



## NEWSLETTER

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### MESSAGE FROM THE CHAIR

by

Minna J. Kotkin  
(Brooklyn Law School)

There must have been times when it was more fun to chair the Clinical Section. The news from several quarters is not good.

All of you know about the battle over Title IX, and regardless of the availability of soft money, many law schools across the country recently seem concerned about the "cost effectiveness" of clinical programs. The MacCrate Report--validating and encouraging the pedagogy and values that we believe in--has called attention to issues of skills training, but has also created something of a backlash, as we hear repeatedly that implementation of MacCrate is financially impossible. The accreditation process, which on balance has done much to advance the status of clinical teachers and the substance of what we teach, is also under attack.

There are bright spots, however. The clinical community has incredible strength. Our ability to organize together, to share information, to support each other in scholarship and teaching, is never more apparent than in times like these. For many

years, our conferences and workshops, committee meetings and annual meeting programs have served as the loci of these efforts. Now, with the advent of the internet, we can be--and are--in touch constantly. The LAWCLINIC bulletin board has some 325 subscribers; our most expansive mailing list has 1431 names, however, according to Dave Chavkin's most recent calculation. I urge all of you not yet subscribed to get on the "net"<sup>1</sup>, so that our discussions can be as inclusive as possible. Moreover, the Title IX crisis, taken together with the MacCrate Report, has focused attention on the economics and status of clinical teaching in general. As Chuck Weisselberg recently suggested on the internet, we can use this critical juncture as an opportunity to think about and plan future directions for clinical education. Whether or not title IX continues, we need to encourage law schools to integrate clinical programs and teachers more fully so that when outside money dries up, services to

<sup>1</sup> To subscribe, send the following message to "listserv@lawlib.wuacc.edu":  
subscribe LAWCLINIC yourfirstname  
yourlastname. And here's a tip I recently learned: if you want the individual addresses for subscribers, send the message "review lawclinic" to "listserv@lawlib.wuacc.edu".

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

clients, jobs and programs are not lost. We need to convince law schools that, in the face of MacCrate, this is not the time for cutbacks in clinical programs. We need to organize an effective, nationwide strategy to accomplish these goals, and I hope to make this part of our agenda for the St. Louis conference.

### Title IX

Many of us have been devoting tremendous time and energy to the effort to save Title IX funding, for next year and for the future. By the time this newsletter comes out, we will have a better idea of where things stand: as of now the battle in the House seems to be lost in the first round, at least. We are mounting a substantial lobbying campaign in the Senate in the hope of defeating the rescission of funds for fiscal year 1995, however.

I want to thank those who have been of special help in these efforts: David Chavkin, Bob Dinerstein and Dan Power, particularly. In addition, I want to acknowledge the assistance of the AALS. Carl Monk and Barbara Black have been very responsive to this crisis, continually communicating with deans in an effort to mobilize a serious lobbying campaign. The ABA's Governmental Relations Committee, chaired by Peter Winograd at New Mexico, also has been a useful resource for us.

Finally, I think it is important to remind ourselves from time to time that the Title IX battle is not primarily about jobs, but about our ability to provide legal services to our clients, and that in many communities we are the lawyers of last resort for them. It sometimes seems difficult to keep our energies focused on this \$14.9 million pot of money for law schools when public assistance is being gutted and school lunch programs eliminated. In this regard, I want to suggest that we not limit our organizing and lobbying to Title IX. I intend to ask the Committee on Clinical Teaching in the Public Interest to continue and expand its efforts to mobilize the clinical community around substantive issues that affect those we serve.

### St. Louis Workshop

The schedule for this year's workshop, to be held May 3-6 in St. Louis, is published

elsewhere in this newsletter. PLEASE SEND IN YOUR VIDEOTAPES of supervision to the AALS. The success of the workshop is dependent on our cooperation.

If you are not content with just three days of non-stop activity, you can enjoy an extra day at each end. On May 2, the Section is holding a one-day clinic director's conference. Beginning the evening of May 6, CLEA has arranged a one-day meeting on the subject of alternative dispute resolution. More information on each of these events is also included in this newsletter.

### Annual Meeting Program

The 1995 annual meeting was the first time we did not hold a full day clinical program, so that we would not conflict with the mini-workshop that addressed the MacCrate Report. It was a terrific program nonetheless, and our thanks to Margaret Martin Barry and Gary Laser for organizing it. At next year's annual meeting, to take place in San Antonio, there will be a mini-workshop on alternative dispute resolution. I would like input from the section membership concerning whether we should again plan not to conflict with this program.

### 1996 Clinical Conference

For those of us who like to plan way ahead, our proposal for a five-day conference in 1996 has been accepted by the AALS. The Chair of the Planning Committee for the conference, which will focus on international aspects of clinical education, is our immediate past Section chair, Sandy Ogilvy (Catholic). His comments about the conference are included in this newsletter. [See page 29.] Suggestions for possible sites of the conference are welcome.

### ABA Commission Testimony

I recently testified before two ABA Commissions, and my remarks are included elsewhere in this newsletter. For the Commission on the Status of Women in the Profession, I presented the results of Bob Seibel's comprehensive survey of the status of clinical teachers, which shows some very troubling disparities with regard to gender and race. I have asked the Section's Committee on Status, Salary, Tenure and Promotions to look into these issues further.

For the "Wahl Commission" to Review the Substance and Process of the ABA's Accreditation of American Law Schools, I discussed the recommendations of the Clinicians' Working Group on the Implementation of the MacCrate Report, which were adopted by the Executive Committee of the Section and by the CLEA Board of Directors at the 1995 Annual Meeting in New Orleans.

See you in St. Louis.



### NOTE FROM THE EDITOR

The Clinical Section Newsletter is scheduled for publication three times each year: approximately the first week of April, September and December. We invite everyone to submit articles. Everything is welcome! Essays, requests for information, committee reports, position announcements, publications, descriptions of clinical programs, etc.

In order to meet our publication dates, articles must be received on or **before** the submission deadlines. **The next submission deadline is Monday, August 21, 1995.** Articles received after that date will **not** be included in the Newsletter. If your article is important, it's important to get it here on time!

Long articles (more than 1 page) and documents with charts or other formatting difficulties should be submitted on a 3½-inch diskette, formatted for WordPerfect for Windows 5.2, 6.0 or 6.1, together with a hard copy. Articles may be submitted by mail, e-mail or FAX (see address and number information on the cover).

Please contact the Editor, Catherine Mahern, if you have any questions.



**FEATURE**  
**CHILD WELFARE  
LAW PROGRAM  
AT THE  
UNIVERSITY OF MICHIGAN  
LAW SCHOOL**  
by  
**Donald N. Duquette**  
(Univ. of Michigan Law School)

A more effective legal system for foster children is the goal of a new Child Welfare Law Program that the University of Michigan Law School will create with a \$1.5 million grant from the W. K. Kellogg Foundation.

The grant is part of the Kellogg Foundation's \$22 million Families for Kids Initiative to reform foster care in the belief that too many children spend too long in such care. The Foundation is targeting nine states and communities throughout the nation in a multi-year effort to facilitate dramatic changes in the child welfare system. The purpose of the U-M Law School's program is to enhance the quality and availability of child-centered legal services in the nine target communities.

The U-M Child Welfare Law Program will be connected with the school's Child Advocacy Law Clinic, headed by clinical professors Donald N. Duquette and Suellyn Scarnecchia.

The three-year grant will fund six major activities. These activities were carefully designed to refocus the legal aspects of the child welfare system on the needs of individual children and to promote legal advocacy for children.

The new U-M program will:

- Create Kellogg Child Law Fellows. Each summer 20 law students with ability and interest in child welfare law will receive training at the Law School, then be placed for 10 weeks in child welfare law offices. At least five of the fellows each year will be U-M Law School students.
- Identify and network existing child welfare law offices in the target areas throughout the United States, disseminate information on model child welfare programs and practices, and help establish new ones.
- Develop an active network of child law teachers and scholars who will share materials to encourage and improve the teaching of child welfare law and to pursue national standards for lawyer performance in this field.
- Select four advanced Child Welfare Law and Policy Fellows each year from attorneys, judges or law professors in the target communities. These advanced fellows will spend a semester at the University of Michigan and eight months in their home communities. The educational goal for the advanced fellows is exposure to an interdisciplinary approach to child welfare law and an in-

depth knowledge of current law and public policy in the field.

- Direct legal reform in Kellogg target communities. The program will offer direct legal consultation to target communities on child welfare law, legal policy and child welfare law training. The program will also lead legal reform focus groups and follow-up legal reform progress meetings, involving lawyers, judges, members of key legislative committees, social workers, state child welfare agency officials, advocacy group representatives and foster parents. The focus groups and progress meetings will allow communities to compare their experiences, discuss areas of mutual concern and share strategies for improvements.
- Establish a Child Welfare Law Resource Center for Michigan. The Center will have four major objectives: organizing a network of lawyers practicing child welfare law in the state; providing high-quality training sessions for 50 to 100 such lawyers and judges annually; developing practice manuals for each attorney role (the agency, child's and parents' attorneys); and providing technical assistance to member lawyers, including phone consultation, research assistance, a computer network and a quarterly newsletter. The Michigan resource center will be a prototype for the development of similar centers in the other target communities.

"It is terrific to receive this grant," said Duquette, who was instrumental in crafting the program proposal. "Child welfare law is an important field, and combining our talents and experience with the Foundation's resources should improve the lives of children who are in foster care or facing foster care. Ours will be an important

partnership with the Kellogg Families for Kids Initiative and the target communities."

"The goal of achieving permanent families for children will be frustrated without a child-sensitive legal system. In turn, a child-sensitive legal system depends upon a bench and bar of considerable sophistication and competence," Duquette added.

Law School Dean Jeffrey Lehman noted, "This grant will greatly strengthen the position of the U-M Law School as a leader in this important field and, more important, will strengthen the focus of law schools and the legal profession generally on the serious unmet legal needs of children."

The Kellogg Foundation has five specific outcomes it hopes to promote through the Families for Kids Initiative. They are: that any family in contact with the child welfare system will have ready access to services which help them solve or cope with everyday problems; that within one year, each child who enters the child welfare system will be found a permanent home; that to ensure consistency, a family and a child will work with the same caseworker or casework team until the child finds a permanent home; that a family's needs will be evaluated by a single, coordinated assessment process that includes all family members; and that children will not be shuttled between foster homes but will remain in a single, stable foster home in their own neighborhood.

The W. K. Kellogg Foundation was established in 1930 to "help people help themselves." As a private grantmaking organization, it provides seed money to organizations and institutions that have identified problems and designed constructive action programs aimed at solutions.

Most foundation grants are awarded in the areas of youth, leadership, philanthropy and volunteerism, community-based health

services, higher education, foods systems, rural development, groundwater resources in the Great Lakes area and economic development in Michigan.



COMMITTEE REPORTS

**Committee on Ethics and Professionalism  
-- Paul Tremblay (Boston College)**

The Committee met in New Orleans for its inaugural meeting, and will meet again in St. Louis. Among several other discussions and ideas floating among its members, the Committee has one rather specific focus and one rather general one.

