many of us. Failure to confront them honestly can frustrate us and divert us from making the kinds of contributions to legal education of which clinicians are surely capable.

If you read the last issue of the Section's *Newsletter*, or recent editions of the CLEA and AALS Newsletters, you know that one of the major new initiatives in clinical legal education is the proposed creation of a peer-edited law journal specifically devoted to publishing clinical scholarship. Thanks to the tireless efforts of Nina Tarr (Washburn) and others, the prospects are rosy that the journal will become a reality within the near future. Rather than address the specifics of the new journal, however, I want to discuss the rationale for a dedicated clinical journal. (I hasten to add that my comments are not on behalf of the new journal's board of advisors or anyone else.) A clinical journal can both make a meaningful contribution to clinical education and serve as an important vehicle for the publication of, in Richard Boswell's elegant phrase, "a more morally emphatic, living scholarship... to fill the gap between theory and practice." Richard A. Boswell, *Keeping the Practice in Clinical Education and Scholarship*, 43 *Hastings L.J.* 1187, 1194 (1992).

I start with what for some may be two highly contestable propositions. First, not every scholarly article or book written by a clinician is strictly speaking clinical scholarship. When a clinician writes a traditional doctrinal article on the Supreme Court's Fourth Amendment jurisprudence, the article might be scholarship by a clinician but not clinical scholarship. This is no less true when a clinician writes an article on feminist jurisprudence or critical race theory. Such scholarship by clinicians can and should be published in existing law reviews, and even a cursory perusal of the index to legal periodicals reflects that clinicians are publishing these kinds of articles. But with the publication of an ever-increasing number of general and specialized law reviews, it would be difficult to justify a new law journal if its purpose was solely or even mainly to publish traditional scholarship by clinicians.

In writing about scholars of color, Alex Johnson has attempted to distinguish situations when such scholars intend to speak in the voice of color from those in which they do not. For Johnson, context is critical in determining whether the scholar's status as a person of color "imbues the author with a unique perspective. Only when a scholar of color draws on her experiences and insights gained from living as a person of color does she speak with the voice of color." Alex M. Johnson, Jr., *The New Voice of Color*, 100 *Yale L.J.* 2007, 2009 (1991). When a clinical scholar writes about clinical themes he or she is speaking (or writing) in the clinical voice. The value of a new clinical journal lies in its ability to provide an opportunity for clinical voices to be heard.

This is not to say, of course, that clinicians who publish non-clinical articles have a split personality in which, consciously or otherwise, their thought processes are radically different when writing in that genre as opposed to writing, teaching or thinking as a clinician. Indeed, just as clinicians who teach non-clinical courses often find that their clinical

attitudes and techniques shape the perspectives that inform their non-clinical courses, one would also expect that at some level all clinician-written scholarship would be informed by a clinical perspective. As Jerome Culp has movingly written, again about scholars of color:

We cannot separate our blackness from the rest of ourselves. We are both black and scholars, and our blackness influences who we are, what we teach, and how we view the world. We can and do perform within some forms of traditional legal scholarship, but there are some assumptions that we cannot make about the world or how the world functions. We bring the notion of who we are to the discussion, and it does not simply color the discussion, it infuses the discussion with our being. Jerome McCristal Culp, Jr., *Toward a Black Legal Scholarship: Race and Original Understandings*, 1991 *Duke L.J.* 39, 44-45.

Second, I think the time has come to recognize that clinicians must produce scholarship in order to remain in the academy and be full-fledged participants in it. For many clinicians, such recognition merely reflects the reality of their newly-earned status as law professors on the tenure track. While it might be a desirable innovation for law faculties to allow some of its members, whether or not clinicians, to focus more on teaching and others to focus more on research and scholarship, it seems highly unlikely that such differentiation in function will come to pass any time soon. The question for clinicians is whether, assuming they have the choice, they wish to be the only law faculty whose mission is primarily limited to teaching. I would suggest that such a choice would serve to institutionalize the second-class status many of us have felt so keenly throughout the history of clinical education. In the long run, it is a prescription for failure.

Yet the case for clinical scholarship can and should be more than "we'll do it if we have to." For many clinicians, clinical scholarship is positively worth doing. It can inform

one's understanding of the skills one hopes to teach one's students. It can allow us to see connections between our own experiences and those of others writing in similar or even dissimilar veins. Written scholarship forces us to sharpen and be prepared to defend our ideas in a manner that oral presentations and discussions, no matter how rigorous and well-prepared, do not.

Clinical scholarship is important for the field of clinical education as well. Knowledge in a field advances through the exchange of ideas among those working within it. Our conferences and workshops have been extremely valuable settings for the dissemination of clinical knowledge. But even our most well-attended conferences cannot hope to include everyone. The wonderful clinical nugget unearthed in a small-group session may influence powerfully the other small-group participants but is apt to be inaccessible to the many people not in the group. Written clinical scholarship will not and should not replace our unique oral tradition but as clinical education matures it can supplement that tradition and help to set the clinical agenda for many years to come.

What then is clinical scholarship? While difficult to define precisely, clinical scholarship, I would argue, does embrace some recognizable (though not unique) elements that can provide a useful starting point for defining the term.

Clinical scholarship frequently starts from the lawyer's or client's actual experiences as a point of departure for analyzing a set of legal or social problems. From this specific experience or set of experiences, the clinical scholar may branch out to discuss lawyering skills, the effect of race, gender or class on the assertion of legal rights, the practical limitations on the implementation of judicial or legislative rules, and so on. Thus, for example, clinical scholarship about poverty law is likely to begin with lawyer/client experiences in housing court or an AFDC fair hearing as a means through which

situated doctrine or systematic discrimination operates rather than start from (or remain with) a substantive critique of appellate case law. In fact, by concentrating on trial courts at all, clinical scholarship differs from much legal scholarship—even reform-oriented scholarship—that like law school itself is overly focused on appellate cases. Like other burgeoning forms of new scholarship, clinical scholarship is apt to be contextual and grounded in the real experiences of real people.

Because of the prior practice experiences many clinicians bring to their teaching, one would also expect clinical scholarship to focus substantively to a great extent on issues of poverty, the problems of underrepresented clients, and public interest law concerns in general. Even as the biographies of clinical teachers change, the substantive focus of in-house and externship programs is likely to remain primarily in these areas. While not all writing about these subjects would meet the criteria of clinical scholarship, the possibilities for a vibrant scholarship on lawyering for underrepresented people are exciting.

A defining characteristic of clinical pedagogy is that the clinical student examines problems from a role-based perspective. That is, whether in live-client or simulated cases, the student studies what it means to be a lawyer operating in a particular system by actually functioning as a lawyer. Clinicians encourage their students to understand their own role in the system as well as the roles of others, and to be critical of the assumptions that actors in the system make. In role, students learn not only about the structure of legal doctrine but also, and more importantly, about the nature of decision-making in open-textured circumstances, the role of interpersonal skills in lawyering, the pressures of professional responsibility, and so on. Clinical scholarship can not only describe this phenomenon of role-based learning but also examine it critically for the analytical and affective distortions it introduces

as well as the new opportunities it creates.

In bringing a critical eye to the examination of role-based learning, the clinical scholar demonstrates more broadly his or her willingness to engage in the study of pedagogical techniques and concepts. Because clinical legal education is predominantly a method of teaching students about lawyering, clinical scholarship naturally is concerned with the student's learning process. Thus, clinical scholarship can focus, often in an interdisciplinary manner, on the different ways in which students learn and the different pedagogical choices available to facilitate that learning. If a critical goal of clinical education is to teach students how to learn from experience, it behooves clinical scholarship to examine and evaluate the different methods of conducting this project. If another critical goal is to facilitate students' abilities to evaluate their lawyering performances, clinical scholarship must address systematically the pros and cons of various approaches designed to encourage accurate student self-evaluation. And if, as Tony Amsterdam has written, see Anthony G. Amsterdam, *Clinical Legal Education—A 21st-Century Perspective*, 34 *J. Legal Educ.* 612 (1984), clinical education provides an opportunity to examine the different ways in which lawyers think—e.g., ends-means thinking, hypothesis formulation and testing, decisionmaking under uncertainty—clinical scholarship can and should test out the different ways in which clinical methodology and programs impede or enhance these critical processes.

The existence of diverse kinds of clinical programs provides another opportunity for clinical scholarship. Programmatically, in-house clinics, externship programs, and simulation courses each have strengths and weaknesses that can not only be described but also analyzed critically. Within any one of these programmatic approaches, moreover, there are different clinical modes, such as individual case supervision sessions, clinical

seminars, and case rounds, that present their own advantages and disadvantages within different contexts. While program descriptions without more may not be clinical scholarship--indeed, some non-clinicians often point to the publication of such descriptions as evidence of the paucity of true clinical scholarship--a discussion of the hypotheses animating particular pedagogical choices can demonstrate the kind of reflective thought, insight, and research that underlie scholarly inquiry. The richness of clinical subject-matter can make the analysis of something as basic as individual supervision a rewarding examination of the interplay between pedagogical goals and student learning.

Much clinical scholarship, of course, is about lawyering skills, conventionally thought of as including such matters as interviewing, counseling, negotiation, and trial skills, though capable of including much more as well (e.g., developing the "skill" of empathic identification). At some level, skills scholarship is just one form of the experience-driven scholarship or scholarship about the lawyering role described above. But because the locus of analysis may be less the student practitioner than the skill being practiced, it seems useful to carve out skills scholarship as a separate category. Skills scholarship is closely linked to the development of those skills deemed necessary for the practice of law. Even some of those most critical of the desirability of legal scholarship in general agree that scholarship that fosters students' competence in law practice can be a worthwhile endeavor. See John S. Elson, *The Case Against Legal Scholarship or, If the Professor Must Publish, Must the Profession Perish?*, 39 *J. Legal Educ.* 343 (1989). Skills training and the scholarship that analyzes it can be almost as broad or narrow as the clinical scholar wishes it to be.

Indeed, a more inclusive way to think of skills training and scholarship is as practice-oriented scholarship. A scholarship that focuses on

the practice of law and its animating theories can make a distinct contribution not only to the legal literature but to the literature on professional learning in general. Recent efforts such as the Hastings Symposium on the TheoreticsofPractice and last year's AALS Mini-Workshop on Theory and Practice suggest that there is a great deal of potential in the close examination of the complex relationship between legal theory and legal practice. Clinicians are uniquely situated to help develop and explore this relationship.

