

**Transcript of the Oral History Interview with  
Dennis Curtis  
January 3, 2002**

Ogilvy: Dennis, what was your exposure to clinical legal education?

Dennis: My first exposure to clinical legal education came when Dan Freed and Lou Pollock came down to Washington and interviewed me for a job as a clinical teacher at Yale. Why they thought that I would be a good clinical teacher remains a mystery, but I'd just graduated three years before from Yale and it was just a complete mystery. I had been; I was, in fact, practicing in D.C. with a law firm; small law firm which later became a huge law firm.

Ogilvy: Which one?

Dennis: It was Verner, Liipfert, Bernhard, and McPherson and now it's huge. I was the seventh lawyer hired and there must have been fifteen when I left. And, so, it intrigued me. I mean, the idea of coming back to Yale to teach in a clinical program. The whole idea, by the way, was that they were going to set up a civil store-front office. The idea was the store front offices would be the venues for dispensing legal advice to neighborhood people who were indigent in the need of

legal assistance. And, the idea was; it was Bill Pincus' idea. They had some money from Ford. Danfrey had the money and came to Yale as the first, I guess his title was something like, Professor of Law and its Administration, I think was his title. And, I was going to be the second person there. So, I came to Yale and I said, great, sounds great. Didn't have a clue about what clinical teaching was all about; knew nothing about it as a matter of fact. Got to Yale in late 69. Lots of things were going on in those years. A lot of student unrest, you might call it. And, then, in 1970 the Panther trial was going on in New Haven. At any rate what happened was that they had started renovating a building that belonged to Yale as this store front office and so; I never actually went inside that thing because it turned out that the heating was wrong and it couldn't meet all of the safety requirements and the air conditioning didn't work and there was a million reasons why it just; why Yale decided; the law school decided and whoever was trying to renovate the building decide, hey, this is crazy. So, they gave me an office; a little tiny office in the law school. And, I sat there casting about; for an idea about what to do. So, around March of 1970 Dan Freed had some contacts with the bureau of prisons. He had knew the head of the bureau of prisons and had gotten permission for us to; for students to visit out there. And, some students had actually visited the prisoners out there and just talked to them. And, some of the students decided that it would be nice if there was a clinical program. They had been promised a clinical program. Oh, by the way, I forgot to mention that the hiring, the actual hiring was not only done by Dan Freed. It wasn't just a deal. I had to go up and interview all the students. All the students had to interview me and decide whether or not I was the right person and some of them

have told me later that they were quite alarmed by my previous experience. I had been in; went to the Naval Academy; graduated from the Naval Academy; went into the Navy; was; spent seven years in submarines and they thought that that kind of history did not bode well for somebody who they wanted to be a civil libertarian. Never the less, they eventually hired me and that's how we started. Then; trying to remember the sequence, but around March, I think, of 70, I started going out to Danbury with the students; Danbury Federal Correctional Institution with the students because I really was looking around for something to do in the civil legal program; didn't seem like it was ever going to get off the ground. It was unclear whether the faculty would stand for people, poor people coming into the law school to be clients. And, so, I was looking around for something to do and so, decided to visit Danbury with the students and then it turned that out a couple of the students had basically said, look, let's, you know, let's do something. And, so, I said, well, you know, I've had some criminal experience. I had some criminal experience in D.C. doing second-chair cases for people that; civil justice act had just started in D.C. What they did was give all the money to what used to be called fifth-street lawyers who were; had their offices in their vest pockets, basically. But, they had us young lawyers second-chairing them to learn, basically, how to do it. We didn't get any of the money but we supposedly got the experience. Anyhow, I had done several criminal cases and a lot of the times what happened in the early days was that the fifth-street lawyer took the money and left and left the second-chair lawyer to actually do the case. So, it was a good experience. And, so, I had some experience in criminal law; not a whole lot. Most of my experience had been in administrative law, CAB and ICC, two

agencies which are now defunct. So, where was I? Okay. So, we started going out to Danbury and conditions really were perfect because the head of the bureau of prisons really wanted a program; wanted law students to be inside the prison and giving advice to inmates about their legal problems. Why this was he was a very forward-looking guy and he was a friend of Dan Freed's and had contact with him when Dan was in the justice department. So, it all seemed; and we visited and we were very nice and very polite and did all of the right things. And, then we started filing law suits. I don't think we filed any until, maybe, oh, I don't know, September. I mean, we spent the summer kind of figuring out what to do and then got organized and as soon as school started in September Steve Wisner arrived and he had been hired out of Mobilization For Youth on the lower east side of New York and he and I became partners and the first thing we did was start doing these parole cases at Danbury or other kinds; habeas corpus cases of all kinds. And, Steve was interested; Steve had no criminal experience either, but he was interested in mental health issues. And, so, in the early, I mean, skipping forward a year or two, in the early years we basically did Danbury, which I can tell you more about, which were basically conditions cases; prison condition cases, habeas corpus cases and parole cases. And, Steve did mental health cases with particular emphasis on probates, what's called in Connecticut probates but most people call it commitment proceedings. So, by the time we got really rolling in 71, 72, we were doing all of the commitment proceedings in New Haven, I mean, in one-third of Connecticut, plus we had about 100 cases going at Danbury. And, so, Steve and I were pretty busy.