The specific focus: Many questions and concerns appeared on the clinical e-mail circuit in mid-January about conflicts of interest within clinical programs and between clinical programs at the same school. Several e-mailers wondered about the efficacy and propriety of "walls" as a means to respond to potential conflicts. Minna Kotkin then asked this Committee to look into this topic. We shall. We have started by distributing a Peter Joy memo that he uses in his clinic to flag conflicts among students.

The general focus: I am canvassing Committee members on some important but abstract questions about what we mean when we try to teach ethics in clinics. We will talk about the canvass results in St. Louis.



**ALERT: Lobbying \$\$\$ -- Minna J. Kotkin  
(Brooklyn Law School)**

In response to the Section Executive Committee's request, the AALS has approved the use of \$5,000 of Section income to reimburse Section members for costs incurred for travel to Washington,

D.C. to advocate for the continuation of Title IX with members of Congress and their staff.

We have assured the AALS that the Section Executive Committee will determine that those members seeking travel funds have made appropriate connections for effective lobbying efforts and have requested but cannot obtain reimbursement from their schools.

If you are interested in going to Washington, particularly if you will be representing a Title IX school in a state with a Senator on the Appropriations Committee or have another connection that would be useful, please contact Minna Kotkin privately by fax or e-mail:

(718) 780-0367 FAX

[mkotkin.brooklaw@pcm.brooklaw.edu](mailto:mkotkin.brooklaw@pcm.brooklaw.edu)

with the details of your plan and information about your request for funding from your school. Please let your deans know that some contribution towards travel expenses would be appreciated. Obviously, we need to stretch these funds as far as possible.



**Tenure, Status, Salary and Promotion  
Committee -- Ann Shalleck (American)  
and Rodney Uphoff (Oklahoma)**

The Tenure, Status, Salary and Promotion Committee will meet at the AALS Annual Meeting in St. Louis. Please check for the time and date of the meeting when you arrive at the conference.

For the past two years, our committee has debated the merits of a proposed Statement of Good Practices Relating to Clinical Educators. Our latest working draft is printed below. We invite anyone interested to comment, not only on the draft, but on the wisdom of proceeding with such a Statement.

Some have questioned whether such a document--at least in this form--is worth pursuing. Some feel that certain language such as paragraph 5 relating to faculty governance should be stronger. Some have argued that the entire tone of the Statement is too strident. Others have suggested that it is critical to include a paragraph on the importance of salary and compensation equivalency. Because of the diversity of policies at various schools and the conflicting interests of clinicians, we initially decided to steer clear of attempting to include provisions relating to employment and status in this document. Nonetheless, the committee is gathering additional information on status issues and we will be discussing current strategies for dealing with 405(e) at our meeting. We would, therefore, welcome suggestions and ideas about 405(e) together with your thoughts about this proposed statement. Anyone interested in working on the committee should, of course, feel free to join us in St. Louis.

## STATEMENT OF GOOD PRACTICES RELATING TO CLINIC EDUCATORS<sup>2</sup>

1. Since accredited law schools must have written policies setting forth the way in which decisions on faculty appointment, promotion, retention and tenure are made, such policies also should take into account the particular types of appointment and other status decisions that affect clinicians if they differ from the non-clinical faculty. Upon joining the faculty, or in the case of a clinician hired without faculty status, at the time employment begins, a copy of the written policies should be given to every clinician.
2. Because a variety of clinical appointments are possible, each clinician, whether or not technically a member of the full-time faculty, should be provided a written statement of the school's description of the job for which the person was hired.
3. A system of peer support for early development of teaching skills is important, particularly in a school where

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<sup>2</sup>Although the ABA uses the more inclusive term "professional skills curriculum" to encompass teachers of live-client and extern clinics as well as those conducting simulation courses, the most significant questions concerning employment conditions and status appear to have arisen for clinicians who are actively engaged in the direct representation of clients. These clinicians must balance the pressures and the demands of law practice with their academic and teaching responsibilities. Therefore, these standards primarily are intended to provide guidance for that sub-category of professional skills instructor, but obviously can be extended to a broader group, if appropriate.

there are few, if any, experienced clinicians. In the absence of a viable on-site peer support system, schools should actively support attendance at professional development meetings and workshops sponsored by the AALS and other organized clinical groups.

4. Evaluations of teaching, scholarship and service should be regularly provided to clinicians on the same basis as all other comparable faculty members, preferably by individuals with some familiarity with clinical teaching techniques and/or clinical scholarship. These evaluations should be given routinely as well as in connection with any status decision.
5. Inclusion and participation in law school governance by clinicians is generally desirable. Faculty and/deans, however, should protect clinicians and junior faculty from being recruited to participate in too many service related activities that do not leave enough time for clinicians to write, to improve as teachers, or to properly supervise students and serve their clients.
6. Clinical faculty members, whether or not on a tenure track, should be provided adequate support for research commensurate with the expectations of the school for scholarship as a means of attaining some form of job security. This support should include adequate clerical and research assistance, including computers, space, student researchers, as well as fair access to research stipends.
7. Since the rigors of client representation usually conflict with the more solitary, uninterrupted process of scholarship, clinicians who carry caseloads should be relieved periodically from the representational responsibilities in order to be productive scholars, if that activity is in their best professional and/or personal interest. This relief might take the form of release time in a given semester or finding and funding alternative arrangements for summer responsibilities. Another possible way to recognize the different demands and work requirements of clinicians is to extend the timing of the traditional tenure or alternative long-term employment status decision.
8. Given the typically small student/faculty ratio of clinics and the inevitably greater personal contact, clinicians are often called upon to provide emotional and personal support to students to a greater degree than many of the non-clinical faculty. Given their typical "real world" backgrounds, clinicians often face greater demands on their time in activities that are frequently not given too much credit by other faculty members such as being moot court judges and coaches, being asked to give legal advice to other members of the school community, or career counseling advice to students. To the extent that these demands exist, they should be recognized as valuable and time-consuming contributions.
9. Faculties should support research topics that have not been the subject of traditional academic work. The same openness should apply to the methodology and the format of the scholarship and the nature of the journal in which the work is published. Clinical writing often involves an analysis of anecdotal data or clinical experiences as the basis for a theoretical discussion. Clinicians may also spend considerable time developing creative and innovative written and electronic teaching materials that may well be viewed as scholarship. Schools should find ways to expand their definition of scholarship to



accommodate these differences without compromising their standards concerning the quality of the work.

10. Given the time-consuming nature of client representation, schools also should take into account the amount of time it has made available to its clinicians for scholarship when evaluating the volume of writing as well. Standards for judging productivity should not be based on unreasonable expectations.
11. During any evaluation process, schools should be willing to recognize that there may not be anyone on their existing faculty in a position to evaluate the teaching effectiveness, program design or scholarship of the clinical faculty. If that situation arises, schools should call on the expertise of experienced clinicians from other schools rather than conduct an uninformed evaluation.



#### **MacCrate Bar Association Network -- by Peter Joy**

There is now in place a network of contacts from over 42 states or regions<sup>3</sup> monitoring responses to the MacCrate Report by courts and bar associations. This brief report summarizes the work to date by this coordinated effort of the Clinical Section of the AALS and the Clinical Legal Education Association (CLEA).

While many state and local bar associations and high courts have had, or are planning,

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<sup>3</sup>Puerto Rico is also specifically included since there are law schools in Puerto Rico. American Samoa, Guam, the Virgin Islands, etc., will be added if it is reasonably possible to locate contacts in any of the territories.

conclaves to respond to the MacCrate Report, there is no clear pattern of activity beyond these initial meetings. The conclaves are usually day-long or weekend meetings involving members of the bar, the judiciary and law schools. In some states and cities, special committees focusing on skills and values issues have been created as a result of conclaves. Some states are exploring special CLE "bridge the gap" programs for new lawyers, and a few states have been talking about instituting mentoring or apprentice programs. In other states, the conclaves have not produced any other coordinated responses to MacCrate.

Through contacts with courts and/or state or regional bar associations, we hope to effectively monitor and, perhaps, influence the directions bar associations and courts may take in response to the MacCrate Report. The work of the contacts ranges from a minimum of reporting on what is occurring in their states or regions, to becoming members of, or consultants to, the planning bodies for the conclaves or the skills and values committees that are forming in some states and regions.

Where there is information on the activity in a state, there is a short summary of that activity along with the attached list of contacts. If your state does not have a contact, please become involved in your state or recruit someone else.

If you are interested, or if you are already working with a bar association or court on the MacCrate Report, please contact the Network chair, Peter Joy at: 216-368-2766 (phone); 216-368-5137 (FAX); LAWCLINIC address-paj@po.ins.cwru.edu.

Thank you.

## MacCrate Clinician Network

The following is the current list of contacts and brief status reports where there is information:

State	Contact(s)
Alabama	
Alaska	
Arizona	Gary Lowenthal (Arizona State)
Arkansas	Marcia McIvor (U. of Arkansas)
California	Richard Boswell (Hastings) [No activity reported.]
Colorado	Howard Rosenberg (U. of Denver) [A conclave was held on June 17, 1994. No news on any other activity.]
Connecticut	Jean Koh Peters (Yale) James Stark (U. of Connecticut)
Delaware	John Landis (Widener)
District of Columbia	Louise Howells (D.C. School of Law) Sharon Styles (Howard) [No activity reported.]
Florida	Lisa Bliss (U. of Florida) Peter Margulies (St. Thomas) [A committee called the Bench and Bar Commission has recently sent suggestions to the State Bar's Board of Governors. The most relevant suggestion is that there be a 90-hour "bridge the gap" skills program for first-year lawyers.]
Georgia	
Hawaii	John Barkai (U. of Hawaii) [Nothing by the bench or bar.]
Idaho	Ken Gallant (U. of Idaho) [No activity reported.]
Illinois	Hank Rose (Loyola-Chicago) Gary Palm (U. of Chicago) Gary Laser (Chicago-Kent) [A conclave is planned for October of 1995. At least one clinician is on the planning committee.]
Indiana	Edwin Gennebaum (U. of I.-Bloomington) Mary Wolfe (U. of I.-Indianapolis.) [A conclave is being planned. No firm date yet.]
Iowa	Barbara Schwartz (Iowa) [There was an initial proposal for a one-year internship after law school as an additional requirement for admission to the bar. The internships would be with "senior counsel" (members of the bar with 15 years of experience or more) and the interns would not be compensated. That proposal is no longer viable, but some post graduation requirement is still being discussed.]
Kansas	Nina Tarr (Washburn) [No activity has taken place, and nothing is planned.]
Kentucky	
Louisiana	
Maine	
Maryland	Marla Hollandsworth (U. of Baltimore) [The state bar is in the initial stage of talking about MacCrate.]
Massachusetts	Gerald Clark (Suffolk) [No activity reported.]
Michigan	Judy Frank (Cooley) [The state bar committee on legal education considered performance testing as it is presently being tested in California.]
Minnesota	Bev Balos (Minnesota) [No activity reported.]

Mississippi

Missouri Mary Beck (U. of Missouri)

Jean Scott (Wash U.)

[On November 6, 1993, the Missouri State Bar Association hosted the "Conference on Legal Education" at the University of Missouri School of Law. The meeting focused on the status and development of legal education. The Bar also hosted a "Conference on Professionalism," and focused on defining professionalism, how to teach it and how to inspire it. The Chief Justice of the Missouri Supreme Court is reviewing the progress of the performance test developed in California.]

