



SECTION ON

CLINICAL LEGAL EDUCATION

NEWSLETTER

Volume 93 / Number 2
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April, 1993
Columbus School of Law
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Washington, D.C. 20036

MESSAGE FROM THE CHAIR

by Karen Tokarz (Washington--St. Louis)

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I want to start by saying thank you to the 1992 chair Bob Dinerstein, the Jay Leno of clinical education, for his stalwart leadership of the Section. Bob has aided the Section in diversifying the ranks of our leadership, has nurtured our relationships with A.A.L.S., C.L.E.A., A.B.A., and S.A.L.T., fostered the development of a peer-edited clinical journal, and kept us all entertained. You will see him next in his new role as Songwriter Emeritus, appearing live at the McLean Hilton in May.

If you were there for my State of the Clinic inaugural address at the Section on Clinical Legal Education business meeting in San Francisco, you heard me articulate our agenda for 1993 in the words of that immortal soul singer and erstwhile animal rights activist, Aretha Franklin:

- R - Regional conferences funded by the Section — as a way of introducing new clinic teachers to clinical teaching, sharing teaching ideas, and sharing scholarship.
- E - Equality and enforcement of A.B.A. Standard 405(e), especially salary parity, especially for women clinicians — through our support for efforts like Bob Scibel's annual salary studies and the work of our Tenure and Promotion Committee (which I propose to rename the Tenure, Promotion and 405(e) Enforcement committee).

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S - Social justice and public service — through our support for efforts like the A.B.A. proposed Public Service Graduation Requirement and through the work of our Clinical Teaching in Public Interest and Political Interference committees.

P - Pluralism, diversity, dealing with difference — through our support for efforts like the S.A.L.T. teaching conference in May and through the work of our Dealing with Difference committee.

E - Educational leadership in areas of scholarship, curriculum development, and methodology — through our support for the new clinical journal and the work of our Clinical Scholarship, Integration of Clinical Methodology into the Traditional Curriculum, Alternative Dispute Resolution, and Computers committees.

C - Clinical (live client) opportunities for all law students — through our support for the A.B.A. MacCrate Task Force; our work with Congress, the Department of Education, and the Legal Services Corporation; and the efforts of our In House Clinics, Externships, Clinical Financial Resources, and Attorneys Fees committees to develop diversified funding sources.

T - Teamwork with C.L.E.A., A.A.L.S., A.B.A., S.A.L.T., and others.

Clinical Education for All Students

In my view, our ultimate or overarching objective is to provide clinical education (live client) opportunities for all law students. I am excited by the A.B.A. MacCrate Task Force report, released last August, and what it portends for the clinical movement. Several clinicians, including Tony Amsterdam (N.Y.U.), Randy Hertz (N.Y.U.), Joe Harbaugh (Richmond), Michael Norwood (N.M.), and Roy Stuckey (So. Car.) contributed to this landmark project.

The report stops short of saying that all law schools must provide all law students with clinical educational opportunities in all the identified competency skills — but it comes close. Its conclusions are decidedly pro-clinical and it will surely push schools to in-

crease their clinical offerings. The report identifies the skills and values that competent lawyers should seek to acquire; confirms that there is a wide gap between what law schools are offering and what lawyers need for competency; acknowledges the public interest, social justice responsibility of lawyers and law schools; recognizes deficiencies in the Langdellian appellate case method of teaching; and endorses the need for additional skills training in law school curricula.

To the distress of the A.A.L.S. and many deans, the Illinois Bar Association at the recent mid-year meeting of the A.B.A. proposed that the Task Force report be incorporated into the A.B.A. accreditation standards to require law schools to provide more skills training. While no action was taken at the mid-year meeting, the proposal reflects the urgency with which some members of the A.B.A. want to move on the report. (See *Timing Questioned as Bar Group Calls for Accreditation Change*, Nat'l Bar J., Mar. 8, 1993, at 4).

I hope clinicians will be in the vanguard of this renewed national plea for increased clinical education. I urge clinicians to provide visible support for the thrust of the report and to get involved in the debate about implementation. I see the role of clinicians to translate, mediate, and facilitate the dialogue between the A.B.A. and the A.A.L.S. Clinicians are well suited and well situated to play these roles. Clinicians have a vision of legal education that reconciles the seemingly competing interests: clinicians have always believed that theory informs practice and practice informs theory, and that law schools can and must teach both.

The Young Lawyer's Division of the A.B.A. may have given clinical education another boost through its proposed resolution encouraging law schools to establish mandatory public service graduation requirements. Public service work is defined as any legal work performed without compensation which is provided to indigent clients at no cost to the client or which is performed generally in the public interest. The resolution will be considered in

April by the A.B.A. Skills Training Committee, which includes myself, Bob Dinerstein, Roy Stuckey, Jane Johnson and John Elson (Chair), and in June by the Council of the A.B.A. Section of Legal Education and Admissions to the Bar.

Clinical Conferences — a Source of Community

This year's A.A.L.S. clinical workshop in McLean will be, I believe, the fifteenth annual A.A.L.S. clinical workshop or conference. Since the Section and the workshop/conferences first began, our numbers have grown tremendously. The current A.A.L.S. directory of law teachers lists over 1,000 clinical faculty. The A.A.L.S. office lists about 700 members in the Section, the largest section by far in the A.A.L.S.

We are the only section that requests and sustains an annual workshop or conference. These teaching conferences occupy a special place within the clinical world. At a formal level, they serve to coalesce thinking about important pedagogical developments, demonstrate and promote the exchange of information about new and ever-changing teaching techniques, and crystallize both intellectual and pragmatic approaches to clinical education that increasingly are translated into written clinical scholarship. Informally, the conferences offer clinicians, still too often marginalized at their own law schools, a safe haven where they can connect with colleagues in other programs who are struggling with many of the same issues.

Despite the frequency with which clinicians meet — at the A.A.L.S. annual meeting and at the yearly workshop or conference — there is no sign of abatement in clinicians' interest in attending teaching conferences. The 1992 A.A.L.S. conference in Albuquerque, New Mexico, provided powerful evidence of this phenomenon. Over 275 clinicians attended the conference, making it the best-attended conference the A.A.L.S. has ever sponsored. Indeed, some clinicians who wished to attend the conference were unable to do so because the A.A.L.S., faced with facility limitations, was forced to close out registration. This year's workshop is

designed to accommodate larger numbers if necessary.

Not only must the Section adjust for our increasing size, we must also accommodate the high turnover in clinical faculty and recognize our increasing diversity. For these reasons and because some clinical faculty, especially non-tenure track, are unable to get funds from their deans to attend national conferences, I think we need more regional conferences. The Section has a large amount of money in its account to support regional conferences and I encourage you to consider such a conference in your area. (The annual Midwest Clinical Teachers Conference for years has attracted 50-75 clinicians. Past coordinators including Barbara Schwartz (Iowa), Ann Juergens (Wm. Mitchell), and Nina Tarr (Washburn) are available to provide assistance.)

For similar reasons, I have initiated the first national clinical directors conference to be held in McLean on May 5-6, immediately preceding the Workshop. As clinical programs and clinical faculties grow, so do the complexities of being a clinic director. The conference is designed for directors with primary responsibility for law office management, community and client relationships, personnel, curriculum development, fundraising, public relations, and/or budgeting. Thanks go to co-chairs Sue Bryant (C.U.N.Y.), Peter Joy (Case Western), and Alan Kirtley (Washington) who have done a terrific job in organizing this inaugural event. (Also in McLean on May 5-6, C.L.E.A. will be sponsoring an Externship Conference — see details within.)

National Funding Issues in Clinical Education

There have been several major clinical funding developments in recent months requiring A.A.L.S. and Section activity on Capitol Hill. In a somewhat unexpected move last October, the Legal Services Corporation Board proposed to cut from their FY 1993 budget the \$1.2 million grant line item for clinical programs. Approximately 20-25 law schools receive L.S.C. grants each year.

A.A.L.S. President Curtis

Berger appeared before the L.S.C. Board in January to oppose the funding cut, arguing (1) that training provided by law schools using L.S.C. grants has led many clinic students to undertake pro bono legal services for the poor after graduation; (2) that the abruptness of the termination will pose difficulties for many schools; and (3) that the Board-commissioned study on the effectiveness of L.S.C. grants has not yet been completed. The Section's Financial Resources Committee also mobilized a number of clinicians and deans to submit statements.

Notwithstanding the arguments by President Berger and others, L.S.C. voted on March 18 to request permission from Congress to reallocate the \$1.2 million line item in its FY 93 budget to corporation management and administration, a loan forgiveness pilot program, and basic field programs. Particularly because many schools currently receiving L.S.C. funds may well have planned their AY 1993-94 budgets with an expectation for these funds, the A.A.L.S. is asking Congress to deny the reallocation request for FY 1993 and engage in additional discussions on FY 1994. The matter will be taken up by the House and Senate Appropriations Committee-Justice Subcommittees in the near future. If your school is affected, please talk with the co-chairs of the Financial Resources Committee, Dan Power (Drake) and Angela McCaffrey (Hamline).

On a more positive note, former President Bush (yes!) signed last July the re-authorization legislation of the Higher Education Act (Title IX Law School Clinical Experience Program). Thanks to the hard work and lobbying of many in the Section, Congress raised the level of appropriations for law school clinical grants for FY 1993 from \$8 million to \$10 million. We owe a debt of thanks to Rep. Neal Smith (D.-Ia.), the chairman of the House Appropriations Commerce Justice Subcommittee, for his continued support. (Over 100 applications were filed by the March 1 deadline for grants for the coming year!) While the A.A.L.S. may not always support all of our endeavors, the A.A.L.S. has been very

helpful in our legislative efforts to increase funding for clinical education. Section Committees, the Annual Program, and A.A.L.S. Conferences

I would like to encourage all of you to participate in the Section's committees. I have asked each committee to take on a specific project, e.g. the In House Clinic Committee plans to publish a refined version of the Clinical Directory. I personally hate committee work. On the other hand, however, there is much to be done. I hope to appoint one new co-chair for most committees in the near future. So, if you are interested, and/or have ideas for projects, please give me a call.

The planning committee for the clinical program for the annual meeting next January in Orlando includes co-chairs Abbe Smith (Harvard/ and Steve Wizner (Yale), and Isabelle Gunning (Southwestern), Catherine Klein (Catholic), and Leslie Espinoza (B.C.). Part of the program will focus on the use of media and popular culture in clinical teaching, a/k/a the "Clinical Section goes to the Movies." Of course, we will serve popcorn and soda in lieu of rolls and coffee. Some suggestions for the remaining portion include the intersection of clinical education and public service graduation requirements, the use of clinical methodology to teach critical race theory, feminist jurisprudence (advice versa), the MacCrate Report, clinical education in first curriculum.... Please give me or them a call if you have ideas, if you are interested in participating.

The Section has little input as to who serves on the planning committees for the A.A.L.S. annual conferences; the members are not even always clinicians. Fortunately, the planning committee for the 1994 conference includes several experienced clinicians, Jane Aiken (So. Car.), chair, Isabelle Gunning (Southwestern), David Binder (U.C.L.A.), Jane Spinak (Columbia), and Edward Ohlbaum (Temple). Call them with your thoughts and suggestions.

I look forward to seeing you in D.C. in May or hearing from you soon. Happy Spring!

Committee Reports

Committee on Attorneys' Fees

by Doug Parker (Georgetown),
co-chair

The committee on attorneys' fees is preparing a report on the issues arising when clinics obtain attorneys' fees from clients or through court awards. At the January AALS meeting we distributed a questionnaire concerning this issue and have reprinted it in this issue of the *Newsletter*. The partial information already collected indicates that our practices vary widely, and that some of those practices may be detrimental, if not potentially unethical. It will be extremely helpful if you complete the questionnaire (see p. 26 -ed.) and return it to Doug Parker at Georgetown University Law Center, 600 New Jersey Avenue, N.W., Washington, D.C. 20001.

