



## NEWSLETTER

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### MESSAGE FROM THE CHAIR

Antoinette Sedillo-Lopez  
University of New Mexico

As I read through previous messages from previous chairs, I was humbled to feel that now I am among them. Thank you for allowing me this wonderful opportunity to serve you as chair. As you know, clinical legal education has grown and blossomed tremendously over the last few decades. Clinical legal education is now not just on the radar screen but I believe it is the future of legal education. It is the clinical program movement that helps legal education to be relevant. It is how legal education can effectively teach future lawyers about service and social justice and the real work that they will do as lawyers. The Section on Clinical Legal Education has been instrumental in nurturing and supporting the clinical legal education movement. I am honored to try to build on Kim O'Leary's work as past chair and all the other section chairs before her.

Although we have come a long way, we cannot be complacent now that many of us are tenured and our programs are on solid ground. We have seen that clinics such as Tulane's Environmental Law Clinic are vulnerable to political pressure from state and local business interests. There have been attacks on the social justice mission of clinical law programs from within law

schools as well as from outside. We have seen talented and committed clinical faculty members fail to receive tenure at their institutions. We continue to see clinics run on soft money with the corresponding lack of job security for the clinicians who staff them. We continue to consider the issues raised by long term contracts and different status of clinical faculty. We continue to debate among ourselves about the role of scholarship for a lawyer/academic. We are now faced with the ABA accreditation issues that are relevant both to us and to legal research and writing teachers. There is much work to be done to continue to make sure that clinical legal education has a place at the table of the academy. As chair of the section, I hope to work toward making sure that clinical legal education has a strong voice in the academy and to support your work as members of the academy and as clinical teachers. Please let me know how I can best serve you as chair.

### *SECTION ACTIVITIES AT THE MAY CONFERENCE IN ALBUQUERQUE*

One of the things I have been hearing is that the section has become somewhat of a "clique." I was surprised to hear that because I have always found clinicians to be welcoming, supportive, and very interesting people. However, perhaps many of us who have been around awhile spend a lot of time at conferences re-connecting with people we have met before



and not enough time meeting the new folks. Thus, the section will be sponsoring a "Welcoming Event" for new clinicians at the May Conference in Albuquerque. It will be held on the opening Saturday of the conference May 6, from 5:15 to 6:00 p.m. right before the AALS opening reception. Carrie Kaas (Quinnipiac) is organizing a "structured, but loose" program to welcome them. Experienced clinicians, please call Carrie if you would like to help her with it and, in any event, make sure you welcome a new clinician at the social events. New clinicians, please introduce yourself and know that you are very welcome to this important work.

The Section Subcommittees will also have an opportunity to meet at the conference. The Scholarship Committee is planning a "Works in Progress" session and other subcommittees will have the opportunity to connect and continue to plan their work.

The Executive Committee will meet. If you have an issue that you think needs to be addressed by the Executive Committee, please let me or one of the members know, so we can jump on it.

Elsewhere in the newsletter are announcements of the special dance and the reception that will be sponsored by the University of New Mexico. Those special events and the wonderful program put together by my colleague Christine Zuni Cruz (chair), Nancy Cook, Eleanor Swift, David Goldberger and Anthony Charles Thompson, members of the planning committee indicate that the Albuquerque Clinical Conference will be a memorable one. I look forward to seeing you there.

#### *CLINICAL LEGAL EDUCATION HISTORY PROJECT*

Sandy Olgilvy (Catholic) is continuing his work on recording the stories of the clinicians, directors, and other leaders who have been instrumental in carrying forward the clinical legal education movement. The section is pleased to support his work and I know Sandy will be asking many of you for assistance in this

important endeavor. We all owe a debt of gratitude also to Sandy for all of the work he has done for keeping us connected on the Internet.

#### *2001 ANNUAL MEETING PROGRAM CHAIR*

I have appointed Sue Bryant (CUNY) as chair of the Clinical Program Committee for the 2001 Annual meeting. It will be AALS President (and clinician) Elliot Millstein's (American) Annual Meeting. The theme of the conference will be "Pursuing Equal Justice: Law Schools and the Provision of Legal Services." The theme of our program will build on the Albuquerque conference on Culture and the Rutgers conference on Social Justice. It is tentatively entitled "Social Justice in a Diverse World." I am in the process of putting the rest of the committee together. So far, Steve Ellman (New York Law School) and Jon Dubin (Rutgers) have agreed to serve. Let me know if you are interested in serving on the Committee and helping put together the program. Sue will be in Albuquerque if you would like to talk to her about it.

#### *AWARDS COMMITTEE*

Kim O'Leary (Dayton) is chairing the William Pincus Award committee. The Executive Committee has been grappling with the idea of creating a second award and Carol Izumi (GWU) is chairing a subcommittee that will make a recommendation about a second award and establishing criteria to the Executive Committee. This idea grows out of the concern that the current Pincus Award has tended to recognized experienced clinicians who have contributed a great deal over time. Many newer clinicians have also made significant contributions to the Clinical movement and a second award would help the section to recognized them. If you have strong thoughts about this let Kim, Carol or me know.

#### *MENTORING*

I have asked Ann Scroth (Michigan)



and Mary Wolf (Indiana) to continue their work on the mentoring committee and I would love to see us become more helpful to clinicians planning and succeeding in their evaluations processes for tenure and long term contract renewal. How can the section be of service in this area? If you would like to help or have ideas about this, please bring them aboard.

*POLITICAL INTERFERENCE*

Peter Joy (St. Louis) and Chuck Weisselberg (U.S.C.) continue their important work on the Political Interference Committee. Peter has written an article "Political Interference with Clinical Legal Education: Denying Access to Justice" in the Tulane Law Review that chronicles the work of a great many clinicians with the assistance of the AALS and CLEA.

*BUDGET*

We continue to be fiscally sound, in large part due to the outstanding work of David Chavkin (American) who collects our dues. David also maintains a data base on the Web of clinicians with information about their clinical programs. The web address is <http://www2.wcl.american.edu/clinic>. We owe him a great deal of appreciation for his tireless work on behalf of the section.

I look forward to seeing you in Albuquerque. If there is a project you would like to develop as part of the section, please let me know. If there is not already a committee pursuing it, I would be happy to continue the great tradition of past chairs and create a new one!!

This may be the last newsletter you receive if you are not a current member of the Section. To become a member, please fill out the Membership form on pages 35-36 of this newsletter and mail it to David Chavkin. If you are unsure of your status, please contact David at the address on the form. Or e-mail [dchavkin@wcl.american.edu](mailto:dchavkin@wcl.american.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.

**NOTE FROM THE EDITOR**

Kimberly O'Leary will be co-editor for the Newsletter along with Kate Mahern for the November, 2000 issue. Kimberly O'Leary will take over as the Editor of the Newsletter in 2001.

The Clinical Section Newsletter is scheduled for publication in November, 2000. 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 October 15, 2000.** 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 one page) and documents with charts or other formatting difficulties should be submitted on a 3 ½ inch diskette, formatted for Word 97,** together with a hard copy. Articles may be submitted by mail, e-mail or fax (see address and number information on the cover). Articles should be submitted to Kate Mahern for the November issue.

Please contact the editor, Kate Mahern, or the co-editor, Kim O'Leary if you have any questions.

**AALS CONFERENCE ON  
LEGAL EDUCATION  
May 6-10, 2000  
Albuquerque, New Mexico**

The clinical conference takes place this year in Albuquerque, New Mexico. The focus of the conference is culture in all its varied definitions and applications. In addition to the sessions identified on the schedule below, there will be special events welcoming new clinicians, planned outings, and of course, music and good food. Questions about the program or other matters can be directed to Christine Zuni Cruz, Chair of the Planning Committee, at [zunich@libra.unm.edu](mailto:zunich@libra.unm.edu).

**Saturday, May 6**

**1:45-2:00 p.m.**

*Welcome*

Harry G. Prince, AALS Deputy Director

*Introduction*

Christine Zuni Cruz, University of New Mexico and Chair, Planning Committee for AALS Conference on Clinical Legal Education

**2:00-3:30 p.m.**

*Plenary I: Talking About How We Talk About Culture*

Margaret E. Montoya, University of New Mexico

Cross-cultural skills, multiculturalism, cultural studies, popular culture, legal culture, clinical culture. The word "culture" is often on our lips. But what do we mean when we talk about culture? Is culture a connection, a lens, a trope or an organizing principle? How is culture also sometimes a barrier, a trap or an excuse? Is there slippage in our understanding and our usage of the word "culture" and such aspects of identity as race, class, gender or sexual orientation? As legal practice becomes more complex, what vocabularies, skills, courtesies and techniques pertaining to culture are available to clinicians for use in teaching and supervising students and representing clients? The purpose of this presentation is to prompt the conference participants to use such culturally imbedded concepts as space and place, voice and silence, genes and memes, time and lack of time as a way of reconsidering the centrality of "culture" to clinical teaching.

**3:45 – 5:15 p.m.**

Small Group Discussions

**5:30 – 8:00 p.m.**

Reception

**Sunday, May 7**

**9:00-10:15 a.m.**

*Plenary II: Speaking in Stories*

John Borrows, University of Toronto  
Sharon Elizabeth Rush, University of Florida

Commentators

Leslie Espinoza, Boston College  
Steven Lubet, Northwestern University



Storytelling is central to the work lawyers do, and frequently it requires us to hear and speak in multiple "languages." In this plenary, two presenters will demonstrate the complexities of language through storytelling. Two commentators will explore the process of transformation that occurs when stories go through the legal culture.

**10:30 – 12:00 Noon**  
Small Group Discussions

**12:00 – 1:45 p.m.**  
AALS Luncheon

**2:00 – 3:15 p.m.**  
Concurrent Sessions (See listing below)

**3:30 – 5:15 p.m.**  
Concurrent Sessions

**6:00 – 8:00 p.m.**  
AALS Section on Clinical Legal Education  
Committee Meetings

**Monday, May 8**  
**9:00 – 10:15 a.m.**  
*Plenary III: Culture in an International Context*  
Alicia Alvarez, DePaul University  
John Borrows, University of Toronto  
Commentator  
Pat Sekaquaptewa, Associate Director,  
Tribal Policy Institute, Chicago, Illinois

**10:30 – 12:00 Noon**  
Small Group Discussions

**Free Afternoon**

**Tuesday, May 9**  
**9:00 – 1:15 a.m.**  
*Plenary IV: Cultural Issues: Representations & Supervision*  
Bryan L. Adamson, Case Western Reserve University  
Conrad Johnson, Columbia University  
Catherine Powell, Columbia University

**10:30 – 12:00 Noon**  
Small Group Discussions

**12:00 Noon – 1:45 p.m.**  
AALS Luncheon

**2:00 – 3:30 p.m.**  
Concurrent Sessions

**3:45 – 5:15 p.m.**  
Concurrent Sessions

**5:30 – 6:30 p.m.**  
Reception

**Wednesday, May 10**

**9:00 – 11:00 a.m.**

*Plenary V: New Clinicians and a Critique of Clinical Culture*

Dan Barba, East Bay Community Law Center, Berkeley, California  
Angela Olivia Burton, Syracuse University  
Deborah M. Weissman, University of North Carolina

This plenary session will be led by clinicians who are comparatively new to clinical teaching. They will address clinical education and the culture of clinics focusing on what newer clinicians believe is good about clinical education and what needs to be changed.

