

CLINICAL LEGAL EDUCATION ASSOCIATION NEWSLETTER

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PRESIDENT'S MESSAGE



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Greetings! I hope this finds everyone well, and that you are catching your breath from the start of the semester. CLEA will be busy and productive during 2002, and CLEA is fortunate to have the help of several new Board Members: **Brad Colbert** (William Mitchell), **Cynthia Dennis** (Rutgers-Newark), **Justine Dunlap** (Southern New England visiting at American), **Susan Kay** (Vanderbilt), and **Alex Scherr** (U. of Georgia). The following message outlines five priorities for CLEA during the next year, and it ends with some acknowledgments for extraordinary work by several CLEA members.

Five Priorities for 2002

In New Orleans, I stated that I will measure the success of

CLEA's efforts in 2002 based upon the results in five key areas of work.

1. Increase Involvement of Newer Clinicians and More Experienced Clinicians

The New Year begins with the creation of a new committee, the **CLEA Connect Committee** (CCC), co-chaired by **Justine Dunlap** and **Michael Pinard** (Visiting at Washington University in St. Louis and starting at Maryland in 2002-03). The purpose of the CCC is to help newer clinicians and more experienced clinicians get more involved in CLEA. My pledge for 2002 is that every person who wants to get involved in CLEA work, or who wants to start a new project, will be able to do so. Whether it is serving on a CLEA committee, having your name recommended to the ABA for an ABA committee, participating in the Best Practices Project, running for the CLEA Board of Directors, or identifying and starting a new project, you will be able find help in getting it done. Justine <jdunlap@mailhost.wcl.american.edu> and Michael <mpinard@wulaw.wustl.edu> are available to assist you, or you should contact me directly.

2. See Results from Best Practice Project

Last spring CLEA launched the Best Practices Project to explore and define how law schools can better prepare graduates for the practice of law. The Project has had two general meetings, in Chicago in August, and in New Orleans in January, and two Steering Committee meetings. **Roy Stuckey** (U. of South Carolina), is chairing the Steering Committee, and he has pledged that a discussion around concrete proposals will begin this winter and spring. There will be a meeting at the Conference on Clinical Legal Education, May 18-22, in Pittsburgh, to discuss the proposals. Another meeting will take place at a special workshop held in conjunction with the ABA Annual Meeting, August 8-13, in Washington, D.C. CLEA expects that within the year some best practices will be identified and adopted. If you want to get involved in the Project, please contact Roy (roy@law.law.sc.edu).

3. Broaden Membership

CLEA membership for 2001 was approximately 660. The goal for 2002 is to end the year with at least 700 dues paying members. As you may have noticed, CLEA made a big push to get everyone on a calendar year cycle for paying dues. If you have not paid your 2002 dues yet, please do. There will be another dues mailing in February.

Gary Palm (clinician at large, formerly Chicago) is heading up the CLEA Membership

Committee. The CLEA Board created a new membership class, Associate Members, aimed at field supervisors, adjunct professors, faculty outside of the U.S., and others not engaged in full-time teaching. Regular membership dues are \$40.00 per year and include full voting rights, the *Clinical Law Review*, and the *CLEA Newsletter*, via either e-mail or hard copy. The Associate membership dues are \$15 and include full voting rights and the *CLEA Newsletter* via e-mail. Group memberships are also now available, and the next dues mailing will contain information on how to sign up your entire clinical faculty, including field supervisors and adjuncts.

CLEA hopes to broaden its membership, particularly among the practicing lawyers and judges who make most externship, collaborative, and hybrid clinics possible. CLEA also hopes to broaden its membership by getting every person teaching in a clinical program to join or renew. If you want to help grow CLEA's membership, please contact Gary (ghpalm@msn.com).

4. Strengthen ABA Relations and Continue to Serve as the Voice for Clinical Teachers

CLEA's mission statement provides that CLEA was formed, in part, "to serve as a voice for clinical teachers and to represent their interests inside and outside the academy." CLEA has been a vigorous advocate for the interests of clinical teachers on a number of issues, and CLEA continues to serve as a voice for clinical faculty

around ABA accreditation and standards issues. CLEA also continues to serve the interests of clinical faculty by strengthening relations with the ABA.

Currently, CLEA is preparing comments on proposed changes to Standards 304 and 305. You can read the text of the proposed changes and the accompanying commentary by going to the ABA website: <http://www.abanet.org/legaled/standards/proposed.html> CLEA has been in touch with members of the ABA Standards Review Committee, and a dialogue has been ongoing. At the time this newsletter is going to press, work was still being done on this matter. **Margaret Martin Barry** (Catholic) and **Jay Pottenger** (Yale) continue to serve as primary liaisons with the ABA, and we all owe them a note of thanks. There is a short article in this newsletter describing the changes, and there may be articles from others expressing concerns. Rather than rush to a position, CLEA will proceed in a thorough and thoughtful manner and solicit input before taking a formal position. CLEA's proposed comments to the changes will be posted on lawclinic and the extern listserves for your input before CLEA takes a formal position.

Stacy Caplow (Brooklyn) continues to assist the ABA in locating qualified law faculty with clinical teaching experience to serve on ABA site teams. Stacy is also scheduled to participate in the next ABA training for site evaluators, February 8-9, 2002, in Chicago. In addition, there is a document about ABA site visits on

the CLEA website, <http://clinic.law.cuny.edu/clea/aba/index.html>. If you are interested in serving on an ABA site team in the future, please contact Stacy (scaplow@brooklaw.edu).

Although there is some clinical faculty representation on some important Section of Legal Education and Admissions to the Bar committees and bodies, CLEA is working to get more members involved. If you are interested in serving on an ABA committee, please let me or Stacy know so that CLEA can recommend you. If you have volunteered in the past and have not been contacted by the ABA, please volunteer again and let us know you previously volunteered. Stacy has forwarded the names of every person who has volunteered, but the ABA only adds a limited number of persons each year to committees. As a result, you may have to volunteer for a few years in a row before you are chosen by the ABA.

CLEA is extremely fortunate that at the present time several faculty with clinical teaching experience are active in ABA work. We all owe thanks to **Randy Hertz** (NYU), serving on the Council of Legal Education and Admissions to the Bar, **James Klein** (Toledo), serving on the Accreditation Committee, and **Karen Tokarz** (Washington University in St. Louis), serving on Standards Review Committee. These three bodies meet several times a year, and it is a substantial commitment of their time. Their viewpoints and input on these key bodies are

critical to the interests of clinical faculty and others interested in improving legal education.

Finally, CLEA officers recently met with John Sebert, ABA Consultant on Legal Education, and a number of issues were discussed. CLEA officers and representatives from the AALS Clinical Section also met with the ABA President, Robert E. Hirshon. CLEA enjoys good relations with the ABA, and CLEA is pledged to working with the ABA in ways that further clinical education and the improvement of all aspects of legal education. CLEA also continues to send representatives to all of the important meetings of the Council and Standards Review, and during 2002 CLEA will send at least one representative to every Council and Standards Review meeting.

5. Make the CLEA Website the First Place to Look for Clinical Legal Education Information

Bob Seibel (CUNY visiting at Cornell) continues to improve the CLEA website, <http://clinic.law.cuny.edu/clea/clea.html>. During the next year, efforts will be made to improve the website even more so that it will become the first place to look for clinical legal education information. Also, you should link your clinic's website to the CLEA website. If you haven't visited the website lately, please do. It is growing better every day, and Bob is to thank for it.

Special Thanks

Before ending this column, I want to take the opportunity to acknowledge the efforts of many not already acknowledged above

who make the work of CLEA possible. First, thanks go out to **Jon Dubin** (Rutgers-Newark) and **Calvin Pang** (U. of Hawaii visiting at Minnesota) for all their service on the CLEA Board. I also want to thank **Suellyn Scarnecchia** (Michigan) who recently resigned from the CLEA Board after accepting a position of Assistant Provost at Michigan and **Jacqueline St. Joan** (Denver) who resigned the CLEA Board after moving from the law school to the Women's College at the University of Denver to teach and start a pre-law program. We have all benefited from all their hard work.

I also want to extend CLEA's and my personal thanks to **David Chavkin** (American), who recently folded up his traveling card table and resigned as the joint AALS Clinical Section/CLEA directory compiler and dues collector. Dave performed this work tirelessly, and we owe him a lot. Fortunately, **David Santacroce** (Michigan) has assumed the task of handling the joint directory. I urge everyone to complete the new data forms you will be receiving shortly from David S. so that the directory can be updated and data that was confidential between faculty and Dave C. can be replicated.