Committee on Clinical Teaching in the Public Interest

by Hank Rose (Loyola-Chicago),
co-chair

The Committee on Clinical Teaching in the Public Interest met in San Francisco. The committee's discussion focused on the impact that student pro bono programs, whether voluntary or mandatory, have on law school clinical programs. It was recognized that pro bono programs have the potential to be both an alternative to participation in clinical programs and a catalyst for clinical program participation. The committee agreed that clinicians at schools with active pro bono programs should be surveyed concerning the effects that these programs have had on clinical activities. Also, the committee will send a representative to an ABA conference focusing on law student pro

bono programs to be held in Baltimore in April, 1993. The committee also agreed that clinicians need to share more information with each other about significant public interest activities (e.g., litigation, curricular innovations). To begin this effort, the committee has asked John Elson of Northwestern to provide a brief description of his work on an important public interest issue. (See p. 16 ed.)

Among Ourselves

Bob Seibel (Cornell) and his wife, Kathleen, recently took delivery of a pair of alpacas, which they have named Rocky and Bullwinkle. Bob and Kathleen also own three llamas. Unfortunately, the photograph that Bob sent of their youngest llama wouldn't reproduce well enough to include in the *Newsletter*. You will have to ask Bob for pictures the next time that you see him. You also might want to pick up a copy of the Winter 1992-93 issue of LLAMA LIFE, page 22.

Bob Seibel and JoAnne Miner (Cornell) will be expanding their Women and Law clinic to a 6 credit course with an additional classroom component for next year. The course, new this year, focuses on representation of women in family law matters and includes examination of questions related to feminist methods of lawyering and lawyering role issues for women lawyers and students.

Barry Strom (Cornell) has developed a Government Benefits Clinic. Students represent clients in a wide range of entitlements cases, mostly in administrative hearings. There is also a class component in which students study leading cases, and issues of benefits law. Moving to the cutting edge of computer technology in the course, Barry used a searchable infobase with cases, statutes, regulations, and an electronic copy of his book, Public Benefits in New York. Students could

access this material for class work and case work, and Barry was able to use a flexible syllabus for the course which changed depending on the cases students handled.

Karen Peterson (Cornell) recently led a small group of students in an unusual project. The Ithaca City Council was seeking to protect tenants with a proposed ordinance relating to security deposits. Karen supervised the students in some legislative research and advocacy. The student presentation to the Council was probably the key element in showing that some aspects of the proposed ordinance would actually adversely affect local tenants. The Council was persuaded to modify the ordinance in accord with the student suggestions.

Glenn Galbreath (Cornell) continued to teach Trial Advocacy as well as directing the Legal Aid program. His trial teaching is now informed by more than a year of experience on the bench as the Village magistrate for his community. He is also co-teaching a Civil Liberties Clinic which is handling trial and appellate cases focused on religious freedom issues.

Shirley Brandman (Cornell) will join the clinic on a part time basis next year to offer a child advocacy clinic. She is already in residence at the clinic developing the program.

W. Lewis Burke (South Carolina) has become Associate Dean for Administration and Vance L. Cowden is now the Director of Clinics and Chairman of the Department of Clinical Legal Studies.

John B. Mitchell (Puget Sound) was the recipient of the Outstanding Teaching Award for 1992 and the Faculty Graduation Speaker at the University of Puget Sound Law School.

Roy D. Simon, Jr. has been appointed supervisor of the Disabilities Law Clinic at Hofstra.

Michael L. Perlin (New York

Law School) was the keynote speaker at the Mississippi Protection & Advocacy Systems' yearly conference in August. He spoke on "Reading the Supreme Court's Tea Leaves: New Trends on Mental Disability Law."

Harriet S. Rabb (Columbia) and **Carrie J. Menkel-Meadow** (UCLA) were quoted in a recent article on teaching legal ethics that appeared in the Wall Street Journal (January 19, 1993).

Harriet S. Rabb (Columbia) is the recipient of the Public Interest Achievement Award given April 1, 1993, by The Public Interest Law Foundation at Columbia, Inc.

Sue T. Bench (St. Mary's) was named the 1992 recipient of the "Belva Lockwood Outstanding Young Lawyer Award" at the annual Bench Brunch of the Bexar County (Texas) Women's Bar Foundation. The Foundation awards the Belva Lockwood Outstanding Lawyer and Outstanding Young Lawyer Awards every year to attorneys "recognized for being exemplary role models as women attorneys."

Clinicians on AALS committees include: **Carrie J. Menkel-Meadow** (UCLA), **Jack L. Sammons** (Mercer) and **Howard Lesnick** (Pennsylvania)--Committee on Bar Admission and Lawyer Performance; **Douglas N. Frenkel** (Pennsylvania), **Jeffrey H. Hartje** (Denver) and **Elliott S. Milstein** (American)--Committee on Clinical Legal Education; **Ann C. Shalleck** (American)--Committee on Curriculum and Research; **Daniel L. Power** (Drake)--Committee on Government Relations; **David A. Binder** (UCLA) and **Leslie G. Espinoza** (Boston College)--Committee on Professional Development.

The AALS has named the Planning Committee for the 1994 Conference on Clinical Legal Education. They are: **Jane H. Aiken** (South Carolina), Chair; **David A. Binder** (UCLA); **Isabelle R. Gunning** (Southwestern); **Edward D. Ohlbaum** (Temple); and

Jane M. Spinak (Columbia).

Arlene Kanter (Syracuse) was granted tenure. She was also granted a sabbatical for next year (1993-94), which she will spend in Israel assisting with the expansion of clinical programs in law schools in Israel and working with a civil rights organization to protect and expand the rights of people with disabilities.

Nicki Russler (formerly at Tennessee) writes from library school at the University of Tennessee that library school is boring and time-consuming, but she has an e-mail account. You can reach her at russler@utkvx.utk.edu or russler@utkvx. Nicki also reports that **Susan Kovac** (also formerly at Tennessee) is regional DHS counsel.

The Third International (Lake Windermere) Conference on research into the Legal Profession and Clinical Legal Education, sponsored jointly by the Faculty of Law, University of Liverpool and School of Law, UCLA, will feature **Gary Blasi**, **Carrie Menkel-Meadow** and **Paul Bergman** (all of UCLA) as speakers. The Conference will be held at the Low Wood Conference Centre in England's Lake District. The Conference is scheduled to run from Thursday, July 8, to Sunday, July 11, 1993.

Jane G. Heymann has recently joined the Legal Assistance Program at the University of Wisconsin Law School.

Jerry Black has been appointed Acting Director of the Tennessee Legal Clinic.

Leah Worthan (Catholic) testified recently before the Ways and Means Committee of the U.S. House of Representatives in support of the simplification of the tax laws regarding the employment of domestic workers. She also supported a well-designed amnesty program for employers who have failed to pay social security taxes for their domestic workers.

OF INTEREST TO CLINICIANS

Revised Interpretation 2 of Standard 306 Adopted by ABA

In his memorandum forwarding to the Deans of ABA-accredited law schools the recently adopted revision of Interpretation 2 of Standard 306 (Externship Programs), James P. White, Consultant on Legal Education to the ABA, wrote: "In December of 1986, the Council [of the Section of Legal Education and Admissions to the Bar of the American Bar Association] adopted Interpretation 2 of Standard 306 regarding field placement programs. Subparagraph (e) of that Interpretation stated factors that the Accreditation Committee should consider in evaluating whether field placement program credit was "commensurate with the time and effort expended by and the education benefit to the participating student" as required in Standard 306(c). From that time to the present, the Accreditation Committee has had a great deal of experience in dealing with many law schools concerning the application of the Interpretation to diverse field placement programs. In 1990, the Accreditation Committee formed a Subcommittee on Externships to study whether that experience warranted amendment or revision of Interpretation 2. After careful review of the history of consideration of field placements by the Accreditation Committee, the Subcommittee determined to seek the views of Deans and other interested parties. Comments were solicited by Memorandum dated May 23, 1991, and all those received were considered and were very helpful to the Committee in its evaluation project and preliminary proposals.

Some goals of the review were to set down more definite criteria to allow the schools to plan and supervise

their programs better; to reduce repeated or unnecessary report-backs from law schools to the Accreditation Committee concerning their diverse field placement programs and experiences; to reduce inappropriate micro-management at the regulatory level; and to acknowledge and emphasize faculty/law school responsibility. In other words, having developed policy, on a common law application and adjudication basis, beyond the original promulgation of the factors in December of 1986, the Accreditation Committee thought that some of the advantages of promulgating policy by interpretive rulemaking would now be useful both to the schools and to the Accreditation Committee.

Following over a year of study, review, comment-gathering and discussion, the Accreditation Committee proposed a draft revision of the Interpretation. Pursuant to usual Section procedures, the matter was next reviewed by the Standards Review Committee, which proposed certain recommendations for amendments to the proposed revision of the Interpretation. The Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association at its meeting of August 8, 1992 had both the proposals of the Accreditation Committee and the Standards Review Committee before it. To keep the process moving expeditiously, the Council determined to send out both recommendations for further written comment at that time. After receipt of this round of comments, it was expected that the Accreditation Committee and the Standards Review Committee would draft a single amalgam of the best formulation, substantively and stylistically, for submission to the Council for adoption at its December, 1992 meeting.

On September 9, 1992 a request for comment was sent to Deans and other interest parties. The responses were reviewed by both the Accreditation Committee and the Standards Review Committee.

At its November 5-7, 1992 meeting the Accreditation Committee accepted the Standards Review Committee format. The Committee ob-

served that the revised Interpretation is a codification of the common law that has developed over a period of years in the application of the Interpretation. After the Accreditation Committee's action, the Standards Review Committee reviewed the matter again at its meeting of November 8-9, 1992. Before resubmission to the Council, changes were made in the combined recommended draft of the Accreditation Committee in response to comments from the schools. The joint newly revised proposal was forwarded to the Council for adoption of the revision of Interpretation of Standard 306, with the recommendation that the effective date of the revised Interpretation be July 1, 1993.

Prior to the December 4-5, 1992 meeting of the Council, several deans again wrote stating their views concerning the proposed Interpretation.

At its December 4-5, 1992 meeting the Council resolved its intention to adopt the revised Interpretation and that the proposed revision be again circulated to deans and other interested parties for further comment and consideration. [The revised interpretation 2 was adopted on February 6, 1993; it is reproduced herein.]

Revised Interpretation 2 of Standard 306(c) Regarding Field Placement Programs

(a) A law school that has a program that permits or requires student participation in studies or activities away from the law school (except foreign programs) shall develop and publish a statement that defines the educational objectives of the program. Among educational objectives of these programs may be instruction in professional skills, legal writing, professional responsibilities, specific areas of the law, and legal process. The educational objectives shall be communicated to the students and field instructors.

(b) These programs shall be approved by the same procedures established by the law school for the approval of other parts of its academic program and shall be reviewed periodically in accordance

with those procedures and in light of the educational objectives of the program.

(c) The field instructor or a full-time faculty member must engage the student on a regular basis throughout the term in a critical evaluation of the student's field experience.

(d) In field placement programs, as the number of students involved or the number of credits awarded increase, the level of instructional resources devoted to the program should also increase. The School and the Accreditation Committee shall evaluate programs in light of the following factors:

- (1) adequacy of instructional resources,
- (2) classroom component,
- (3) prerequisites for student participation,
- (4) number of students participating,
- (5) amount of credit awarded to each student,
- (6) evaluation of student academic achievement,
- (7) qualifications and training of field instructors,
- (8) evaluation of field instructors, and
- (9) visits to field placements.

(e) In all field placements in which a field instructor is responsible for the direct supervision of students, the following criteria shall apply:

(1) A student shall not participate prior to successful completion of at least one year of study in an ABA-approved law school.

(2) The full-time faculty must review the program periodically to ensure that the law school and the faculty exercise their responsibilities in the implementation of the program and that it meets the stated educational objectives.

(3) There shall be some established and regularized communication among full-time faculty, student and field instructor during the field placement experience. An on-site visit by full-time faculty during the course of each field placement is preferred. The field instructor should participate with the full-time faculty in the evaluation of the student's academic achievement.

