

**Transcript of Oral History Interview with
Sally Frank
January 6, 2006**

OGILVY: Sally, welcome, and thank you so much for doing this.

FRANK: Thank you.

OGILVY: What was your first exposure to clinical legal education?

FRANK: I took clinical courses at NYU in law school.

OGILVY: And when was that?

FRANK: The 1982-83 school year. In the '81-82 school year, my second year of law school, I took a simulation course on criminal law – Criminal Defense Simulation. And then the third year of law school I took the Criminal Defense Clinic.

OGILVY: Who taught the simulation course?

FRANK: Chet Mirsky and Harry Subin.

OGILVY: And then how did they organize that, and what'd you do?

FRANK: It was basically like a law firm. I think we basically took a criminal case from initial – if I remember correctly, from the initial charge through to trial, through the semester, and I was on the defense side. And then, the third year – some of us had taken that course, and so it was an odd split-up of how we did it, because I did the clinic side working with Vanessa Merton, but for the simulation aspect, since I had done that other seminar, I did the simulation aspects again with Harry and Chet as a sort of stage two simulation piece, because Vanessa was doing more stage one for the people in the clinic who hadn't done that.

OGILVY: How many credits was the clinic?

FRANK: Seven each semester. Some graded. Actually all graded, I think, but some for the seminar and some for the casework. But the casework was generally what we would now call a supervised externship with Legal Aid. But that became problematic because that was the year Legal Aid went out on strike for seven weeks or nine weeks. So then they had to find something else for us to do while Legal Aid was on strike, because we of course wouldn't cross picket lines.

OGILVY: I talked to a couple of people, and Greater Boston was on strike roughly the same time, and the people up there did cross the picket lines. So it's interesting.

FRANK: NYU would not have – NYU students would not cross picket lines, and they wouldn't have tried to have us cross. They would just not. And management was trying to break the union at that point. And of course a few years later with Giuliani mayor they succeeded.

OGILVY: And so can you remember any of the cases? Anything stand out?

FRANK: One case I worked on – I had also worked there that summer, the summer before third year and so I kind of had established who I was working with and the

lawyers I liked, and had been very active in the Lawyers' Guild, and so I knew the people. And I worked on a case with a – second-seated an attempted murder trial of a guy who was charged with beating his girlfriend. She later died, but she died like three weeks after he beat her up, and they couldn't establish cause of death, because she developed pneumonia or something. Basically her brain was mush in the hospital from illness, and they couldn't establish cause of death. He had originally been charged with a misdemeanor assault, had pled guilty, and the prosecutor basically manipulated – the new prosecutor came on, manipulated him into withdrawing his plea by withdrawing the offer of no jail. He withdrew the plea, and then they came back with an attempted murder charge. And the defense – it was a very odd case because the guy had basically said that she was hooking – she was a hooker and she had been the centerfold of *Screw* magazine, and he was trying to get her straight. And he had heard then that she was sleeping with a friend of his for free, and he was mad at his friend, and the friend said, you know, "She came on to me. I didn't come on to her." And so he had snorted up a whole bunch of coke. They rented a room in a hotel, the Times Square Hotel. He had gone into the closet while – he was snorting the coke while he was in the closet -- and waited for the friend to come up, so the friend was going to prove to him that she was the one who was coming on to him. Sure enough, of course, she came on to him, then the friend left. And then he beat her up and the argument was going to be, sort of it should be attempted manslaughter although because of the heat of passion kind of arguments or that he was too high to be aware of his actions, and

there was some attempt to get the *Screw* centerfold into evidence. It didn't come in, but the jury all did see that it was *Screw* magazine. So it was kind of an interesting trial.

OGILVY: And what role did the NYU faculty have in the representation? Were they totally in the classroom, or were they –

FRANK: Well, it was very much what I would now recognize as externship supervision. At least what I was doing was going back and discussing what I was doing, but they had no direct role in the supervision of the casework I was doing. It was the lawyers at Legal Aid who were supervising what I was doing, and with whom I was working.

OGILVY: And based on now your years of supervision, how would you rate the supervision you got at the clinic?

FRANK: Vanessa is great. And she is still a mentor for me.

OGILVY: So she was an employee of Legal Aid?

FRANK: No, Vanessa was NYU faculty, was my clinical supervisor. The Legal Aid person was also really good, and it was sort of an odd thing. I also – they gave me a couple of misdemeanors. And one case I was going to get to try, but the guy didn't show up, which was also an odd one, which was a male who was charged with loitering for purposes of prostitution. And normally every complaint for loitering for purposes of prostitution is they stood there for 15 minutes and approached three cars. This guy stood for over a half hour and approached two cars, so either he was really bad at it or his story was correct, which was that he was a snitch for some other cops and they had given him a picture and he was looking for somebody. And that's who he was approaching. So this is a difficult defense though, because as opposed to now with the federal sentencing guidelines where everybody snitches, at that point it was a hard thing – you know, you don't want to say in open court, "This guy's a snitch." And he never showed up for court. So, you know, he wanted to plead guilty, but he had a whole string of arrests, none of which were about prostitution, and you knew that kind of a charge would get him beaten up in jail, and you knew he wouldn't show up in court. So there was this odd thing that we were sort of trying to establish for the prosecutors: this is not what he was doing – and get him out on bail, but he

wouldn't show up again. And we ended up doing that. But my development was when I was talking in court the first few times I was so nervous I could barely whisper. I could not be heard. At the same point, I had a pro se case in New Jersey, and I was arguing before the New Jersey Appellate Division, and I mooted it about 15 million times because I had resisted moot court in law school and had to relearn how to do a moot court argument. I had had the wrong side in law school, so I made a socioeconomic argument that my client should win because she's rich and powerful. So I had to learn the right way to do it. And so when I came back after that oral argument my triumph was telling my supervisor at Legal Aid that I could actually be heard, that I had a voice, and I argued loudly and clearly and the judges heard me. And the case went on for another 10 years after that, but –

OGILVY: What was that case?

FRANK: That was my suit against Princeton and its all-male eating clubs, which a year later was the case that I then became – the Rutgers Women's Rights Litigation Clinic became co-counsel with me after I became a lawyer, and I became a client of the Rutgers Clinic for eight years.

OGILVY: And the ultimate outcome?

FRANK: All of Princeton's eating clubs are co-ed.

OGILVY: Good job. Let's go back. You graduated from Princeton.

FRANK: Undergrad, yeah.

OGILVY: What led you to law school? Did you know at the beginning that's where you wanted to be?

