

**Transcription of the Oral History Interview with  
Richard Boswell  
January 5, 2002**

Ogilvy: Richard. Hi. Thank you. What was your first exposure to clinical legal education?

Boswell: It was actually in law school in my first year in law school.

Ogilvy: Where was that?

Boswell: It was at George Washington University. The person who taught criminal law was the director of the clinic, which he had inherited from the Cahn's (Jean and Edgard Cahn). I always knew when I went to law school -- I didn't really go to law school thinking about the clinic. I knew the way that I learned the best - and I was extremely bored in my first year, and so I went in and volunteered in the clinic. I wasn't getting any credit, but I just had to be there.

Ogilvy: As a first year student?

Boswell: As a first year student I kind of like insinuated myself in there, and started doing client intakes.

Ogilvy: Who was the instructor?

Boswell: Eric Sirulnik.

Ogilvy: And what year was this?

Boswell: This was in 1975.

Ogilvy: And what did you do as a first year student?

Boswell: I basically I did a lot of the intake interviews, I did work with some of the third year students as an investigator -- pretty much whatever I could get my hands on.

Ogilvy: Did this continue into your second year as well?

Boswell: Oh it definitely continued into my second and third. So it basically consumed me, and I actually ended up taking a little longer to finish law school because I was in a financial situation where I had to work in order to go to school and I couldn't work and do clinic without taking a little bit more time -- so I ended up drifting into the part time program at GW. But I had to make sure that at work they were willing to accommodate my clinic schedule. You know if I had to go to a hearing. I basically did as much as I possibly could and maneuvered my way

around the system.

Ogilvy: Are there any cases or people that you remember from that time?

Boswell: People always remember the very first case that they had, and mine was a social security disability case involving a client who was totally screwed over by the system. In many ways he reminded me of someone who could have been my grandfather or somebody else in my family. So I spent a lot of time talking with him and going over to his house. He lived in, I guess it was in Adams Morgan [neighborhood of D.C.] before Adams Morgan changed and got more upscale. He lived in a small little place there. I would spend a lot of time talking with him about all aspects of his life. He had psychological problems, and he had a lot of physical disabilities and I just couldn't figure out why they would just turn him off. It was successful in the end -- but it was that personal relationship that's what I was -- that's why I went to law school -- it was to have those kinds of personal relationships with clients. And I wasn't getting any of it in class, and I wanted to get it in some other setting..

Ogilvy: How was the clinic structured at that time in terms of, say, number of students or classroom component?

Boswell: It was kind of well -- it was very unstructured. There was no classroom component. There was basically -- it was a legal services model. You were

doing cases and that's what we did -- we did cases. So it was kind of like in that early stage of clinics where things didn't -- there might have been a pedagogy, but I'm not sure what that was. [laughter]

Ogilvy: When did you graduate then?

Boswell: I graduated in January of 1979.

Ogilvy: What did you do?

Boswell: I went into a private practice in a small firm doing immigration work. I got involved -- I got interested in immigration. We didn't have an immigration clinic but I got interested while I was in law school so I was working at this immigration firm and doing my clinical I was doing my clinical work in the other time. And I kind of like wanted to straddle both general practice as well as immigration. And I did immigration because I speak Spanish, and because I was able to meld the language with having that client contact. And there were other experiences too, I think, that kind of pushed that. [Earlier] when I was in law school I got a job working at a large firm and I knew very quickly while I was there, that even though it was great place and I learned a great deal, that the work that I was doing in the clinic was much more interesting than the work that the lawyers were doing at the firm. They were talking about how they hadn't even done a deposition in

their career and they had been there for five or six of years. And even as a law clerk I was getting comparable experience to what these people were getting as full-fledged, five year out lawyers – and uh I ended up working in between for a lawyer in Northern California – who was a civil rights lawyer and I was able to continue that client contact in interviewing and doing a lot of investigation in a class action case [that I helped to develop.] And so it was those interests that kind of like pushed me in this direction.

Ogilvy: The immigration firm was in D.C.?

Boswell: Yes. It was in D.C.

Ogilvy: And how long did you stay there?

Boswell: I stayed there for about two years and I had always maintained contact with people at the clinic at GW, and they asked me if I was interested in coming back – and I said well yeah. I mean, practice was a lot more money, but I didn't like the profit part of the practice and the keeping track of hours and things like that. And I always enjoyed when I was in law school as a third year student working with second year students and other people there. So I enjoyed that environment.

Ogilvy: So you ended up going back to GW.

Boswell: So I went back to GW and I stayed there until 1986 when I left there.

Ogilvy: You went back, and was it back into kind of the general civil. . .

Boswell: (Interrupting) It was a general civil clinic. And then I developed an immigration clinic and I got a grant from the Department of Education for that. And so I was half time doing the immigration work and I was also supervising students in landlord/tenant [small claims] and disability cases.