Thanks also go out to **Larry Spain** (Texas Tech) who continues to serve as the CLEA Newsletter editor, layout person, and production manager. If it wasn't for Larry's patience, hard work, and creativity, you wouldn't be reading this. In addition, thanks go to **Suzanne Levitt** (Drake) who served as CLEA Secretary/

Treasurer for the past year and Drake's Clinical Program Assistant, **Joseph Nevshemal**, who has done an enormous amount of work for CLEA. Given the complexity of the tasks and the huge amount of work involved, CLEA has separated the two functions and Suzanne stays on as Treasurer while **Paula Galowitz** (NYU) graciously volunteered to fill the Secretary slot until the next election. CLEA also awarded **Zonda Carriell** a special plaque for her work on CLEA's behalf in doing countless mailings and other tasks while working as Office Manager and Secretary for the clinical program at Chicago.

We also owe our thanks to **Carrie Kaas** (Quinnipiac) for her leadership as CLEA President last year, and **Annette Appell** (Nevada) for agreeing to run for election as CLEA Vice President for 2002. I thank all the rest of the CLEA Board members, committee chairs, and members of all the committees for the work they have done, and more importantly for the work they will do in 2002 to help CLEA grow and become even more effective.

During the next year, I look forward to continuing CLEA's close relationship with the Clinical Section and to working with the Section's able leadership, Chair **Carol Izumi** (George Washington), Past-Chair **Mary Helen McNeal** (Montana), and the rest of the Section Executive Committee. I also plan on strengthening CLEA's ties with the Association of Legal Writing Directors (ALWD) and Legal Writing Instructors (LWI).

Finally, I would be remiss if I did not reaffirm CLEA's

commitment to protecting the academic freedom rights of clinical faculty and law students working to provide access to justice for underserved communities. As most of you know, **Tom Buchele** and the Environmental Law Clinic at the University of Pittsburgh have been under attack and experiencing political interference for taking on two controversial cases to protect the environment from logging and a highway project. Most unfortunate in these attacks is that the university administration and the law school dean have not taken public positions supporting the clinic, and indeed appear to be taking steps to move the clinic out of the law school. At the present time, Tom is working with the law school and the university to see if there is a solution. CLEA is monitoring this situation, and it pledges to do everything it can to advance Tom's and his clinic students' academic freedom rights, and access to justice for the communities and clients the Pittsburgh Environmental Law Clinic serves.

It is an honor to work for you this year, and I hope you will get involved and help CLEA in its mission to make law schools more effectively prepare new lawyers for the practice of law. Our work not only helps our students and the clients our programs have today but also the clients our students will have tomorrow. I look forward to an exciting year. See you in Pittsburgh! Peter,
joy@wulaw.wustl.edu, 314-935-6445.

COMMITTEE REPORTS

AWARDS COMMITTEE

The membership of CLEA has approved three awards—for an outstanding advocate for clinical teachers, for outstanding students and for excellence in a public interest case or project. The criteria for the three awards are described below. The deadline for submission of candidates for each of the awards is mentioned in the descriptions of each of the awards. The Co-Chairs of the Awards Committee are **Susan Kay** (Vanderbilt) and **Mark Aaronson** (Hastings). If you have any questions about these three awards, please contact Susan or Mark.

CLEA AWARD TO AN OUTSTANDING ADVOCATE FOR CLINICAL TEACHERS

The Clinical Legal Education Association (CLEA) was formed in 1992 to bring together, in a single organization, all of those involved in clinical legal education. One of CLEA's purposes is to serve as a voice for clinical teachers and to represent their interests inside and outside the academy, including in the political arena.

To recognize those who have contributed to the advancement of clinical legal education, particularly in the political arena, CLEA has created an award to honor individuals who have served as an advocate and voice for clinical teachers. The award will

be given annually at CLEA's meeting at the springtime AALS Clinical Section Conference or Workshop.

The criteria for the award are commitment to the field of clinical legal education; advancement of the field (by, e.g. work within organizations that affect the contours of legal education, or by writing and speaking about the field, or by serving as a spokesperson for the field in the litigative, legislative, administrative or other arenas); and fostering a spirit of community (by, e.g. planning or leading conferences or sponsoring initiatives).

The recipient of the award will be selected by a committee, to be appointed by the President of CLEA. The committee will be composed of at least three CLEA members; no more than one member of the committee can be a member of CLEA's Board of Directors. The committee will solicit nominations for the award from all members of the clinical community, with the deadline for nominations being one month before the presentation of the award.

CLEA OUTSTANDING STUDENT AWARD

The Clinical Legal Education Association (CLEA) was founded in 1992 to bring together, in a single organization, all of those involved in clinical legal education. Membership is open to all people interested in using clinical methodology to prepare law students and lawyers for more

effective law practice. Clinical methodology includes supervised representation of clients, supervised performance of other legal work, and the use of simulated exercises in a variety of settings, both within law schools and outside of them, and is designed to teach skills and values important to the ethical and competent practice of law.

CLEA wants to recognize law students who have excelled in a clinical course in law school. To recognize those students, CLEA has created an award to honor a law student at each law school who has excelled in a clinical course. The award will be given annually at the completion of the academic year. The award may be presented at the individual law school's graduation or at some other appropriate time, as determined by the clinical faculty at each law school.

The criteria for the award are:

1. excellence in the field work component of the clinical course determined by the quality of the student's performance in assisting or representing individual clients or in undertaking group advocacy or policy reform projects;
2. excellence in the seminar component of the clinical course determined by the quality of the student's thoughtfulness and self reflectiveness in exploring the legal, ethical, strategic and other pertinent issues raised by the particular clinic; and
3. the nature and extent of the student's contribution to the

clinical community at that school, if relevant.

The recipient of the award will be selected by a process that involves the clinical faculty at the individual law schools, as well as a CLEA committee to be appointed by the President of CLEA. The law school committee will be composed of all of the full-time clinical faculty at the law school. The CLEA committee will be composed of at least three CLEA members; no more than one member of the committee can be a member of CLEA's Board of Directors.

The full-time clinical faculty at each law school that has faculty who are members of CLEA (hereinafter "clinical faculty") will choose the nominee at their law school who should receive the award. If the clinical faculty agrees upon one person to receive that award, the name of that person along with a statement of the reasons why that person meets the criteria for the award and should receive it will be submitted to the CLEA committee by April 1st of each academic year. If the student recommended by the clinical faculty meets the criteria for the award, then the CLEA committee shall so notify the clinical faculty at the law school by May 1st and the clinical faculty can give the CLEA Outstanding Student Award to that student.

In unusual circumstances where a school's clinical faculty cannot agree on a single person to receive the award, then the names of all of the candidates, along with a statement of the reason why each person meets the criteria for the

award should be submitted to the CLEA committee by April 1st. The CLEA committee shall then decide which student should receive the award from that school and shall so notify the clinical faculty at the law school by May 1st and the clinical faculty can give the CLEA Outstanding Student Award to that student.

CLEA AWARD FOR EXCELLENCE IN A PUBLIC INTEREST CASE OR PROJECT

This award is established by CLEA to honor and recognize a case or project that truly contributes to the public good.

ELIGIBILITY

An award may be given to an individual law student or law students in a clinical program or a clinical program.

CRITERIA

The criteria for the award are:

1. A case or project that either:
 - (A) effectively calls attention to and/or significantly redresses a high priority need of low income residents or communities; or
 - (B) makes a notable or meaningful contribution to the advancement of civil rights, civil liberties, legal services for the under-represented, environmental protection, or consumer protection; and
2. The case or project has been carried out in conformity with the

highest standards of professional conduct and competence; and

3. The case or project serves as an inspiring model for engaging in legal work under challenging conditions in furtherance of the common good.

SELECTION PROCESS

The CLEA committee will solicit nominations for the award from all members of the clinical community. The nominations will be submitted to a CLEA committee by March 15th of each academic year. The CLEA committee will be composed of at least three CLEA members; no more than one member of the committee can be a member of CLEA's Board of Directors. Three members of the full-time clinical faculty at a law school who are members of CLEA can submit nominations; if there are fewer than six full-time clinical faculty at a law school who are members of CLEA, then a majority of the full-time clinical faculty at a law school who are members of CLEA can submit nominations. The nominations will be on a form generated by CLEA; the form will request information outlining the reasons for the nomination and how the nominee meets the criteria for the award. The CLEA committee will decide if any of the nominations should receive the award by May 1st of each academic year. The CLEA committee is not required to give the award each year. If the award is given in a particular year, it will be presented at CLEA's meeting at the springtime AALS Clinical Section Conference or Workshop.