FRANK: From about sixth grade, fifth or sixth grade. The Chicago 8 trials – and I always include Bobby Seale – so that's why I always call it "8." And *Inherit the Wind*. I wanted to be a combination of Clarence Darrow and William Kuntsler – keep the protesters on the streets, which I still try to do – except when the protesters want to go to jail rather than pay fines. I've learned to be client-centered and let them

go to jail if they want.

OGILVY: And you had a Root Tilden scholarship at NYU.

FRANK: Right.

OGILVY: What did that involve?

FRANK: That was a public interest scholarship for people who had past activities and future commitment to public interest law. And at the time it was a full-tuition scholarship. I was the last year – we almost bankrupted the program, because more people accepted than they had ever anticipated. So we almost bankrupted it. But it was a full-tuition scholarship, and with the moral commitment to go into public interest or public service law, and involvement in the program. But it was fairly loose what the rules were at that point. After our class the rules became a little tighter, what activities and things were involved. But you had to do at least one summer public interest project, and at least I think one internship during the year, public interest.

OGILVY: But you certainly lived up to your commitment?

FRANK: I think so, fully so.

OGILVY: What did you do right after you graduated from NYU?

FRANK: I clerked for a New York Civil Court judge.

OGILVY: Who's that?

FRANK: Emily Goodman. Emily Jane Goodman.

OGILVY: What kind of docket did she have?

FRANK: Well, actually that was not right after she got elected. And so January '84 she took office and I came in with her, and she was civil court so we did landlord-tenant – for one month every four months or so she'd get a week of small claims, a week of landlord-tenant calendar, a week of Harlem small claims, et cetera, and then she'd do civil trials. But it would be a variety of lower level civil actions.

OGILVY: Anything memorable from that?

FRANK: Well, I learned a lot about how to make a record. She was really good at verbalizing what was going on in the courtroom and recognizing how to do that, so an appellate court would know what was going on, the non-verbals of what was going on in the courtroom. I basically sat with her on the bench. All of my clinical experience and role play really had me up on top of the Rules of Evidence, and she had not done as much courtroom work in recent years. And so I whispered a lot of suggested evidence rulings to her. So I spent a lot of time on it. And I had not thought I wanted a clerkship, because I'm an activist, and I want to be participating, not sitting back ruling. But one of the advantages of being in a trial court and being in the courtroom all the time was seeing lawyering practice. And what I suggest to students, be they doing judicial internships or if they have a clerkship, is to watch that, because there will be some – what I tell the students is

there will be some lawyers that you can say will be a confidence booster for you. If that person passed the bar – I know I can do better. Then there will be others, like, boy, I wish – I hope some day I will be this good as that lawyer is, so you'll see both ends, you'll pick up good tips. And the other thing is any time there was a jury trial she would agree to -- she had no problem with at the end of the trial I would go, after the verdict, I'd go in and I'd ask the jurors if they had any thought, and tell them that I wanted to be a litigator after this, and were there things they wish the lawyers did or didn't do, any suggestions they'd have for me having watched the trial. And so I learned some tips from the jurors. So I learned a lot both from him and from them. And she was a very unusual judge in that there wouldn't be many judges I think I could have worked for and not had to swallow my conscience. And I never had to swallow my conscience working for her. I don't think I want to say much more on tape on that point. She is still a judge.

OGILVY: What did you do next?

FRANK: I was a clinical fellow at Antioch Law School, which is why I have a degree that very few people have, which is a master's of arts in teaching clinical legal education – not an LLM, but an MAT.

OGILVY: That's interesting. And when were you there?

FRANK: Eighty-five to '88, the last three years Antioch existed.

OGILVY: Tell me a little bit about Antioch. I don't think I've talked to anybody yet –

FRANK: Well, it began in I think the early '70s as a clinically-oriented school. I think it always had a rocky relationship with the parent university and with the ABA. And shortly after I got there the ABA threatened to withdraw its accreditation unless it got a new building. And it needed about \$2 million to get a new building, which was an odd concept for me, having come from Princeton and NYU, to find a school unable to come up with \$2 million – fund- raise \$2 million for a new building. It just – I mean, you know, Princeton and NYU, if there were a need for \$2 million for a new building, you knew there'd be somebody on the board who would write a check for \$2 million. This is not, you know, so it was very much a reality or something to come to Antioch and see that's not as easy to get as it is in some other places. And so within two months of my getting there they were announcing that they were going to close in three years, and basically

the ABA said, well, if you close, then we won't yank the accreditation immediately. We'll let everybody graduate credited. And the path began with trying to create the D.C. School of Law. And Shelley Broderick was a master tactician and a master lobbyist, and for three years we didn't close a case in the clinic. We may have finished cases, but we didn't close the case. And –

OGILVY: What happened?

FRANK: Well, that way we could say to the City Council that there were 2,000 open cases, and look at all these open cases, and if we go we have all these open cases. We didn't say that they all needed work; we just said we had open cases. So we didn't close a case. There are little things you can do like that to manipulate your statistics. But by the third year the metaphysical question: Are you a teacher if you have no students? We had almost no students left. Half my job was lobbying for existence. And five of us came in as clinical fellows that year, and it was a very demanding degree. I was the only one who ended up with the degree. Of course the fact that the school was closing had nothing to do with the fact that the other four left.

OGILVY: Who were you working with?

FRANK: Ed Allen. So I had done a lot of – well, my interest all through law school had been criminal defense. I ended up doing a lot of landlord-tenant of course, working for a judge in the civil court. So I ended up with the landlord-tenant clinic at Antioch.

OGILVY: And how long did you and Ed work together on the clinic?

FRANK: Three years.

OGILVY: And what was the structure of the clinic, the supervision?

FRANK: Well, Ed supervised me, and Ed and I supervised the students.

OGILVY: How many students did you have?

FRANK: I think we had probably 12, if I remember correctly. And we did kind of half a semester on substantive landlord-tenant law and half a semester on skills. And we did both administrative law and court law. We had one very memorable case where we were in about 15 different courts at one time. I remember actually a responsive brief that the other side wrote where he liked it to the ship St. Louis without a port. It was like, Are you tired too? Because we had a case in the D.C. Circuit, the D.C. District Court, the D.C. Bankruptcy Court, the D.C. Court of Appeals, the D.C. District Court, the D.C. Landlord-Tenant Court, the Rental Accommodations and Conversion Division, and I think one or two others all at once on the one case. I mean, the same landlord and the same tenants – everywhere – fighting in every realm one could imagine, which kept us very busy. It was sort of a landlord who would do anything he could to get the tenants out, and tenants who'd live in the most horrible conditions imaginable, because they wanted to keep low-income housing in the Dupont Circle neighborhood – including refusing money to leave. A movable rock and an irresistible object and they would just be going at each other.

OGILVY: Had you resolved the case by the time you left?

FRANK: No.

