

## SECTION ON CLINICAL LEGAL EDUCATION

# NEWSLETTER

Volume 2002 Number 1

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### MESSAGE FROM THE CHAIR

Carol Izumi,  
George Washington University

#### Message from Chair - 4-16-2002

The Section newsletter affords the Chair two opportunities to deliver comments to our community, once in April and again in November. While this column inaugurates my term, I am reminded of the Groucho Marx song, "Hello, I must be going." The year is flying by so quickly I already feel that I have not accomplished as much as I had hoped and planned by this juncture! A lot has happened since I stepped into Mary Helen McNeal's shoes in January. No size jokes intended, (we must be the tallest and shortest Chairs in Section history), Mary Helen's shoes are truly hard to fill. She was an extraordinary Chair and led us through a period of tremendous activity related to the Clinical Section. Significant changes in Section administration occurred on her watch (Bylaw revisions, new Secretary position on the Executive Committee, appointment of a new Database Coordinator, a new dues collection system) as well as planned and unexpected events that required attention or coordination (such as the attack on the Environmental Law

Clinic at Pittsburgh, annual meeting programs, and, of course, Sept. 11th). We all owe her a debt of gratitude and as her successor I benefitted the most from her solid leadership.

As the new Chair, I want to urge every member of the Clinical Section to get involved in some way. All of us are enriched when contributions to Section activities are made by people who are as diverse as possible - in terms of race, gender, ethnicity, age, time in the academy, practice area, geographic location, legal experience, and interests. The May conference offers opportunities for everyone. If you are a newer clinician, we can use your fresh perspective and energy. You can help us rethink entrenched views or patterns of behavior; you might inspire an entirely different approach to an issue or raise a question that has never been asked. Come to the gathering for new clinicians Saturday night at 5:15. Join one of the 20 committees - many of them will be meeting on Sunday evening and meeting rooms will be posted. For those of you who are more seasoned, we need you to participate as speakers, small group leaders, committee chairs, and planners. Because you have more time in as a clinician, your experience, insight, and skills are valuable to the rest of us. Help the 2003 clinical conference planning committee (Minna Kotkin, Chair) brainstorm during the Tuesday luncheon and let them know you are willing to



be a speaker or facilitator. Suggest ideas for concurrent sessions and plenaries. And for those of us old-timers (I think I qualify with 16 years), we need you to stay engaged. You can contribute wisdom and a viewpoint gained from decades of clinical teaching. Sign up to be a mentor and attend the Mentoring Committee gathering on Sunday night from 5:15-6:30. Volunteer to help Sandy Ogilvy with the Oral History Project or Annotated Bibliography of clinical scholarship. The point is, everyone can make the Section more vital, interesting, and relevant. Here is an update on some actions that have occurred since January.

#### **AWARDS COMMITTEE**

You no doubt read on the listserv or in the newsletter that nominations for the Shanara Gilbert Emerging Clinician award were due by March 15<sup>th</sup>. The Awards Committee is chaired by Homer LaRue of Howard University; additional members include Randi Mandelbaum (Rutgers-Newark), Calvin Pang (Hawaii), Isabelle Gunning (Southwestern), and Miye Goishi (Hastings). The Awards Committee reviewed all the nominations and made a report to the Executive Committee. Under our procedures, the Executive Committee has to approve the recommendation. Finally, the AALS President has to make a determination that the Section followed its criteria and procedures in making the selection before the award can be announced. I am pleased to announce that this year's honoree is Grady Jessup of North Carolina Central University. Grady will be presented with the award in Pittsburgh at the luncheon on Sunday. Congratulations to Grady and a big thanks to the Awards Committee!

#### **ANNUAL MEETING**

AALS President Dale Whitman announced the theme for the 2003 annual meeting, "Legal Education Engages the World."

Following that theme, I chose as the Section's 2003 annual meeting program "Importing/Exporting Clinical Methodology: Learning Lessons from Abroad". The Planning Committee consists of four clinicians who are engaged in international clinical teaching from vastly different backgrounds: Catherine Klein as Chair (Catholic University, family law), Susan Jones (George Washington, small business/community economic development), Roy Stuckey (South Carolina, professionalism and lawyering), and Carol Liebman (Columbia, mediation/ADR). They are putting together a program in which clinicians will present teaching techniques and classroom exercises developed through their visits to foreign countries.

In addition, the Clinical Section is co-sponsoring a program with the Teaching Methods Section on "Best Practices for Teaching and Training Law Students". I have appointed Annette Appell (UNLV) as Program Chair for the Clinical Section. Debbie Maranville (U.Wash.) is Chair of the Teaching Methods Section and her Program Chair appointee is Joan Howarth (UNLV). Annette and Joan will be tapping additional clinicians to be part of the planning group. The program will examine effective methods for preparing law students for the practice of law. As many of you are aware, CLEA has a nascent project on this topic which is being chaired by Roy Stuckey. Ideas from the CLEA project will be included in the program along with lessons from other disciplines.

#### **BELLOW SCHOLAR**

One of the Bylaw changes approved by the Section at the January 5, 2002 business meeting is selection of a Bellow Scholar by the Committee on Lawyering in the Public Interest. The Bellow Scholar is described as "a clinical legal educator who proposes a project which exemplifies the personal and professional



qualities, particularly innovation and critical analysis, exhibited by Gary Bellow". The Committee on Lawyering in the Public Interest is chaired by Bea Moulton (Hastings) and includes Mary Helen McNeal (Montana) and Kim O'Leary (Thomas Cooley). The Committee will present a report at the Sunday luncheon in Pittsburgh.

### **BUDGET AND DUES**

With the resignation of longtime joint Section/CLEA Database Coordinator and Section Treasurer David Chavkin and appointment of David Santacrocce (Michigan) as his successor, new procedures had to be developed for the collection of dues and data for the new website. Many of us benefitted from David Chavkin's generous donation of time and effort managing the database, handling dues collection, and answering questions related thereto. As expected, it takes time to work out the kinks in any new system so please be patient as the new website gets up and running. Also, please pay your dues! We appreciate the institutional support offered by Michigan to help David S. with this massive endeavor. Peter Joy, Suzanne Levitt, and I have coordinated with David S. on the new dues and database systems and he has done a masterful job.

The Section budget was drafted by a subcommittee consisting of Past Chair Mary Helen McNeal, Treasurer David Santacrocce, Chair-Elect Bryan Adamson, and me in March. Shortly thereafter, it was approved by the Executive Committee. It is quite similar to last year's budget with minor adjustments. The Section's budget report is given during our annual business meeting.

### **POLITICAL INTERFERENCE COMMITTEE**

We are all pleased that the political assault on the Pittsburgh Environmental Law Clinic did not succeed in dismantling or

relocating the clinic. The law school and university's decision to support clinic director Tom Buchele and to provide funding for the continued operation of the clinic was a victory for academic freedom. The Section was kept informed and educated about this and other incursions on academic freedom through the efforts of Peter Joy, Bob Kuehn, Bridget McCormack, and Chuck Weisselberg. Bob, Bridget, and Tom presented an excellent program in New Orleans.

### **2003 CLINICAL WORKSHOP**

As Chair-Elect last year, I had to submit a proposal to the AALS Professional Development Committee for the 2003 workshop. My original proposal was "conditionally approved" by the AALS in December and finally approved in March with additional detail. The theme is "Professionalism in Clinical Legal Education". Stacy Brustin (Catholic) and Jeff Selbin (UC-Berkeley), co-chairs of the Section's Ethics and Professionalism Committee, provided much assistance and offered great ideas for the programs. The AALS President appointed a planning committee which consists of Minna Kotkin, Chair (Brooklyn), David Chavkin (American), Kate Kruse (UNLV soon!), Sandy Hansberger (Lewis and Clark), and Steven Hobbs (Alabama). The Planning Committee is responsible for determining all the programs and speakers. They will no doubt be soliciting your ideas and enlisting your participation as they plan the workshop.

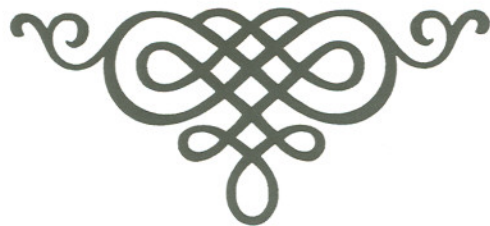
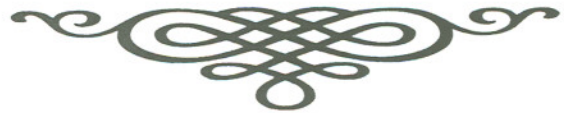
### **EXECUTIVE COMMITTEE**

The Section has a great Executive Committee comprised of committed, thoughtful, and genuinely nice people! I encourage you to approach any of us with ideas, suggestions, requests, questions or just to introduce yourself. Our contact information is listed on the back of the newsletter. My job as Section Chair is much



more manageable and enjoyable because of this superb group of clinicians.

I look forward to seeing you in Pittsburgh!



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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.

*“Ask Kim”*, a column where people send questions to the newsletter Editor, Kim O’Leary. Send your questions to Kim O’Leary, Cooley Law School at [olearyk@cooley.edu](mailto:olearyk@cooley.edu).

*Dear Kim:*

*What do I do with a student who keeps promising to do better and doesn't? He's a good kid who is appropriately contrite and apparently sincere when he promises to do better. But letters continue to be late or haphazardly drafted, phone calls are late in being returned, memos don't appear when due, etc. I've cajoled, threatened, praised, scolded - nothing seems to work for long. He should be flunked, but I don't have the heart. Am I not cut out for this? Help me oh wise Kim.*

*Flummoxed*

**Dear Flummoxed:**

**What a great question! The obvious solution is to post your query to the Lawclinic listserv. You will receive great ideas that you would never have thought of on your own. You will receive validation that it isn't just you, many clinicians across the world have experienced similar problems. You will receive great questions about what you tried and didn't try. And you will receive praise for having the guts to raise such a challenging question on the list! You must subscribe to lawclinic to post a query. To subscribe, go to the website at: <http://lists.washlaw.edu/mailman/listinfo/lawclinic>. If you are already subscribed, you can send messages to the list by sending a message to [lawclinic@lists.washlaw.edu](mailto:lawclinic@lists.washlaw.edu)**



*Dear Kim:*

*I just paid my dues to be a member of the clinical community: \$40 for CLEA and \$15 for the AALS Clinical Section. That's a lot for me. CLEA seems to be doing a lot of things, so maybe my check for \$40 will produce returns. But how about my \$15 for section membership - besides the wisdom of Kim, what do I get?  
Cheapskate*

**Dear Cheapskate:**

**First, never underestimate the value of the wisdom of Kim. Just kidding. Actually, you get a lot for your clinic section membership. First, you get this nifty newsletter with all kinds of great information two times a year. Section dues also pay for enhanced clinical programming at the Annual Meeting each year, reimbursing non-law professor speakers and special equipment for all those clinical presentations. The section annually submits a proposal for a May clinical conference each year, and typically the section sponsors a reception at that conference. While CLEA provides a very important political voice in the world of legal education, the section provides consistent gathering places where we can exchange ideas and honor the important work of our colleagues through the Pincus Award, The Shanara Gilbert Award, the Bellow Scholar program and the oral history project. Additionally the section advocates the benefits of clinical education within the AALS. Often people who serve in leadership positions within the section go on to serve important leadership roles in CLEA. All that for only \$15 - what a deal!**

*Dear Kim:*

*What do you do in class when a student asks a question I think I should know the answer for, but don't? I freeze like a deer standing in headlights. I know I should be honest. I know I should see if other students have ideas. I know*

*I should offer to think about the question and promise to give my thoughts in the next class. Still, I don't always follow the voice in my head. What do you do?*

*Deer in the Headlights*

**Dear Deer:**

**Stop thinking like a classroom teacher - you are a clinician! You just look at the rest of the students and say "What do you think?" I guarantee someone in the class will know the answer. In the rare case when nobody knows the answer, look at them and say "How would you go about figuring out the answer to that question?" and then do some brainstorming. Get the whole class to figure it out.**

**Kim**



## COMMITTEE REPORTS

### THE AWARDS COMMITTEE

#### Announcement for the Pincus Award:

The Awards Committee is now accepting nominations for the William Pincus Award, which will be given out at the Annual Meeting in January 2003. Criteria for the William Pincus Award are scholarship, program design and implementation, or other activity beneficial to clinical education or to the advancement of justice.

Nominations for the Pincus Award shall be received no later than October 18, 2002. It would be helpful to the committee if you could send a fairly comprehensive statement outlining why you think your suggested candidate should receive the award. The committee also encourages you to invite others to join in your nomination and to submit letters of support. It is helpful to the committee to hear various



voices of support. Please do not send copies of articles written by the candidate, but do include citations to whatever scholarship you believe that the committee should be aware of.

Members of the Awards Committee are Homer C. La Rue, chair (Howard University School of Law), Miye Goishi (University of California, Hastings School of Law, Isabelle Gunning (Southwestern School of Law), Randi Mandelbaum (Rutgers University School of Law), and Calvin Pang (Hawaii University, William S. Richardson School of Law).

Please send your nominations by E-mail or regular mail to: Homer C. LaRue, Howard University School of Law, Clinical Law Center, Notre Dame Hall 2900 Van Ness Street, N.W., Washington, D.C. 20008. E-mail: [hclarue@law.howard.edu](mailto:hclarue@law.howard.edu). (202) 806-8259 (FAX)(202) 806-8436

Past issues have also included a list of former recipients. They are:

- 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 Mlyniec (Georgetown)
- 1997 Edgar Cahn (DC School of Law) and Jean Cahn (Antioch, posthumously)
- 1998 Steve Wizner (Yale)
- 1999 Katherine Shelton Broderick (U.D.C.

- School of Law)
- 2000 Clinton Bamberger (Maryland)
- 2001 Peter Joy (Washington Univ. -- St. Louis)
- 2002 Bernida Reagan (East Bay Community Law Center) and Louise Trubek (Wisconsin)

**THE STEERING COMMITTEE FOR CLEA'S BEST PRACTICES PROJECT** will meet during the AALS Clinical Teachers Conference in Pittsburgh. The meeting will take place on Sunday evening at 5:15 somewhere in the conference hotel. Anyone who is interested in the project is encouraged to attend, space permitting.

#### **AALS MENTORING PROGRAM:**

Are you a new clinician? If so, do you need a sympathetic, experienced ear to help sort out your new job? Or if "need" is too strong a word, would contact with someone who can help provide perspective be of use? Let the AALS Mentoring Committee pair you with an experienced clinician. Contact either Justine Dunlap, [jdunlap@wcl.american.edu](mailto:jdunlap@wcl.american.edu) (202) 274.4154 or Alex Scherr, [scherr@uga.edu](mailto:scherr@uga.edu) 706.542-6510. They can see that you get matched with a mentor or just give you more information about the program.

#### **MENTEES AND MENTORS GATHER IN PITTSBURGH**

Attention all current and prospective Mentors and Mentees. The Mentoring Committee will be sponsoring an evening event on Sunday, May 19th from 5:15 to 6:30. We will tell mentoring stories(only good ones--no shaming here!), provide a place for mentors and mentees to meet and chat, and serve as the starting point for a dinner and more conversation. Place to be announced. Reserve the time! We look forward to seeing you in Pittsburgh!



**THE EXTERNSHIP COMMITTEE** will meet in Pittsburgh on Sunday, May 19<sup>th</sup>, from 5:15 until 6:30 P.M. at a location to be announced. Marlana Valdez (American) and Fran Catania (Widener) are co-chairs. Anyone having agenda/discussion items should get in touch with Fran ([francis.j.catania@law.widener.edu](mailto:francis.j.catania@law.widener.edu)) or Marlana ([mvaldez@wcl.american.edu](mailto:mvaldez@wcl.american.edu)). There will be an informal get-together for dinner and discussion following the meeting.

### **M E E T I N G   O F   L E G A L ADMINISTRATORS AT MAY AALS CONFERENCE**

There was significant interest expressed in holding a meeting for non-lawyer legal administrators / paralegals at the at May AALS Clinical Conference. The following times have been set aside: Sunday, May 19<sup>th</sup> 5:15 - 6:15 pm, and, if additional time is desired, Tuesday, May 21, 7:30 - 9:30 am. Many thanks to Prof. Bryan Adamson for fitting this into the conference schedule!

Please contact Elaine Franchini, Legal Administrator, Albany Law School Clinics [efran@mail.als.edu](mailto:efran@mail.als.edu) if you have any questions. Thanks.

### **COMMITTEE SEEKS INPUT FOR 2002 AALS ANNUAL MEETING PROGRAM**

The planning committee is seeking input about the clinical section's program for the January, 2002 AALS Annual Meeting. Catherine Klein ([klein@law.cua.edu](mailto:klein@law.cua.edu)) chairs the planning committee. The other members are Susan Jones ([sjones@main.nlc.gwu.edu](mailto:sjones@main.nlc.gwu.edu)), Carol Liebman ([cleibman@law.columbia.edu](mailto:cleibman@law.columbia.edu)), and Roy Stuckey ([roy@law.law.sc.edu](mailto:roy@law.law.sc.edu)).

The program topic is "importing/exporting clinical education". The idea is to use the opportunity to share lessons that many of you have learned from working with clinical teachers in other countries. The committee is seeking feedback on two questions:

1. What have you changed in your teaching as a result of your international experience -- or what do you think others should change based on your international experience?
2. Could these lessons be presented at the meeting in an interactive way?

Please share your ideas with any member of the committee.

### **Scholarship Committee CLINICAL SCHOLARSHIP: WORKS-IN-PROGRESS**

#### **Planned Sessions in Pittsburgh, May 2002**

On Tuesday, May 21<sup>st</sup>, at 9 a.m. and at 10:30 a.m., the Clinical Scholarship Committee will sponsor sessions where clinicians will present works in progress for comment. This year, four curricular works and one paper work will be discussed. Synopses of the works-in-progress and instructions on obtaining the documents by email will be sent out over the lawclinic listserv before the conference. The programs are:

9 a.m.—10:15 a.m.