ABA LIASON

ABA SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR UPDATE

At its December 2001 meeting, the ABA Council on Legal Education discussed a report from the Sections' Standards Review Committee regarding proposed changes to Standards 304 and 305, and creating a new Standard 306. The primary focus of these changes is to respond to the growing interest in and capabilities for providing distance learning. As proposed, new Standard 306 details rules regarding distance learning intended to broaden the 1997 Temporary Guidelines that had been promulgated by the ABA's Office of the Consultant on Legal Education.

In the process of addressing the distance learning issue, the Standards Review Committee draft modifies the language of Standards 304(b) and 305(b). The modifications of these Standards, according to the Committee's own report, are not intended to be substantive; rather, they simply consolidated several aspects of the requirements regarding being "in-residence" in the same Standard. This it accomplishes. By adding the word *classroom* to the phrase "instruction time" in Standard 304(b), however, the Committee proposes language, not otherwise defined, that does little more than create uncertainty about what is to be included in the term "instruction time". The newly proposed language reads as follows

(proposed language is underlined and deleted language is struck out):

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 requirement 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.

Existing Standard 305(b) would be deleted, since it is now picked up by the language of 304(b). Standard 305(b) currently states that the 45,000 minutes must include "attendance in regularly scheduled class sessions," and it seems as though the term *classroom* in the proposed 304(b) language is intended to reference that phrase. But there is a risk that the Accreditation Committee could construe the new word *classroom* more narrowly than was ever intended by this change, which the Standards

Review Committee has said is “non-substantive.” The language in the current Standard, “attendance in regularly scheduled class sessions,” is currently construed to include all aspects of clinical legal education programs, including supervision in the clinic, at court, and elsewhere; the addition of “classroom” in proposed Standard 304(b) may alter this construction.

You can see why CLEA is concerned. CLEA maintains that in a clinical course the “classroom” is not only the clinical seminar room where case theories and lawyering skills and professional values are discussed, but also in the clinic office and elsewhere, where students meet with clients and learn the tasks of lawyering, and the courtroom, where students appear on behalf of clients under faculty supervision. Unless all the academic credit awarded in clinical courses are considered as part of the 45,000 minutes of instruction time, a law student’s ability to take clinics for credit could be severely constrained.

Some light may be shed on the intent of the change by looking at proposed Interpretation 305-5. As proposed, Standard 305(a) would be interpreted by Interpretation 305-5 as follows:

The reference in Standard 305(a) to studies or activities “in a format that does not involve attendance at regularly scheduled class sessions” refers to independent study and co-curricular activities (e.g. law

review, moot court) for which some law schools allow credit. It also includes courses outside the law school, whether or not taken as part of a joint degree program, if all of the hours applied in satisfaction of the requirements for the J.D. degree are in studies or courses that satisfy the requirements of Standards 305 and 306 and have been expressly approved by the law school as appropriate for its educational program.

Clinical programs are neither “independent study” nor “co-curricular” activities. Supervision meetings and seminar are scheduled regularly for the most part, but the overall instruction, including all the case work and faculty supervision that is not regularly scheduled, is as suited to inclusion under the 45,000 minutes as are traditional classes. In referring to key motivations that guided development of the distance learning standards, the Committee justified the need for substantial “in-residence” time by citing the need for students to have opportunities (i) to interact with the instructor and with each other, both within and outside the formal structure of the course, and (ii) for involvement in the law school community. All of these goals can be achieved when students are participating in an in-house clinical program, and in fact may still be possible in many externship or community based clinical programs.

CLEA has discussed these concerns with several members of the Standards Review Committee, and will continue to work to assure that the term “*classroom instruction*” will not lead to an unintended narrowing of Standards 304 and 305. To that end, we will submit testimony on this issue at the upcoming hearings. Individual clinical faculty are encouraged to consider giving testimony at one of the public hearings and submitting testimony in writing to ABA Standards Review Committee. For details on all of the above, visit <http://www.abanet.org/legaled/standards/proposed.html#memo>

CLEA CONNECT COMMITTEE

WANT TO GET MORE INVOLVED IN CLEA? Here's your chance. CLEA has just established a new committee, called--for now--**CLEA Connect Committee (CCC)**, which has been explicitly created to help people get more connected and involved in CLEA activities. If you have ever wanted to be involved.....now's the time. For more information, feel free to contact co-chairs **Justine Dunlap** (jdunlap@wcl.american.edu) or **Michael Pinard** (mpinard@wulaw.wustl.edu) or CLEA president **Peter Joy** (joy@wulaw.wustl.edu). We need your ideas and your enthusiasm--please let us know how we can get you more involved.

CLINICAL SCHOLARSHIP COMMITTEE

CALL FOR PAPERS AND CURRICULAR WORKS IN PROGRESS

The Clinical Scholarship Committee will continue the tradition of offering sessions on works in progress at the Conference on Clinical Legal Education, to be held May 18-22, 2002 in Pittsburgh. One session will discuss papers in progress, the other session, curricular works in progress, i.e. new courses that a clinician is proposing or beginning to teach. If you want to be considered for the papers session, please send a description and outline of your paper to **Isabelle Gunning** at Southwestern Univ. (igunning@swlaw.edu) and **Ann Juergens** at William Mitchell (ajuergens@wmitchell.edu). For curricular works, please send a description and/or syllabus of your course or curriculum revision to the same individuals. The papers and/or syllabi should be in Gunning's and Juergens' hands by the end of February 2002. They will contact you by mid-March as to whether there will be room for you to present your work in one of the sessions.

Don't be shy. People are very supportive at these sessions and presenters almost always find the feedback valuable.

NOTICES

THIRD ANNUAL CLEA CREATIVE WRITING CONTEST

The third annual creative writing contest for clinical teachers is underway! As in the past, writers are invited to submit their poetry, fiction and other creative writings to the committee. A short version of the rules follows; detailed guidelines can be found at the CLEA website or can be obtained from **Calvin Pang** (visiting at Minnesota, pangx004@umn.edu). Entries are due by **February 15, 2002**.

This year, there are several changes and innovations to note. Awards for winning entries will be made at CLEA's 10th Anniversary Birthday celebration, tentatively scheduled for the evening of Sunday, May 19th in Pittsburgh (to coincide with the national clinical conference). Winners will of course have the opportunity to read from their works at the awards ceremony; but, in addition, other writers will be encouraged to share their works at an open reading as part of the CLEA Birthday party.

It's also anticipated that some local writers will be part of the reading and awards event on the 19th. Pittsburgh is home to the literary journal **HEArt** (acronym for Human Equity through Art). HEArt's mission is to advance social justice through literary and visual arts. The journal's executive

editor, Dan Morrow, and its poetry editor, Leslie Anne Mcilroy, will be among the judges for this year's contest, and they will be considering winning entries for inclusion in the journal.

In light of this, and in honor of CLEA's 10th birthday, the creative writing committee has decided to add a special prize category in 2002: the **Social Justice Writing Award**. All entries will be automatically considered for the Social Justice Writing award--no special entry procedures need be followed--but the selection for this prize will be made from among those works that reflect on struggles for equality, legitimacy, and truth.

As in previous years, the other two categories--prose and poetry--will be open to all subject areas. The committee encourages entries on a broad range of topics and in all styles and formats. In the past, the judges have been impressed by the variety of submissions, and we hope to continue in that tradition. If you have submitted entries to the creative writing contest before and have not been among the winners, don't get discouraged! Every year, the entries are reviewed by a new panel of judges, and this year, we will be able to showcase the talents of many more people than the final winners. You can even re-submit entries that you have previously submitted!