Ogilvy: Who were you; Can you tell us more about that; before we do; how did you know Dan Freed and how did Dan Freed know you?

Dennis: How did Dan Freed know me? I didn't know; I; I had told somebody and I even forget who this is, that, you know, I was not really happy in the practice. And, so, I was looking around and whoever this somebody was said that Yale is looking for a; for somebody to do clinical stuff and you might be interested. And, I said, well, you know, I might be interested. And, I think it was one of the; my classmates who was then a very young Associate or Assistant Professor at Yale who thought; you know, hey, this; why don't you come up to New Haven and see what it's all about? So, it was like that. It was no more than that. I mean, this thing; it was not anything that I had; I had never thought about being a teacher. I had never thought; I didn't know anything about clinical education. I had never thought about any of this. All I had thought about was, you know, this is; this life as a law; I could look in the future and see that the partners in the law firm were working; we were all working incredible hours because the firm was kind of exploding, basically, and we couldn't hire any; enough people. I mean, I was number seven and by the time I left there were fifteen, but, you know, now there're about 300 or whatever, but we were so busy and trying to keep track of all the cases that it was like, very difficult. Plus, you know, I looked forward and I said, these guys; these partners are working on this kind of uninteresting stuff as

hard as I and all they've got that I don't have is a lot of money. And, so I said, well, this is really not going to work unless I can find something better to do in the law. And, so I, that's when I; I was branching out into these criminal cases just to try to get a different kind of experience. But to answer your original question, I had never met Dan Freed. He didn't know who I was. I didn't know who he was. And, I met him and Lou Pollock; I did know Lou Pollock because Lou had been the Dean when I graduated, I think. So, and Yale is a small school and so, you basically know everybody. So, I knew Lou and Lou knew me. So, Lou could say, well, you know, he's probably okay. And, I had also, to make it easy, I had been on the Law Journal, so for the faculty to hire me was easier because I looked a little bit like them even though I didn't have any scholarship to show them. I had some experience but I also kind of been; done the right things at law school, so they thought for whatever it's worth that I was like them enough.

Ogilvy: What; was there any that resembled clinical legal education at Yale while you were a student?

Dennis: Yes, there was something that resembled it. There's something called the Jerome Frank Legal Services Association which we; which still exists, all the being in a very altered form. And, that was; students; it was a completely; a non-credit student organization where students worked under the supervision of legal aid

lawyers on cases. And, it was a catcher's catch can operation, but it was; New Haven was one of the first places that had a legal aid organization. It was one of the first legal aid projects. And, so, yes, the answer is yes, but I had done a little bit of that when I was in law school, but not much. So, I kind of knew; I had done enough to understand where to file papers and how to do some rudimentary kind of work for legal aid clients, but, I mean, it wasn't a teaching; it wasn't a teaching; you learned a lot but it wasn't a formal teaching environment. And, that's so; from my standpoint I knew nothing. So

Ogilvy: When you came to Yale, then, as a teacher.

Dennis: Right.

Ogilvy: What was your rank? What was your status?

Dennis: I'm trying to remember. It was the lowest they could possibly think of and still be, you know, and still have some academic title. I think it was Supervising Attorney, which was the; which was the non-faculty title, plus I think it was Lecture in Law. And, there was a big problem about you couldn't use clinical because clinical meant something in the medical school. And, so there was a fight

that I don't really remember all of the details about it, but there were tremendous, not worry, but concern, I would guess, among the faculty about what should I be called because they had never seen anybody like me before. And, it didn't seem important to me at all. I mean, I thought I should have a faculty title of some sort, but I didn't care what it was. And, as far as the Supervising Attorney, I knew I was a supervising attorney, so that was fine too. So, I didn't really get into the; I didn't get; I didn't get invested in any particular title, but that was; that was my title.

Ogilvy: By 71, 72, when you and Steve were really starting to get rolling how many students were you working with back then?