I could go on and list a number of other strands of clinical scholarship but I hope I have made my point that there is a there there. But if there are law review articles in all of the above categories already--and there are--why is it necessary to have a separate clinical journal?

At present, there is no one journal that purports to specialize in clinical educational issues. A law teacher with a limited budget cannot subscribe to one journal in which he or she can be assured of reading about clinical subjects. Conversely, an author of a clinical manuscript does not have one journal or a small number of journals to which he or she can send the manuscript with the assurance that the question of the legitimacy of the subject matter is not at issue. In contrast, a number of new journals have begun that specialize in feminist jurisprudence so that the author of an article within that genre does not have to fight the threshold battle of acceptance.

The problem of threshold barriers is particularly acute for clinical scholars. Many of us have experienced rejection of manuscripts for reasons no weightier than "our law review published an article on lawyers within the last two years." A review of the prior article frequently reveals that its relationship to one's own manuscript is tangential at best. Unless and until clinical scholarship is seen by law review editors either as sufficiently mainstream or cutting edge to warrant easy acceptance (if mainstream) or excitement (if cutting edge), the chances are great that such unfortu-

nate examples of non-thinking rejection will continue.

Second-year law students' inexperience with law practice and therefore with scholarship that addresses it exacerbates the problem of publishing clinical scholarship. A peer-edited journal offers an opportunity not only to enhance the quality of clinical scholarship but to assure that it gets published.

A journal edited and written by clinical scholars offers other attractions as well. A clinical journal can contain articles or essays on some of the systemic limitations on the ability of clinicians to produce clinical scholarship, and offer creative ideas for overcoming them. Such a discussion might not itself be scholarship but its publication in a scholarly clinical journal might place the discussion in a context where it could not be dismissed by skeptics as more "whining" from a group of people who are simply uninterested in or unable to produce scholarship. The journal could also provide a forum for the exchange of views among clinicians on the reasons why clinical scholarship is difficult to produce. Thoughtful discussions of the structural pressures on clinicians would allow us to get beyond quasi-essentialist notions that suggest clinicians are somehow incapable of producing high-quality scholarship.

A clinical journal could also contain brief case reports and relatively brief discussions of pedagogical techniques that would assist clinicians in the daily work that is critical to clinical education. A clinical journal might allow for the production of a kind of scholarship that starts from the seemingly mundane aspects of a clinician's daily work life and can expand into potentially interesting areas of inquiry. Perhaps an example of this type of work will illustrate my point.

For a number of years, we have divided the students in the defense component of our criminal justice clinic into teams of two students. We asked students to list in rank order their top three choices for a student partner. We collected all the forms

and attempted to match students with their choices if possible. Invariably, with twelve students to match, we had some students whose choices we could not accommodate, whereupon we engaged in a process of negotiating partnerships that resembled a form of shuttle diplomacy. The process became increasingly time-consuming and painful as the years went on.

Our growing unhappiness with the process dovetailed with an AALS annual meeting presentation that David Koplrow of Georgetown's CALS program made in which he extolled the virtues of having students select their own partners without faculty involvement. Buoyed by the knowledge that this technique had been tried elsewhere, my colleague Binny Miller and I decided to let the next semester students select their own partners. We told the students we would be available for consultation and facilitation if they needed us.

I don't know how long we expected the process to take but we were amazed when the students came out in less than five minutes and told us they had made their selections. The same thing happened the next two semesters suggesting that the quick resolution of the great pairing controversy was no fluke. The student-arranged partnerships were not perfect but they were no worse than, and in some cases better than, those that we had established in previous semesters.

The above report might be of interest to clinicians deciding whether and how to team up their students to handle cases, and as such might be valuable on its own terms, much as David's presentation sparked my own uncrystallized inclination to change our practices. (Sometimes, though, a little knowledge is better than too much. When I reported on this practice at a local D.C. workshop last spring, David indicated that his students take many hours to assign themselves to teams. Had I known that was David's experience I might not have been interested in the experiment.) But it is also possible to see that with a little effort the above discussion can

be something more as well. As I thought about the transfer of power from faculty to students in making team assignments, it seemed that this simple change was a metaphor for the constant tension in clinical education between faculty control and student empowerment. We think of this tension as arising in questions of directive vs. non-directive supervision or intervention vs. non-intervention in court proceedings but it is apparent that it can manifest itself elsewhere as well. An inquiry into the inconsistent approaches of clinical teachers to student empowerment, if done carefully and thoughtfully, could be useful clinical scholarship. Maybe someone will write such an article some day.

Will the community of non-clinical legal scholars treat a new clinical journal seriously? Or will it see the journal as just another outlet for special pleading from a group that already seems to make too many demands on the powers-that-be in legal education? My answer to this question is that, if we take the journal seriously and publish serious articles in it, the legal community will have to accept it. I may be too optimistic but I think it is worth a try. I hope you'll agree.

OTHER NOTES FROM THE CHAIR

1. Good News! The editors of the Journal of Legal Education have accepted for publication the Section's "Final Report of the Committee on the Future of the In-House Clinic." The report will be published virtually in its entirety (with only the executive summary and blank questionnaire excluded), most likely in the December 1992 issue. Publication of the report in the Journal will assure its dissemination to a broad range of law teachers and others interested in legal education. □

2. As reported in the most recent AALS Newsletter, nominations for AALS committees are now open. A number of committees that affect clinicians do not have clinician mem-

bers. If interested in being nominated for any AALS committee, please contact Bob Dinerstein. (You can also send nominations directly to Carl Monk, Executive Director, AALS.) □

3. At the Section's January 1992 business meeting in San Antonio, the Section membership approved a motion from Dean Rivkin (Tennessee) requesting the Chair to draft a resolution honoring Clint Bamberger, who recently retired from full-time clinical teaching at the University of Maryland Law School. I asked Clint's colleagues at Maryland for assistance with this endeavor. The following resolution, principally written by Mike Milleman, one of Clint's longtime colleagues at Maryland, nicely captures some of the highlights of Clint's many-faceted career as a lawyer and clinical educator:

WHEREAS, E. Clinton Bamberger, Jr. has spent a professional lifetime representing the poor and developing legal services programs that, for the first time in this nation's history, have brought large numbers of poor people within the rule of law;

WHEREAS, Mr. Bamberger, who is a Professor of Law Emeritus at the University of Maryland School of Law, left Piper & Marbury, a major Maryland law firm, in 1965 to become the first Director of the Legal Services Program of the federal Office of Economic Opportunity. In that historic position, Mr. Bamberger established the first federal program that provided civil legal assistance to the poor in this country;

WHEREAS, from 1975-1979, Professor Bamberger was Executive Vice-President of the national Legal Services Corporation. In that position, he continued the pioneering work he had begun at O.E.O. and helped fund and create many of today's civil legal services programs;

WHEREAS, Professor Bamberger also has been Dean of the Columbus School of Law, The Catholic Univer-

sity of America, a staff attorney and clinical instructor at the Legal Services Institute, a clinical teaching program of Northeastern University and Harvard Law School, and Director of the Clinical Education Program at the University of Maryland School of Law. In these positions, Professor Bamberger has been a nationally important leader in developing educationally sound clinical courses that fully engage law students in the representation of the poor;

WHEREAS, Professor Bamberger also has been an important international leader in developing civil justice and clinical education programs. During 1989-90, he was a Visiting Professor on the Law faculty at the University of Witwatersrand in Johannesburg, South Africa. In that position, he helped the University develop a clinical education program that provides desperately needed legal help to South Africa's minority populations. Professor Bamberger has helped galvanize support in this country for the oppressed peoples of South Africa;

WHEREAS, Although Professor Bamberger's national and international accomplishments are extraordinary, he may be most proud of his work as a foot soldier in the legal war on poverty. As staff attorney in the Northeastern University and Harvard Law School Program, and as Director of the Clinical Program at the University of Maryland School of Law, Professor Bamberger, with the help of many law students, has provided legal representation to hundreds of indigent clients, particularly children who have been the victims of lead paint poisoning. Professor Bamberger's creative litigation and nonlitigation responses to this tragic problem have helped generate systemic solutions that promise to prevent lead paint poisoning of children, as well as to provide remedies to severely injured children;

WHEREAS, The public service, legal service, educational, and lawyering

achievements of Professor Bamberger have been recognized by many associations and organizations. The School of Law at the University of Pennsylvania selected Professor Bamberger as its "Honorary Fellow" in 1981, recognizing him for his "distinguished public service". In 1987, Professor Bamberger received the President's Medal from The Catholic University of America. In 1988, he received The Man for All Seasons Award from the St. Thomas More Society of Maryland, an association of Catholic lawyers;

WHEREAS, The last award may best symbolize Professor Bamberger's enormous contributions to justice. Like Thomas More's England, our country is "planted thick with laws from coast to coast," and like Thomas More, E. Clinton Bamberger, Jr. has been an inspired, creative and courageous "forester" in "the thickets of the law." Poor people all across this nation have benefitted immensely from his lifetime of good work, which we are pleased to recognize; and

WHEREAS, even now Professor Bamberger is about to embark on a Fulbright grant to assist the Faculty of Law of Tribhuvan University in Kathmandu, Nepal, to develop a clinical legal education program;

NOW, THEREFORE, BE IT RESOLVED, That the Section on Clinical Legal Education of the Association of American Law Schools hereby expresses its deep appreciation to E. Clinton Bamberger, Jr. for his many contributions to clinical legal education and poverty law during his long and distinguished career - September 1992. □

4. After consultation with Mark Heyrman (Chicago), Chair of the Section's Committee on Alternatives, and through him with members of the committee, and in light of the creation of CLEA, the Executive Committee, at my request, has approved the dissolution of the Committee on Alternatives. It is not every day that

a committee comes into being for a specific purpose, accomplishes that purpose expeditiously, and then agrees to terminate its work. Congratulations to Mark, past committee co-chair Steve Emens (Alabama) and Graham Strong (Cornell), who created the committee, for a job well done. □

COMMITTEE REPORTS

AWARDS COMMITTEE by Peter T. Hoffman

The Awards Committee composed of Peter Hoffman (Nebraska), chair, Jane Aiken (South Carolina), Bob Dinerstein (American), Steve Ellmann (New York Law School), Jeff Hartje (Denver), Steven Hartwell (San Diego), Jean Koh Peters (Yale), Marjorie McDiarmid (West Virginia), Sandy Ogilvy (Catholic), Nina Tarr (Washburn), and Karen Tokarz (Washington Univ.-St. Louis) is accepting nominations for the Annual Clinical Section Award for outstanding contributions to clinical legal education. Send your nominations to Peter T. Hoffman, College of Law, University of Nebraska, Lincoln, NE 68583 within two weeks of the receipt of the *Newsletter*. Nominations may also be faxed to (402) 472-5185. □

COMMITTEE ON CLINICAL SCHOLARSHIP

by Tony Alfieri & Marie Ashe

The Committee on Clinical Scholarship is concentrating on two ongoing projects: compiling a lawyering bibliography and organizing works-in-progress workshops at the AALS Annual Meeting and Clinical Conference. Since 1991, five professors have presented works-in-progress. At the 1992 Clinical Conference, we added commentators to the workshop presentation. Thus, we are issuing a call for both papers and commentators to present at the 1993 Annual Meeting workshop. Persons interested in submitting a paper, serving as a commentator, or participating in other projects, should contact or send papers directly to Marie Ashe (Boston University: 617-353-5327) and Tony Alfieri (University of Miami: 305-284-2735). □

COMMITTEE ON EXTERNSHIPS

by Paula Johnson, co-chair

Clinicians who attended the Albuquerque Conference in May are reminded to submit your externship course materials either to Paula Johnson at the University of Baltimore School of Law or to Linda Smith at the University of Utah. □

COMMITTEE ON IN-HOUSE CLINICS

by Peter Joy

If your law school receives Title IX funding, then you may have a Department of Education Site Inspection before too long. When the phone rings and you learn that this will happen, don't panic. There are steps to take to make the site inspection easier on you, your law school, and the Department of Education.