Rules:

1. Entries from clinical teachers, whether full time, part time or adjunct, are welcome.
2. Entries must be original;

- published entries can be submitted, provided they have not appeared in a publication with a circulation of more than 5,000.
3. Limit of 3 entries per person; page limit of 25 double-spaced pages, generally no smaller than 12 point font, 1" margins.
 4. All genres (poems, stories, memoirs, creative essays, songs, dramas, etc) welcome. Work can be on any subject.
 5. Cover page with author's name, address, phone, e-mail, home clinic must be included. **NO IDENTIFYING INFORMATION SHOULD APPEAR ANYWHERE ON THE MANUSCRIPT ITSELF.**
 6. Judging will be anonymous, by a panel of judges. Final decisions to be made by editors of **HEArt**.
 7. Several prizes may be awarded in each category, prose and poetry. Judges have discretion to recognize works in subcategories if sufficient entries warrant.
 8. **POSTMARK DEADLINE FOR SUBMISSIONS: February 15, 2002**
 9. Judging will be completed by April 15, 2002.
 10. **Submit to:**

CLEA Creative Writing Contest
 c/o Cornell Legal Aid Clinic
 Myron Taylor Hall
 Ithaca, NY 14853

**AALS Clinical Section
 Announces Nominations for
 the Shanara Gilbert Award**

The Clinical Section is accepting nominations for the

Shanara Gilbert Award. The deadline is **March 15, 2002.**

The Shanara Gilbert ("Emerging Clinician") Award is awarded to a recent entrant (10 years or less) into the clinical legal education community who has demonstrated all or some of the following qualities:

- a) a commitment to teaching and achieving social justice, particularly in the areas of race and the criminal justice system;
- b) an interest in international clinical legal education;
- c) a passion for providing legal services and access to justice to individuals and groups most in need;
- d) service to the cause of clinical legal education or to the AALS Section; and
- e) desirable, but not required, an interest in the beauty of nature.

Please send a two page description of how think your nominee meets some or all of the criteria. This will assist the Awards Committee in having adequate information upon which to base its decision. Send nominations to **Homer LaRue**, Chair, Clinical Section Awards Committee, at: Howard University School of Law, 2900 Van Ness Street NW, Washington D.C. 20008 or hclarue@law.howard.edu by no later than **March 15, 2002.**



CLEA'S 10th BIRTHDAY CELEBRATION

Cinco de Mayo marks the 10th anniversary of the founding of the Clinical Legal Education Association. Plans are underway to celebrate the grand event in Pittsburgh during the week of the national clinical conference. The party is tentatively scheduled to begin at **7:30 on Sunday, May 19th**. (It is not at all clear when the partying will end.) Although nothing is definite, rumor has it that the celebration will include food and drink, a recounting of some of CLEA's proudest moments, the awarding of many special prizes, wandering troubadours, and much, much more. Best of all, entertainment will be provided by YOU during a totally tasteful **AMATEUR HOUR**.

So plan to be there, and start honing those talents! All participants in the Amateur Hour will be welcome. The Clinical World looks forward to hearing your songs, watching you juggle a dozen pieces of fruit, seeing your photographs, laughing at your comedy routines, listening to your stories, clapping to the rhythm of your drums, or sampling your

gourmet delights. Some guidelines for presenters will be forthcoming, but if you think you might be interested and want to know more, contact **Bob Seibel** or **Nancy Cook** at Cornell (bob-seibel or nancy-cook @postoffice.law.cornell.edu).

YOUR HELP WOULD BE APPRECIATED! You can help make this a truly memorable event by volunteering yourself. Particular planning needs include: Food and Decor; Historical/Hysterical Moments in CLEA's Ten Years; Arts and Entertainment; and Awards. Contact Nancy Cook or Peter Joy before they contact you.

CONFERENCES

ROCKY MOUNTAIN REGIONAL CLINICAL CONFERENCE

SAVE THE 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.

INFORMATION RESOURCES FOR CLINICAL TEACHERS

The **CLEA Website** is located at:
<http://clinic.law.cuny.edu/clea/clea.html>

To get on the **LAWCLINIC Listserv**, send an email to listserv@law.lib.wuacc.edu Do not put anything in the subject space. In the body of the message, just put the words "subscribe lawclinic" followed by your first and last name. You will get a return email telling you how to post messages.

For the **Externship Listserv**, send an email to listserv@lists.cua.edu Again, don't put anything in the subject space and in the body, write "subscribe lextern" <your first name last name>

The **On-Line Directory of Clinical Teachers** is maintained on the Washington College of Law at American University website. You can search by name, type of clinic, school or geographical location. The address is:
<http://www2.wcl.american.edu/clinic>

OF NOTE

Bryan Adamson (Case Western) will be joining **Seattle University School of Law** in Fall, 2002 as

Director of their Clinical Law Program.

Brian Glick (Fordham) received the **Legal Aid Society's 2001 Law School Pro Bono Publico Award** for his leadership in establishing a collaborative partnership between the Society and the Law School's Community Economic Development Clinic. Brian received the award from Chief Judge Judith Kaye of the New York Court of Appeals, in a ceremony honoring collaborations between the Society and the private bar, law schools and other groups.

James Klein (Toledo) recently received a special **Distinguished Service Award** at the Annual Access to Justice Awards Dinner in Toledo. The Dinner is an annual event sponsored by the Toledo Bar Association and the legal services programs in Toledo. The award was for his service as chair of seven person committee that oversaw over a two-year period the restructuring of legal services in the northwestern Ohio service area.

NEWS FROM CLINICAL PROGRAMS

EAST BAY COMMUNITY LAW CENTER

Staff and students of the East Bay Community Law Center's Family Advocacy and Services Team help welfare recipients lift grant reductions imposed for

purported failure to comply with work requirements under welfare reform. Piquing the interest of policy makers, funders and community organizations alike, EBCLC Supervising Attorneys **Ed Barnes** and **Liam Galbreth** have just released **Lifting CalWORKs Sanctions: The Experience of the Family Advocacy and Services Team**, a groundbreaking study that coincides with the fifth anniversary of welfare reform. In the report, EBCLC recommends that state law provide exemptions for homelessness, that federal law allow disability exemptions for 30 percent of the caseload, and that the County improve its capacity to work with clients who face depression, have limited English skills or want to pursue education. **For copies, contact:** Liam Galbreth at (510) 548-4040, extension 331, or liamgalbreth@ebclc.org.

NEW MEXICO

In our Community Lawyering Clinic students represent clients in partnership with individual community organizations. This semester, UNM Law Clinic welcomes a new faculty member to clinic, Professor **Jennifer Moore**. Her section of the Community Lawyering Clinic focusing on human rights issues, broadly defined. Eight students, working under the supervision of Professor Jennifer Moore, constitute Clinica ASUHCAR, an acronym that encompasses three areas of human rights representation. While students can work in all three

areas, they are organized into three teams, with corresponding areas of emphasis. The ASILO team focuses on asylum and refugee issues, through a project with the United Nations High Commissioner for Refugees office in Washington, DC, in which each student partners with a UNHCR Legal Officer, conducting legal research and drafting advisory letters in individual asylum petitions. The UHURU team takes on a variety of cases in the family law, individual bankruptcy and other areas, which touch on issues of civil liberties and protections. The CARITAS team provides assistance to victims of domestic violence in regularizing their immigration status, in partnership with the staff attorneys of the local Catholic Charities VAWA immigration project.

Professor **April Land** is continuing her work on the Innocence and Justice Project to assist the unjustly incarcerated. Several clinical law students have created an independent 501(c)3 corporation affiliated with a law student organization and experienced criminal defense attorneys. The Innocence and Justice Project offers students the opportunity to work on assisting prisoners who may be unjustly incarcerated attempt to secure their release. Professor Land also continues her work with PB&J's prison projects representing individuals and conducting education projects in the prisons. She and **Mike Norwood** also collaborate with the FOCUS programs at the University

of New Mexico Health Sciences Center linking children and their families to services using solution focused strategies, skill building and advocacy.

Professor **Christine Zuni Cruz** continues her work with Tribes and native people. She and Professor **Kip Bobroff** have worked on individual representation and educational projects to expand access to justice for native peoples and to help them achieve self determination.

Professor **William MacPherson**, founding director of the Clinic, continues to teach in the District Attorney Clinic with **Lisa Torraco**. They recently received new space in the District Attorneys office and new computer equipment for each student enrolled in the District Attorney Clinic. They have also recently completed a new update of "Crimestoppers", the practice manual they have developed for use as the teaching materials for the class.

Clinic director **Antoinette Sedillo Lopez** is working to support these and other wonderful projects. The faculty held retreat on clinical legal education in October that her helped sharpen the planning process for future clinical initiatives at the University of New Mexico School of Law.

SAN DIEGO

The University of San Diego is offering a new clinical course for Spring, 2002 in a joint venture with the Department of the Public Defender of San Diego. Students

will address the legal, procedural, ethical, and cultural issues that arise in the course of interviewing new arrestees in the San Diego County Jail who are not yet represented by counsel. Students will work under the public defender's umbrella, and will do interviews, arraignments, and bail hearings.

Supervised by a deputy public defender, students will serve as pre-arraignment representatives for the Department by going into the San Diego County Jail and identifying recent arrestees who have not made bail. They will conduct initial interviews to provide advice regarding an arrestee's constitutional and statutory rights, address an arrestee's concerns arising from his incarceration, and obtain and investigate information relevant to the issue of bail, such as the arrestee's length of residence, his current employment status, and ties to the local community. If criminal charges are filed, and an arrestee's arraignment is scheduled when the student who conducted the interview is available, that student will be able to represent that person in court to argue for a bail reduction or OR release, under the supervision of a deputy public defender.