Dennis: I don't know. There probably were 20 or 30. I mean there were a lot for us. For the first six months we had life easy. We'd go to Rooty's for lunch, which is a bar in New Haven and, you know, sit there and have a nice lunch, but that didn't last very long because the students kept, you know, more and more and more and more. And, I want to tell you one thing that happened at almost that precise time was that the United States Parole Commission developed guide lines which turned out to be kind of the fore-runner of the present federal sentencing guidelines. But, as they put a pilot project of these guidelines into; in Danbury. And, we got to represent people at these hearings. And, these hearings were completely different



from regular parole hearings. In the old days the parole hearings were, you know, the parole commission had complete discretion to do whatever they wanted to do within the maximum and minimum sentence that was; that was pronounced. But, the guidelines made it; made them; restricted their discretion. And, the idea was that the guidelines was supposed to smooth out the; the disparities that were introduced in the system but sentencing judges doing all sorts of different things to similar people. And, so, we were in on the ground floor, basically, and we did; we got to be the representatives on a test basis, and then later; so, we had, you know, maybe 30 hearings a month. So, and the students were doing, you know, two and three parole hearings a month. And, so, the students were just working like crazy. In fact, that was another cause of concern to the faculty because they were spending so much time on clinical stuff that they, you know, people began to notice. But, so, that was a kind of a; that gave the program a tremendous boost because you could get a couple of cases, real cases, where you could put on a; put on a case, kind of help your client prepare a case and really get a result that was good. And, also, the guidelines were being; were being implemented at that time and we had lots of cases in court about whether the guidelines; whether specific portions of the guidelines were constitutional or not. So, we had some habeas corpus cases that went along with parole. We had sentencing cases. We had lots and lots of cases. Plus, we had cases about mail, meals, medical treatment, you name it. And, finally, what happened was the prison began to kind of pull back a little bit, especially since it was a time when the prisoners themselves were in the; it was a radicalized prison population. So, you had; the Barrican Brothers were at Danbury; after a while G. Gordon Liddy later came to Danbury. I mean, it was a;

it was a place in; the prison itself was in some ferment and we were right in the middle of all that stuff, representing all these people. So.

Ogilvy: Are there any cases at that time that stand out in your mind?

Dennis: Well, not any particular cases. We; we had a bunch of parole cases in which students argued in the second circuit and we basically reformed the parole system or at least took away a lot of the; a lot of the inequities in the parole system because the judges in Connecticut agreed with us that a lot of these rules were; didn't make any sense and were; were unconstitutional the way that the guidelines were being applied. And, so, they were, you know, they were; they had; they introduced distinctions based on race, based on marriage, based on lots of things that were supposedly predictive about whether you committed another crime, but were; were not really fair to you. And, the judges agreed with us. And, we got a lot of those changed. And, the students actually argued all those cases. So, I remember those cases, kind of; that group of cases as probably; at that period what we were doing. Plus; plus, on the other side we were doing these probate hearings and we had students who were; had this Connecticut Valley hospital is a mental hospital that we were servicing and the students actually, basically ran that program. I mean, they were very organized. And, a couple of the students; one of them was Javi Sorfer and another one was Mike Churgin, both of whom are

professors now, basically thought of ways to change the mental health commitment procedure in Connecticut and through a series of cases that they thought about and brought and won in the Connecticut Supreme Court, they did it. So; so, I mean, there was a lot of law reform going on and as well as regular cases. I mean, one case I; the case I really remember isn't really a case. It's when one of the; one of the; one of the patients, they called them; as they called them, escaped while we were; while we were having a bunch of hearings that Connecticut Valley Hospital, one of our; one of the students came in and said, I can't find my client. And, so, I said, well, we'd better get another; get the next case in here and go find your client. And, she came back later and said, my client is gone. So, I mean, that's; that's the case I remember more than, I mean, it's the kind of little things that happen; the kind of strange little things that happen. And, that; some of the clients I remember quite well. There were lots and lots of interesting clients at Danbury that I had; that we had.

Ogilvy: Is there one that you remember?

Dennis: Yeah. There were, well, there were famous ones, I mean, but they're not the ones that; the Barrigans were clients at various times. G. Gordon Liddy was actually a client for a short time because I was appointed. He had a case going and I was appointed by Judge Newman to be his kind of advisor because Judge Newman would not let him try the case; his case by himself, although he did in the end.

And, so, I sat in the jury box and gave him advice whenever. But, I remember a couple of people in the narcotics addicts rehabilitation program there that we were representing who were really interesting people from Washington, D.C., who were some of the; they were some of the; the smartest and most interesting characters that I met when I was there. And, what we did for them was try to get them; I mean, the program; the Narcotics Addicts Rehabilitation Act had a bunch of; basically took a bunch of people from 14<sup>th</sup> and U Streets in Washington, D.C. and plopped them in Danbury and put them in a treatment program that was based on a; on a very confrontational, very harsh, rigid program that if you; and the good thing about the program was if you went through the program and managed to make it, they; the parole board would release; the parole commission would release you in a year. Without going into a whole lot of details, the rules got changed and these clients were kind of left high and dry. They weren't, even if they did go through the program, they weren't going to get out in a year and we represented those guys. And, I thought that they were; they were some of the most interesting and satisfying clients that I've ever had, but I, you know, I don't want to go into individual cases.

Ogilvy: What; what did you do by way of a classroom component for presentations?