Jeff Selbin: University of California at Berkeley course, "Community Law Practice at East Bay Community Law Center." (The course fulfills the school's professional responsibility requirement.) Dan Shah: Temple University School of Law course, Urban Community Economic Development.

10:30 a.m—noon.

Carrie Kaas: Quinnipiac University School of Law course, "Introduction to Representing Clients."

Paul Cain: University of Denver College of Law course, "Emotional Intelligence and the Clinic Student."

Steven Hartwell (Univ. of San Diego School of Law): paper entitled



"Clinical Thinking and Feeling." A synopsis of the paper will be published over the listserv soon.

We hope that you will come to the sessions and discuss the authors' ideas with us.



The AALS Conference on Clinical Legal Education is set for Saturday, May 18 to Wednesday, May 22, in Pittsburgh, Pennsylvania. The theme of the Conference is "Clients as Teachers," which includes a wide range of topics relating to how we work with and for our clients and how we learn from them. In addition to the program, there will be plenty of opportunities to see your colleagues, plus special receptions at the Andy Warhol Museum and at the University of Pittsburgh. Please come join your colleagues!

The program (as of April 22) follows. To register, please see the AALS' website at: <http://aals.org/profdev/clinical2002/>

**AALS CONFERENCE ON CLINICAL  
LEGAL EDUCATION**  
May 18-22, 2002  
PITTSBURGH, PA  
SATURDAY, MAY 18, 2002

**1:45 – 2:00 p.m - Welcome**  
Veryl Victoria Miles, The Catholic University of America and, AALS Deputy Director

**Introduction**  
Charles D. Weisselberg, University of California at Berkeley, and Chair, Planning Committee for AALS Conference on Clinical Legal Education

**2:00 – 3:30 p.m. - Clients as Teachers: The Peculiar Collaboration in Clinical Legal**

#### **Education**

Kathleen Ridolfi, Santa Clara University  
Dean Hill Rivkin, University of Tennessee  
Randolph N. Stone, The University of Chicago  
Moderator: Abbe Smith, Georgetown University

**3:30 – 3:45 p.m. - Refreshment Break**

**3:45 – 5:15 p.m. - Small Group Discussions**  
(organized by subject)

**5:15 – 5:45 p.m. - New Clinicians Gathering**

**5:30 – 7:00 p.m. - AALS Reception**

**SUNDAY, MAY 19, 2002**

**Theme: Challenges and Opportunities of Learning from Clients**

**9:00 – 10:15 a.m.- Learning from Other Disciplines**

Lili Penkower, Ph.D., Assistant Professor, Department of Family Medicine, School of Medicine, University of Pittsburgh, Pittsburgh, Pennsylvania

Kenneth Reardon, Professor, Department of City and Regional Planning, Cornell University, Ithaca, New York

Lyn Kennedy Slater, Clinical Professor, Graduate School of Social Service, Fordham University, New York, New York

Moderator: Charles Weisselberg, University of California at Berkeley

The three panelists come from disciplines other than law and—within their own respective disciplines—teach students how to work with patients, clients, and communities. The panelists will help us look outside the law and explore teaching methods in other professional schools. In concurrent sessions that follow, the panelists will address how these teaching methods may be brought into the law schools.



**10:15 – 10:30 a.m. - Refreshment Break**

**10:30 a.m. – 12:00 noon - Concurrent Sessions**

*Learning from City and Regional Planning*

Joseph Sabino Mistick, Duquesne University  
Kenneth Reardon, Professor, Department of City and Regional Planning, Cornell University, Ithaca, New York, Social Work

Judith Phylis Lipton, Case Western Reserve University

Lyn Kennedy Slater, Clinical Professor, Graduate School of Social Service, Fordham University, New York, New York

Marc Stickgold, Golden Gate University

*Teachers, Subjects, ...Objects? Giving Clients Their Due*

Bryan L. Adamson, Case Western Reserve University

Ann Juergens, William Mitchell College of Law

Paul D. Reingold, The University of Michigan

Law school clinics use their clients every day... as teachers, subjects for education, and, at worst, as objects for study. In order to receive our legal help, clinic clients usually must compromise certain interests. They may risk their interest in the timeliest resolution of their matter, in continuity of care, in dignity and privacy, in having the most experienced judgment bought to bear on their behalf. Clinicians often believe—accurately—that our clients have few alternative sources of service; our services are usually free as well. Plus our clients consent to be represented by law students under supervision. Aren't a few minor compromises for our services well worth it? This session will question whether all of our clients' trade-offs are truly minor, and whether they are always necessary. How can we minimize these costs to clients? Is it possible we owe our clients something extra for the

valuable service they provide to us and our students? This session will first sketch the problem, then discuss methods for ameliorating it.

*Collaborating with Clients*

Philip M. Genty, Columbia University

Paula C. Johnson, Syracuse University

This session will explore the ways in which clients can educate lawyers and students and lead them to a deeper understanding of the legal needs of clients. The presenters will describe two examples of collaborative work with clients and use these to facilitate a discussion among the participants. Professor Johnson will describe the extensive interviews she has conducted with incarcerated and formerly incarcerated African American women and the insights they have provided about their experiences with attorneys. Professor Genty will discuss the "street law" component of his clinic, in which prisoners who are experienced teachers collaborate with the students in the development of family law workshops for incarcerated parents.

*Autonomy / Client Centered Lawyering Revisited*

Peter Joy, Washington University

Michael Pinard, Washington University

Clinical faculty participating in this concurrent session will examine issues of client autonomy in client-attorney relationships and take a fresh look at client-centered lawyering, alternative models of client representation, and critiques of client-centered lawyering. Participants will explore some of the obstacles to effective client-centered lawyering including cross-cultural issues in client representation and the process of deciding who the client is in community lawyering, issue litigation, and class action lawsuits. We will also compare and contrast client-centered lawyering with the other two



dominant models of lawyering – authoritarian and collaborative lawyering. Finally, participants will explore the questions of whether one approach is good for all clients in all situations, and how we can best teach our students to be effective lawyers for both the client and the situation. Participants attending this session should consider these questions: What does client-centered lawyering really mean? What type(s) of lawyering do you practice, and do you practice what you teach? What obstacles do you face in teaching client-attorney relationships? What exercises and methodologies do you employ to overcome the obstacles you face in teaching client-attorney relationships to clinic students? What questions about client-attorney relationships do you hope to answer by attending this conference?

*Using Clients' Voices in Scholarship*

Angela Olivia Burton, Syracuse University  
Nina W. Tarr, University of Illinois  
Rodney J. Uphoff, University of Missouri-Columbia

Exploitation alert: This panel will focus on the ethical, moral and practical problems when clients' voices are transmitted in the classroom, courtroom and scholarship.

**12:00 noon - AALS Luncheon and AALS Section on Clinical Legal Education Award**

**2:00 – 3:30 p.m. - Small Group Discussions**

**3:30 – 3:45 p.m. - Refreshment Break**

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

*Learning from Non-Lawyers*

Cindy E. Faulkner, Thomas M. Cooley Law School

This discussion time will explore the development of how non-lawyer members of

the local community assist in the teaching of trial skills and professional values to law students. We will discuss where the ideas originated, how the program has expanded, unexpected benefits, and plans to continue improving the ideas. There also will be time for sharing how others are including non-lawyers in legal education or ideas they have about how we might include members of local communities in legal education.

*Working with Clients in Criminal Cases*

Adele Bernhard, Pace University  
Bradford Colbert, William Mitchell College of Law  
John M. Copacino, Georgetown University

*Working with Clients in ADR Settings*

Jonathan M. Hyman, Rutgers University, Newark  
Suzanne J. Schmitz, Southern Illinois University

Is ADR the fulfillment of client-centeredness? In theory, it would seem to be. In mediation (the form of ADR we will discuss), the subject matter is what the parties want and what they need, largely unconstrained by substantive legal rules. The parties decide what is relevant to discuss, regardless of legal relevance. The parties decide the terms of any resolution, regardless of what law would permit a judge or jury to do. But in practice, the situation is more complex. Parties to mediation often understand their claims as legal entitlements, but they may have a poor understanding of the precise limitations of legal rights and of the factual and procedural obstacles to vindicating those rights. Do clients thus push their lawyers and their mediators towards the more legalistic and less client-centered role of developing and asserting technical legal knowledge? Do lawyers and mediators push clients toward the tried and true legalistic resolutions? Does mediation permit



parties to attain "justice" as they see it; should it? Parties to mediation may have distinct ideas about how to negotiate. Their ideas may be bad ones. In such situations, should lawyers and mediators take control of the negotiation/mediation process away from the parties themselves? In mediation, do we learn from clients that we should pay *less* attention to them? What can mediators and lawyers do to better prepare clients or pro se parties to effectively negotiate in mediation? Or should they? The facilitators of this session will address these and similar issues from the perspective of a clinical program in which law students are mediators (Prof. Schmitz) and a clinical program in which law students act as advocates and counselors for parties in mediation (Prof. Hyman).

*Learning from Students: How Students Enhance the Process*

Justine Dunlap, American University  
Randi S. Mandelbaum, Rutgers University,  
Newark

This session will examine how students, like clients, are an integral part of every clinical program and how they contribute to the learning that occurs. This workshop will look at students as teachers from three different perspectives: as teachers of us, as teachers of themselves and each other, and as teachers of clients. In analyzing students as teachers of us, student work, such as journal entries, class projects, and poetry, will be shared and discussed. We also will look at ways to design curriculum that will further develop students' capacity to be teachers of themselves, each other, and clients. The session will encourage clinicians to broaden their views on how students themselves can enhance the learning process.

*"Susie's" Case*

Lili Penkower, Ph.D., Assistant Professor,  
Department of Family Medicine, School of  
Medicine, University of Pittsburgh, Pittsburgh,  
Pennsylvania

Rosa Lynn Pinkus, PhD, Professor,  
Medicine/Neurosurgery and Associate Director,  
Center for Bioethics and Health Law,  
Department of Bioengineering, University of  
Pittsburgh, Pittsburgh, Pennsylvania

Stella L. Smetanka, University of Pittsburgh

In this concurrent session, participants in a special case in the Health Law Clinic at the University of Pittsburgh School of Law will discuss what opportunities for learning they remember from representing a ten year old girl with leukemia and her parents. The case presented the need to consult with professionals from other disciplines, to research and prepare a legal case, and to be flexible and receptive to the wishes of the clients. Panel members will be one of the students who worked on the case, a medical ethicist and physician, both of whom advised the clinic and had contact with the family, the supervising attorney, and excerpts from a videotaped interview with the Mother of the girl. Discussion will center both on the case and also its use in future clinics as a mock trial vehicle.

*MacCrate Revisited*

Margaret Martin Barry, The Catholic  
University of America

Russell Engler, New England School of Law  
Randy Hertz, New York University

This session will use the MacCrate Report – and the history of efforts to implement the Report during the past decade – to explore the role that clinical teachers can play in identifying and implementing needed reforms in legal education. Building on Russell Engler's recent article on the subject (which is excerpted in the



conference materials), the session will take the form of a large group discussion in which the panel members and session attendees work together to discuss the current relevance of the MacCrate Report and brainstorm possibilities for using the Report to devise and implement curricular and structural reforms. The session will consider the roles that can be played by individual clinical teachers as well as organizations like CLEA and the AALS Clinical Section, and will consider ways to reach out to other affected groups, including students, nonclinical teachers, legal writing teachers, and alumni.

*Collaboration with Clients in Community Economic Development Clinics*

Jaclyn A. Cherry, Duquesne University

Bryce Maretzki, Duquesne University

Marilyn Sullivan, Executive Director, Bethlehem Haven of Pittsburgh, Inc., Pittsburgh, Pennsylvania

Laura Zinski, Chief Executive Officer, Mon Valley Initiative, Homestead, Pennsylvania

The Duquesne University School of Law Economic & Community Development Law Clinic was acknowledged by the United States Department of Housing and Urban Development (HUD) as a model clinical program, focusing on economic and community development issues. In the 1998 HUD publication, "Law School Involvement in Community Development," Duquesne's program was one of 22 across the nation and the only Pennsylvania law school profiled for its innovative approach to community development initiatives.

During this session, the Directors of this clinic, along with two clinic clients (a Community Economic Development Corporation located in a blighted area of the Mon Valley and a Homeless Shelter located in the City of Pittsburgh) will discuss the evolution of the

collaboration, its effect on the clients, clinic and students, and its successes and changes.

**5:15 – 7:00 p.m. - AALS Section on Clinical Legal Education Committee Meetings**

**6:30 p.m. - University of Pittsburgh School of Law Reception for Registrants**

**MONDAY, MAY 20, 2002**

**Theme: Clients and Context**

**9:00 – 10:15 a.m. - Concurrent Sessions**

Small Towns, Big Issues

Daniel M. Filler, The University of Alabama

Laura E. Mc Nally, The University of

Alabama Timothy R. Tarvin, University of Arkansas, Fayetteville

For a variety of reasons, clinical teachers and clinical scholarship have not focused on distinctions between big city and small town legal practice. The practice of law in small towns and rural areas can be quite different than law practice in the more anonymous world of a city, however. In this session, we will focus on several aspects of small town practice. How do we prepare our students for the ethical complications that arise in a small town with tight social networks, few attorneys, and a small client base? How do we address the difficulty of telephonic, rather than face to face, interviewing and consultation? And should we teach our students to succeed with existing small town practices, or to transform these worlds?

*Clinics Abroad*

Halina Niec, Jagiellonian University Law School, Crakow, Poland

Kandis Scott, Santa Clara University

Leah Wortham, The Catholic University of America



Fryderyk Zoll, Jagiellonian University Law School, Crakow, Poland

The Clinics Abroad panel will focus on the complexities of consulting with foreign law schools about clinical education. The panel will include both Americans who have consulted abroad and foreign clinicians who have worked with American law teachers and international funders. The panel will offer perspectives on helpful and unhelpful ways to approach such relationships as well as hearing from audience members who have been involved in such ventures. Panelists also will offer perspectives on the debated topic of feasibility and promise of in-house clinical education in legal education systems operating from quite different traditions.

*Community Lawyering*

Christine Zuni Cruz, University of New Mexico

Jeffrey Selbin, Executive Director, East Bay Community Law Center, Berkeley, California

The proliferation of in-house clinics during the last twenty years has been of enormous benefit to many stakeholders, including law schools, law students and clinicians themselves. In the process of institutionalization, however, many clinics' connection to client communities appears to have grown more attenuated. Consistent with the theme of the conference, this session will focus on the importance of strengthening the ties between clinics and community as a method for learning from our clients in order better to serve them. The session may include a visit to a community-based clinical effort in the Pittsburgh region, so participants should be prepared to miss the following small group session (the rest of the day is already open).

*Learning from Client Differences: Avoiding Stereotypes*

Robert J. Rubinson, University of Baltimore

Robert S. Salem, University of Toledo

Many clinics represent clients whose backgrounds differ from clinic students. These differences can cut across many domains, including race, gender, age, socioeconomic status, and sexual identity. This session will focus on how clinical experiences challenge students' assumptions and stereotypes about their clients, how these experiences can promote students' growth as professionals and as individuals, and how clinical methodologies can be used to facilitate this process.

*The Canadian Experience*

Janet Eaton Mosher, Osgoode Hall Law School, Toronto, Ontario, Canada

*Multicultural Students/Multicultural Clients*

Richard A. Boswell, University of California, Hastings

Katherine R. Kruse, University of Wisconsin

Thomas E. Perez, University of Maryland

*Asylum and International Human Rights*

Deborah Anker, Harvard Law School

Laurel E. Fletcher, University of California at Berkeley

Representing asylum seeker and conducting international human rights Advocacy necessarily requires advocates to bridge many differences; of cultural, class, race, language, political views, etc. How can we use our clients as resources to assist us in traversing these boundaries? We will demonstrate specific techniques we use with students to help them develop as advocates including (1) a "post-mortem" analysis of an asylum client affidavit to highlight the craft of maintaining client voice and legal narrative and (2) the use of "concept mapping" -- a social



science research technique -- in developing case theory in the context of human rights lawyering.

*The Role of Clients in Transforming the Non-Clinical Curriculum*

Kim Diana Connolly, University of South Carolina  
Gabrielle Davis, University of Toledo

We all know how important clients are in the learning experience for clinic students – how can we translate that experience to the larger class? How can we encourage our non-clinical colleagues to integrate clients (or the concept of clients) into their teaching? This interactive session will demonstrate how clinical methodology can be used to introduce clients and client issues into the non-clinical curriculum. Two members of the Integration Committee of the AALS Clinical Section will help participants explore the use of several tried and true clinical methods as well as different approaches for bringing the “client” to all students. Participants will discuss relative strengths and limitations of these approaches in non-clinical settings and identify strategies to induce non-clinical colleagues to experiment with clinical methodology. Join us with your experiences and ideas for bringing real life to the law taught in the classroom!