Montana Margaret Tonon (U. of Montana)

Nebraska Catherine Mahern (Creighton)

Nevada

New Hampshire Bruce Friedman (Franklin Pierce)

New Jersey Jonathan Hyman (Rutgers, Newark)

New Mexico Antoinette Sedillo Lopez  
(U. of New Mexico)

New York Jackie Nolan-Haley (Fordham)

JoAnne Simon (Hofstra)

JoAnne Miner (Cornell)

[In April 1994, a "Professional Education Project" was formed by the court to consider implementation of MacCrate throughout the state. A conclave may result. The Assoc. of the Bar in the City of New York has formed a committee on lawyer training, and the committee has developed a proposal to establish a training program in lawyering skills for entry-level lawyers who lack access to on-the-job training programs. Several clinicians are involved.]

North Carolina Katherine Mewhinney  
(Wake Forest)

North Dakota Larry Spain  
(U. of North Dakota)

Ohio Peter Joy (Case Western Reserve)

[Ohio held a conclave on September 29-30, 1994. A report of the proceedings was published in February of 1995. No other activities are planned at this time.]

Oklahoma Keith Bystrom (U. of Oklahoma)

[State bar is discussing plans for a conclave.]

Oregon Sandy Hansberger (Lewis and Clark)

Terry Wright (Lewis and Clark)  
[No activity is reported.]

Pennsylvania Nathaniel Nichols (Widener)  
[No activity is reported.]

Puerto Rico Emmalind Garcia (Inter-American U.)

[No activity is reported.]

Rhode Island Bruce Kogan  
(Roger Williams U.)

[No activity is reported.]

South Carolina Roy Stuckey

(U. of South Carolina)

[No official response is expected by the Bar or the South Carolina Supreme Court. There is currently a week-long "bridge the gap" course for new attorneys, and that may be modified. In addition, there may be other CLE changes as a result of MacCrate.]

South Dakota

Tennessee Kate Bunker (U of Tennessee)

Texas Sue Bentch (St. Mary's)  
[No activity is reported.]

Utah Linda Smith (U. of Utah)  
[No activity is reported.]

Vermont Liz Ryan Cole (Vermont)  
[Nothing is happening.]

Virginia Sara Finley (U. of Richmond)

Washington Speedy Rice/Mary Wilson  
(Gonzaga)  
[No activity is reported.]

West Virginia Marjorie McDiarmid  
(West Virginia)  
[No activity is reported.]

Wisconsin Louise Trubek (U. of Wisconsin)  
[The Commission on Legal Education was appointed by the State Bar President. There are the following committees: skills and values; legal education; CLE; and transitional lawyers (3-5 years experience). A report is due by June, 1996. At least one clinician is involved.]

Wyoming



## AMONG OURSELVES

### PROMOTIONS, APPOINTMENTS, ELECTIONS

**Steve Ellman** (New York Law School), tenure and promotion to Professor of Law.



**Louise Howells** (D.C. School of Law), promotion to Associate Professor.



**Binny Miller** (American University), promotion to Professor of Law.



Temple has named **Edward D. Ohlbaum** as the first Jack E. Feinberg Professor of Law.



**Susan Waysdorf** (D.C. School of Law), promotion to Associate Professor.



### AWARDS & HONORS

**Gary L. Anderson** (Tennessee) is the recipient of the 1994 Lionel R. Barrett, Jr. Award for contributions to the defense of those citizens accused of capital crimes who are subject to the death penalty.



**Ronald C. Brown** (Hawaii) has been honored at his school for excellence in teaching, research or service.



### NOTES & ANNOUNCEMENTS

**Doug Blaze** (Tennessee) and **Pam Wolf** presented a workshop on "Social Work and

the Law: An Interdisciplinary Approach to Poverty Law" at Tennessee.



**Isabelle Gunning** (Southwestern) and **Anita Glasco** were panel moderators at the conference on "Crime Prevention in the African-American Community: Strategies and Solutions" at Southwestern.



**Charles J. Ogletree, Jr.** (Harvard) delivered the Howard Lichtenstein Legal Ethics Lecture at Hofstra on November 16, 1994. His address was titled "Public Defenders as Friends of the Devil?"



**Michael L. Perlin** (New York Law School) presented the annual Charles Steinberg lecture in Law and Psychiatry at the University of Rochester.



**Andrew Shookhoff** (formerly at Tennessee), a juvenile court judge in Nashville, Tennessee, and co-chair of the Juvenile Justice Committee of the American Bar Association's Criminal Justice Section, is featured in an article about juvenile crime in the February 1995 issue of the ABA Journal.



OF INTEREST TO CLINICIANS

## REQUESTS

The *Clinical Law Review* is now accepting articles, essays, commentary (including letters to the editors about past articles), book reviews and works-in-progress for the fall 1995 issue of the *CLR*. (The spring 1995 issue, Vol. 2, No. 1, is filled.) The working deadline for submissions is July 1, 1995. Directions for how and where to submit manuscripts to the *CLR* appear at the bottom

of the inside cover of the *CLR*. Space is limited; support your peer-edited journal by submitting to the *CLR* first. [See also the subscription form on page 36 of this Newsletter.]



## PROGRAMS

The U.S. Department of Education has awarded a three-year grant to **Chicago-Kent** to establish a public interest health/family law clinical program.



**Columbia** has received a grant to expand its Fair Housing Clinic.



**Oregon** has received grants from the Department of Education to begin two clinics. **Julia Gold** directs the new Mediation Clinic and **Diane Brissenden** directs the new Health Law Clinic.



**Quinnipiac College School of Law** Magazine for September 1994 has a feature on the school's clinics.



**Rutgers-Newark** established a new Tax Law Clinic which was scheduled to open in January.



**Southern Illinois** received a *Learn and Serve America* grant to expand its ADR Clinic.



Ambitiously named "The Innocence Project," the students at New York's Yeshiva University, **Benjamin N. Cardozo School of Law**, who are involved in what may be the nation's first DNA legal clinic, help wrongly convicted killers and rapists by studying DNA evidence and submitting it to court.

Getting the students involved in a clinical setting was the idea of Cardozo Prof. Barry C. Scheck, who has done criminal defense and legal aid work for years. His current assignment: DNA expert on the O.J. Simpson defense.

Professor Scheck says since about 1986 he and his colleague, New York lawyer Peter Neufeld, have been looking into the cases of convicts who claimed innocence. They did a few of these cases, then used a DNA test--or genetic fingerprinting--to help free a convicted killer. After a few more DNA cases and holding a forum on the subject, "We suddenly became the DNA experts," Professor Scheck says.

DNA testing depends on the existence of physical evidence, such as a bloodstained shirt, which is often not preserved in long-closed cases. By testing the defendant and the physical evidence, scientists often can say with a high degree of certainty that a defendant is innocent because the genetic fingerprints on the evidence cannot be those of the defendant.

"We realized a few years ago there is a real need to do DNA testing on post-conviction cases," Professor Scheck says. "The FBI has been doing DNA testing since 1989, and they found that in one-third of the cases of witness identification, the defendant was excluded by DNA testing in sexual assault cases. If it hadn't been for DNA testing, how many of these people would have been convicted?"

Professor Scheck established The Innocence Project last year, as part of the law school's long-running criminal law clinic; he began giving seminars on DNA testing and soliciting the closed files of area lawyers for further investigation.

Now each of the 18 students enrolled in the criminal law clinic does a major litigation

project, represents defendants in misdemeanor cases in court and works on one DNA project. The students get 14 academic credits for the two-semester clinic.

We have a very limited function," Professor Scheck says. "We only take cases where we think DNA testing will show innocence."

Professor Scheck is as proud of the training his students are getting in forensic technology, hair analysis, serology and transcript analysis as he is that The Innocence Project has been responsible for freeing eight convicts.

"It's a wonderful pedagogical tool," he says. Students are learning something about cutting-edge science. They have to understand science and its relationship to law. They also have to read the transcripts of a case and understand the whole case . . . from beginning to end. It's been a fascinating exercise in considering how the criminal justice system works and how errors are made.



**ABA Commission on Women in the Profession, 1995 AALS Annual Meeting: Testimony Concerning Gender Disparity in the Status of Clinical Law Teachers -- Minna J. Kotkin (Brooklyn Law School)**

Thank you for giving me the opportunity to testify before the Commission today. I want to address a narrow issue concerning the status on women in the profession, but one that concerns many of the women present at this annual meeting: that is, the evidence of clear gender disparity in the status and compensation of clinical law teachers. I am the chair of the AALS Section on Clinical Legal Education, but I speak here in my individual capacity. The information that I am about to present is largely based upon a just completed national survey of clinical teachers conducted by Professor Robert

Seibel of Cornell Law School, under the auspices of the Clinical Legal Education Association.

First, some background. Women account for some 27% of full-time law teachers, according to a 1992 ABA study, which did not break down this figure by tenure status. Clinical teachers are a subset of law school faculties, where their status is an ongoing debate at many institutions. Unlike with traditional law teachers, clinicians fall into at least four status categories: tenured, tenure-track, long-term contract and short-term contract. In the beginning of clinical legal education, many clinicians had no faculty status at all. After a long battle, in 1984 the ABA adopted accreditation standard 405(e), which was intended to address status, compensation and job security issues for clinicians. It provides that a law school "should afford to full-time faculty members whose primary responsibilities are in its professional skills program a form of security of position reasonably similar to tenure and perquisites reasonably similar to those provided other full-time faculty members. . . ." However, Interpretation three provides that the standard does not preclude a limited number of fixed short-term appointments in a program predominantly staffed by full-time faculty members, or in an experimental program of limited duration. Thus, while 405(e) has improved the status of clinicians at many schools, there are still a substantial number who have only short-term contracts under the interpretative exception.

Women are substantially overrepresented in the ranks of clinical teachers, compared to the 27% of law teachers. According to Professor Seibel's study, and my impressions, the women account for approximately 50% of all clinical teachers. This would be a promising development except for the fact that women's disproportionate representation means that a

large subset of the 27% are relegated to positions of inferior status.

Now coming to the concrete results of the survey, to which 406 clinical teachers responded, representing 150 law schools. In that sample, there were 121 tenured teachers: 42 women with an average salary of \$79,243 and 79 men with an average salary of \$86,510. The disparity is not explained by years out of law school or years of teaching experience. For those who were graduated more than 15 years ago, the salary comparison is in fact more egregious: women earn on average \$79,755, as compared to \$88,581 for men. For those teaching more than 10 years, women earn \$85,843 as compared to \$90,191 for men.

The same salary disparities are evident in each of the other status classifications, as the chart I have distributed indicates. Again in these categories, controlling for years out of law school and teaching experience does not suggest any explanation for this data.

Finally, the survey raises serious concerns with regard to status allocation as well as salary. Women represented 35% of the tenured teachers (42 women, 79 men, totaling 121); 64% of those of tenure-track (44 women, 25 men, totaling 69). Combining these categories, we have 82 women and 104 men out of 191 respondents, or 43% women. In the long-term contract category, there were 95 teachers, of whom 52 were female, or 55%, and 43 male.