Dennis: For both the prison program and the; and the mental health program, we had; we

soon developed materials for class reading. And, in the first materials that we did, that I did for the prison stuff, we spent a lot of time on interviewing, kind of skills training, interviewing, direct examination, all the sorts of things that they had to do to do either habeas corpus cases or discovery and various kinds of one-on-one skills. And, the law around parole and sentencing got to be so complicated and we go to know so much more. We were probably the people in the country who knew more than anybody else about this because we had been; had more exposure to it. And, so all of the nuances and complications in that area of law kind of pushed out all of the; all of the; all of the skills training. So, the course became, basically, if somebody had a case or somebody had; I mean, the interviewing, the students taught, basically, taught each other. And, the courses, basically, put force really, I mean, it was almost nothing we could do about it except; because we could only have the students; they only got one credit or two credits at the time, so there was, you know, they were doing and they were going out to Danbury a lot, so there was lots and lots of tension; time-tension. So, basically, what we did was teach the law of sentencing and parole and a lot of habeas corpus generalized prison law, which was a full fourteen-week course. And, so; and the same thing happened in the mental health area. They; course they still concentrated on interviewing skills because interviewing people with mental disabilities, I mean, you've got to spend some time teaching people how to do that. But, basically, the thing that we, that happened was that skills training became secondary to teaching them about the institution that they were dealing with. I mean, we were talking about, you know, what is a prison? How does a prison work? How is a prison administered? How; how the whole system of

sentencing works. How the whole system of parole works. How the criminal justice system works because you get these people who have; who have very serious things wrong with their convictions or their sentences, so we had to kind of back through Criminal Procedure. So, we were teaching Criminal Procedure, Sentencing, Parole, you name it, in this one course called Prison Law. So, so; I mean, the answer to your question is what got crowded out was the skills training. And; but, there were very, I would call them voluminous materials about; about the law of whatever; of mental health or the law of prisons and corrections.

Ogilvy: And these are things you developed yourselves?

Dennis: Oh yeah. I mean, the cases were our cases. The mail stuff, I mean, there were a lot of cases. There were some case law but at this time it was exploding. The case law was exploding and we were winning a lot of cases. It's not like we today where, you know, everything is, you never get to the merits of anything. You've got to figure out how to get to court and dodge all the procedural hurdles that you've got. So, I mean, there was; there was an explosion of prison law and we also were able to do things. So

Ogilvy: I think we were up to 72, 73?

Dennis: Yeah. Probably around there; 70; this was the same up until 75. Then we started; we started increasing. There was always; I forgot to mention; there was always a legal services component. Some of the students continued to work in legal services and we made connection with certain legal services lawyers to do the supervision and we helped do the supervision. Steve did most of this. So that; so that the students who worked there got better supervision than they had in the past, before Steve and I got there. But, they were essentially there and our supervision of them was; was secondary. I mean, it wasn't; it wasn't direct. It was; although some of it was direct, but most of it was not. I mean, they'd come in with a question every now and then and there was one student who did both the prison law project and also the prison; the civil legal assistance project, who had come with arm-loads of files from his civil side and arm-loads of files from his prison side. And, you wonder what these guys are doing today. But they had; next we started expanding, basically. We hired; the first person we hired was Mike Churgin, who was a student. And, we got him as a fellow and then pretty soon we got authority to hire one more person as a; and then our; some; somewhere in the books in my CV there's a kind of a list of all the titles I had; supervising attorney lecturer, adjunct, professor adjunct of law, clinical, I think, finally clinical professor, what I am now is clinical professor of law at Yale. And, also during this time we were in pretty close contact with Bill Pincus, who, who had these various, could say 70 to 75 or 76, we were, I mean, Bill Pincus was; we saw him probably two or three times a year and he was very interested in the program addict development. He was always bugging the law school to hire more

people. I mean he was a force in those days to be reckoned with. And, our money was still; I think a lot of the money that we were paid with still went to; still came from the Ford Foundation. So.

Ogilvy: Did you go to any of the workshops?

Dennis: Yeah. I went to Boca Raton. I went to the Boca Raton thing. What I mostly remember about that one was, there was a sign that said; stuck in the sand that said, the ocean is closed. No, but, I remember those conferences. I don't remember, I mean, there was the; a lot of stuff going on, but, there were; where the clinical pro; I mean, a lot of people were thinking about where the clinical program; the clinical education would go. And, I think that, for my part, and I think for Steve's part, as well, we were both; we were both extremely busy. And, we also were kind of developing our own, or at least stumbling upon if not developing, our own theory about clinical education, which was; which was this; you know, one-on-one students doing cases, individual supervision in a setting where there is an institution, so that you learn about the law that surrounds the institution and surrounds the people that are in this institution, both staff and inmates or patients or prisoners or whatever they are. And, so you; so the idea is you learn about; about an institution, how it works, whether it's possible to use some leverage to reform it. I mean, and that was always our, I mean, our long-



range thrust, while the short-range work was on doing particular cases that hopefully led to particular individual cases, not class actions or not almost no aggregate cases, mostly individual cases that led to results that we wanted; we thought were the right results to have happen. Now whether this is; I mean, egg, chicken, whatever, is how it leads to other people, but basically, we were developing our own idea about what clinical education was all about. And, we; and, we were; and, of course, the status of clinicians was always a subject that was in everybody's mind because the clinical world was beginning to expand and what you called these people, whether you gave them tenure, how much you paid them, whether they were on contract. I mean, you remember all these days. And, and it's nothing much that I can say about that except that it was; those were powerless times. So, we went through that.