While the Department of Education is not the Internal Revenue Service, the site inspection will go more smoothly if your school has followed Department of Education reporting requirements and you make available to its representative the information, personnel and records she/he will need to complete the inspection. The topics for discussion during the site visit are:

I. PROGRAM OUTLINE

- a. History of University's participation in the Title IX-F, Law School Clinical Experience Program (LSCE).
- b. Description of 1990-93 Project.

II. ADMINISTRATION OF THE PROJECT

- a. What is the staff role in the project?
- b. What is the composition of the clinical faculty? Affirmative action? Tenure?
- c. To whom does the Project Director report?
- d. Does the Project Director have full authority to administer the project?
- e. Does the project have adequate facilities?
- f. What is the institutional support/commitment?

III. FISCAL OPERATIONS

- a. What is the general grants systems (accountability, PD authority, audit)?
- b. How is the time and effort documented for LSCE program staff? The system must comply with the requirements of EDGAR - Education Department General Administrative Regulations. See EDGAR 34 CFR Part 74, Appendix D, Part I, Section J.7.d(1) and 2); Part II: 75.730.
- c. How is the stipend determined—how paid?
- d. Who prepares the annual program performance reports?
- e. How often are the audits?
- f. How are the expenditures routed?
- g. Who coordinates the budget process for the grant?
- h. What are the procedures for managing the grant

IV. PROGRAM ACTIVITIES

- a. Address goals, objectives, and compliance.
- b. Students - How many slots were available for this project, and how many applied?
- c. How are the students selected? What criteria are used?
- d. What are the student participants' characteristics (sex, race, etc.)?

V. EVALUATION

What are the methods of evaluation?

Send the site inspector a list of the names and titles of the persons she/he will meet and interview. Make sure you arrange for her/him to meet with: the dean of your law school; the director of grants administration for the university; the finance or budget person from the law school; all of the faculty and staff involved in the program; and some clinical students or former clinical students.

The site inspector will need approximately 4-6 hours to complete the site visit. Obviously, reviewing the interview and meeting schedule with the site inspector before she/he arrives will facilitate the site inspection. Treat the site inspector as you would a knowledgeable major

donor to the law school.

The Title IX Program of the Department of Education has been an enormous boost to clinical legal education. Recent changes in the program, including the increase of funds allocated to this program, multi-years grants, and now the promise of continuation grants, will also likely signal an increase in the frequency of site inspections. Title IX funds are the largest single source of external funding for most clinical programs. We should welcome the site inspections as an opportunity to show the Department of Education how important in-house clinical education really is.

If you have any questions concerning site inspections that this brief article has not answered, please feel free to contact me. I may be reached at the Washington University Clinical Program, 314-935-6473, during the 1992 fall semester. After January 1, 1993, please contact me through the Case Western Reserve University Law School Clinic, 216-368-2766. □

**COMMITTEE ON
INTEGRATION OF CLINICAL
EDUCATION INTO THE
TRADITIONAL CURRICULUM**
by Arlene Kanter &
Bernard Freamon

The Committee on Integration of Clinical Legal Education Into the Traditional Curriculum had its first meeting of the year in May in Albuquerque at the AALS Clinical Legal Education conference. Our first order of business was to come up with a shorter name for our committee. Unsuccessful at that effort, we discussed various ways in which we, as clinicians, may work more often and better with our non-clinical colleagues in invigorating the law school curriculum.

A popular idea among the group was to develop a proposal for a Summer Institute on Innovative Law teaching for law faculty during which clinical faculty would have an opportunity to share their expertise, skills and methodologies with non-clinic fac-

ulty. Such an Institute would include as well presentations by non-clinical faculty who have developed innovative ways of teaching traditional courses. This proposal originated with a presentation by Arlene Kanter in which she discussed efforts at Syracuse University College of Law involving clinical and non-clinical faculty who have begun to acknowledge that they have much to share and the divisions between them are often artificial and counter-productive. If you are interested in working with this committee on the Summer Institute proposal or any other ideas of integrating clinical and traditional curriculum, please contact Arlene. And, if you are already teaching clinics or courses which successfully integrate clinical and traditional curricula and faculty, please send any materials you have prepared to Arlene Kanter, Associate Professor of Law and Director of Clinical Programs, Syracuse University, Syracuse, New York 13244-1030 Phone (315)443-4582; FAX (315)443-9568. □

**PUBLIC INTEREST
COMMITTEE**

by Susan Bennett & Hank Rose

The ever-regenerating, ever-reconstituting Public Interest Committee met over a fine lunch in Albuquerque to talk about what function this committee might serve. Interestingly, the talk centered on the non-clinic courses that many of us teach in the so-called "regular" curriculum, particularly in areas of public law. Everyone expressed a need to exchange information about good, non-case readings, and about ways to combine clinical thinking and externship-type resources to teach classroom courses in non-traditional ways. Obviously, one project suggested by this group for this committee was the creation of some sort of information exchange - maybe even a "chain letter," in which each recipient has to add an idea/reference and send the cumulative list to two more people. Thanks to Phillis Bookspan, Nancy Cook, Jane Spinak, Kathy Sullivan and Jim Backman (who didn't do lunch but was nice

enough to show up) for a supportive discussion and some good thoughts. Other ideas? For a good talk, call Hank Rose, at (312)266-0573, or Susan Bennett, at (202)885-1510. □

AMONG OURSELVES

Several clinicians are serving as AALS Section Chairs for 1992: Gay and Lesbian Legal Issues - **Nancy D. Polikoff**, American University; Immigration Law - **Richard A. Boswell**, University of California, Hastings; Law and the Community - **Arlene S. Kanter**, Syracuse University; Law and the Social Sciences - **Frank W. Munger, Jr.**, SUNY-Buffalo; Legal Writing, Reasoning and Research - **Richard K. Neumann, Jr.**, Hofstra University; Litigation - **Antoinette Sedillo-Lopez**, University of New Mexico; Poverty Law - **Louise G. Trubek**, University of Wisconsin; and Women in Legal Education - **Karen Czapanskiy**, University of Maryland. □

Antoinette Sedillo Lopez (New Mexico) was a panelist at the 1992 Women and the Law Conference hosted by Northwestern on March 26-29. □

Jim Stark (Connecticut) conducted a workshop titled: Exploring the American Experience at a one-day conference at Newcastle Polytechnic, Newcastle upon Tyne. The conference, June 19, 1992, was titled: A Clinical Approach to Learning Legal Skills. □

Several clinicians were featured on the programs of the ABA Section of Legal Education and Admissions to the Bar at the ABA Annual Meeting in San Francisco, August 6 - 10. **Tony Amsterdam** (NYU), **Sue Bryant** (CUNY) and **Joe Harbaugh** (Richmond) participated in a program: "Educating the Legal Practitioner: Strategies for Enhancing the Development of Lawyering Skills and Values," presented by the Task Force

on Law School and the Profession: Narrowing the Gap. □

Joe Harbaugh and **John Kramer** (Tulane) were featured speakers in the educational program: "Financing Legal Education in a Period of Scarce Resources." □

John Barkai (Hawaii) is following in the footsteps of Roy Stuckey and Peter Hoffman by teaching in the clinic in Hong Kong from August 15, 1992, until February 15, 1993. He will also be teaching an ADR course in a new masters of arbitration program. You can reach John at:

City Polytechnic of Hong Kong
Department of Law
83 Tat Chee Avenue
Kowloon, Hong Kong
Fax: 011 (852) 788-7128 □

Judy Potter (Maine) was recently elected a Fellow of the Maine Bar Foundation. □

James M. Klein (Toledo) has been named Associate Dean for Academic Affairs at Toledo. □

David Gottlieb (Kansas) is the recipient of the 1992 Howard M. and Sue Immel Annual Teaching Award. The Immel award was established in 1988 by the Immels to recognize a faculty member of School of Law of the University of Toledo who is considered to be outstanding in the teaching of students not only in the classroom but also by setting an example of professionalism. □

Robert Garcia (UCLA) received a grant from the National Center for Automated Information retrieval to develop interactive computerized video materials concerning battered-woman syndrome. □

Carrie Menkel-Meadow (UCLA) has been chosen as the 1992 recipient of the Rutter Award for Excellence in Teaching at UCLA. Carrie was also a participant in a symposium sponsored by San Diego titled "Feminism

& the Law on May 13. □

Alan Kirtley (Washington) was the moderator for the "Confidentiality in Mediation" symposium at the Conference on Campus Mediation Programs at Oregon on May 9. □

Eric Mills Holmes (Willamette) has been appointed interim director of the Center for Dispute Resolution at Willamette. □

Don Gifford, formerly dean at West Virginia, has been appointed dean at Maryland, effective July 1. □

Frank Bloch (Vanderbilt) will be on leave during the 1992-93 academic year in Geneva, Switzerland, to conduct a comparative study of Social Security disability assessment and appeal systems. During his leave he will be a Research Fellow at the International Social Security Association and a consultant at the International Labor Office. While Frank is away, **Susan Kay** will be Acting Director of Clinical Education.