OGILVY: And they still haven't. What was next?

FRANK: I moved to New York Law School as a clinical associate professor working with Larry Grosberg, doing a housing discrimination clinic for two years, and I was – at Antioch I was a clinical fellow. At New York Law School I was in one of those limited term, nonrenewable contracts – so I was one-year contracts renewable to a maximum of three years and out. So I was there for two years, because I was looking for a long-term contract. And there we had 12 students, and Larry was the tenure track person and I was the assistant essentially.

OGILVY: Any memorable cases from that?

FRANK: We had a couple. In fact, what we did there was we did federal court housing discrimination cases, and we also did fact-finding up to the point of a probable cause finding in housing discrimination cases for the Human Rights Commission,

the city Human Rights Commission, which was nice, because that would be about a 90-day – you were supposed to make a finding of probable cause or not probable cause, which is a nice little – let's see, that's a semester – and took interviewing, negotiation, investigation, so nice lawyering skills, length and things like that. We did have a trial on Long Island that was a kind of fun case that happened to end up being during the summer, so of course I ended up doing it, which was good for me, because I got a nice jury trial out of it. Actually the two most memorable things of that jury trial was when Larry came back with a message that the people in the flag-burning case were having a party that they were inviting me to, and I got worried that he had gotten that message from the district court clerk's office, and I was like, They called – but, no, it was from our office, because I had been providing safe house to Joey Johnson, because the decision had just come down and he was staying at my place. I had been at the protest where Joey Johnson had burned the flag. So that was one of the memorable moments where my heart almost stuck, thinking they had called the district court telling them that the flag burners were having a party and I was invited. The other was when I was – the summations were on July 5th, and I was thinking of an obvious perfect theme for summation in a discrimination case on July 5th of any year, and recognizing – and I've told this story to my students, because I tell them you have to think about what works for you, and it has to be true and honest to who you are. And there is an obvious theme that a person might be able to do on July 5th in a discrimination case. However, I would be

incapable of doing it. And I recognize that I could not wrap myself around the flag and talk about Independence Day and the meaning of America and all of that, because I couldn't do it with a straight face and that somebody else might be able to. And the closest I came was he was looking for his opportunity in this land of opportunity and I stopped it at that. But somebody else who had more faith in the system, had more faith in what America is supposed to stand for and all that, could have had this wonderful theme that they could have played. But I tell the students that because that really is my point, that students have to see what works for them, and what works for one person won't work for another, because I was sitting there going, Boy, this is a theme – nah, I'm not going to pull it off. I can't. It won't work.

OGILVY: And so you left for Drake next?

FRANK: Right.

OGILVY: Any particular reason why you didn't stay the third year, that you could have?

FRANK: Well, a bird in the hand is worth two in the bush. I went to the meat market, because I wanted a long-term tenure track or tenure. I think I remember mentioning in the interview I wanted to know whether or not to buy a carpet. While I wanted to stay in New York, I also wanted to know I'd be employed beyond the next year. And so I was looking at that point, and Drake offered me a tenure-track position.

OGILVY: Had you grown up on the East Coast?

FRANK: Yeah, I grew up in New Jersey.

OGILVY: Were there any apprehensions about moving to the Midwest?

FRANK: Oh, yeah. The worst part was not only that I had to buy a car, which was bad enough – but that was only money. But worse than buying a car was I had to drive it. That was terrible.

OGILVY: Did you have a driver's license?

FRANK: I got my driver's license when I was 17, but I took driving lessons before I went out to house-hunt. And I decided to take driving lessons on a stick shift so I wouldn't be as embarrassed. But when the guy asked me what I needed to work on I told him changing lanes, turning corners not from a complete stop. So I took driving lessons in Manhattan before coming out to house-hunt.

OGILVY: Now, there's a trial by fire. And you've been at Drake since August '90?

FRANK: Yeah, got there and then Saddam Hussein invaded Kuwait right after I got to Drake.

OGILVY: What did you find when you got to Drake? What was the shape of the clinic at that point in time and how did you fit into it?

FRANK: We had three full-time clinicians, a clinic director, and two full-time clinical

faculty and a couple part-time clinical faculty adjuncts, and then some other adjuncts who were less part-time, two adjuncts – well, three adjuncts who were very committed and would put in a lot of hours before their adjunct pay, and then at times other adjuncts who would not be very available. The clinic director didn't tend to supervise students, didn't tend to supervise the faculty, didn't tend to go to faculty meetings. I think I'll stop there. So the full-time faculty basically just did everything. But all of us sort of negotiated out a class that we all like would take different classes – so the classroom component was each one of us would get a couple of classes, and we'd get to teach it however we wanted to, and there wasn't much or structure joining together of what we were mutually trying to do. We each had kind of our own ideas, and did what we were going to do.

OGILVY: Is it a single clinic, where all the clinics –

FRANK: Yeah, and it was a general practice with a way wide range, way too wide range of things, with the idea that student would have a bankruptcy, a criminal case, a will, powers of attorney, divorce and a few other kinds of cases all at the same time.

OGILVY: Year-long, I assume?

FRANK: One semester. First it was three credits. Then you could take the advanced clinic, which was an elder law theoretically, except they really were mixed. And then you could take additional clinic where you basically get paid – you do one credit and then you get paid for additional hours. That structurally kind of changed and gradually they got rid of the advanced-advanced. And then they separated out elder law. Then we've had a couple shifts in who our clinic director was, and then finally we got a clinic director in 2000 who I think did more to stabilize the program, separated topics. Now we have a Children's Rights Clinic, an Elder Law Clinic, a Criminal Defense Clinic, an Advanced Criminal Defense Clinic, a General Practice Clinic, a domestic abuse practicum, and a really tiny now mediation clinic with two students and an adjunct who are doing -- like they're going to do two mediations of discrimination cases. That's kind of experimental.

OGILVY: They're all single supervisor clinics?

FRANK: The Elder Law is supervised by the director, who has major administrative responsibilities, and an adjunct who's a retired head of – former head of Legal Aid, and therefore is basically paid as a – better than most adjuncts, but spends most of his time there. So, you know – called an adjunct, but far more time commitment than an adjunct.

OGILVY: And what have you done?

FRANK: I do the General Practice Clinic, and I do the domestic abuse practicum. The domestic abuse practicum allows up to three students to do one credit, to do up to three permanent protective orders or contempt in domestic abuse cases, so where they would – in cases that have either taken a domestic abuse course or are taking it. So it's a very limited -- and frequently they team with a student in the General Practice Clinic, who will take the custody case or the divorce case or whatever.

OGILVY: Even so, it seems like a fair amount of work for one clinic.