BOOKS & PUBLICATIONS

Robert J. Dieter (Colorado)
Restitution in Criminal Cases. 30
COLO. LAW. 125 (October 2001).

Grady Jessup (North Carolina Central), *The Emperor's New Clothes: "But The Emperor Has Nothing On!"* G.S. 110-90.2"S Invisible Protection of Children and Vexatious Impact on Citizens, 24 **N. C. CENT. L.J.** 103 (2001).

Stefan H. Krieger (Hofstra), *A Time to Keep Silent and a Time to Speak: The Functions of Silence in the Lawyering Process*, 80 **OR. L. REV.** 199 (2001).

William Wesley Patton (Whittier), *The Status of Siblings' Rights: A View Into The New Millennium*, 51 **DEPAUL L. REV.** 1 (2001).

Michele R. Pistone (Villanova) & Philip G. Schrag (Georgetown), *The New Asylum Rule: Improved but Still Unfair*, 16 **GEO. IMMIGR. L.J.** 1 (2001).

Suzanne J. Schmitz (Southern Illinois) *What Should We Teach in ADR Courses? Concepts and Skills for Lawyers Representing Clients in Mediation*, 6 **HARV. NEGOT. L. REV.** 189 (Spring, 2001).

Larry R. Spain (Texas Tech), *The Opportunities and Challenges of Providing Equal Access to Justice in Rural Communities*, 28 **WM. MITCHELL L. REV.** 367 (2001).

Larry R. Spain (Texas Tech), *The Elimination of Marital Fault in Awarding Spousal Support: The Minnesota Experience*, 28 **WM. MITCHELL L. REV.** 861 (2001).

Larry R. Spain (Texas Tech) and Kristine Paronica, *Considerations for Mediation and Alternative Dispute Resolution for North Dakota*, 77 **N.D. L. REV.** 391 (2001).

POSITION ANNOUNCEMENTS

AKRON

Part-Time Business Clinic

The University of Akron School of Law is seeking applicants interested and well-qualified to operate in our newly created Business Clinic.

The University of Akron School of Law, in cooperation with several local business entities, will create a Business Legal Clinic beginning in August 2002.

The Business Clinic will focus on assisting newly formed businesses, emphasizing businesses owned and created by women and minorities. Our goal is to provide transactional business information by using an attorney within the Clinic supplemented by law students. Cases and clients will be referred to us from the Greater Akron Chamber, a local women's business network, and a new consortium created by The University of Akron for which funding has been received.

We anticipate this will be a part-time position, 20-25 hours a week, with full benefits.

Applications should be sent to Professor J. Dean Carro, University of Akron School of Law, Akron, Ohio 44325-2901. Preference will be given to candidates who have experience in corporate as well as community development work.

AMERICAN UNIVERSITY

Clinical Program Faculty Visitors and Practitioners in Residence

American University, Washington College of Law, is seeking applications for Visitors and Practitioners in Residence in its Clinical Program for the 2002-2003 Academic Year. Practitioner in Residence appointments are short-term (normally two year) appointments. Responsibilities in the in-house, live-client clinical program include teaching a seminar component of a clinic, conducting case rounds and supervising students in their fieldwork. These faculty members teach one additional course each year outside of the clinical curriculum. The Clinical Program will provide an orientation and training for incoming Practitioners, as well as mentoring while the Practitioner is in residence. The Washington College of Law currently has the following clinics: civil practice clinic, community and economic development law clinic, criminal justice clinic (prosecution and defense); domestic violence clinic (criminal and civil); intellectual property clinic; international human rights clinic;

tax clinic; and women and the law clinic. The applicant's teaching responsibilities will depend on experience, interest, and the overall needs of the clinical program.

Minimum qualifications include a J .D. degree, outstanding academic record, three years experience as a lawyer and membership in a bar. Desired qualifications include experience or training as a clinical teacher, published legal scholarship and participation in clinical teachers' conferences and workshops. American University is an EEO\AA employer committed to a diverse faculty, staff and student body.

Applications consisting of a curriculum vitae and cover letter should be sent to Professor Kenneth Anderson, Chair, Faculty Appointments Committee, c|o Office of the Dean, American University, Washington College of Law, 4801 Massachusetts Avenue, N.W., Washington, D.C. 20016, with a copy to Professor Richard Wilson, Director, Clinical Program, at the same address.

BROOKLYN

Clinical Assistant Professor Federal Litigation Clinic

Brooklyn Law School invites applications for a position as Clinical Assistant Professor to assist in teaching its Federal Litigation Clinic.

The Clinic, and this position, is a full year program in which students represent litigants in

federal court actions, primarily involving individual employment discrimination and other civil rights matters. Students also participate in a weekly seminar that addresses pre-trial skills through simulation and issues of lawyering process and professional responsibility. The program is directed by a full time tenured faculty member. Responsibilities will include student supervision and seminar teaching. The position is open as of late spring 2002 and we hope that our newest clinician would begin to work no later than June.

Applicants should have strong academic credentials and at least three year's civil litigation experience, preferably in federal actions. Other desirable qualifications include: participation in an in-house law school clinical program, a federal district court clerkship, and a demonstrated commitment to public interest law. New York bar membership or eligibility for reciprocity is required. This is a 12 month decanal appointment, with a presumptively renewable contract. All standard employee benefits are available and the salary will be within a range the exact terms of which would be commensurate with experience.

BROOKLYN

Staff Attorneys Elderlaw Clinic

Brooklyn Law School has two staff attorney positions available in their Elderlaw Clinic, a program

that provides legal services primarily on housing, benefits, and family (e.g., guardianship, conservatorship) matters in NYS trial and appellate courts.

One position requires 2 years experience in relevant areas and the second position is entry-level but that applicant should have had some pertinent clinical or work experience during law school.

Applicants should submit a resume and cover letter, specifying which position they seek and describing their litigation experience and other qualifications to: Professor Stacy Caplow, 250 Joralemon Street, Brooklyn, NY 11201 (718) 790-7944; (718) 780-0376 [FAX]; email: scaplow@brooklaw.edu

Applications will be accepted immediately and the process will continue until the positions are filled.

CASE WESTERN RESERVE

Clinical Faculty

Case Western Reserve University School of Law invites applications for a clinical faculty position beginning in the 2002-2003 academic year. This is a long-term contract position, for which unlimited renewals are possible. Candidates will be considered for appointment as an Assistant, Associate or Full Professor based upon their practice and teaching experience. We seek candidates with distinguished academic records and practice experience as well as a strong commitment to clinical legal

education and teaching. The Clinic Center currently includes a Civil Litigation Clinic, Community Development Clinic, Criminal Justice Clinic, Family Law Clinic, Health Law Clinic, and an Immigration Clinic. An Intellectual Property Clinic is planned. Clinical Faculty generally teach and supervise in 2 clinics and we are flexible regarding a candidate's area of specialization. Interested applicants should have experience in at least one of our specialty areas. Case Western Reserve University is an equal opportunity, affirmative action employer and encourages nominations of and applications from women and minority candidates. Contact: Professor Hiram Chodosh, Chair, Faculty Appointments Committee, Case Western Reserve University School of Law, 11075 East Boulevard, Cleveland, Ohio, 44106.

UNIVERSITY OF CHICAGO

Housing Development Clinic

The University of Chicago Law School seeks applicants for a clinical teaching position in a new housing development clinic. The work in the new project will be transactional, or community development related, rather than litigation or legislative. The project plans to identify one or two communities in Chicago where the need and interest in housing development is great. The project will work with tenants or new owners in these locations to establish legal entities, such as cooperatives, that would enhance

the tenants' ability to enjoy services such as maintenance, security, and even social services. The project may also work with not-for-profit developers in putting together deals to create additional low cost housing in these communities. Because we are still in the process of creating this project, we expect applicants to come with creative ideas about how to develop low cost housing and improve service delivery in Chicago. Additionally, applicants must be capable of teaching the necessary transactional and community development skills and methods to law students and supervising the clinical work of those students.

Interested applicants should send their resumes to Randall D. Schmidt, Arthur O. Kane Center for Clinical Legal Education, University of Chicago Law School, 6020 South University Avenue, Chicago, Illinois 60637. FAX: (773) 702-2063.