*Intensive Trial Advocacy Teaching Program*

Peter Toll Hoffman, University of Houston  
Robert P. Burns, Northwestern University  
Thomas F. Geraghty, Northwestern University  
Marcia Levy, Rutgers University, Newark

**10:15 – 10:30 a.m. - Refreshment Break**

**10:30 a.m. – 12:00 noon - Small Group Discussions**

**12:00 noon – 1:00 p.m. - AALS Section on Clinical Legal Education Memorial Honoring and Remembering Those of Our Community Who Have Passed Away**

**FREE AFTERNOON**

**TUESDAY, MAY 21, 2002**

**7:30 – 9:00 a.m.**

**AALS Section on Clinical Legal Education Committee Meetings**

*Theme: Tools for Representing Clients*

**9:00 – 10:15 a.m. - Concurrent Sessions**

*Technology in Client Representation*

Conrad Johnson, Columbia University  
Marjorie Anne McDiarmid, West Virginia University  
Theresa J. Player, University of San Diego  
Robert F. Seibel, City University of New York at Queens College

*Building or Renovating Clinical Space*

Gerard F. Glynn, Barry University  
Jonathan M. Hyman, Rutgers University, Newark  
Alan Kirtley, University of Washington  
Antoinette Sedillo Lopez, University of New Mexico  
Leslie Mansfield, University of Tulsa  
J. Alexander Tanford, Indiana University-Bloomington  
Peter S. Wright, Jr., Franklin Pierce Law Center

*Developing Assessment Tools to Learn from Clients*

Louise E. Wenner McKinney, Case Western Reserve University

We reflect a lot in clinical teaching. But there's a different kind of reflection that may be helpful – the reflection that a mirror does. Our post-hearing, post-interview, post-brief-writing, post-discovery, post-whatever “reflections” with students are great and add so much to our students' learning. But aren't there additional tools that we can use to “reflect” back (like a mirror) more clearly what happened and what the clients experienced? Yes. We will look at



some of them in this session. We can videotape, use transcripts, count words in the transcripts. We can use questionnaires, analyze body language and verbal language. What other tools can we use to fine-tune what students and clinicians learn from their clients? How do we develop the tools? There will be examples. Bring your own and share.

*Using the MBTI (Meyers-Briggs) to Learn from Clients*

Peggy Maisel, Northampton, Massachusetts

*Intensive Trial Advocacy Teaching Program*

Peter Toll Hoffman, University of Houston

Robert P. Burns, Northwestern University

Thomas F. Geraghty, Northwestern University

Marcia Levy, Rutgers, Newark

*Clinical Scholarship: Works-in-Progress*

Coordinators: Isabelle R. Gunning,  
Southwestern University

Ann Juergens, William Mitchell College of Law

#### **10:15 – 10:30 a.m. - Refreshment Break**

#### **10:30 a.m. – 12:00 noon - Teaching Demonstrations / Model Classes**

*Interviewing and Counseling*

Calvin Pang, University of Hawaii

Linda F. Smith, University of Utah

The initial client interview should not be (indeed, cannot be) structured entirely by the attorney. Like any other conversation, the interview is a mutually controlled or negotiated communication between two individuals -- attorney and client. While the attorney has certain goals for this conversation (establish rapport, understand the nature of the problem(s)/goal(s), gather facts relevant to particular legal claims), the client also has goals

for the interview. The client's goals often include convincing the attorney of the justness of her cause, gaining the attorney's empathy, explaining not only of what occurred but why, and reporting all the facts the client believes are important. The client's goals for the interview determine how the client will try to conduct the interview. Linguistic principles further shape how the conversation proceeds. The wise attorney will accommodate the client's goals and communication preferences, particularly in the early stages of the interview. In ceding control, the attorney may sacrifice his desire for order and clarity in order to respect the client's preferences. This teaching demonstration will rely upon videotaped interviews, which illustrate these points.

A second portion of the presentation extends the theme of "ceding control," and focuses on what happens when a teacher performs a spontaneous in-class demonstration -- and stumbles. While the possibility of making mistakes in front of one's students raises concerns of lost respect and credibility, it can also provide striking benefits to students and teacher alike. This part of the session explores both the pluses and minuses, and concludes by encouraging all to consider spontaneous demonstrations more often for the benefits they provide.

*ADR, Mediation, Negotiation*

Beryl S. Blaustone, City University of New York at Queens College

Don C. Peters, University of Florida

*Trial Advocacy*

Peter Toll Hoffman, University of Houston

*Learning from Organizational Clients*

Kenneth R. Margolis, Case Western Reserve University

Daniel Shah, Temple University



*Learning from Clients with Disabilities*  
To be announced

*Externships*  
Mary Jo Eyster, Brooklyn Law School

*Clinical Scholarship: Works-in-Progress*  
Coordinators: Isabelle R. Gunning,  
Southwestern University Ann Juergens,  
William Mitchell College of Law

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

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

*Teaching Appellate Advocacy*  
Brett Dignam, Yale Law School  
Steven H. Goldblatt, Georgetown University  
Margaret Z. Johns, University of California at  
Davis

This panel will discuss running an appellate clinic, focusing on some ideas on how best to accommodate the interests of the court, the client and the clinic students. Among other topics, the panelists will consider: case and issue selection for appeals; assembling, mastering, and supplementing the appellate record; brief writing; and oral argument. The panelists will compare various appellate opportunities from federal circuit court proceedings to BIA appeals. Special attention will be given to the challenges of being appointed to handle an appeal for a client who has proceeded in pro se in the initial proceedings and to identifying the types of appellate cases that are best suited for clinical teaching.

*Dealing with Difficult Clients/People*  
Gina M. Calabrese, St. John's University  
Nathaniel C. Nichols, Widener University  
Every semester, clinical students encounter "difficult" clients. Both students and clinicians become frustrated with clients who, for example,

do not seem to care about their cases, make choices that undermine the success of their cases, show extreme animosity toward the other party, or openly show racial or gender bias. We recognize, however, that clients come to clinics with their own values, dispositions, and life experiences, often very different than those of clinicians and clinical students. These differences influence and may even subvert the work and the relationship between clinics and the clients they represent. To some extent, it is this conflict between our clients', our students' and our own values and dispositions that may cause us to label clients as "difficult."

This workshop will explore the different types of client behavior that students and clinicians find "difficult" and the reasons for this behavior. We will ask participants to discuss effective ways to assist students who work with these clients, drawing on psychology, as well as client-centered lawyering, and awareness of cultural differences.

*Using Videos and Other Technology to Teach Skills*  
Kimberly E. O'Leary, Thomas M. Cooley Law  
School

In this session, we will observe a variety of videotapes that are used in clinical teaching. Clinicians will present movie clips, portions of student-client interviews and tapes scripted and filmed by clinic faculty for the purpose of student training. The clinicians will then describe how they use the video clip in their clinical teaching. The presentations will be interactive and open to lots of questions and ideas. Participants are welcome to bring their own videotape clips to the session and we will show as many of them as we can accommodate given our time-frame.



*Issues for Externships: Supervising Supervisors*

Alexis J. Anderson, Boston College  
Erica M. Eisinger, Wayne State University  
J. P. Ogilvy, The Catholic University of America

This session is designed to be a workshop in which the participants jointly begin the process of creating guidelines for the evaluation of externship program supervision of fieldwork supervisors. First, we will identify and describe the variety of externship programs and fieldwork placements. We will then break into small groups by similarity of program to brainstorm techniques and best practices, within the program setting, for the supervision of fieldwork supervisors. Finally, the small groups will report the results of their deliberations to the whole group. Following the Conference, the facilitators will take the work product of the session and draft proposed guidelines for the supervision of fieldwork supervisors. This document will be widely disseminated for comment and revision. A web page containing links to sample documents, such as fieldwork supervisor handbooks, evaluation forms, guidance letters, agreement letters, and memorandums of understanding also is contemplated. Participants will be asked to identify relevant documents for inclusion.

*Achieving Social Justice for Clients through Art*  
Antoinette Sedillo Lopez, University of New Mexico

Marla Lyn Mitchell, Thomas M. Cooley Law School  
Michael Schneider, Attorney and Poet, Pittsburgh, Pennsylvania

*Clients and Public Law Advocacy: Perspectives of Law and Technology Clinics*

Jennifer Stisa Granick, Stanford Law School  
Deirdre K. Mulligan, University of California at Berkeley  
Joshua D. Sarnoff, American University

*Supervision*

David F. Chavkin, American University  
Grady Jessup, North Carolina Central University  
Ilene Seidman, Harvard Law School

*Political Interference and the Clinic's Clients*

Thomas C. Buchele, University of Pittsburgh  
Bridget Mary Mc Cormack, The University of Michigan

William P. Quigley, Loyola University, New Orleans

William Quigley of Loyola University New Orleans School of Law will speak on the responses of the Louisiana law schools, Louisiana community organizations, and the national law school community to the political interference with the law clinics in Louisiana.

*Working with Experts to Learn from Clients and Tell Their Stories*

Robert Mark Wettstein, M.D., Clinical Professor, School of Medicine, University of Pittsburgh, Pittsburgh, Pennsylvania  
Diane Wiley, Co-founder National Jury Project and Director, Midwest Office of National Jury Project, Minneapolis, Minnesota

*Working off the recent high profile Andrea Yates murder case*, psychiatrist Robert Wettstein and jury consultant Diane Wiley will examine the challenges of storytelling in difficult, complex jury trials. The Yates case is rich with issues (e.g., mental illness as a matter of medicine and/or law, criminal intent, criminal responsibility, the death penalty). It is also full of competing perceptions: Was Andrea Yates a bad mom or a sick mom? Did she suffer from mere post-partum depression -- the sort of thing many women experience -- or actual psychosis? Is she a privileged white woman or an oppressed wife? Is the case a family tragedy rooted in mental illness or is it a multiple murder rooted in frustration and rage? Dr. Wettstein is a talented and experienced mental health



professional who has testified in many criminal and civil cases. Diane Wiley is one of the most prominent jury consultants in the country.

**3:30 – 3:45 p.m. - Refreshment Break**

**3:45 – 5:15 p.m. - Small Group Discussions**

**6:00 – 8:00 p.m. - Reception at Andy Warhol Museum**

**WEDNESDAY, MAY 22, 2002**

**9:00 – 10:30 a.m.**

*Are Clients Increasingly Obsolete in Clinical Legal Education?*

Jane H. Aiken, Washington University  
Carol L. Izumi, The George Washington University  
Shauna I. Marshall, University of California, Hastings  
Stephen Wizner, Yale Law School

### **CLEA TO SELL NEW 10TH ANNIVERSARY T-SHIRTS AT MAY CONFERENCE!**

In honor of CLEA's tenth anniversary, new 10th anniversary T-shirts will be on sale in Pittsburgh.

We have ordered a variety of sizes from children's small all the way up to adult 2X. The T-shirts will be in two new colors and will include language honoring CLEA's tenth. They will sell for \$15 apiece or two for \$25. *Bring your T-shirt money to Pittsburgh!* If you cannot attend the conference, send T-shirt money with a colleague!



## **ANNOUNCEMENTS**

### **CLEA's 10th Birthday Party**

On Sunday, May 19, CLEA will be celebrating its 10th Birthday Party. The Birthday Party events will start at 8:00 p.m., immediately following a reception being hosted by the University of Pittsburgh in connection with the AALS Clinical Conference.

The Party will kick off with a short review of CLEA's history. Karen Tokarz and Bob Seibel will be our historical commentators. Next comes the awards ceremony, featuring the outstanding advocate and special project awards being bestowed for the first time this year, as well as the 3rd annual Creative Writing Awards. As in past years, creative writing award winners will read from their winning entries.

At 9:00, the Amateur Hour is scheduled to begin. We already have a great line-up of performers from North (George Bell and Cyndi Geerdes, Illinois), South (Dan Filler, Alabama), East (Angela Burton, Syracuse), and West (Jennifer Wright, Willamette), not to mention those who don't even know they've been volunteered yet. (It's not too late to volunteer yourself or those whose talents, however shaky, you know about). Your hosts, Rod Uphoff and Marla Mitchell, guarantee a great time will be had by all.

The evening will continue with dancing and refreshments, including a grand birthday cake!. To get to the party, you can hop a bus between 6:10 and 7:20 at the conference hotel; return trips from the law school to the hotel begin at 9:45.



## CLEA TURNS TEN YEARS OLD AT THE MAY CLINICAL CONFERENCE

By Peter A. Joy (Washington University in St. Louis), CLEA President

There are going to be a number of CLEA events at the May Clinical Conference in Pittsburgh, and chief among them will be CLEA's Tenth Birthday Party on Sunday, May 19. This short article will explain what and where CLEA events will be held.

On Saturday, May 18, CLEA, the AALS Clinical Section, and the Conference Planning Committee will jointly sponsor the "New Clinicians Gathering" from 5:15 - 5:45 p.m. at the Conference Hotel. This is a short orientation to clinical legal education, and will provide newer clinicians, or more experienced clinicians attending their first clinical conference, an opportunity to meet each other, Section and CLEA leadership, and gain an easy entry to the conference. If you are a newer clinician, or if your school is sending new hires, this orientation will be informative and helpful.

CLEA's Birthday Party and Awards Ceremony will take place on Sunday, May 19, at the University of Pittsburgh School of Law. The University of Pittsburgh is graciously hosting a reception for all conference goers, and is generously providing plenty of food, refreshments, and entertainment to make it an entire evening of fun. CLEA is providing (with the help of a generous donation from the University of Washington in St. Louis) dessert and free transportation to and from the law school and conference hotel starting at 6:10 p.m. The law school reception will start at 6:30 p.m. and lead into CLEA activities. There will also be a short CLEA general membership meeting at 7:30 p.m., and after the meeting there will be a birthday program including CLEA's oral history, a talent show, entertainment, the CLEA Awards Ceremony, and a birthday cake. Among those to be honored will be University of

Pittsburgh School of Law Dean David Herring, who will receive special recognition for the role he played in fighting back political interference with the law school's Environmental Law Clinic.

Finally, but not least, Kim O'Leary (Cooley Law School) is organizing CLEA Birthday t-shirt sales throughout the conference (see accompanying article for more information about the t-shirts). More detailed information concerning the CLEA events will be distributed at the May Clinical Conference.

### INVITATION TO SUBMIT PROPOSALS

**MARCH 6 - 9, 2003**, The Catholic University of America Law School will host the 2nd CUA Externship Conference. Proposals for presentations are now being accepted. The deadline for submission of a proposal is August 30, 2002. We welcome all proposals related to legal externships. If you are not able to commit to a presentation, please send us your suggestions for topics and speakers, and we will send an invitation to submit a proposal to persons you list.

Proposals should describe, briefly, the topic to be presented, mode of presentation, time needed for presentation, the names and affiliations of each proposed presenter, and a statement whether the presentation could be written up and presented for publication after the Conference.

Send your proposal to: Professor Sandy Ogilvy  
Columbus School of Law The Catholic  
University of America Cardinal Station  
Washington, DC 20064 or  
ogilvy@law.cua.edu mailto:ogilvy@law.cua.edu

For more information, please contact Sandy at  
202.319.6195 or  
ogilvy@law.cua.edu mailto:ogilvy@law.cua.edu



### **SAVE THIS DATE!!**

The University of New Mexico School of Law will host the Rocky Mountain Regional Clinical Conference on October 4-6, 2002. This is the first week-end of the Albuquerque International Balloon Fiesta. Rooms have been reserved at the Holiday Inn Mountain View. Phone (505) 884-2511 Attending the conference means that you will obtain the Rocky Mountain Regional Clinical Conference rate of \$79.00 per night. Shuttles from the hotel to the law school will be provided by the hotel. For more information contact: Dianna Ortiz or Antoinette Sedillo Lopez at the University of New Mexico(505) 277-5265.

E - mail ortiz@law.unm.edu;  
lopez@law.unm.edu.

### **CO-SPONSORED PROGRAM WILL DISCUSS BEST PRACTICES**

The Clinical Legal Education and Teaching Methods Sections of the AALS will co-sponsor a program during the 2002 AALS Annual Meeting Program on best practices for preparing students for the practice of law. Annette Appell (UNLV) will serve as the program chair for the clinical section.

### **ABA ANNUAL MEETING PROGRAM WILL FOCUS ON PREPARING STUDENTS FOR LAW PRACTICE**

The Clinical and Skills Training Committee of the ABA Section of Legal Education and Admissions to the Bar will present a program during the ABA Annual Meeting in Washington, D.C. on Saturday, August 10th at 10:30 a.m. The topic will be "How Can Law Schools Better Prepare Students for the Practice of Law?"

Lawyers from a variety of practice settings will discuss their perceptions of the shortcomings in legal education that persist ten years after the MacCrate Report. They will also consider strategies for inducing law schools to be more

responsive to the needs of the profession and to better prepare students for the practice of law. Molly O'Brien (Akron) chairs the Clinical and Skills Training Committee.

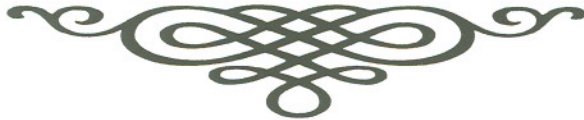
### **PROFESSIONALISM WEBSITE GOES ON-LINE**

A new website on the professionalism of lawyers and judges was launched in March, 2002. The website provides a wide range of information and resources for lawyers, judges, and academics who are interested in improving the professionalism of lawyers. The site was created and will be maintained by the Nelson Mullins Riley & Scarborough Center on Professionalism at the University of South Carolina School of Law which is directed by Roy Stuckey. The construction of the site was supported by a grant from the Open Society Institute. The address of the site is <http://professionalism.law.sc.edu>.

### **NATIONAL CONFERENCE ON LAWYER ACCOUNTABILITY SET FOR SEPTEMBER**

A national conference on "Enhancing the Accountability of Lawyers for Unprofessional Conduct" will be held in Charleston, South Carolina on September 27-29, 2002. The conference will focus on developing practical strategies that various constituent groups can use to make lawyers more accountable for their conduct. The conference will also consider how to measure professionalism. The co-sponsors of the conference are the Nelson Mullins Riley & Scarborough Center on Professionalism at the University of South Carolina, directed by Roy Stuckey, and the Keck Center on Legal Ethics and the Legal Profession, directed by Deborah Rhode. For information about the conference, contact Roy Stuckey at 803/777-2278 or [roy@law.law.sc.edu](mailto:roy@law.law.sc.edu), or access the news section of the professionalism website at <http://professionalism.law.sc.edu>.





## AMONG US

Kathy Hessler, (Case Western Reserve) has been promoted to Professor of Law.

The faculty at the University of Dayton School of Law voted to approve Andrea Seielstad for tenure and full professor.