(4) In conducting the review

of the program and the participation of each student required by Standard 306(c), the full-time faculty member shall consider the following factors:

- (a) the time devoted by the student to the field placement,
- (b) the tasks assigned to the student,
- (c) selected work products of the student,
- (d) the field instructor's performance.

(5) A contemporaneous classroom component is preferred.

(6) Teaching credit shall be given commensurate with the instructional responsibilities of the full-time faculty member in relation to the number of students and the credit hours granted.

(f) In extraordinary circumstances a school may apply to the Committee for a variance from this Interpretation to permit a law school administrator or a part-time faculty member whose experience makes him or her qualified to serve the functions of a full-time faculty member within the meaning of Standard 306.

(g) The Accreditation Committee will closely scrutinize field placement programs in which the amount of academic credit awarded is substantial, the student/faculty ratio of the placement is high, the field placement occurs at a significant distance from the school, or the field placement is initiated by the student rather than by the faculty.

(h) In those field placement programs that award academic credit in excess of six credit hours per semester, the following additional criteria apply:

(1) A classroom component is required. If the classroom component is not contemporaneous, the school has the burden of demonstrating that its alternative is a functionally and educationally equivalent classroom experience involving full-time faculty. The alternative may be a meaningful pre- or post-field placement experience involving full-time faculty. The classroom component may be satisfied by regular tutorials conducted by the full-time faculty.

(2) A written appraisal of each program shall be conducted at least

every three years by the law school to evaluate whether the program is meeting its stated educational objectives.

(3) The school shall ensure that there is careful and persistent full-time faculty monitoring of the academic achievement of each student. This shall include an on-site visit in each field placement by full-time faculty in the course of field placements. The school shall document this monitoring.

ADOPTED - FEBRUARY 6, 1993



Roy Stuckey

ANNUAL REPORT TO THE AALS ON THE SECTION ON CLINICAL LEGAL EDUCATION

by Robert Dinerstein (American)

[This is the annual report to the AALS by the immediate past chair of the section, Bob Dinerstein.]

The Section on Clinical Legal Education's ("Section") annual meeting program was highly successful. Roughly 200 people attended the morning plenary session, and almost as many attended the afternoon plenary session co-sponsored with the AALS Committee on Curriculum and Research. Small-group sessions were also well-attended and highly participatory. The business

meeting, at the end of a long day, attracted some 75 Section members. Although we did not distribute formal program evaluations, informal feedback to the Section Chair and Program Chair was uniformly positive and enthusiastic, with a number of people commenting that it was the best section annual program in years. As always, the Section lunch was popular; 141 people attended the lunch and ceremony for Roy Stuckey, this year's recipient of the Section's award. These numbers, along with the extremely successful Clinical Teachers' Conference in Albuquerque (275 attendees), reflect the vitality of the section and the clinical movement in general. Substantively, the annual meeting program was designed to appeal to a broad range of clinical teachers and other interested in clinical methodology. In the morning session, the panel presented a videotape of law students and clinical supervisors discussing their handling of a simulated case. After the tape was shown, each panelist led a medium-sized group in a discussion of the tape from one of the following perspectives--teaching theory, lawyering theory, systemic advocacy, and issues of difference. The groups then reassembled in a plenary session to report on the discussions. In the afternoon, the first program included concurrent sessions on externships, clinical scholarship, new teachers, and international linkages. In the final session, the joint program with the Curriculum Committee presented a panel of clinicians and non-clinicians who examined the use of client and other narratives in traditional and clinical settings. The success of this last session bodes well for future collaborative endeavors between the Section and other AALS sections and committees. The richness of the annual meeting program was a fitting conclusion to an active and productive year for the Section. The Section produces three newsletters [...], which contained the usual mix of information and short essays about important topics in clinical education. The AALS approved the Section's request to establish a liaison relationship with the newly-formed Clinical Legal Education Association.

At the request of the Chair, the Section's executive committee terminated the Section's committee on alternatives, while approving the creation of a new committee on alternative dispute resolution clinical programs. Section membership continues to increase, and with all current members entered on a database (thanks to the efforts of our membership committee chair, David Chavkin of Maryland), the Section's ability to disseminate important information to its members and to others interested in clinical education was greatly enhanced. The Section also distributed a draft directory of clinical programs that lists programs by law school and type of clinic; once complete, the directory will be extremely helpful in facilitating information and idea exchange among clinical teachers.

Numerous other Section committees were active this year. A full recitation of committee activities would fill up many pages. One especially active committee was the committee on clinic financial resources, which monitored the Legal Services Corporation's and Department of Education's funding of clinical programs, especially the former's plan to terminate such funding. At the Section's request, the AALS Committee on Clinical Education requested the AALS to urge LSC to reconsider its precipitous plan. Our efforts to provide new committee leadership, and therefore identify future leaders for the Section, were quite successful. In particular, we incorporated a number of clinicians of color into the Section's leadership ranks. An ad hoc group of clinicians of color was formed at the Albuquerque conference; over thirty clinicians of color attended the initial meeting of the group.

The Journal of Legal Education accepted for publication in its December 1992 issue (due out in Spring 1993) the Section's Report on the Future of the In-House Clinic. Publication in the journal will assure the wide dissemination of this important document, which has already had a significant impact at law schools and with the ABA's MacCrate Task Force Report. Section members have also been active in the formation of the new clinical

legal education journal, a peer-edited journal to be housed at New York University Law School. The journal hopes to publish its first issue within one year. The AALS disapproved the Section's request to establish a liaison relationship with the ABA Section of Legal Education and Admissions to the Bar. The AALS Executive Director disapproved our proposal to amend Article VI, Section 2 of the Section's by-laws to authorize the expenditure of up to \$2,000 of Section income per year for purposes consistent with our overall by-laws. The Section's executive committee is in the process of drafting a new proposed amendment more narrowly tailored to cover one of the problems the proposed by-law would have addressed: the inability of some Section members to attend AALS conferences or workshops because of insufficient financial support from their law schools. The Section would support any AALS effort to re-examine and expand the autonomy of AALS sections (including increased flexibility in the expenditure of dues-generated Section income). Section leadership is ready and willing to provide input to the AALS Committee on Sections and Annual Meeting or any other entity the AALS designates to study this issue.

Clinical Legal Education Workshop May 6-8, 1993.

The AALS Workshop on Clinical Legal Education will be held May 6-8, 1993, at the McLean Hilton in McLean, Virginia (the greater metropolitan area of Washington, D.C.). Planning Committee Chair David A. Binder (University of California at Los Angeles) will welcome participants to the Workshop.

On Friday, May 7, the first panel of speakers will discuss "Introducing Underlying Conceptual Dimensions in the Classroom," with Albert J. Moore (University of California at Los Angeles) covering "Proof" and Holly Maguigan (New York University) discussing "Strategic Decision-Making." After lunch, a second session will ex-

amine "Implementing Conceptual Concepts in Casework," with sessions by Randall D. Schmidt (Chicago) on "Proof" and Robert G. Burdick (Boston University) on "Introducing Students to Negotiation Models in Actual Cases." A third panel, composed of Conrad Johnson (Columbia) and Robert David Dinerstein (American), will examine the topics of service objectives, social justice objectives, and challenging students' preconceptions in "Goals Beyond Skills Training."

Saturday sessions will include a panel discussing "Can We Do It All? The Need to Make Choices and Set Goals," with Professor Binder, Gerald P. Lopez (Stanford), and Laura W.S. Macklin (Georgetown). A final panel will examine "Where Do We Go From Here? Identifying Means of Implementing Choices Through Curricular Change, Teaching Emphasis or Case Selection," with Paula C. Johnson (Northern Illinois), Beatrice A. Moulton (University of California, Hastings), and Mark Spiegel (Boston College). In addition to Professor Binder, the other members of the Planning Committee for the Workshop on Clinical Legal Education are Jane H. Aiken (South Carolina), Stefan H. Krieger (Southern Methodist), and Jose L. Martinez (New Mexico).

CLEA'S First Conference Scheduled for May 5-6

The Clinical Legal Education Association (CLEA) is sponsoring "The First National Conference About Planning and Delivering Quality Externship Programs," to be held in McLean, Virginia immediately preceding the AALS Clinical Section Workshop. The program begins at 1PM on Wednesday, May 5, and will end at 5PM on Thursday, May 6. The program will consist of panel discussions and presentations on (1) Setting appropriate goals; (2) Implementing goals through -- classroom component, faculty and non-faculty field supervision, tutorials, training of field supervisors, and understanding; and (3) Meeting the latest ABA accredita-

tion standards, including the revised interpretation 2 of standard 306. The program committee (Linda Morton -- Cal. Western; Larry Krieger -- Fla. State; Leah Wortham -- Catholic; Bob Seibel -- Cornell; and Keri Gould -- New York) have put together a program featuring speakers who are among the most experienced and innovative externship teachers, and will provide small group sessions for sharing information and problem solving. All activities will be at the McLean Ritz Carlton Hotel. Registration is \$90, which includes breakfast and lunch on Thursday. Please make hotel reservations directly with the Ritz [703-506-4300], and be sure to mention that you are with CLEA to get the special rate of \$118 per night (drops to \$112 when 50 people register). The Ritz is a 10 minute walk from the Hilton, site of the AALS workshop (the Hilton did not have room for the CLEA program). The weekend rate at the Ritz of \$99 is available for Friday and Saturday, so you may want to stay at the Ritz during the AALS workshop if you are attending it. For more information contact Prof. Robert F. Seibel, Cornell Law School, Myron Taylor Hall, Ithaca, NY 14853, phone: 607-255-4196.

Clinical Directors Conference to Precede AALS Clinical Section Workshop

Clinical Program Directors have been invited to attend the first national conference of clinical program directors at the McLean Hilton in McLean Virginia, on May 5-6, preceding the AALS Clinical Workshop May 6-8, also at the McLean Hilton. The conference is designed for persons who currently are directors of law school clinical programs. The program is geared to the one or two persons with overall or final responsibility for law office management, community and client relationships, personnel, curriculum development, fundraising, and/or budgeting matters.

The working title for the directors conference is "Clinical Direc-

tor as Manager." The program will provide clinical directors with an opportunity to exchange information and ideas, as well as learn from each other. The conference is also intended to establish mentoring relationships for new directors and to serve as a catalyst for other clinical directors meetings in the future.

The conference begins with a reception at 6:30 on Wednesday, May 5 and ends with a closing session at 5:30 on Thursday, May 6. The conference fee is \$60. The fee pays for dinner on May 5, and breakfast, snacks, and lunch on May 6. Separate hotel reservations are required; call the Hilton (703-847-5000) and tell them that you are with the AALS Clinical Section, Project Director's Meeting. The rate for Wednesday night is \$125/single or \$145/double. For further information contact Prof. Susan Bryant (CUNY): 718-575-4328.

1993 Clinic Directors Conference Tentative Schedule

Wednesday, May 5

6:30-7:30 Welcoming reception.

7:30-9:30 Dinner and First Session.

What do you want for your workplace, students, faculty, supervising attorneys, staff, and yourself in your ideal clinic? List adjectives and feelings to answer these questions. Small group discussions to be followed by large group brainstorming.

Thursday, May 6

9:00-10:15

"Maximizing Human Relationships" - large group meeting. Speaker: Holly Hartstone, management consultant, New York, former clinical faculty member at Columbia and C.U.N.Y. law schools.

10:15-10:30 Break.

10:30-12:00 Small group meetings.

Small groups will react to morning presentation and discuss the

human relationship issues confronting clinical directors. Such issues include: a clinical director's relationship to other clinical faculty, staff, externship supervisors, deans, and other faculty; managing relationships of faculty, students, administrative staff, and clients; in service training, evaluations, and periodic reviews.

12:00-1:15 Lunch.

1:30-2:30 Long Range Planning" - large group meeting

2:30-2:45 Break.

2:45-4:00 Small group meetings.

Small groups will discuss techniques, issues, and topics for long range planning. How can we plan to create the type of clinical development we described Wednesday evening?

4:15-5:00 Large group meeting.

Small groups will report back in brainstorming session. (If there are enough portable computers, written reports will be shared with everyone.)