Rex R. Perschbacher (California at Davis) was honored recently by his school for teaching excellence. □

CHANGE OF VENUE

Roy Simon has moved from Washington University in St. Louis to Hofstra. □

Peter Joy (Case Western) is visiting Washington University in St. Louis during the fall semester. □

Karen Czpanskiy (Maryland) is visiting at American University. □

Catherine Klein (Catholic) is visiting at American University. □

Homer LaRue (Maryland) is visiting at the District of Columbia School of Law. □

Paula Johnson (Northern Illinois)

is visiting at Baltimore. □

Catherine Mahern (Texas Southern) is moving to Creighton in October to become the Director of the newly created clinical program. □

Steve Ellmann has moved from Columbia to New York Law School. □

Stefan Kreiger (SMU) will be visiting at Hofstra during 1992-93, where he will be establishing a Housing Rights Clinic. □

Carrie Menkel-Meadow (UCLA) is visiting at Georgetown during the fall semester. □

OF INTEREST TO CLINICIANS

ABA President favors allowing externs to receive credit and pay

It was reported in the spring 1992 issue of *Syllabus* that ABA President Talbot D'Alemberte favors a repeal of the ABA prohibition against compensation being paid to students for externships for which credit is granted.

Currently, an Interpretation of Standard 306(a) states that student participants in a law school externship program may not receive compensation for a program for which they receive academic credit. It was reported that D'Alemberte felt that with regard to externships, the accreditation focus should be on ensuring adequate supervision and if the externship is well supervised then "why not let the student be paid?" D'Alemberte noted the great concern that has been expressed in the legal community about the amount of debt incurred by law students. He asserted that allowing students to receive compensation for externship courses in which credit is granted might ease the burden of attending law school. □

Pace Clinic Wins Grant

Pace's Battered Women's Justice Center has been awarded a \$60,000 grant from the IOLA Fund to train lawyers in the handling of battered womens' cases. □

Northwestern Wins Prestigious Award

Northwestern is the winner of the 1992 Emil Gumpert Award for Excellence in the Teaching of Trial Advocacy. The award is given by the American College of Trial Lawyers and includes a \$25,000 grant to the school's Program on Advocacy and Professionalism. □

Maryland Earns Public Service Award

The Clinical Law Office at Maryland received the John Minor Wisdom Public Service Award from the ABA's Litigation Section. □

Capital's Dispute Resolution Center

The Center for Dispute Resolution at Capital has designed and is implementing a dispute resolution system for use on a national basis in countries outside the U.S. □

District of Columbia School of Law Awarded \$150,000

Professor Joseph Tulman, Director of the DCSL Juvenile Law Clinic has been awarded three grants totaling \$150,000, to support the expansion of the clinic to include a focus on special education law. The funding includes \$75,000 from the Legal Services Corporation, \$50,000 from the Public Welfare Foundation, and \$25,000 from the Agnes and Eugene Meyer Foundation. The clinic has added two staff attorneys who are helping professor Tulman to develop a special education curriculum, train students, broaden the representation of existing juvenile clients and present workshops to train D.C. practitioners in special education representation. The operating principle of the program is that the achievement of educational services for clients will prevent further involvement with the juvenile

delinquency system. For additional information, please read Professor Tulman's article: "The Best Offence is a Good Defence: Incorporating Special Education Law into the Juvenile Law Clinic," 42 J. Urban & Contemp. L. 223 (1992), or call Professor Tulman at 202-727-5268.

Nova Wins Grant

Nova has been awarded a \$95,982 grant from the Governor's Juvenile Justice and Delinquency Prevention State Advisory Committee and the Department of Health and Rehabilitative Services to establish a Juvenile Justice Clinic and support expansion of the Juvenile Mediation Program. □

Clinicians of Color Group Forms

A group of clinicians informally calling themselves *Clinicians of Color* organized a meeting during the Clinical Legal Education Conference in Albuquerque, New Mexico. The first order of business was establishing a mailing list for minority clinicians and highlighting several areas within clinical legal education that are of particular concern to us. If you were unable to attend the conference and would like to be included in the mailing list, contact Prof. Marilyn D. Brown, The John Marshall School of Law, 315 South Plymouth Ct., Chicago, IL 60604; (312)987-2397 or Michelle S. Jacobs, Esq., Rutgers Law School-Newark, 15 Washington St., Newark, NJ 07102; (201)648-5576. □

Hawaii Adopts Mandatory Pro Bono Requirement

In November 1991, the University of Hawaii Law School became the 8th law school to adopt a mandatory pro bono requirement. Beginning with the entering class this fall, students will be required to complete 60 hours of pro bono service as a requirement for graduation. Hawaii's 60 hour requirement is second only to Pennsylvania's 70 hour requirement. Most other school that require pro bono service as a condition of graduation cap participation at 20 hours or less according to John Barkai at

Hawaii. □

Student Evaluation Conference Held at D.C. School of Law

The faculty at the District of Columbia School of Law (DCSL) hosted a workshop for area clinicians on student evaluation, February 21, 1992. Presenters from DCLS, Georgetown, George Washington, American, Catholic, and Maryland described some of the student evaluation methods, goals, objectives, and materials currently in use in various clinics at their schools.

Approximately fifty clinicians attended the afternoon session. There was apparent consensus that the evaluation area was one which most clinicians would like to improve. The workshop provided an opportunity for a lively exchange of ideas and materials.

Professor Shelly Broderick of DCSL compiled sets of the student evaluation materials submitted by each presenter and also collected from CUNY, Yale and other schools. Please call her at 202-342-1812 if you would like a set or if you would like to borrow the video tapes of the workshop. □

Clinical Theory Workshops

The Clinical Theory Workshops, which met from 1985 to 1992 at Columbia Law School, this year move to New York Law School. The workshops, which are chaired by Steve Ellmann, offer a forum for clinical scholarship, and an opportunity for clinicians to read, respond to, and exchange ideas about, each other's work. (They're also a chance for people to get together in the midst of hectic lives!) Clinicians from at least ten New York-area law schools have been part of the workshop, with occasional (and welcome) visits from people teaching elsewhere as well. Last years' presenters included Jim Stark, Jon Bauer and James Papillo ("Directiveness in Clinical Education: A Survey"); Steve Ellmann ("Client-Centeredness Multiplied: Individual Autonomy and Collective Mobilization in Public Interest Lawyers' Representation of Groups"); Nancy

Morawetz ("Bargaining, Class Representation, and Fairness"); Frank Bloch (excerpts from "Disability Determination: The Administrative Process and the Role of Medical Personnel"); Beryl Blaustone ("To Be of Service: The Lawyer's Aware Use of the Human Skills Associated with the Perceptive Self"); and Jane Spinak ("Reflections on a Case (of Motherhood)". All clinicians (and others as well) are invited to attend; if you're interested in being added to the mailing list, please contact Steve Ellmann at New York Law School, 57 Worth Street, New York, NY 10013. □

THERE'S NO CRYING IN BASEBALL!:

(Jimmy Duggan, Coach, Rockford Peaches. *A League of Their Own*)

Well, I'm back. I have been on a leave of absence for two years, in private practice, in Tucson, Arizona. And the last chance I had to observe teaching (especially teaching skills, role in a community, performance and grace under pressure) was just this last summer...at the movies.

I am of course referring to that unique teacher, the manager of the Rockford Peaches, Jimmy Duggan. Jimmy may have, on the surface, left much to be desired for us empathetic, active listening, clinicians. He did, however pass on some wisdom, both in his words and experience from which we, as teachers, may profit.

Jimmy, like some of us, initially approached his "students" with denial of his own vulnerability. This was the opposite attitude of many of the women who were his players, who accepted their own vulnerability (even Madonna) and sought to learn from it. Ironically, the players recognized Jimmy's vulnerability and accepted it.

Although the women who came to play for the Peaches had played baseball before they still needed role clarification and some skills training by the baseball establishment. Probably more than any other course, the clinic aspires to teach role, in the sense of "place." The place in the legal world and the society our students will oc-

cupy. This "place" will be defined by their ethical and moral judgments; their ability to relate to clients and to empower them to make changes in their lives, or the lives of the businesses and corporations which they run. And our students need skills training for the tasks they will undertake as lawyers.

Jimmy's version of skills training seemed at first harsh. "There's no crying in baseball!" But it was soon clear that he was demanding excellence. And this was accomplished by his unwitting admission of his own humiliation and vulnerability from similiarly harsh/demanding coaching. That admission made it effective, if blunt. So we also demand excellence from our students. And with us also, the key is an internal appreciation of our own vulnerabilities which makes our critiques as effective, if less blunt.

But the most interesting thing about Jimmy Duggan's pedagogical paradigm was his own transformation. And, for us -- in addition to the fact that we are paid; in addition to the fact that we have an academic schedule; that it is good to raise children in a teaching job -- in addition to everything else, we teach because we are aware of that yearly (semesterly) transformation in ourselves.

We observe our students, we see them change in response to the environment in which we set them in each of our clinics. And as they change and grow we also watch them make discoveries about themselves or the world because they stay engaged in the task.

Really, our job as teachers is, simply stated, that we are present when each of our students has those epiphanies. And the quality of our presence defines the student's experience...not necessarily their growth, but their experience.

More than that, however, are our own epiphanies, which we only see in retrospect. Very few of us keep journals, yet we teach that reflection is one of the essences of growth.

And its hard work being present in a way that makes a difference. But that's ok, because we demand excellence from ourselves as well. Let me

leave you with these parting words from the master.

*It's suppose to be hard!
If it wasn't hard, everyone would do it.*

It's the hard part that makes it great. (Jimmy Duggan)

Have a hard year.

Larry Weeks

Arizona State University
College of Law

DEAR MR. CLINICIAN

Although our scholarship, which is published in law reviews, provides a resource for answering many of the questions of how to be a good clinical professor, some dilemmas remain unresolved. This column introduces Mr. Clinician, who, like Miss Manners and Ann Landers, will help law professors deal with some of those sticky problems.

Dear Mr. Clinician,

I have been teaching on one year contracts in my clinic program for six years, and I finally have been invited to law school faculty meetings this fall. I am very concerned about the image I make and I know first impressions are critical.. Should I be the first one at the meeting so the faculty knows how enthusiastic I am and grateful for being included or should I come running in late with my brief case overflowing to show how frantically busy I am?