Ogilvy: And had the pedagogy evolved at all since you . . .

Boswell: (Interrupting) Well, when I was there, probably because I had a substantive area that was very different than what everybody else was doing, I was teaching the students immigration law and then as a result of that I began developing materials and I started thinking about the things that I really needed when I was going into these hearings when I didn't feel that I was getting that much preparation. And so I wanted to do those things with my students, and so I began developing materials. So we would have classes, and we would sit around and talk about the cases. And I guess over time, one of the things that I realized about the clinic that I was at was it was *not* as connected to the rest of the clinical world and we had to kind of like go out there and find out. And so I then became . . . As I wanted to teach my students more, I wanted to find out more about what was

going on and I started hearing there *are* things that people are doing. There *are* other people like us that are out there that are teaching, and there are common issues that are coming up in our cases and the kind of work that we do.

Ogilvy: You start making some connection then?

Boswell: Yes. I started going to clinical conferences. I'm trying to remember. . . I'm not exactly sure when the first one was, but it was probably around 1983 or so. I'm not clear about when that first one was but I started making those connections, and then also talking to people at other schools, Law Students in Court, or people who were at Catholic University or people that I would see when I was down at L&T Court [in D.C.]. There was nobody else doing immigration, so I wouldn't see anybody there so my students were the only ones who were doing immigration work.

Ogilvy: So you had the only immigration clinic in D.C. at that time?

Boswell: Yes. At the time, it was one of . . . I think there was one other one at Davis that Jim Smith has. And then Bill Hing had a program at Golden Gate. And those were the only ones that existed.

Ogilvy: Yeah.

Boswell: No. Harriet. I think Harriet [Raab] had her program at Columbia that preceded it.

Ogilvy: And so you were kind of a small universe of people?

Boswell: Yes, we didn't communicate, but I kind of like looked at the stuff that they were doing.

Ogilvy: Uh-huh. And for the most part you developed your own materials?

Boswell: Yeah.

Ogilvy: How did your pedagogy evolve over the time that you taught?

Boswell: Well I think what started happening was that as I was looking at . . . It's kind of like every year of teaching, you always think that there's something new that you ought to be doing. So I then try to incorporate that or try to reinvent. I didn't just incorporate, I think. What I did was kind of like rethink it each time. And eventually we got to a point where we were doing a lot of simulation exercises. I then was able to persuade the school that I could teach the substantive immigration course -- the survey course. And then I used that as a way to -- that

meant that I didn't have to teach all that stuff, and I could focus more on interviewing and counseling and all the other things that went into . . . just the direct examination kinds of things that students would have to be prepared for. And then also, I guess over time I started getting more into getting students to think more about being reflective about what they were doing, and not just that they were doing this. And I got that from the times that we would sit. Because we would always talk about. . . We would spend a lot of time in the clinic talking about the cases and trying to get them to be more reflective about it. And I started realizing -- yes, there are a lot of things here that are going on that all of us are learning, myself included in this. And also I then began bringing in clients sometimes to my seminar, the immigration class. And it was also nice because I had the students from the clinic who were also in the class, and they would talk about their cases. And that would really enliven things.

Ogilvy: The students that were in the clinic had to have enrolled in the class . . .

Boswell: (Interrupting) Or be concurrently enrolled. I still maintain that. Somebody said, "well don't you want them to have had the class before?" And I was saying, well, it would be nice to have them doing it at the same time, too. It's an advantage to have them already have had it. But there's also a great advantage that they're doing it at the same time. And then I was able to allow students to repeat the clinic. So I would then have students who had done it one semester,

had the class, and they would come in at a different level and they would be kind of mentoring the other students.

Ogilvy: How many students would you work with at a time in a clinic?

Boswell: [laughter] We were high volume, and that became a problem over time, too. The maximum number of students that I supervised was 14. And the number of cases . . . I started . . . I kind of like began to resist those things, and that eventually that was probably one of the reasons why I left was because of the . . . I just felt that it wasn't sufficiently reflective for what I wanted to do, and I just thought it was being driven too much by getting the numbers up too much. But the maximum number that I had was about 14. Ten immigration students and then four of the general. I always did the general clinic with the immigration clinic.

Ogilvy: And how many cases per student were you running at that time?

Boswell: Well at the beginning, it was like . . . not knowing what I was doing . . . I was giving the students a lot more. And we would . . . open intake and keep cases going. And quickly I realized that this was not the best way to do it. And so we would do the intakes, a certain number of them. And then there were always a number of cases. And so the students probably had three cases each.

Ogilvy: And what kind of issues were you dealing with?