Bryan Adamson will be the new director of the clinics at Seattle University.

Seann Riley, a student in the Tulane Criminal Law Clinic has been awarded a Prettyman Fellowship at Georgetown Law School. In addition, Seann has been recognized university-wide for his outstanding clinical and public interest work at Tulane Law School. At graduation, Seann will receive Tulane University's Service and Leadership Award

Tulane Law Clinic is excited to announce its new Domestic Violence Clinic. The Domestic Violence Clinic is designed to meet a broad range of victims' needs moving far beyond emergency assistance to include representation in family law, housing, employment, consumer credit and criminal matters. The Tulane Domestic Violence Clinic will complement its "whole client" approach in two unique ways. First, the DV Clinic will be a multi-disciplinary collaboration combining the strength of Tulane Law School with the expertise of the Tulane School of Social Work, which is consistently ranked among the top twenty schools of social work in the United States. Under the supervision of a law professor and a social work field instructor, student-attorneys and social work interns will work together to provide legal and support services to victims. Second, the DV

Clinic will represent an intra-clinic collaboration as the Civil and Criminal Law Clinics work together to represent victims who defend themselves and/or who have been coerced into criminal conduct as a result of intimate violence.

The Louisiana Supreme Court recently appointed the Tulane Law Clinic to three criminal cases slated for oral argument before the Court. Criminal Clinic student Suzanne Levert's oral argument was singled out for special praise by members of the Court. The Criminal Law Clinic will appear again before the Louisiana Supreme Court on May 14, 2002.

The Tulane Law Clinic congratulates Hans P. Sinha. Hans has been a clinical fellow in the Criminal Law Clinic and served this year as the clinic's Deputy Director. This fall, Hans will leave Tulane to become a Clinical Professor and the Director of the Prosecutor Externship Program at the University of Mississippi Law School as part of the school's new Center for Justice and the Rule of Law. While we will sorely miss Hans we are excited for him about his new position.

Seton Hall Law School's faculty has voted -- unanimously, and with the full support of the administration -- to convert its four long-term contract positions for clinical faculty to tenure-track positions. This is the culmination of several years of hard work by the clinical faculty and its supporters within the school, and by many members of the clinical community who have helped us with guidance and information directed toward improving our status.

Jon Romberg

Maxine Lipeles, who founded and co-teaches the innovative Washington University-St. Louis Interdisciplinary Environmental Clinic, was voted Teacher of the Year by the students for academic year 2001-02. This Clinic, begun in



January 2000, is a cooperative effort of the Schools of Law, Engineering, and Arts & Sciences. Maxine and Beth Martin, the Clinic Engineering and Science Director, work with eight law students and eight environmental studies/engineering students each semester to provide legal and technical services to under represented environmental and community non-profit organizations in the greater St. Louis area. Among the Clinic's recent projects were Childhood Lead Poisoning Testing legislation, Lead Paint LL/T mediation assessment, Brownfields metropolitan redevelopment analysis, National Forest timber sale litigation and negotiations, Land Trust analysis, Air Pollution transportation impact analysis, and a successful challenge to the water quality certification for the construction of the nation's largest cement plant.

University of Colorado School of Law Professor Robert Dieter has been nominated by President Bush to be a member of the Board of Directors of the Legal Services Corporation. Professor Dieter has been a Clinical Professor of Law in the Legal Aid and Defender Program at the University of Colorado since 1979.

Clinic Events at the Dedman School of Law, Southern Methodist University.

Maureen Armour

The Civil Clinic successfully defended a \$250,000 civil rights judgment on appeal before the Fifth Circuit for a paraplegic client who developed life threatening decubitus ulcers while incarcerated in the Dallas County Jail (Lawson v. Dallas County, March 28, 2002, No.00-11078). The matter was tried by clinic students in 1998, the brief was prepared and filed by clinic students, and the appeal was argued by one of students who originally tried the case. All in all, this case represents an amazing student effort. Our new W.W. Caruth, Jr. Child Advocacy Clinic opened this spring

thanks to a \$1.2 million grant from the W.W. Caruth Jr. Foundation Fund of Communities Foundation of Texas. The Tax Clinic filed an amicus brief in the United State's Supreme Court in the matter of U.S. v. Fior D'Italia, Inc. And in our other clinics: the Criminal Justice Clinic has established a partnership with the local Public Defender's Office; joint fundraising efforts are underway with Legal Services of North Texas to support our partnership in the Poverty Law Clinic; and the Criminal Prosecution Clinic in the Dallas D.A.'s office continues to provide students extensive trial experience in the misdemeanor courts. All in all, this was a busy and exciting year.

Georgetown University Law Center recently voted to grant tenure to two of our clinical colleagues, Abbie Smith and Deborah Epstein. While the university must approve the vote, I don't think its too early to say CONGRATULATIONS to both Abbie and Deborah! Well done Abbie, Deborah and GULC!

Bernida Reagan has stepped down after 13 years as the executive director of EBCLC. Bernida, this January's co-recipient of the Pincus award, has been a real leader in establishing the model of a community-based clinic. She has left EBCLC to become the Director of Social Responsibility for the Port of Oakland, a position that will allow her to direct resources to the communities that she has worked so long to serve, and I know that she will continue to improve the lives of everyone her work touches. Jeff Selbin has assumed the post of executive director. Jeff has taught at Boalt and EBCLC for over a decade and, in recent years, has served as clinical director at EBCLC. In that capacity, Jeff has largely been responsible for the teaching mission of EBCLC.



### UNM law school gets its first woman dean

Dear Colleagues and Friends:

I am pleased to report that Suellyn Scarnecchia, Associate Dean and Clinical Director, Univ. of Michigan has accepted the position of dean at the University of New Mexico. Here is our afternoon paper's article about it. We are all looking forward to her leadership!

Antoinette Sedillo Lopez

Jennifer W. Sanchez of the Albuquerque Tribune Wrote:

*The University of New Mexico today named Suellyn Scarnecchia as the new dean of its law school, making the University of Michigan associate dean the first woman to hold the post. "She clearly demonstrated a strong promise for her tenure here," said Roger Schlutz, who headed the 12-member dean search committee. "She was extraordinarily energetic, refreshingly passionate, with excellent experience and credentials." Scarnecchia, 44, is currently the University of Michigan School of Law's clinical affairs associate dean. She grew up in Ann Arbor and earned her law degree from Michigan in 1981 and received her bachelor's degree at Northwestern University, majoring in history. Scarnecchia, who practiced law at a private firm in western Michigan for six years before teaching, will start her new job at the UNM School of Law on Jan. 1, 2003. Scarnecchia could not be reached for comment. UNM Provost Brian Foster issued the announcement this morning after an eight-month search. Schlutz, the UNM architecture and planning dean, said he found out about the decision late Friday afternoon. The committee turned in its recommendation earlier this month. Foster made the final decision. Foster could not be reached for comment.*

Melissa Breger will be leaving University of Michigan Law School's Child Advocacy Law Clinic this summer to be Director of the

Domestic Violence Clinic, Family Court Unit at Albany Law School. She also won the L. Hart Wright Award for Excellence in Legal Teaching at the University of Michigan Law School (along with two traditional faculty members) for the 2001-2002 school year.

Developments at William S. Boyd School of Law, UNLV

This past academic year has been particularly rich. Three additional clinicians joined our ranks: Marty Geer, Joan Howarth, and Pam Mohr. As we entered our second year of live client clinic offerings, we solidified and grew our externship program through Marty's leadership. Faculty from UNLV's school of education and department of psychology began to collaborate with the in-house clinics. We also received a generous endowment for the clinical program. The Thomas and Mack families, long time Southern Nevada citizens and philanthropists, donated \$2 million and their name to what is now known as the Thomas and Mack Legal Clinic. We also hired two new faculty members who will teach half time in the clinic: Kate Kruse, from Wisconsin and most recently visiting at American, will co-direct the Juvenile Justice Clinic with Mary Berkheiser; and David Thronson, from New York University, will develop an immigration clinic. Alberto Benitez will visit us from George Washington in the Spring of 2003 to work with David in developing the immigration clinic. Finally, we hired social worker Ina Dorman who has worked for the local school district as a child advocate – particularly for homeless children – for over two decades. She will work with all of the clinics and will be a field placement supervisor for social work students in the future.

Frank H. Wu is stepping down as Clinic Director at Howard. He will be a visiting professor for the entire 2002-03 academic year



at Michigan. He also will serve again as a Scholar in Residence at Deep Springs College, a highly selective full-scholarship student-run all-male college located on a working cattle ranch at the edge of Death Valley. He published *Yellow: Race in America Beyond Black and White* in 2002, and has been on a national book tour with more than 50 events. The Howard Clinic has started a new ADR program and hired a new tenure-track faculty member, Tamar Meekins, formerly of the D.C. Public Defender Service.

Antoinette Sedillo Lopez is speaking and participating at an International Women's Conference at the Universidad de Santiago de Compostela in El Ferrol, Spain. Antoinette is speaking on the legal status of women in the United States and the challenges women face globally.

CUNY School of Law's Workfare Advocacy Project has been selected as the winner of the 2002 New York state Bar Association's President's Pro Bono Law Student Group Service Award. The work of the clinic is complex but primarily the students provide legal representation to undergraduate college students on welfare who are being forced out of school because of "Workfare". The NYSBA Pro bono Service Awards luncheon will be held in honor of the students on Wednesday, May 1, 2002, in Albany at the New York State Court of Appeals. Degna P. Levister co-teaches this course with professor Stephen Loffredo.

Professors Christine Zuni Cruz and Jenny Moore were recently voted tenure by the faculty at UNM Law School. Professor Zuni Cruz recently served as the distinguished lecturer at the University of South Dakota School of Law.

Professor Moore was awarded a Fullbright to Tanzania, Africa next academic year.

Professor Margaret Montoya of UNM was recently awarded Notre Dame's Graciela Olivarez award for her accomplishments and her advocacy for Latino communities. She recently completed her two year term as co-president of SALT.

Professor Scott Hughes (UNM) was voted by the faculty to receive a promotion from Assistant Professor to Associate Professor.

Professor Kip Bobroff (UNM) has organized a conference on Pueblo Land Claims. He and his student, Calvin Wells, worked on a project through the Southwest Indian Law Clinic to seek to add Indian Law to the New Mexico Bar. They were successful and New Mexico is now the first state in the country to require Indian Law on the bar examination!

Professor Mike Norwood (UNM) recently negotiated a memorandum of understanding between the Clinical Law Program and the Medical School's FOCUS (Family Options, Caring, Understanding, Solutions) program for families with children at risk of abuse or neglect. The memorandum of understanding continues the Clinic's six year's of multidisciplinary collaboration with UNM School of Medicine's project. Professor Norwood also completed a series of seven training sessions on the children and the law for the FOCUS staff. Dr. Andrew Hsi, a presenter at a recent AALS Clinical Section Workshop, and the Principal Investigator for the FOCUS project, received the 2002 Albuquerque All Faiths Receiving Home Award for Outstanding Public Advocacy. Professor Norwood had the honor of presenting the award to him at the AFRH annual Children's Champions Luncheon.

Founder of the UNM Clinical Law Program, William T. MacPherson has announced that he will take Emeritus status beginning next year.



He will continue to teach in the D.A. Clinic half time as emeritus.

New Mexico is sad to lose Professor Scott Taylor to another law school. He is beloved by all of his clinical and non-clinical law students as a gifted teacher. He has published about technology in the clinic and his innovative tax and business clinic.

Cynthia Dennis, Director of the Women and AIDS Clinic at Rutgers Law School-Newark, was awarded the "Women Helping Women" Award from Soroptimist International of Essex County on March 10, 2002, and the "Rising Star" Award from the Association of Black Women Lawyers of New Jersey on April 13, 2002.



## PUBLICATIONS

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Linda Kelly "Marriage for Sale: The Mail-Order Bride Industry and the Changing Value of Marriage." 5 *J. Gender Race & Just.* 175-195 (2001). St. Thomas

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Larry R. Spain "The Elimination Of Marital Fault In Awarding Spousal Support: The Minnesota Experience." 28 *Wm. Mitchell L. Rev.* 861-872 (2001). Texas Tech.

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Karen Syma Czapanskiy "Musing about community, Or Why Is It Better To Be An American Grandparent Than A Cuban Father?" 102 W. Va. L. Rev. 729-733 (2000). Maryland.

John S. Elson "The Governmental Maintenance Of The Privileges Of Legal Academia: A Case Study In Classic Rent-Seeking And A Challenge To Our Democratic Ideology." 15 St. John's J. Legal Comment. 269-294 (2001). Northwestern.

Larry Spain and Kristine Paronica "Considerations For Mediation And Alternative Dispute Resolution." 77 N.D. L. Rev. 391-417 (2001). Texas Tech.

Susan D. Carle "Race, Class, And Legal Ethics In The Early NAACP (1910-1920)." 20 Law & Hist. Rev. 97-146 (2002). AU

Susan D. Carle "Elite Privilege And Public Interest Lawyering." 20 Law & Hist. Rev. 153-155 (2002). AU

Susan R. Jones Editor's Note "Rebuilding Community In The Aftermath Of September 11." 11-WTRJ. Affordable Housing & Community Dev. L. 117 Journal Of Affordable Housing and Community Development Law Winter, 2002 GW

Lynn E. Cunningham "The Reading Room...And The Poor Get Poorer." 11-WTRJ. Affordable Housing & Community Dev. L. 159 Journal Of Affordable Housing And Community

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James Herbie DiFonzo "Toward A Unified Field Theory Of The Family: The American Law Institute's Principles Of The Law Of Family Dissolution." BYU L. Rev. 923-959 (2001). Hofstra

Anthony V. Alfieri "Teaching The Law Of Race." 89 Cal. L. Rev. 1605-1624 (2001).Miami.

Professor David R. Katner, Director of the Tulane Juvenile Law Clinic and Felix Dreyfous Teaching Fellow in Juvenile Law recently published *A Defense Perspective of Treatment Programs for Juvenile Sex Offenders* in West's Criminal Law Bulletin, July-August 2001 and co-authored chapter 14, Legal Issues, in *Recognition of Child Abuse for the Mandated Reporter*, 3rd Edition (2002) (GW Medical Publishing Inc.); principal author, National Association of Counsel for Children: *Recommendations and Standards of Practice for the Legal Representation of Children in Abuse and Neglect Cases*.

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Rochelle E. Lento "11<sup>th</sup> Annual Affordable Housing Conference Scheduled For Next May." 11 J. Affordable Housing & Commun. Dev. L. 103-104 (2002). Michigan



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- Rose Voyvodic "Considerable Promise and Troublesome Aspects': Theory and Methodology of Clinical Legal Education." 20 Windsor Yearbook of Access to Justice 111. (2002).
- Robert J. Dieter. Restitution in Criminal Cases. 30 Colorado Lawyer 125 (October 2001). Colorado.
- Michele R. Pistone and Philip G. Schrag, The New Asylum Rule: Improved But Still Unfair, 16 Geo. Immigr. L.J. 1 (2001). Villanova, Georgetown.
- Jacqueline Nolan-Haley (Fordham Law School): Alternative Dispute Resolution in a Nutshell, 2nd edition, West Group (2001);  
Introduction: Lawyers' Ethics in ADR, Symposium: ADR and the Professional Responsibility of Lawyers, 28 Ford. Urb. L. J. 891 (2001).
- Laura Berend (San Diego) and Jean Montoya (San Diego) have written a book, *Criminal Litigation in Action* (NITA, ISBN 1-55681-687-1). The book contains simulation exercises and a law library of statutes, jury instructions, and court rules students will need to complete the exercises. There is a teaching manual and a CD-ROM (with student assignments and exhibits) that accompany the book.
- Hugh M. Lee, "Oasis or Mirage? Does Bush v. Gore's Promise of Due Process in Federal Presidential Elections Create a Right Without a Remedy?" 13 Stan. L. & Pol'y Rev. 53 (Winter 2002)
- Hugh M. Lee, "An Analysis of State and Federal Remedies for Election Fraud, Learning from Florida's Presidential Election Debacle," 63 U. Pitt. Law. Rev. 159 (Fall 2001)
- Fran Catania (Widener),"Learning from the Process of Decision: The Parenting Plan" 2001 BYU L.Rev. 857 - A symposium issue on the ALI Principles of Family Dissolution.



Christine N. Cimini, *Welfare Entitlements in the Era of Devolution*, 9 *Geo. J. on Poverty L. & Pol'y* 89 (2002). Denver.

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## FEATURE ARTICLES

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### **CLEA's Draft Position Concerning Proposed Standard 306 and Proposed Changes to Standards 304 and 305**

By Peter A. Joy (Washington University in St. Louis), CLEA President

As the Section Newsletter goes to the press, the Clinical Legal Education Association (CLEA) is in the process of finalizing its position on the American Bar Association (ABA) proposals concerning Accreditation Standard 306 (a new standard dealing with distance education), and proposed changes to Standards 304 and 305, dealing with course credit and study outside the classroom. The following is a summary of CLEA's proposed testimony to the ABA Standard Review Committee as well as proposed language for the Standards. You will be able to access the final version of the CLEA testimony and proposed changes to the Standards on the CLEA home page, <http://clinic.law.cuny.edu/clea/clea.html>. As this goes to press, CLEA is still in the process of obtaining comments from CLEA members through the listserves for clinical and externship faculty.

CLEA's primary concern is that the proposed changes to Standards 304 and 305 do

not relegate clinical courses to a second class status compared to classroom and distance education courses. CLEA is also asking the Standards Review Committee to apply the same rationale adopted for distance education to externship or field placement courses so that externships meeting requirements similar to those for synchronous distance learning are treated the same as classroom courses and synchronous distance learning courses. CLEA believes that only those externships or field placements that do not contain a classroom component and the opportunity for students to meet with faculty and other students outside of class should be treated differently.