No Tenure in New York

Dear No Tenure,

I suggest you check with the Dean about the agenda before each faculty meeting so that you can let him/her know you have a very tight schedule and may have to go to court. Arrive with the other faculty so you don't look overly anxious, but wear "court" clothes, carry your briefcase, make a show of asking for a chair closest to the door, and look at your watch a lot. This will give the impression you may

have to leave. The beauty of this plan is if the meeting is too boring, the faculty get ugly toward one another, or you do something stupid like voting wrong, you can make a quick get away.

Mr. Clinician

Dear Mr. Clinician,

Our law clinic is located about twenty minutes away from the courthouse downtown. Whenever I must go to court with a student intern, I agonize over whose car to take. My mini-van is filled with my kids' stuff, my laundry, fast food bags, personal mail, bank deposit slips, etc., which I do not want the intern to see. I could ride with the interns, but they take different, inefficient routes downtown and, although I try to be non-directive in my supervision, I always want to tell them which way to go. Should we take separate vehicles?

Immobilized in Illinois

Dear Immobilized,

We all know the rides to and from the courthouse provide some of the best opportunities to supervise students. Moreover, unless it is very early in the morning or very late in the afternoon, when you would be coming or going elsewhere, the student will assume you don't want to be with them if you won't even ride in the car with them. Therefore, you should plan on riding with the students.

You could clean up your mini-van so that you can hide your inclinations to be so controlling or you could include a map with the mandatory route to the court in your office student practice manual. In my opinion, having a class session and role playing the route may be a little excessive. Good luck.

Mr. Clinician

REQUESTS FOR HELP

STUDENT EVALUATION OF CLINICAL TEACHERS

Marla Mitchell (Case Western)

writes: "I will be speaking at the Midwest Clinical Conference on October 17, 1992, at The University of Iowa. I will be speaking on how students evaluate us as clinical teachers and lawyers. Please send me a copy of your written evaluation(s) or a note with your thoughts on this topic. Please take a minute now because October is just around the corner, and I need all the help I can get. Please send materials and/or thoughts to: Marla L. Mitchell, Visiting Clinical Professor, Law School Clinic, Case Western Reserve University School of Law, 11075 East Boulevard, Cleveland, Ohio 44106; Tel. (216)368-2766; FAX (216)368-6144." □

RESEARCH HELP NEEDED

Professor Shelly Broderick of the District of Columbia School of Law (DCSL), is working on two articles and would love to hear from clinicians about either topic. The first article will describe live client clinical programs for first year students. DCSL, Yale and Maryland are the only schools identified as yet which have such programs.

The second article will discuss DCSL's program of "Grand Rounds." DCSL faculty are experimenting with this program which is an effort to offer instruction to all clinical students in core areas such as professional responsibility, interviewing, negotiation, diversity, case planning and the like, regardless of the particular clinic in which the student is enrolled. These "rounds" are intended to ensure that all students receive uniform instruction in these areas. The classes supplement substantive law and skills training offered in each clinic.

Please call Professor Broderick, who is on sabbatical, at 202-342-1812, with information about other existing or planned first-year live client clinic programs and about "Grand Rounds" kinds of programs. □

REFLECTIVE JOURNALS

I am writing about the use of journals as a pedagogical tool. If you have your students keep some form of reflective journal, or if you keep a jour-

nal yourself, I would like to hear from you. Call me at 202-319-6195 or write to me at Columbus School of Law, The Catholic University of America, Washington, DC 20064, and I will call you. Professor Sandy Ogilvy. □

CONFERENCES, WORKSHOPS AND PROGRAMS

NATIONAL CONFERENCE ON PART-TIME LEGAL EDUCATION

The American Bar Association Section of Legal Education and Admissions to the Bar and Cleveland State University's Cleveland-Marshall College of Law will present A National Conference on Part-Time Legal Education: Questions of Fairness and Quality, October 15-17, 1992. Access to Skills Programs: Live-Client Externships and Simulation Courses is one of the topics to be discussed during the three-day conference. For more information, contact Cleveland-Marshall College of Law, 1801 Euclid Avenue, Cleveland, Ohio 44115. Tel. (216)687-2300. □

SALT TEACHING CONFERENCE SPRING 1993

The 1993 SALT Teaching Conference, "Reimagining Traditional Law School Courses: Workshops Integrating Class, Gender, Race, Disability and Sexual Orientation Into Our Teaching and Course Materials," will take place at New York University School of Law during the spring of 1993. The conference will provide an opportunity for experienced and new teachers of each subject, including clinic, to work together in small groups. These groups will work intensively on teaching and materials in their subject areas. The SALT conference will also attempt to explore ways of working with the intense emotional reactions often generated among students and colleagues when diverse perspectives are integrated into traditional courses. For more information

contact Zipporah Wiseman (617)354-2277 or Anne Goldstein (413)782-1446. ☐

CLINICAL LEGAL EDUCATION WORKSHOP - MAY 6-8, 1993

The AALS Workshop on Clinical Legal Education will be held May 6-8, 1993, in Washington, D.C.

On Friday, May 7, the first panel of speakers will discuss "The Underlying Conceptual Dimensions in the Classroom," covering process of proof, understanding context, and knowing the audience. After lunch, a second session will examine "Implementing Conceptual Concepts in Casework," with sessions on proof and context, service objectives, social objectives, and challenging students' objectives. A third panel will examine "Goals Beyond Skills Training."

Saturday sessions will include a panel discussing "Can We Do It All? The Need to Make Choices and Set Goals." A final panel will examine "Where Do We Go From Here? Identifying Means of Implementing Choices Through Curricular Change, Teaching Emphasis or Case Selection."

David Binder (UCLA) is the Planning Committee Chair. The other members of the Planning Committee for the Workshop are Jane Aiken (South Carolina), Stefan Krieger (SMU), and Jose Martinez (New Mexico). ☐

NITA EXPANDED TEACHER TRAINING PROGRAM

The National Institute for Trial Advocacy has announced that it will hold an Expanded Teacher Training Program at the University of California-Berkeley, October 22-25, 1992. The Program is designed specifically for lawyers and law professors interested in learning and applying the NITA teaching method. The expanded teacher training program features Effective Critiquing Skills; Problem Diagnosis; Active Listening and Probing; Working in large groups, small groups, and one-on-one; and Adult Learning Theory. For more

information contact NITA's Admissions Office at 1-800-225-6482 or fax at (219)282-1263. ☐

REPORTS FROM ALLIED ORGANIZATIONS

Report from the Skills Training Committee of the ABA Section of Legal Education and Admissions to the Bar by John Elson (Northwestern)

At its April, 1992 meeting, the Skills Training Committee did the following:

1. Recommended that the Council of the Section refer to the Standards Review Committee a proposed interpretation of ABA Accreditation Standard 404(b) that would specify criteria so that the type of workload limitations that now protect classroom teachers would also protect 405(e) eligible faculty who teach in live-client clinical programs.

2. Recommended to the Accreditation Committee certain specific principles for its consideration in developing its proposal for changes in Interpretation 2 of Standard 306, which governs the review of externship programs.

3. Approved a final draft of a proposal that the Council recommend to the National Conference of Bar Examiners of other appropriate organizations the adoption of a model statute for the special bar admission of clinical law teachers.

The Committee also discussed, *inter alia*, a) alternatives for following up on the work of the McCrate Task Force, b) changes needed in the guidelines for law school site inspectors and, c) alternatives for changes needed in the language of Accreditation Standards 301 and 302 in order to make instruction in professional skills more widely available.

At its forthcoming meeting in September, 1992, the Committee will have on its agenda the discussion of proposals for following up on the work of the McCrate Task Force, changes in Accreditation Standards

301 and 302 governing the availability of instruction in professional skills, problems in regard to the apparent lack of growth in the number of 405(e) eligible clinical teachers, changes in the instructions given to site evaluators of law schools' professional skills programs and further suggestions regarding the Accreditation Committee's latest drafts for changes in Interpretation 2 of Standard 306.

The Committee would welcome clinical section members' suggestions as to matters for its consideration. In the past, the Skills Training Committee's concerns have focused most heavily on issues concerning the relation between the law school accreditation process and professional skills instruction. Feel free to write or call John Elson, Northwestern University Law School., 357 E. Chicago Ave., Chicago, IL 60611; Tel. 312-503-8573; FAX - 312-503-8977. ☐

Report from the AALS Standing Committee on Clinical Legal Education by Wally Mlyniec (Georgetown)

The purpose of the Standing Committee is to investigate and study continuing or recurring matters relating to legal education and to render advice to the Executive Committee on specific issues when requested to do so. The Committee generally meets twice a year. The next meeting will be held on October 21 and 22. If anyone has any suggestions for the agenda, please forward them to the Chair by the end of September.

Since its last meeting, the Executive Committee has requested the advice of the Standing Committee on two occasions. The first and more important issue arose in April of 1992, when the Standing Committee was asked to comment on proposed revisions to section 6-9 of the by-laws concerning curriculum and pedagogy and on a proposed Chapter 7 of the Executive Committee Regulations relating to curriculum and program. The proposed amendment to the by-law and the proposed chapter of the Executive Committee Regulations are

lengthy and are not reproduced here. They are available from the Chair of the Standing Committee for those who are interested in reading the original and now rejected text.

After consulting with members of the Standing Committee, the chair advised the Executive Committee that it believed the proposed amendments to the by-laws were unacceptable and should be rejected. We believed they ignored or denigrated the contributions made to legal education by the in-house clinical movement and could cause accreditation problems for schools with substantial clinical programs. It was clear to us that while this result was not intended by the drafters, it did reveal a basic unfamiliarity with our work.

In their attempt to remedy the vagueness of current section 6.9, the Subcommittee on the By-laws proposed amendments that would have required significant opportunities for instruction on an individual or small group basis (without mentioning clinical courses) and required that every student receive significant instructions in legal writing and research. The goals of these criteria were to ensure "that a law school program provided a comprehensive understanding of legal institutions and an appreciation for the role of law and lawyers in society, and produced lawyers qualified to participate effectively and responsibly in the legal profession".

Those members of the Committee who responded to the Executive Committee's request for advice pointed out that the standards emphasize on legal research and writing while ignoring the importance of other skills such as investigation, interviewing, client counseling, negotiation and litigation devalued the importance of the clinical education movement, ignored the significance of these skills to the lawyer-client relationship and did not achieve the goals of ensuring "that a law school program provided a comprehensive understanding of legal institutions and an appreciation for the role of law and lawyers in society, and produced lawyers qualified to

participate effectively and responsibly in the legal profession". The proposed chapter to the Executive Committee Regulations were also found lacking for the same reasons.