FRANK: Well, up to 45 hours. So if in two cases they get 45 hours of work, then they'll only take two cases. I mean, obviously if in two cases it ends up being 50 hours, you know, they'll do the work for the two cases, but the idea is about 45 hours of work approximately. And then I take eight students in the General Practice Clinic.

OGILVY: Who would you say have been the greatest influences on your teaching style or approach to clinics?

FRANK: Well, Larry Grosberg, Ed. I think generally the Clinical Section. You know, I come to these, and I pick up a little bit here and a little bit there from everybody. It's hard to really say a particular individual.

OGILVY: Can you talk a little bit about the conferences and workshops? When did you first start going, and what. . .

FRANK: I started going to the May clinical ones when I was at New York Law School, and started going to the broader all kind of all three during the year when I got to Drake – so '90. And I've gone to most of the all three during the years since I've been at Drake.

OGILVY: And that includes the Midwest, the AALS clinical section's and then the annual meeting?

FRANK: Right – so rarely missed any of those.

OGILVY: Let's talk a little bit about the Midwest, because that seems to be kind of a little bit different animal than the bigger program.

FRANK: Well, the Midwest is usually about 90 people or so. While it calls itself Midwest, it will often draw from the coasts as well. We define "Midwest" as anything between the Atlantic and the Pacific, I think, although if someone from Hawaii wanted to come, we wouldn't exclude them. But primarily it's obviously the Midwestern schools. And I think there's a real sense of community and people knowing – and there's a fair amount of partying at it, even as people have aged, although I must say I am not as late night a person, even when I am not bringing my daughter with me. But the Saturday night party is very important, the band and the music and dinner is always an important feature of any Midwest regional conference.

And it's very much whatever school it's at really organizes with the programmers whatever they're interested in. But what I've found about both the May meeting

and the Midwest is the topic really I think is of secondary importance. I don't think anybody goes to these because whatever people say the topic is. I think people come to the clinical conference because we need to see each other, and we want to see each other. We like each other, we need each other, and we want to be with each other, and this gives us the reason to get together. And you could call it whatever you wanted to call it, you could have whatever program you want – you know, maybe 10, 20 people, plus or minus, might be drawn by the program, but mostly people are drawn because this is when we get together, and this is our way of getting together. And that's what the community is about, be it for emotional support, for academic support, for the exchange of idea – and exchange of ideas goes well beyond whatever the formal program is. And that's why at the May meetings why small group is always the most important thing to everybody, because who cares what they say the small group is going to be about – this small group is going to be about whatever people in the small group want it to be about. And that's going to be the exchange of ideas. And I think the deans know that too, because why does anybody go to any of these conferences? They go to meet each other and talk and schmooze and get to know each other and exchange. And that's 80 percent of what the conference is for. So -- but the Midwest makes it smaller, easier to get to know each other, and certain commonality in the Midwest, especially outside the big cities, of what the communities are like and things of that nature.

OGILVY: There's a couple of things on your resume that jump out at me that I wanted to ask about. The first was the Hardees Hometown Hero Award, 1991. What's that all about?

FRANK: That was sort of odd, because I had just moved to Iowa, so the idea that they called me a hometown hero was sort of – I had just moved there. But it was about the Princeton Eating Clubs case was what I had been nominated for.

OGILVY: Do you know who nominated you?

FRANK: No, but it was strange, because we got -- it was a medal from the governor, who was a Republican, you know, so I wore my anti-war button and my anti-death penalty button, and he was pro-death penalty – and my pro-choice button, because he was anti-abortion. And, you know, I made sure I wore all the appropriate buttons to show my disagreement with him on each issue. And he commented about – Des Moines is such a small community, so where I live was on his jogging path, you know, so he commented about that, you know – but it just seemed really odd that I got that right after I had moved there, and while I was

being a spokesperson – I moved there, and like a few months after I moved there I ended up being a spokesperson against the war locally, which was also weird, which is why I said I moved there, and then Saddam Hussein invaded Kuwait. So it was like my introduction to Des Moines was anti-war activity.

OGILVY: How have you felt accepted?

FRANK: Well, mixed. I mean, Des Moines and Midwest is very polite, and people usually are not used to people being in your face about what they believe, and I'm obviously somebody who tends to be in your face about what you believe. And there are a lot of students who are taken aback by my being open about what I believe in, both about politics and religion. You know, this is who I am, this is what I'm about – these are my holidays, this is my sabbath – you know, if it's an emergency, you can call me on the sabbath; otherwise, please don't, until after sundown Saturday. You know, These are the Jewish holidays – I'm not going to be in the office. That blows people off, which is weird to me, because when I was in school I took courses knowing my professors' politics, and I took them either because or despite the politics of my professors. But I knew what their politics were. And to students this is a shock that you would be open about where your biases are. And I'm very clear to the students to please disagree with me – that it's

boring if everybody agrees with me – that I give extra credit for good class participation, and good class participation includes disagreeing with me, because that gets good discussion going. But I emphasize it as much as possible, and still sometimes they're taken aback. Clearly some of my colleagues are taken aback by it and get uptight. Some of them think if I'm on the news I can't possibly be doing my job, if I'm out protesting a lot. Some of them get nervous with things like when the federal government decides to investigate peace activists, and me – which happened. Some of them are offended by my feminism, my activism. I'm one of the few radical feminist New York Jewish lawyers in Des Moines, and there's a personality that goes with that. In New York I'm a dime a dozen, but in Des Moines I'm an oddity. But then again there's also a lot of support. When I was denied tenure at Drake, the community really came out for me – the peace community, the activist community, and a lot of the Drake community really gave me a tremendous amount of emotional support and looked out for me, and worried for me. You know, a columnist in the *Des Moines Register* said, "Well, we can't know for sure what's going on, but, hey, this sure smells." I mean, there was an article in the *Register* about it, and what's going on here, and things of that nature. So – and then the university saved me after a 10-hour hearing, which cost me a year's salary in attorneys' fees to fight. But – so it's a mixed bag, and in many ways I'm hung out to dry, and I'm alone. And in other ways my presence makes a difference.

OGILVY: I want to come back to both of those things briefly, but I want to touch on a couple of other things on your resume. I don't know that I've ever seen any other course called Women in Hebrew Scripture, a course that you developed and taught. Could you tell me a little bit about that?