CUNY

Battered Women's Rights Clinic

City University of New York School of Law at Queens College invites applications for a full-time adjunct position in our Battered Women's Rights Clinic beginning June, 2002. This clinic is one of six clinics of Main Street Legal Services, the Law School's clinical program. Duties of the teaching position include working with other clinical teachers in the clinical program, direct supervision of third-year students in client

representation and projects; development of curriculum, simulations, and advocacy materials; and joint classroom teaching. We are seeking a creative and experienced lawyer/teacher with a desire to work collaboratively in a diverse environment, a serious commitment to clinical teaching, and a commitment to our mission as a public interest law school. J.D. degree or its equivalent required. We are also hoping that the person hired could supervise social work students in a new program that combines social work and law on behalf of clients. Therefore, we are especially interested in hiring some with a M.S.W. and experience supervising social workers. While a M.S.W. is not required, experience in family law is and working with survivors of domestic violence is preferred. Salary is \$55 70,000 depending on experience and qualifications. The position is for a one-year appointment with a possibility of future appointments. CUNY Law School is an equal opportunity and affirmative action employer. To apply, please send cover letter and resume by **March 7, 2002**. Contact: Susan Bryant, Director of Clinical Programs, City University of New York School of Law at Queens College; 65-21 Main Street; Flushing, New York 11362.

CUNY

International Women's Human Rights Law Clinic

Position available: Adjunct professor/staff attorney

Date of Commencement: Feb 1, 2002

Founded in 1992, the International Women's Human Rights Law Clinic (IWHR) has a record of groundbreaking contributions to the development and implementation of women's human rights in the United Nations, the Inter-American regional and in US contexts. As a clinical education and advocacy program, which is part of the CUNY Law School's award-winning third-year clinical education program, it provides third-year law students with a unique opportunity to engage in diverse projects involving creative lawyering in the field of international women's human rights.

IWHR is seeking to hire an adjunct professor/staff attorney to begin no later than Feb. 1, 2002 . Applications will be considered initially for the spring semester only (Feb-June 2002); and we welcome at this time applications for the 2002-2003 academic year to begin July-August, 2002.

Our primary concern is your experience in and commitment to clinical teaching, the representation of or collaborative work with groups and individuals, and advancing the human rights of women as part of a broad social justice agenda. Please indicate your experience and interest in any

or all of the following the following: clinical teaching or practice; education, teaching, scholarship, advocacy or practice in the field of international human rights; litigation experience, in US federal courts, or in relevant contexts; foundation in feminist critiques and strategies; background in economics and globalization structures; experience living or working with groups in the global south; supervision of students or less experienced lawyers; and organizational, administration and fundraising skills.

The adjunct professor/staff attorneys' responsibilities will include seminar teaching and supervision of student case and project work, ancillary work on IWHR's ongoing projects and sharing of the administrative work of IWHR. IWHR divides its work between advocacy in international and regional fora and domestic implementation of women's human rights in the United States. It may include plaintiffs' representation in US Alien Tort Claims Act litigation in federal court, amicus briefs before domestic and international courts; and contributions to UN negotiations, conferences and meetings as well as petitions and briefs to UN treaty bodies and other human rights mechanisms. Some of our work involves assisting domestic implementation abroad. We serve as legal advisor to the Women's Caucus for Gender Justice and work closely with a range of women's and human rights NGOs

here and in other parts of the world.

Please indicate languages and realistic level of fluency.
Salary: 45,000-60,000 (full-time) depending on experience.
Term: 1 semester to 3 years, depending upon position.

Affirmative action: We encourage applications from women, people of color and of different gender/sexual orientations and from the global south.

Deadline for applications:

January 20, 2001 for Spring 2002 semester; as soon as possible for the 2002-2003 Academic Year, but no later than March 1, 2002.

Please send (email preferred) resumes and descriptive cover letters to the hiring committee c/o:

Prof. Rhonda Copelon
Attn: Nathalie Lasslop
CUNY School of Law
65-21 Main Street
Flushing, NY 11367

Email: lasslop@mail.law.cuny.edu;
and rcopelon@aol.com
(please indicate "IWHR APPLICATION" as subject)

MICHIGAN

Legal Assistance for Urban Communities Fellowship

The University of Michigan Law School is seeking an attorney for a two-year full-time fellowship position to teach and supervise students in its Legal Assistance for Urban Communities Clinic. The Clinic specializes in

transactional law in the areas of affordable housing and community development. Duties will include direct supervision of law students engaged in transactional practice representing nonprofit development organizations and participation in community and civic events. Successful applicants must have a minimum of two years experience as a practicing lawyer in a related field; exemplary oral and written communication skills; strong academic record and/or other indicators of high performance. Desired skills include: experience in development or real estate law, involvement with nonprofit organizations, low-income communities or community service projects, teaching experience, or public relations experience. Travel between Detroit and Ann Arbor is required.

Applicants should send a letter of interest and resume to:
Professor Rochelle Lento
Executive Director
Legal Assistance for Urban
Communities Clinic
University of Michigan Law
School
8109 E. Jefferson Ave., Suite 300
Detroit, MI 48214

The application deadline is **February 1, 2002**. The University of Michigan is an equal opportunity, affirmative action employer.

SYRACUSE

Director Low-Income Taxpayers Clinic

The Syracuse University College of Law Office of Clinical Legal Education is pleased to announce a new Low Income Taxpayers Clinic. The College of Law Office of Clinical Legal Education has received a one year, renewable grant from the IRS to begin this clinic to provide assistance in tax litigation matters to clients in our community with low incomes, particularly clients for whom English is a second language. The College of Law plans to hire a full or part time director to run the clinic, on a renewable contract basis, beginning July 1, 2002. Interested applicants should send a cover letter, resume and the names of three references to Professor Deborah Kenn, Acting Director, Office of Clinical Legal Education, P.O. Box 6543, Syracuse, New York 13217; dskenn@law.syr.edu. The College of Law welcomes applications from all candidates, including those who would enhance the diversity of our faculty.

TULANE

Clinical Instructor Domestic Violence Project

The Tulane University School of Law and the Tulane Civil Litigation Law Clinic are seeking applications for a Clinical Instructor in domestic violence to begin in June 2002. Applicants should have a Juris Doctorate, a sound academic record, significant

practice experience representing clients in domestic violence cases, and an ability to mentor student-attorneys. Responsibilities will include supervising ten student-attorneys representing indigent clients in domestic violence cases and assisting in classroom teaching. The domestic violence project is a new program which will operate under the auspices of the Civil Litigation Clinic, currently staffed by a director, a Clinical Instructor and twenty student-attorneys. The Clinic provides free civil legal services to indigent clients in state and federal courts in the metropolitan New Orleans area. Representation is at the trial and appellate level.

The Domestic Violence project will be an interdisciplinary clinic working in collaboration with the Tulane University School of Social Work.

There is a strong preference for a candidate already admitted to the Louisiana bar. However, in exceptional circumstances, applicants will be considered who are willing to sit for the July 2002 bar examination. The Clinical Instructor will receive University benefits, a stipend of approximately \$35,000 - \$40,000, and the opportunity to earn an LLM degree from Tulane Law School.

To apply, submit a cover letter, resume, law school transcript, list of three references (include telephone numbers) and a brief explanation of the applicant's interest in domestic violence advocacy and clinical supervision. Applications will be accepted and evaluated until the appointment is

made, but will be reviewed immediately. Applications should be received as soon as possible for full consideration.

Tulane Law School is committed to diversity and equality in employment; women, persons of color and physically handicapped persons are encouraged to apply.

Contact: Professor Jane Johnson, Chair, Clinical Appointments Committee, Tulane Law Clinic, Tulane Law School, 6239 Freret Street New Orleans, LA 70118.

Tulane Law School and Tulane University are AA/EOE.

TULANE

Clinical Instructor Criminal Law Clinic

The Tulane University School of Law and the Tulane Criminal Law Clinic are seeking applications for a Criminal Clinical Instructor. Applicants should have a Juris Doctorate and significant criminal defense experience. Responsibilities will include supervising students representing indigent criminal defendants in state and federal criminal cases at trial and on appeal. There is a strong preference for a candidate admitted to the Louisiana bar. However, in exceptional circumstances, applicants will be considered who are willing to sit for the July 2002 exam. The Clinical Instructor will receive University benefits, a stipend of approximately \$35,000 - \$40,000, and the opportunity to

earn an LLM degree from Tulane Law School.

Qualified applicants must submit a cover letter, resume, law school transcript, list of three references (include telephone numbers) and a brief explanation of the applicant's interest in criminal law and clinical supervision. Applications will be accepted and evaluated until the appointment is made, but will be reviewed immediately. Applications should be received as soon as possible for full consideration.