Boswell: Just about everything that was going on at the time. We are talking about beginning in the early 1980's. So we had a lot of Afghan and Iranian asylum cases. And what I also wanted to do was to take – to be a broad ranged immigration clinic, not just do asylum work . . . although asylum work would be enough. I think that this was probably because of my interest, I had a very broad interest in immigration law ranging from citizenship to student visas to asylum cases to suspension, permanent residency and all the other issues. And so we did everything within the clinic. There was probably a strong emphasis on asylum because that was what was out there in the community. And then in time we began to do some larger cases. We actually got involved in a class action. One was an actual class action that we got going and then the other was the preparation for a possible class action. And so the students were really energized about that. We were interviewing en masse at St. Elizabeth's Hospital, for Cubans who had been arrested in the Mariel Boatlift. So there was a wide range of things that we were doing there.

Ogilvy: How many other clinical people [were there] at GW at that time?

Boswell: At the time, there were probably . . . I could be wrong . . . maybe seven or eight people. There was a bankruptcy clinic, a consumer clinic. There was a social security clinic, a small business clinic. And there was a criminal appellate, but I

think was with one of the same people who was involved in the another clinic. I don't know but with the numbers that I just counted it was probably about eight people.

Ogilvy: All single instructor clinics?

Boswell: Well all of the rest of them, which was interesting because most of them had more than one person except for the immigration clinic, the small business clinic were the only one where there was just one. For some periods, I was able to get some help. But I always wanted . . . the clinic works best if it can be with more than one person. But at times it was just me. Other times we were able to have a shared other person who would spend part of their time with me. That became a bone of contention, too, because I felt like I was doing . . . I was doing the sharing, but unfortunately other people didn't have the background in immigration, so it wasn't that . . . cause it is so specialized.

Ogilvy: Any cases from that time that stand out in your mind?

Boswell: Yes. There was one was . . . One of the bigger cases, more interesting cases that we had was involving some of the Cubans who would come in from Mariel late '79. And we represented a number of them -- nobody else took any of those

cases. We did a habeas petition in federal court, and the students were right in there involved in that. And we were also doing cases down at St. Elizabeth's Hospital. They moved the immigration court down there to have these special hearings. And one of the students who is now in practice in D.C. doing immigration work, he had found this wonderful document through Freedom of Information Act requests that we filed with the State Department, Central Intelligence Agency and a number of other agencies. And the document . . . Our client had been one of the first people to enter the Peruvian Embassy in Havana that precipitated the boatlift. And our client was one of those people, and he was being held by immigration for so called psychological problems. And it was only because they wouldn't process his asylum claim. But finally got the case, and we knew that if we could win the asylum claim, he would be free. Then he would be treated just like anybody else. We had this document that said . . . It was a State Department document that said . . . anyone who was at the Peruvian Embassy has a well founded fear of persecution on account of political opinion. And we *had* that document. We didn't want to bring it out yet. And so we had all these questions, cause there were all these credibility questions and whether or not he was at the Peruvian Embassy. So we started asking these very detailed questions of the client at the hearing. It was about the Peruvian Embassy, what it looked like? When did he first go in there? Because the trial attorney, of course, doesn't believe that he possibly was in the Peruvian Embassy. And going on and on and on about what kind of food there was, what the

arrangements were. And the judge . . . everybody is getting really upset with this very excruciating detail that we were getting into. And the student said, because we had talked about this before. “Well, if the government would just stipulate to the fact that he was at the Peruvian Embassy, we could move on.” And the trial attorney and the judge said . . . And the judge looks up at the trial attorney and says, “Ah well, can you stipulate to that?” And the trial attorney says, “Yes, I’ll stipulate to that.” Well we then turned around and we say, “Well, now that that’s a matter of record, we would like to introduce this document from the State Department.” And the judge was like . . . The look on her face was like . . . clearly, she had no intention of granting this case, but she was in a very difficult position had she *not* granted it. And to this day . . . I keep contact with the student . . . He always talks about the lesson of that about the extensive investigation that one has to do, and how one document can sometimes . . . make the difference. And I’ve seen that in other cases, too, where it’s just one piece of paper. And I tell my students sometimes about this *now* even. And it kind of impresses upon them, I think, the importance of really spending the time, and sometimes looking at things that are really boring and dull. But that one document might be in there, and you might be able to use it in some wonderful way.

Ogilvy: Who was the student?

Boswell: His name is Jose Pertierra, who has an immigration practice in D.C.

Ogilvy: Anything else about your time at GW that stands out? Maybe in terms of your development as a clinical teacher.

Boswell: I think . . . The one thing that I really remember about the place that was particularly helpful and good was that there was an *esprit de corp* among all of us. We were all marginalized. Some probably more so than others, but that we got along very, very well and we saw ourselves as a sharing this common mission in the work that we were doing. That was the one thing that I think is so important to the running a good program, is that people . . . that people enjoy what they're doing first and foremost. But that people are sharing a lot about what they're doing with each other. Because then that also extends to the students. The students see that. And in a place where it's not happening, where there are those tensions, I think students see that as well. It's kind of like a family? All of these things rub off. I think that one thing that we did have, at least for the time that I was there, it was that people got along very well with each other.