FRANK: Sure. It's an undergrad seminar, where we look at – "Hebrew scriptures" is basically the neutral term. If I said "Women in the Bible," people might expect me to talk about the Marys. But of course I don't use Old Testament, because that would imply there's a new testament, and Jews don't believe in a new – so "Hebrew Scriptures" tells you which part. It's the neutral term. So it's really within religion studies, a fairly not a surprising course. It's an area I've become increasingly interested in my development, although I haven't gotten the things written I'd like to get written. I've written one article where I defended Eve, and I kind of combined my sort of radical lawyering and my feminism and my Judaism, and I'm trying to kind of keep doing that, and I've been active in a lot of Jewish things. And so my intellectual interests are very much in Jewish studies and feminism. And so this gave me the opportunity – I was wanting to do something like that, and then there was an interesting set of events at Drake that kind of opened the door for me to get the administration to let me do it. There was a program review within the university where the university told the law school that

its faculty should teach two courses outside the law school. I'm sure they meant things like Business Law for the business school, or something like that. And of course nobody in the law school is particularly interested in doing this – except me. And there was also – the Religion Department was getting pressure, saying, You shouldn't be a department -- you shouldn't be a major – maybe you should only be a minor, because so many of your courses are taught by adjuncts. So I went to the then-dean, and said, "You know where it says – how about if I – would it be okay with you if I taught this course?" He said, "Well, you know, we can't pay you to teach it. It would be an overload, but we can't pay you." I'm like, "Fine, I don't care – I don't want to be paid. I don't care about being paid. I'd like it. Fine." And I went to the Religion Department – I'm not an adjunct – I may not be in the Religion Department, but I'm not an adjunct. So they said okay, the law school said okay. Women's Studies said we're thrilled to co-sponsor it. So it's honor women's studies and religion. And I was a little nervous that they would think it was chutzpah for some law professor to be doing it, but the Eve article was taught at the Jewish Theological Seminary in two different courses. So that helped, I think, get a couple of the more staid people in the Religion Department to say, okay, she has something there that gives her a credential to be able to teach this.

OGILVY: How many times have you offered it?

FRANK: I think about five. It's always a small seminar, but it's really fun. Although last semester, last year, last spring, was the first time I could not get people to talk. I even had them do presentations, and I couldn't get them to talk to each other. I just – they wouldn't – I tried everything, and they just were so quiet. And so -- but generally it's fun introducing them to ways – I tell them upfront that this is going to be a Jewish approach to the way we look at the Bible and understand it, and I introduce them to a concept called midrash, which is where you ask questions about gaps in the text and try to tell stories. And I assign two research papers, and tell them they can either do it as a regular research paper or they could do it as a midrash, but they better put in footnotes. You know, if they want to talk about Miriam in Egypt, and they want to talk about Egyptian society, I want footnotes about Egyptian societies where they get these concepts from. But they can talk about Miriam's life in Egypt, if they want -- or something like that. And I've gotten some wonderfully interesting papers. I got -- one student did a rape survivor's counseling group with Dinah, who is Jacob's daughter raped in Genesis 34; Tamar, who is David's daughter raped in the Book of Kings; the unnamed concubine who is gang-raped and killed in the Book of Judges; and a friend of hers who was date-raped – really wonderfully fascinating approach to it and having them talk to each other about it.

OGILVY: Sounds wonderful.

FRANK: It's fun.

OGILVY: Do you ever get any law students? Can they take it?

FRANK: No. I've tried to encourage some to, because they can take up to six credits of upper-level undergrad pass-fail outside the law school, but they haven't. But I've got some people in the community – senior citizens can audit a class for only \$25 a credit, and I got a couple of nuns once, and I think I'm going to get a couple this semester of senior citizens – some of the peace community folks.

OGILVY: Can you give me a brief synopsis of the Eve article?

FRANK: Yeah. What I did was the lawyering piece of it is there's a lot of theory pieces on lawyer use of narrative. What I did was I said lawyers are storytellers, and you

can tell many different stories from the same set of facts. What the lawyer's job is to do is to figure out which story to tell. And then I applied it by imagining Eve coming to a criminal defense attorney seeking vindication after 5,750-something years by the Jewish calendar – a vilification on having violated the statute, You shall not eat the fruit of the tree, and gave five different partial summations for five different theories of the case: youth – the midrash says it was her eighth hour of life; insanity – who would think a snake would talk?; entrapment – if the serpent was acting under God's orders or Satan; mistake of fact – Adam told her she couldn't touch the tree; or justification defense. And of course being the radical that I am and the believer – the title is "Eve Was Right to Eat the 'Apple,'" in quotes – it wasn't an apple – it says "the fruit." And the argument is that there's a Jewish reading that God didn't finish the work of creation – God left it to humanity. It's our job to be God's co-workers and partners in completing the work and perfecting the world. Well, you can't perfect the world if you don't know the difference between right and wrong, so that Eve's step was a step to get the wisdom to have her eyes opened, to see that she wasn't in fact in Eden, that the world is imperfect, and so that she could then take the steps to perfect the world. So it's got both the religious, and though if partial summation by showing how you tell the story differently with whichever summation you wanted to use, and thereby demonstrating the narrative point.

I've turned it into a novella, which is too short for an article – too long – and I'm

trying to add some extra midrash to try to get it published so I can get it into kind of popular discourse.

OGILVY: That was one of the things I wanted to ask you about was your work on the novella.

FRANK: Well, the novella is done. It's just like not long enough – too long and too short. So what I have to do is add about – I want to add about four more midrash and do it as in defense of Eve and other biblical women, and then try to see if I could get what would be a 200-page book published, and that would – but I have too many things I'm trying to do, and I'm not doing them. So that's – not getting my writing done.

OGILVY: What would have been the highlights for you at Drake?

FRANK: Winning tenure, but of course that goes with the low light of being denied tenure.

OGILVY: Talk about that.

FRANK: I had three articles published. Our rules required one. One was by the *Yale Journal of Law and Feminism*. One was by the *Michigan Journal of Gender and the Law*. One was by the *D.C. School of Law Review*. The *Michigan* article was called "simplistic, lacking in original thought, depth and analysis." Yet the New Jersey Appellate Court in the Boy Scouts case cited it three times or four times. Unfortunately, the New Jersey Supreme Court didn't. They just cited my case, but not my article. But the Appellate Division cited it three or four times. The *Yale* article they didn't think was particularly important. They said I didn't encourage critical thinking in women in the law. We explained to the appeal committee that we thought that was what they were really saying was I didn't use the Socratic method and that there's feminist analysis and critique of the Socratic method as being an inappropriate method to use in law school that silences a few women especially. And the appeal committee found that it was a denial of my academic freedom and that I was – but I had a four-to-one vote in my favor in the subcommittee on the law faculty, and a tie vote in the faculty. Our rules do not say what a tie vote meant. The dean interpreted the tie vote as a vote against tenure. He denied me tenure. I asked for his written reasons, and he did what my lawyers hoped he would do, was wrote eight pages of reasons, which felt like "How do I hate thee? Let me count the ways" – but was exactly what my lawyers