As of this date the Executive Committee has not accepted the revisions proposed by the Subcommittee on By-laws and has asked it to undertake more work.

The second request for advice concerned the American Bar Association proposed accreditation Standard 215. That standard would require law schools to release basic consumer information, as defined by the Council on Legal Education, in a fair and accurate manner. The proposed interpretation to Standard 215 stated that the following categories of consumer information were considered basic: a) admissions data; b) tuition costs and financial aid; c) enrollment and graduation data; d) composition of faculty and administration; e) curriculum offerings and class sizes; f) library resources; g) physical plant; h) housing availability; i) financial resources available to support educational programs; j) placement and bar passage. To accomplish adequate consumer disclosure, schools would be encouraged to provide information in a publication designated by the Council.

The Executive Committee of the AALS had previously conveyed to the ABA its dislike of the proposed standard. A few members of the Standing Committee submitted comments to the AALS, but in insufficient numbers to be considered a Standing Committee submission. Those who did comment opposed the accreditation standard not because they objected to the provision of information, but because they did not believe that the provision of statistical information about a school is an appropriate basis for an accreditation standard. Further, they believed that no matter what the law schools published, it would not deter U.S. News and World Report or other writers from publishing their surveys. Finally, they believed that it was unlikely that law school publications would lessen stu-

dent reliance on the other surveys.

At its next meeting, the Standing Committee will be studying other proposed revisions to the AALS by-laws, will be submitting to the Executive Committee its views concerning the ABA Statement Of Fundamental Lawyering Skills And Professional Values (SSV), and will be studying any proposals made by the Standing Committee on Sections regarding special rules for affinity groups (of which clinical education is one). □

Report on ABA Matters by Roy Stuckey (South Carolina)

Three items of particular interest to clinical teachers will be on the agenda of the Council of the ABA Section of Legal Education and Admission to the Bar this year.

1. The McCrate Task Force has published its report: *Legal Education and Professional Development -- An Educational Continuum*. A copy will be sent to every law teacher. I think you will find it to be interesting reading. Dean Nina Appel, incoming Section Chair, is appointing a special committee to study the report and to make recommendations regarding implementation to the Council. Dean Joe Harbaugh will chair the implementation committee. The Skills Training Committee, chaired by John Elson, will also discuss the Report at its meeting in mid-September.

In addition to the full Report, the section which provides a Statement of Skills and Values new lawyers should seek to acquire has been published as a separate document. One plan for its use is to make it available to new law students who can use it to make better informed curriculum decisions.

2. Proposed revisions to Interpretation 2 of ABA Accreditation Standard 306 (field placement programs) will be sent to law schools for comment early in the Fall term (probably before you receive this *Newsletter*). The Skills Training Committee will discuss the proposals during its September meeting, the Accreditation Committee will consider the changes again in November and the Standards Review Committee will also take an-

other look at it in November.

The Council will probably consider taking action on the recommendations of these committees and any other comments it receives when it meets in Tucson on December 5th. I will be at each of these meetings, except the Accreditation Committee (Gary Palm (Chicago) is a member of it). If you would like to talk with me about the proposed revisions, I will be happy to hear from you.

3. Another proposal which is being circulated for comment is a model bar admissions rule to permit "Limited Law Practice by Clinical Law Teachers Engaged in the Supervision of Law Students in the Practice of Law..." This is a proposal from the Skills Training Committee which, if adopted in each state, would make it easier for clinical teachers to visit at other law schools and it would make it easier to recruit new clinical teachers who are admitted to practice in other states. Some states have already adopted such rules. The proposal is being circulated to law schools and bar admissions authorities for comment. The Council is expected to consider endorsing the proposal at its meeting in December.

In closing, I want to thank everyone who has served on ABA site inspection teams. In recent years, Jim White and his staff have established a very good record of including clinical teachers on inspection teams. If a team lacks a clinician today, it is usually because no one can be found who is willing to accept the assignment. I personally know of inspections for which four or five clinicians were unsuccessfully invited to join the teams. This is very frustrating for the staff. It also means that those schools probably did not receive as good an inspection as they would have if a clinician had been on the team, and there may have been important issues to our clinical colleagues at those schools which did not get addressed as fully as they deserved. If you are asked to serve on an inspection team, please try to accept the invitation even though it will involve a fair amount of time and effort and

even though it is not likely to be conveniently scheduled. It is an important public service which we need to perform.

**BAR ASSOCIATION REPORT
CRITICAL OF BAR
ADMISSION PROCESS
by Larry Grosberg
(New York Law School)**

Last May, the Committee on Legal Education and Admission to the Bar of the Association of the Bar of the City of New York issued a 68 page report entitled: "Admission to the Bar in New York in the Twenty-First Century -- A Blueprint for Reform". The Report's two principle recommendations are to: 1) add, as a bar admission requirement, the completion of 100 hours of practice skills training; and 2) change, substantially, the nature of the bar exam that is given. It also calls for mandated collection of racial statistics relating to bar passage, significant changes in the manner in which persons are selected to be members of the New York State Board of Law Examiners and an increase in the number of Examiners from five to fifteen. In addition to Larry Grosberg who was the Reporter for the Committee on the Report, there were a number of academics, including several clinicians or former clinicians, who were members of the Committee -- Mary Lou Bilak (the first Reporter), Jean Marie Brescia, Stacy Caplow, Lisa Griffin, Norman Stein, Harry Subin and Ettie Ward. The Report will be published in Volume 47 of *The Record* within the next few months or so. If anyone wishes a copy before then, please call or write Larry at New York Law School, 57 Worth Street, New York, NY 10013 (212-431-2179).

The underlying theme of the Committee's recommendations is to make the bar admission process more relevant to what lawyers need to know in order to be competent lawyers. The goal is to improve the abilities of those licensed to provide quality legal services. This objective was pursued in the context of the Committee's great

concern about the disturbing bar passage rates for minority candidates and its pragmatic recognition that bar exams are not about to be eliminated. The proposed pre-admission lawyering skills requirement could be satisfied in a number of ways, ranging from appropriate on-the-job summer training programs to bar association courses to law school clinical or skills offerings. As for bar exam changes, the Report recommends the reduction of subjects tested on to ten, the inclusion of "performance tests" (cf. those developed by Joe Harbaugh and Elliott Milstein, among others, and now used in California and Alaska) in lieu of most if not all of the multiple choice questions and the integration of ethics into the performance test and essay questions. The Committee intends to press ahead to implement these proposed reforms in the next year. The New York Court of Appeals already has commissioned a study of the bar exam. □

**CLINICAL JOURNAL UPDATE
by Nina Tarr (Washburn)**

The eleven members of the Board of Advisors and a number of interested persons met in May and progress is being made on getting the Journal launched. We are simultaneously soliciting bids from law schools which would like to house the journal, taking applications from people who would like to be on the Board of Editors, taking applications for people who would like to be Readers and reminding people to begin writing pieces to submit for the first editions. We are still in search of a name and encourage creative folks to develop graphics for a logo for the front of the journal. All communications should be sent to *Nina W. Tarr, Washburn Law School, 17th & MacVicar, Topeka, KS. 66621. (913-231-1691)*

Bids: As of August 1, 1992, we have received a formal letter of intent to submit a bid from NYU and a letter of interest in perhaps submitting a bid from another school. The latter seemed too tentative to name.

Board of Editors - Application Pro-

cess: If you would like to apply to be on the Board of Editors, please send a letter of application with a resume to Nina by October 1, 1992. This should be done with some thought into the time commitment, and your application should indicate how you expect to fulfill your duties. We are creating a peer review journal with a blind selection of articles which means the Editors will be asked to carefully read, edit for content, and write detailed notes on around 25-30 pieces a year. These are only estimates because it depends on submissions.

The Board of Editors will also be asked to attend meetings, presumably held at the time of the A.A.L.S. meetings. Your school should be supportive enough to facilitate your attendance at those meetings. If your school will not pay for you to attend meetings, you can still be on the Board of Editors, but you should let us know.

The Board of Advisors has not set terms for the Editors, but we would hope that people applying would commit themselves for a number of years. Please include in your letter what length of a commitment you are willing to make. We expect to have the Board of Editors picked before January, 1993.

The roles of the Editors and the structure of the journal are still unclear so do not be discouraged by the amount of work if you are interested in applying. This is an exciting time to be on the Board since the journal will be in its formative years. If you want to nominate someone, you should discuss it with them so we know they are interested.

DO NOT BE HUMBLE - WE NEED PEOPLE TO DO THIS WORK IF WE ARE GOING TO HAVE OUR OWN JOURNAL !!!!

Readers: Please send a letter of interest and a resume to Nina if you are interested in serving as a Reader for the Journal. We are trying to create a blind peer selection process which is used in other academic disciplines. Pieces which are submitted for publication have the names and schools of the writers removed and are sent to a number of people either

on the Board of Editors or Readers who have some expertise in certain areas. The Readers look for content and write detailed comments on the quality of the piece. They also recommend whether the piece should be published, edited or rejected.

In your letter, indicate what kinds of materials you are willing to read, the nature of your work, and any interdisciplinary materials we can send to you. Any other pertinent information will also be appreciated. If you have suggestions for Readers, please send us their names and why you are nominating them.

Submissions: Please start writing!! Nancy Cook so aptly described what we are looking for at the meeting in Albuquerque, when she used the words "disciplined writings."

Journal Name and Graphics: We need suggestions for a name for the journal and submissions of potential graphics for the front. Please send suggestions and/or illustrations to Nina by December 1, 1992. □

INCORPORATING INTO A SEMINAR OR CLINICAL COURSE THE REPRESENTATION OF AN INDIGENT DEATH ROW INMATE SEEKING CERTIORARI IN THE UNITED STATES SUPREME COURT BRINGING REALITY INTO THE CLASSROOM

by Margery Koosed (Akron)

It appeared at the last AALS Criminal Justice Section Annual Meeting workshops and at the AALS Justice Mission Conference in Cleveland this past fall that there was general consensus on several matters. First, there seemed to be considerable support for "bringing more doses of reality into the classroom." Second, many faculty wished to encourage a greater sense of professional service among their students. Third, a good number of criminal justice section members observed that capital case decisions of the United States Supreme Court were fine vehicles for class discussion of essential issues.