Ogilvy: What was your faculty status when you were hired?

Boswell: When I was hired, I was on a contract. It was a year to year contract. It was a letter that I would get from the dean that said that "this is not tenure accruing," and then would tell me what my salary was. And that went on throughout the

time that I was there. Our titles changed. I don't know *what* we were at the beginning. At some point we became clinical instructors, and I was a clinical instructor and adjunct professor. I remember that was like strange. I thought "adjunct professor, this is a really interesting concept." I'm here all the time and I'm teaching all the time, and they call me an adjunct. And then I also at some point I began directing the trial practice program to. So I was *director* of the trial practice program, *director* of the immigration clinic, adjunct professor and clinical instructor. And then it developed into some other titles that they played with. Eventually I was given the title of "Assistant Professor of Clinical Law and Director of the Trial Practice Program" but *always* non-tenure accruing, year-to-year contract subject to renewal. And what would also happen to for me was that with my materials, I then developed a casebook that's now in its third edition. And out of the work that we did on the Cuban cases, I wrote my first law review article back in 1984. And then with those things, there were conversations about maybe moving into some kind of either changing the status of people in the clinic and then moving into some kind of tenure track, or something with more security -- more respect, really. They could have probably given us all titles, and if they treated us all well . . . equivalently . . . it wouldn't have been a problem. But those became big issues. And actually, in the year that I left, there were three of us that left because it was clear that the school wasn't going to be changing for some time. So I had numerous titles until I finally left GW and became an associate professor of law when I went to Notre Dame.

Ogilvy: What's the title of your book?

Boswell: The title of the casebook is Immigration Nationality Law Cases and Materials.  
And since then we also have a separate refugee law casebook.

Ogilvy: And who publishes it?

Boswell: Carolina Press.

Ogilvy: Was the administration at GW supportive of your work? Was there any . . .

Boswell: Yeah. You know it's interesting, because the administration was supportive, and the dean --. They were supportive of *my* work but I don't know how much they were supportive of everybody else's work. And it became entangled with the issue of what happened? You have one person . . . And the dean was very much encouraging me to write not necessarily just substantive pieces on immigration law, but also on the clinic. Because he believed that that was probably an important thing that would add credibility to then pushing for something else. So I think that the administration was supportive in that sense, and they did provide money. A lot of the positions were on hard money. The faculty I think had other issues. And I don't know if the word to use is supportive,

but I think what can be said is that of a fear that they're going to lose something, you know? That somehow they are going to lose something in this mix. You have to create a situation where there is a vision of an expanding pie, and that we all share in this pie. These people that are doing this other thing are helping to expand the pie that we can all enjoy. And I think that's the problem is that there wasn't that perception that there was this expanding pie. Because as long as there's an expanding pie, people aren't fighting over what they perceive are the crumbs. And so I think that people perceived that as the clinic grew and all these people in the clinic get some kind of status, that that means that *they* will do without something. And so that was the challenge. And I don't think that was ever articulated really clearly. And I think that's probably a problem in a lot of schools, is that the administration or whoever can't make the case, or aren't necessarily successful in making the case that there's an expanding pie. It's like the economy and everything else. These issues are no different than what happens in the rest of our world.

Ogilvy: So you went to Notre Dame?

Boswell: So I went to Notre Dame, and the specific reason why I went to Notre Dame was because the one thing that I really hadn't focused on enough, I felt, was I [hadn't gotten] into simulation in a really big way. I mean I was doing some simulation, but I thought that I really needed that, in order to kind of like be rounded. And

one thing that they were doing at Notre Dame when I was working with Jim Seckinger at NITA was that it was heavy duty simulation. That's all that they were doing. And so for three years, I kind of got into simulation, although at the same time ... They had a clinic, but the clinic was totally marginalized. It was like this thing that the students had with some volunteer lawyers that would come in. So I began doing some work, some stuff in there. And I also in my class, I began having . . . It was harder in South Bend to do some of these things that I was interested in doing. But we were able to do appellate work. And actually, we did some Ninth Circuit cases where the students wrote the briefs and had a chance to argue a case in the Ninth Circuit.

Ogilvy: Ninth Circuit. Why Ninth Circuit? You were a long way from the Ninth Circuit.

Boswell: Well, what happened was that there were these cases that came up through immigration. They call them "Manzo" cases, a whole slough of cases that were caught up ... and they needed representation – and the one thing that I had done when I was at the clinic at GW was that I sent out a notice to all the legal service offices because I wanted the students to be able to do some appellate work, and we weren't getting that many. I said, "anybody out there who has any cases that might be interesting, we would like to look at them as possible for our clinic to take on." And so I heard about these "Manzo" cases that were going on in the

Ninth Circuit where the people needed representation at the appellate level, Ninth Circuit level. Because the immediate appeal from the government, you know on a “final order of deportation” goes directly to the Circuit Court. So we took on a number of cases, and basically I turned the class into . . . we were working on these appellate cases, and we divided up in groups and pairs and did the briefs, and went to the record with excruciating detail. . . . I don’t think any of those people ended up getting deported. And we actually made some law.