hoped. So he wrote things like, "Your outside reviewer of the *Michigan* article said it was 'good,' not 'great.'" I don't know why I shouldn't expect "great," which became an unannounced, unpublished standard of greatness in scholarship. Things of that nature. So, you know, we were able to just pull him apart in his – and the application for tenure stopped with his denial, and so I was on a terminal contract when I appealed. The clinical section came to my aid a great deal. My lawyers, to some extent recognizing that I am an organizer, and knowing they had to give me something to do so I wouldn't bug them too much, said, "Why don't you get some affidavits?" Well, 15 clinicians wrote affidavits about my good participation in the Clinical Section, my good knowledge of clinical work. I got more than 10 percent of my prior students that I had taught at Drake write affidavits about my good teaching. And I got 15 affidavits about my scholarship as being good scholarship. They also – it said briefs could count as scholarship – our rules. I submitted several Supreme Court briefs, and they wouldn't consider the briefs as scholarship, because they said that to be considered as scholarship they had to of similar length and complexity as a law review article. I cannot imagine a good brief being of similar length and complexity to a law review article. One of the affidavits I got was from Nadine Strassen, who commented on one of my briefs, commented on one of my articles, and also commented on the difference between a good brief and a good law review article. Of course Nadine Strassen is one who would know that distinction pretty well. So the Clinical Section really supported me in the battle, and I think we created a hefty record by

having 10 – I don't think many of my colleagues could have gotten 10 percent of their students to do affidavits about their good teaching. So we got each of those factors, and of course I got affidavits on service, I got the associate justice of the Iowa Supreme Court, who is now the chief justice of the Iowa Supreme Court, also wrote an affidavit about how my briefs were amongst the top he's seen in the Iowa Supreme Court. So it was well papered, but it was a 10-hour hearing – in part my dean takes a long time to say things. The eight pages of reasons goes along with being very verbal – very verbose. And so – but it was a major ordeal, both emotionally and in expense. Once I won tenure, the committee unanimously – the appeal committee, unanimously recommended that I be awarded tenure. There was also a person who had been clinic director for only one year and had earlier been head of the Iowa Civil Rights Commission, and now is a district court judge on the state district court – wrote a letter to the dean that the school lawyers' gave us, but then they didn't introduce my lawyer -- because that was the opposite of her written evaluation of me. Her written evaluation of me had been very positive. But what you get there had all these negatives in it, including a comment about that I took Jewish holidays, that when she talked to her Jewish friends no one took – and which actually has come up again from the dean just a few weeks ago. He seems not to understand the difference in religious observance between different Jews, you know.

OGILVY: What year was this happening?

FRANK: Ninety-five, ninety-six was the year the decision; '96-97 was the year of the appeal. So I was granted tenure in January '97, retroactive to '96 – to September '96. But that was a real stunner, and she looked pretty bad when you look at what she wrote there. It was kind of hard to appear before her regularly the year she was on family court after that. That was the one that felt most like a stab in the back, you know. We also uncovered a few other things. While this had happened in '96, in May '96, I went to the clinical conference. That's when I asked people for the affidavits. And it did feel good to be a clinician, because I'm sure if I were a Contracts professor and went to a contracts meeting and said, "You know, I was denied tenure" – people's first reaction would have been, What's wrong with you? You go to a clinical conference and say, "I was denied tenure," people say, "Oh, shit, not again? What can we do to help?" And that was the reaction. And so – and then I said, "Well, could you write these affidavits?" And people were very helpful.

My – one of the people who wrote it against me sent an e-mail to the dean who had denied me tenure. Well, he was leaving, and he forwarded it to the active dean who had missed the vote, but I think in prior years – every other year had supported me. And so I think he did it on purpose. But he printed it out and put it

in my file, which we then found and put it in our case. It said, "It is reported that a female clinician from Drake" – the only one – at the recent clinical conference in Miami: booed Bob Dole as he entered a restaurant while everyone else politely applauded." Completely wrong: I booed as he left the restaurant, which was the high point – it was so great – it was '96 – but it was after people applauded. I figured if people can applaud, then I can boo – you know? And he was – it was a Cuban restaurant, so he was making a campaign appearance – it was so much fun to boo him. And then commented that I was like claiming I was going to win the case, which I wasn't, and was passing out a petition – which I could – but, anyway, we of course showed sex and politics on the mind. And then he had a couple other, so-and-so did this and so-and-so did that. But used it to show he write had sex and politics on the mind, and he was one of the no votes.

I forget what your question was.

OGILVY: High points – you mentioned the low points, so I guess like you said, it covered both, right?

FRANK: Yeah. I mean, there's – the political work has been the best, but also the scariest. The other was the battle we had over the subpoena, which was the scariest, and

also the most exciting, because again the community support level was enormous.

OGILVY: When was this?

FRANK: In 2004 – although it was going on for several months. First we thought my e-mail was being watched by the FBI. We had very good reason to believe my e-mail was being watched. Then there was a civil disobedience action where for the first time sheriff's deputies appeared in riot gear. I had my daughter not go to that protest. I had my daughter not come to that protest. Normally she came to protests with me, but I thought there was a risk I might end up being arrested, even though I wouldn't cross the line. I didn't want her to see that, but I wasn't going to not go. And then two weeks after the Iowa caucuses, when all the media left town, suddenly three activists and Drake were subpoenaed.

OGILVY: By whom?

FRANK: A federal grand jury. First the activists called me, and I called – so I was calling them, and I'd call my lawyer. I told them that I don't know federal grand jury law

well enough. They really need their own lawyers. Plus, I might be a target, so I might have a conflict of interests. So they really could – you know, I'm not dumping you, but you need expertise I don't have, and I have a conflict, and give them kind of an example of how easy it is to waive your Fifth Amendment rights without realizing it. And so then this time the dean acted appropriately – he became dean again – the one who had denied me tenure became dean again, and he on Wednesday called at noon – Tuesday is when the subpoenas came out. Wednesday at noon he calls me and tells me Drake had been subpoenaed for information about the student chapter of the Lawyers Guild. I got on the phone and spent the next six hours, until my Women in Hebrew Scriptures class, almost continuously on the phone with the Lawyers Guild's national office, the president of the Lawyers Guild, the lawyers for everybody who had been arrested at the November action, the Iowa Civil Liberties Union, leaving a message for my lawyer, coordinating everybody, getting a copy of it, telling the student who was involved, showing him the subpoena and everything else, figuring out what to do, talking to the media off the record, on the record, telling them who to talk to on the record and off, talked to them in the morning, figured out I was going to fax the subpoena to the Iowa Civil Liberties Union, get back to the office to fax it on Thursday and find out I've been gagged.