**Listing of Concurrent Sessions**

*Preparing Our Students for Culture, Race, Gender in the Law Firm in the Legal Work Setting*

Bryan L. Adamson, Case Western University

Odeana R. Neal, University of Baltimore

*International Clinics*

Richard A. Boswell, University of California, Hastings

Carolyn Patty Blum, University of California, Berkeley

*Culture and Criminal Law*

Eva Nilson, Boston University

Abbe Smith, Georgetown University

Nkechi Taifa, Howard University

*Life Choices, A Cultural Prism*

Speedy Rice, Gonzaga University



Suellyn Scarnecchia, University of Michigan

*The Impact of Religion and Spirituality on Our Work*

Toby Golick, Yeshiva University  
Calvin Pang, University of Hawaii

*Exploring Clinical Culture: For New Clinicians and Their Allies*

Carolyn Kaas, Quinnipiac College  
Gemma Solimene, Fordham University

*Language and Interpretation*

Susan Lee, New York University

*Cross Cultural Communications: A Teaching Perspective*

Susan J. Bryant, City University of New York  
Jean Koh Peters, Yale Law School

*Drawing on the Culture of Other Disciplines in our Legal Work*

Jeff Selbin, East Bay Community Law Center, Berkeley, California  
Joan O'Sullivan, University of Maryland

*Special Education, Race and Culture*

Alex J. Hurder, Vanderbilt University

*Clinical Scholarship*

Isabelle R. Gunning

*Three Bobs: Teaching from White Guy Privilege*

Bob Dauber, Arizona State University  
Robert F. Seibel, City University of New York  
Robert D. Dinerstein, American University

*Teaching Difference*

Jane H. Aiken, Washington University, St. Louis  
Katherine Mary Hessler, Cornell Law School

*Changing the Culture of Our Schools by Insuring Access by Students of Color*

Margaret Martin Barry, Catholic University

*Nuts and Bolts of Evaluation and Feedback of Students*

Peter Joy, Washington University, St. Louis  
Catherine F. Klein, Catholic University

*Integrating Professional Responsibility into Clinical Courses*

Nina W. Tarr, University of Illinois  
Erica Eisinger, Wayne State University

*Should Clinics Be Required?*

J. Michael Norwood, University of New Mexico  
Karen L. Tokarz, Washington University, St. Louis  
Stephen Wizner, Yale Law School

*Law School Culture*

Cecelia M. Espenosa, St. Mary's University  
Ann M. Novoa, St. Mary's University

*Public Education and Press Relations*

David Goldberger, Ohio State University  
Jane L. Johnson, Tulane University  
William P. Quigley, Loyola University, New Orleans

*Integrating of Gay and Lesbian Perspectives*

William E. Adams, Nova Southeastern University  
Robert S. Salem, University of Toledo

*Learning From Clients and Students with Disabilities*

Laura L. Rovner, Syracuse University  
Karen Marie Engro, University of Pittsburgh

*Prisoner Litigation*

John Whiston, University of Iowa  
Katherine R. Kruse, University of Wisconsin

*Constructions of Culture: Merit, Class and Privilege*

Richard A. Boswell, University of California, Hastings  
Conrad Johnson, Columbia University  
Brenda V. Smith, American University

*Culture, Lawyering and Domestic Violence Against Women*



Peter Marguiles, St. Thomas University

*The Culture of Justice*

Andrea M. Seislstad, University of Dayton

*Teaching Middle and Upper Class Students to Connect with Clients From Differing Backgrounds*

Anita DiPasquale, Ohio State University

Michael Pinard, Yale Law School

Kathleen Ann Sullivan, Yale Law School

*Clinical Methodology Presentation of Race and Ethnicity Issues*

Carol L. Izumi, George Washington University

Evangelina Sarda, Boston College

*Post Law School Mentoring: Keeping the Culture of Justice Going for Our Grads*

Deborah Howard, Director of Law School Consortium, Program on Law and Society, Open Society Institute, New York

Denis Murphy, University of Maryland

Pualani Enos, Northeastern University

**AALS Clinical Section Sponsoring Pre- Reception Event for New Clinicians**

The Clinical Section will be holding a welcoming event for new clinicians at the Clinical Conference on Saturday, May 6, from 5:15 – 6:00 p.m. We would like to warmly invite anyone who has never attended a clinical conference or is new to clinical teaching within the last two years. We will have a very short program to help new clinicians get oriented to the activities of the Clinical Section, the activities of CLEA and to some of the issues you will face as a new clinician. After the event we will continue our conversations at the AALS opening reception.

If you are an experienced clinician, please pass this invitation along to any new clinicians you know. If you would like to help Carolyn Kass with this event, please contact her.

**Special Events at Albuquerque Clinical Conference**

The University of New Mexico School of Law is pleased to invite you to two special events to be held at the AALS Clinical Conference. On Sunday night, May 7, UNM and the Clinical Legal Education Association (CLEA) are co-sponsoring a dance featuring the Native American reggae band "Native Roots." You can dance and/or listen to their unique sound from 8:30 – 10:30 p.m.

On Tuesday, May 9, from 6:00 – 8:30 p.m. UNM is hosting a reception at the law school. There will be food, tours of our clinical law programs, information about our programs, and cultural entertainment (Mariachis) and cultural presentations from community and clinic client groups.

We look forward to sharing our unique cultural and clinical heritage with you while you are here for the conference!

**SPECIAL FEATURE**

**Tribute to President Elliott Milstein**

Access to Justice Ingathering (Part II)

Gary H. Palm

This report could be twenty-six (26) pages long but to shorten it, I have tried to capture through summaries the types of Access to Justice work reported to me. Summaries can not capture the thousands of hours of student and faculty time expended. Nor can they describe the personal sacrifice of our students that far exceeds the academic credit awarded. While I groan about academics and deans, they have at least acquiesced in the expenditure of funds for our work. I have been astounded by the variety of activities and the pervasiveness of clinics working with legal aid and legal services programs. However, I do not mean to make the "Meeseian" suggestion that law school clinics can fill the need for Access to Justice by the poor and others in America. Rather, what's shocking is the failure of our government to take significant steps to meet



the unmet need. Worse yet, the American people have approved cutbacks on funding and impositions of restrictions that preclude legal service programs from becoming more efficient and wide ranging. Why should this governmental burden be put on law schools? Nevertheless, I am proud to honor President Elliott Milstein through this report of the wonderful contributions of law school clinics to improving Access to Justice.

*COLLABORATION WITH ATTORNEYS AT  
LEGAL SERVICES AND PROFESSORS AT  
CLINICS*

1. **University of Tennessee College of Law** student pro bono program (a volunteer component of the clinical program) operates in partnership with the legal aid program. UT was the Knoxville legal services program for many years. Knoxville Legal Aid Society and the Clinic together initiated a task force on housing issues in East Tennessee involving all the legal services providers in the region. The Executive Director of Rural Legal Services (Oakridge), Neil McBride, teaches a Non-Profit Corporations class that has a significant clinical component and is part of the Legal Clinic.
2. **Columbia University School of Law** arranges, sponsors and participates in "Strengthening Our Community," a 1 ½ day conference for all legal services workers in NYC.
3. **University of Washington School of Law** clinical faculty assist the Northwest Women's Law Center by speaking to low-income community groups about relevant legal issues such as child support, restraining orders, third-party custody issues, dependency law, etc.
4. **George Washington University Law School** is part of the DC-wide "Legal Service Providers" network. There are regular meetings, a referral network, pro bono case assignments, and other advocacy activities.
5. **West Virginia University College of Law** Legal Clinic receives case referrals from the local legal services office. The College does joint training for them and for

programs from a three state region (Committee on Regional Training--Michigan, Ohio and West Virginia) and has written a web site for the West Virginia legal services programs: <http://www.wvlegalservices.org>. The Clinic consults on cases and provides other advocacy services.

6. **Golden Gate University School of Law** offers a Lawyering Skills: Client Advocacy course in conjunction with the local Homeless Advocacy Project --HAP-- (which is funded through the Bar Association of San Francisco's Volunteer Legal Services Program). Students (26 this semester) act as advocates for HAP clients and are jointly supervised by a Professor and HAP staff attorneys.
7. **Villanova Law School** has had a close collaborative relationship with the local legal services program for over thirty years (Delaware County Legal Assistance Association). In recent years, the clinical course, Villanova Community Legal Services (VCLS), was taught entirely by legal services staff attorneys, who were part-time adjunct professors. In the last year, Villanova has made a significant commitment to improving and expanding its clinical programming by hiring a full-time member of the faculty to teach and direct the VCLS clinic, which now includes a full classroom component. Students work under the supervision of the director and staff attorney/adjuncts. Most of the work is done in the DCLAA office, but students also work in the law school clinical office suite. Clinical teachers are on the Boards of three legal services programs.
8. **Brooklyn Law School** began its clinical programs in 1970 by hiring a clinical teacher to work with students at the Legal Services Office in Bedford Stuyvesant. Ever since then they have had strong, often symbiotic, relationships with legal services offices and organizations throughout New York City. Its clinical teachers serve on many legal services boards. The in-house clinics accept case referrals and frequently co-counsel cases. Most importantly, four years ago, when the



LSC restricted funding for many types of litigation, they applied for, and have been receiving ever since, a grant from NYS IOLTA that funds an attorney and a recent law graduate/Fellow to do "restricted" work. Every year, approximately 20 students work in the Federal Litigation Clinic.

**9. Temple University School of Law** with funding from the Pennsylvania IOLTA, partners with the Nationalities Services Center to operate an Immigration Law Clinic. They also have externship programs with the Defender Association of Philadelphia, the Camden Public Defender, and the Homeless Advocacy Project.

**10. University of Nevada at Las Vegas** under the supervision of a Clark County Legal Services Office lawyer or a half-time supervising lawyer hired by the law school, has students teach informational classes to pro se litigants in the areas of bankruptcy, domestic relations, landlord-tenant, and small claims. In the Consumer Law Mentor program, CCLS refers consumer cases to local lawyers for pro bono representation, and second-year law students are paired with the lawyers to work on the cases. The Clinic is working with a task force made up of the legal services director, legislators, county commissioners, Court Appointed Special Advocates director, judges and administrators to develop a children's law project. This will be the first program in the state to provide attorneys for children. The bulk of the work will be in abuse and neglect cases (where most children are not represented by Court Appointed Special Advocates). The agenda is to get the project up and running by hiring attorneys and determining how to handle intake, and developing appointment/retainer procedures. Eventually, law students will work with the projects as externs, co-counsel or by taking referrals. Law students will soon be helping on a volunteer basis by doing legal research and researching the structure of other similar projects.

**11. UNC-Chapel Hill Law School** civil clinic participates with legal services programs in a variety of ways. They accept referrals from local legal services offices,

occasionally act as co-counsel, provide training for staff attorneys as well as ongoing technical assistance. Legal services attorneys have held one-year sabbaticals teaching in the clinic.