#### Proposed Standard 306

CLEA is neither supports nor opposes proposed Standard 306, though CLEA notes the proposed Standard 306 permits a "resident student" to take his or her entire three years of law school through "synchronous distance education" as long as 1) the student has video access to instructors during class, 2) the classes are interactive, and 3) the classes provide "satisfactory opportunities to interact with the professor and each other outside of class." In effect, the ABA is elevating "synchronous distance education" to the status of "classroom courses."

Law schools are still relatively inexperienced with distance learning, and CLEA believes that the ABA should be vigilant for possible abuses or violations of proposed Standard 306. CLEA also believes that the Standards Review Committee should revisit proposed Standard 306 in the future and consider whether Standard 306 adequately guarantees that distance learning is a useful teaching methodology for preparing students for the practice of law.

Although CLEA has reservations about proposed Standard 306, CLEA is not opposing Standard 306 because CLEA believes that Standard 306 reflects a useful model for



considering teaching methodologies that depart from the traditional classroom. By focusing on the elements of what comprise a sound educational experience for law students, the approach in Standard 306 should serve as a model for other Standards that address teaching methodologies.

#### Proposed Changes to Standards 304 and 305

CLEA opposes the insertion of the word “classroom” in Standard 304. As currently written, Standard 304 acknowledges that modern law school instruction includes a variety of teaching methodologies, such as clinical teaching, professional skills instruction, and legal writing. In clinical courses, the “classroom” is often in the courtroom where students represent clients under the supervision of faculty or supervising attorneys, in the clinic law office or externship placement where students meet with supervising faculty or attorneys and other law students to discuss client representation issues and receive instructional feedback, and other locations where law students interact with each other and faculty to discuss clinical course subject matter. In professional skills courses, law school instruction often takes place in non-classroom settings such as trial and moot court rooms and interview rooms where students are not engaged in traditional “classroom” instruction but rather hands-on simulations where they put theory into practice. CLEA firmly believes that inserting the word “classroom” in Standard 304 will cause confusion at law schools and will unnecessarily elevate a particular type of law school instruction over other teaching methodologies.

CLEA believes that the ABA can play a constructive role in introducing areas of law or types of instruction into legal education that otherwise have been overlooked or underutilized by most law schools. CLEA believes that the ABA’s proposed Standard 306 reflects such an attempt. The rationale behind Standard 306, which places no limits on synchronous distance

learning, applies equally to other forms of legal instruction and learning. It is a rationale that looks at the features necessary to insure a quality learning experience, and then equates the method of learning with traditional classroom instruction. In order to be consistent with this rationale, the ABA should adopt this approach to external clinical programs as described in Standard 305. In other words, externships or field placements that meet the requirements similar to those for synchronous distance learning should be treated the same as classroom courses and synchronous distance learning. Only those externships or field placements that do not contain a classroom component and the opportunity for students to meet with faculty and other students outside of class should be treated differently.

In order for the ABA to be consistent in its approach in dealing with the variety of methodologies for law teaching, the standards should focus on the criteria for creating a good learning environment. CLEA believes that the following language is one such approach for achieving this goal, and CLEA urges the Standards Review Committee to adopt these or similar changes. The ~~strikeout~~ and underlined portions reflect those changes proposed by the Standards Review Committee, and the CLEA language changes that depart from those originally proposed by the Standards Review Committee are in italics.

#### Standard 304. COURSE AND RESIDENCE CREDIT.

(a) An academic year shall consist of not fewer than 130 days on which classes are regularly scheduled in the law school, extending into not fewer than eight calendar months. Time for reading periods, examinations, or other activities may not be counted for this purpose.

(b) A law school shall require, as a condition for graduation, successful completion of a course of study in residence of not fewer than 56,000



minutes of *classroom* instruction time, ~~including external study meeting the requirements of Standard 305~~; except as otherwise provided. At least 45,000 of these minutes shall be by attendance in regularly scheduled class sessions, *in clinical courses, or in field placement courses provided they meet the requirements enumerated in Standard 305* at the law school conferring the degree, or, in the case of a student receiving credit for studies at another law school, at the law school at which credit was earned. Law schools may, however, allow credit for distance education as provided in Standard 306.

[No other changes to Standard 304 that differ from those proposed by Standards Review.]

#### Standard 305. STUDY OUTSIDE THE CLASSROOM.

(a) A law school may ~~offer~~ grant credit toward the J.D. degree for courses or a program that permits or requires student participation in studies or activities away from or outside the law school or in a format that does not involve attendance at regularly scheduled class sessions.

~~(b) Not fewer than 45,000 minutes of total time credited toward satisfying the "in residence" and "class hours" requirements of the Standards shall be in attendance in regularly scheduled class sessions at the law school conferring the degree, or, in the case of a student receiving credit for studies at another law school, at the law school at which the credit was earned.~~

(bc) Residence and class hour credit granted shall be commensurate with the time and effort expended by and the quality of the educational experience of the student.

(cd) Each student's academic achievement shall be evaluated by a faculty member. For purposes of Standard 305 and its Interpretations, the term "faculty member" means a member of the full-time, part-time or adjunct faculty. When appropriate a school may use faculty members from other law schools to supervise or assist in

the supervision or review of a field placement program.

(de) The studies or activities shall be approved in advance and periodically reviewed following the school's established procedures for approval of the curriculum.

(ef) A field placement program shall be approved and periodically reviewed utilizing the following factors;

(1) the stated goals and methods of the program;

(2) the quality of the student's educational experience in light of the academic credit awarded;

(3) the adequacy of instructional resources, including whether the faculty members teaching in and supervising the program devote the requisite time and attention to satisfy program goals and are sufficiently available to students;

(4) any classroom or tutorial component;

(5) any prerequisites for student participation;

(6) the number of students participating;

(7) the evaluation of student academic achievement;

(8) the qualifications and training of field instructors;

(9) the evaluation of field instructors;

(10) the visits to field placements or other comparable communication among faculty, students and field instructors.

(fg) Additional requirements shall apply to field placement programs:

(1) A student may not participate before successful completion of at least *28 credits toward the J.D. degree one academic year of study*.

(2) Established and regularized communication shall occur among the faculty member, the student, and the field placement supervisor. The field placement supervisor should participate with the faculty member in the evaluation of a student's scholastic achievement.

(3) Periodic on-site visits by a faculty member are preferred. If the field placement program



awards academic credit of more than six credits per academic term, an on-site visit by a faculty member is required each academic term the program is offered.

(4) A contemporaneous classroom or tutorial component taught by a faculty member is preferred. If the field placement program awards academic credit of more than six credits per semester, the classroom or tutorial component taught by a faculty member is required; if the classroom or tutorial component is not contemporaneous, the law school shall demonstrate the educational adequacy of its alternative (which could be a pre- or post-field placement classroom component or tutorial).

(g) Credit for a field placement for resident law students may be awarded and may count toward the 45,000 minutes of instruction required by Standard 304(b) if it:

(1) provides access to the instructor during class sessions;

(2) is interactive;

(3) provides satisfactory opportunities for students to interact with the professor and each other outside of class sessions; and

(4) if there are field supervisors, the faculty member responsible for the course is in close contact with and aware of how field supervisors interact with students.

Below is the text of a letter sent to the Standards Review Committee by CLEA:

The following testimony is submitted by the Clinical Legal Education Association (CLEA). These comments pertain to proposed Standard 306 and proposed changes to Standards 301, 304, and 305. CLEA was formed in 1992 to represent the concerns of clinical legal educators with regard to development of their own professional expertise, the role of clinical legal education within law schools, and furthering the mission of law schools to prepare law students for the practice of law. The

organization has over 700 members who are deeply committed to the organizational goals.

#### **SUMMARY OF CLEA's CONCERNS**

CLEA submits testimony both because its membership is committed to quality legal education and because some of the proposed changes run counter to this goal and are contradictory. By proposing to require "classroom" instruction in Standard 304, the Standards Review Committee is explicitly limiting all other out-of-classroom courses to the 11,000 minute limit which heretofore was commonly understood to apply only to externships in Standard 305. Proposed Interpretation 305-5 also makes it clear that the 11,000 minute limit would now apply not only to externships but also to "independent study," "co-curricular activities (e.g., law review, moot court)," and all classroom and non-classroom based courses "outside of the law school. These changes will limit rather than encourage law students to participate in a variety of their law schools' educational programs, which is the goal of the proposed addition of section "c" to Standard 301.

The practical effect of the changes to Standard 304 and the Proposed Interpretation 305-5 is to combine several different types of educational experiences under the same 11,000 minute limit currently applied only to externships. This will have a major effect on law schools offering "semester in practice" programs, and will lead students participating in such programs to forgo participating in co-curricular activities such as law review or moot court, supervised research, independent study, or courses outside of the law school in graduate schools which have been approved by their law schools. In the alternative, students may not avail themselves of semester in practice programs because to do so will foreclose them from participating in co-curricular activities, doing



independent study with full-time law faculty, or taking other courses that are not law school classroom courses. As a result, law students will not be able to experience and be seeped in the full range of law school courses and educational programs.

CLEA also believes that the proposal to insert the word "classroom" in Standard 304 will generate confusion among law schools. As currently written, Standard 304 acknowledges that modern law school instruction includes a variety of teaching methodologies, such as clinical teaching, professional skills instruction, and legal writing. In clinical courses, the "classroom" is often in the courtroom where students represent clients under the supervision of faculty or supervising attorneys, in the clinic law office or externship placement where students meet with supervising faculty or attorneys and other law students to discuss client representation issues and receive instructional feedback, and other locations where law students interact with each other and faculty to discuss clinical course subject matter. In professional skills courses, law school instruction often takes place in non-classroom settings such as trial and moot court rooms and interview rooms where students are not engaged in traditional "classroom" instruction but rather hands-on simulations where they put theory into practice.

The materials accompanying the proposed changes do not indicate the reason or reasons for combining such a broad range of varied educational activities together under the 11,000 minute rule, or the reason for inserting "classroom" in Standard 304. Without such supporting documents or explanation, it is impossible to understand what the underlying rationale is for such changes which appear to deny law school deans and faculty the ability to make a wide variety of courses and educational

experiences available to all law students.

## DETAILED COMMENTS

The following section details CLEA's comments on proposed Standard 306, and proposed changes to Standards 301, 304, and 305. CLEA's proposals for revising the language in Sections 304 and 305 appear at the end these comments.

### Proposed Standard 306 on Distance Learning

CLEA neither supports nor opposes Standard 306, though CLEA notes the following concerns regarding the present language of the proposed standard. As currently written, Standard 306 permits a "resident student" to take his or her entire three years of law school through "synchronous distance education" as long as 1) the student has video access to instructors during class, 2) the classes are interactive, and 3) the classes provide "satisfactory opportunities to interact with the professor and each other outside of class." In elevating "synchronous distance education" to the status of "classroom courses," the ABA appears to be stating that distance education is as effective as traditional legal education.

CLEA notes that several recent studies and legal educators suggest that distance education is not as effective as classroom courses for most students when it comes to subjects that require analytical thinking and problem solving, the two lawyering skills taught in most law school courses. For example, a study at Michigan State University found that students who took an economics course online did not perform as well as students who took the same course in a traditional classroom even though the students in the online course had more college experience and higher ACT scores. Even Peter Martin's Memorandum to the



Consultant on Legal Education,<sup>1</sup> Dean John Sebert, notes some of the limitations of distance learning. Professor Martin's study indicates that distance learning compares favorably with classroom courses only when limited to courses that are "content-defined and focused on a statutory domain, and with students already well grounded in the study of law[.]"<sup>2</sup>

As it is currently written, Standard 306 is not restricted to such "content-defined and focused on statutory domain" courses. The plain language of Standard 306 sets no limit on the type or number of courses a law school may offer or student may take using synchronous distance learning. Thus, a law student could take all First Year courses via the internet at an ABA approved school if Standard 306 were adopted as written. CLEA questions the wisdom of the ABA rushing to approve such a sweeping change, and wonders if there is an educationally sound basis to do so at this time.

Law schools are still relatively inexperienced with distance learning, and CLEA

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<sup>1</sup>Dan Carnevale, *Online Students Don't Fare as Well as Classroom Counterparts, Study Finds*, CHRON. OF HIGHER EDUC., Mar. 15, 2002, at 38. In addition, many legal educators share Associate Dean Peter Winograd's view that online learning "is best left to small, upper-level courses," and that it cannot "replace what goes on in the classroom." Carlyn Kolker, *Legal Business*, LEGAL TIMES, Sept. 10, 2001. There are also concerns that school sinking into distance learning "will provide fewer traditional courses" and students will be forced to take online courses even when they prefer "the interaction in a physical classroom." Dan Kane, *Distance Learning Comes of Age*, NEWS & OBSERVER, Oct. 4, 2001, at A1.

<sup>2</sup>*A Report on the LII's Two Multi-Law School Courses Conducted via the Internet in 2000-2001*, Memorandum from Peter W. Martin, Legal Information Institute, Cornell Law School, to John Sebert, ABA Consultant on Legal Education, at <http://www.abanet.org/legaled/standards/proposed.html>.

believes that the ABA should be vigilant for possible abuses or violations of proposed Standard 306. CLEA also believes that the Standards Review Committee should revisit proposed Standard 306 in the future and consider whether Standard 306 adequately guarantees that distance learning is a useful teaching methodology for preparing students for the practice of law.

Although CLEA has reservations about proposed Standard 306, CLEA is not opposing Standard 306 because CLEA believes that Standard 306 reflects a useful model for considering teaching methodologies that depart from the traditional classroom. By focusing on the elements of what comprise a sound educational experience for law students, the approach in Standard 306 should serve as a model for other Standards that address teaching methodologies.

#### Proposed Changes to Standard 301

CLEA fully supports the policy and intent behind the changes to Standard 301. The new section "c" in Standard 301 is an important improvement by requiring law schools to take steps to make all of its educational programs, co-curricular programs, and educational benefits available to all students. CLEA believes, however, that the language in Proposed Interpretation 301-2 should provide more definite guidance to law schools and persons participating in accreditation activities to allow them to monitor compliance with Standard 301(c).

Interpretation 301-2 states that students must have "the realistic opportunity to benefit from regular interaction with full-time faculty and other students" and from co-curricular programs and special events. How does one measure a "realistic opportunity"? For example,



does this mean that every student who wishes to interact with full-time faculty must have the opportunity to do so? Does this mean that every student who meets the eligibility requirements for co-curricular activities should be able to participate? If not, then is there a particular percentage or some other measure in mind to assist law schools and the ABA Accreditation Committee in measuring what constitutes a “realistic opportunity”? CLEA believes that without clearer language both law schools and the ABA Accreditation Committee will not be able to monitor compliance, and that there will be uneven adherence and enforcement of Standard 301 in the future. CLEA urges the Standards Review Committee to modify the language of Interpretation 301-2 to provide clearer and more definite guidance to law schools.

CLEA supports proposed Interpretation 301-3. Law students attending law school on a part-time basis, in a week-end enrollment program, or in the future through a distance learning enrollment or scheduling option should be able to participate in all of a law school’s educational programs on a roughly proportional basis. CLEA is concerned, however, that the proposed changes to Standards 304 and Interpretation 305-5 contradict this goal. For example, students participating in a full range of co-curricular activities and courses outside of the traditional classroom courses will be precluded from semester in practice scheduling option unless the law school requires more than the minimum 80 semester hours of credit or reduce the number of credits awarded for semester in practice programs.

#### Proposed Changes to Standards 304, and 305

CLEA opposes the insertion of the word “classroom” in Standard 304. As currently written, Standard 304 acknowledges that modern

law school instruction includes a variety of teaching methodologies, such as clinical teaching, professional skills instruction, and legal writing. In clinical courses, the “classroom” is often in the courtroom where students represent clients under the supervision of faculty or supervising attorneys, in the clinic law office or externship placement where students meet with supervising faculty or attorneys and other law students to discuss client representation issues and receive instructional feedback, and other locations where law students interact with each other and faculty to discuss clinical course subject matter. In professional skills courses, law school instruction often takes place in non-classroom settings such as trial and moot court rooms and interview rooms where students are not engaged in traditional “classroom” instruction but rather hands-on simulations where they put theory into practice. CLEA firmly believes that inserting the word “classroom” in Standard 304 will cause confusion at law schools and will unnecessarily elevate a particular type of law school instruction over other teaching methodologies.

CLEA believes that the ABA can play a constructive role in introducing areas of law or types of instruction into legal education that otherwise have been overlooked or underutilized by most law schools. CLEA believes that the ABA’s proposed Standard 306 reflects such an attempt. The rationale behind Standard 306, which places no limits on synchronous distance learning, applies equally to other forms of legal instruction and learning. It is a rationale that looks at the features necessary to insure a quality learning experience, and then equates the method of learning with traditional classroom instruction. In order to be consistent with this rationale, the ABA should adopt this approach to external clinical programs as described in Standard 305. In other words, externships or field placements that meet the requirements



similar to those for synchronous distance learning should be treated the same as classroom courses and synchronous distance learning. Only those externships or field placements that do not contain a classroom component and the opportunity for students to meet with faculty and other students outside of class should be treated differently.

In order for the ABA to be consistent in its approach in dealing with the variety of methodologies for law teaching, the standards should focus on the criteria for creating a good learning environment. CLEA believes that the following language is one such approach for achieving this goal, and CLEA urges the Standards Review Committee to adopt these or similar changes. The ~~strikeout and underlined~~ portions reflect those changes proposed by the Standards Review Committee, and the CLEA language changes that depart from those originally proposed by the Standards Review Committee are in italics.

#### Standard 304. COURSE AND RESIDENCE CREDIT.

(a) An academic year shall consist of not fewer than 130 days on which classes are regularly scheduled in the law school, extending into not fewer than eight calendar months. Time for reading periods, examinations, or other activities may not be counted for this purpose.