Ogilvy: What was next for you?

Dennis: Next; next was 80. I mean, basically, I left; I left Yale and went to USC. I went out there for a visit in 1980; 81, I guess and before; what I had; what I had wanted to have happen at Yale was that I wanted to be in a position that is some analogist to tenure. And, I knew that, I mean, neither Yale or anybody else was giving tenure to clinicians in those days except maybe people who kind of were running programs and didn't do day-to-day clinical work. And, so, what I wanted to do was to try to find a way to get a vote; seat on the executive board and a vote, but

no tenure. And, I tried and failed. And, so, I said, well, you know. And, at this time I don't know what would have happened except that I got an offer to go out to USC to be there for a year to look at their; to see what their clinical program was all about and give them advice. And, so, I went out there. Actually, it was either for a semester or year, I can't remember. But, anyhow, I got out there and they said, hey, if you stay out here and start a clinical program we'll give you tenure and I said, that sounds good. So, I was out there for the next fifteen years, sixteen; I was there from 1981 to 1996 and visited; visited a couple of those; I visited Harvard at Yale and at Chicago. And, at the end, in 96 I visited NYU and then we decided; my wife and I decided that Yale was for us. She's a teacher as well and so, here we are at Yale now. At USC I did the same; USC started off Terminal Island Prison; going to prison; doing the whole thing all over again and getting that program started and then another; and then; most of the programs were prison programs, but we had other programs as well. Civil legal, you know, civil legal assistance; there were some people there who had kind of a loosely organized clinical program that we kind of tightened up and we were all one big law firm. We had people doing business advice. We had people doing prison stuff. We had people doing some mental health stuff. We had people doing some kid stuff.

Ogilvy: This was in existence when you . . . ?

Dennis: None of it; I mean, some of it was in existence, but most; but the prison part wasn't and the business stuff wasn't and it was kind of; people doing it; some of them were adjuncts, part-timers. I mean, we just kind of pulled things together more than; more than; more than instituted new programs. And, at USC; I mean, the same philosophy applied basically and I was there for; for basically, for fifteen years.

Ogilvy: Who were you working with then?

Dennis: Working with; let's see; going back; I mean, there were a lot of people there. Bill Jenago who was a student in mine at Yale; came there for a couple of years and; a year; Nurelle Ragsdale who was the business person who did; we had a lot of; we did a program where we took cases that were; PO's cases; a PO seminar where we took a bunch of cases that the courts gave us and PO'd a bunch of; they were criminal convictions. They were all sorts of different kinds of criminally oriented cases. Let's see; Mike Brennan who is; who did mostly prison stuff and criminal stuff; straight criminal and prison stuff; Carrie Hempel who is a clinical teacher. She did a lot of prison stuff; women's prison stuff; Chuck Wiselberg who is now the; was my last partner there was Chuck. He was; he came probably in; somewhere around 89 or so; 90 and he was the last person I worked with there.

Ogilvy: Was your approach; how did your approach evolve?

Dennis: How did it evolve? Well, one way it evolved is where I already told you about, which is the idea is that this is theory in practice have to be really tightly connected and I guess the evolution was in the teaching material became more and more sophisticated about organizational stuff and the idea of learning about organizations through; kind of letting; the problems of organization left; do the cases at the bottom base-line level so that the problems that bubble up are the real problems. And, so, kind of getting to know an institution from a kind of a worm's-eye view, I'd guess you'd call it, and then; but having materials that dealt both with the high and the low; not to be; not to indulge in bragging, but basically, you know, you have to have the idea of the organizational materials and the; and also the kind of bread and butter law materials. And, I guess we never; I never did get back into the skills-training business. If we had a case where somebody had to do a cross-examination, and this is; I mean, this is probably heresy in a lot of clinical issues, we; you know, we just did it. I mean, we had the student; we didn't have any special sessions on cross-examination. A lot of the students did trial practice. Oh, by the way, I forgot to mention, in all the years that I was at Yale, Steve and I taught a course; the trial practice course. We started out with about sixteen students and ended up with like, a hundred in this trial practice course, which we developed as; in the; from 70 to 80 or 72 to 80. And, Steve is