6:00 ? Opening reception for A.A.L.S. Clinical Conference.

Clinicians of Color to Meet During Clinical Workshop

Clinicians of Color will hold a meeting during the AALS Clinical Workshop in McLean, Virginia, May 6-8, 1993. All members should watch for further notice as to the specific date and time. Results of the recent survey will be discussed at the meeting, as well as plans for the '94 Clinical Conference.

Grants available for projects that improve quality of law teaching

The Institute for Law School Teaching at Gonzaga University School of Law is offering grants up to \$5,000

for projects to improve the quality of law school teaching. Projects might demonstrate innovative teaching technology, produce empirical research, create innovative teaching materials, or study law school pedagogy.

Grant applications are due May 14, 1993. For further information and application materials, contact Paula Prather, Program Assistant, Institute for Law Teaching, Gonzaga University School of Law, P.O. Box 3528, Spokane, WA 99220-3528 or telephone 509/328-4220 (ext. 3740).

Environmental Equity Conference at Rutgers

Rutgers Urban Legal Clinic and the Environmental Litigation Clinic, both located at Rutgers Law School-Newark are co-sponsoring a conference entitled "Environmental Equity: An Attainable Goal?" The conference will be held on Saturday, April 3, 1993, at Rutgers Law School, 15 Washington Street, Newark, New Jersey. Panels will be exploring the disparate impact poor communities of color experience from environmental poisons, as well as possible strategies for addressing the problems. For further information please contact Joanne Robinson, Esq. (201) 648-5576.

Seeking Materials

Joan Meier (George Washington University) is designing a new clinic which will mix litigation and system reform advocacy on domestic violence and family law (the "Family Law and Advocacy Project"). She is very interested in seeing class materials from clinics focused on public interest or social change lawyering. Such materials could include class materials (lesson plans, roleplays, etc.), syllabi and articles or other readings assigned to students in. She would greatly appreciate hearing from anyone with any such materials or references. (She is willing to trade her materials, as they are developed, in repayment for materials of-

ferred.) She can be reached at George Washington Univ. Community Legal Clinics 720 20th St. N.W., SL101, Washington, D.C. 20052 (202) 994-7463

Humor -- Mr. Clinician

In an earlier edition of the *Newsletter*, we started a series designed to provide advice which is unavailable through conferences and law reviews. Here is another set of correspondence from Mr. Clinician.

Dear Mr. Clinician,

In our jurisdiction, when the student is representing a client in Court, only the student may make objections. Rarely are students competent or quick enough to catch all objections. I always sit next to the student and have tried various techniques to prod them. I would like your advice about whether poking, pushing, or pinching is the most effective technique. Thank you for your assistance.

On the Edge of My Chair

Dear on the Edge of My Chair,

Many clinical educators share your plight and concern, so I have proposed to AALS Planning Committees that we need a session on ventriloquism at the next clinic conference. Since the AALS is fairly slow at processing our conference requests, and you may not have a travel budget to attend the conference, I will give you some suggestions. If you are in a jurisdiction which requires the student to stand to make objections, I recommend a slight push. In jurisdictions which allow counsel to remain seated, a gentle punch is the preferred mode. Pinching is disfavored because the students tend to visibly wince. Since most of us now use a "student centered" supervisory model, you could ask the student his or her preference before the trial.

Mr. Clinician

Dear Mr. Clinician,

I was proud to make it through law school with a wardrobe comprised of

three pairs of jeans, three t-shirts, two sweaters, and one outfit for formal occasions. When I graduated, I received three copies of the then popular book "Dressed for Success." I dutifully followed the advice of the book and invested in several classic suits which would wear forever. I am proud to say that I invested wisely and the suits are in almost perfect condition despite the years of wear.

I am sick of the suits, and they are getting a little tight, so I would like to revert to jeans and t-shirts around the office. I notice the nonclinical faculty dress comfortably in a sort of Land's End look. Yet, my students are almost always dressed in fashionable business attire so if I am in jeans, the clients don't think I am the supervisor. What is the proper look this year for clinic teachers around the office?

Uncomfortable

Dear Uncomfortable,

Neither the ABA nor the AALS have developed standards regarding the attire of clinic teachers, so you are on your own or must rely on my good judgment. I recommend starting the semester in formal clothing so the students and clients know you are capable of good fashion judgment. As the semester progresses, you can intermittently appear in sweats or other athletic wear, and explain you are about to leave for a quick workout to deal with the stress of the job. By the end of the semester, you can wear athletic clothes all day and only need to keep an appropriate "court" outfit in the office for emergencies. A side advantage of this strategy is you are never dressed properly to see clients so the students must learn to act independently.

By the way, perhaps a trip to the gym might not be a bad idea so that you can get back into your old suits.

Mr Clinician

Clinic Law Journal Is Born by Nina W. Tarr (Washburn)

I am pleased to announce that the clinical legal education community

now has its own peer review journal. The journal will be based at NYU Law School, under the auspices of the Law School, the Clinical Legal Education Association (CLEA), and other representatives of the community of clinical legal educators.

For many years, clinicians have debated the wisdom and value of having a journal on clinical legal education. Many people have felt this would be a good idea, and it is only because of the contributions of the community as a whole that the journal is now in existence. There will be opportunities for anyone who wants to contribute to do so in the future.

The journal will have three Editors-in-Chief, who will serve for an initial term of five years, with the possibility of reappointment for a second five-year term. The first Editors-in-Chief are, in alphabetical order, Steve Ellmann, Isabelle Gunning, and Randy Hertz. They will stagger their appointments so there continues to be some overlap as new people are given the positions.

In addition to the Editors-in-Chief, there is a ten-member Board of Editors. The Board of Editors will serve three-year terms, and can be reappointed only once. After the second term, the member of the Board of Editors must step down to ensure that we have new participants. The membership of the first Board of Editors is, in alphabetical order, Anthony V. Alfieri, Beverly Balos, Richard A. Boswell, Robert Dinerstein, Martin Guggenheim, Deborah Maranville, Paul D. Reingold, James H. Stark, Nina W. Tarr, and Leah Wortham. The first Board of Editors appointments have been staggered so that there will be positions open as soon as next year. Anyone interested in applying should communicate with Randy Hertz at NYU who can provide them information about the process.

In addition to positions as editors, the journal will rely on peer review Readers. The Readers will be asked to review and comment on submissions. If you are interested in serving as a Reader, please send your name and the nature of your interest to Randy Hertz.

The Board of Editors will be meeting this spring to finalize policy decisions that will be implemented by the Editors-in-Chief. The first edition will be published during the spring 1994 semester. If you would like to submit articles, please send them to Randy Hertz.

Scholarship will be broadly defined and the journal will be interested in seeing all appropriate "disciplined writings." Assuming the piece is within the parameters of the journal, it will be submitted to no fewer than two Readers or Editors for comments, and a recommendation whether or not it should be published, rejected, or revised and resubmitted. Thereafter, the Editors-in-Chief will decide which pieces are published. Authors will receive the comments of the Readers. This entire exchange is done "blindly" to ensure that each piece is judged only on its merits.

Once again, all of the participants who have made this journal possible should congratulate themselves. Randy Hertz will continue to communicate to the community through the *Newsletter*. Further questions and comments can be submitted to him.

Computer Applications in Clinic Litigation

**by Marjorie Anne McDiarmid
Co-chair of the Section Computer
Committee**

In the fast changing world of lawyer computer applications, a strong candidate for the title of fastest evolver is computer based litigation support systems. For purposes of this column, I will concentrate on computerized systems for document management. Such systems will be of interest to clinics doing large case litigation, but they are also priced so that a clinic specializing in smaller cases might consider their use for small, paper-intensive cases, such as social security medical records, or as the engine for a brief bank retrieval system.

As recently as five years ago when the first edition of the *Wilmer,*

Cutler & Pickering Manual on Litigation Support Databases (Wiley) came out, lawyers faced with a paper avalanche were still confined largely to fixed field databases as their primary organizational tool. A fixed field database is a program like dBase, Paradox, R:Base, PC-File or many others which allow you to organize information automatically. A fixed field litigation database would include categories for document title, author, recipient, date and a short abstract on the content of the document. For a discussion of how to structure such a database see, *Wilmer, Cutler & Pickering— 2nd Ed* (Wiley 1989), Kinney, *Litigation Support Systems: An Attorney's Guide* (Callaghan, 1980).

The chief advantage of the fixed field database is its ubiquity. There may well be twenty or more computer programs which use this technology and database programmers are readily available to design a system to your specifications.

The downside of a fixed field database as a litigation support tool is that it requires clairvoyance; you must know before you begin your organization exactly what material you will need as the litigation unfolds. Few factually complex cases are that predictable. As a result, litigators needed tool that would permit the retrieval of more randomly collected information. Fixed field databases fill an important niche in law office management where the key pieces of information can be readily pre-defined, but their use in litigation support is problematic.

The next technology jump, which was top of the line as recently as two to three years ago, is full text retrieval. Full text retrieval systems enter the actual documents into the computer and index on every word in the text (excluding noise words like "the", "a", "that", etc.). Documents can then be retrieved using the same search techniques with which we are familiar from *Westlaw* and *Lexis*. General available programs which will perform this function include ZyIndex, Folio Views, askSam and to a lesser extent Magellan, Agenda and many of the other personal information managers (PIM's). Each

has some advantages and disadvantages in its method of document organization, index capacity and complexity of search criteria, but they will all permit some full text retrieval. Thus you can throw all discovery materials into the program and only afterward decide that you want to know what all the doctors said about your client's right achilles tendon.

The trick to using these systems comes when you attempt to "throw" your paper documents into the machine. Since the computer does not come equipped with an in-box there are two solutions to this problem. First, get things on disk. Most court reporting services these days will sell you depositions in machine readable form. Opponents should be inveigled to exchange interrogatories and other "paper" discovery on disk. Frame your discovery requests to capture computer files not merely their paper by-products.

The second solution for documents which do not exist in pre-keyed form is to use optical character recognition software to scan the content of those documents into the computer. Commercially available OCR packages are now in the generally acceptable range in terms of speed and accuracy. The two affordable top of the line packages are Wordscan and Omnipage. This is an area in which spending some extra dollars has a big payoff. Don't scrimp. If you can't justify buying the software and equipment to do the job in-house there are now scanning service providers who will do the job for you for a fee. Look around your institutions as well, scanners are a lot more common than they used to be.

For advice on how to input and structure a full text retrieval system see Wilmer, Cutler & Pickering 2nd edition.

Up until very recently, full text retrieval was the most advanced litigation management technology available. Within the last six months to a year though two new developments have occurred which are of interest.

The first is a specialized package which correlates video tape depositions with a full text retrieval program. Those of you who have used video

depositions know that they are unsatisfactory for impeachment because of the problem of instantly retrieving the impeaching material off a linear tape. This program purports to solve this problem by making a computer link between a full text computer transcript and the video images. I have not yet had a chance to see this system so I can't speak to equipment requirements, price of reliability, but it is certainly an application of multi-media technology to solve a problem in current litigation support. More such multi-media developments can be expected within the next several years.

The second is a more generalized development in what has been dubbed the technology of "imaging". The down side of full text retrieval as a medium for preserving evidence as opposed to providing access is that once material is in machine readable text form it is subject to easy alteration. Thus today full text systems in litigation are still linked to the paper records which provide the actual, tangible evidence. As paper records balloon out of control, many businesses seek a more malleable storage medium. Micro film and micro fiche are compact but not easily accessible. "Imaging" technology uses computer pictures of documents, coupled with some sort of computer retrieval mechanism to provide mass storage plus access. In the last year this technology has been married to that of compact disks (CD's) to produce a laser readable permanent storage mechanism. ZyImage and PageKeeper have recently been released to link computer images of actual documents with a full text retrieval engine. Re:Search is another package, sold to support CD production, which offers the same facility. Other full text retrieval systems are building graphics modules into their programs which could in theory support this application.