The most significant finding relates to short term contract positions--the largest category of respondents--where women are vastly overrepresented. Women account for 73 or 61% of the 119 respondents, with only 43 men in this category. Moreover, that this category had the largest number of respondents raises serious questions about whether Accreditation Standard 405(e) is being adequately monitored by the ABA.

This brings me to what can be done about all this. First, I urge the ABA, in its accreditation process, to closely evaluate the degree to which law schools are complying with 405(e). To the extent law schools are using Interpretation 3 to relegate clinicians to short-term contract status, it is women teachers who are being harmed. These policies reinforce all of the stereotypes that inure to the harm of women in the profession more generally, since each new generation of law students sees women teachers at the bottom of the academic hierarchy.

Second, the ABA should insure that the provision of 405(e) requiring that clinical teachers receive reasonably similar prerequisites as traditional teachers be enforced with regard to salary. It is my guess--or perhaps my hope--that there is not an equivalent gender disparity in salary for traditional teachers.

Thus, the recommendation of a site inspection team that a law school should review its salary structure to insure reasonably similar compensation of clinical teachers and traditional teachers would also inure to the benefit of women clinical teachers.

Finally, the Commission should call these statistics to the attention of the law school deans and ask that they carefully examine whether their institutions are guilty of equal pay violations.

Thank you for your attention and I would be happy to answer any questions.



### **Testimony Before the Commission to Review the Substance and Process of the American Bar Association's Accreditation of American Law Schools (February 10, 1995) -- Minna J. Kotkin (Brooklyn Law School)**

Thank you for giving me the opportunity to testify before the Commission today. I am a professor at Brooklyn Law School, and am the chair of the Association of American Law School's Section on Clinical Legal Education, which represents over 1200 full-time clinical teachers. I am also co-chair with Professor Mark Heyrman of the Clinicians' Working Group on Implementation of the MacCrate Report, which is composed of clinical teachers active in the AALS section and CLEA, the Clinical Legal Education Association. I want to address the issue of how the accreditation standards and process have affected clinical legal education, and to offer some thoughts about how the process can address the issue of skills training in the current climate surrounding accreditation. In accordance with AALS regulations, however, I speak to you today in my individual capacity, and my views do not necessarily reflect the position of the Section or the AALS. They do, however, reflect the position of the Clinicians' Working Group's report on MacCrate implementation, which recently has been adopted by both the Section and CLEA.

The clinical community has reaped substantial benefit from both the substance and process of the ABA's accreditation function, particularly with regard to the status of clinical teachers. From the beginnings of the modern clinical education movement in the 1960's until 1984, law schools could relegate clinical teachers to positions with no faculty status or job security. After serious debate and discussion, Accreditation Standard 405(e) was adopted. The standard has made a



major difference in the lives of clinical teachers, although given its interpretation, there are still many teachers who do not benefit from its terms.<sup>4</sup> Similarly, the adoption of Interpretation 2 of Accreditation Standard 306 has done much to improve the quality of externship programs. It makes clear law schools cannot place large numbers of students in work settings without adequate faculty resources and classroom instruction.

With regard to the process of accreditation, in recent years the ABA has been diligent in heeding the recommendation of the Clinical Section that every site inspection team include a clinical teacher. This has been of critical importance in ensuring compliance with Accreditation Standard 302(a)(iii), requiring that law schools offer instruction in professional skills.

The major recent development relevant to a consideration of the accreditation process, however, is the issuance of the MacCrate Report. While the Report explicitly disclaims recommending changes in the standards, it has been viewed by some as the first step in ABA-mandated curricular reform to include greater emphasis on skills training. The House of Delegates' adoption of Resolution 8A,<sup>5</sup> and the amendment of Standard 301(a) to require law schools not only to prepare students for bar admission but also "to prepare them to participate

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<sup>4</sup> In fact, according to a recent nation-wide survey conducted by Professor Robert Seibel, out of 406 clinical teachers responding 119 were in short-term contract positions with no job security.

<sup>5</sup> The House of Delegates asked the Section on Legal Education to report "as to the manner in which skills and values instruction should be integrated into the accreditation process."

effectively in the profession," have been seen as first steps in this direction: that is, turning the MacCrate Statement of Skills and Values ("SSV") into a whole new set of accreditation standards. These developments have fueled the movement on the part of some leaders in legal education to curtail the involvement of the ABA in the accreditation of law schools.

The accreditation standards should continue to avoid, whenever possible, specifying particular courses or modes of instruction and should be designed to preserve the flexibility of law schools to design curricula that are quite varied. However, the accreditation process must insure that law schools comply with their obligation to prepare students "to participate effectively in the profession."

This means that law schools must be required to consider what skills and values are needed for the effective practice of law and to craft a curriculum reasonably calculated to provide that training. This could be done through reinvigorating the self-study provisions or through interpretations of the recently amended Standard 301(a) that make clear law schools' obligations in this regard.

Moreover, the continued reluctance of some law schools to accept responsibility for preparing students for practice may at some point suggest that the accreditation process include some greater specificity concerning the provision of clinical education. The Working Group Report has proposed six basic goals for MacCrate implementation (attached), some of which are relevant to the accreditation process. In particular, Goal Two provides that "law schools shall provide every student with a faculty supervised, direct client representation clinical experience designed to provide instruction in those values and skills reflected in the SSV which are best taught through such an

experience"<sup>6</sup>; and Goal Three provides that law schools should make available such instruction in an in-house format for students who want this experience. These recommendations are, in fact, curricular mandates and do run counter to the view that the Standards as now conceived are overly intrusive into law schools' autonomy. However, we believe that it is time for the ABA to stand firmly behind the principle expressed in Standard 301(a), that law schools must prepare students to be effective practitioners. It would be appropriate for the ABA to adopt these principles as interpretations of that Standard. We believe that such action is analogous to the adoption of Standard 302(a)(iv), requiring the teaching of "the duties and responsibilities of the legal profession."

Clearly, there are questions of resources and costs involved in this recommendation. But resources and costs are at the heart of many of the accreditation standards. This Commission, given its mandate to review the entire substance and process of accreditation, should consider whether the standards as a whole can be modified to allow for the redirection of resources that would be required to allow for the full implementation of the MacCrate Report. Changes in technology, for example, may well make certain standards concerning library resources, space needs and student-faculty ratios of less critical importance, allowing for significant cost savings and reallocation of funds.

Finally, Goal Four provides in part that law school applicants should be advised of the nature and availability of clinical programs. This goal is consistent with proposed

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<sup>6</sup> This goal does not distinguish between in-house and externship programs, to allow law schools maximum flexibility of curricular reform.

Standard 215 requiring law schools to provide "basic consumer information" about curricular offerings, among other matters. Particularly with regard to clinical programs, applicants are entitled to know whether the offerings described in a catalogue are in fact regularly available, and whether they meet the student demand.

Moreover, requiring the provision of such specific information would be consistent with the policy evidenced by the recently adopted Department of Education regulations.

Thank you for your attention and I would be happy to answer any questions.



**Proposals to Implement MacCrate Commission Report -- Prepared by The Clinicians' Working Group on MacCrate Implementation -- Mark J. Heyrman and Minna J. Kotkin, Co-Chairs**

**IMPLEMENTATION GOALS**

1. Law schools shall provide every student with appropriate instruction in the values and skills reflected in the SSV through a combination of direct client representation clinical programs, simulation courses and classroom instruction.
2. Law schools shall provide every student with a faculty supervised, direct client representation clinical experience designed to provide instruction in those values and skills reflected in the SSV which are best taught through such an experience.
3. Law schools shall make available to those students who want this experience an in-house, faculty supervised, direct client representation clinical program designed to provide instruction in the values and skills reflected in the SSV which are best taught through such an experience.

4. Law schools shall provide applicants with a copy of the SSV and advise them of the nature and availability of clinical programs and other programs for instructing students in the values and skills reflected in the SSV.

5. Law schools shall devote adequate resources toward ensuring that students fulfill their obligation to work towards enhancing the capacity of law and legal institutions to do justice.

6. Law schools shall provide every student with instruction in the skills and values necessary for the student to fulfill her obligation to provide legal services to those who cannot afford to pay for them.



#### **Title IX Law School Clinical Experience Program Appropriations and Budget Rescission Action in Congress -- Dan Power, Co-Chair, Committee on Financial Resources and Funding**

To those of you who are on the Internet, some of what is set forth in this article will not be new due to the previous four memoranda I have put on the Internet and the many additional contributions made by others. Some of you fellow clinicians are not on the Internet system yet, so I am setting forth the essentials of what has happened on the Title IX LSCE funding, what is happening, what actions have been taken by law schools, and what needs to be done in the immediate future. In this way, all will have the same base of information with which to work.

Two initiatives are under way, both of which would kill the Title IX LSCE program funding. First, on February 6, 1995, President Clinton sent his budget proposal for Fiscal Year 1996 to Congress. At the same time, he submitted his proposal for budget rescissions for the current fiscal year,

1995. The Title IX LSCE program was included in the President's proposal for budget rescission, along with other educational programs. On such a budget rescission request, Congress has forty-five (45) days within which to act. Congress must affirmatively agree to a specific budget rescission for it to become effective. If Congress does not act affirmatively, the rescission request is dead, i.e., the program funds survive and the program for which the funds were appropriated must be carried out. Hence, on this formal administration request, if Congress fails to agree by March 23, the funds appropriated in 1994 for the current fiscal year, 1995, remain alive to fund grant awards for school year 1995-1996, unless some other attack is made on the program funds.

That "other attack" is occurring now. The second initiative that is underway is the separate budget rescission action that has been instituted by the new (and Newt) leadership in the House of Representatives. On Wednesday, February 22, 1995, the House Appropriations Subcommittee on H.H.S., Labor and Education voted in favor of \$7 billion in cuts that included our Title IX funds of \$14.92 million. On March 2, 1995, the full Appropriations Committee voted a rescission bill of \$17 billion which included the \$7 billion in cuts from the Education Subcommittee.

The entire rescission bill is scheduled for a vote in the House of Representatives on March 15 (Shakespeare's admonition still lives...). The legal prognosis in the House is not good; it's bad; and it is a foregone conclusion. Nonetheless, many of us have been doing what we can (long distance) to inform the members of the House Subcommittee on H.H.S., Labor and Education, and the full Appropriations Committee members about the cost effectiveness and public interest values inherent in the Title IX program.

Those of you who are not on the Internet can still act effectively to help affect future consideration of the Title IX program funding by the House even though the House will have voted in favor of the rescission by the time you read this communication. Contact your Representative and let her/him know of your strong support of the Title IX program. Make sure that the person making the direct Congressional contact is not funded by the Title IX program. If the Senate passes a version of the rescission bill that is different than that of the House, then the bill goes to a House-Senate Conference Committee. Each chamber must then vote again on the conferees' bill. This is why and how your continued contact with your Representative is very important.

The next stages of action will be the following:

(1) Consideration of the House bill by the Senate Appropriations Subcommittee on H.H.S., Labor and Education on those sections affecting the departments under its jurisdiction;

(2) Then, consideration by the full Senate Committee on Appropriations;

(3) Next will be the vote in the U.S. Senate on the Senate's version of a budget rescission;

(4) If it differs from the House version, which is likely, then the bill goes to conference;

(5) Each chamber must then vote on the final version that emerges from the conferees;

(6) The final stage will be action by President Clinton. If Congress will have passed the line-item veto proposal by the time the rescission bill is submitted to him, there is the possibility that he could line-item

veto a proposed Title IX program rescission even if it is still in the bill at that point.