In keeping with these views, I have

concluded that I will once again include in my upcoming seminar course an opportunity for students to assist a death row inmate petitioning for writ of certiorari to the United States Supreme Court, under my supervision as counsel of record. I am writing to encourage other faculty teaching seminar or clinical courses to consider incorporating into their classes such an opportunity.

From a pedagogical standpoint, giving students the opportunity to research cutting-edge legal issues, to assist in preparing a petition seeking review in the nation's highest court on behalf of a death-sentenced client, and to participate in a pro bono legal experience, would appear to satisfy many of the goals which we, as professors, espoused in our sessions. From a professional and individual standpoint, taking on the responsibility to serve as counsel for an unrepresented death row inmate, even if only at one stage of review, allows us the opportunity to serve our profession and community, and to personally participate in the justice mission. Some of us currently teach, or will be teaching, Capital Punishment Seminars. This opportunity is clearly well-suited to such a course. Those of us teaching criminal process seminars, or clinical courses with an in-house criminal courts bent, would also find these cases useful, interesting, and fitting to the pro bono program. Even if no specific course of this type is included in the curriculum, capital cases appear to generate very helpful discussions in more generalized criminal procedure course offerings, and this experience could thus fit within a generalized course as well. Finally, even if no course offering could accommodate such an experience, it is quite possible that law student organizations or informal groups would wish to consider such a project to fulfill a public interest or substantive criminal justice interest, and that a group of students would welcome the opportunity to work with one or more faculty members on such a non-credit project.

Giving law students the opportu-

nity to work on a petition for certiorari under the supervision of a law professor who would serve as counsel of record would satisfy many of our pedagogical goals and provide a desperately needed legal service. The certiorari process is well-suited to such a project. There is a rather short-time period for preparation and filing. The petition itself is rather short in length, and generally limited to but a few issues. From the inmate's standpoint, the highlighting and selection of a few issues is advantageous and will not foreclose or jeopardize litigation of these or other issues in post-conviction proceedings if certiorari is denied. More importantly from an instructional standpoint, selection allows greater flexibility in fitting the exercise into a course offering. Finally, if certiorari is granted, law students would have the opportunity to observe and participate in litigation at the highest level of our appellate system.

ASSISTING THE UNREPRESENTED

Although interested faculty in states with capital punishment might consider providing assistance to death row inmates within their own state, there is a desperate need for services for the death row inmates in Texas because of the lack of available counsel in that state. I intend to have the class assist in the petition process for one or two Texas death row inmates this year, and will be happy to hear from any other faculty interested in doing so.

A bit of background on Texas' death row may be helpful. Texas has the largest death row population in the country [over 350]. Texas has already executed more persons than any other state in the country since 1974. The issue of whether Texas can execute an innocent person without violating the Eighth Amendment is currently before the United States Supreme Court. You may also have read of the fast pace of review, of how one Texas inmate completed both the state post-conviction and federal habeas corpus review process within 36 hours. Texas death row inmates need

representation. There is no centralized indigent defense system. There is no state or federal funding for attorneys to take cases into the United States Supreme Court or into state post-conviction proceedings, although a federally-funded Capital Case Resource Center does assist in recruiting attorneys for the federal habeas corpus level. Attempts to find volunteer counsel are also undermined by the death warrant practice in Texas. [A trial judge may issue a death warrant mandating execution within 60 or 90 days of the date of affirmance in the Texas Court of Criminal Appeals.] The ABA Post-Conviction Representation Project and other efforts to recruit counsel for post conviction proceedings are underway, but presently, due to time limits and the unavailability of volunteer attorneys, many Texas inmates are simply unrepresented and do not seek review in the United States Supreme Court on certiorari. What little resources are available are pressed into service for the state post-conviction process. Therefore, it is still very difficult to find attorneys.

Many of these inmates have important constitutional claims respecting their conviction or death sentence, yet no certiorari review may even be sought due to the unavailability of counsel.

HOW INTERESTED FACULTY CAN PROCEED

If you are interested in including a component of assisting Texas death row inmates in your courses, or wish to supervise such a non-credit project for your law students, or simply wish to individually provide such representation, please contact me. I am in contact with defense attorneys and others working to find counsel for unrepresented Texas death row inmates. They have suggested, and I have agreed, that a centralized certiorari project will be most likely to succeed in meeting the multiple aims law professors may wish to achieve. I have agreed to coordinate such an ad hoc Certiorari Representation Project For Texas Death Row in this coming year. There could be as many as twenty unrepresented death row in-

mates in need of assistance in this coming academic year period. Please contact me if you are interested. I will hopefully be able to match your availability to the inmate's needs, and both will benefit.

As you consider participating in this project, please note the following important points. One interested law faculty member from your school should be admitted to practice before the United States Supreme Court. A faculty member who decides to undertake representation will receive a copy of the briefs filed before the Texas Court of Criminal Appeals and the opinion of that court, an affidavit of indigence from the client, a copy of relevant portions of the trial transcript, and background information on the issues presented in the case. The following papers would be prepared and filed in accordance with the Supreme Court Rules by the faculty member serving as counsel of record: a notice of appearance, a motion to proceed in forma pauperis with accompanying affidavit, and a petition for certiorari and appendix. It may well be necessary to prepare and file a motion for stay of execution with the United States Supreme Court if this has not already been granted in the state court. Such stays are routinely granted by the Supreme Court if requested, in seeking certiorari from the Texas Court of Criminal Appeals on direct appeal.

The petition for certiorari must be rather promptly prepared. By rule, the petition is due ninety days after the entry of judgment in the Texas Court of Criminal Appeals, and while extensions of time of up to sixty days may be requested, faculty should expect that such requests may well be denied. As the inmate is indigent, there will be no filing fee, a type-written petition (not printed) will suffice, and but a few copies of the petition need be filed. Only limited expenses would be incurred: those associated with the typing, copying, and mailing of the certiorari petition, and possibly some incidental telephone charges. If certiorari is granted, the law faculty member may seek

appointment in the United States Supreme Court and attorney fees.

Due to the timing of both Texas court decisions and academic calendars, it is possible that the best intentions may not result in a matching of an inmate and a law faculty member. The best we can do is to try to give our students this invaluable opportunity. For more information, contact Prof. Margery Koosed, University of Akron School of Law, Akron, OH 44325-2901. Tel. [216] 972-6793. FAX [216] 258-2343. □

**REPORT ON A PILOT
CLINICAL PROJECT IN
EMPLOYMENT DISCRIMINATION:
Harmonizing Pedagogy
and Client Service Goals
by Gay Gellhorn (District of
Columbia School of Law)**

In designing curricula for law school clinics, clinical law professors struggle with the inherent tensions between pedagogical goals—teaching substantive law and lawyering competencies through methodologies rarely used in the traditional lecture hall law school class—and client service. Although client service may be a more explicit goal in schools such as mine, I am unaware of any law school that adopts a cynical view that clients are beside the point, or exist merely to serve the law school's needs.

Professors Gay Gellhorn and Pat Roth of the District of Columbia School of Law designed their Spring 1992 Public Entitlements Clinic for first year students and focused particularly on the lawyering skills and professional values involved in client interviewing, fact-finding, and written advocacy. We wanted to provide students with more practice opportunities than were presented by their primary assignment -- an individual social security disability case -- and we wanted to increase our assistance to persons in need of legal services. We believed we could do both by assigning first year clinical law students to conduct fact-finding interviews with persons who had called the Washington Lawyers' Committee for Civil Rights Under Law seek-

ing assistance with employment discrimination claims.

Project Design: In the Spring of 1992, We designed and implemented a pilot project for sixteen first year students enrolled in our Public Entitlements Clinic. We collaborated with attorneys Avis Sanders and Avis Buchanan from the Washington Lawyers' Committee, a non-profit law firm which serves as the Washington Metropolitan Area's central intake resource for employment discrimination complaints.

Teaching the Substantive Law of Employment Discrimination: The Washington Lawyers' Committee attorneys took primary responsibility for two, two-hour classes on the law of employment discrimination. These classes were scheduled in the fourth and fifth weeks of the semester. The students were provided with a hefty handout of specially-prepared, clearly written materials which framed the new information being presented to them. Professors Roth and Gellhorn observed and recorded their impressions of the classes. The classes combined lecture, delivered in a lively dialogue between the two presenting attorneys, and application/role playing, in which the attorneys created quick, first-person client scenarios, and then asked the students "Do I have a case?" The students actively participated in the lecture portion of the class and annotated their substantive outlines as the class progressed. The challenge presented to the students by the role play scenario was to fire off appropriate questions to help arrive at information to answer whether the hypothetical client could state the elements of a prima facie case. In other words, the students were first "taught" the legal rules, and then were asked immediately to apply them and justify their conclusion in terms of facts and law.

Teaching Interviewing, Fact Finding and Written Legal Analysis: Our curriculum immersed the clinic students in interviewing and fact-finding. In their social security cases, with client consent, the students videotaped their first interview with clients, and ap-

plied ethnographic techniques to learn from that video as part of our Professional Discourse Research Project, briefly described elsewhere in this *Newsletter*. The Employment Discrimination Project provided each student with three additional opportunities to engage in interviewing and fact-finding. Early in the semester, the student interviews identified complaints that could be closed for a variety of reasons. By the end of the semester, students had conducted interviews of complainants and witnesses in 48 matters, enabling the Washington Lawyers' Committee to identify the 11 matters that met the criteria for assignment to attorneys for litigation followup. The students also prepared a series of short memos on the employment discrimination claims for attorney review, corresponded with the complainant, analyzed professional responsibility issues, and followed file management and law office procedures and deadlines. That written work complemented the emphasis we placed on written legal analysis in the students' social security representation, in which they prepared a written brief and submitted documentary evidence at the reconsideration stage of the client's application for benefits. *Moving Clinical Methodology into the Classroom:* The joint employment discrimination project, it seems to me, is a model not only for other law school clinics looking for ways to increase the opportunities for students to develop lawyering skills and provide legal services. It is also a model, I suggest, for a traditional employment law course to add a practice dimension that will permit students to apply their "book learning" to real situations. Students expect to do this in an examination: Do these hypothetical facts state a prima facie case of discrimination under Title VII? Has the statute of limitations run? Answering these questions succinctly after garnering information in the untidy way such information unfolds from primary sources is a higher level of skill. So, too, determining whether the case can be proved (Are there

witnesses willing to come forward? Documents?) is a far more sophisticated analysis when the inquiry is made, not of sterile concocted facts, but of real people who are engaging in their own realities ("I don't want to get involved, I still work there.")