(b) A law school shall require, as a condition for graduation, successful completion of a course of study in residence of not fewer than 56,000 minutes of ~~classroom~~ instruction time, ~~including external study meeting the requirements of Standard 305; except as otherwise provided.~~ At least 45,000 of these minutes shall be by attendance in regularly scheduled class sessions, in clinical courses, or in field placement courses provided they meet the requirements enumerated

in Standard 305 at the law school conferring the degree, or, in the case of a student receiving credit for studies at another law school, at the law school at which credit was earned. Law schools may, however, allow credit for distance education as provided in Standard 306.

[No other changes to Standard 304 that differ from those proposed by Standards Review.]

#### Standard 305. STUDY OUTSIDE THE CLASSROOM.

(a) A law school may offer grant credit toward the J.D. degree for courses or a program that permits or requires student participation in studies or activities away from or outside the law school or in a format that does not involve attendance at regularly scheduled class sessions.

(b) ~~Not fewer than 45,000 minutes of total time credited toward satisfying the "in residence" and "class hours" requirements of the Standards shall be in attendance in regularly scheduled class sessions at the law school conferring the degree, or, in the case of a student receiving credit for studies at another law school, at the law school at which the credit was earned.~~

(~~b~~c) Residence and class hour credit granted shall be commensurate with the time and effort expended by and the quality of the educational experience of the student.

(~~c~~d) Each student's academic achievement shall be evaluated by a faculty member. For purposes of Standard 305 and its Interpretations, the term "faculty member" means a member of the full-time, part-time or adjunct faculty. When appropriate a school may use faculty members from other law schools to supervise or assist in the supervision or review of a field placement program.

(~~d~~e) The studies or activities shall be approved in advance and periodically reviewed following



the school's established procedures for approval of the curriculum.

(ef) A field placement program shall be approved and periodically reviewed utilizing the following factors;

- (1) the stated goals and methods of the program;
- (2) the quality of the student's educational experience in light of the academic credit awarded;
- (3) the adequacy of instructional resources, including whether the faculty members teaching in and supervising the program devote the requisite time and attention to satisfy program goals and are sufficiently available to students;
- (4) any classroom or tutorial component;
- (5) any prerequisites for student participation;
- (6) the number of students participating;
- (7) the evaluation of student academic achievement;
- (8) the qualifications and training of field instructors;
- (9) the evaluation of field instructors;
- (10) the visits to field placements or other comparable communication among faculty, students and field instructors.

(fg) Additional requirements shall apply to field placement programs:

- (1) A student may not participate before successful completion of at least 28 credits toward the J.D. degree ~~one academic year of study~~.
- (2) Established and regularized communication shall occur among the faculty member, the student, and the field placement supervisor. The field placement supervisor should participate with the faculty member in the evaluation of a student's scholastic achievement.
- (3) Periodic on-site visits by a faculty member are preferred. If the field placement program awards academic credit of more than six credits per academic term, an on-site visit by a faculty member is required each academic term the program is offered.

(4) A contemporaneous classroom or tutorial component taught by a faculty member is preferred. If the field placement program awards academic credit of more than six credits per semester, the classroom or tutorial component taught by a faculty member is required; if the classroom or tutorial component is not contemporaneous, the law school shall demonstrate the educational adequacy of its alternative (which could be a pre- or post-field placement classroom component or tutorial).

(g) Credit for a field placement for resident law students may count toward the 45,000 minutes of instruction required by Standard 304(b) if it:

(1) provides access to the instructor during class sessions;

(2) is interactive;

(3) provides satisfactory opportunities for students to interact with the professor and each other outside of class sessions; and

(4) if there are field supervisors, the faculty member responsible for the course is in close contact with and aware of how field supervisors interact with students.

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### **Pace Law School Receives the PSLawNet Pro Bono Publico Award for its Contribution to the World Trade Center Relief Effort**

On October 25<sup>th</sup>, Pace Law School was presented with the Seventh Annual PSLawNet Pro Bono Publico Award during the National Association for Public Interest Law Conference at Georgetown University Law Center in Washington, DC. Pace Law School received this honor in recognition of the outstanding contribution of its faculty and students to the emergency relief effort in New York City after the September 11, 2001 tragedy. Jennifer



Corcoran and Michael Vatter, two Pace second-year law students, who were pivotal in organizing and managing this program, along with Associate Dean for Clinical Education and Professor of Law Vanessa Merton, accepted the award for their work in the Pace Law Disaster Legal Assistance Initiative.

Pace was lauded for its commitment to the public interest in planning and executing a program that provided much needed legal assistance to the surviving victims of the terrorist attacks. The Initiative helped those affected by the World Trade Center disaster to identify their legal needs and secure appropriate and timely legal representation.

Over 200 Pace Law School students, working in three-hour shifts at a Federal Emergency Management Agency (FEMA) office a few blocks from Ground Zero, interviewed and triaged the legal needs of the multitude of people seeking every kind of assistance from FEMA. Once various legal needs were identified and assessed, the law students transmitted the relevant information to the New York State Bar Association World Trade Center Disaster Assistance Committee, which connected the victims with pro bono counsel with expertise in the relevant fields of practice. Students with various language competencies, including Spanish, Russian, Cantonese, and Korean, made a particularly valuable contribution.

All participating students underwent a two-hour training program to prepare them for the work. Five faculty members volunteered to supervise the students on site, in addition to their regular duties at the Law School. Pace University counseling services, and psychiatrists from the Albert Einstein College of Medicine Residency in Forensic Psychiatry, which is affiliated with the Law School's John Jay Legal Services (JJLS) clinical program, were made available to

help the law students cope with their own emotional responses to the victims. Assistance with immigration issues was provided by Robert Cisneros, Director of the Hudson Valley Poverty Law Center of the Greater Upstate Law Project, which is located at the JJLS office at Pace.

"This honor means so much to all the participating students. We are very proud that this large number of students, almost all of whom must work part-time and many of whom are evening division students who had to take time off from their regular jobs, chose to spend a significant chunk of time preparing for and then performing this task," said Vanessa Merton, Professor of Law and Associate Dean for Clinical Education at Pace Law School. "I hope and believe that these Pace students have internalized and will maintain a genuine commitment to making pro bono an integral part of their professional lives."

Associate Dean for Clinical Education and Professor of Law at Pace Law School Vanessa Merton has been or will be honored with five different national/state public interest practice awards for creating a disaster relief program to assist victims of the 9/11 terrorist attacks and for her unwavering dedication to public service. In addition to these awards, the Westchester County Board of Legislators proclaimed March 7th "Vanessa Merton Day" in recognition of her work in developing these public service programs.

Pace Law Students, under the supervision of Dean Merton, organized in a couple of weeks the Pace Law School 9/11 Disaster Relief Program. More than 200 Pace Law School students volunteered to help victims of the 9/11 attacks obtain much needed legal assistance in areas ranging from landlord-tenant and unemployment benefits to the



reformation of contracts and negotiation with insurance companies. For this outstanding example of public service, Pace Law School was presented with the Seventh Annual PSLawNet Pro Bono Publico Award of the National Association for Public Interest Law.

Subsequently, in a ceremony attended by representatives of the New York State Attorney General and the New York State Bar Association Project on the Public Interest, Pace Law School Dean David Cohen designated Dean Merton the first recipient of the newly named "Vanessa Merton Pro Bono Award for Excellence in Service to the Public Interest". The award will be presented annually to a Pace Law student, faculty member, staff member or alumnus/alumna who makes an extraordinary contribution to public service or the public interest.

"This year, Dean Merton has received an unprecedented number of awards for her professional and community service. Her dedication and resourcefulness in the pursuit of justice for the unrepresented make her an exemplary role model for our students, faculty, and alumni/ae," said David Cohen, Dean of Pace Law School. "The Law School is proud to honor her by naming the Law School's newly established annual Pro Bono award for her."

This has been a banner year of celebration of the public interest orientation demonstrated by Pace Law students under Dean Merton's leadership and supervision.

January 3, 2002, New Orleans: The Father Robert Drinan Award of the Association of

American Law Schools Section on Pro Bono & Public Service Opportunities. Dean Merton was selected for this prestigious award by a national gathering of Pro Bono Legal Services Coordinators and Program Directors from law schools all over the United States and Canada. The award is named for the great Jesuit advocate for social justice and human rights, also a prolific scholar, courageous Congressman, and Dean of Boston College Law School. This award is intended for those members of the legal community, whether or not affiliated with a law school, who significantly advance and promote an ethic of pro bono and public service through program design and management.

March 7, 2002, White Plains, New York: At the annual dinner of the Pace Public Interest Law Students Organization (PILSO), on the unanimous recommendation of the PILSO Board, Dean Merton received the PILSO Lifetime Achievement Award, honoring her commitment to public service as an educator, lawyer, and community activist.

April 12, 2002, Kansas City, Missouri: Mark of Distinction Award of the National Association of Law Placement (NALP). NALP is an organization of several thousand career development professionals from U. S. and Canadian law schools and hiring and recruitment partners from large and mid-size law firms and public agencies. At its 2002 Business Meeting, Dean Merton received this award for recognizing the need for and creating a mechanism by which legal services were provided to New Yorkers harmed by the terrorist attacks of 9/11. Dean Merton, Pace Law School, and the



9/11 Disaster Legal Assistance Program were described as a source of inspiration for law students who, whether their eventual careers are in the private or the public sector, want to make access to justice available to all.

May 1, 2002, Albany, New York: New York State Bar Association President's Pro Bono Award for the Ninth Judicial District. This award will be presented to Dean Merton during the traditional Law Day ceremonial luncheon at New York's highest court, the Court of Appeals. The President's Pro Bono Service Awards were created more than ten years ago to honor law firms, law students and individual attorneys from each judicial district who have provided outstanding pro bono civil legal services to low income people in their communities. "These lawyers uphold the highest traditions of our profession and respond to the noblest of our ethical precepts by helping to assure that the poor have access to justice." New York State Bar Association Pro Bono Affairs Website.

Dean Merton has been a member of the faculty and administration of Pace University School of Law since 1989, when she was recruited from the City University of New York School of Law, where she had been a member of the founding faculty and the first Director of Clinical Education. Before teaching at CUNY, Dean Merton taught in the legal clinic of her alma mater, New York University School of Law.

## **Humanizing Legal Education**

Larry Krieger reports a major conference August 8,9, and 10, in Austin cosponsored by the Texas Bar Association. The program includes researchers and teachers who focus on the effects of legal education on law students and the practicing bar; student panelists and student commentators will also be featured. Clinicians are welcome and encouraged to attend: Larry reports that there is a natural "fit" between clinical education, the theory and research to be presented at the conference, and the well-being of law students and the profession. Purposes of the conference include the integration of scientific research and teaching methodology to understand (and prevent) the malaise of law students and lawyers, and the generation of direction and momentum for improving these aspects of legal education. For information, contact the conference coordinator, Bob Shuwerk, U. of Houston Law Center ([rshuwerk@central.uh.edu](mailto:rshuwerk@central.uh.edu)). Conference fees are reasonable and are further reduced for student attendees.

Larry also reports related articles forthcoming in law reviews and a psychology journal, in part reporting findings of loss of well-being, personal values and pro-social motivation among new law students. These articles seek to explain the negative impact of "the law" on students and lawyers, by referring to the components of happiness and life satisfaction demonstrated by a new field of psychological research, and to suggest ameliorative directions for law school teaching.



Many clinicians are actively involved in the conference and related activities. Those interested are encouraged to subscribe to a dedicated list serve which discusses these issues. (Send an empty email to: [lega-led-subscribe@mail.law.fsu.edu](mailto:lega-led-subscribe@mail.law.fsu.edu) You should receive a confirming response.) More details of the conference, research, and an interchange among law teachers are found on the list serve.

### **MAKING A DIFFERENCE**

By Tiffany Buxton, 3L, and Louise McKinney and Kathy Hessler, professors

This year in the Civil Clinic students performed significant traditional litigation related work, representing clients in federal and state courts, and in administrative hearings. Students had the opportunity to write motions, conduct client interviews, conduct and defend depositions and negotiate with opposing counsel. However, what they will remember most is the opportunity they had to have an impact on the community, an impact that goes beyond the provision of basic legal services. The Civil Clinic students chose to do a community project, in addition to their continuing case responsibilities, and they jointly decided what that project would be.

The students designed a project around a problem that was represented in each of their caseloads—consumer fraud. In Cleveland, and around the country, elderly women who own their homes have become targets for contractors and loan providers who offer them money to repair their homes, get all the money up front, and then provide faulty services or no work at all. This can leave clients not only in need of more repairs but also in danger of losing their home when they are unable to make the large mortgage payments.

In response, the students of the civil clinic

designed a "how to" pamphlet entitled "Don't Lose Your Home: Avoiding Home Repair Scams and Predatory Lending." The booklet covers the various problems that have been seen by their clients and gives step-by-step instructions to those seeking a reputable contractor. The pamphlet will be distributed through Cleveland's community centers. The project not only will help those outside of the clinic as a prevention method but it also allowed the students to seek and incorporate advice from their clients within the pamphlet itself.

Through their project work the Civil Clinic students further developed their lawyering skills and have to a more personal understanding of the profession's core values of public service and competence. In the process they have made an important contribution to the Cleveland community. The pamphlet will also serve to educate the administration, students, faculty, and alumni of the school regarding the type of work being done in the clinic.

### ***Calling All Line Erasers!***

***Calvin Pang***

Inspired by an ALWD conference last summer entitled, "Erasing Lines," I have set out to redesign my doctrinal family law course to seamlessly integrate skills and doctrinal teaching. This is a work in progress which poses a number of issues including how to fit everything into a thirteen week course, choosing the skills to teach, how to transition from "skills" talk to "doctrinal" talk and back, and developing appropriate course materials.

Many of us entertain the vision of a law school that meshes rather than divide skills and doctrinal teaching, and I know some have already achieved varying degrees of integration.

Our colleague Alex Scherr (Georgia) once reminded me that clinical teachers already weave doctrinal teaching into their skills courses, and that what we do in our clinics



should serve as a model for integration. While I agree with Alex, I think *infiltrating skills into a traditionally doctrinal course* has a different dynamic, particularly in its disruption of the dominant culture. Especially intriguing is my own resistance rooted in my allegiances to the dominant culture.

I will be presenting my seed thoughts and a demonstration at the Institute for Law School Teaching's summer conference at the Franklin Pierce Law Center in New Hampshire, June 28-29, 2002. I am not approaching the session as an expert, but as an experimenter. As such, I am looking for help from anyone who has thoughts or experiences on the search for seamlessness and integration. Please contact me at (612) 625-6810 or email me at [pangx004@umn.edu](mailto:pangx004@umn.edu). Aloha.

**The Civil Rights Litigation Clinic at Wayne State University Law School** just completed a trial before Judge Cleland in the U.S. District Court for the E.D. Mich. Our client, Dwayne Hubbard, a disabled prisoner in the Michigan prison system, was transferred to a Virginia facility that failed to accommodate his needs and where he was injured. We sued under the Americans with Disabilities Act (ADA), the Rehabilitation Act (RA), and the 8<sup>th</sup> amendment. We reached trial after two years of fighting off motions to dismiss and for summary judgment on a variety of complex and novel legal issues (exhaustion, 11th amendment immunity, qualified immunity, among others). Three law students tried the case for two days. I'm delighted to announce that last night the jury returned a verdict in our client's favor on all three claims and awarded \$30,400 in compensatory damages (the amount we asked for) and \$76,000 in punitive damages. The students were extraordinary! As one student put it "I look back on my life and cannot remember a moment that I felt prouder to be able to help

another person than I did yesterday at 4:57 p.m. when the verdict was published. Yesterday I learned for the first time in three years what being a lawyer was about. When our client said to me "I don't know what do you think?" (when asked about some strategy during trial) I felt that he had trust in my ability and in my judgment. For the first time I felt like an attorney, not because I was wearing a suit, not because I was making an argument, and not because I was in Federal Court in the middle of a real case, but because someone trusted me to take care of them, trusted my ability and trusted my judgment." There will be post-verdict motions, and certainly an appeal, but for the moment, we feel very proud. "Erica Eisinger"

#### **Alicia Alvarez – My Year in El Salvador**

I spent the 2000-2001 academic year on a Fulbright fellowship in El Salvador. I will try to tell you briefly a bit about my experience. For several years, I had been thinking of applying for a Fulbright in Latin America. I was still thinking when and where I would go and what I might try to do when I saw the announcement. I applied for it, even though I did not think the timing was quite right. I was interested in El Salvador since I had represented three Salvadorans in asylum cases. I visited El Salvador for the first time in 1998, drawn by all I had read about it. Since DePaul University, where I teach, has a cooperation agreement with the University of El Salvador (UES), I requested that I be assigned there. I was supposed to spend 8 months in El Salvador but I extended my fellowship and stayed over 10 months. Since our Fulbright was partly funded by USAID, three of us were assigned to law schools in El Salvador. Betsy Fuller (formerly at Syracuse) was at the Universidad Tecnológica, a large private university in downtown San Salvador, and Margaret O'Donnell (a lawyer from Seattle) was at the Universidad Centroamericana Jose Simeón



Cañas (“UCA”), the Jesuit university where the priests, their housekeeper and her daughter were killed by the military in 1989. I was assigned to UES. I had little opportunity to be in contact with the University before my arrival since I found out about my assignment fairly late.

I had hoped to work on clinical legal education during my year. That was partly what had interested me in the announcement. UES’s proposal to the embassy was that I work on trial advocacy. I asked UES to let me work on clinical legal education issues as well. I was a bit concerned about my request. I felt that perhaps I would not be as effective working in my areas of interest versus areas they identified. In the end, I realized it did not make a difference.