still doing it. It's still a course that Steve teaches. So, there was a skill component that Steve and I were involved in, but it wasn't part of the clinical course and a lot of the people were clinical students, but a lot of them weren't. So, it was a course in itself; it was, you know, wrapped up in a big ball and it didn't have much to do with the clinical side of things. Course, people in the faculty called that a clinical course as well. So, I mean, it was counted as a clinical course when you; when they were talking; when the faculty would talk to; when we would talk to each other. I mean, it was kind of a; understood to be a clinical course, but it didn't have anything to do with individual representation of clients. So; so, I guess I would say in answer to your last question, evolving; I mean, I think evolving; well, there's one evolution at Yale that was really important; crucially important. At Yale you; the first semester is the only required; is the only semester that has required courses. So, when you're through with your first semester you can take any course. And, when we first started out we naturally assumed that this would be a course for third-year students; the clinical thing would be for third-year students basically because all the courses that we knew about; at Harvard they were doing it with third-year students and, you know, Bill Pincus thought that third-year students; I mean, so; but then first-year students started bugging us; you know, can't we get into this program? So, we let one or two of them in and it turned out that we; two things happened. First, we realized that the first-year students was good as the third-year students in all the ways that counted. The third-year students had a little bit more sophistication and maybe knew a little bit more about criminal law but they didn't really know much more about criminal law than we could teach them right away. So, that, so,

that to have a first-year student was just as good as having a third-year student. Plus, plus, the first-year students tended to stay with the program. They got on the LS or the legal services organization board and they were on the board for maybe two years and we began to use them for supervising students so that a second-year student; a student in the spring semester who had; who was in his fourth semester in law school could supervise a first-year student and do most of the work of supervision. And, in fact, a very good job of supervision because that person would say, okay, here's the; here's the clerk you have to watch out for; here's, you know, here's the person in the control. They just changed people in the control room, you know, watch out for this guy. Don't talk to that person, talk to this person; all the kind of the low down details of practice that you have to know to do a good job, that students transmitted to each other. And; and, that doesn't happen, I mean, that wasn't happening in the first couple of; cause you know we teach third; six semester students and they'd be gone, so there was no on-going knowledge. When you have; when you start with the first-year students there is a continuity that's built in. And, there's an institutional core of knowledge about; that's not only; that not only lies with the professors, but also is in the heads of all the students. So, that was a tremendous; I can't overstate how important that discovery; I mean, I'm not calling it, you know; it happened to us and we were; I think we were smart enough to realize that it was a good thing. But, it wasn't, you know, it just happened. So, that was very, very important. As a; as a; and, so, in actuality when I went to USC I started; I tried to; USC has the first-year of required courses and I couldn't get first-year students, but I really

wanted the second; the third-semester students rather than the fifth-semester students. And, so, I carried that out. We still had; and we had student supervisors. You can really multiply your supervisory power. And, I guess the other thing; the other thing that developed over a period of time was encouraging students to write for the law journals or other journals in law school about their experiences when in the clinic. And, some of those articles turned out to be; there was one empirical study that was done around 1975 or 76, I think, of parole that was a classic. I mean, basically, if you read this article by three law students you would understand the federal parole system; where it came from; where it was going. I mean, it was a beautiful piece of work, plus it had some empirical studies in it and it had criticisms of the rules and kind of a path to; for change. It was a beautiful job.

Ogilvy: Do you remember the names of any of the students?

Dennis: I do remember the names of all three of them. Vicky Jackson, who is now teaching at Georgetown; Peter Goldberger, who is a; now a lawyer in Ardmore, Pennsylvania and Bill Janaego, who is a lawyer in Los Angeles. And, they did a; I mean, it was a super job by those guys and they did a great; I mean, it was; and, it was a beautiful little article. But, there were more. There were people who did articles on mental health. Mike Churgin wrote about; wrote some articles on mental health when he was a student. You know, they were; and, also there were

articles about various habeas corpus procedures that appeared. I mean, the student; we encouraged the students to write about their experiences for publication. And, that was; that; that also kind of raised the; in the non-clinical faculty that raised; that kind of raised the visibility of the program. These students are doing the same thing as, you know, as students; doing the things that students should be doing in addition to all this clinical stuff.

Ogilvy: Were there any people over the years that influenced you? Within your approach to clinical education or practice?

Dennis: Yes. There was one person who, I think, influenced Steve and me tremendously. And, that was Bob Cover. Now, Bob was not a clinical teacher. After I left for USC he moved in; he moved his office next to the clinical program. But, he was an original thinker and a friend of the clinical program and a critic as well and also a mensch, basically. And I think he, above all people I've ever met as far as my legal life, probably influenced me. And he influenced me not by criticism of what I was doing but just by talking to him about what was important in law. And, he had a wonderful; I'm; you know, I think about him all the time; I'm; just; it's awful that he's dead. I mean, he died when he was 43 and I was with him when he had a heart attack ten years before he died and, you know, it's a; he's a great loss and he affected my life and a lot of other people's lives, tremendously. But, he's the guy; if you want a guy, he's the guy and he's not even a clinician.



He was more of an example than a clinician.

Ogilvy: Looking at over the last thirty years of clinical legal education are there any events or, I guess, events that stand out in your mind?