"Imaged" documents, at least until stored in a permanent medium such as the CD laser disk, are themselves subject to computer manipulation. But it is more difficult to change a picture of a document than it is to change a word in a word processing

file. (I just proved that by making three corrections in the preceding sentence as I was typing that text.) I expect that both as a storage medium which will be subject to discovery and as a way to preserve and present trial evidence, "imaging" is a technology to watch. (For a discussion of the use of laser disks to present trial exhibits see Laser Disc Technology in the Courtroom (NITA, 1990.)

So computer applications to assist in document handling in litigation continue to develop. As clinicians we need to have some command over these developments so that we may work efficiently and assist our clients effectively. I strongly believe that it is part of our educational mission as well to acquaint our students with these developments. If there are questions about this material or if you have a specific application in mind and want to chat about options give me a call at (304) 293-6821. In the meantime, may you be successful in your effort to bring organization to the chaos which is the world of paper intensive litigation.

Microeconomic Development Supported by George Washington Clinics

The Small Business Clinic/Community and Economic Development Project of the Jacob Burns Community Legal Clinics at The George Washington University has been engaged in a number of interesting projects. Clinic students are providing legal assistance to an exciting new microenterprise group which will operate the first non-profit small business microloan fund in the District of Columbia. Microenterprise development is an important new concept for inner city revitalization and self-employment initiatives in communities where there are few formal job opportunities. A microenterprise is usually comprised of 1-5 people and is capitalized with under \$5000. This new microloan program will make initial loans of \$500 to groups of 5 persons in a "peer lending" model which provides support, business de-

velopment training, and accountability. These small loans will be used to assist small service businesses, e.g., hand made greeting cards, ethnic food caterers, domestic service and maintenance workers and etc.

The Grameen Bank in Bangladesh (which has been successful in helping poor people work their way out of extreme poverty in the Third World) has been a model for microloan programs throughout the United States. The Small Business Administration and the Department of Human Services', Office of Refugee Resettlement have recently started large scale microloan programs.

The Clinic also published Help with Housing: A Guide to Affordable Housing Resources in the District of Columbia. This booklet contains information about non-profit housing developers in the District of Columbia, the types of housing they produce, examples of completed projects, descriptions of D.C. government housing programs and a resource and referral list. This project was made possible in part by a grant from the Legal Services Corporation, which funded the Community and Economic Development Project for 1991-92.

Finally, the clinic instituted an Entrepreneurial Support Project which is a collaborative effort with the Small Business Management Class of the GW School of Business and Public Management. Law students and graduate business (MBA) students were teamed to provide holistic support to entrepreneurs, some of whom are located in Community and Economic Development target areas of the city. For more information contact Professor Susan Jones 202-994-7463.

Mid-West Clinical Teachers Conference

The Mid-west Clinical Teachers Conference will be held at the Chicago-Kent College of Law on October 8-10, 1993. The Conference will examine the knowledge lawyers need before they undertake fully their roles as mem-

bers of the legal profession. It will offer commentary on the "MacCrate Report." In addition, it will examine the kind of education that law schools ought to provide, including reflective, live-client clinical education to educate law students to become highly competent, ethical, and socially responsible practitioners. For a preview of this portion of the conference see, Gary S. Laser, "Educating for Professional Competence in the Twenty-First Century: Educational Reform at Chicago-Kent College of Law," 68 Chi.-Kent L. Rev. 243 (1992). The Conference will also offer a pre-program "For and About Women Clinicians." For more information, contact Gary Laser at III Chicago-Kent.

Creating Integrative Component Clinics for Traditional Substantive Courses

by John B. Mitchell & Betsy Hollingsworth (University of Puget Sound Law School)

At the University of Puget Sound Law School, we have begun a project to create clinical law components that parallel existing substantive, traditional classes. We started by adding a clinical component to the Law & Psychiatry Course last Spring and then did the same with the substantive Immigration Law class taught each Fall. These component, integrated clinics have been received enthusiastically not only by the students, but by the lawyers, judges and clients in the practice area and perhaps most importantly, by the traditional faculty teaching the substantive course. The University of Puget Sound has had a freestanding, live-client clinic for many years. Begun with grant money in the early 1980's, the Clinic is now fully funded out of the regular law school budget. Nevertheless, the clinic faculty had some concern about the role of the clinic in the law school. In the first place, there continued to be the familiar gulf between the traditional law school curriculum and the clinic. While supporting live and simulated clinical courses,

the law school is at heart a traditional Socratic institution. In addition, many students did not choose to avail themselves of the clinic experience as it was currently offered. Some were not interested in the areas of law covered in our practice (Criminal Defense & Family Law.) Others simply did not feel that they had the 4 or 6 credits to spare because of other classes they wanted or felt compelled (for Bar passage purposes) to take. Still others could not work the clinic's time commitments into their jobs and class schedule. The component clinics offered an answer to all these concerns.

THE MODEL

In order to bridge the gulf between traditional and clinical legal education as well as increase the opportunities for students to develop lawyering skills and provide legal services, we decided to try an experiment that would integrate the live client experience with an existing traditional law school course. This pilot project was guided by a five part model which would:

1. limit the clinic enrollment to those students already in the substantive class;
2. have the clinical component parallel, rather than literally integrate into, the substantive course such that the substantive law faculty would not need to change his/her teaching of the course;
3. place principal responsibility for case supervision with the clinical faculty;
4. provide for selection of cases that raised issues touching upon a narrow area within the overall substantive field so that:
 - a. all clinic students could be trained in a single week-end workshop, and
 - b. students would be able to adequately prepare and complete their cases within the semester, and
 - c. existing clinical faculty could quickly get up to speed on a new area of supervision;
5. have access to an expert practitioner working in the field who could consult with clinic students and faculty and act as a liaison between the class-

room and the courtroom.

DEVELOPING THE LAW &
PSYCHIATRY INTEGRATIVE
COMPONENT CLINIC

In the Spring 1992 semester we obtained the cooperation of Professor John LaFond (fn1) to develop a one-credit Mental Commitment Clinic as a component to his traditional Law & Psychiatry class. We then approached the assigned counsel office at a local nearby state mental institution and convinced its director, an expert practitioner in the area of mental commitments, to work with us in developing the clinic, to select appropriate cases, and to act as a consultant both to the students and to the clinical faculty.

Students already enrolled in the traditional Law & Psychiatry course were then offered the opportunity to take an additional one-credit clinical component where they would work in teams of 2-3 to represent long-term mental health patients in a 180-day commitment hearing. Over three-quarters of the eighteen member class asked to participate. We took nine.

Initial training took place in a week-end workshop. On Saturday the Law & Psychiatry Clinic students joined with students from the free standing clinic for a day of demonstrations and exercises on direct and cross-examination. On the second day, they received a specialized workshop put on by the expert practitioner which covered such topics as how to read a hospital patient record; areas of cross-examination of the hospital's experts; typical defenses; less restrictive alternatives; the basic case law in the area and how to go about interviewing a mentally ill client. They were also provided with an extensive manual.

The clinic provided a number of challenges to the students. They were required to interview and represent the wishes of a client who may be incompetent, a situation fraught with difficult ethical issues. Preparing for the actual commitment hearing, they had to begin to master the skills of direct and cross-examination, as well as argumentation in court. And throughout, they were constantly being exposed to, and questioned about, the legal sys-

tem they have found themselves immersed in, a system where bureaucracy and economic constraints play a powerful role. Significantly, all these ideas, experiences, and perspectives they then took back to the classroom and shared in comments and examples.

THE IMMIGRATION LAW CLINIC

The clinical component to the Immigration Law course was developed in the same manner as its predecessor, the Law & Psychiatry Clinic. In this clinic, students from the traditional Immigration Law Class represent clients in deportation hearings where the clients are seeking either suspension of deportation or asylum. Again, they work under the supervision of faculty from the clinic, with access to the traditional professor for consultation. This clinic requires the students to develop interviewing and counseling skills while dealing with cross-cultural issues, as well as trial and preparation skills as they plan for their deportation hearing. Throughout, they gain perspective on this complex, self-contained legal system that on the one hand is bounded by a complex body of law expressed in statutes, regulations, and bureaucratic norms; while, on the other hand, is circumscribed by political realities and bureaucratic constraints. Again, all this experience is brought back to the classroom.

A week-end workshop format similar to the Law & Psychiatry component clinic was employed with the Immigration Clinic, and a manual was put together using existing materials from a variety of sources.

THE VALUE OF INTEGRATIVE
COMPONENT CLINICS IN THE
CURRICULUM

The substantive-clinical integration offers a variety of both institutional and pedagogical benefits.

Further challenging and breaking down of the theory-practice dichotomy: As we all know, clinics have grown spiritually and even physically separate from the traditional curriculum. That, however, is misguided. Theory informs practice, and practice is informed by theory. In the integrated curriculum, each component clinic implicitly carries this important message in a power-

ful way. After all, an entire area of substantive study (the traditional course) is simultaneously being perceived by the students and the faculty through the lens of the reality of practice in that area (the component clinic).

Expanding the intellectual framework:

In developing these component clinics, those of us on the clinical end believed that it was important for participating students to learn to engage in self-reflective practice, become client-sensitive, and attain skills-competence. Those are the goals of the traditional clinic and, from our experiences in the component clinics that were the subject of the current experiment, students do gain these perspectives and achieve these skills.

Something more, however, happens. Students in these component clinics are provided with a powerful tool to evaluate what they are simultaneously studying in class; for they are immersed in the very world that is purported to be described in their casebooks and other class materials. This real-world context provides a unique framework from which the students can determine whether there is a disparity between what they are reading and what goes on in practice, can confirm the correspondence between what they are seeing and what scholars have to say about an area, learn rules and conventions that do not appear in their text, and begin to appreciate the real consequences of the application of various legal principles in their course materials. Thus armed with a perspective and a framework that they likely have never had before when looking at traditional course materials, classroom ideas take on a new challenge and excitement for the students, and the constant lament of law school malaise in the upper level curriculum is dramatically lessened.

Clinics for the class: There certainly exist clinics in traditional law schools today which have class components. Though most of these class components involve skills, some also involve teaching in the underlying substantive area. Generally this class is taught by a clinician. This is a class for the clinic, a class to support the students' efforts in doing

their clinical representation. While what students learn in their traditional class in our integrated clinics no doubt helps them in performing in the clinical component, in many ways this clinic is at least as much for the traditional classroom as the classroom is for the clinic. Based upon our experiences in the experimental program, students bring insights, experiences, perspectives, and questions into the traditional class that can reframe, enlighten and add overall challenge to the traditional classroom analysis and discussion (as well as providing illustrations, points of departure, hypotheticals, and a window into the world which reveals topics on cutting-edge issues for the substantive professor.)

Sensitizing students enrolled in a traditional substantive course to client-centered practice and client "voice": The traditional law school class, as has been repeatedly noted throughout the literature, abstracts the client from the classroom discussion. The client's life, history, and needs disappear as "A deeds Blackacre to C." A cost of this technique aimed at pristine legal analysis is the development of attorneys who think in terms of legal categories versus client needs, total attorney expertise and control versus client participation and empowerment. In the component clinics, however, the countering message to all this is a powerful one. In fact, from our limited experience, the students' understanding of these concepts appears more powerful than even in the six-credit free-standing clinic. This is likely because the students are simultaneously reading cases and practicing in the world about which they are reading the cases. Thus cases no longer can be read as exploration of abstract legal principles for the student in the component clinic. In re Smith has a client-centered meaning because students "know" Smith. There is a real person whom they've seen in practice that informs the real life context of the case. Client voice is likewise inescapable. Thus, for example, in the Law & Psychiatry Clinic, the only story that can be told is a client's story. One simply cannot predictably control, guide or manipulate those whose mental pro-

cesses are other than those to which we are accustomed. Similarly, in the Immigration Clinic, students face clients from very different cultures, with a different language, who have undergone experiences that are likely unimaginable to most of us living in the United States. The client is the only one who can really tell the story. The client has the only "voice" that can convey authentic experience. Again, the students' role cannot be to impose their voice on the client. Rather, it must be to translate the client's voice to the court. (Thus, even if they wished to impose their legal category and concepts on the client, in neither the Law & Psychiatry nor Immigration situations would they be capable of doing so.)