A little background about legal education, the legal system and El Salvador may be helpful. El Salvador adopted new family and procedure codes in 1994 and new criminal and procedure codes in 1998. Under these new codes, trials were to be more adversarial and there would be more oral evidence at trials, following the U.S. model. While training of lawyers and judges in this new system has gone on, none of the law schools in the country were offering a credit-bearing class on trial advocacy. Some schools were teaching some trial skills in the criminal procedure courses. Other law schools were offering classes for their graduates or perhaps a short class for students. The proliferation of universities and law schools in the country during and after the war had led to the Ministry of Education taking more control over curriculum, including the approval of courses taught at law schools. This is a lengthy process. At UES, the only public university in the country, the bureaucracy of the university system makes this a lengthier process.

Since the early 1950's UES has provided

legal services to the community in its “Socorro Jurídico.” Students in Salvadoran universities must work 500 social service hours before they can graduate. The clinic is one way students can earn these hours. The recent justice reforms had eliminated the ability of students to appear in court, even in clinical settings when supervised by a lawyer or professor. Students can only represent clients in labor hearings. At the same time, lawyers must do a certain number of “practical hours” before they can get their license. The law office at UES is not certified to do so.

UES has suffered during and after the war. The University had been closed and/or occupied several times before and during the war. You can still see bullet holes in several places in the University. Many of its faculty members left or were killed during the conflict. Some in government want to punish it for the role it played politically. The damages from the 1986 earthquake have never been fixed. Many of these buildings were further damaged in the 2001 earthquakes. This is just the beginning of the differences between any of the U.S. universities (and even the other Salvadoran universities) and UES. The legislature is finally remedying some of that neglect and the University has received funding to repair many of its buildings.

I spent the first half of my year developing a trial advocacy class, developing materials for that class and teaching the UES professors how to teach such a class. I suggested that they decide who would be teaching that class eventually and that attendance at the class be limited to those people. As of the time I taught the “train the trainers” class, UES had not adopted a trial advocacy class and had not decided who would be teaching once adopted.

In addition, I worked with Betsy Fuller



and Peggy O'Donnell to develop materials that could be used throughout the country (and hopefully beyond). Peggy had taught a trial advocacy class to graduating students at UCA. We used a case she wrote to have the Judicial Training School produce a video of a mock murder trial. We used judges and lawyers (including law professors) to play themselves and students to play the witnesses. A real medical examiner was the expert witness. Peggy, Betsy and I then wrote a critique of the mock trial. The materials are meant to be used together. A professor could use the tape as a sample in class and have students critique the performance of the lawyers. Our teaching guide provides a guideline for the professor. The case could be used in a trial advocacy class and the teaching guide gives professors a sense of what they should be looking for in student performance and what to critique.

During the second half of my time in El Salvador, I worked on clinical education issues. The law school appointed a committee to look at changes to the "Socorro." When I left, the committee had written a report recommending some changes. I felt the proposals needed to be more concrete and far reaching than they ended up being. At the same time, I recognize that I was the outsider conscious of the time limits. I wanted things to happen quickly because I wanted to see results and feel that I had accomplished something during my time there.

My work on the clinical conference that Betsy and I planned in March, 2001, was the most rewarding part of my professional experience. We planned a conference with four panels, each dealing with a different theme. After the panels, we had small group discussions, co-facilitated by a presenter and a Salvadoran law professor. I struggled during much of my time there with the question of whether I was imposing my vision (an U.S.

vision) of clinical and skills education. You can't work in El Salvador, and especially UES, and not feel the differences in resources. How could we get the Salvadorans to think about what education of lawyers using real cases and serving the needs of the population should look like in their country? Instead of making that decision ourselves, we decided to hold a conference and invite clinical professors from other Latin American countries to talk about what clinical education looked like in their countries. Our hope was that this would generate ideas and thinking. How might legal education in El Salvador be improved? To the conference, we invited presenters from Chile, Argentina, Peru, Nicaragua, Puerto Rico and the U.S. All the law schools in El Salvador were invited as were professors from other Central American countries. The result was two days of exchange of ideas and discussion of what they were doing well and could be done better and how obstacles could be overcome. I summarized the discussion in the small groups as well as the panels and distributed these to all the law schools that participated. In addition, we distributed articles and other materials brought by the presenters. The planning of the conference allowed me to see the links beyond my own school and country to a global perspective and struggle. It allowed me to meet people doing this kind of work elsewhere, struggling with similar issues to mine.

On a personal level, I had a wonderful experience. I traveled throughout Central America (though not as much as I should have). I met wonderful people, many with whom I remain in contact and will remain my friends. I lived through two major earthquakes in one month, and over 7,000 after-shocks as of the time I left. I remain impressed by the Salvadoran people, their strength, resolve and resilience. And I continue to question how to remain in solidarity.



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**GARY PALM SUBMITS LETTER TO U.S. D.O.E.**

Below is the text in full, of a letter sent to the U.S. Department of Education by Gary Palm

March 18,2002

Ms. Carol A. Griffiths  
Chief, Accrediting Agency Evaluation  
Accreditation and State Liaison  
U.S. Department of Education  
1990 "K" Street, N.W., Room 7105  
Washington, D.C. 20006-8509

Re: Recognition of the Council of the ABA  
Section of Legal Education and  
Admissions to the Bar

Dear Ms. Griffiths:

The Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association has recently acted in ways that are in direct violation of its own accreditation requirements and in violation of the Department of Education's regulations. The Council continues a pattern through its Executive leadership of acting as it sees fit and favoring those who it finds in favor and refusing to treat others with equal regard. I will first discuss how, contrary to the Council's interim report, the Council violates the criteria for recognition of accrediting agencies relating to Review of Accreditation Standards and Notice and Comment for proposed changes. 34 CFR §602.21.

**I. THE COUNCIL VIOLATES THE NOTICE AND COMMENT REQUIREMENTS IN 34 CFR §602.21 BY SENDING OUT A MISLEADING AND WRONG NOTICE OF PROPOSED CHANGES IN STANDARDS 304 AND 305.**

The Council of the Section on Legal Education and Admissions to the Bar recently sent out misleading notices of proposed major changes to its Accreditation Standards and Interpretations.

The Council's Notice wrongly indicated that the proposed Standards relating to residency requirements were staying the same and were simply being moved. Actually the proposed changes would have made clinical education into an extracurricular activity by not allowing credit for non-classroom activities like supervision conferences with faculty members and participation in internship responsibilities such as trying cases for actual clients in court.

Actually, the changes are very significant. For the first time the Accreditation Standards will require that all residency credits with some exceptions must be in "classroom" instruction. Previously the requirement was that the credits must be in "instruction time" of whatever type—i.e., mock trial practice courses, tutorials in legal writing, individual study, clinical supervision of client interaction, court work and legal research on actual cases. But the Council's Notice did not underline the addition of the word "classroom" as it did all other insertions. Nor did it cross out the significant deletion that previously made it clear that the 11,000 minutes limitation applied only to externships away from the law school but did not include many other courses so that students in the future would take fewer externships. Worse yet, the failure to indicate that under the present standards the 11,000 minutes limitation only applies to externships may again be read to eliminate the non-classroom parts of in-house clinics from residency credit while allowing 11,000 minutes for the same instruction away from the law school. This would be a perverse result and an inappropriate restriction on the autonomy of law schools in curricular matters without any showing that law school operated programs housed at the school are less effective. The Council did not conduct a review of these issues as required by the Department of Education's regulations. Rather the Council proposes these significant changes through a notice that



camouflages the significance of its actions.

Questions as to whether the Council has a hidden agenda for clinical education arise in large part from its explanation of its proposal to amend Standard 304 in the latest edition of the Section's official publication, *The Syllabus*. Rather than explain its rationale for wanting to exclude clinical and other non-classroom instruction from the 56,000 minutes required for graduation, it denies that its proposal would make any substantive change in the 56,000-minute requirement. See *Syllabus*, vol. XXXIII, no. 1, Feb. 2002 at 8. The text of the comments in the Notice states:

"The revision to Standard 304(b) moves to this Standard without other substantive change the proposition in Standard 305(b) that classroom instruction must comprise 45,000 minutes of the 56,000 minutes that Standard 305(b) requires for the JD degree. The Committee believes that both requirements should be stated in the same standard. The rest of revised Standard 304(b) makes it clear that distance education authorized by Standard 306 may count within the 45,000 minutes of classroom instruction and that schools may give credit for credit outside the classroom as authorized by Standard 305. The Committee also recommends the deletion of the current prohibition on giving correspondence study in Standard 304(g) because correspondence study is now thin the definition of distance education in new Standard 306 and the type of study normal envisioned by the concept "correspondence study" would not meet the requirements of that Standard." (Emphasis added)

Again, *Syllabus* readers are further deterred from discovering this proposal to make clinical teaching an extra-curricular activity by failing to identify and underscore the critical insertion of

"classroom" and the deletions. The *Syllabus*, however, neither underlines the addition nor strikes through the deletions that would have the effect of decimating clinical education. Thus, by not underlining "classroom" which the proposal inserts before "instruction" in 304, the *Syllabus* gives no notice that this change would reduce clinical teaching to an extracurricular activity. And, by not striking through the phrase "including external study meeting the requirements in Standard 304," the *Syllabus* fails to give notice that this phrase the Committee wants deleted could be interpreted to except clinical teaching from the 11,000 minute, or 16 credit, maximum that Standard 305 applies to external study programs.

Council's Proposal for Changes in Standard 304 as published in *The Syllabus*:

"(b) A law school shall require, as a condition for graduation, successful completion of a course of study in residence of not fewer than 56,000 minutes of classroom instruction time, except as otherwise provided. At least 45,000 of these minutes shall be by attendance in regularly scheduled class sessions at the law school conferring the degree, or, in the case of a student receiving credit for studies at another law school, at the law school at which credit was earned. Law Schools may, however, allow credit for distance education as provided in Standard 306. Law Schools may also allow credit for study outside the classroom as provided in Standard 305.

Corrected Council's proposal as it should have been sent:

"(b) A law school shall require, as a condition for graduation, successful completion of a course of study in residence of not fewer than 56,000 minutes of classroom instruction time, ~~including external study meeting the~~



requirements of Standard 305, extending over not fewer than six academic semesters, except as otherwise provided. At least 45,000 of these minutes shall be by attendance in regularly scheduled class sessions at the law school conferring the degree, or, in the case of a student receiving credit for studies at another law school, at the law school at which credit was earned. Law Schools may, however, allow credit for distance education as provided in Standard 306. Law Schools may also allow credit for study outside the classroom as provided in Standard 305.

The *Syllabus* is the only notice given to law teachers and others who are members of the Section. The fact that this high gloss publication which is carefully edited and proofread contains misleading and incorrect information casts doubt on the whole process of reviewing accreditation standards and deciding to propose changes. (The memorandum dated December 10, 2001 sent only to a select audience but not to the Section's membership does underline "classroom" but fails to include the deleted language. So both notices are wrong but in different ways.)

*It should be noted that clinical courses have heretofore not been treated as limited to the 11,000 minute maximum that is now in Standard 305 and has been applied only to externship programs. By placing the 11,000 minute requirement in 304 and deleting the foregoing phrase, the Council apparently wants to leave no question that henceforth clinical courses are to be included within the 11,000 minute maximum.*

A final reason for suspecting that perhaps the Council is not interested in having to justify the exclusion of non-classroom teaching from the 56,000 minutes of instruction required for graduation is the response of the Chair of the Standard's Review Committee to the comments

on the clinic list-serve that questioned the justification for the exclusion. Instead of responding to that criticism, he simply reiterated the official Council and Committee's line that no substantive change in the proposed Standard 304 was intended and that the changes in 304 were simply for reasons of drafting clarity.

The most plausible explanation for these mistakes is that the Council simply may not care about carrying on a candid interchange with the clinical community because the most potent ally of clinical educators in the past, the ABA House of Delegates, no longer has authority to override the Council's changes to the Standards. Even though the House would likely be outraged over such a relegation of clinical education to a non-credit activity, the Section may feel secure in ignoring the House's educational judgments since a change in the ABA's by-laws at the order of the Department of Education made the House's opinions on new accreditation standards purely advisory. DOE's decision to require that the regulated regulate themselves encourages this kind of unfair behavior.

If there is an open debate over the new Standards based on issues of educational efficacy, I have no doubt that the Council's attempt to eliminate residency credit for clinical education and prioritize both classroom teaching and distance learning over clinical teaching will be exposed as exactly contrary to the priorities needed to construct an educational program suited to prepare students for the competent and ethical practice of law.

## II. THE COUNCIL MAY ALSO BE SECRETLY REDUCING THE LENGTH OF LAW SCHOOL FROM SIX SEMESTERS.

The Council's undisclosed change in language in 304(b) also eliminates the requirement of the three year-law school (six semesters) which if



fully disclosed by the Council should engender a major discussion. This change was accomplished by deleting the words "extending over not fewer than six academic semesters." But this deletion was not shown in either the *Syllabus* or the memorandum sent to the select audience.

The sloppiness of the proposal is also shown by the use of both "minutes" and "credit hours" throughout the Standards and its references to six semesters elsewhere in the Standards. A totally confusing provision showing the problem created is contained in proposed revised Standard 304 itself. For example, Standard 304(c) provides:

"(c) To receive residence credit for an academic semester, a student shall be enrolled for not fewer than eight credit hours. In order to graduate in six semesters a student shall be enrolled in each semester for not fewer than ten credit hours and must receive credit for nine credit hours. If a student fails to receive credit for the specified number of hours, the student may receive residence credit only in the ratio that the hours enrolled in or in which credit was received, as the case may be, bear to the minimum specified."

I know that today's law students have been trained in the new math but even the very best students may be confused about whether they have enough credit "hours" or "minutes" to graduate.

### **III. THE COUNCIL DOES NOT COMPLY WITH 34 CFR §602.21 AND ITS OWN REGULATIONS AND STANDARDS ON CHANGES IN STANDARDS INITIATED BY AN ABA MEMBER.**

First and most critical is that the Council violates its own standards and fails to respond in

a timely way to proposed changes in the accreditation standards. Standard 803 provides that:

"Any member of the Association may propose an amendment, whether by revision, addition, or repeal of the standards, interpretations or rules by submitting it and a statement of its purposes to the Council. The Council shall consider the proposed amendment at the next meeting held thirty (30) or more days thereafter and may consider any other proposed amendment. In its consideration, the Council may refer the proposal to the Standards Review Committee and other committees for recommendation. If the proposed amendment is not adopted by the Council, the Council shall inform the proposer of its actions and the reasons therefore."

In mid-2000, I submitted a proposal when I was a member of the Council to have the ABA require instruction in professionalism in the practice of law as well as legal ethics for all students before they graduate and are admitted to practice. The Council decided to refer the matter to the Standards Review Committee and did not take action at the next Council meeting other than make that referral. I have yet to receive a response about whether the Council will adopt or not adopt this proposed amendment and reasons for not adopting it.

I then re-submitted the same proposal, together with two other proposals to the Standards Review Committee directly in 2001. The first additional proposal would require law schools, rather than just suggest that law schools "encourage and provide opportunities for students and faculty participation in pro bono activities. For the first time faculty would be included in this standard. Some faculty serve as excellent role models in this regard. Others maintain lucrative outside practices representing



rich clients and corporations to the exclusion of poor persons.

The third proposal would require each school to "conduct an on-going formal evaluation of the effectiveness of its programs in preparing students for the practice of law using recognized social science procedures." I expect that most schools would adopt outcome assessment methodologies and that method might be required after input from schools if public hearings are held by the Council. (*See attached letter to Dean Rudolph Hasl, Chair of the Standards Review Committee.*) To date the Council has not taken action on my proposals, nor has the Council informed me of its action and the reasons therefore.

The treatment of all three proposals is a clear violation of the standards and should preclude the Council from continuing as the DOE accrediting body. The Council has neither held hearings as required by internal operating practice 12 nor notified me of its rejection of my proposal and the reasons therefore as required by the last sentence of Standard 803. Internal Operating Practice 12 provides:

"The Standards Review Committee shall engage in an ongoing review of the Standards, Interpretations and Rules. As part of this process, proposals received by the Section for revisions to the Standards, Interpretations or Rules shall be referred to the Committee. The Committee shall hold public hearings and solicit testimony and written comments from interested constituencies, including, but not limited to, the highest appellate court of each state, the board of bar examiners of each state, presidents of universities affiliated with ABA-approved law schools, deans of ABA-approved law schools, deans of unapproved law schools known to the Consultant's Office, and organizations concerned with legal education. The Council

shall make available to the public a written report discussing the results of this review. The Council shall initiate action to make any necessary changes to its Standards within 12 months of the discovery for the need of the change and shall complete the action within a reasonable period of time. (*August 2001*)

#### **IV. THE COUNCIL VIOLATES ITS PUBLIC PROCEEDINGS REQUIREMENTS AND EXCLUDES SECTION MEMBERS FROM ITS PROCEEDINGS.**

The ABA's own Internal Operating Practice Number 2 provides that:

"... Absence an exceptional cause for confidentiality, all other [non-accreditation] proceedings, writings and documents of the Section of Legal Education and Admissions to the Bar shall be public, including the activities of the Council and the Consultant and the various committees and other representatives of the Section of Legal Education and Admissions to the Bar."

Attached is a letter I wrote to the Consultant, Dean John Sebert, after I attended the Standards Review Committee. I requested certain documents which I would have found helpful to prepare comments in response to the proposed changes in the minutes of instruction required for graduation and the conditions under which distance learning can be offered. To date, I have not received a response from the Consultant's office. At the hearing on the proposed changes in Standards 304 and 305 at the Mid-Year Meeting, I testified with respect to the proposed pending standards, even though I did not have the written information from the Consultant and had not even heard whether the documents would be provided. I then requested all the comments submitted about these proposals.



Again, the Consultant's Office has not given me the documents or told me that they will not provide the documents.