**12. Case Western Reserve University Law School** has had a mutually beneficial relationship with the Legal Aid Society of Cleveland for as long as they have been in existence (since 1976, for the in house clinic). They regularly take referrals in cases Legal Aid cannot handle in family law, consumer rights, disability cases, tort defense, wills and health care directives.

**13. Quinnipiac College School of Law** students in the in-house Health Law Clinic, supervised by a Connecticut Legal Services attorney working in a two-year rotation as a visiting clinical professor (a classic "win-win" situation), represent clients before courts and administrative agencies in a variety of health-related matters, many referred to the Clinic by local legal services agencies. The School of Law's Civil Clinic likewise accepts legal services referrals. In cooperation with the New Haven Bar Association and supported by fellowships awarded in memory of Yale Sappern, a concerned and compassionate New Haven family court clerk, students staff pro se assistance offices in the family courts in New Haven and Bridgeport.

**14. University of Maine School of Law** collaborated with the three legal aid providers to persuade the Maine government and Bar to fund the Maine Civil Legal Services Fund. One million dollars is raised each year from civil filing fees and assessments. The Directors of the Clinic and the three providers served on the Legal Services Response Team, an operating arm of the Justice Action Group to increase access to justice across the state. One of the first actions of the LSRT was to assist in the creation of the Maine Equal Justice Project/Partners to handle legislative advocacy, class action suits, and other types of representation forbidden by LSC funded providers.

**15. Willamette University College of Law** students in the Civil Legal Clinic under



the supervision of attorneys, are participants in the Legal Aid Services of Oregon pro bono referral program. Willamette law students are currently assisting with a survey sponsored by the Oregon Supreme Court and the Oregon Bar Association (working with legal aid) to determine the level of unmet legal need among low income people in Oregon.

**16. Valparaiso University School of Law** legal clinic has an agreement with the local legal services program through which the clinic provides an office and support staff for a branch office of legal services and legal services provides a part time instructor for the clinic.

**17. Yale Law School** clinical program has continuously, since 1970 had a Legal Assistance Clinic in which students perform clinical casework at New Haven Legal Assistance Association under the supervision of Legal Assistance staff attorneys. The Legal Assistance Clinic is, and has been, directed by Frank Dineen, the most senior attorney at the agency, who also holds a half-time appointment at the Law School as an Adjunct Clinical Professor of Law. At the Law School, in addition to directing and managing the Legal Assistance Clinic and teaching the classroom component of the clinic, Frank also co-teaches a Landlord/Tenant Clinic in which students represent low income clients in summary process eviction actions which Frank selects from the intake at New Haven Legal Assistance for referral to the clinic. Over the years various members of the clinical faculty have co-taught the landlord/tenant clinic.

**18. Southern Methodist University School of Law** clinic students help staff workshops for Legal Service's Housing Crisis Center. Clinic students take cases on referral from Legal Services, and refer cases to Legal Services that fall outside the scope of our clinics. The Domestic Violence Project is funded through Legal Services under the Violence Against Women's Act with the Legal Services attorney acting as a Supervising Attorney in the School's in-house clinic.

**19. University of Connecticut Law School** has had a clinical teacher work with legal services attorneys to plan and develop a new practice in employment law; helped organize and spoke at a state-wide legal services training program on the Basics of Employment Law and also addressed the Connecticut Fair Housing Center's Annual Attorney Training on recent developments in housing discrimination litigation.

**20. University of California--Hastings College of the Law** regularly hosts meetings of other legal services programs. For example, the Western Center for Law and Poverty holds its statewide task force meetings every two or three months for Northern California legal services lawyers at Hastings. There is one task force on Health and Welfare issues and another on Housing issues. Mark Aaronson says, "While it is not a big thing, I like that the students working out of the Clinic see anti-poverty practitioners meeting here collaboratively. It is also good for the law school, which is not always thinking about how to be of help to the legal services community." One section of the Group Representation course is working on a transactional planning project in the Tenderloin, where they are serving, along with a pro bono law firm, as counsel to a community coalition, which is in the pre-development stage of putting together a community owned and controlled mini-convention center, parking garage and neighborhood serving retail space next to the Hilton Hotel. If successful, the project is likely to generate at least a million dollars each year in excess cash revenue to be spent on community supported projects and activities in the Tenderloin.

**21. Indiana University School of Law-Indianapolis** began its clinical program in cooperation with the local legal services program, Legal Services Organization of Indiana, Inc. (LSOI) and continues to be a joint effort. Students represent clients referred from LSOI and have work space in its downtown office. The law school's pro bono program provides LSOI with student volunteers for intake and research. In 1995-96, the LSOI attorneys and clinic faculty



combined efforts and revitalized the Poverty Law course at the law school, with the assistance of funding from LSC. Clinic faculty have continued to teach the course. Clinic students represent approximately 100 LSOI clients each year.

[Of special note is the contribution of University of Chicago Clinic to this program in that its alumni Dennis Frick is now one of the co-managing attorneys of the LSOI office. G. P.]

**22. Ohio State University College of Law** in addition to the provision of services to our clinic clients, it has created a program in which students do research on issues arising in cases handled by legal aid agencies in central Ohio. If a legal services attorney needs research on an issue or case related problem, the attorney can request that it be done by participating students. It is structured much like a law review with a managing board and is called The Pro Bono Research Group. (3L's supervise 2L's). Participants have a notation "Public Interest Fellow" on their transcripts.

**23. William and Mary Law School** clinical program was started in 1976, when the School obtained an LSC grant and established the Peninsula Legal Aid Center, Inc. (PLAC), which covers a large area. The College donated a building for a branch office near the Law School. Since then, a Professor and students have worked out of that office representing Legal Services clients. In the Williamsburg office there are also lawyers and other staff of the Legal Aid program. The PLAC Board has a member from the Law School. Also, one of the lawyers in the Legal Aid office has been appointed an Adjunct and is teaching a Domestic Violence Clinic.

**24. Vanderbilt University Law School** clinical teachers collaborate with the Legal Aid Society by teaching at substantive law conferences and making CLE presentations for the Society. An attorney at the Society co-teaches the landlord-tenant part of the Civil Procedure Clinical course.

**25. University of Maryland Law School** works closely with Maryland Legal Services Corporation including operating the

HIV Legal Clinic for the Corporation. The Clinic is part of the Maryland Legal Assistance Network (MLAN) which is being set up to provide Internet access to legal services providers across the state regarding pleadings, assistance, and communications.

**26. University of Texas School of Law** has two of the clinical programs, in elder law and housing law, that are taught in conjunction with Legal Aid. Two of their clinical teachers are on the Board of the Legal Aid of Central Texas.

**27. University of Denver College of Law** is working with the local legal services office to recruit pro bono attorneys from among clinic alums. Clinic alums will provide pro bono legal services for victims of domestic violence as this is a critical need for services that continues to go unfilled.

**28. New England School of Law**, through Russell Engler, has collaborated with legal aid on initiatives to improve the Court's treatment of unrepresented litigants [Russell, does your jurisdiction extend to Judge Judy and Animal Court? G. P.] The in-house clinic is a small, civil legal services office, and increasingly the clinic has selected its cases by focusing on referrals from Greater Boston Legal Services, that they have been pre-screened as cases in urgent need of help, but which they cannot handle at the time.

**29. University of Pennsylvania Law School** clinical programs participate in a funded Sparer fellowship program that places students in public interest and legal services organizations for the summer and then requires them to engage in course work for credit (including the Clinic's new Lawyering in the Public Interest course) as well as research and writing on public interest issues. The legislative clinic takes on requests from the public interest bar and has been successful in helping to get state legislation in the public interest enacted into law. One of the clinic students is currently preparing a "how to" manual for private lawyers who volunteer for pro bono representation in child abuse records expungement cases (an area particularly important to welfare-to-work efforts).



**30. University of Hawaii William S. Richardson School of Law** does a number of things to support the Legal Aid Society of Hawaii (LASH). In addition to regularly having a number of students externing at LASH, they have partnered with LASH to create a Legal Aid Clinic which allows in-house clinical students to learn in a hybrid extern/in-house setting. In the exchange, LASH gets motivated and talented students. The Clinical Director, John Barkai, chaired the Board a few years ago.

**31. University of Toledo College of Law** Gabrielle Davis in on the Board of Legal Services of Northwest Ohio.

**32. University of Virginia School of Law** has one faculty member serving on the Board of the local legal aid program. Faculty members have held officer and non-officer Board seats. They provided assistance a few years ago when their (then) one legal aid program confronted the federal restrictions on LSC funds. They helped to create two separate legal aid programs, one of which receives the restricted funds and lives with the restrictions; while the other is funded by unrestricted funds and is able to handle law reform matters, class actions, lobbying and so forth.

**33. Florida State University College of Law** has faculty serving on the Board of the Great Legal Services of North Florida.

**34. Cleveland-Marshall College of Law** Clinicians serve as President and General Counsel of Christian Legal Services of Cleveland, an ecumenical church-based program which offers legal services, holistic assistance, and partnership opportunities to the poor, including prisoners and undocumented aliens who cannot receive assistance from LSC grantees.

**35. University of Montana School of Law** has a member of the faculty serving as President of the Board of the Montana Legal Services Association. Mary Helen McNeal serves on the state bar's Access to Justice Committee.

**36. Rutgers, The State University of New Jersey School of Law-Camden** has its Clinic Director serving on Camden

Regional Legal Services Board. The Civil Practice Clinic, the only in-house clinic, accepts referrals from the Senior Advocate's Center. The Rutgers/LEAP Legal Project, which conducts intake at the LEAP Academy Charter School, has a referral agreement with CRLS.

**37. University of Connecticut School of Law** has a clinician as a member of the Board of Directors on its Priorities & Client Concerns Committee and is President of the Connecticut Fair Housing Center, Inc.

**38. Vanderbilt University Law School** has a clinical teacher as a member of the Access to Justice Committee of the Tennessee Bar Association. This committee has a strong record of initiating proposals to the bar for support of legal aid programs and local pro bono programs. The Tennessee Bar has supported the IOLTA program; a litigation tax now in place with revenue designated to legal aid programs; and statewide training programs to recruit and train lawyers for special education cases.

**39. University of Pennsylvania Law School** has a clinical teacher serving on the board of Philadelphia Legal Assistance and regularly conducts attorney training for lawyers at Community Legal Services and Philadelphia Legal Assistance. That clinical teacher is on the special Task Force on Legal Services to the Needy which has been working to expand resources for legal services through civil filing fee legislation and the imposition of an annual fee on all licensed attorneys in Pennsylvania. While both measures passed the House of Delegates, the State Supreme Court has not yet acted upon the annual fee proposal. The Chancellor of the Philadelphia Bar Association has asked for help in working this year in conjunction with legal services on a state loan forgiveness bill. Last month, a faculty member was asked to serve as the mediator in ongoing talks among four suburban Philadelphia legal services programs seeking to merge into one or two entities, as well as serving as special counsel to our statewide IOLTA program.