Sensitizing students enrolled in a traditional substantive course to the value of skills training: Students may feel that they have an adequate grasp of the law, but soon realize that they cannot effectively apply the law to their client's case if they do not know how to elicit the necessary facts from the witness or present those facts to the court in a declaration. Through these clinics, students become more appreciative of the need to add advocacy skills to their legal repertoire.

Teaching students enrolled in a traditional substantive course the value of Pro Bono work: In most cases, our students pour hours of their time into the representation of their clients and, as might be expected, reap excellent results. It becomes quite apparent to them through this process that without their assistance their client would have had no representation or representation in the midst of a lawyer's heavy caseload leaving precious little time for adequate preparation. This experience seems to touch the students in a way that causes them to leave law school with a commitment to continue to help those who cannot afford a lawyer. Some are already volunteering with the Northwest Immigrant Rights Project while still in law school.

Providing Opportunities for collaboration between substantive and clinical faculty: As is obvious from what has already been stated, this flows naturally from the existence of integrative com-

ponent clinics. And it's very rewarding.

THE FUTURE

As a result of the success of these two experimental integrative clinics, we are planning to expand the offerings. At present, we are exploring possible clinical links to Professional Responsibility, ADR, Constitutional Litigation, and Employment Law, but the possibilities are as broad as the law school curriculum itself. One can imagine these clinical components in almost every class that is offered.

(fn1) Professor LaFond is a nationally recognized expert in mental commitment law, having just published Back to the Asylum.

Northwestern University Legal Clinic's Project to Deter Divorce Attorneys' Financial & Sexual Exploitation of Their Clients by John Elson (Northwestern)

In 1988 the Clinic filed an action for breach of fiduciary duty on behalf of a woman who submitted to her attorney's sexual advances for fear that her resistance would doom her case. The legal system was less than sympathetic to her plight. The courts upheld the prominent attorney's motion for a secrecy order and dismissed the case on the basis of a legal standard that gives far greater protection to attorneys who exploit their clients sexually than it gives to attorneys who exploit their clients financially. The attorney disciplinary agency was no more responsive, dismissing the client's complaint because she could not corroborate the disputed sexual relationship and, therefore, lacked the clear and convincing evidence needed to vote a complaint. The Clinic also had to defend itself against a lawsuit, now dismissed, alleging our intentional interference with the divorce attorney's client relations as well as fend off the attorney's attempts to have prominent alumni and others pressure the law school to take us

off the case.

Although it was not our original intent to take more cases involving divorce attorneys, the press coverage of our sexual coercion suit resulted in calls from many other women reporting mistreatment by their divorce attorneys. Although some have complained of sexual harassment, the greater number have been victims of fraudulent or oppressive fee practices. These practices include threats to withdraw just before trial in order force clients' consent to unjustified fee judgments, failure to disclose the basis for fees, failure to seek fees from the wealthier spouse, and, most common, fee demands that are grossly excessive. In light of the private bar's disinclination to take on cases of this nature, we have thus far taken on the representation of nine women who have been exploited by their divorce attorneys.

To date, our litigation successes have been quite limited. Judges on both trial and appellate levels have generally been unwilling to reduce fees as a result of attorneys' ethical breaches. As a result, we are now exploring legislative strategies for attacking the systemic ways in which the law in Illinois enables divorce lawyers to take unfair advantage of their clients. In light of two bar associations' intervention against us in an Illinois Supreme Court case in which we tried unsuccessfully to extend clients' protections against attorney overreaching, the development of the support necessary for effecting the needed statutory reforms will be a challenging task.

Our cases in this area have been effective for clinical instruction because they involve legal ethics, the dynamics of attorney-client relations, the development of law reform strategies and the litigation of bitterly contested issues. Unfortunately, they have also been extremely time-consuming as well as quite frustrating because of both the general indifference of the courts and disciplinary authorities and the resistance of the organized bar. How far we shall press our efforts in this field in the future will depend largely on how successful we are in creating more support for our goals in both the bar and the

community.

Salt Teaching Conference May 22-23, in New York

The 1993 SALT Teaching Conference, "Reimagining Traditional Law School Courses: Workshops Integrating Class, Disability, Gender, Race and Sexual Orientation Into Our Teaching and Course Materials," will take place at N.Y.U., May 22-23, 1993. This two-day conference will provide an opportunity for experienced and new teachers of nine subjects (civil procedure, clinical/lawyering, contracts, constitutional law, criminal law, evidence, legal research and writing, property, and torts) to work together intensively in small groups 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 our students and colleagues when diverse perspectives are integrated into traditional courses. For more information contact Professor Stuart J. Filler, Bridgeport Law School at Quinnipiac College, 600 University Avenue, Bridgeport, CT 06604-5651.

1994 Annual Meeting Planning Committee Named

Karen Tokarz (Washington-St. Louis) has asked Abbe Smith (Harvard) and Steve Wizner (Yale) to co-chair the planning committee for the 1994 Annual Meeting program of the section. Also named to the committee are Leslie Espinoza (Boston College), Catherine Klein (Catholic) and Isabelle Gunning (Southwestern). In her charge to the committee, Karen urged the planning committee to focus part of the program on the use of media and popular culture in clinical teaching. Individuals wishing to serve on the planning committee should contact Karen Tokarz at Washington-St. Louis. Suggestions for the program should be submitted to any member of the committee.

New Interdisciplinary Journal Launched

The University of Southern California has announced the creation of the Southern California Interdisciplinary Law Journal. The Journal is devoted to an interdisciplinary approach to legal analysis. In its announcement the Journal stated: "Law is a forum where solutions to societal problems are sought through debate of social theory and policy. This debate often looks to economics and philosophy for approaches to solve these problems. However, these problems are not comprised solely of economic and philosophical questions. Society's problems reflect themes and controversies spanning the arts, humanities, and sciences. For example, problems related to surrogate motherhood and racism are not limited to law and philosophy or law and economics. They demand broader solutions. The Journal advocates the need to approach these types of problems from multiple perspectives. To this end, the Journal recognizes the vital relationship between legal scholarship and other academic disciplines. These other disciplines -- international relations, medicine, political science, psychology, and theology to name a few -- are no less integral to our understanding of the law.... To further expand the debate, the Journal seeks academic works from all disciplines, in addition to traditional and nontraditional forms of legal scholarship. The Journal provides a platform for any author who aims to improve our vision and understanding of the law through an interdisciplinary perspective." For more information contact, Southern California Interdisciplinary Law Journal, The Law Center, University of California, University Park, Los Angeles, CA 90089-0071.

ABA Young Lawyers' Division Recommends Public Service Graduation Requirement

Earlier this year the Young Lawyers Division of the ABA submitted a resolution on a mandatory Pro Bono requirement for ABA accredited law schools to the Council of the Section of Legal Education and Admission to the Bar urging the Council favorable consideration. The resolution read: "BE IT RESOLVED that the American Bar Association encourage law schools to establish a public service graduation requirement, the fulfillment of which would be necessary for graduation. Public service work will be defined as any legal work performed without compensation which is provided to indigent clients at no cost to the client or which is performed generally in the public interest." The resolution has been submitted to the Skills Training Committee and the Standards Review Committee. The Council may take action on the resolution during its June 1993 meeting.

Family Law Clinics: Some Thoughts and a Regional Survey

by
Joan S. Meier (Geo. Washington)

BACKGROUND One and a half years ago, I became a co-teacher of a longstanding legal clinic at George Washington University National Law Center. The "Civil and Family Litigation Clinic" offers 3rd year law students the opportunity to get their feet (sometimes more than that) wet in court. The bulk of the Clinic's caseload is family law, including divorce, custody, child support and domestic violence, along with some landlord-tenant and other civil matters. Since I joined the Clinic in part because I had a particular interest in family law, I have largely limited the cases I supervise to that area.

In comparing my clinic's

structure and caseload to those of other clinicians, I have discovered that we are not always speaking the same language when we refer to "cases," "experience" or even "clinics." Over time it has become increasingly apparent to me that teaching and supervising students in family law cases may be vastly different from teaching and supervising in other types of cases. Not only is family law sometimes less well-defined and rule-bound than other areas, as well as more intense and demanding of one's human and emotional resources. The most salient distinctions from the point of view of a clinical law professor are the facts that family law cases (1) constantly change, and (2) virtually never end.

In family law cases, the continuing relationships of the parties and the relevance of constantly changing life circumstances mean that lawyers must deal with frequent changes in the legal agenda. In actions such as custody, child support, or domestic violence protection orders, either party's new job, job loss, new home, new relationship, or mere change in feelings can utterly transform the goals, procedures, and content of your case. The ever-changing facts sometimes require a complete revision of your case theory, as for example, when the opposing party in a custody or domestic violence case absconds with the children, thereby turning an ordinary custody case into a child-snatching case (with different remedies and procedures); or when your client's abusive husband suddenly stops supporting your client and their children, turning a protection order proceeding into an action for child support, invoking a completely new set of cases and statutory provisions, legal theories, and factual proofs.

Even where the goals of the lawsuit remain the same, the dynamic nature of the facts in family law cases frequently translates into extra work for the lawyer. Your client's conversation with the opposing party, or the other party's latest visit with the child, can require revision of your opening, direct testimony, and/or cross-examination. The need to take into account new facts can continue right up to the day of trial,

and even into the courtroom, as for example, when the opposing party threatens your client just before she takes the stand.

At the risk of arousing the ire of some clinicians, it strikes me that the dynamic nature of these cases makes them potentially more demanding than other types of civil and criminal cases. For example, in criminal cases, the challenge is to prove that a particular person did or did not do a particular act (or set of acts); in social security cases one must prove that existing facts meet a certain legal standard. In contrast, family law (especially custody) cases rarely revolve around a single set of facts, circumstances, or events. Rather, for example, the "best interest of the child" involves consideration of the parties' entire personalities, character, and behaviors at all times. As already mentioned, the "relevant facts" thus are both comparatively unlimited, amorphous and ill-defined, and subject to constant change.

In addition to the legal demands of such cases, there is the well-recognized side-effect of family law representation: the pull to be your client's social worker, friend and confidante. (This is more evident among female than male clients, in my experience). Although many clients (especially poverty law or public interest clients) seek friendship from their pro bono attorneys, the need for human support or the opportunity to vent is nowhere so strong and constant as in family law cases. There, the very stuff of the lawsuit is inherently emotionally stressful and upsetting to the clients; each conversation with the lawyer and each interaction with the opposing party (which is inevitably frequent where there are children) can provoke fresh outrage. Your client's wish for your comradeship and support is not merely a human need you can choose to fill or not; rather, your ability to effectively represent your client is intimately connected to your rapport and connection with your client. Every brush-off you give her may come back to haunt you when your client "brushes off" your pleas/demands for a meeting to prepare for trial, or is simply less comfortable

and forthcoming in providing you with information.

Finally, family law cases are infamous for being unending. Because the legal action concerns intimate relationships, often ones which can never be completely severed (as for example when the parties share children), clients often change their minds or delay in taking formal steps. More importantly, any change in life circumstances can justify a change in legal status of the parties or children. Finally, where children are involved, because courts always retain jurisdiction (to determine the "best interest of the child"), modifications of final orders, e.g., custody or child support, are endemic. Thus, when problems occur post-trial, e.g., the other party violates visitation terms, harasses your client, etc., you cannot (honestly) simply tell them "sorry to hear it, but the case is over."

For all of the foregoing reasons, family litigation may well be more demanding of ongoing time, energy and commitment than many other kinds of litigation typically handled in the law school clinical context.^(fn1) Therefore it is difficult to model a family law clinic on other clinical models, especially with respect to numbers of cases, students, types of litigation experience, etc. Noticing this, and also noticing striking differences between different family law clinical programs in my immediate environment, I decided a survey of family law clinics would be interesting and possibly useful in developing my own sense of the ideal family law clinic. The major foci of the survey concerned workload as reflected in caseload, student-faculty ratio, credit hours, court appearances, etc. Other questions concerned clinical seminars, summer schedules, and other teaching and writing obligations and responsibilities.