Conclusion: We are enthusiastic about the project and are continuing it this Fall with students in their second or third clinic semester. We are experimenting with student involvement at the initial intake stage, in addition to the fact-finding reports that were the focus of the first project. We have, of course, modified some of our procedures in light of our experience, but our overall evaluation of the project was that it was successful as a method to achieve both pedagogical and client service goals. □

PROFESSIONAL DISCOURSE RESEARCH PROJECT

by Patricia O. Roth (District of
Columbia School of Law)

During the Spring semester of 1992, Law Professors Pat Roth and Gay Gellhorn at the District of Columbia School of Law and Anthropology Professor Lynne Robins, a visiting anthropology professor at American University, completed the initial stages of a joint educational research project.

At the invitation of law professors Clark Cunningham (Washington University School of Law) and Naomi Cahn (Georgetown University Law Center) and anthropology professors William O'Barr (Duke) and Anita Pomerantz (Temple), they presented a description of the project at the June meeting of the Law and Society Association in Philadelphia.

The project involved sixteen first year law students enrolled in the Public Entitlements Clinic at the District of Columbia School of Law who worked in pairs to interview clients who had been denied social security disability benefits. Sixteen anthropology students enrolled in a graduate seminar in linguistics at the American University worked in groups of four to analyze client-law student interactions during these interviews. The interviews the anthropology stu-

dents observed were, in most cases, the first face-to-face meeting of client and law student(s). With client consent, the interviews were recorded on audio and videotapes and transcribed in whole or in part. The anthropology students were asked to analyze the professional interactions reflected in this body of data from the vantage point of anthropological linguistics. The two classes met four times during the semester to review and critique the videotapes of student interviews.

Professors Gellhorn, Roth, and Robins have works-in-progress as a result of the study. Professors Roth and Gellhorn intend to present a paper at a meeting Mid-Atlantic Clinic Theory Group and Professor Robins will present a paper at an anthropology conference in December. □

CASE REPORTS

[In this issue of the *Newsletter* we initiate a new feature at the suggestion of Section chair Bob Dinerstein. In each issue, we will devote some space to reporting on the case work of clinical students from around the country. Each clinical program is encouraged to send the editor some examples of case work that students are doing. The format of the case reports will evolve as this feature grows; you should not feel constrained by the format of the case reports contained in this issue, which were lifted from the Annual Report of the Women's Rights Litigation Clinic at Rutgers - Newark. Our thanks to Nadine Taub, Clinic Director, for sharing the Annual Report with the *Newsletter*.]

Throughout the history of the Sexual Harassment in Housing Project, the Clinic has also advised a number of women, directly and through their attorneys. Generally, these women have raised sexual harassment issues in the context of multi-faceted housing problems. This past spring, however, the project

moved into a new phase when the Clinic actually began to represent a woman harassed by her landlord. After representing Patricia Morin against her harasser's retaliatory eviction charges in landlord-tenant court, the Clinic prepared a civil action in state court seeking damages for sex discrimination and various torts.

Robinson v. Robinson -- In this complex matter involving a husband's efforts to block divorce proceedings and related financial awards, Clinic students helped a *pro se* litigant prepare her brief for the New Jersey Appellate Division. Arguments the litigant prepared herself focused on the propriety of the New Jersey courts proceeding in the matrimonial matter in the face of the husband's attempts to defeat these proceedings by initiating various spurious bankruptcy proceedings. The arguments prepared by the students addressed the propriety of the matrimonial court's financial decisions in light of the evidence and the ruling limiting the defendant's submission in view of his failure to comply with various *pendente lite* orders.

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FACULTY POSITIONS AVAILABLE

Hofstra School of Law may have an opening for a faculty position to begin in the fall of 1993 and is inviting applications for a full-time, regular tenure track faculty position in its clinical program. Applicants should have an interest in directing a live-client, civil law clinic in an area in which they have substantial litigation experience. Clinic responsibilities include supervision of students' clinic representation, teaching classroom seminars, and administering the individual clinic program. Applicants should have superior academic records and promise for scholarly publishing. Letters of application with accompanying resume should be sent to: Pro-

fessor John DeWitt Gregory, Chairperson - Faculty Appointments Committee, Hofstra University School of Law, Hempstead, N.Y. 11550.

Hofstra School of Law also has a visiting professor position as the Director of its Criminal Justice Clinic during the 1993-94 academic year. Responsibilities include supervising student representation in misdemeanor cases, teaching the seminar portion of the clinic, and serving as the administrator of the Criminal Justice Clinic. Visiting faculty members may also teach other academic courses depending on the candidate's interest and institutional needs. The position is available for the entire 1993-94 school year, although a semester visit will be considered. Minimum qualifications include admission to New York Bar, outstanding academic record, and four years experience as a lawyer. Preference will be given to applicants with prior teaching and supervisory experience in criminal clinical programs. Rank and salary will be commensurate with experience. Interested applicants should send their resumes and cover letters to Professor John DeWitt Gregory, Hofstra University School of Law, Hempstead, NY 11550.

The University of Kansas School of Law is seeking well qualified lawyers for positions beginning with the academic year 1993-94. 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. from an accredited law school and have an outstanding academic record. Significant legal experience is preferred. Applications should be postmarked by November 1, 1992, and should be submitted to Professor Edwin W. Hecker, Faculty Recruitment Committee, School of Law, University of Kansas, Lawrence, Kansas 66045.

Northwestern University School of Law - The Children and Family Justice Center invites applications for a full-time, non-tenure track position in the Center's Family Advocacy Division. The position involves the teaching and practice supervision of law students in a live-client clinic representing parents in juvenile abuse and neglect proceedings.

The preferred starting date is October 1, 1992, or until the position is filled. The position is funded through June 30, 1993, and may be renewed annually for up to two more years. Applicants must be admitted to the Illinois bar or be eligible to practice in Illinois, and should have excellent academic credentials, substantial litigation experience and demonstrated research and writing skills. Experience in the fields of child welfare and clinical teaching is preferred. Salary will depend on experience and will be competitive with comparable public interest positions. If interested, please send a cover letter and a resume to Ruth Alderman, Northwestern University Legal Clinic, 357 E. Chicago Avenue, Chicago, IL 60611.

The University of Pennsylvania Law School seeks to make appointments to its new Practice Professor track. Appointees will teach in the Penn clinical curriculum and supervise student fieldwork in its in-house live-client clinical program. Individuals appointed will be eligible to appointment to renewable multi-year contracts, with the potential for future promotion in rank, but will not be tenure-eligible. Standards for retention and promotion will be based on performance in clinical teaching. Applications should be directed to: Professor Michael Fitts, Chair, Faculty Appointments Committee, University of Pennsylvania Law School, 3400 Chestnut Street, Philadelphia, PA 19104.

Vanderbilt University School of Law has one, and possibly two, openings for clinical faculty members beginning in the fall semester 1993. Each position is a non-tenure-track,

three-year renewable professorship at the rank of assistant, associate or full professor of the practice of law, and carries all faculty rights and responsibilities except voting on tenure-track appointments. Teaching responsibilities include one clinical course each semester and one non-clinical course each year. Clinical courses include classroom sessions and supervision of students representing clients through the law school's in-house, live-client clinic. The position to be filled covers juvenile or civil practice; generalists or specialists in any area of civil practice will be considered. Applicants should have excellent academic credentials, preferably with some involvement in clinical programs. Salary and rank will depend on experience. Letters expressing interest should be sent with a resume to: Professor Nicholas S. Zeppos, Chair, Faculty Selection Committee, Vanderbilt University, School of Law, Nashville, TN 37240.

Yale Law School seeks an attorney/teacher for a full or half-time Clinical faculty position. responsibilities include classroom teaching and supervision of students primarily representing institutionalized and urban poor clientele. Experience in practice required and prior teaching or clinical teaching experience desirable. Connecticut bar membership, eligibility for reciprocity, or willingness to take Connecticut bar examination required. Position begins January 1 or July 1, 1993. Please send a resume by October 2, 1992 to Professor Paul Kahn, Yale Law School, Box 401A Yale Station, 127 Wall Street, New Haven, CT 06520-7397.

OTHER POSITIONS AVAILABLE

Columbia School of Law - Director of Public Interest Services. The Director will research, create, develop and administer a comprehensive program for students to increase the

awareness, emphasis, knowledge, communication, resources, programs and activities concerning public interest work and careers; and will create, develop, coordinate and implement a pro bono program for the Law School. Requirements: Law degree plus five years of lawyering experience, a substantial part of which includes public interest/public sector work; outstanding planning, organization and interpersonal skills with superior verbal and written communication skills; demonstrated capacity for initiating projects and computer experience required. Competitive salary. Excellent benefits, including tuition exemption, 4 weeks vacation and comprehensive medical. Send resume and cover letter to Columbia Law School, Box B-12, 435 West 116 St., New York, NY 10027.

Chicago Law Firm **Davis, Miner, Barnhill & Galland** seeks to hire Spanish-speaking lawyer to open office in southern California to work with us doing primarily plaintiff's employment discrimination class actions and other labor-related plaintiff's work. We would negotiate salary and a share of contingent fees. Preferred location for office is in *e.g.*, Valencia, Bakersfield, Visalia, or Oxnard/Ventura, California. Contact Paul Strauss, 312-751-1170 or send a letter and resume to Paul Strauss, Davis, Miner, Barnhill & Galland, 14 W. Erie St., Chicago, IL 60610

Georgetown University Law Center is accepting applications for Fellowships in its various clinical programs. The Fellowships last two years and pay in excess of \$25,000 per year. At the end of the two years, the Fellow is awarded an LLM degree in Advocacy. We are accepting applications for Fellows to work with the Appellate Litigation Clinic, Criminal Justice Clinic, Juvenile Justice Clinic, Center for Applied Legal Studies, Harrison Institute, the Institute for Public Representation, and Street Law.

Georgetown also administers the Women's Public Policy Fellowship

Program. This is a one year Fellowship that does not lead to an LLM degree.

Recent graduates as well as those graduating in June, 1993, are invited to apply. Persons interested should apply directly to the clinical program in which they are interested. Applications are due in December.

For more information, contact Professor Wallace Mlyniec, Associate Dean for Clinical Education, Georgetown University Law Center, 111 F Street, N.W. Washington, DC 2001. Tel. 202-662-9590.

All employers listed here are affirmative action/equal opportunity employers; women and minorities are especially encouraged to apply for these positions.