**40. University of Dayton School of Law** has Kim O'Leary, Director of the Law



Clinic, serving as the Vice-President of the Legal Aid Society of Dayton Board of Directors and has devoted many hours of volunteer time as a member of a regional steering committee that has shaped the Dayton-area response to state and regional planning. As a result of this planning process, effective January 1, 2000, LASD is no longer an LSC recipient, and will provide some expanded services to the 17- county region, as well as operate a regional hotline. Kim O'Leary has also assisted in facilitating regional legal services planning in the northern Ohio area.

**41. Cornell Law School** Clinician Katherine Hessler is a consultant for an IOLTA provider, assessing and offering suggestions for legal services programs in Ohio.

**42. Thomas M. Cooley Law School** has the Sixty Plus Program which represents local seniors in civil matters. Over 60 students a year participate, and represent clients under the supervision of four (soon to be five) full-time faculty. The students all provide a public service through their speaking engagements to senior groups, and through their direct representation.

**43. Temple University School of Law** in-house programs provide legal services to about 1000 Philadelphia residents each year. The Temple Legal Aid Office was founded in 1953 with volunteer attorneys for the Legal Aid Society. It now serves as the umbrella for three programs including the Family Law Clinic which specializes in child custody litigation. The Legal Advocacy for Patients Clinic assists patients with catastrophic disease, primarily cancer and AIDS, resolve legal issues relating to health care access, insurance, and public benefits. Both programs receive frequent referrals from legal service providers throughout the region. The third program in the Legal Aid Office, provides mediation services to the Philadelphia Family Courts child custody unit. For the past nineteen years, the Elderly Law Project has represented elderly Philadelphians regarding public benefits, health care, wills and estates, life planning, and other legal issues.

They visit senior centers, operate a hotline, conduct home visits as well as seeing clients in their law school office. The Project works cooperatively with many agencies working with the elderly, including Community Legal Services, Philadelphia Legal Assistance, and Judicare.

**44. Pepperdine University School of Law** opened a legal clinic for the homeless on skid row in downtown Los Angeles. They have a full-time director at the site as well as students, faculty and others who volunteer.

#### EXTERNSHIPS

**1. Thomas M. Cooley Law School** has up to 15 students each year at the local legal aid offices, students in a Detroit immigration program and in many others around the country. [Cooley is located in "cold" Lansing, Michigan and surprisingly reports they had trouble getting any of their hard-working faculty to do a site visit to Tampa, Florida last winter. Volunteers are welcome for next winter. (G.P.)]

**2. Golden Gate University School of Law** has many externship based clinics in which students work at legal aid type organizations, most notably the Criminal Litigation Clinic (placements in Public defender and DA offices), and the Government/Public Interest Clinic with a wide variety of placements.

**3. New York Law School** Juvenile Rights Clinic has essentially metamorphosed into a joint project of NYU Law School and the New York Legal Aid Society's Juvenile Rights Division. The co-teacher of the clinic is the Deputy Director of that office. Students do in-house clinic casework under Randy Hertz' supervision and also do externship-type work on other cases under the Legal Aid lawyers.

**4. University of Toledo College of Law** has advanced clinic students work with the local legal office and the highly regarded Advocates for Basic Equality (ABLE).

**5. Villanova Law School** has a broad range of externships in which students work for local agencies and public interest offices for credit, including the Consumer



Bankruptcy Assistance Project, Senior Citizen Judicare and the Women Against Abuse Legal Center.

**6. Brooklyn Law School** has numerous student placements, year-round in legal aid offices.

**7. University of Virginia School of Law** currently offers three courses in which legal aid lawyers play significant roles. The Housing Law Clinic involves a course taught by a faculty member, with placement of law students at one of the two legal aid programs serving this community. Two of the legal aid lawyers supervise students in this course. A similar arrangement exists with respect to employment law cases. The Employment Law Clinic has both a classroom component and a client representation component. The director of the local legal aid program co-teaches the course along with a faculty member. Two legal aid lawyers supervise students in their client representation. The Child Advocacy Clinic has a similar relationship with one of the local legal aid programs. In all of these three courses, the legal aid lawyers who supervise or teach in the classroom are appointed as adjunct faculty and paid by the law school for their efforts.

**8. Florida State University School of Law** has extensive, full semester externs for credit in many legal services offices throughout Florida.

**9. University of Kansas School of Law Pro Bono Clinics:** The director of our Public Service Center, has created several "pro bono" clinics during the past four or five years, working closely with legal aid. The students who worked with legal aid attorneys on the legal aid cases receive neither credit nor pay. Both the Child Advocacy and Housing Clinics started as pro bono clinics. Those years are viewed as "pilot" years which allowed the law school to see if student interest was high enough and the cases plentiful enough to create academic credit granting clinics in those areas. Both clinics are now part of the law school curriculum, for credit.

**10. UNC Chapel-Hill** law school's new

Externship Program offers a wide range of placement opportunities during the school year, including externship placements with nine legal service organizations and eleven non-profit organizations.

**11. Quinnipiac College School of Law** has students in externship, in-house clinic, and Sappern Fellowship programs, working with established legal services organizations and local bar associations, contribute countless hours each semester to expanding access to legal services for under-represented client populations. Legal Services Externship students, for example, spend up to three days a week in area legal services offices, working on family law, housing, and benefits cases.

**12. University of Maine School of Law** has the Rural Access Project, an innovative externship project where law students spend twenty hours a week representing Pine Tree clients. [The Coffin Fellow's program is named after the Hon. Frank Coffin, Senior Judge, U.S. Court of Appeals for the 1st Circuit].

**13. Willamette University College of Law** places students each semester with Marion Polk Legal Services. Each summer, Willamette students receive stipendiary grants from the Willamette University Public Interest Law Project (WUPILP) to work as summer interns with legal aid offices and with other kinds of public interest law organizations around the country.

**14. University of Montana School of Law** has been placing students, as part of the clinical program, at Montana Legal Services for about 20 years. Currently, they place between four and ten students a year, each of whom is enrolled in the clinic for four credits. Although the staff attorneys at legal services provide most of the one-to-one supervision, law school faculty are still involved in discussions with students about their legal work and in critiquing their performances. Law students, often first years, often participate in legal services' Family Law Advice Clinic, working with



pro se litigants.

15. **Rutgers, The State University of New Jersey School of Law-Camden** has an Externship Program which places students at legal services working 12-15 hours a week during the academic year. The Pro Bono Projects regularly work with CRLS, especially the Bankruptcy Project. In this project, CRLS assists with training students and then refers cases to the project for client assistance by teams of pro bono attorneys and trained law students.

16. **Southern Methodist University School of Law** has partnered with Legal Services to create and staff a Poverty Law Clinic on site at the Legal Services offices and a Domestic Violence Project that is part of the School's in-house Civil Clinic.

17. **University of Connecticut Law School** students in the clinical program this year are contributing over 2,500 hours of work to legal services programs throughout Connecticut

18. **University of California-Hastings College of the Law** has a number of different externship programs, which place students in different types of legal services. The Immigration Clinic with Richard Boswell usually has each semester a few students working out of the Lawyers' Committee's Asylum Program or at the Immigrant and Refugee Legal Resource Center. There is also a Workers Rights Clinic affiliated with the S.F. Legal Aid Society's Employment Law Center.

19. **New England School of Law** has Family Law, Domestic Violence, Administrative Law, Health and Hospital Law.

20. **University of Maine School of Law** reports that the Law School raised funds from law firms for externships at legal services offices.

21. **University of Tennessee College of Law**--The law school funds summer fellowships (internships) at Knoxville Legal Aid Society, Rural Legal Services (out of Oakridge, TN only 20 miles away), and

other programs.

## AMONG OURSELVES

**Robert Burns** (Northwestern) and **Peter Hoffman** (Nebraska) were part of a team of National Institute for Trial Advocacy (NITA) teachers who conducted a teacher training program on November 5-6, 1999 for clinical and trial advocacy teachers at Ontario law schools. The program was held at the University of Western Ontario in London, Ontario.

**Peter Hoffman** (Nebraska) received the Robert E. Oliphant Award for "outstanding service to NITA in all areas," **Lynne Lasry**, spouse of Allen Synder (San Diego), received the Honorable Robert E. Keeton Award for "outstanding service as a NITA faculty member," **Steven Lubet** (Northwestern) received the Honorable Prentice H. Marshall Award for the "development of innovative teaching methods."

**Kate Mahern**, Director of the Milton R. Abrahams Legal Clinic at Creighton University and **David Chavkin**, American University, have been granted tenure.

**Kate Mewhinny** who manages the Clinic for the Elderly at Wake Forest University, has joined the Board of Directors of the National Elder Law Foundation. An ABA-approved certification organization, NELF is a non-profit organization that certifies elder law attorneys. In February, Professor Mewhinny spoke at the 14<sup>th</sup> Annual Alzheimer's Disease Research Center Conference of the Duke University Medical Center, Durham, NC. Her topic was "Getting Good Care: Legal Tools and Trends." In May she will be presenting two workshops at the Annual Symposium of the National Academy of Elder Law Attorneys, to be held in Philadelphia.

**Robert H. Smith** was appointed dean of Suffolk University Law School in November 1999. Previously a Professor of law at Boston College Law School, he taught civil procedure, mediation, and directed both in-house and externship



clinical education programs.

Dean Smith is a graduate of Wesleyan University and of the University of Chicago Law School where he was a member of the Order of the Coif. Following graduation, he was a clinical fellow and supervising attorney at the University of Chicago's Mandel Legal Aid Clinic.

**Deborah J. Weimer**, Director of the AIDS Clinic at the University of Maryland School of Law, was awarded the Maryland Bar Foundation's Professional Legal Excellence Award for the Advancement of Unpopular Causes on March 28, 2000. Professor Weimer has directed the AIDS Clinic since 1988. She and her students have represented hundreds of victims of AIDS in cases involving employment discrimination, health department discrimination, the Family Medical Leave Act, and stand-by guardianship. She is a member of the AIDS Legislative Committee and has helped pass bills advantageous to those with AIDS, and has worked to defeat bills that would have discriminated against those with AIDS.

## COMMITTEE REPORTS

### *Awards Committee* Kim O'Leary

The Awards Committee for the AALS Section on Clinical Legal Education will accept nominations for the annual William Pincus Award through Friday, October 6, 2000. The Pincus Award is an Annual Award of the AALS Section on Clinical Legal Education for Outstanding Service and Commitment to Clinical Legal Education.

The Pincus Award is authorized under Article III, Section 3 (d) of the Bylaws of the AALS Section on Clinical Legal Education. The Award is presented annually to honor one or more individuals of clinical legal education. The award is based on service, scholarship, program design and implementation, or other activity beneficial to clinical education or to the advancement of justice. The Award was established in

1980 and first presented at the 1981 Annual Meeting of the AALS.