Tulane Law School is committed to diversity and equality in employment; women, person of color and physically handicapped person are encouraged to apply.

Contact: Professor Jane Johnson, Chair, Clinical Appointments Committee, Tulane

Law Clinic, Tulane Law School, 6329 Freret Street, New Orleans, LA 70118. Tulane Law School and Tulane University are AA/EOE.

Making Judicial Selection

Since 1985, the Alliance for Justice has been extensively involved in the appointment process for federal judges. The Judicial Selection Project monitors and investigates judicial nominations for all levels of the federal court, and actively encourages public participation in the confirmation process.

To that end, the Judicial Selection Project researches federal judicial nominees and their backgrounds. We scrutinize previous writings and collect and analyze all public statements. Following this extensive research, our team (in conjunction with coalition partners) works with the Senate Judiciary Committee members and staff to encourage the confirmation or defeat of each nominee.

The Judicial Selection Project is entering a new phase. We are organizing and participating in educational forums to help grassroots activists increase their understanding of and participation in the federal courts and the

confirmation process. We are holding these forums in key states nationwide, in hopes of opening up communication and furthering dialogue between Senators and activists. Consequently, Senators can educate the public, and the activists make known their opinions to the Senators; the education works in both directions.

The structure of the forums is a panel discussion on the different rights under attack from a conservative activist court. The panels typically focus on civil rights, women's rights, disability rights, workers' rights, and environmental rights. Following the panel discussion, we encourage a question and answer session.

The goal of this grassroots work is to create a group of citizens concerned with how life-tenured judges are chosen and, ultimately, to unite people who are willing and able to take action when it is necessary.

For more information, contact Kendra-Sue Derby at the Alliance for Justice, phone: (202)822-6070 or email: ksderby@afj.org.

What You Can Do

- ◆ **Sign up for IndependentJudiciary.com.** The website contains relevant information about the Supreme Court and biographies of the nominees, as well as an Action Center featuring petitions, volunteer opportunities, and action alerts.
- ◆ **Write an op-ed** for your local paper on the importance of a fair and independent judiciary. Voice your support or concern for nominees and your Senator's stance.
- ◆ **Call or write your Senator** to make known your views on judicial nominees. Make sure that your voice is heard during the nomination and selection process!
- ◆ **Co-sponsor an educational forum** for students in your law school, informing them of the importance of these critical issues. Educate others on how they can get involved.
- ◆ **Help research judicial nominees.** Contact the Alliance for Justice and Judicial Selection Project for more information.
- ◆ **Tell the Alliance about your hard work and success!** Send copies of all articles and letters to Kendra-Sue Derby at the Alliance for Justice.

**Tell your friends and colleagues
to get involved in judicial selection!**

VIEWPOINTS

PROPOSAL TO CHANGE ACCREDITATION STANDARD 304 WOULD LIMIT CLINICAL PROGRAMS

John Elson
Northwestern

Clinical teachers may want to review and comment on the proposed changes to Accreditation Standard 304 because they threaten large reductions in student enrollments in both in-house and out-of-house clinical programs. Under a literal construction of the proposed language, most clinical course credits would no longer count towards the 56,000 minutes of total instructional time required for graduation. The proposal also makes clear that such courses would not count towards the 45,000 minutes during which students must be in "attendance in regularly scheduled class sessions. . . ."

Under current Standard 304(b), students must complete "a course of study in residence of not fewer than 56,000 minutes of ***instruction*** time, including external study meeting the requirements of Standard 305. . . ." (emphasis added). Under the proposed 304(b), students must complete "a course of study in residence of not fewer than 56,000 minutes of ***classroom instruction*** time, except as otherwise provided." (emphasis added). Although most of us think of courtrooms, locations for fact-gathering, legislative hearing rooms, etc. as functional classrooms, I doubt the Accreditation Committee would so construe the term. Excluding the student time in clinical courses spent outside the classroom from the minutes required for graduation would obviously be a serious, if not devastating blow to most in-house clinical and externship programs since few students would take these programs' courses on an overload basis.

The proposed 304(b) also makes a formal change in the requirement that students spend at least 45,000 minutes "in regularly scheduled class sessions at the law school" by moving this requirement from Standard 305 to 304. Because the contemporaneous understanding of Standard 305 was, as I recall, that it would apply to courses away from the law school, and not to in-house clinical programs, (an interpretation, I admit, that is not supported by a literal reading), moving this requirement to 304 removes any doubt that in-house clinical courses are included in the 45,000 minute requirement. Since this requirement would, by my calculations, allow only 15.7 credits to count towards graduation for instruction that is not "in regularly scheduled class sessions at the law school," many in-house programs might be affected since they would be competing for the 15.7 credits with all other law school offerings that do not meet in regularly scheduled class sessions.

The proposal does not provide any reason for these changes; indeed, it implies it makes no changes in the instructional minutes requirements. Perhaps I have overlooked some important pedagogical research showing that law schools can prepare lawyers for the competent and ethical practice of law through classroom instruction better than through experiential learning guided by clinical teachers. Maybe after 20 years, it's time for Frank Bloch to revisit "The Androgogical Basis of Clinical Legal Education," though I kind of doubt it. To the contrary, since the available research amply demonstrates that the type of `reflection-in-action,` which Donald Schoen described as essential to competent professional practice, is best learned experientially in a supervised setting, the Section of Legal Education, if it persists in prescribing how most law school courses must be taught, should require a minimum number of credits devoted to supervised experiential learning. Short of that, however, I hope CLEA and individual clinicians will urge the Section either to abstain from any such pedagogical micro-management or, at the least, not privilege classroom, over clinical, teaching. In so doing, I recommend asking the Section to make clear that in-house clinical and externship courses are included within both the 56,000 and the 45,000 minute requirements needed for graduation. However you come out on the details, I hope that if you agree that the proposed Standard 304(b) raises serious questions about the future role of clinical teaching, both in-house and out-of-house, you will add your voice to the debate. The proposal can be found on the ABA website at:

<http://www.abanet.org/legaled/standards/proposed.html#memo>

The proposal also states that "comment should be sent to Deputy Consultant Barry A. Currier by mail at American Bar Association, 750 North Lake Shore Drive, Chicago, IL 60611 or by e-mail at currierb@staff.abanet.org. "

PROPOSED ABA ACTION WILL LIKELY LEAD TO EXCLUSION FROM CREDITS FOR GRADUATION OF NON-CLASSROOM ACTIVITIES AND CLINICS

By Gary H. Palm, Clinician in Exile/Litigation

The ABA has made a drastic change in its proposed revised Standard 304(b) in what will be counted as credits for graduation. By its terms, only classroom time can be counted toward graduation requirements. The changes in 304(b) are shown as follows: "The proposed Standard 304(b) states that "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 Accreditation Committee only relies upon the words in the standards and interpretations. The commentary which accompanies these proposals on the ABA website and was sent to the deans, is not included in future editions of the Standards and Interpretations. The problem is that the Accreditation Committee's membership changes regularly and frequently and new members do not know the history of how prior standards were applied. Nor is there a common law rule that treats earlier action letters as precedent for other law school situations. As a former member of the Accreditation Committee for seven (7) years, I can tell you it would have been very hard for me to argue successfully that time spent in supervision conferences and case work in the clinics and at court, for example, would count as minutes in classroom instruction.

The prior language made it clear that non-classroom activities in clinics were included. The language provided: "That there would be not fewer than 56,000 minutes of *instruction time, including external study meeting the requirements of Standard 305.* (emphasis added.) The use of "instruction time" and the specific inclusion of extern credits shows that the Standard included non-classroom clinical work. Standard 305(f)(4) does not even require classroom instruction but identifies as a factor in evaluating a field placement program: (4) any classroom or tutorial component." Standard 305(g) states:

"(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).

These standards show definitely that since credits for non-classroom work in field placement programs had been included, such activities were deemed "instruction." Therefore such work in in-house clinics are also "instruction." This also shows that not only clinic non-classroom time but also the tutorial time in legal writing programs, independent study

with faculty members, and other non-classroom pedagogy, including seminars in which there are only discussions, would qualify as instruction time under the present standard.

With the elimination of the specific inclusion of external programs under 305 and the addition of “classroom” before instruction, I would be hard pressed to argue that all of those non-classroom activities can be included in the 56,000 minutes graduation requirements unless they are expressly provided elsewhere in the standards. As to all of those, there are no separate provisions, which permits those activities to receive credit.