Ogilvy: What were the issues?

Boswell: They were all asylum cases. And one of the cases that was actually published made some really good law was a case involving a person who was from El Salvador. He was actually inducted into the military, but he left. And he left because of -- another one of these things about the documents that are in the record -- We didn’t develop those facts from the hearing that *we* did. But these came out in the record of the case and we made the argument. And what it was, was that he left because he was asked to kill some people, to basically murder them, to do some extra-judicial killing as part of his military work. And up until that time, refusal to serve in the military would *not* be sufficient basis for seeking asylum. And there was a case involving conscientious objectors which the Ninth Circuit decided favorably, but this one was not a conscientious objector. This was somebody who was actually *in* the military and decided he was going to

leave, and we convinced the court that this would be a valid reason. That same person, had he *not* done that, would never be able to qualify for any kind of immigration benefit *if* he had committed the assassination because he was a persecutor of others. And people who are fleeing military service in Salvador, a lot of them were fleeing because of the horrible things that the military was doing. And so that was another one of these nice things that the students were able to do.

Ogilvy: What was the case name?

Boswell: Barraza-Rivera v. INS.

Ogilvy: So you were doing a lot of simulation at Notre Dame?

Boswell: At Notre Dame we did a lot of simulation. That's basically what I did. And I learned a great deal from that experience about how one can design simulations. And as I said, I could see how I could use them in so many things that I might be teaching. And I actually incorporated it into a lot things that I taught. I taught a civil procedure class where I brought in some simulations into the first year civil procedure to get into discovery and motions practice. We had mini-hearings on damage issues and all these other kinds of things. I taught a remedies class using simulations as well. And I incorporated some of those things into my immigration class. So it was that experience that I think that helped me a great

deal to kind of round out what I was doing. I was always learning something new, doing something that was a little bit more interesting than before – you know, reinventing the wheel -- sometimes. But that's important too, and it makes learning fun.

Ogilvy: You've certainly become a leader in the national clinical movement. When did your involvement with that really begin, and how did it evolve?

Boswell: I guess it evolved through . . . I'm trying to think of . . . It really happened first through encouragement by the dean at Notre Dame. I don't think he did it intentionally, but he might have. He was very involved in ABA, and he got me on to do some law school inspections and on to some ABA committees. And I really was involved *somewhat* in the clinical world by then. This was [19]86. But this kind of like pushed me -- and I had more time, because I wasn't doing the same kinds of things that I was doing before. So I really could do more of these other things. As a result of that -- that involvement kind of like . . . it just builds. I guess that started back around the time that I left GW, and then got pushed along even more when I was at Notre Dame and getting onto different ABA committees, meeting up with people like Roy Stuckey and Gary [Palm] and many other people . . . and John Elson. . . I was on the clinical . . . [ABA] Skills Training Committee. Chaired it for a little while. I got kicked off when I became president of CLEA. And then I'm now back on it again. I guess it's like since

I've been sufficiently away from being head of CLEA, they put me back on it. But that involvement came about as a result of . . . I mean I've always been a political person, and from the very beginning of my teaching in the clinic it was clear that these are political issues . . . internal law school political issues as to why people – we all are being treated unfairly. It's not just that we are being treated unfairly but it's also that this kind of teaching is still not emphasized sufficiently within the curriculum. And that's really a political question because clearly the demand is there. And when people are exposed to it, they want it and they want it *big* time. And at that time, the ABA was doing so much on these issues, and I think still has and still can do a lot more. And as a result of that, I wanted to be involved in that.

Ogilvy: While you were on the skills training committee, were there any successes that you saw, direction that the committee was going in that you were particularly . . .

Boswell: I think that what happened . . . what was going on by the time that I . . . during the time that I was on it . . . was that there had been people who had been . . . who really knew the ABA. They knew the ABA very well, people like Roy, Gary, John Elson and a whole list of other people who had been doing this for a long, long time. And they knew how important the [accreditation] standards were, and how the standards had to be. We really had to hammer on the standards. And so we met. We were probably one of the few committees that would meet

regularly in these sometimes interesting places and sometimes boring places.

But nevertheless we would meet. And we would spend a lot of time working on different standards and putting instructions out there for the accreditation teams and using the accreditation process as a way to really make some kind of difference. And so I guess it's hard to say, because when you're right in there, you don't have the same perspective as somebody who's maybe *not* watching this but gets it from the other end where they're being questioned by the site evaluator team member about this thing and about that thing. And standards being changed and pushing on language. And so it was that . . . I don't want to use a military analogy, but it's kind of like the foxhole. We were down in the trenches trying to push on those kinds of issues, and it was very important to what we have now.