The recipients of the award have been:

- 1981 David Barnhizer (Cleveland State)
- 1982 Hon. Neil Smith (D. IA)
- 1983 William Greenhalgh (Georgetown)
- 1984 Robert McKay
- 1985 Dean Hill Rivkin (Tenn)
- 1986 Tony Amsterdam (NYU)
- 1987 Gary Bellow (Harvard)
- 1988 William Pincus
- 1989 Gary Palm (Chicago)
- 1990 Bea Moulton (Hastings)
- 1991 Sue Bryant (CUNY)
- 1992 Elliott Milstein (American)
- 1993 Roy Stuckey (S. Carolina)
- 1994 Harriet Rabb (Columbia)
- 1995 Clinical Law Review
- 1996 Wally Mlyenic (Georgetown)
- 1997 Edgar Cahn (DC School of Law) and Jean Cahn (Antioch, posthumously)
- 1998 Steve Wizner (Yale)
- 1999 Katherine Sheldon Broderick (U.D.C. School of Law)
- 2000 E. Clinton Bamberger (U. of Maryland, Emirtus)

To nominate a person or an institution, send the name and a brief but detailed (typically should run about 2-3 pages) statement of reasons why the individual or institution should be honored by the Section, specifically referencing the award criteria outlined above where relevant. In the past, committee members have found that letters detailing the basis for the nomination were much more useful than an e-mail that merely listed a name of a nominee, although all nominations will be considered. You may send a nomination to any member of the Awards Committee:

- Kimberly O'Leary (Dayton after May, 2000) Chair, Fax 937-229-4066 or e-mail [oleary@udayton.edu](mailto:oleary@udayton.edu)
- Sandy Ogilvy (Catholic) fax 202-319-4459 or [ogilvy@law.cua.edu](mailto:ogilvy@law.cua.edu)
- Peter Hoffman (Nebraska) [phoff@unlserve.unl.edu](mailto:phoff@unlserve.unl.edu)
- Peter Joy (Wash. U) [joy@wulaw.wustl.edu](mailto:joy@wulaw.wustl.edu)
- Margaret Barry (Catholic) [barry@law.cua.edu](mailto:barry@law.cua.edu)



### *Committee on Ethics and Professionalism*

Stacy Brustin  
Paul Tremblay

The Committee on Ethics and Professionalism met at the AALS Annual Meeting in Washington, DC in January, 2000. The Committee members identified four discrete professionalism issues that need critical attention, either through this Committee or elsewhere in the academy. Those issues are (1) conflicts of interests within and among clinical programs at a law school; (2) multidisciplinary practice (MDP) issues, especially as they appear in clinical programs employing several disciplines in their service delivery schemes; (3) the ways in which ethics is taught in clinics, including whether ethics instruction within clinical programs ought to satisfy a school's professional responsibility obligations; and (4) civility codes, including the effect of such codes on students' understanding of good practice.

The Committee is working to develop some vehicles for the systematic, in-depth exploration of these issues. Ideas for doing so include organizing a symposium or conference dedicated to these "clinical ethics" questions, or arranging for time at a national conference, like the AALS Annual Meeting (perhaps in cooperation with the Professional Responsibility section), for a fuller discussion of these concerns.

The Committee will be meeting at the Clinical Conference in Albuquerque. Please come and share your thoughts about these topics, or others that might benefit from the Committee's work.

### *International News*

Roy Stuckey

It struck me as I was preparing this column that many of you have had humorous or frightening experiences during your foreign travels. If you have ever heard Kate Mahern describe her CEELI-sponsored trip to Sarajevo wearing a helmet and a flak

jacket in the back of a military cargo plane, you would know that a single experience can be both frightening and (at least in retrospect) humorous. In my next column, I would like to report a series of such experiences. Please help me by telling me about some of the unexpected events during your travels. Email me at [roy@law.law.sc.edu](mailto:roy@law.law.sc.edu). Thanks.

By the way, I would also like to be able to report in this column visits to the United States by law teachers from other countries. Georgetown hosted two criminal law teachers during its orientation for new clinical fellows last Fall. They were Barbara Narnyslawska and Magda Jablonska from the University of Warsaw.

Clinicians continue to spread the gospel around the world. You will need your atlas by your side to follow these travels. **Neil Franklin**, Idaho, consulted with the law faculty at the University of Nairobi in **Kenya** last March. **Terry Wright**, Lewis and Clark, provided training for clinicians in a new clinical program at the University of **Latvia** in October. **Alan Kirtley**, University of Washington, visited **Lithuania** in August teaching mediation and arbitration at Vytautas Magnus University. **Bob Dinerstein**, American, participated in a workshop on legal education at the University of **Montenegro** in December. **Michael Mullane**, Arkansas, consulted about the establishment of a clinical program at the law department of Pomor University in Archangel, **Russia**. **Larry Grosberg**, New York Law School, gave clinical education talks and consulted with various schools in **Moscow** for several months during the summer. **Jay Pottenger**, Yale, went to **China** as a consultant with the Yale-China Law Center which is sponsored by the Ford Foundation's Clinical Education in the People's Republic of China Project.

**Catherine Klein** and **Leah Wortham**, Catholic, attended a conference in Krakow, **Poland** in November. The conference was sponsored by the United Nations High Commissioner for Refugees, the Public Law Initiative at Columbia University, and the Human Rights Section



of the Jagiellonian University Law Clinic in Krakow (Catherine, Leah and other clinical teachers from the United States helped establish the Jagiellonian clinical program). The focus of the conference was to discuss the viability of using law students in clinics to represent refugees in Central and Eastern Europe and in former republics of the Soviet Union. The consensus at the end of the conference, based largely on the demonstrated success of the Jagiellonian clinical students, was that refugee law clinics can serve a valuable purpose in representing refugees. Catherine and Leah described this conclusion as a wonderful moment that made the long trip worthwhile. Their delight at the success of the conference was tempered somewhat by the fact that it snowed the entire time they were there, except for the freezing rain that stranded their propeller-driven plane on the runway in Warsaw for three hours during their flight to Krakow.

Please keep me informed of your overseas work by filling out the form included in the Newsletter. The compilation of clinical teachers who have taught or consulted in other countries can be accessed on the internet by going to the University South Carolina School of Law's website at <http://www.law.sc> then click on clinics and look for my compilation.

#### **Political Interference Group (PIG)**

Charles Weisselberg  
Peter A. Joy

Since our last report, PIG has been busy with—what else?—the Louisiana Student Practice Rule.

The civil rights lawsuit brought by NYU's Brennan Center has moved to the Fifth Circuit. The opening briefs were filed in December. In January, Peter Joy, Chuck Weisselberg and Suzanne Levitt (Drake), along with Boalt Hall students Jillian Aldebron and Barbara Antonucci, filed a joint *amicus curiae* brief on behalf of the AALS, the AAUP and CLEA. All of the appellate briefs will eventually be placed on the CLEA website,

<http://clinic.law.cuny.edu/clea/clea.html>

No date for argument has yet been set, but you can monitor activity on the case by going to the Fifth Circuit's website, <http://www.ca5.uscourts.gov>, pressing the "Case Info" button, and entering the docket number, No. 99-30895.

Please call with any concerns about outside interference. We are also especially interested in hearing of any efforts to revise student practice rules in other states.

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#### **OF INTEREST TO CLINICIANS**

##### *Charging Clients An Administrative Fee*

Kevin Ruser

Devotees of the clinic listserv may remember that, about two years ago, Peter Hoffman and I solicited your input on whether you regularly charge fees to clients who use your Clinic's services. We were concerned that a significant portion of our clinic's cases were being closed due to a lack of response from our clients and wondered if charging clients a modest fee would improve their participation in their cases.

Some clients simply failed to appear for initial interviews, while others after their cases were opened, did not contact the students in response to repeated requests for communication. In most cases, this lack of contact occurred after the initial interview and retention agreements had been signed, although in some cases, the clients were simply "no shows," meaning they never appeared for their initial interviews.

Closing those cases for these reasons was frustrating to the students, who received no educational benefit from the experience. It was also frustrating to us in our attempts to provide the students with a valuable educational experience and to our efforts to run an efficient and smoothly functioning



clinic. Finally, because we were never sure whether the client had disappeared completely or would show up at some later point, we were hesitant to assign new clients to students with such cases in their case load. As a result, having such clients in the case load squeezed out other clients who were equally in need of our services and had no other source of representation.

After considering the listserv comments our posting generated, we decided we would attempt an experiment and charge most clients a fee. The next question was how much of a fee to charge. We wanted an amount low enough that most of our clients could afford to pay it, but high enough to provide an incentive for the clients to remain involved in their cases. After debating for many hours about the proper amount, we used the time honored technique employed by many plaintiff's lawyers in coming up with the initial demand in p.i. cases - we plucked the figure out of the air. We chose \$15 because it seemed to have the right feel.

We instructed the intake staff to inform prospective clients when they called that the Clinic imposes a one-time \$15 administrative fee. The fee is then collected by the students during their initial interview with the clients. The fees are placed in the Clinic's litigation fund, which is used to make loans to clients for litigation expenses.

We realized that some clients would be unable to afford even a \$15 fee, so we decided that we would waive the fee in appropriate cases. In the beginning, one of us reviewed each newly-accepted client's intake form. If we determined, based on the information contained on the form, that even a \$15 fee would unduly burden the client, we waived the fee. Most of the time, the clients for whom we waived the fee were those living exclusively on public assistance, or who presented other unusual circumstances justifying the waiver. Once we established a track record on what types of cases in which we would waive the fee, we delegated this responsibility to the intake staff. If the students or the clients questions the staff's decision, they can request that one

of us reconsider that decision.

We were apprehensive about how prospective clients would view the administrative fee, but our discussion with our intake staff has allayed those fears. The intake staff report to us that it is rare that anyone protests when informed of the administrative fee. In fact, the staff reports that several prospective clients comment that they are surprised the fee is so low, and willingly pay the fee.

We have now been engaged in the experiment for a year, and thought we would share with you what our experience has been. Our initial conclusion is that those clients who paid the administrative fee were much more likely to stay in communication with the Clinic and see their cases through to a conclusion. Conversely, clients who did not pay the administrative fee were less likely to stay in communication with the Clinic and follow through on their cases. During the past year, 32 clients cases were closed either because they withdrew, chose not to proceed, or simply had no contact with the Clinic. Of these, only 4 (12.5%) had paid an administrative fee. By contrast, of the 70 clients on whose case we completed the work we were retained to do, 42 (60%) had paid the fee. The results are shown in the following table.

Reason for Case Closure	Fee paid	
	Yes	No
Work completed	42	28
Client withdrew or chose not to proceed	4	12
Case closed - no client contact	0	16
Miscellaneous - (case dismissed, retained other counsel, etc.)	4	2
<b>TOTALS</b>	<b>50</b>	<b>58</b>

Several comments are in order about this data. First, our reporting forms did not differentiate between clients who simply failed to pay the administrative fee and those for whom the fee was waived. We need to refine our data collection in order to ascertain the reason for non-payment of the



administrative fee by a client. Second, some of the cases in this sample were opened before we began charging the fee but were closed after we began charging an administrative fee. We did not ask the clients to pay "mid-stream." Third, this is, statistically speaking, a very small sample, so it is dangerous to draw any sweeping conclusions from data. Fourth, it may be that those clients who did not pay the fee, or for whom the fee was waived, simply live in constant crises, and therefore are simply unable, for various reasons, to either follow up on their cases or pay the fee. Finally, it also may be that we are simply not very good at determining when to waive the fee – perhaps more clients should be charged the fee, which might improve client follow-up.