Our principal focus for action now is the U.S. Senate. Immediate action is needed to enlist the support of the Majority (Republican) and minority (Democrat) members of the Senate Appropriations Subcommittees on H.H.S., Labor and Education. Each member's name, party and state are as follows:

Arlen Specter, Chair	R	Pennsylvania
Mark O. Hatfield	R	Oregon
Thad Cochran	R	Mississippi
Slade Gorton	R	Washington
Connie Mack	R	Florida
Christopher S. Bond	R	Missouri
James M. Jeffords	R	Vermont
Judd Gregg	R	New Hampshire
Tom Harkin, Ranking	D	Iowa
Robert C. Byrd	D	West Virginia
Ernest F. Hollings	D	South Carolina
Daniel K. Inouye	D	Hawaii
Dale Bumpers	D	Arkansas
Harry Reid	D	Nevada
Herb Kohl	D	Wisconsin

The immediate objective is to convince a majority of the pertinent Senate Appropriations Subcommittee that the Title IX LSCE program funds should not be rescinded (for the reasons stated hereafter). If we are successful in the Subcommittee, chances for survival in the full Senate Committee are increased substantially. I have already been in contact with a number of persons from law schools in states having a Senator on the Senate Appropriations Subcommittee for H.H.S., Labor and Education. The strategy is to contact the members in descending seniority rank, e.g., Arlen Specter (R., PA), the Subcommittee Chair, and Tom Harkin (D., IA), the ranking minority member, have been contacted (in more than one way.)

At the same time contact is being made with the Subcommittee members, the other members on the full Senate Appropriations Committee should be contacted by law school representatives from the appropriate in-state law schools. To accommodate communications between and among ourselves, I am setting forth by state the members of the full Senate Appropriations Committee who are from your respective states. Please note that the number by each member's name reflects her/his ranking either on the majority or minority side. Generally speaking, the higher the rank in numbers usually indicates the greater degree of power (or "clout") which that member either actually has, or is perceived to have.

The members of the full Senate Appropriations Committee are as follows:

1 Mark O. Hatfield,	R	Oregon
Chair, Full Committee		
2 Tad Stevens	R	Alaska
3 Thad Cochran	R	Mississippi
4 Arlen Specter,	R	Pennsylvania
Subcommittee Chair		
5 Pete V. Domenici	R	New Mexico
6 Phil Gramm	R	Texas
7 Christopher S. Bond	R	Missouri
8 Slade Gorton	R	Washington
13 Patty Murray	D	Washington
9 Mitch McConnell	R	Kentucky
10 Connie Mack	R	Florida
11 Conrad Burns	R	Montana
12 Richard C. Shelby	R	Alabama
13 James M. Jeffords	R	Vermont
5 Patrick J. Leahy	D	Vermont
14 Robert F. Bennett	R	Utah
15 Judd Gregg	R	New Hampshire
1 Robert C. Byrd,	D	West Virginia
Ranking		
2 Daniel K. Inouye	D	Hawaii
3 Ernest F. Hollings	D	South Carolina
4 J. Bennett Johnston	D	Louisiana
6 Dale Bumpers	D	Arkansas
7 Frank R. Lautenberg	D	New Jersey
8 Tom Harkin	D	Iowa

9 Barbara A. Mikulski	D	Maryland
10 Harry Reid	D	Nevada
11 J. Robert Kerrey	D	Nebraska
12 Herb Kohl	D	Wisconsin

In addition to the persons on the Senate Appropriations Committee from the states listed above, there are two additional levels of Senate and House members who are to be contacted. The first of these is comprised of the Senate and House leadership. These people are as follows:

#### House Leadership

Newt Gingrich,	R	Georgia
Speaker		
Richard Gephardt,	D	Missouri
Minority Leader		

#### Senate Leadership

Robert Dole,	R	Kansas
Majority Leader		
Thomas Daschle,	D	South Dakota
Minority Leader		

The final tier of contacts consists of those Senators and Representatives who are not on the Appropriations Committees or in the leadership positions. At this point, again our primary focus must be on the Senate. What can be very helpful is for Senators, who are not on the Appropriations Committee, to contact Appropriations Committee members who are either from their home state or who are members of their own party. These members' endorsement of Title IX programs can be very persuasive. Accordingly, law schools from every state have an important, if not critical, part to play in this effort.

It is very important that the right person(s) be the one who makes the contact for your institution. Those of you from the states listed above having the key Congressional and Senatorial districts must determine in consultation with your deans and other

faculty members precisely who is the person(s) best suited to make the direct contact--by "best suited" I mean the person(s) who has the best relationship with each Senator and Representative and who also has the grace and tact to be persuasive without being overbearing. Chemistry, sensitivity and prudential judgment are as important in this context as is logic. Do not overlook your alumni and alumnae. Some of these persons will come from the ranks of those individuals who are substantial financial supporters of the respective senators and representatives or are valued volunteers in her/his campaigns. Your deans, former deans and senior faculty members can assist considerably in identifying these special individuals who can be the best contact person(s). Usually the dean and a clinical professor of long-standing experience from a law school are the logical persons to have the maximum impact on the appropriate Senator or Congressperson, or a key staff member.

The following are my suggestions for the best essential points to be made by the contact persons when they communicate with the appropriate members on both the Senate and House of Representatives sides of Congress:

(1) The legal clinics which the Federal funds help make possible provide quality legal services to those disadvantaged citizens of our country who otherwise would not have realistic access to our system of justice, e.g., the elderly, the poor, the disabled, etc. In this respect, they perform the same type of function as medical schools' medical clinics. As is the case of medical school clinics, the ratio of faculty-to-students must be kept to a much smaller rate than the lecture-classroom ratio. This effects the relatively higher cost of the clinical component in legal education as it does in medical school education;

(2) The Federal funds granted by the Title IX Law School Clinical Experience

Program (LSCE) provide for only a part of the total cost of law school legal clinics. (Some elements of the Congressional debates about the program over the past fifteen (15) years have implied or assumed that the Federal funds were underwriting the total costs of legal clinics, thus inferring that "the law schools weren't doing their part.") In effect, through the Title IX Program, the Federal Government and the nation's law schools have forged a partnership that has, and continues to, addressed itself directly to the legal needs of our citizens in direst need. In a certain sense, the substantial funds which the law schools commit to legal clinics provide that part of the cost of operations which focuses on the educational development and professional enrichment of the clinical law students while the Federal funds provided by the Congress cover that part of the cost of operations which is directed at the public service component inherent in legal work of the law school clinics;

(3) "Bang for the buck": Law school legal clinics supplement in a major way the work of the field offices of the Legal Services Corporation (LSC). At the present time, the LSC field offices can serve only 20% of the nation's indigent citizens. Law school legal clinics provide legal services for poor citizens who cannot get that help from the local legal aid office (through no fault of the legal aid office; sufficient staffing just does not exist in these field offices.) Elimination of the Title IX program funds will only exacerbate the plight of the needy elderly, disabled, poor, veterans, etc. Law school legal clinics provide more quality legal services for the greatest number of poor citizens at the least cost than any other mode of legal services delivery. This is true at the same time the law school clinic faculty must monitor and limit the number of clients which each student handles in order to maintain the primary focus on the student's educational development (as opposed to a

primary focus on the amount of public services provided);

(4) Additional Economies and Efficiencies: Those of us who have been a part of the development of clinical legal education over the past 20-25 years have witnessed an additional economic "pay-off" effected by law school legal clinics that would not have been possible without the Title IX LSCE program funds provided by Congress. Graduates of these legal clinics constitute a major part of the nucleus of attorneys providing pro bono and reduced-fee services in Volunteer Lawyer Projects throughout the country. The commitment to pro bono service, which is inculcated in the law student by her/his clinical endeavors and experiences, manifests itself in public service programs such as Volunteer Lawyer Projects long after the students have graduated. This substantial public benefit is largely due to the financial commitment of Congress;

(5) Statistical Validation: Each law school representative(s) who is the contact person(s) should have the essential information and data at hand which reflect what the individual law school's clinical live-client programs are, what sector(s) of disadvantaged citizenry each serves, and statistical data of the number of clients, families, etc., who have been serviced by the school's clinical students and supervising faculty. If you do not have hard statistical data, you may give a reasonably accurate estimate of the clients/families served over a one-year period. Certain categories of targeted client groups tend to be "hot" political subject areas, e.g., domestic violence programs, senior citizens legal services programs, etc. Some subject areas have more political "sex appeal" than others. One senator's response to my testimony before the Senate Labor and Human Resources Committee a few years ago concerning the need and advantages for law school senior citizens legal services clinical

programs was simply, "Professor, there's not a negative anywhere in what you are advocating that I can find. Can and do you?" You will surmise what my response was; and

(6) The \$14.92 million appropriated for the Department of Education by Congress in the past for the Title IX LSCE program is the only Federal funding that has been appropriated by the Congress for legal services provided by law school clinics to protect the legal rights of citizens. When this sum is compared to what Congress appropriated for medical schools to protect the health of citizens through their medical clinics, the difference is so great that it is difficult to get an accurate figure due to the total amount in millions that is appropriated to fund medical school grants, clinics, research, etc., through the National Institutes of Health, the Administration on Aging, the Department of Health and Human Services, the Department of the Navy, Army and Air Force, the Veterans Administration, the Department of Education, etc.

These are the essential points of the case to be made to the members of the House and Senate. I have cast them in the context most meaningful to the members of Congress who are struggling to prove themselves as the leaders of economizing the Federal fisc. An additional point that is not helping our case in any way is the expected testimony of the Department of Education officials, which was to have been given the first few days of March, concerning the appropriations for the upcoming Fiscal year, 1996. It was to the effect that "the Title IX LSCE funds are no longer needed since law school legal clinics have now become established and the financial support of them is the responsibility of the educational institutions." The material presented above implicitly addresses these points and the attitude they reflect.

I think most of us who have been involved in the legal clinic movement for 10-15 years are aware of the major, if not pivotal, contribution the Title IX LSCE program has made to the development and legitimization of clinical legal education in the halls of legal academe. Beginning with a \$1 million appropriation in 1977, the Title IX funding has helped alleviate the otherwise "high-cost" arguments against legal clinics so persistent in the 1970s and 1980s. The increases in the Congressional appropriations that were spearheaded by former Congressman Neal Smith to the present level of \$14.92 million were made only after the total request for funds by law school applications exceeded the prior year's appropriations. In other words, the growth in the appropriations were warranted by the law schools' development of quality clinical endeavors that served the needs of poor citizens.

To abort the Title IX program at this point will, in effect, demolish a Federal government initiative that has made "equal justice under law" a living reality for some of the nation's citizens in greatest need in a very cost-effective way. In sum, this program can serve as a model of the type of public service educational program of which the Congress can be proud.

To those of you who have expressed your grave concern (if not near panic) at the current Congressional situation and prospects, I think the central factor for us is this: we can succeed in this project, mindful that the cards have been initially weighted against our cause in the House of Representatives. This is the kind of challenge in which we have the opportunity to bring our talents of resourceful advocacy, sense of educational mission, and abiding desire to see worthy and effective public service endeavors survive and succeed.