Ogilvy: You also mentioned CLEA. Were you involved with CLEA from the beginning?

Boswell: Yeah, it's actually a funny story. Mark Heyrman [at the University of Chicago], Liz Ryan Cole [at Vermont] and myself, we were having dinner. I can't remember where it was at -- some clinical conference. I'm not sure. . . It might have been at an AALS meeting or a clinical. . . I think it was an AALS meeting -- it was in D.C. And we were having dinner at this restaurant called the "The Omega." I don't know if it's still there, but the Omega was apparently some place where the Bay of Pigs might have been planned because it was a lot of

Cuban exiles who were in the D.C. area [who frequented the place and wanted to get rid of Castro.] And so first we were like in this anti-Castro restaurant and we are clinicians and we were having a great meal and so we were talking about what can we do. Maybe we oughta do something – and we weren't the only people who had been thinking about this, because we were so frustrated. So many people were frustrated about the ABA because the ABA has its own bureaucracy. And the AALS because it has its own constraints about what committees could do. So we said "what the heck just set up our own" [organization] and then Mark went out and started the incorporation, and there it went. [That is why the original incorporation of CLEA was in Illinois.]

Ogilvy: Did you come up with the name at that time, or did that come later?

Boswell: That was more on a larger group. And then Liz . . . Somebody up in Vermont did the t-shirts that are probably . . . Some of them are still floating around. I still have a bunch of them. And when I travel different places in different countries doing different programs, I would give CLEA t-shirts out. But that came out of somebody in Vermont through Liz. It was the idea that everybody had something to bring. And if you had an idea and you wanted to work with it, go for it. And that CLEA would be a way for you to do that. And don't worry. So what, the ABA committee that you're on, they won't let you do this? Or the AALS thing that does this, you gotta go through these approvals, forget it.

Don't worry about that. You've got CLEA. It's kind a like between the ABA committees, with the AALS stuff, and CLEA you can do anything. I mean that's the idea. You can do anything. You are not constrained at anything, other than maybe campaign donations or something like that. I guess that would be . . . Then somebody would have to rethink that and try to figure out some way to set up a clinical PAC.

Ogilvy: Were you the first president of CLEA then?

Boswell: No. Liz was.

Ogilvy: How would you assess . . . When did it start really?

Boswell: Gosh. I'm showing my age. It was in the late [19]80's.

Ogilvy: Okay. Just dropped into 2002. What do you think the impact has been of the organization on clinical legal education?

Boswell: Well you know, it's interesting because I'm now on this . . . back on the Skills Training Committee. And it was interesting, and some of the things that CLEA has done through lobbying the ABA . . . And at first they were looked at as people that were totally on the outside. But now I see that the ABA looks at CLEA as a group that they need to consult with, that they need to talk to about

anything that they're doing, to bring them in. I mean, the ABA will refer to CLEA in the same way that they'll maybe refer to the AALS. So in *that* sense I think it has been at least on that level. It may not be . . . because you have a lot of the same players. They may not look at it that same way. But institutionally, what it is, is that this is an institution. This is something separate. And so that's been a real positive thing.

Where are we now in 2002? In some ways I worry. I worry because clinical education, mostly from a . . . We still are not in. We're in law schools, but there isn't that perception that I was talking about before about the vision of the expanding pie, that common enterprise. I think in some schools there's more of a sense of a common enterprise, but it's not quite yet one where *you* get something means that I am doing without. And as long as we have that, there are going to be problems. And now, right now in some state schools, what's happening is that things are getting tighter again because of the downturn in the economy. I think that in the long run, we are going to have to rethink the way which we finance clinics to figure out ways in which we come back together with the legal services places, which have been decimated over the last number of years. But how we bring this together into something that can be within the law school . . . And what I'm worried about is that it's becoming *more* separate with the issue of like what happened at Pittsburgh, and saying, "Well, we can just move the clinic out." That's a really dangerous precedent. With the anti-

terrorism legislation, I think in the growing kind of “McCarthy” era that I see, it may not materialize, but it certainly has the undercurrents of it. Clinics become . . . They could very easily be on the firing line and will be the first things that will be separated off from the law school. And so the universities have to also be kind of like . . . need to rethink their role in the community, in the world. That they have got to be more of a part of what goes on. And as they see themselves as playing a more important role in the society, then clinics will also have a place within that. But I get worried when I see these separations that we’re beginning to see more of.

Ogilvy: The other thing that CLEA has been a part of and I know you have been as well as an editor is the Clinical Law Review. Can you just talk a little bit about the genesis of that and your role in it?