In summary, it is too early to tell if our experiment in charging fees to clients has improved the clients' cooperation in maintaining contact with us, but the preliminary returns have convinced us that this is an experiment worth continuing. If nothing else, the fees paid by the 50 clients in our sampling have generated \$750 for the Clinic's litigation fund, which has proven to be a benefit to the client community at large. We will continue to monitor the data to see if any adjustments would be helpful or if we should continue charging fees to clients.

***Global Access to Justice Education (GAJE)  
Draws Law Teachers from Around the  
World  
For its Inaugural Conference and  
Workshops***

The inaugural GAJE conference was an inspiring international collaboration of people from more than 125 delegates from 19 countries around the world who want to foster socially relevant legal education. The Inaugural Conference was dedicated to broadening the concept of legal education beyond the academic training of lawyers, and on developing methods for renewing and maintaining the focus on justice as the central goal of legal education. The inaugural conference and two related workshops, were held over a 10-day period

from December 8 to December 17, 1999 in Trivandrum, the capital of the south Indian state of Kerala. Following a one-day workshop, *Transforming Legal Education into Justice Education*, the Inaugural Conference began with a wonderful, colorful, cultural ceremony. The conference itself included sessions on *Community-Based Justice Education*, *Advancing Women's Rights*, *Street Law*, *Working with NGO's*, *Development*, *Integrating Gender into Justice Education* and a visit to a local community court.

During the post-conference Train-the-Trainers workshop we tried to put some of the conference ideas into practice. Noting that the developing principles of justice education are consistent with the principles of learning theory, we developed and shared ideas for classrooms and clinics. The exchange of ideas ranged from discussion of a lecture that will be taught in Argentina, to curriculum that will be developed for victims of domestic violence in India, and the planning of an inter-tribal mediation clinic in Kenya.

The conference was such a success that the next one is being planned. To find out more information about GAJE you can visit the website at <http://ls.wustl.edu/Academics/Faculty/Activities/Global>. Or, you can subscribe to the GAJE listserv by sending an e-mail with your name, affiliation (if any), and a brief statement of your involvement in justice education to:

[owner-gaje@list.vanderbilt.edu](mailto:owner-gaje@list.vanderbilt.edu).

***Historian's Note***

J.P. "Sandy" Ogilvy

As many Section members know, the Executive Committee of the AALS Section on Clinical Legal Education has asked me, as Section historian, to undertake the project of creating an oral history of clinical legal education. It is an undertaking about which I am very excited. Since being provided with seed money last fall, my video producer, Charlie Hall, and I have conducted nine



videotaped interviews with pioneers in clinical legal education. We spent most of 2 1/2 days during the AALS Annual Meeting in January conducting interviews.

We are planning (assuming the availability of funds) to conduct more interviews this summer and then at the Annual Meeting in San Francisco in January 2001. We recognize, however, that the two of us cannot possibly record all of the people who deserve to be interviewed for this project. Therefore, we are developing some materials that will permit anyone who is willing to conduct some interviews for me locally to do so. In this way, we can greatly expand the number of persons who can be interviewed, and we can assure that the video and audio quality is satisfactory for archival purposes. If you are interested in helping with local interviews of pioneers in legal education, please contact me.

Ultimately, I expect that the original tapes and archival copies will be housed in a section of the National Equal Access to Justice Library at the American University's Washington College of Law. The tapes will be made available to anyone interested in the history and development of clinical legal education.

In the short term, we plan to create a short (40-60 minutes) video collage of portions of the interviews, spliced together with other video footage and photographs of people, places and things central to the history and development of clinical legal education. It is my hope to have the film premiere at the 2001 AALS Workshop on Clinical Legal Education.

You can assist in this part of the project by providing me with photographs, videotape, or film footage of early clinical facilities and for contrast, photographs or film of current facilities. I would also like to obtain, for copying, photographs, videotapes, or film of early clinical teachers, training tapes, supervision tapes, etc. For instance, does anyone have a photograph of a Sony Portapack videocamera?

Finally, I want to collect, copy, and preserve documents that have been central to the history and development of clinical legal

education. If you have manuscripts of books, seminal articles, workshop and conference materials that you are willing to donate or to loan for copying, please contact me.

I seek and encourage your assistance in any or all aspects of this exciting project, whether it be helping with interviewing or supply materials and artifacts. Please contact me at:

Columbus School of Law  
The Catholic University of America  
Washington, D.C. 20064  
202-319-6195  
[Ogilvy@law.cua.edu](mailto:Ogilvy@law.cua.edu)

*New Prisoners' Rights and Advocacy  
Clinic Opens  
at University of the District of Columbia  
David A. Clarke School of Law*

A new clinic has been added to the clinical law program at the University of the District of Columbia's David A. Clarke School of Law (UDC-DCSL). The Prisoners' Rights and Advocacy Clinic (PRAC) had its inaugural semester in Fall, 1999. Professor Susan L. Waysdorf created and is directing the new clinic. She previously had directed the law school's HIV/AIDS legal clinic, and had established that clinic's programs for women, children, and prisoners with HIV/AIDS. In 1995 she joined forces with UDC-DCSL's Professor Gay Gellhorn and since that time they co-directed the HIV/AIDS clinic. The work of that clinic now continues, under Gay Gellhorn's direction.

The new Prisoners' Rights and Advocacy Clinic provides law students with an opportunity to represent D.C. prisoners in a variety of post-conviction matters, including parole hearings, parole revocation hearings, *habeas corpus* petitions, medical parole cases for terminally-ill and elderly prisoners, access to medical care, and conditions of confinement cases. The clinic is in part a response by UDC-DCSL to the increased legal needs of D.C. prisoners and their families. The District has had a higher incarceration rate than most jurisdictions, largely due to excessive and mandatory



minimum sentences for drug offenses. The federal Revitalization Act for the District of Columbia, passed into law in August 1997, has had an additional adverse affect on D.C. prisoners and parolees. The federal law mandates a re-writing of the District's criminal sentencing laws (for example, eliminating parole, altogether), and calls for a total reorganization of the District's corrections and parole systems.

In stages begun in August 1998, parole release authority for D.C. prisoners is being transferred to the U.S. Parole Commission from the local parole board, and custody for the prisoners is being passed to the federal Bureau of Prisons. As a result, thousands of D.C. prisoners already have been moved to federal prisons around the country, as well as privately-owned and operated correctional facilities. The law school's new prisoner advocacy clinic is helping to fill the legal services gap created by these dramatic changes under the Revitalization Act.

PRAC students and supervisors will make a special long-distance effort to provide legal assistance to D.C.'s women prisoners, most of whom have been moved to the federal prison in Danbury, Connecticut. In addition, the PRAC will continue the legal assistance program for prisoners with end-stage AIDS, begun in 1993 by the HIV/AIDS legal clinic. Over the ensuing years, clinic students won the *compassionate release* of dozens of terminally-ill prisoners, under the District's medical parole law. PRAC will continue to provide legal assistance to HIV positive prisoners; but legal services also will be extended to prisoners who are not HIV positive and have other terminal illnesses and medical needs.

The PRAC is a collaboration between the law school and two outside public interest agencies, the D.C. Public Defenders Service, Correctional Services Unit, and the D.C. Prisoners' Legal Services Project. Attorneys from these two offices provide case supervision to some of the students, while others work directly with Susan Waysdorf on case work. The PDS

and Prisoners' Legal Services attorneys, experts in the field of prisoners' rights and parole law, also participate on a regular basis in the clinic's twice-weekly class sessions. This collaborative arrangement gives the UDC-DCSL students exposure to working in legal services offices. At the same time, the clinic's daily operations, including an active clinic office, are based on-site at the law school. The arrangement also works well for the clients, who have the benefit of the pooled knowledge and expertise of the attorneys/professor, who work together as a force on behalf of D.C. prisoners.

Through the Fall 1999 and Spring 2000 semesters, PRAC students have helped to win parole, or to avoid further incarceration of parolees, in parole and parole revocation hearings. The students also have provided legal support for varied litigation and law reform projects on behalf of D.C. prisoners. To find out more about the work of the PRAC, contact:

Professor Susan Waysdorf  
UDC David A. Clarke  
School of Law  
4200 Connecticut Avenue, N.W.  
Washington, D.C. 20008  
(202) 274-7330  
e-mail [swaysdorf@law.udc.edu](mailto:swaysdorf@law.udc.edu)

***National Conference on Professionalism  
Improving the Professionalism of Lawyers:  
Can Commissions, Committees, and Centers  
Make A Difference?"***

Interest in the professionalism of lawyers has produced an increase in commissions, committees, and centers on professionalism. These institutional responses to a perceived crises in lawyer professionalism have arisen independently and often without clear missions or strategies.

Conference participants will undertake a serious examination of the current and potential effectiveness of professional conduct of lawyers. The meeting will provide people who are working to resolve



professionalism issues an opportunity to come together to celebrate successes, analyze shortcomings, and fashion more effective approaches for the future. A leading group of lawyers, judges, and academics from several disciplines is being assembled to guide the conference discussions.

The conference is being jointly sponsored by the Nelson Mullins Riley & Scarborough Center on Professionalism at the University of South Carolina School of Law and the Keck Center on Legal Ethics and the Legal Profession at Stanford Law School. The conference will be held October 21, 2000 at the University of South Carolina School of Law.

Registration materials will be mailed during the summer. If you would like to receive a set of the registration materials or if you want more information about the conference, contact Professor Roy Stuckey at (803) 777-2278 or [Roy@law.law.sc.edu](mailto:Roy@law.law.sc.edu).

***Closing Argument Class: Argument in the Ancient and Modern World***

Paul Bergman  
UCLA School of Law

A husband is told that his wife has been fooling around with a paramour. One evening he gathers a few friends and bursts in his wife's bedroom, finding her in bed with her lover. The husband slays the paramour on the spot. Charged with murder, the husband tries to convince a jury that the killing was legally justified and in fact required by law.

This is a quick summary of a trial which took place in Athens about 2,500 years ago. The husband was Euphilitus, and his defense was based in large part on a speech prepared for him by Lysias, who was about as close to the modern concept of a lawyer as they got in ancient Greece. Comparing that speech to the first few minutes of Johnnie Cochran's closing argument in the O.J. Simpson case was the basis of a most enjoyable and rewarding Trial Advocacy class. The comparison prompted students to identify and analyze

rhetorical tools apart from the factual context in which those tools were employed, and led us all to realize the extent to which those tools have remained unchanged as they have spanned time and space.

In this short essay, I can do no more than refer to a few of the topics issues we discussed as the students compared the two speeches.

1. "Send a Message" Arguments

Both parties employed this form of argument. Cochran asked the jurors to send a message that police officers are not above the law, and that incompetent police procedures will not be tolerated. Euphilitus asked his jurors to send a message that the law forbidding adultery will be enforced.

Here we pursued both tactical and legal aspects of "send a message" arguments. From a tactical standpoint, why might parties ask jurors to "send a message" though their verdicts? How does asking jurors to consider the social consequences of their verdicts increase an argument's persuasiveness? How accurately did the advocates identify the messages that the verdicts would send, and were the arguments effective?