After my testimony was concluded, I decided to attend the "Out Of The Box Committee" which was to meet shortly thereafter at the same hotel to find out exactly what it was doing and to be enlightened about what innovative and new ideas the Council has. The mission of the "Out Of The Box Committee" has been described as "The Committee's goals are to think discursively and expansively about these challenges [those facing legal education in the future] and opportunities, encourage and solicit transformative ideas, initiate a creative dialogue with the legal education community and some of its key constituents." Before the "Out Of The Box Committee" meeting began, I was approached by Dean John Sebert and the Chair of the "Out Of The Box Committee," Dean John Attanasio of SMU School of Law, who told me I would not be allowed to attend the committee meeting and I inquired why not. I was told that it was because this was a discussion committee and not a decision-making committee and therefore John Sebert and the Chair were invoking the "exceptional cause for confidentiality" exception to the public proceedings requirement. I sought to appeal this directly to the Chair of the Council, who happened to be present but he indicated that he would never overrule one of his committee chairs and therefore he would not allow me to stay at the meeting.

So I left still curious about what kind of transformative ideas and creative dialogues are so controversial that they need to be kept secret from members of the Section and members of the American Bar Association until the plans are finalized, all in violation of the public proceedings requirement. Also, I concluded that Dean Attanasio has found a most creative way to

"initiate a creative dialogue with the legal education community" by closing his Committee meetings from Section members. But then I sadly concluded that I am not one of its "key" constituents—maybe because I am not one of the Deans at a school regulated by the Council.

#### **IV. THE COUNCIL SHOULD BE REMOVED AS AN APPROVED ACCREDITING BODY BECAUSE IT IS ELECTED BY THE SECTION MEMBERSHIP AND THE ACCREDITATION COMMITTEE IS APPOINTED BY THE CHAIR OF THE SECTION ELECTED BY ITS MEMBERSHIP.**

The Council's methods of selecting the Accreditation Committee and Council members violate the "separate and independent" requirements of the Department of Education's criteria for recognition. The Accreditation Committee which makes the final decisions on most matters are appointed by the Chairperson of the Section of Legal Education, who is the chief executive officer for the Section. The Section itself is a membership organization composed of those persons who are members of the American Bar Association who decide to join the Section and pay the dues. Primarily, the membership is composed of professors and deans of accredited law schools, who are given a group discount if all members of the faculty are signed up by the school and the school pays their reduced dues for the ABA and the separate dues collected for the Section. With the group membership program, the Section membership is composed of approximately 90 percent law school employees and only about 10 percent from the rest of the members of the ABA. This is a clear case of the regulated members of the organization regulating themselves.

Basically, the law schools, as the Department of



Justice has found, have captured control of the process and elect the members of the Council and the chairperson of the Section, who in turn selects the members of the Accreditation Committee. The Council entered into an anti-trust Consent Decree because of this illegal activity. The structure violates the "separate and independent" requirements as set out in the regulations and as presently enforced. I have a lawsuit pending against the Secretary of the Department of Education challenging the validity of these regulations. For as long as the regulations are in effect, the present structure of the ABA selection process violates these requirements in Section 602.13(b)1 since the members are either elected in violation of the rule or are selected by the chief executive officer of the Section, which is a related membership organization. The Department of Education should terminate the accreditation recognition of the Council until this situation is corrected.

A further example of how those in control are seeking to retain control and regulate themselves is found in the fact that the Section will for the first time impose a \$95 fee for its members to attend the only meeting of the Section membership held each year. The Section meeting is held at the annual meeting of the American Bar Association. In recent years, clinical teachers and lawyers, who are members of the Section, would not pay the fee for the whole American Bar Association annual meeting and would not attend any part of the ABA annual meeting except for the Section's Annual meeting which was free, and would occasionally vote against by-laws changes and some persons on the chosen slate proposed by the Section's leadership for election as officers and members of the Council by the Section. Although they never prevailed, their presence did suggest that in the future there may be a challenge to the leadership of the Section. This year the Section will impose a \$95 fee for

persons who attend just the Section membership meeting and not the rest of the ABA meeting. This poll tax will have the effect of eliminating voting members who do not have expense accounts like deans and others who are sent by their law schools to attend the annual meeting of the ABA and vote the views of their schools at the annual meeting of the Section membership.

Very truly yours,

Gary H. Palm

GHP/ghp

Attachment

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## Jobs

Pace is a law school that genuinely values practice experience, but at the moment we are looking primarily for people who truly love to write, as well as teach and serve the community. A few publications under your belt, whether in Clearinghouse Review or a traditional student-edited journal, would be a big plus, and the expectation is that these positions will be occupied by people who plan to produce high-quality scholarship.

While the legal analysis and writing program mentioned below currently centers on the first-year criminal law course, we are seriously considering its integration with other first-year courses, such as civil procedure and contracts. Note that while anyone who teaches in this program can teach other courses, and is fully eligible for tenure, the scholarship requirements for the tenure track associated with this teaching assignment are somewhat different from those for the traditional classroom-course tenure track, in recognition of the additional demands placed on teachers in this program.

Remember that Pace's lovely campus about a



half-hour north of Manhattan, is the host and home of the Women's Justice Center, the Land Use Law Center, the Hudson Valley Poverty Law Center, the International Trade Law Center, the Center for Environmental Legal Studies, the Energy Law Center, the New York Institute for Judicial Studies, and the Program in Health Law and Policy.

Our clinics and externships include Prosecution of Domestic Violence, Criminal Defense, Equal Justice America Health Law/Disability Rights, Securities Arbitration, Environmental Litigation, Legal Services/Public Interest, Family Court, International Law and Trade, Environmental Law Enforcement, and Judicial Clerkships, and, during the summer semester, international law externship placements around the world and the Washington, D.C. Federal Environmental Agency Externship.

On a rotating basis, faculty are eligible to spend one semester teaching in the Pace Law program in London.

## **NOTICE OF POSITIONS**

### **Faculty Positions**

Pace University School of Law expects to make appointments to fill two entry-level tenure-track faculty positions starting in the 2003-2004 academic year. We have significant flexibility in subject areas, but particular curricular needs in the following: commercial law, criminal procedure, the integrated criminal law and legal writing course, environmental law, intellectual property, international law, and tax. Applicants must have a strong academic record and demonstrate the potential for excellent scholarship and teaching. Two to four years experience in legal practice or clerkships is preferred but not required.

Applications are especially encouraged from individuals of color, and from others

whose background and experience would contribute to the diversity of our faculty.

To apply, please send a resume, including references, to Professor Vanessa Merton, Co-Chair, Faculty Appointments Committee, Pace University School of Law, 78 N. Broadway, White Plains, N.Y. 10603. e-mail: [vmerton@law.pace.edu](mailto:vmerton@law.pace.edu).

**Yale Law School** seeks applications for the Robert M. Cover Fellowship in Public Interest Law, a two-year position beginning on July 1, 2002 in the Yale Law School clinical program. The fellowship is designed for lawyers with at least four years of practice who are interested in preparing for a career in law school clinical teaching. Responsibilities include representing clients, supervising students, teaching classes, and working on one's own scholarship. All work will be conducted with the assistance of the clinical faculty and will focus on providing legal assistance to low-income clients and organizations. This year's candidates must be experienced transactional lawyers, interested in working with our Housing & Community Development Clinic. Candidates must be able to work both independently and as part of a team, and must possess strong written and oral communication skills. Connecticut Bar admission or willingness to take the July 2002 bar examination required. In addition to a stipend of approximately \$40,000, Fellows receive health benefits and access to university facilities. Send a resume, cover letter, and names, addresses, and telephone numbers of three references by March 15, 2002 to: J.L. Pottenger, Jr., Director of Clinical Studies, The Jerome N. Frank Legal Services Organization, P.O. Box 209090, New Haven, CT 06520-9090; telephone: (203) 432-4800; fax: (203) 432-1426; or email Kathryn Stoddard: [kathryn.stoddard@yale.edu](mailto:kathryn.stoddard@yale.edu).

Yale Law School is an Affirmative Action,



Equal Opportunity, Title IX employer

**Rutgers Law School** - Camden anticipates an opening in our Civil Practice Clinic and we are seeking applications from interested individuals. Please forward this message to others who you think might want to be considered for this position. The Rutgers Civil Practice Clinic is seeking a Clinic Director, for an appointment beginning July 1, 2002. Responsibilities include teaching a weekly clinic seminar, supervising law students and managing the administration of the Clinic. The Civil Practice Clinic is a civil litigation clinic that presently provides representation to senior citizens and a school-based legal services program. The appointment can be either as a clinical staff attorney or clinical faculty depending on the interests and qualifications of the candidate. Candidates should have law teaching and a minimum of three years law practice experience. Participation in an in-house law school clinical program and a demonstrated commitment to serving clinic clients is expected. Fluency in Spanish is preferred. For more information, please e-mail me directly: [dueker@camden.rutgers.edu](mailto:dueker@camden.rutgers.edu). To apply, send a letter of interest and a resume to: Alice K. Dueker, Director of Clinical Programs, Rutgers Law School - Camden, 217 N. 5th Street, Camden, NJ 08102.

LawClinic mailing list

[LawClinic@lists.washlaw.edu](mailto:LawClinic@lists.washlaw.edu)

<http://lists.washlaw.edu/mailman/listinfo/lawclinic>

Alice K. Dueker / Clinical Professor

Director of Clinical Programs

Rutgers Law School - Camden

217 N. 5th Street

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[dueker@camden.rutgers.edu](mailto:dueker@camden.rutgers.edu)

**The Office of Clinical Programs at Harvard Law School** is considering applicants for a Clinical Instructor/Attorney position at the Harvard Legal Aid Bureau. This is a half-time (20 hours/week), temporary position (May 13, 2002 through August 31, 2003), with the possibility of continued employment thereafter.

The Bureau is a poverty law clinic that represents low-income residents in civil matters, including family law, housing, public benefits, SSI, and unemployment cases. It is staffed by a full-time Managing Attorney, five part-time Clinical Instructors, a full-time Administrative Director and approximately 45 Harvard Law School students.

**Responsibilities:** Clinical Instructors supervise the legal work of approximately eight students; act as attorneys of record with ultimate authority for the cases conducted under their supervision; meet regularly with students to discuss, plan, strategize, prepare and review casework; accompany students to all court or administrative hearings; provide regular feedback on practice performance; provide written evaluations of clinical supervisees twice each semester and recommend a clinical grade. Clinical Instructors also hold regular office hours; attend meetings with other supervisors and clinicians; and observe detailed supervision guidelines developed by the Legal Aid Bureau's Board of Directors, Managing Attorney and the Office of Clinical Programs, to insure high quality of teaching and practice. During summer months and other periods, instructors are also responsible for direct case handling. Clinical Instructors may assist HLS faculty and staff in conducting case rounds and seminars on practice skills and substantive law and act as a fieldwork instructor in connection with clinical courses in which their students may be enrolled.

**Requirements:** J.D., admission to the Massachusetts Bar and a minimum of five to seven years experience in poverty law, preferably work in landlord/tenant, domestic



relations, unemployment law, disability benefits and other public benefits, with significant trial experience. Expertise in family law, SSI and/or public benefits cases preferred. Prior involvement in clinical legal education and or the supervision of students or inexperienced attorneys is preferred. Must have superior interpersonal skills; excellent written and verbal communications skills; and excellent team building skills.

For complete job description or to apply online, visit [www.job.harvard.edu](http://www.job.harvard.edu) or mail or fax your resume and cover letter to:

Harvard University Employment Office  
Req # 13024  
11 Holyoke Street  
Cambridge, MA 02138  
Fax: 617-495-4748.

Harvard University upholds a commitment to affirmative action and equal opportunity employment.

**Thomas M. Cooley Law School Professional Responsibility/Professionalism Faculty Position Full-Time, Tenure-Track**

Thomas M. Cooley Law School is a leader in practical legal education and is taking the lead in promoting professionalism. A new position within the Clinical and Practical Skills and Professional Responsibility Department has been developed as part of that effort. This position will help bring an atmosphere of professionalism into the School environment and will help instill the value of professionalism in the minds of law students.

The faculty position for the Clinical and Practical Skills and Professional Responsibility Department is a full-time, tenure-track position dedicated to addressing professionalism issues. This position is very involved with the education of all Cooley students, and works with faculty to bring greater emphasis on professionalism in the teaching and learning process.

Specific Duties:

1. Teach a Professional Responsibility course.
2. Oversee the establishment and operation of the Center for Public Service.
3. Help redesign the Professional Responsibility course to include issues of professionalism in practice. Help create an elective course on Professionalism and Issues in the Practice.
4. Work with student groups to promote professionalism and ethical behavior in their activities and behavior.
5. Find ways to "infuse" professionalism topics into the general curriculum.
6. Work with faculty in developing classroom environments that are professional.
7. Examine trend data related to student/faculty/staff behaviors and develop programs to respond when necessary.
8. Examine the Law School's current discipline and honor code system to find ways to involve students and the State Bar.
9. Work closely with the Associate Dean of Students and Professionalism in providing school-wide programs addressing professionalism issues.
10. Other duties as assigned.

Applicants must have a Juris Doctor degree and significant practice experience, be a member of a bar association, and have basic computer skills. Teaching experience or significant work with state bar association disciplinary committees is desired and applicants must have a demonstrated interest in professionalism. Some administrative skills are necessary, along with the ability to work with student groups and help spearhead a new program in professionalism. Minorities and women are encouraged to apply. The position will remain open until filled. Resumes and cover letters should be mailed to PR Search Committee, Att.: Kathy Davidson, 6th Floor Cooley Center, 300 S. Capitol Ave., P.O. Box 13038, Lansing, MI 48901, or e-mailed to [davidsok@cooley.edu](mailto:davidsok@cooley.edu).



## VISITING ASSISTANT PROFESSOR IN TAXATION CLINIC

The University of Arkansas at Little Rock William H. Bowen School of Law seeks applicants for the position of Visiting Assistant professor in its Taxation clinic. This faculty member will supervise the Taxation Clinic, including teaching, administration of the tax clinic program, and working with the Director of Clinical Programs to strengthen and expand the program. The faculty member will supervise law students providing services to low income taxpayers involved in disputes with the United States Internal Revenue Service. Applicants must have a Juris Doctorate from an ABA accredited law school. Applicants should have a strong academic record, be qualified to practice law in at least one state. Strong written and oral communications skills as well as a strong interest in law teaching and providing services to under-represented portions of the community are important factors. In addition, an LL.M. in taxation or equivalent experience or education in tax law or related fields, and experience in a clinical law program are preferred. The candidate may be responsible for assisting in obtaining continued funding from the Internal Revenue Service. This position will be available July 1, 2002; therefore, immediate application is requested. The University of Arkansas at Little Rock William H. Bowen School of Law is committed to diversity and encourages applications from women, minorities and persons with disabilities. Candidates interested in this position should send a cover letter and resume to: Professor Paula Casey, Chair, Faculty Appointments Committee, UALR William H. Bowen School of Law, 1201 McMath Avenue, Little Rock, Arkansas 72202-5142. Under Arkansas law, all applications are subject to disclosure.

**Director of Trial Advocacy Programs**  
**Temple University's James E. Beasley School of Law** is looking to hire a Director for its Trial Advocacy Programs. The Director is responsible for the supervision and management of the basic, integrated, and advanced trial advocacy tracks in which approximately 400 students and 50 adjunct faculty participate each year. Additional responsibilities include student advising and mentoring, faculty supervision and review, the assurance of quality control, teaching, and membership on Temple's mock trial coaching team. The Director will report to Professor Edward D. Ohlbaum, Director of Trial Advocacy and Clinical Legal Education. Salary and benefits are competitive. Trial and trial advocacy or clinical teaching experience are essential. Interested applicants should contact: Edward D. Ohlbaum  
Professor of Law and Director of Trial Advocacy and Clinical Legal Education  
Temple Law School  
1719 N. Broad Street  
Philadelphia, PA 19122  
[ohlbaum@vm.temple.edu](mailto:ohlbaum@vm.temple.edu)  
215-204-1856  
215-204-5423 (Fax)





**AALS SECTION ON CLINICAL LEGAL EDUCATION  
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 who have 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). The compilation of the results of this survey over the years is on the University of South Carolina Law School's web site. To access it, go to <http://www.law.sc> then click on clinics and look for the compilation.

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 USA  
803/777-2278; FAX 803/777-3401  
email: [Roy@law.law.sc.edu](mailto: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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First and middle names: \_\_\_\_\_ Title \_\_\_\_\_

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Law school name: \_\_\_\_\_

Law school address: \_\_\_\_\_

Law school address: \_\_\_\_\_

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

Country (if not USA): \_\_\_\_\_

Office telephone (voice): \_\_\_\_\_ Extension \_\_\_\_\_

Office fax telephone: \_\_\_\_\_ E.mail address \_\_\_\_\_

Year graduated from law school: \_\_\_\_\_

Years full-time teaching: \_\_\_\_\_ Years part-time teaching: \_\_\_\_\_

Are you the overall Director of Clinical Programs at your law school: \_\_\_\_\_

Tenure status: \_\_\_\_\_

Decimal fraction working full-time in legal education: \_\_\_\_\_

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Base salary (exclusive of summer research grants): \_\_\_\_\_

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Is scholarship is a requirement of your employment: \_\_\_\_\_

Race/Ethnicity with which you identify: \_\_\_\_\_

Gender with which you identify: \_\_\_\_\_

First clinical course frequently taught (if any): \_\_\_\_\_

Type of first clinical course taught (in-house, externship, simulation): \_\_\_\_\_

Second clinical course frequently taught (if any): \_\_\_\_\_

Type of second clinical course taught: \_\_\_\_\_

Third clinical course frequently taught (if any): \_\_\_\_\_

Type of third clinical course taught: \_\_\_\_\_

Fourth clinical course frequently taught (if any): \_\_\_\_\_

Type of fourth clinical course taught: \_\_\_\_\_

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Type of fifth clinical course taught: \_\_\_\_\_

Average supervision ratio in in-house clinics (if applicable): \_\_\_\_\_

Average supervision ratio in externship clinics (if applicable): \_\_\_\_\_



First non-clinical course frequently taught (if any): \_\_\_\_\_

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