Boswell: You know it’s interesting. I guess that’s what so important about this is that . . . just the fact that we’re talking about it. I’m trying to think back to when the idea came about for a clinical law review. I know I was involved in all of that but I’m not exactly sure *who* it was, *where* it was, but we had numerous meetings and it [was clear that we all saw that a peer edited clinical journal was important to building a place within the academy]. . . no issue of course. We were just talking about the structure and how we were going to do this thing. And then finally, it was through CLEA. Who was it that was . . . There were some people

that . . . and it wasn't me . . . but it was a number of people who were who really wanted to do this and we set up a committee and I was on the committee. And this became was obviously very important to do this. Then we set out a request for proposals

Boswell: . . . and NYU was the one that came forward and really financed it . . . I mean did the major part of the financing to get it going and give the institutional commitment.

Ogilvy: Was there any other school that . . .

Boswell: I think there were other schools that submitted ideas for it. I'm not exactly clear. I'm not exactly clear what the other schools were. I'm not exactly clear about that. Nina Tarr she would probably have more information about that because she was the one, I think, that was gathering all of the proposal ideas. And then the idea of blending with NYU, the section, and with CLEA [the Clinical Legal Education Association]. And I think that was probably a hard thing for CLEA\_ in some ways, because CLEA was like . . . really felt that it was doing it. But then it was so important for the Clinical Law Review to have the institutional footing of a law school, *plus* something from the AALS. And I think in some ways it's been wonderful that we have it like this, because it's not . . . it's perceived as having some real credibility out there. And in many ways . . . So

I guess I, along with the other people, were on the founding board. And I stayed on and I was asked to be one of the editors-in-chief. And so that is another sense of pride about the things that we're doing and honoring scholarship and formulating a different definition of what scholarship is, much broader than what traditional academics might be thinking of and its peer reviewed. Something that these people and other people don't have. And we're . . . It's been a real success, and it's a real sense of I think all clinicians should be very proud of it . . . to have that. Cause it's *their* journal. It's not CLEA's. It's everybody's.

Ogilvy: Well we've taken you up to Notre Dame at this point and time. We're about 1989 now, you think?

Boswell: We're about . . . See, I left Notre Dame in 1990, and I went to visit at Hastings. And that was an interesting thing too, because I had heard from some conversations that I had had with Bea Moulton. We had been at an AALS clinical conference in Bloomington, Indiana we had been in a small group together. I had heard so much about Bea, and I always wanted to meet her, and we turned out being in this small group. And she was at Hastings at the time in a totally marginalized status. This was, I guess it was probably like in [19]87. And so I had heard that there were things that were going on at . . . this was

prelude to going to Hastings . . . that there was some stuff that was going on at Hastings that they might be doing some stuff about clinics. I was on an inspection team with the dean at Hastings, Tom Read. And we did an inspection at what is now Quinnipiac. It was Bridgeport Law School, University of Bridgeport Law School. And we were on the inspection team together, and at that time I didn't know . . . I knew Hastings was out there. I knew they didn't have a clinic and there wasn't much going on *yet*, cause this was like about [19]88 I believe. And then I guess it's like luck. Bea . . . Tom Read as the dean at Hastings, and Bea had put together a proposal to take to the legislature -- because one of the real problems that Hastings had had is that they'd been promising the legislature for years that they were going to do something more in the clinic area. And Tom, coming from the outside, says, "Hey! What's going . . . You're in the middle of a major urban area and you don't have a clinic? And one of the major problems you've got is because of your relationship with the people in the community? You just don't have any of these things?" And Bea put together this proposal and they took it to the legislature, and I got this incredible funding added . . . over a million dollars . . . to the law school budget to set up a clinic. And the idea was to hire four regular positions, three other . . . five other positions in addition to that. So you'd have some people who were doing stand-up classroom teaching, but also doing clinical work. And then other people who were doing *all* of their teaching within the clinic. And so it added one, four . . . about nine or ten slots. And I think it was about \$1.7 million or something like

that. Bea probably has a better idea of it. She *knows* what the numbers are. While these things were happening, I didn't know about that. But I knew that there was something going on at Hastings. And so I kind of like put my name out there. And it was probably helpful that I'd known the dean, because I was on the inspection team with him. And things went well in my interviews with the faculty. And so I came as a . . . By that time I had tenure at Notre Dame, so I came as a look-see visitor at Hastings. And the rest is history, so it worked out. And then I developed . . . At first it started with a civil . . . general civil justice clinic that Bea and I were teaching in alternate semesters. And then I now have an immigration clinic that I teach each semester.

Ogilvy: What else are you teaching?