Dennis: I guess; not events. I think what stands out in my mind is the; the; two things. One of them is the; the increased acceptance of clinical education by law schools; all law schools. That's one thing that really has impressed; is impressive. And, the other thing that is impressive is the opposite side of that coin is that, I mean, now thirty-one years after starting or thirty-two years after starting teaching I'm still explaining to non-clinical people exactly what I do and why it's important. And, you wonder, you know, when is this going to stop? And, it bugs me that I'm still having; that there's a sense that you still have to explain yourself. I mean, as if the clinical program, you know, we'll not going to do that anymore. It could happen that the clinical program could be abolished tomorrow because somebody says, oh, gee, you know, we thought about it and it doesn't really do anything. And, there's a sense of resignation, I guess, that I'm still doing; I'm still; I'm still explaining what it is that I do and I'm also trying to tell people, look, don't call it skills training. Just call it legal education because there's a lot of theory involved, as well as practice. Skills training is, I mean, skills training is important. I'm not saying it's not important. And, it should be done. It should be done in a very nice and efficient way. But, learning about law and learning about legal ideas and

learning about legal institutions is what clinical professors do. And, you know, but it's a; it's; what're going to do. It's a lost cause. It's at least a lost cause in 2002 Sandy.

Ogilvy: I guess I've just got a couple more questions.

Dennis: Okay.

Ogilvy: I want to go back to the point that where you left USC; came back to Yale and bring you up to date, essentially.

Dennis: Okay.

Ogilvy: You know.

Dennis: Oh, okay. Well, when I came; what I'd been doing at USC, in addition to the clinical program was I developed an interest in legal ethics of the legal professor,

or however you denominate that area of legal study. And, so I started teaching courses at USC in legal ethics and I kind of went from; went through all the books; taught it a million ways and I taught it at Chicago; taught it at Harvard; taught it at NYU and taught it at Yale actually when I visited these places. So, one of the; one of the things that, I mean, coming back to Yale, was to do more legal profession work and, I mean, we were fortunate. My wife got an offer. I got an offer. We had; at that point we had a five-year-old son. New Haven looked like a great place to bring him up; seemed like, you know, and we had just been in New York. The whole thing seemed fine. And, so since I've been back at Yale, what I've been doing is teaching basically three things. I'm involved back again with Dan Freed, teaching a course in the sentencing; the new federal sentencing guidelines where the judge from Boston, Nancy Gertner, who was one of the students that I remember from 1971, 72, who is now a federal judge in Boston and we had this course in which we; we teach students about the federal guidelines. We bring in judges to; to help; we bring in judges, both to; to get their reactions to; to what we're talking about and also to subtly, I hope, educate the judges that the guidelines are not the restrictive, restricted sort of grid that the judges are trained to see when they; when they're baby judges. So there's a sense of, you know, education going both ways. And, I also teach a course in; with Steve on; the first time we called it; I've taught courses at Yale, some with Steve and some without about; involving legal ethics. One of them is called Ethical Problems in the Practice of Law and I; it's a basic problems course. And, Steve and I have a course that was; also teach a course that was suggested by Gary Palm in which we develop; I talked about it in this meeting we had today. It's a course in which we

encourage students to develop their own and help students develop their own pro bono projects to take to law firms. And, I have a new clinical program which is as much fun as I've ever had in a clinical program. It is; we represent; our students and I and another; and Debra Cantrell, who is a fellow at Yale, do a program in which we represent people who complain about lawyers to the Connecticut grievance system. And, the Connecticut grievance system is unique, or maybe not unique, but certainly unusual in that it doesn't have prosecutors. If you complain about your lawyer and probably cause is found by a panel of volunteers that the lawyer, indeed; that there's probable cause that this lawyer has actually done something wrong, then it goes to a hearing between; of three volunteers, all members of the state-wide grievance panel. And, you, have to put on your own case against the lawyer. There's no prosecutor, even though there are some there's a state; there's a bar counsel and some bar counsel advisors, but they're there to advise the panel. They're not there to prosecute. So, we take these cases. We get all of; the bar grievance committee sends us all of the orders to show cause. So we know, you know, we get all of the orders to show cause; probably cause findings from the panels and we decide which cases are good; send letters out; send solicitations letters out obeying the letter of the law, to all of these people that we think would be good cases and then represent them if they want us to at hearings. And, the hearings are great because there's a direct; there's a direct examination of your client. Then you client is cross-examined by the lawyer for the other side, so there's a defensive aspect to it. Then, the lawyer who has been grieved against gets; does his directing; gets cross-examined by the