The kind of action that is needed now is for the appropriate representatives of the law schools in the states having Senators on the Appropriations Subcommittee for H.H.S., Labor and Education to arrange to meet personally with their respective Senators in their home states, if possible. At the same time, the same action should be pursued by the balance of law schools in the states which have Senators of the full Senate Appropriations Committee.

If anyone has any questions, concerns or suggestions, please contact me. If any of you not on Internet want any of the prior memos, call me and I will fax them to you. The one I think which will be most helpful is the one dealing with the House of Representatives.

Dan Power  
Drake University Law School  
Neal & Bea Smith Law Center  
(515) 271-3800  
(515) 271-4000 Fax



## MEETINGS AND CONFERENCES

### **Clinical Program Directors' Conference -- Homer LaRue (D.C. School of Law)**

On May 2-3, a Clinical Program Directors' Conference will be held at the Hyatt Regency in historic downtown Union Station in St. Louis, Missouri. This is the second national conference of clinical program directors, and we hope that you will attend. More information about registration and the program will be forthcoming soon both on the listserv as well as regular mail. The Program Directors' Conference precedes the AALS Clinical Section Conference scheduled for May 3-6 also at the Hyatt Regency in St. Louis. Homer La Rue, Peter Joy and Karen Tokarz will be coordinating the arrangements along with the assistance of a number of persons who have volunteered.



A title for the Program Directors' Conference has not been finalized yet. Suggestions are still welcome. The program will be participatory, and it will provide us with an opportunity to exchange information and ideas as well as to learn from each other.

The Conference will begin with a reception and dinner at 6:30 p.m. on Tuesday, May 2 and will end with the closing session at 5:15 p.m. on Wednesday, May 3. Registration for the AALS Clinical Section Workshop begins at 5:00 p.m. on Wednesday, May 3. You are asked to plan your arrival in time to take part in the opening dinner, since the discussions at dinner and the first session that evening are very important to the program.

This program is designed for persons who are currently the directors of the clinical programs at their law schools. The program will be geared to the one person with overall or final responsibility for law office management, community and client relationships, personnel, fund raising and budgeting matters. We understand that in most schools most of these matters, as well as curriculum matters, are generally the result of collaborative deliberations. However, most often, there is one person with the title "clinic director" or "clinical program director." This program is designed for that person. If your clinical program has more than one person with the title "clinic director" or "clinical program director," we ask that you send one person as the representative of your school.

Preliminary thinking about themes for the program have been in three general areas: (a) planning--long and short range; (b) survival in the face of shrinking resources; and (c) the role of the clinical program in the development of experiential learning opportunities beyond the live-client clinic. We invite ideas about content for any of these potential themes as well as any ideas

that do not fit within these three areas. If you want a particular contact person to talk with, they are listed below. Do not feel compelled to speak only to the designated person if contact with someone else would be more convenient.

Contact persons: (a) planning - Homer La Rue (Howard) 202-806-8259/e-mail hclarue@igc.apc.org; (b) survival in the face of shrinking resources - Peter Joy (Case Western) 617-216-368-2769/e-mail paj@po.cwru.edu; (c) the role of the clinical program in the development of experiential learning opportunities beyond the live-client clinic - Karen Tokarz (Washington) 314-935-6414/e-mail to be provided.

A number of persons have also offered to assist with the planning of the directors' conference. We will be in touch shortly to obtain additional input and to see what people are able to do to assist.

### **Clinical Directors' Conference (Tentative Schedule)**

#### **Tuesday - May 2**

6:30 p.m.

Registration, Cocktails & Informal Gathering

7:00-9:30 p.m.

Dinner and Evening Program

#### **Wednesday - May 3**

8:30-9:00 a.m.

Continental Breakfast

9:00-10:15 a.m.

Plenary I

10:15-10:30 a.m.

Coffee Break

10:30-12:00 a.m.

Small Group Meetings

12:00-1:15 p.m.  
Lunch & Presentation

1:30-2:30 p.m.  
Panel Presentation

2:30-2:45 p.m.  
Coffee Break

2:45-4:15 p.m.  
Small Group Meetings

4:15-5:15 p.m.  
Wrap-up



**1995 AALS Workshop on Clinical Legal Education: Evaluating Our Students, Our Programs and Ourselves -- Antoinette Sedillo Lopez (New Mexico)**

The AALS Clinical Workshop will be held in St. Louis, May 3-6 at the Hyatt Regency in the downtown historic Union Station.

We would like to give clinicians an opportunity to provide tapes before the conference so that they can be reviewed prior to conference. This will give an opportunity for the reviewer and the reviewee to discuss whether it should be shown during the small group meetings and to give the reviewee feedback about the tape. Please mail tapes to:

AALS  
Suite 800  
1201 Connecticut Avenue NW  
Washington, DC 20036-2605

Also, we will have a table available for clinicians to display any materials they may be interested in sharing with other clinicians. Please bring clinic manuals, materials, problems, exercises, videotapes, etc., and they will be displayed. The AALS is making arrangements for copying services so that they may be copied.

**Schedule**

**Wednesday**  
5:00-8:00 p.m.  
Registration

6:00-8:00 p.m.  
AALS Reception

**Thursday**  
8:45-9:00 a.m.  
Welcome & Introduction

9:00-10:30 a.m.  
This will be an opportunity for Clinicians to gather together to discuss topics and issues of mutual concern. Space will be provided. So far, the following groups will be meeting in concurrent sessions:

Alternative Dispute Resolution  
Clinicians of Color  
Clinical Directors  
In-House Clinics  
Externships  
Criminal & Juvenile  
Family/Domestic Violence  
Economic Development/Transactions  
Immigration/Human Rights  
Disability/Education  
Discrimination

10:30-10:45 a.m.  
Refreshment Break

10:45-12:00 p.m.  
Concurrent Sessions  
(Repeat of morning session)

12:00-1:45 p.m.  
AALS-Sponsored Luncheons  
Tables organized by Concurrent Sessions

2:00-3:00 p.m.  
Plenary I  
Evaluating Our Supervision

3:00-3:15 p.m.

Break

3:15-5:00 p.m.

Small group discussions

5:30-6:30 p.m.

AALS Reception

Informal Evening Sessions:

Scholarship

Continuation of any Morning Session that would like another opportunity to meet

### Friday

9:00-10:30 a.m.

Plenary II

Evaluating Our Students: How Do We Know Students Get What We Are Teaching?

10:45-12:00 p.m.

Small Group Discussions: Articulating Criteria for Evaluation

12:00-1:45 p.m.

Lunch

1:45-3:30 p.m.

Plenary III

Evaluating Clinicians for Renewal and Tenure

3:45-5:00 p.m.

Small Group Discussions: Developing Criteria for Evaluating Clinicians for Tenure and Renewal

5:00-6:00 p.m.

AALS Reception

### Saturday

9:00-10:30 a.m.

Plenary IV

Evaluating by Comparing: A View from Other Disciplines and an International View

10:45-12:00 p.m.

Small Group Sessions

12:00-1:45 p.m.

Lunch

2:00-2:45 p.m.

Plenary V

Evaluating Our Impact

2:45-3:30 p.m.

Small Groups

3:30-4:15 p.m.

Small Group Report and Wrap-Up

4:15 p.m.

Adjournment



**Meeting in St. Louis to Discuss Clinical Scholarship -- Ann Juergens (Wm. Mitchell)**

At the AALS Clinical Workshop in May, the Clinical Section's Committee on Clinical Scholarship wants to bring together clinicians to develop strategies to encourage and support clinical scholarship. The Committee is particularly interested in finding ways to provide greater support to clinicians who are first turning their attention to writing scholarly pieces. Among the ideas the Committee would like to discuss is the establishment of more regional clinical scholarship workshops like the ones that presently are held in New York City (the Lawyering Theory Workshop at New York Law School), Washington, DC (the Mid-Atlantic Clinical Theory and Practice Workshop) and Minneapolis-St. Paul (the Let's-Get-Together-and-Talk-About-Our-Work group). As participants in these workshops have found, they not only are effective at providing feedback to the authors who present papers but they also offer wonderful opportunities for clinicians to engage in wide-ranging discussions of

teaching and scholarship with faculty members from other schools in the region.

The date (sometime between May 3 and 6, of course) and time of the Committee-sponsored meeting will be announced at a later time on the Internet. In the meantime, the Chairs of the Committee--Ann Juergens of William Mitchell College of Law and Randy Hertz of NYU Law School--would like to hear from anyone who is interested in attending the meeting and working with them on projects of this sort. Please contact either one of them at the following addresses:

Professor Ann Juergens  
William Mitchell College of Law  
875 Summit Avenue  
St. Paul, MN 55105  
(612) 290-6391  
(612) 290-6407 FAX  
ajuergens@wmitchell.edu

Professor Randy Hertz  
NYU Law School  
249 Sullivan Street  
New York, NY 10012  
(212) 998-6430  
(212) 995-4031 FAX  
hertzr@turing.law.nyu.edu



**CLEA ADR Clinic Conference, May 6-7, 1995, Tentative Agenda -- Lela P. Love (Cardozo School of Law)**

CLEA and the ADR Committee of the Clinical Section are holding a one-day program for ADR clinicians following the AALS Workshop on Clinical Legal Education in St. Louis in May. The ADR program will be held on May 6-7 at the same location as the AALS Conference.

The tentative program agenda is as follows:

**Saturday - May 6**

4:30-6:00 p.m.

Competing Models and Philosophical Frameworks for Mediators and Mediation Programs: Presentation, exercise and discussion about the proper goals and role of the mediator.

6:30-9:00 p.m.

Dinner, includes interactive program.

Training Tricks: Presentation of favorite games, exercises and techniques for imparting skills and teaching goals of mediation.

**Sunday - May 7**

8:30-10:00 a.m.

The Skill-Set Needed for Mediators and Evaluating Mediator Performance: Small group exercises, presentations and plenary group discussion on the necessary skill-set for mediators and methods of evaluating mediator performance and competency.

10:15-11:15 a.m.

Supervisory Skills and Techniques in the Mediation Session: Why, when and how does a supervisor intervene? How clinical supervisors overcome the "fear factor" in the student-professor relationship to maximize the potential for learning. Through presentation of a series of vignettes, the audience will be asked to intervene in a mediation session in role as a supervisor. Comments will follow.

11:30 a.m.-1:00 p.m.

How to Create and Direct an ADR Clinic: Practical, "nuts and bolts" questions concerning creating an ADR clinic, incorporating an ADR component into another clinic and directing and supervising an ADR clinic will be addressed. The entire group will focus on generating both questions and answers, followed by small group discussions.

Anyone interested in planning or participating in the program, please contact:

Lela Love  
Cardozo School of Law  
(212) 790-0365  
(212) 790-0345 FAX

Registration materials will be mailed out soon, but please contact Lela Love if you would like further program details.



**10th Annual Midwest Clinical Teachers' Conference, October 13-15, 1995, St. Paul, Minnesota -- Ann Juergens (Wm. Mitchell)**

The 10th Annual Midwest Clinical Teachers' Conference will be held in St. Paul, Minnesota, from Friday, October 13 through Saturday night or Sunday morning, October 14 or 15, 1995.