The reference in existing Standard 305(b) that “the requirement of 45,000 minutes of total time in attendance at regularly scheduled class sessions at the law school 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, shows that this limit was only meant to deal with external studies, which was specifically delegated by 304(b) to 305. Any argument that 305 somehow excluded in-house clinics from the 45,000 limits just does not comport with the language of 304(b) and the way the 45,000 minutes requirement is placed in the externship provisions. Both (f) and (g) relate to externships, and as one who was involved in writing 305, I know that the whole provision was aimed at externships and only externships.

I. FOREIGN PROGRAMS CRITERIA SHOW THAT PRIOR STANDARDS INCLUDED “COURSES OF INSTRUCTION” IN BOTH THE 56,000 AND 45,000 MINUTES REQUIREMENTS

Present Standard 304(b) only provides that 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 instruction time. The guidelines on foreign study in semester abroad programs show that this provision has been interpreted in the past to include “equivalents to class time.” The criteria for approval of foreign semester abroad programs provide in III.C.: “credit shall be stated in terms of credit hours according to the following formula: one semester hour for each 700 minutes of class time or equivalent or one quarter hour for each 450 minutes of class time or equivalent. Later this is clarified somewhat where it provides in III D(1): “class hour credit may be awarded for extra-curricular lectures and field trips only when the content is academic in nature and related to the class for which the credit is awarded.” III G requires: “visits to legal institutions in the host country.” This makes clear that time outside of class can be counted. Is credit awarded for visiting court but not for representing a client under supervision? So the change in Standard 304 will conflict with this provision. Which will prevail?

As to externships III, E(2) of the semester abroad criteria states: “If credit is given for externship placements, then faculty supervision must be individualized and integrated with classroom work to ensure that the

credit allowed is commensurate with the educational benefit of the participating student.” In addition, III E(2) indicates that the program must meet the other requirements of Standard 305(d) (evaluation) and interpretations thereof. Thus, externship credit was also included as the equivalent of “class time.” Criterion III B.1 goes on to say: “Although a student in an ABA approved law school may be permitted to take courses in foreign segment programs during the course of study toward the J. D. Degree, the total credits in foreign segment shall not exceed one-third of the credits required for the J.D. Degree in the school in which the student is regularly enrolled. “Does this provision trump the 11,000 minutes restriction or are foreign programs limited to one third of 56,000 which is around 18,000 minutes? Should foreign programs be preferred over in-house clinics? Externships? Independent Study? Criterion III B-2 is very confusing as applied to new Standard 304. It provides: “Granting of residency credit shall comply with the requirements of Standard 304.”

The Criteria for Approval of Summer Programs applies many similar requirements: Class time or equivalent is used; the externships are treated the same way as above; maximum credits are the same; visits to legal institutions are also required and the limit on all foreign program credits for any student is 1/3 of the credit required for the J.D. degree. The major difference is that III C states: “For purposes of calculating required class minutes, classes in which a translation is needed may not count more than fifty (50) percent of actual class time expended.” Maybe we should argue that our practical instruction is in a language foreign to academics and should at least count for fifty (50) percent.

The criteria for approval of individual student study abroad is even more problematic under the new proposed Standards and probably also under the old Standards too. As to educational content, Criterion 4(a) states: “An exception to the Standards relating to class minutes and length of program is inherent in these criteria.” So it appears that while independent study at home is limited under Section 305 to the 11,000 limit, independent study abroad is not so limited. Admittedly, study abroad may be in a host school taking classes but this is not required. Criterion IV C.2 nevertheless states: “The granting of residence credit shall comply with the requirements of Standard 304.” What parts of old 304? New 304? What is an “inherent exception?”

But Criterion IV E 2 prohibits externships and provides that: “No credit shall be awarded for extern placements (e.g. in a law firm, government office or corporation).” This is a draconian exception to Standard 305 but apparently the whole criteria for foreign programs although claiming to comply with the standards are really one big exception. Maybe clinic should use foreign programs as an example and become an exception to Standard 304 for domestic programs. But that may well engender a new round of regulation of clinics. Maybe in the long run that would be good because it would educate more people about

the pedagogical value of clinical education. After all, this anti-Clinic and pro-classroom bias is among the motivating preferences for the proposed changes.

III. STANDARD 304 INTERPRETATIONS SHOW THAT COURSES IN RESIDENCE WAS PREVIOUSLY MEANT TO BE INCLUDED IN 56,000 MINUTES AND 45,000 MINUTES

The language in Standard 306 shows that the 11,000 minutes limit was meant to include courses taught in residence and not limited to classroom time only. The language in present interpretation 304-2 about joint degrees supports that view. It seems to show that the 45,000 minutes in present 305 was meant to be limited to “courses” taught in residence at the law school and not “classroom hours.” Interpretation 304-2 was approved in August 1996. It provides: “In a joint degree program between a law school and another school or college, (1) not fewer than 45,000 minutes of the 56,000 minutes of study required for a J.D. Degree shall be “in courses in residence at the law school.” (emphasis added.) The next paragraph in the interpretation provides: (2) The remaining 11,000 minutes of study may be in courses outside the law school if all the hours applied in satisfaction of the requirements for the J. D. Degree are in studies or courses that satisfy the requirements of Standards 305 and 306 and have been expressly approved by the law school as appropriate for its educational program.” This too was adopted in August 1996. This shows that “courses” was the operative word not “classroom” and that the 11,000 limit was on courses “outside the law school” not “non-classroom courses.”

No change has been proposed in interpretation 304-2’s first paragraph that recognizes 45,000 minutes in courses in residence at the law school. Does this mean that a student in the joint degree program has two (2) different 11,000 minutes limitations or they must count the programs at the other school along with other restricted programs (i.e. externships, independent law school study, etc.) into the 11,000 minutes limitation under 304 so that effectively they cannot take non-classroom courses like clinic, externships, legal writing, foreign programs and co-curricula credit offerings. Or it may be that the only students who can get unlimited clinical credits for non-classroom work are joint degree candidates. The proposed change to impose Section 305’s limit on the 45,000 minutes to classroom attendance rather than “courses offered in the law school” needs to be corrected.

Likewise present interpretation 304(5) (approved in August, 1999) supports my position. The language there is that “to achieve the required total of 56,000 minutes of instruction time a law school must require at least 80 semester hours of credit or 124 credit hours quarter hours of credit.” (emphasis added.) Again, this language does not have any limitation on “classroom attendance” but simply makes it “instruction time”, which includes credit for time spent in non-classroom work in clinic, legal writing and independent study.

Why on earth is the ABA micromanaging everything into classes instead of giving the law schools freedom to use clinics. I think this is a terribly regressive step that will return us to the days of 150 students in a class or worse in a distance learning set up, bored to tears while the faculty are out playing golf or running their \$100 million law and economics consulting practices instead of teaching and meeting students. Again, maybe we need a new standard on clinical education. That might be a good beginning for our best practices project.

Another example of the original intent is in interpretation 304(5) that uses “700 minutes of instruction time exclusive of time for an examination” as the definition of instruction time.

IV. IF DISTANCE LEARNING COUNTS TOWARD 56,000 AND 45,000 MINUTES, WHY NOT CLINICS?

The privileging of attendance in classroom instruction is amazingly emphasized by the proposed Distance Learning Standard 306 allowing credit for synchronous distance education to be counted toward both the 45,000 minutes and 56,000 minutes. Synchronous distance education counts if: “It provides video access to the instructor during class sessions; (2) is interactive; and (3) provides satisfactory opportunities for students to interact with the professor and each other outside of class.” (Is this during the one-hour per week of office hours?) In addition, asynchronous distance education delivered to resident law students or synchronous education delivered directly to resident law schools that does not meet those requirements may be awarded, counts toward the 56,000 minutes and may count towards the 45,000 minutes if: (1) there is opportunity for adequate interaction with the instructor or the students both inside and outside the formal structure of the course; (2) no student enrolls in more than four credits of courses offered under this subsection in any one term nor more than a total of 12 credits during a student’s enrollment in the law school. So this new 306(d) provision sets a new limit within the 45,000 minute count of 12 credits overall of distance learning for students who do not have satisfactory opportunities to interact with the professor and each other outside of class or that does not provide video access or is not interactive. Within the 11,000 minute limit, up to three credits are allowed for distance education courses that do not meet any of the above requirements such as credit offered to non-resident students in the summer term. These will only be permitted up to three credits.

So distance learning is the new pedagogical approach the ABA is favoring for the future. How many students can get on the internet at once? Too bad that the House of Delegates is powerless to correct this mess!!

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