The survey was sent out in the late spring/early summer of 1992 to the six Washington D.C. area law schools which I believed had some form of family law clinic. With only minor pleading and arm-twisting, five of the six responded (American Uni-

versity, University of Maryland, Catholic University, Georgetown University Law Center, University of Baltimore). Including our own clinic at George Washington University, a total of six

schools' programs are represented in the following summary.

SURVEY RESULTS

Length of Course:	One year (3) One Semester (3)	
Credits:	6 credits, 20 hours (4) 4 credits, 20 hours (1) 4 credits, 16 hours (1)	
Grading:	Graded (5) Pass/Fail (1)	
Number of Students: (per supervisor)	3-4 (1) 6-7 (2) 4-5 (1) 8-10 (2)(fn2)	Average: 6.5
Number of cases:(fn3) (per student or team)	3-5 per team (3) 3-4 per student (2) 2-6 per student (1)	Average: 3.8
Number of cases: (per supervisor)	12-20 per year (2) 9-12 per semester (1) 16-20 per year (1) 18-24 per semester (1) 20-40 per year (1)	Average: 18.6(fn4)
In-court Supervision:	4-5 per semester (1) 6-12 per semester (1) no answer (1)(fn5) 12 per semester (1) 8-12 per semester (1) 20-25 per semester (1)	Average (for 6): approx. 10 per semester Average (for 5): 11.6
Contested court Appearances:	3-4 per semester (1) 2-3 per semester (1) N.A. (fn6) 3-5 per semester (1) 14-18 per semester (1) 4-6 per semester (1)	Average (for 6): 5.5 Average (for 5): 6.2 Median: 3-5
Clinical Seminars:	2 hours per week (2) 2 hours twice per week (2) 2-3 hours per week (2)	
Non-clinical courses:	All	
Reduction in clinic load:	Yes (2) No (4)	
Length of Employment contract:	9 months (2) 12 months (3) 11 months (1)	

In brief, half of the respondents offered full-year clinics and half offered one-semester clinics. Most clinics were offered for 6 credits and 20 hours, with 2 offered for 4 credits (although one of the 4-credit programs also required 20 hours). All but one of the clinics was graded as opposed to pass-fail. The number of students ranged from 3 to 10 per supervisor, with an average of 6.5. However, all of the pure litigation clinics except one had 6-7 or fewer students per supervisor. [See fn. 2]

With respect to cases, caseloads ranged widely from 3-5 per year per supervisor to 35-40 per year, with an average of 18.6 cases per supervisor per year. [See fn. 4] Supervisors found themselves supervising in-court proceedings from 4 to 24 times per semester, for an average of 8.5; contested trials or hearings ranged from 2 to 18 per semester, for an average of 5.5. With respect to clinical seminars, all respondents teach at least two classroom hours per week; two clinics teach two-hour classes twice per week. All clinics have some clinical faculty teaching non-clinical courses in addition to clinical courses; approximately half of these were allowed a reduction in their clinic responsibilities when teaching additional courses.

Finally, three respondents had 12-month contracts, two had 9-month and one had 11 month-contracts. However, only one respondent indicated that more than half of their annual caseload continued over the summer: three clinics had little or no carry-over (accomplished by adjuncts acting as substitute counsel, or limiting the scope of cases), and two were actively working toward limiting summer casework. The sixth was experimenting with replacement counsel but had a fairly active summer caseload.

CONCLUSION In conclusion, there was a wide range of casework and student-faculty ratios among the six respondents. The averages cited above do not describe actual clinical programs, which tend to have either high or low numbers of cases and students. Not surprisingly, where clinical faculty are tenure-track and/or writing is an ex-

pected part of their responsibilities, the case numbers are lower. Although I did not engage in in-depth interviews, I would posit that those clinicians whose caseloads dissipate or are taken over in the summer, and those with relatively low caseloads have greater contentedness. Although the survey does not compare non-family law clinics, word-of-mouth suggests that these may typically have higher caseloads (if not more students). In any event, I hope other family law clinicians find these data a useful framework within which to examine their own programs.

If anyone is interested in seeing more detailed information, or in replicating the survey elsewhere, feel free to contact me at (202) 994-7463.

(fn1)Some people say these very characteristics make family law a poor choice of subject for clinical programs. However, as long as the need for representation in this area remains as great as it is, and the intellectual interest and challenge continues to exist for some clinicians, family law clinics will be here.

(fn2)One of these clinics engages in some litigation and some policy work.

(fn3)Most clinics team students at least some of the time; where an answer included both without distinguishing, it was treated as "per student."

(fn4)This number is rough because it was impossible to ascertain whether a one-semester clinic with "18-24" cases per semester would have double that number per year, or the same 18-24 cases continuing through the 2d semester.

(fn5)Imputed 2 for the respondent who did not respond to this.

(fn6)Imputed 2 for the respondent who did not respond to this.

Recommended Reading

Peter Hoffman (Nebraska) writes to recommend an journal article to the membership of the section: Harry T. Edwards, The Growing Disjunction Between Legal Education And The Legal Profession, 91 Mich. L. Rev. 34 (1992). Peter writes: "while not directed to clinical education, it is an excellent discussion of what legal scholarship should be and, therefore, by anal-

ogy, of interest to our membership."

LSC Grants for Fiscal '94

Curtis Berger, AALS President, Carl Monk, AALS Executive Director and Alice Bullock, AALS Associate Director, met March 10, 1993, with Rep. Neal Smith (D. Iowa), chair of the congressional subcommittee that is considering LSC's request to reallocate money earmarked for clinical programs grants. President Berger urged Congress not to make any changes in the clinical grant program in the current fiscal year when the reallocation request comes before the subcommittee in soon to be scheduled budget hearings. Dan Power (Drake) hopes to have more information for the Section at the May Workshop.

Proposal to Amend Section Bylaws to Authorized Expenditure of Section Funds for Scholarships to Attend Section Workshops and Conferences

After the AALS Executive Director disapproved the Bylaw Amendment adopted by the membership at its 1992 Annual Meeting, Bob Dinerstein, then Section chair, appointed a subcommittee of the Executive Committee to draft new language that would be narrower than the rejected Bylaw proposal. The purpose of the new language is to authorize the Section to spend its funds on scholarships to members to permit travel to AALS and Section sponsored workshops and conferences. The subcommittee sought input from the membership before, during and after the 1993 Annual Meeting in San Francisco. The following amendment may be considered by the membership at its next business meeting:

"In addition to the purposes described in AALS Executive Committee Regulation 12.6(d), beginning with the 1985 AALS Annual Meeting, section dues

and other section income may be spent for a reception for section members at an AALS annual meeting, workshop or teaching conference, any deficiency in a meal guarantee, for a section survey, section directory, enhanced newsletter, or regional teacher training conferences. Beginning with the 1994 Annual Meeting, and each year thereafter, up to \$2000 of section dues and other section income may also be spent to provide scholarships to members of the section to attend AALS annual meetings and conferences and workshops sponsored by the section. An Ad Hoc Committee on Scholarships shall be appointed by the chair of the section to administer the scholarship program. The executive committee shall establish eligibility criteria for the scholarships. The criteria shall include a preference for clinicians who can demonstrate (1) that the event is especially important to their professional development and (2) that there are no other funds that can be obtained to pay for travel expenses to the event. No single scholarship award may exceed \$500. Before the activity is undertaken, the section's executive committee must authorize the expenditure of dues or other income for it. In authorizing payment of an expenditure, the section chair must determine that the particular expenditure was authorized by the executive committee and is consistent with the section's bylaws and AALS policies. The executive committee with the prior approval of the AALS Executive Committee may also authorize the expenditure of section income for other specific purposes. The chairperson shall notify the Association's National Office one month before the activity of the section's executive committee decision to authorize expenditure."

Survey on Testing in Clinical Courses

For several years, clinical teachers' conferences included discussions about written examinations in clinical courses. Our information about such experiments has become stale.

Roy Stuckey has drafted a survey (see p. 25 -ed.), and he has volunteered to compile the results and publish them in a future issue of the *Newsletter*. Please take a moment to complete the short survey and to return it to Roy at South Carolina.

PUBLICATIONS BY CLINICIANS

Anker, Deborah E. (Harvard). Determining Asylum Claims in the United States: A Case Study on the Implementation of Legal Norms in an Unstructured Adjudicatory Environment. 19 *N.Y.U. Rev.L. & Soc. Change* 433(1992).

Ashe, Marie (West Virginia) and Naomi R. Cahn (Georgetown). Child Abuse: A Problem for Feminist Theory. 2 *Tex. J. Women & L.* 75 (1993).

Balos, Beverly (Minnesota). Learning to Teach Gender, Race, Class and Heterosexism: Challenge in the Classroom and Clinic. 3 *Hastings Women's Law Journal* 161 (1992).

Bezdek, Barbara (Maryland). Silence in the Court: Participation and Subordination of Poor Tenants' Voices in Legal Process. 20 *Hofstra L.Rev.* 533(1992).

Burke, W. Lewis (South Carolina). Fact of Fiction: The Effect of the Opening Statement. 18 *J. of Contemporary Law* 195 (1992).

Cahn, Edgar S. (District of Columbia). Beyond the New Property: The Right to Become and to Remain Productive. 1 *D.C.L.Rev.* 25 (1992).

Cahn, Naomi R. (Georgetown) and Ashe, Marie (West Virginia). Child Abuse: A Problem for Feminist Theory. 2 *Tex. J. Women & L.* 75 (1993).

Curtis, Dennis E. (So. Cal). (*Mistretta*) and Metaphor. 66 *S. Cal. L. Rev.* 607 (1992)

Ellmann, Stephen (New York Law School). *In a Time of Trouble*. (New York: Oxford University Press 1992).

Hing, Bill Ong (Stanford). The Immigration and Naturalization Service, Community Based Organizations, and the Legalization Experience: Lessons for the Self-Help Immigration Phenomenon. 6 *Geo. Immigr.L.J.* 413(1992).

Koplow, David A. (Georgetown). When is An Amendment Not An Amendment?: Modification of Arms Control Agreements Without the Senate. 59 *U.Chi.L.Rev.* 981(1992).

Koplow, David A. (Georgetown). Book Review. (Reviewing *Arms Control and Confidence Building in the Middle East*, edited by Alan Platt.) 30 *Colum. J. Transnat'l L.* 481(1992).

Laser, Gary S. (ITT Chicago-Kent). Educating for Professional Competence in the Twenty-First Century: Educational Reform at Chicago-Kent College of Law, 68 *Chi.-Kent L. Rev.* 243 (1992).

Lopez, Antoinette Sedillo (New Mexico). Two Legal Constructs of Motherhood: "Protective" Legislation in Mexico and the United States. 1 *S. Cal. Rev.L. & Women's Studies* 239(1992).

Lubet, Steven (Northwestern). Objecting 16 *Am.J. of Trial Advocacy* 213 (1992).

Masner, Charles M. (George Washington). Philosophy, Law, and Social Reform: The Deconstruction and Reconstruction of Freedom. 23 *Rutgers Law Journal* 475 (1992).

McDiarmid, Marjorie Anne (West Virginia). Lawyer Decision Making: The Problem of Prediction. 1992 *Wis. L. Rev.* 1847.

McDiarmid, Marjorie Anne (West Virginia). Book Review. (Reviewing *Decision-Aiding Software and Legal Decision-Making: A Guide to Skills and Applications Throughout the Law*,

by Stuart S. Nagel.) 42 J. Legal Educ. 328 (1992).

Mitchell, John B. (University of Puget Sound). What Went Wrong With the Warren Court's Conception of Fourth Amendment? 27 New Engl.L.Rev. 35 (1992).

Perlin, Michael L. (New York Law School). Sanism. 46 SMU Law Rev. 373(1992).

Reingold, Paul D. (Michigan). The Admissibility of Evidence in Malpractice Cases: The Performance Records of Practitioners. 58 Brook. L. Rev. 75(1992).

Schneider, Elizabeth M. (Brooklyn). Particularity and Generality: Challenges of Feminist Theory and Practice in Work on Woman-Abuse. 67 N.Y.U.L. Rev. 520 (1992).