Despite their popularity, "send a message" arguments are not necessarily legally proper. Cochran's argument was probably improper, as the issue the jury had to decide was purely a factual one: had the prosecution proved beyond a reasonable doubt that O.J. Simpson murdered Nicole Brown and Ron Goldman? If it had, he should have been convicted even if the jurors were reluctant to send a message that convictions can be based on sloppy police procedures. If it had not, he should have been acquitted even if jurors were reluctant to send a message that you can "get away with murder" or that police officers as a whole are unworthy of trust.

"Send a message" arguments are permissible when the interpretation of a legal rule is at issue. For example, an argument concerning how jurors should apply a normative standard such as what constitutes "medical malpractice" may cite the effect of a ruling on medical practices,



because jurors are then acting as quasi-lawmakers. Such was the role of the jurors in Euphilitus' case. His argument was based on a law enacted during the reign of Solon, which indeed demanded the killing of paramours caught "in flagrante delicto." However, Solon's law was followed by a series of other laws enacted by other emperors. These laws ranged from authorizing (but not demanding) the slaying of a paramour to seeking money damages. Since the Athenians did not recognize a principle that laws overruled earlier conflicting ones, it was up to the jurors to decide which law they wanted to apply. As a result, Euphilitus' "send a message" argument was appropriate; he could ask his jurors to adopt the rule which would send the harshest message to would-be paramours.

## 2. Hyperbole

Advocates often exaggerate in an effort to persuade. For example, Cochran argued that the prosecution was "trying to convict O.J. Simpson by the sound of a dog's bark," when of course the prosecution had much more evidence than that. For his part, Euphilitus argued that if he were convicted of murder, the jury would be "granting full immunity to seducers," though seducers could be punished in many other ways. We talked about why advocates were prone to exaggerate, the potential advantages and disadvantages of hyperbole, and the effectiveness of Cochran's and Euphiletus' arguments.

## 3. References to Everyday Experience

Advocates often rely on common social behavior to support their claims and attack those of their opponents. All of us carry around beliefs about "how things usually happen," and evaluate stories by comparing them to those beliefs. Both advocates relied heavily on this type of argument. For example, to counter a prosecution claim that victim Goldman went to his home after work and then left almost immediately, Cochran asked the jurors, "Wouldn't you expect that if he (Goldman) had worked all day, when he went home to change clothes he would have showered,

might have gotten something to eat?" Similarly, Cochran countered the prosecution claim that Simpson was primed to kill on the night of the murders by arguing that "if Simpson's fuse was running so short, if he was in a jealous rage, would he go to McDonald's to get a hamburger? Would he be worried about getting change for a \$100 bill so he can tip the skycaps at the airport?"

Euphilitus made the same form of argument. The law on which Euphilitus was relying would not have excused the killing if Euphilitus set up Eratosthenes (the paramour) for discovery. To show that he had no part in Eratosthenes' visit, Euphilitus argued that "the fact that I had my friend Sostratus over to dinner on the night of the killing shows that I didn't entrap Eratosthenes into coming by sending my maid for him. Eratosthenes would have been less likely to come if a visitor were present. And I wouldn't have wanted Sostratus to leave- I'd have wanted him to help me subdue Eratosthenes."

Similarly, Euphilitus argues that the manner in which he rounded up his friends shows that he had no advance knowledge that Eratosthenes was going to be with Euphilitus' wife on the night of the killing: "I would have gathered them during the day if I had planned it, rather than waiting until night because at night I couldn't be sure who would be home and willing to help me."

As these arguments suggest, if the particular social experiences which advocates call on have changed from Euphilitus' day to ours, the advocates' tactic of asking jurors to evaluate claims by comparing them to social experience has not. Focusing on this argument factor led to a discussion of factors that contribute to the effectiveness of such arguments. Also, in a multicultural society, how do advocates know what experiences their audiences have had? And how does one convince a jury of the accuracy of a story that conflicts with everyday experience?

## 4. Drawing Inferences

As is quite common, in both cases almost all the evidence is circumstantial.



With varying degrees of explicitness, both Cochran and Euphilitus argue how that evidence supports their desired inferences. For example, Cochran argues that the fact that O.J. Simpson had a great life, had had a good day, had attended a recital by one of his children and then gone to get a hamburger just before the time of the murders shows that he did not commit them. Euphilitus points to circumstantial evidence suggesting that his wife had been carrying on an affair: "She locked me in my room, I heard the creaking of outer doors, and my wife was wearing makeup even though her brother had recently died." We talked about sources of such inferences, and the relative effectiveness of explicit versus implicit forms of inference drawing.

#### 5. Justness and Importance of the Advocate's Cause

Both advocates sought to persuade the jurors that their causes were important and just. Cochran pointed to the high level of violence and murder in American society, and the need for a "good, efficient, competent, non-corrupt police department" which will apprehend killers and protect society. Euphilitus argued that the law that he was relying on was important and just: "Seducers are worse than rapists, because they corrupt women's minds and make children's legitimacy unclear. Thus the law demanding the killing of the seducer is a very sensible law."

We talked about the purpose of such an argument. If jurors' task is simply to "apply the law," why might it matter whether they view that law as important or comporting with their sense of justice?

An important part of clinical training of law students is to help students go beyond the circumstances of the real or simulated cases on which they are working to focus on skills and other aspects of lawyering that cut across all types of all the kinds of cases they might handle as lawyers. The exercise described above was an excellent tool for examining a variety of argument techniques commonly employed in closing arguments.

Author's Note: If you would like a copy of

the Cochran and Euphilitus arguments, I will be glad to send them to you.

#### **On Visiting**

Paul Reingold

University of Michigan School of Law

Having visited at three law schools in the last nine months, I thought it might be worth writing a short note on the virtues of visiting. Let me explain the how and why.

How: An increasing number of schools are offering visits. As more schools give clinicians sabbaticals or scheduled leaves, those schools are more likely to include a budget line item for the replacement of the on-leave clinician. Even when a departure is unplanned, more and more schools are willing to fill the short-term slot with a visitor. In the late winter and early spring of 2000 several law schools posted notices for clinical visitors for one or two terms during academic term 2000-2001. This may be a statistical aberration, but my guess is that it will be a continuing trend. There are more of us than ever before, and more of us are on academic or clinical tracks that offer time away from our home law schools.

And there are more opportunities abroad. Several clinicians have spent time in Eastern Europe, in Australia, in South America, and in Asia, working at a law school. A few of us have visited in Western Europe or in Great Britain. The visits can be as short as a couple of weeks and as long as a semester or an academic year. In some countries foreign law schools actually want us to visit, and they may go out of their way to try to attract us.

What I learned this past year is that it does not hurt to ask. My wife was urging me to go to a Spanish-speaking country for my sabbatical, if we could do it. I looked at the usual possibilities – a Fulbright, the State Department, foundations, consultants, *etc.* – and concluded that without fluency in Spanish I did not stand a chance. Then, at my wife's insistence, I wrote to the dean of one of Spain's premiere law schools. Within a month I had a provisional yes, and



within three months the visit was confirmed. Of course it was made easier by the fact that I was on sabbatical and therefore did not need to be paid. By the time I arrived, however, the university administration had allocated funds to support my visit, paying me a modest salary at no cost to the law school – a very good deal all around. (The supplement more than covered my travel and housing costs and gave my family and me some financial flexibility that we otherwise would not have had.)

The harder part of the “how” is getting permission to leave in the first place. The longer you work as a clinical teacher (often including summers) without a leave the stronger are your arguments in favor of a semester away – you’ve earned a break, and you deserve it. After seven years you should be lobbying your dean relentlessly, every year. If you have a program of planned leaves, then a visit to another law school is a natural. You might also take advantage of a research leave by stretching it at the front or back end with a visit. Once you have approval for a leave, the extra work involved in extending it is minimal. You have already dropped your caseload on your poor colleagues, and your replacement (if any) has already been hired or budgeted for. If your program had planned to shrink for the term of your leave, downsizing for two terms instead of one requires no more planning or resources.

Unless you are traveling alone, you must also solve the logistical problems of moving a family. It may not be easy to arrange for a partner or spouse to accompany you if that person must also take a leave of absence from a job. In some places you may have a hard time finding suitable schools for your children. But academic faculty resolve these difficulties all the time, in prodigious numbers, and there is no reason why clinical faculty cannot do the same thing.

Why: Anyone who has worked at more than one school knows how valuable it is to see another clinical program from the inside. But if, like many of us, you have remained at the school where you started, a visit is the only way to expand your horizon. A visit

provides you with a wealth of new ideas. You get to immerse yourself in a different clinical culture, in a different law school culture, in a different legal culture, and (abroad) in a different religious, ethnic, political and national culture. I think you come home better and wiser for the change of scene.

The potential benefits to your family are equally high. My nine-year-old daughter had herself quite a year. In Japan she commuted *by herself* through urban Osaka (three trains and a bus, an hour each way) to and from her private international school. Her classmates, most of whom spoke English, were from all over the Asian sub-continent. In Spain she attended what was also billed as a “bilingual” school (though as far as we could tell she made it so). But she learned to cope, and to communicate. Her Spanish riding teacher (at a local stable) spoke not a word of English, but she learned more from him in three months than she had learned in a year of lessons at home. And of course we all came home more worldly for having lived abroad, on two continents, for more than half the year.

A visit also gives you opportunities to do something different as a teacher and lawyer. You may be able to teach courses you could not teach at your own school. You may get to practice in a new jurisdiction or in a new area of specialization. You will have new partners and new students. Maybe best of all, you will have complete relief from the burdensome administrative tasks of governing a law school or running a clinic. You can’t appreciate how much of your time these activities fill until you stop doing them. You gain the huge benefit of having time to read, to write, to teach, to learn, to practice law without the endless distractions that plague you on your own turf. (These tasks can be stimulating and fulfilling in and of themselves, but the sense of R&R you get when they drop away – in my experience – is worth the effort of arranging the leave.) Indeed, it was such a treat to work without the usual distractions of my home institution – faculty committee work, personnel issues, administrative chores, *etc.* – that upon my



return from Spain I volunteered for another term away, filling in for a departing clinician at Boston College Law School.

A "domestic" visit is equally a pleasure, not only for the reasons I've described, but also for the chance to cement relationships with colleagues whom you've long enjoyed or admired, but never got to spend more than a few days with each year, at national clinical conferences. The folks at BC were happy to have a visitor who would bring his own critical views to the program; they got a semester's worth of "new blood" without the commitment or risk of a permanent hire. For the visitor, the experience gives you a useful window into your own program and your own school, as well as new materials and new classes to bring back if you choose.

A visit – academic or clinical, domestic or international – is a terrific change of pace. It is a chance for introspection, for travel, for self-education, for change, for relief. I recommend you give it a try: apply to visit.