We are organizing the Conference by first asking: "Where were our clinics 10 years ago, where are they now, where do we think they will be 10 years from now, and how can we plan for that?"

We plan to revisit some of the topics from the conference schedule of 10 years ago, ranging from use of computers in clinical teaching, to funding (still a current topic!), to teaching collaborations with "regular" faculty. Sessions on teaching as clinicians of color and on using translators are also planned.

The tradition of sumptuous feasts and dancing into the night will be honored.

We want your answers to our question (above), your input and ideas! Please contact any member of the planning group with ideas and offers to volunteer to give a presentation. We are:

Ann Juergens  
William Mitchell College of Law  
875 Summit Avenue  
St. Paul, MN 55105  
(612) 290-6391  
(612) 290-6407 FAX  
ajuergens@wmitchell.edu

Beverly Balos & Maury Landsman  
University of Minnesota  
Law School Clinic  
190 Law Center  
229 19th Avenue South  
Minneapolis, MN 55455  
(612) 625-5515  
(612) 624-5771 FAX  
balos001@maroon.tc.umn.edu  
lands001@maroon.tc.umn.edu

Angie McCaffrey  
Hamline University  
Law School Clinic  
1536 Hewitt Avenue  
St. Paul, MN 55104  
(612) 641-2889  
(612) 641-2435 FAX  
amccaffr@seq.hamline.edu



**AALS Committee on Professional Development, Conference on Clinical Legal Education for 1996 -- Sandy Ogilvy (Catholic University)**

The AALS Committee on Professional Development has approved a five-day Conference on Clinical Legal Education for 1996. The AALS President appointed Clark D. Cunningham (Washington - St. Louis), Leslie G. Espinoza (Boston College), Molly Maguigan (NYU), and Odeana Neal (Baltimore) to the Planning Committee, which is to be chaired by Sandy Ogilvy (Catholic).

The proposal approved by the Committee on Professional Development suggests a Conference with a dual focus under the

unifying theme of "Beyond the Frame: Emerging Issues in Clinical Legal Education."

One focus will be the evaluation of clinical programs. Clinical programs have often developed out of a perceived need among law faculty to teach skills, the notion that a student should have some practical experience before graduation, the specific interest of a particular faculty member, the availability of outside funding, or a combination of these, and other, factors. And while nearly every law school now has at least one clinical program and many are well-respected parts of the curriculum, there are no coherent and systematic evaluation or assessment devices available to clinicians by which clinical teachers, or law faculties in general, can measure programmatic successes and failures.

Efforts have been made to improve the evaluation of students enrolled in clinics. Some efforts by the ABA, for example, have been made to evaluate the provision of legal services to low-income clients. Law schools are starting to struggle with the problems inherent in the evaluation of clinical teachers for tenure and promotion. And certainly the ABA and AALS have made efforts to evaluate the pedagogical performance of clinical programs. But, even with these efforts, it is not uncommon for faculties faced with starting, renewing or improving clinical programs to ask: "How do we evaluate these programs?"

The Conference will provide a forum for stepping out of the frame defining our individual clinical programs so that we can examine questions of evaluation and assessment of these programs from new perspectives. The Conference may begin consideration of programmatic evaluation and assessment where the AALS/ABA Guidelines on Clinical Legal Education stop. Drawing upon the expertise of other

disciplines, including higher education, psychology and medicine, the Conference participants might begin to design a protocol and instruments by which clinical programs can perform useful self-evaluations and by which outside evaluators could more usefully assess and provide feedback to clinical programs. The goal of this aspect of the Conference will be to move forward the theory and practice of evaluation and assessment of clinical legal education.

The second focus of the Conference will be upon the growing internationalization of clinical and skills education. From the increasing number of clinical teachers going abroad to study and teach in foreign law programs, to the recognition of the internationalization of legal practice, it is time for clinical teachers to begin a systematic examination of the international aspects of clinical legal education. Several topics might be examined. As Professor Louise Trubek (Wisconsin) noted in a recent issue of the Clinical Section Newsletter, if clinicians and law students are effectively to represent their present and future clients, they must begin to recognize how the internationalization of legal, economic and social systems alters the way in which they must practice. Secondly, for many of those programs that represent the disadvantaged, the concern and awareness about globalization should extend beyond the borders of this country. Finally, comparative studies can lead to improved delivery of legal services and pedagogy both in this country and in the countries to which U.S. and Canadian clinical teachers are visiting. In this regard, the Conference may want to focus on sharing information and demonstrating creative successful courses and programs, including the "best" of what clinicians in other countries are doing.

With the recognition of the broad diversity of experience and substantive interests reflected in clinical legal education, the Conference

will try to appeal to a wide spectrum of clinicians. Besides providing opportunities for consideration of specialized topics, the Conference will attempt to provide programming that reflects the changing demographics of clinical teaching and reflects the interests that newer clinicians have in learning new skills and in integrating themselves into the community of clinical teachers.

Each member of the planning committee would appreciate hearing your ideas for the 1996 Conference. Preliminary discussions among the planning committee members and the development of a broad outline of the Conference will occur between now and the 1995 Workshop in St. Louis. The Planning Committee plans to meet in St. Louis to receive additional advice from clinicians and to incorporate lessons gleaned from the Workshop. Final planning, under the tutelage of the AALS staff will take place May 25-26, 1995 at the official planning meeting in Washington, D.C. If you have suggestions that you would like to share, please contact any member of the Planning Committee as soon as possible, but in any event by May 24, 1995.

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PUBLICATIONS  
BY CLINICIANS

**Jane Aiken** (South Carolina) and **Michael Musheno**. Special Issue on the Socio-Legal Dynamics of AIDS. Edited by Michael Musheno. *Why Have-Nots Win in the HIV Litigation Arena: Socio-Legal Dynamics of Extreme Cases*. 16 Law & Pol'y 267.

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**Beverly Balos** (University of Minnesota) and **Mary Louise Fellows** (University of Minnesota). *Law and Violence Against Women: Cases and Materials on Systems of*

*Oppression*. Carolina Academic Press (1994).

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**Nancy Hollander** and **Barbara E. Bergman** (New Mexico). *Everytrial Criminal Defense Resource Book*, Clark Boardman Callaghan (1994).

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**Nancy Cook** (New Mexico) and **Michele G. Hermann** (New Mexico). *Criminal Defense Checklists*, Clark Boardman Callaghan (1995).

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**Herbert A. Eastman** (St. Louis University). *Speaking Truth to Power: The Language of Civil Rights Litigators*, 104 Yale Law Journal 763 (1995).

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**Paula Galowitz**. *Restrictions on Lobbying by Legal Services Attorneys: Redefining Professional Norms and Obligations*. 4 B.U. Pub. Interest L.J. 39-99 (1994).

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**Antoinette Sedillo Lopez** (Univ. of New Mexico) edited a 6-volume anthology, *Latinos in the U.S.: History, Law and Perspective*. The volumes include: Historical Themes and Identity, Latina Issues, Criminal Justice and Latino Communities, Latino Employment, Labor Organizations and Immigration, Latino Language and Education, Land Grants, Housing and Political Power. The series was published by Garland Press.

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**Binny Miller** (American University). *Give Them Back Their Lives: Recognizing Client Narrative in Case Theory*, 93 Michigan Law Review (Dec. 1994).

**FACULTY POSITIONS  
AVAILABLE**

The University of Baltimore School of Law may have a need for a **visiting professor to teach and supervise students in the Family Law Clinic and to teach one non-clinical course in the family law area.** Strong preference will be given to those with prior teaching experience who are members of the Maryland bar. Salary will be commensurate with experience.

The University of Baltimore School of Law may have a need for a **visiting clinical professor in its Civil Clinic for one or two semesters, 1995-96.** Responsibilities will include supervising student representation in civil cases and participating in teaching the weekly clinic seminar. The faculty member would supervise cases involving public benefits, landlord-tenant, consumer protection and other civil poverty law specialty areas. Minimum qualifications include an excellent academic record, four years' experience as a lawyer and admission to the Maryland bar. Preference will be given to candidates with prior teaching and supervisory experience in law school clinical programs. Salary will be commensurate with experience.

For these visiting positions, applications consisting of a curriculum vitae and cover letter should be sent to:

Professor Robert Lande, Chair  
Faculty Appointments Committee

and to:

Martin Geer  
Director of Clinical Education  
University of Baltimore  
School of Law  
1420 North Charles Street  
Baltimore, MD 21201



One of **Brooklyn Law School's** clinical programs is a legal services office that represents senior clients on a wide range of matters including housing, benefits, family law and wills. The program is usually staffed by two senior and two junior staff attorneys and approximately 18 students enroll in the clinic each semester. Some students continue in the clinic for as many as three semesters. The program operates throughout the year and about 10 students work full-time in the program over the summer.

We now have two openings that we would like to fill by June 1, but no later than September 1. First, we would like to hire someone with at least five years' experience, preferably, but not necessarily, with a legal services background. This position would entail both **case supervision and co-teaching the weekly seminar.** Ideally, we would like to hire someone with some clinical education experience. This position is indeterminate, basically terminable only for reasons of unsatisfactory performance or serious funding cutbacks. In the past, some of our staff attorneys have worked in the program for more than five years and have left to go on to bigger and better opportunities like the bench and management positions with legal services offices.

In addition, we would like to hire a **Fellow on a two-year contract.** The Fellow probably would be a recent graduate, but must be admitted (or pending admission) to the New York bar in order to appear in court with students. Depending on the Fellow's level of experience, he or she would be given



increasingly more responsibility for student supervision and would be given opportunities to teach in the seminar.

These positions are not faculty appointments, although all staff attorneys are designated Adjunct Clinical Instructors. The program receives most of its funding under a contract with NYC Department for the Aging (so far no threats to the funding either locally or nationally!). Salaries are roughly comparable to local legal aid and legal services pay scales and the law school provides medical benefits.

Interested applicants should write to:

Stacy Caplow  
Brooklyn Law School  
250 Joralemon Street  
Brooklyn, NY 11201  
(718) 780-7944  
(718) 780-0376 FAX  
scaplow@brooklaw.mhs.  
compuserve.com



**Columbia University School of Law seeks a full-time Visitor for one or two years to teach in its Family Advocacy Clinic beginning in the fall 1995 semester.** The Clinic is taught for a full year, with intensive simulation work in the fall semester. Client representation begins in the middle of the fall and continues throughout the year. The Clinic is interdisciplinary; with law and social work students working jointly under the supervision of two clinical professors and a social worker. At present, the Clinic represents parents whose children are in foster care and litigates in a variety of settings for the children's return and for monetary benefits and other services to assist the families. Caseload changes within the family law area are possible.

Applicants must have a strong background in family law and teaching. If you would like

to apply, please provide a resume and cover letter describing your interests and qualifications. Applicants will be considered by appropriate Law School committees and by the Clinical Faculty. Application materials should be sent to:

Professor Conrad Johnson  
Columbia Law School  
435 West 116 Street, Box#-3  
New York, NY 10027  
cjohnson@lawmail.law.columbia.edu

Applications must be submitted no later than April 7, 1995. Columbia University is an affirmative action equal opportunity employer. Salary commensurate with experience.