Schukoske, Jane E. (Baltimore). Teaching Law Reform in the 1990s. 3 Hastings Women's Law J. 177 (1992).

Tremblay, Paul R. (Boston College). A Tragic View of Poverty Law Practice. 1 Dist. of Col. Law Rev. 123 (1992).

FACULTY POSITIONS AVAILABLE

The American University, Washington College of Law seeks applications for one or two potential visiting professor positions in its live-client clinical program. These positions will be filled if its Title IX grant application is approved. These positions are for one year with the possibility of renewal for the second and third years of the grant. One position is in the Appellate Clinic; the other position would be split between the Women and the Law Clinic and the Criminal Justice Clinic. The Appellate Clinic carries a criminal caseload; the Women and the Law Clinic and the Criminal Justice Clinic are trial clinics which handle family law and criminal

misdeemeanor and juvenile cases, respectively. Minimum qualifications include a J.D. degree, an outstanding academic record, and four years' experience as a lawyer. Desired qualifications include prior experience or training as a clinical teacher, participation in AALS clinical teachers' conferences and workshops, and legal publications. Applications consisting of a curriculum vitae and cover letter should be sent to Associate Dean Andrew Popper, Chair, Faculty Appointments Committee, with a courtesy copy to Professor Robert Dinerstein, Director of Clinical Programs, The American University, Washington College of Law, 4400 Massachusetts Avenue, N.W. Washington, D.C. 20016.

In addition, the law school may still be seeking applicants for a one-year visiting professor position in the Public Interest Law Clinic which was not filled at the time the *Newsletter* went to press. The Public Interest Law Clinic currently focuses on housing and veterans' disability cases in administrative forums. If you are interested in this position, please contact Dean Popper as soon as possible.

The University of Dayton School of Law invites applications for two full-time, tenure-track positions beginning with the 1993-94 academic year. One position is the Director of the Law Clinic. Applicants should have a distinguished academic record which demonstrates a strong potential for scholarly achievement. Contact Professor Jeffrey W. Morris, Chair, Faculty Recruitment Committee, University of Dayton School of Law, 300 College Park, Dayton, OH 45469-1320.

Franklin Pierce Law Center seeks a full-time teacher for a tenure-track position in Evidence and Trial Advocacy. Advocacy experience is required. The applicant must demonstrate a commitment to teaching and the skills necessary to be a successful teacher. Traditional scholarly publication is not required. Franklin Pierce is a small, independent, innovative, and egalitarian school striving to prepare students with

both practical training, and intellectual breadth. We value self-reliant teachers who are both proud of their craft and adaptable enough to serve students whose careers may differ from traditional models. Our curricular strengths include public interest law and intellectual property. We are also involved in applications of interactive computer technology to legal learning and practice, including the law of Evidence. Respond with curriculum vitae and a brief statement of interest, before May 15, 1993, to Joan Parker, Assistant to the Dean, 2 White Street, Concord, NH 03301.

Indiana University School of Law — Indianapolis is now accepting applications for a full-time clinical teacher in its Civil Practice Clinic to directly supervise students and represent poor, elderly and disabled clients in housing, domestic, consumer, and public benefits cases. Teaching duties apply to classroom settings as well as during case work. Applicants must have J.D. Degree, minimum two years' civil practice experience, and be capable of admission to the Indiana bar no later than spring 1994; believe in equal access to justice and necessity of high quality legal representation for all clients; value clinical legal education; and maintain high standards of professional responsibility. Send resume to Marcia Combs; Reference: Position #53-93; Human Resources Administration; Indiana University-Purdue University Indianapolis; 620 N. Union Dr.; Indianapolis, IN 46202-5168.

The University of Tennessee College of Law invites nominations and applications for the position of Director of Clinical Programs, a twelve-month tenure-track position. Candidates must possess a J.D. or comparable law degree and satisfy the requirements for admission to the Tennessee bar. A distinguished record of clinical teaching or practice-related experience and scholarship is highly desirable. Candidates must be willing to undertake the management responsibilities of an in-house teaching clinic engaged in the repre-

sentation of clients. Management experience, particularly in a clinical or legal services setting, is advantageous but not essential. The legal clinic is an integral part of the education program offered by the College of Law. Students represent non-fee-paying clients and not-for-profit organizations in civil and criminal matters under the leadership and supervision of the Director and four full-time faculty members. Nominations and applications (including a letter of intent, and a complete curriculum vitae, and the names and addresses of at least three references) should be sent. The Search Committee will begin considering applications by November 30, 1992, and continue to do so until completion of the search. Contact: Professor John L. Sobieski, Jr., Chair, Clinic Director Search Committee, The University of Tennessee College of Law, 1505 W. Cumberland Avenue, Knoxville, TN 37996-1800.

The University of Tulsa College of Law invites applications for a Clinical Instructor position beginning summer 1993. Candidate's academic record and professional experience should demonstrate potential for distinguished teaching and casework. Salary competitive, based on experience and qualifications. Deadline for applications: May 15, 1993, or until filled. Contact: Winona Tanaka, Director, TU Legal Clinic, 3120 East Fourth Place, Tulsa, OK 74104.

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

ENDNOTES

The next issue of the *Newsletter* will be the "back to School" issue. The deadline for copy is August 20, 1993.

Since I will become section chair at the 1994 Annual Meeting in Orlando, we will need someone to publish the *Newsletter* at least throughout that year. If you are interested in a new career in

journalism, please let me know.

The following list is of section members from whom we have received dues for the 1993 calendar year. This list is current through the first of March. If your name doesn't appear in this list, but you believe that you paid your dues (\$10) for 1993, or because you know that you have not paid your dues for the year, please contact David Chavkin, chair of the membership committee, at the University of Maryland. If you have not joined the section or have not renewed your membership for 1993, you should complete the attached **Membership Registration Form** and send a check, made payable to the AALS, in the amount of ten dollars (\$10), to Professor David Chavkin, University of Maryland, School of Law, 510 W. Baltimore St., Baltimore, Md. 21201-1786.

Adams, William
Afran, Neil
Aifieri, Anthony
Artusio, Marianne
Ben-Asher, Jonathan
Blaze, Douglas
Boskey, James
Bowman, Cynthia
Brooks, William
Chavkin, David
Cowden, Vance
Dallyn, Selwyn
Daniel, M.
Dauber, Mark
Dinerstein, Robert
Dueker, Alice
Ellmann, Stephen
Fisher, Linda
Gellhorn, Gay
Glynn, Gerard
Greer, Martha
Griffin, Lissa
Herring, David
Hessler, Katherine
Howells, Louise
Kirtley, Alan
Krieger, Stefan
Lynch, Mary
Mandell, Leonard
Masner, Charles
McNeal, Mary
McNeil, Alan

Meier, Joan
Merton, Vanessa
Miller, Binny
Morgan, Rebecca
O'Neil, Paul
Ogilvy, J.P.
Olingy, Judith
Palm, Gary
Russler, Nicki
Schwartz, Barbara
Schwartz, Ronald
Spain, Larry
Spielberg, Joshua
Tomar, Simonoff
Weeks, Lawrence
Wolf, Mary

Clinical Section Membership Form

Last Name: _____

First Name: _____

Middle Name: _____

Title: _____

School Name: _____

University: _____

Building Address: _____

Street Address: _____

City: _____

State: __ __ Zip Code: _____

Office Telephone: (____) _____

Fax Telephone: (____) _____

Externship Clinic (Yes or No): __

Live Client Clinic (Yes or No): __

Simulation Clinic (Yes or No): __

Type of Clinic (1st): _____

Type of Clinic (2nd): _____

Type of Clinic (3rd): _____

Year Graduated from Law School: 19 __ __ Year Started Teaching: 19 __ __

ABANET: _____

BITNET: _____

HANDSNET: _____

Survey on Testing in Clinical Courses

For several years, clinical teachers' conferences included discussions about written examinations in clinical courses. Our information about such experiments has become stale. Roy Stuckey has drafted the following survey, and he has volunteered to compile the results and publish them in a future issue of the Newsletter.

Return to: Roy Stuckey
USC Law School
Columbia, SC 29208

SURVEY

This survey seeks information about any methods you are using to evaluate the scholastic achievement of students in professional skills courses (simulation, in-house, and field placement) other than, observation of student performance. (Please use a separate form for each course.)

1. your name: _____
2. your school: _____
3. name of course: _____
4. type of course (circle): simulation; in-house clinic; field placement clinic; other: _____.
5. method/s used to test students and percentage/s of final grade (e.g., essay exam, multiple choice exam, papers, journals, etc.): _____.
6. testing objectives (i.e., what are you trying to evaluate?):

7. approximate degree of your satisfaction with effectiveness (0% - 100%) _____%
8. other comments _____

AALS CLINICAL SECTION
SUBCOMMITTEE ON ATTORNEY'S FEES

ATTORNEY'S FEES QUESTIONNAIRE

Please return this questionnaire by May 1 to Doug Parker,
Institute for Public Representation, Georgetown University Law
Center, 600 New Jersey Ave., N.W. Washington, D.C. 20001.

NAME:

SCHOOL:

NAME OF CLINIC:

1. Does your clinic seek fees under fee-shifting statutes or other statutes, regulations or court rules that provide for the payment of fees (such as rules relating to court-appointed counsel)?

Yes _____

No _____

Type of Cases:

Statutes, Regulations or Rules Relied On:

2. If not, do you have an interest in seeking such fees?

Yes _____

No _____

Comments:

3. Taking into account university policies and politics, and the subject matters your clinic has traditionally handled, do you have flexibility to accept attorneys fees?

Yes _____
No _____
Unsure _____

Comments:

4. Does your clinic charge clients fees?

Yes _____
No _____

Types of cases:

5. If not, do you have interest in doing so?

Yes _____
No _____

Comments:

6. Does your clinic have flexibility to do so?

Yes _____
No _____

Comments:

7. Please identify all clinical programs you know about that charge clients fees for legal services.

8. If you do accept fees, what do you do with them? Turn them over to the university? To the law school? Place them into a general clinic operating expense account? Into a "litigation expense" account? Into another segregated account? Are fees used for expenses of other clinics at your school, or are they only available to the office or activity that generated/earned them?

9. If attorneys' fees are used for clinic expenses, what sort of expenses do you pay with the fees? Salaries? Rent? Filing fees? Depositions? Experts?

10. When you prepare the budget for your clinic, do you anticipate that any percentage of your clinic's budget must be or will be derived from attorneys' fees?

11. Is your clinic under any implicit or explicit pressure from the law school to accept fee-generating cases?

12. Please identify by name of school, title of program and clinical supervisor, all clinical programs you know about that handle cases under fee-shifting or other fee-generating statutes, regulations or rules.

13. Do you have or do you know about any unreported decisions concerning clinics that seek fees under fee-shifting statutes? If so, please attach copies of decisions or provide information describing how the committee could obtain them.

14. Do you deal with attorneys' fees issues in your clinic's formal or informal curriculum? Do you teach a class or classes about attorneys' fees issues? If so, are these matters dealt with as issues of professional responsibility, office management, counseling and control, or in other ways? If you have teaching materials relating to attorneys' fees issues, would you be willing to share them with other clinicians? If so, please send them with your responses to this questionnaire.

Thanks very much for your help....

Doug Parker
Susan Kay
Gay Gellhorn

REGISTRATION FORM

CLEA CONFERENCE

Wednesday, May 5 and Thursday, May 6, 1993
The Ritz-Carlton Hotel, McLean, Virginia

NAME: _____

SCHOOL: _____

ADDRESS: _____

PHONE: () _____

REGISTRATION FEE: \$90 _____
(applied to CLEA members and _____
CLEA non-members)

Enclosed
Payment to Follow

A BRIEF DESCRIPTION OF MY
PROGRAM'S GOALS IS ENCLOSED: _____

(Yes or No)

Mail to: ATTN: Karen Stewart
Cornell University
Cornell Legal Aid Clinic
G40 Myron Taylor Hall
Ithaca, NY 14853