*A Teaching Justice, Practicing Justice,  
Delivering Justice In The New Millennium*  
Karen Tokarz

The Washington University School of Law Clinical Education Program will sponsor the 15<sup>th</sup> Annual Midwest Clinical Conference, "Teaching Justice, Practicing Justice, Delivering Justice in the New Millennium," October 6-8, 2000. The keynote speaker will be Professor Charles Ogletree, nationally recognized criminal defense expert and Director of the Criminal Justice Institute at Harvard Law School, who will speak on "Racial Justice in the New Millennium: Following Judge Higginbotham's Footsteps." One of the facilitators for the conference, will be Professor Neil Gold, internationally experienced clinical law teacher and scholar, and Academic Vice-President at the University of Windsor, Canada, who will focus on "Developing A Vocabulary and a Curriculum for Teaching Justice."

Washington University was selected as one of the sites for the American Association of Law Schools Equal Justice

Colloquia and will host its colloquium on the first day of the Midwest Clinical Conference. The goals of this national program include marshalling resources to improve teaching, scholarship, and provision of legal sources to underrepresented groups, and stimulating collaboration among law schools, faculties, and communities in the pursuit of justice.

The conference planning committee includes Professors Jane Aiken, Kathleen Clark, Clark Cunningham, Peter Joy, Maxine Lipeles, and Karen Tokarz, Director of Clinical Educational (Chair).

## FACULTY POSITIONS

*The University of Dayton School of Law* seeks candidates for visiting faculty positions in its law clinic for the academic year 2000-2001. The School's Law Clinic offers in-class instruction, including simulated exercises and supervised live-client representation in civil (primarily landlord/tenant and housing, domestic relations and consumer law areas), criminal (misdemeanor and juvenile law) practice areas, and community lawyering, a significant developing dimension of the clinic. The School seeks candidates who possess a strong academic record, significant and related law practice experience, preferably with clinical or comparable law teaching experience and a record of high quality scholarly writing. Women, minorities and persons with disabilities are encouraged to apply. Interested persons should submit letters and resumes as soon as possible to:

Dean Francis J. Conte  
University of Dayton School of Law  
300 College Park  
Dayton, Ohio 45469-2772

For more information, feel free to contact Andrea Seislstad, visiting at University of Idaho, (208) 885-6110 (through May, 2000) or (937) 229-3801 (after May, 2000).



*The University of Denver College of Law* invites applicants for a two-year full-time fellowship in clinical legal education to begin August 1, 2000. The fellowship offers individuals with an interest in clinical teaching the opportunity to refine their teaching and supervisory skills while working with experienced clinical faculty in the clinical setting.

In 1904, the University of Denver College of Law created one of the first "legal-aid dispensary" in the United States to aid the poor and train approximately 100 students each year in its Civil Representation, Criminal Representation, Mediation/Arbitration, Domestic Violence and Low-Income Taxpayer Clinics.

The Clinical Teaching Fellow will work primarily in the Civil Clinic, which represents low-income clients on cases involving landlord/tenant, family, domestic violence, public benefits, housing discrimination and consumer cases. In addition to the casework, the program includes a twice-weekly class with simulation exercises, lectures and discussion. The clinical teaching fellow will have opportunities to work with other faculty and students in the Student Law Offices other clinics.

The Clinical Teaching Fellow will be responsible for the supervision of students on clinic casework, curriculum development, teaching classes and conducting simulation exercises, lectures and discussion. In addition, the fellow will also be provided the opportunity to work on scholarship and attend clinical and classroom faculty reading groups.

Candidates should have at least three years of experience as a practicing lawyer or equivalent experience; strong written and oral communication skills; interest, and preferably experience, in teaching; a demonstrated commitment to public interest or pro bono legal work; an interest in pursuing a career in clinical legal education and the ability to work both collaboratively and independently. The fellowship may be contingent on the fellow being licensed to practice law in Colorado, or becoming

licensed within the first year of the fellowship. The fellowship program offers a stipend of \$31,345 (taxable) and excellent fringe benefits, including tuition waivers.

To apply, submit a detailed statement of interest and a resume to:

Clinical Teaching Fellow Search Committee  
c/o Assistant Professor Jacqueline St. Joan  
Director of Clinical Programs  
University of Denver College of Law  
7039 East 18 Avenue Suite P212  
Denver, CO 80220

The University of Denver is an equal opportunity employer and encourages applications from under-represented groups including minorities, women, gay and lesbians, and people with disabilities.

*Georgetown University Law Center* Housing and Community Development Clinic is seeking applications for a Fellow for the 2000-2001 academic year. A two year fellowship leading to an LLM in advocacy; the stipend for 2000-2001 is proposed to be \$34, 035 (taxable) plus some benefits. The Fellow will represent community group clients in the development of affordable housing, community based economic development and organizational capacity building. A minimum of two years legal experience is required with some background in transactional housing and/or business matters and/or community practice. Admission, or eligibility for admission, to the D.C. bar is required. Send letter/resume to:

Michael Diamond  
Harrison Institute  
111 F Street N.W. Suite 102  
Washington, D.C. 2001-2095

*Southern New England School of Law* in Dartmouth, Massachusetts is soliciting applications for a possible opening for a visiting clinician for the 2000-2001 academic year.

This full time position includes directing and supervising in the school's existing family law clinic. Job requirements include a license to practice law in Massachusetts and at least five years practice experience,



preferably in a legal services/poverty law setting. Prior clinical teaching experience is highly desired.

Please send resume and letter of interest to:

Donna Desirey, Assistant to the Dean  
Southern New England School of Law  
333 Faunce Corner Road  
N. Dartmouth, MA 02747

Resumes will be reviewed as received. For more information about the position, contact Justine A. Dunlap, Director of Clinical Programs, SNESE. [jdunlap@snesl.edu](mailto:jdunlap@snesl.edu).

*The Syracuse University College of Law* invites applicants for a one year visiting position (August 2000- July 2001) to direct our Public Interest Law Firm (PILF). PILF is one of four in-house clinics at the College of Law which specializes in civil rights litigation. The search for the permanent, tenure-track, director of PILF will likely take place next year, with the appointment to become effective in 2001-02. Next year's visitor will be eligible to apply for the permanent position. Applicants for the one year visiting position who have experience in civil rights litigation (particularly disability discrimination cases) and clinic teaching are strongly encouraged to apply. The College of Law is committed to diversity and is an equal opportunity employer. Interested applicants should send their resumes and the names of three references to:

Arlene S. Kanter  
Associate Dean for Academic Affairs  
Syracuse University College of Law  
Syracuse, New York 13244-1030

or by e-mail to Dean Kanter at [kantera@law.syr.edu](mailto:kantera@law.syr.edu).

## PUBLICATIONS

**Stephen F. Befort & Holly Lindquist Thomas**, *The ADA in Turmoil: Judicial Dissonance, the Supreme Court's Response, and the Future of Disability Discrimination Law*, 27 Oregon L. Rev. 27 (1999). .  
**Stephen F. Befort**, *Mental Illness and Long-*

*Term Disability Plans Under the Americans with Disabilities Act*, 2 U of Penn J. of Labor & Employment Law 287 (1999). .  
**Stephen F. Befort & Christopher J. Kopka**, *The Sounds of Silence: The Libertarian Ethos of ERISA Preemption*, 52 U. of Fla. L. Rev. 1 (forthcoming 2000). .  
**Laura Berend**, *Less Reliable Preliminary Hearings and Plea Bargains in Criminal Cases in California: Discovery Before and After Proposition 115* 48 Am. U. L. Rev. 465 (1998). .  
**Paul Bergman**, (UCLA) *Criminal Law Handbook* Nolo Press, 3<sup>rd</sup> ed. 2000, *Deposition Handbook* Nolo Press, 1999, *Inferences and Cross Examination*, Am. J. of Trial Advocacy (forthcoming). .  
**Naomi Cahn**, (GWU) and **Jana Singer**, (Maryland) *Adoption, Identity and the Constitution: The Case For Opening Closed Records*, 2 U. Penn. J. Const. L. 150-194. .  
**Naomi Cahn**, (GWU) *Models of Family Privacy*, 67 Geo. Wash. L. Rev. 1225-1246 (1999). .  
**Peter Edelman**, (GULC) *Responding to the Wake-Up Call: A New Agenda for Poverty Lawyers*, 24 N.Y.U. Rev. L. & Soc. Change 547-561 (1998). .  
**Richard Marsico**, *Shedding Some Light on Lending: The Effect of Expanded Disclosure Laws on Home Mortgage Marketing, Lending, and Discrimination in the New York Metropolitan Area*, 27 Ford. Urb. L.J. 481 (1999). .  
**Jacqueline Nolan-Haley**, (Fordham) *Informed Consent in Mediation: A Guiding Principle for Truly Educated Decisionmaking*, 74 Notre Dame L. Rev. 775 (1999). .  
**Jeff Selbin**, (Boalt Hall) and **Carolyn McAllaster**, (Duke) *Issues in Family Law for People with HIV*, 2000 Supplement to Aids & the Law, David Webber ed. 3d ed. 1997 (forthcoming summer 2000). .  
**Jane Spinak**, (Columbia) & **June Carbone**, (Santa Clara) Editors *Family and Children's Law Abstracts*, Vol. 1, No. 1 Nov. 1999 LSN



## EXECUTIVE COMMITTEE

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**CONTINUING SURVEY OF CLINICIANS  
WHO HAVE CONSULTED OR TAUGHT IN A FOREIGN COUNTRY**

This is part of an ongoing project to identify clinical teachers in any country with experience as consultants on legal education or as teachers in any capacity in countries other than their own (including their own schools' semester abroad or foreign summer programs). If you have consulted or taught in other countries, or have confirmed plans to do so, please fill out this form (or report the information in any format) and send it to:

Roy Stuckey  
USC School of Law  
Columbia, SC 29208  
803/777-2278; FAX 803/777-3401  
NET: Roy@Law.Law.SC.EDU

If you want to report more than one international teaching or consulting experience, please complete multiple copies of the survey or write on the back of this form. Please write legibly to help me avoid spelling errors.

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

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

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

Foreign Institution/s: \_\_\_\_\_

Inclusive Dates: \_\_\_\_\_

Source of Funding (circle as many as apply): sabbatical; other funds from your school; CEELI/AFLI; Soros; Ford; USAID; foreign school; foreign government; Fulbright; other: \_\_\_\_\_

Brief Description of Purpose (including any subjects taught):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



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# 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 2000, please complete the Membership Questionnaire and mail it with a \$15 check (payable to AALS) to:

David F. Chavkin  
Associate Professor of Law  
Washington College of Law  
The American University  
4801 Massachusetts Avenue, N.W, Room 442  
Washington D. C. 20016-8181

If you are currently a Section member and wish to renew your membership for 2000, complete the Questionnaire and mail it with a \$15 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 type of Clinic teaching or in which you customarily teach(Externship/In-House/Simulation)

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Subject Matter of Non-Clinic course/sType of Course that you teach(Seminar/Large Classroom/Other)

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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 (percentage if part-time)? \_\_\_\_\_

Are you funded through hard or soft money (percentages if combined funding)? \_\_\_\_\_

Salary:\* \_\_\_\_\_ Number of Months \_\_\_\_\_

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?\*\*\* \_\_\_\_\_

\* Salary, tenure status, 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.