Boswell: The substantive immigration law course, and then actually constantly reinventing. I started teaching a first year . . . We have what we call them statutory electives. This one's an immigration law statutory elective. It's not just pure immigration law. It's statutory interpretation and understanding statutes. And a little bit of administrative law. And what I've incorporated into this first year course is I'm having the students . . . I just started this last year . . . where I ask the students. I said, "I want to introduce you to what's going on in the real world as part of this class. And there are two choices that you have. One of them is that you can do . . . go down to immigration court, spend three days down there and write a

journal and write it up. Not graded, but you're gonna have to do these things. Or, you can go . . . We're gonna be interviewing clients as part of the intake for the Lawyers' Committee for Civil Rights in San Francisco." They have immigration clinics. They have the Asian Law caucus and La Raza. And we do this every week. "You pick out your times. And I'm just gonna get a sense of hands here of how many people want to volunteer for what." And I said "how many people want to do the interviews?" Two-thirds of the hands went up in a class of 80 students. And it turned out to be phenomenal. And so what I ended up doing with that is having a little session, classes in the evening outside the regular classroom time on interviewing and counseling. By then they'd had a little bit of substantive law and some immigration. And so throughout the entire semester, there were students that were working with lawyers. First sitting in on interviews, and then actually doing interviews themselves. And now I'm teaching it for the second year where it's going to be *more* of the counseling and interviewing teaching. And I think it's a good way . . . and the students have told me this . . . that they hadn't done anything like this in law school. And for them, they said, "Gee, I understand what I can do with the law." And I think it happens in their first year that students are so . . . have all these wonderful ideas. Because so many of the students come to do something and they can't, because it's like held back. And then they go into the law firm. And unless they are in the right kind of law office environment, they're not going to be taught these things. And so this is a way to show them that . . . a lot of things. One, about

pro bono. It's also about a different way of learning. And they really gravitate towards it. They're energized by it, and it energizes me as well. So I'm trying to do that in this new statutory elective . . .

Ogilvy: This is done in the second semester?

Boswell: In the spring. In the spring semester.

Ogilvy: And for how many credits?

Boswell: It's a three-credit . . .

Ogilvy: Two credits. Uh-huh.

Boswell: *Three*-credit course! I meet three days a week. Of course it's three.

Ogilvy: In your immigration clinic, you still doing a range of cases there?

Boswell: Yeah. The immigration clinic, because it's only me, I have to do it in a different way. And so the students are placed at different non-profits. And some of them are placed at specific law offices where I have a relationship with the people that I know what they're doing. And I come in throughout the semester, and we

meet weekly. We talk about the cases that they're working on, kind of like to give them an orientation. And so I'll meet with them periodically *at* the place where they're doing their work so I can keep a hand in some of it. And occasionally, we will do a case that's more substantial that I've identified. And then the students get involved in different aspects of it. And so that's been a lot of fun.

Ogilvy: You've been in clinical education for a number of years now. As you look back over your career, are there one or two or three individuals that you would point to that you'd say has probably influenced you more than others in any aspects of the way you approach clinical legal education?

Boswell: I guess when I think about like . . . I mean I start with what got me to doing it. And part of it is what got me to law school in the first place, which was my father always wanted to be a lawyer, but never was. And they also. . . my parents always imparted upon me the idea that you really . . . that we don't do things just for ourselves, but we are really here to . . . that there's a larger mission out there and a lot of work to be done if we are to be contributing to progress. And Thurgood Marshall was always an inspiration about what a lawyer was, what a lawyer did, and was not afraid of being an activist. Even on the bench. The other ones don't admit that they're activists, but he would admit that he had a vision and an idea, and he wasn't afraid of putting it out there. And I think it's

that inspiration to enter the profession, for me, that was kind of like the driving force. And then there were other people along the way . . . different places where I might have worked . . . where I saw that the people were more concerned about their clients and about *me* and what I was learning from the experience. I remember my first job outside of the big firm job where I was working with the civil rights lawyer in Northern California and was a legal service lawyer. But he also taught at an unaccredited law school, a California accredited Law School. And he certainly was always kind of like encouraging me to continue this pursuit, and give me more and more responsibility. And I saw that he loved his clients, and he put his clients . . . and I think in many ways he put *my learning* ahead of his practice, the other part of his practice. And that was something I think that carried forward.

Ogilvy: What was his name?

Boswell: His name is John Diaz Coker in Pittsburg, California. And there are other people along the way who also were consistent in the way in which they put things out there. And some other people who have also . . . that kind of like gave me another . . . introduced me to other things out there, other people out there that I wouldn't have known otherwise. I think the real problem for African-Americans in legal education is that there *aren't enough* mentors within the institutions, that one has to go outside to get that inspiration. And there's also

not enough of the sense of history of the great lawyers. And Clay Smith, I think, has done a good job in really showing . . . letting people know more about that history. And that's why this is so valuable too. That if we forget this history, if we don't put it down, it's going to be lost. And the future generations that are going to have to start all over again. They'll get there and they'll do the right things. But this, I think, helps to inspire them.

Ogilvy: Thank you Richard. Is there any other topic or area that we haven't touched on that we should, or you'd like to?

Boswell: I think we've covered a lot.

Ogilvy: Okay.

Boswell: It's been good.

Ogilvy: Thanks.

Boswell: I can see you do this a lot, cause you're really good at . . .