student. There's an opening statement, although we very rarely do an opening statement. But there's a closing statement and a result. And, it all happens in a couple of months. So, the student can do two or three; maybe not three, but two of these things in a semester. So, and we're learning a lot about what's, you know, what goes on at least one level of practice in Connecticut. How the grievance system works. How the grievance system compares with other states. Then, we have a syllabus. We have a lot of materials. It's a regular course. We talk about all the disciplinary procedures, and it's a good way to get the students to understand the ethics rules, A; the intricacies of some of the ethics rules in application, B; and lawyers. You know, what lawyers do. And, the interesting thing; the most interesting thing about this course, apart from the fun that it is, I mean, it's; it is really; I mean, I don't mean; not fun in bashing lawyers, but it's; it's a very interesting practice. And, the most interesting thing is that the students tend, in the end, in a lot of these cases, to end up feeling sorry for both the client and the lawyer because the lawyer generally is, you know, a lot of times is somebody who is just not up to the job. Maybe a good guy; maybe a nice women, but, you know, not; in a case that they shouldn't ever be in; making big mistakes because they don't know what they're doing and then kind of, you know, folding. So, so that is really something that I'm; that I'm hoping will lead to some empirical research that is going to be useful and maybe some changes in the Connecticut system. For example, getting prosecutors would be a nice thing; would put us out of a job but it would be; it would be a nice thing to have because, you know, having these people who are totally; almost illiterate in the ways of the law, be prosecutors of their; of the people that they're complaining

about; just doesn't; doesn't seem to work very well.

Ogilvy: How did you conceive of this project?

Dennis: How did I conceive of it? I guess it's kind of the natural outgrowth of, here I am a clinical teacher; here I am thinking about; a lot about professional responsibility and saying, you know, you know, what's going on in Connecticut? Oh, really; is the system like this? You know, how does the system work? Maybe there's a space for us. It took a year to get, I mean, you can imagine, the lawyers didn't like it. The grievance panels were nervous about us. I mean, we had to do a lot of political smoothing of the paths in order to get it done. But, now that we have it done we've got, you know, the grievance; the bar counsel likes us. The grievance; the professional grievance people like us because we make their job easier in a lot of cases and the bar has not, I mean, hasn't felt the sting yet because we, you know, we just haven't; you know, we've taken; of the whole universe of cases we've taken, you know, almost none. We've had twenty of thirty cases out of whatever, you know, hundreds there are. So, so, we're getting a good feel for the system and getting a good feel for practice in Connecticut. And, also the students get to go up against some of the best lawyers in the state. Because some of the best lawyers in the state represent people who are accused; who are grieved against. So, you know, there's tremendous opportunity for the students to have

very good lawyers opposing them. So, it works in a lot of different ways. It is. I mean, I'm surprised how fascinating it is. It works.

Ogilvy: Let me ask you about the future of clinical education. Can you see a future there? What would it look like?

Dennis: The future of clinical education. Well, it's expensive. Clinical education is expensive and whenever; whenever cost is a problem there are going to be retractions somewhere and clinical education is a lot of times the first place that people look. So, so, economic variables will always; in the future economic variables will always be there. I think, I guess I think there are lots of ways in which the clinical; clinical education is not, you know, not what it was when I started. I mean, clinical education; we thought we knew what clinical education was thirty years ago. There's a lot of difference. I mean, there's; there are people who talk about; I mean, there are people who are serious analyst of teaching techniques in the clinical movement. There are anthropologists. There are sociologists. There are psychologists. I mean, people who have degrees in PhDs and other disciplines who are clinical teachers who are bringing the benefits of their knowledge of other disciplines into clinical education and I think that's fantastic. That's great. There's still a resistance to tenure clinical people and there's a built-in problem there because the writing; I mean, the writing requirement is one in which clinical people rarely are able to do. You just can't

do; you can't be a non; an academic, in other words, a pure academic and supervise students and have the time to do the kind of scholarship that you need to get tenure at a law school. There's a kind of a built-in tension that'll never go away and I think that; and I think that some schools recognize, hey, wait a minute, you know, we don't have to have the same requirements for scholarship for these guys as we do for those guys, which makes ultimate good sense, but there is a; but in some many cases where there's no tenure all the voting is on one side and there's no votes on the other side and so, I think those problems are the future. Let me just; you know, let me just talk about the next five years rather than the future. And, I think; and, I think in the next five years or maybe more, I think that the new people who are coming into the clinical arena will spread out even more in what they're doing and go in ways that their expertise and their education leads them. And, I'm waiting to hear from the anthropologists and I'm waiting to hear from them, you know, the social scientists and I think that's going to be the next big wave of clinical; the next big wave of clinical expansion, in a way. But, I think that the problems of, you know, do you write well enough to be on the faculty as a tenured person, even though you're doing this other stuff as well, is always going to be there. And, I think, again, that economics variables will be; will always be there and they're always impact; the crunch will always impact first on clinical education. So, that's; that's my not-so-happy prognosis. Sorry.

Ogilvy: Are there any topics that I haven't covered that you'd like to



Dennis: No, you know, I think I'd almost forgotten about some of the things that you brought up. So, I think, no, I think; it's been fun.

Ogilvy: Thank you.

Dennis: You're welcome.