The **University of Idaho** may have an opening for the **1995-96 academic year, with summer 1995 negotiable, for a clinical teacher.** A tenured clinical faculty member has been approved for a sabbatical, but the availability of the position is still dependent upon funding. The clinic is a general practice law clinic, meeting the needs of a small town and rural area in North Central Idaho, with no other general legal services office in the county. You would be working with one other full-time clinician (who concentrates on appellate practice) and two part-time clinicians whose students act as public defenders in the Coeur d'Alene and Nez Perce Indian Tribal Courts. The University of Idaho is located in Moscow, Idaho, with nearby river sports, wilderness and skiing.

For more information or to apply, contact:

Dean Sheldon Vincenti  
University of Idaho College of Law  
Moscow, ID 83844-2322  
(208) 885-6422  
(208) 885-7609 FAX



The **Milton A. Kramer Law Clinic of Case Western Reserve University School of Law** is seeking one **full-time faculty member to teach in its clinical legal education program**. Teaching responsibilities include classroom settings as well as direct one-on-one supervision of second- and third-year law students representing actual clients with a variety of legal problems. Clinical faculty provide close, personal supervision of students in order to maximize the educational benefit for the students and to ensure high quality professional services for clients. The students are principally responsible for client cases and usually act as first chair at all proceedings.

A minimum of four years of legal experience and some prior clinical teaching experience is preferred. Prior supervisory experience of students or other lawyers is also preferred. We are seeking a highly motivated person with excellent professional skills, a capacity to think critically about the legal system and the legal profession, and a desire to assist law students in the development of the skills and values of the legal profession. Candidates must have strong academic records and the promise of excellence as clinical teachers.

Salary is negotiable, and the position will be contractual based on a 12-month work schedule. The initial contract term will be one year, and future terms may be as long as five-year contracts. Attractive health care, pension and vacation benefits are provided. Currently, this is not a tenure-track position, and the funding of this position is grant-dependent. Projected starting date is not later than August 14, 1995.

Send letters of interest and resumes by May 1, 1995 to:

Hiring Committee  
Milton A. Kramer Law Clinic  
Case Western Reserve University  
11075 East Boulevard  
Cleveland, OH 44106

Case Western Reserve University is an affirmative action/equal opportunity employer; women and people of color are especially encouraged to apply.



The **University of Michigan Law School** is seeking an attorney as a **full-time clinical assistant professor to teach and supervise students in its Child Advocacy Law Clinic**. The Child Advocacy Law Clinic specializes in children's legal issues, particularly child welfare law. The attorney will supervise law students, representing children, parents and the county child protection and foster care agency in several Michigan counties. The attorney may participate in research and writing projects related to child welfare and may also assist in presenting continuing education programs for lawyers, judges and nonlawyer professionals. Trial experience, a strong academic record and experience in child welfare law are desired. The appointment, with the title of Clinical Assistant Professor of Law, will be for a period of two years with the possibility of a third year at the Dean's discretion.

We are a non-discriminatory, affirmative action employer. Application deadline is March 15, 1995. Please send a letter and resume to:

Donald N. Duquette  
Clinical Professor of Law and  
Director  
Child Advocacy Law Clinic  
University of Michigan Law School  
Ann Arbor, MI 48109-1215



**USAID** is seeking a **clinical legal educator with working knowledge of Portuguese to visit Mozambique as a legal specialist.** For more information, please call or write to:

Ms. Kim Parker  
ABA-CEELI  
Suite 200 South  
1800 M Street, NW  
Washington, DC [no Zip given]  
(202) 331-2292



**University of Pennsylvania Law School** is seeking qualified applicants to **teach and supervise casework, on a full-time basis, in its Clinical Programs commencing Summer 1995.** Applications are sought from candidates with a teaching/practice background in litigation and from those whose interests and qualifications are in the area of business/transactional (non-litigation/planning) lawyering. Applicants must have a minimum of three years of practice and/or teaching experience. Women and minority candidates are especially encouraged to apply. Please contact in writing, with names of references:

Assistant to the Director  
Law School Clinical Programs  
University of Pennsylvania  
Law School  
3400 Chestnut Street  
Philadelphia, PA 19104

**NO TELEPHONE INQUIRIES PLEASE.**  
The University of Pennsylvania is an EOE/AA employer.



**The George Washington University Law School** seeks applicants for the faculty position of **Associate Professor of Legal Research and Writing to direct the school's mandatory legal writing program.** He or she will be responsible for administering and coordinating the program

taught to approximately 450 first-year law students divided into groups of 15. Each small group works with one attorney and one third-year student, under the overall supervision of the Director. The latter must strive to ensure quality and evenness in instruction among all groups. The goals of the program are to assist students to improve their writing and to instruct them in the basics of legal research, including the use of available electronic resources. Applicants are expected to meet high standards of professional achievement. A background in teaching or experience with skills courses is preferred. Initial appointment will be for a three-year term, with eligibility for successive renewals to multi-year contracts and potential promotion to full professor rank, but not tenure. (An initial appointment as a full professor is possible for an experienced applicant with appropriate credentials.) Review of applications will commence immediately and continue until the position is filled. Please contact:

Professor Lawrence E. Mitchell  
Chair  
Faculty Appointments Committee  
The George Washington University  
Law School  
Washington, DC 20052

The George Washington University is an Equal Opportunity/Affirmative Action Employer.



**MEMBERSHIP**  
by  
**David Chavkin**  
(Catholic University  
of America)

For those of you who have complained that you cannot mail in your Clinical Section dues because you do not know at which school I

am teaching that week, your bluff has now been called. All dues and completed membership information forms can now be sent (for the indefinite future) to:

David F. Chavkin  
 Associate Professor of Law  
 Columbus School of Law  
 Catholic University of America  
 Cardinal Station  
 Washington, DC 20064

Many of you have sent in the completed membership information forms from the pre-AALS annual meeting edition of the newsletter. However, many membership forms are still decorating your in-boxes. Please complete these forms and send them in to me as soon as possible. We are in the process of preparing a comprehensive Clinical Section Directory for distribution at the St. Louis workshop. If you don't send in your forms, you won't be listed and your friends won't know how to find you. If you cannot locate your membership questionnaire, please complete and mail the form at the end of this newsletter.

The upper right-hand corner of the mailing label for this issue of the newsletter indicates the year that you last paid Section dues. If the year listed is other than 1995, please send in a check for \$10 payable to AALS. Please, no stamps.



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<b>Homer La Rue, Newsletter co-editor</b> DC School of Law: (202) 806-8259 hclarue@igc.apc.org	<b>Kate Mahern, Newsletter Editor</b> Creighton: (402)280-3068 mahern@culaw.creighton.edu
<b>Paula Johnson (term expires 1/96)</b> Syracuse: (315) 443-3364	<b>Peter Joy (term expires 1/97)</b> Case Western: (216) 368-2769 paj@po.cwru.edu
<b>Susan Kay (term expires 1/97)</b> Vanderbilt: (615) 322-6630 in%kaysl@ctrvax.vanderbilt.edu	<b>Antoinette Sedillo Lopez (term expires 1/96)</b> New Mexico: (505) 277-2146 lopez@libra.unm.edu
<b>Cheryl McDonald (term expires ____)</b> Pepperdine: (310) 456-4655	<b>Linda Smith (term expires ____)</b>

## COMMITTEE CHAIRS

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## SURVEY ON CLINICIANS WITH INTERNATIONAL TEACHING EXPERIENCE

The Section's International Aspects of Clinical Education Committee is compiling a list of United States clinical teachers who have taught in other countries. It does not matter whether the teaching was "clinical" and the length of time abroad is irrelevant. Faculty exchange programs count; however, this survey will not encompass clinicians who have taught in American law schools' programs in foreign countries (e.g., summer and semester abroad programs). The results of the survey will be published in the next issue of the Newsletter.

The Committee has already identified the following clinicians who have taught in other countries: Clint Bamberger, James Backman, John Barkai, Frank Bloch, Patty Blum, George Critchlow, Clark Cunningham, Jon Dubin, Neil Franklin, Ken Gallant, Jeff Hartje, Peter Hoffman, Jim Klein, Maury Landsman, Minna Kotkin, Bea Moulton, Richard Neuman, Don Peters, Jeff Pokorak, Phil Shrag, Jed Scully, Katheryn Sedo, Kara Stein, Roy Stuckey, Chuck Weisselberg, Charles Wiggins, Gerald Williams, and Mark Wilson.

If you have taught in another country, or if you know another clinician who has, please supply the following information (if you have had more than one international teaching experience, please complete multiple copies of the survey or write on the back of this form):

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

School: \_\_\_\_\_

Country: \_\_\_\_\_

City: \_\_\_\_\_

Institution: \_\_\_\_\_

Duration/Dates: \_\_\_\_\_

Source of Funding (circle as many as apply):

sabbatical; foreign school; foreign government; Fulbright;

other: \_\_\_\_\_

Nature (briefly describe what you taught): \_\_\_\_\_

\_\_\_\_\_

RETURN COMPLETED FORMS TO:

Roy T. Stuckey  
USC School of Law  
Columbia, SC 29208

# Clinical Section Membership

Membership in the Section on Clinical Education runs from January through December.

If you wish to join the Section for calendar year 1995, please complete the Membership Questionnaire and mail it with a \$12 check (payable to AALS) to:

David F. Chavkin  
Associate Professor of Law  
Columbus School of Law  
Catholic University of America  
Cardinal Station  
Washington, DC 20064

If you are currently a Section member and wish to renew your membership for 1995, complete the Questionnaire and mail it with a \$10 check (payable to AALS) to the above address.

## AALS Clinical Section Membership Information Questionnaire

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

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

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

Title: \_\_\_\_\_

Name of Law School: \_\_\_\_\_

Name of University: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
\_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Office Telephone: ( ) \_\_\_\_\_ Fax Telephone: ( ) \_\_\_\_\_

INTERNET: \_\_\_\_\_

(over)

Graduated Law School: 19 \_\_\_ Years Full-Time Teaching \_\_\_ Years Part-Time Teaching \_\_\_

I am overall director of clinical law programs at my law school: \_\_\_\_\_ (Yes or No)

Subject Matter of Clinic(s) in which you are now teaching or in which you customarily teach

Type of Clinic (Externship/In-House/Simulation)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Subject Matter of Non-Clinic course/s that you teach

Type of Course (Seminar/Large Classroom/Other)

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

What is your employment status in the law school (i.e., long-term contract, short-term contract, tenured, tenure-track, clinical tenured, clinical tenure-track)?\* \_\_\_\_\_

Do you work full-time or part-time? \_\_\_\_\_

Are you funded through hard or soft money (if split funding, percentage)? \_\_\_\_\_

Salary:\* \_\_\_\_\_

Gender:\* \_\_\_\_\_ Race/Ethnicity:\* \_\_\_\_\_

Do you wish to be notified of activities targeted at clinicians of color?\*\*\* \_\_\_\_\_

Do you wish to be notified of activities targeted at lesbian/gay/bisexual clinicians?\*\*\* \_\_\_\_\_

Do you wish to be notified of activities targeted at women clinicians?\*\*\* \_\_\_\_\_

\* Tenure status, salary, gender, and race/ethnicity are not released in any member-identifiable format.

\*\* This information will only be released to the applicable caucus of clinicians of color, lesbian/gay/bisexual clinicians, or women clinicians to facilitate activities approved by that caucus.