OGILVY: Hold it right there. I'm going to change the tape. So you were talking about

making all these phone calls.

FRANK: So then Thursday, as I'm about to fax the subpoena to the Iowa Civil Liberties Union, I get a call from the associate dean – the dean had left town – telling me that Drake employees had all been gagged, that we could not disclose the fact of the subpoena, the content of the subpoena or anything to be released under the subpoena.

OGILVY: And where did that order come from?

FRANK: The federal district court. So I was very glad that they had waited several hours between when they did it and when I was gagged, because I was glad I got the phone immediately. There's some usefulness to being a born organizer. So I called the lawyer for the national Lawyers Guild that I had a half hour earlier told I would fax the document to the Iowa Civil Liberties Union, and told him, you know, the thing we were talking about earlier, I can no longer confirm or deny it exists. I've been gagged as a Drake employee, so I will not be faxed. And, if it exists, I will no longer be faxing it to the Iowa Civil Liberties Union. But I'm only gagged as a Drake employee, and only Drake employees are gagged. So just

wanted to let you know, and – but I can't confirm it exists. So he of course got the hint, and he faxed it to the Iowa Civil Liberties Union, he put it on the Web. I tried to – and that's when I sent out the e-mail to the – or the next day, as I was trying to figure out how to tell the clinical community what's going on, without telling the clinical community what was going on, which took some care, was when I sent the e-mail to the clinical community with – you know, the title was "Des Moines activists subpoenaed," with just, "Thought you all should know what's been going on in Des Moines. Here are a couple of articles" – and then just sent you the articles so that I was not saying anything about any Drake subpoena. And of course then it was odd, because Suzanne said, "I haven't been gagged" – but she didn't know anything about it. So she knew details and knew – you know, yes, she hadn't been gagged because she didn't know what she was talking about about it. So, you know -- but the gag was so extensive that in fact I had on Thursday night talked to my lawyer extensively about the activists having been subpoenaed. But I didn't know about Drake's. On Wednesday I called and left him a message that Drake had been subpoenaed, but it was just a message, so I didn't tell him the content. Then I was gagged. So on Thursday I called his cell phone, and said, "David, if I've been gagged, can I talk to you?" He said, "Fax me the gag order." I fax him the gag order, and he's like, uh-oh – so, you know, he spends several hours doing research and we figure out about 11:00 or 12:00 Thursday night that what I better do is make a photocopy of the subpoena, seal it in an envelope, in case he's not at his office, with a "for his eyes only," "personal

– do not open," and he had to make a motion to the federal judge to amend the gag order to allow me to talk to my lawyer.

OGILVY: And what did the gag order say to you?

FRANK: It said that we could not disclose to any person. And, as he put it to the judge, lawyer though he is, we figured out he was probably a person too. It did make us look very good to the judge, that we were being scrupulous. On the other hand, of course, I was walking right up to the line – as close as one could possibly get to the line – to one reporter – at first I wasn't sure if I could even disclose the gag order. And then after a little I was like being clear that I was disclosing the gag order. You know, first I was sort of off the record disclosing the gag order – not for attribution disclosing the gag order; and then finally I was disclosing the gag order. But I remember with one reporter she was saying, "Well, what about" – asking me about the Lawyers Guild subpoena, and I said, "The Lawyers Guild wasn't subpoenaed." And she said, "Well, then what's – why are they responding and everything?" And I'm like – "Well, let me explain it to you this way: You know how Rush Limbaugh's medical records have been subpoenaed and how he's fighting it? Well, it wasn't Rush who was subpoenaed, right? His doctors were subpoenaed, but he's the one who has an interest, so he's the one who's fighting it.

You get it? She's like – I feel like I obeyed the order. I didn't say anything – I didn't mention Drake being subpoenaed, you know, but that's how broad it was. But the community – basically most of the activists in Des Moines – the Iowa Peace Network's former staff person was subpoenaed. Elton was with the Catholic Workers. The staff person for the Catholic Peace Ministry was subpoenaed. So the person who wasn't subpoenaed – and then Thursday somebody they tried to subpoena Tuesday who wasn't at home got it on Thursday, so – Wendy. So the American Friends Service Committee staff person wasn't subpoenaed, so she took the lead in organizing a protest, because everybody else was sort of figuring out – but in my view it was the bravery of the people who were subpoenaed, because the normal reaction I think the feds expected was fear and silence. Instead they decided to go public, and their going public let everybody else go public, the Guild go public and do the national organizing. Then the overreaching of the Drake subpoena, which asked for membership, asked for where the office was, I assume so they could do a sneak-and-peek search – of course they didn't realize that there was no office; wanted to know who was at the meeting, who spoke at a particular meeting; wanted agendas and things for the last year and a half. So the breadth of the subpoena and then the gag really I think awakened them to the McCarthy-like ilk of what they were doing. In a February, with one week's notice, we had 200 people protesting outside the federal building at noon. By then they were backing off. By Monday they had postponed – you know, the subpoenas were served on a Tuesday, returnable the

next Tuesday. By Monday they were backing off and had postponed. By Tuesday morning they withdrew the subpoenas, but we hadn't yet heard about Drake and whether the gag order was in effect. By Monday – although we expected the gag order to be lifted. So by Monday afternoon my lawyer submitted the motion, because he had worked so hard on it, to vacate the gag order. He wanted to get that in before – and by Tuesday afternoon the gag order was lifted and we were able to get the – and the file was opened, so we were able to get the whole Drake file.

What they allegedly in the Drake papers were doing was looking for – supposedly they were investigating to determine if there was a conspiracy to trespass during a publicly-announced civil disobedience action. Now, why you would need a federal grand jury to determine if there was a conspiracy to trespass during a publicly-announced civil disobedience action is – one might wonder. It would seem fairly obvious – not that I would admit that anyone was conspiring to trespass. We assume one of the targets was me.

OGILVY: Why do you assume that?

FRANK: They had undercovers at the nonviolence training and a prosecutor told our clinic

director that, "Well, we had two undercovers at the nonviolence training. Unfortunately, they left before Sally spoke." What he didn't know was I was in New York the day of the nonviolence training. I flew back from the bar mitzvah late that night so I could be there the next morning, so I didn't speak. When we – I defended – we had a jury trial for five other people who crossed the line at the protest. We subpoenaed the tapes. The sheriff's department videotape of the protest did not show the faces of the people crossing the line. It wasn't a front picture. It didn't show all speeches at the rally, but showed my entire speech. Showed me throughout the protest. It appeared to be aimed at showing a lot of my activity. And at one point someone in the county attorney's office had told the guy who does our Criminal Defense Clinic that the U.S. Attorney's office had turned over to the county attorney's office e-mail between me and my clients. It turned out it was one of the activists and e-mail he had sent to 50 people, including me. So it was his e-mail that was being bugged and watched most likely, not mine. But as we had to get – I had to get someone else to pro bono represent my clients to determine if a Sixth Amendment violation was going on, because I couldn't separate my interests from my client's, as every time I was thinking about strategy on it, so I decided I better get somebody else to look at it for us. But so there were a lot of indication.

Plus, it would make sense that if they were going after somebody that they couldn't get after from anything else they had, if they were having a grand jury

investigate.

OGILVY: Is there any sense of – other than just your life – why you, why now?

FRANK: Well, I think we had very much annoyed – it was after we had an eight-day trial the summer before that had very much annoyed somebody in the county attorney's office, a particular prosecutor. The Joint Terrorism Task Force was clearly involved in this investigation, although they later claimed it wasn't, but our FOIA request shows it was. I think it was a Joint Terrorism Task Force with too little to do; that and we had annoyed a county attorney, we had annoyed the National Guard's representative on the Joint Terrorism Task Force, the sheriff department's representative on the Joint Terrorism Task Force. And I think they thought, you know, that I was a part of – that the jury trials we were getting was putting – it was giving them too much trouble, and we were having a lot of – even though we were getting convictions, we were getting minimal sentences at the jury trials, and putting them to a lot of work, and it was a pain in the neck and they were really annoyed by it. Although the folks have been crossing lines long before I ever got to Des Moines, and knew how to cross lines without my telling them how to. I think they thought that I was a large part of the activity, and they wanted to stop my doing it, which they aren't going to do.

OGILVY: Any follow-up, any fall-out since then?

FRANK: There've been several hassles of my clinical work. There was – within the school. The following summer there were some complaints, so they decided to look through every one of my files and see if there were any problems in any filing. Of course if you look at anybody's case files you're going to find things that you don't like the way they're organized or something that you can complain about in anybody's case files. And so they found some things, and they started – basically I got what, if I weren't tenured would have looked like a warning letter from the dean, and long e-mails and stupid things I had to spend another few thousand dollars with my lawyer responding to.

OGILVY: How was this initiated?

FRANK: One person started creating a hole bunch of – one clinician started doing a whole bunch of complaints, and they don't know about family law, so they hired a family law lawyer to look at my family law cases. And what it turns out was the

most systematic thing was I hadn't watched enough to make sure all of the retainers were signed and all the conflict check forms were signed. So that was a systematic problem. So I said, "I'll make sure we get those things signed." I mean, this is major. Now they're hassling me about – the dean is sitting there giving me problems because I had the nerve last summer to be out of town the week before school started. I was at an international conference the week before school started, and of course this was a horrendous thing to do, to be out of the country before school – when school wasn't in session. I'm not quite sure why that was a horrendous thing to do. And I took seven Jewish holidays – not that he's going to complain about that, and that's my right, even though nobody else does, and he doesn't, but it's my right. But then I went to the Lawyers Guild convention, and why I thought that was important to do – though I spoke at it on how to do political jury trials and gave a presentation, my area of expertise. But of course it's me doing it and not someone else, so you know this is problematic. And I'm doing a General Practice Clinic, and 20 percent non-family law cases is too few, although it's 25 percent that are family law cases, but he's telling me 20 percent is too few. And I get called on the carpet every few months for this kind of crap. So –

OGILVY: I assume this is ad hoc – there's no policies and procedures that –

FRANK: It's a general practice clinic that's defined as it is. We at one point wanted to actually specify so students would understand, say that it is primarily in family law, and the dean's office said we'd need curriculum committee approval to specify it. So I'm actually thinking of bringing it to the curriculum committee and letting them know that the dean has, while not dictating the exact percentage of cases, he has reprimanded me – no, I have to ask my lawyer first before I do that. It's a level of – you know, if you went to the Academic Freedom Session we had the other day, I'm the only tenured faculty member who's complaining about interference in case selection. And of course Legal Services is barely doing divorces, and that's – it's the kind of cases that are the best for us to do, and the cases that come in. So it's, you know, every few months there's just more ridiculousness that – the kinds of complaints he makes are just silly, and some of them show an unusual lack of knowledge of the real practice of law. You know, I posed a continuance, because it was less than a week before trial, and the opposing lawyer said he just noticed he had a conflict. And, well, why didn't you – well, did you submit affidavits it? Who submits affidavits opposing a continuance? No, of course not.

OGILVY: How did this – how did the . . .

FRANK: I think what happened – I had another trial going on, so a different supervisor had to go with the student to oppose. The judge got on the student a bit, and said, "No, you should grant it." You know, fine, so the judge yelled at him a little bit. Well, the other supervisor was kind of annoyed when he came back, kind of angry, and our clinic director I think went and told the dean about it. I don't think that supervisor certainly wouldn't have complained to the dean. I think he was just kind of annoyed that day. She told the dean. So he's asking, "Did you write affidavits?" Nobody would write affidavits about opposing a continuance under those circumstances. And he said, "Well, who?" – and it was a solo practitioner, blah, blah, blah. "Well, who was it?" I said, "Well, you know, and he hadn't done anything on it. I know it's going to settle a few hours before trial, and you know he's just postponing it." "Well, who was it?" I mentioned who it was. "Well, he was a good student when he was here, blah, blah, blah. You know, I can't – " Well, yeah, so, what does that have to do with anything? So it's just kind of repeated constant crap.

OGILVY: I guess one final question I had is if there's something else that's come to mind that we should talk about is what do you see yourself doing the next 10, 15, 20 years?

FRANK: I'm only 47.

OGILVY: You've got 20 years at least.

FRANK: I love doing what I do. I don't know if I love doing it in Des Moines, but I love doing it at Drake. So, you know, in some sense I'd love to be in the Northeast. There was a piece of me that would like to be a rabbi. So I'm kind of torn on that. So, you know, get a job in New York, go part-time to rabbinic school, be able to be a weekend rabbi somewhere and a full-time clinician during the week. You know, you have to – there are only three rabbinic schools – reform rabbinic schools – cities with reform rabbinic schools in the United States, so you know – and none in Des Moines, Iowa. So I don't know. But I – do you leave a career you love for something you're not sure of? So other than that – I love what I do, I love the students, I love being able to be a public interest lawyer and a teacher at the same time, and I think that's what the beauty of being a clinician is: you get to be both. You get to mentor the students, you get to teach, and you get to be a public interest lawyer. And that's a great job.

OGILVY: I there anything that we haven't touched on that –

FRANK: Oh, I think I've taken enough of your tape.

OGILVY: I've got lots of tape. Well, I want to thank you very much.

FRANK: You're welcome.