

**Transcript of the Oral History Interview with
Howard R. Sacks
April 25, 2008**

(0:00)

SACKS: I was born in 1921 in Sioux City, Iowa. I went to the University of Minnesota, and then on to Yale Law School.

OGILVY: When did you graduate Yale?

SACKS: Well, it would have been '44 except for the War and then I came back and finished in '48 and then I was in private practice in Minneapolis and Washington for a few years, and then I went into government service for a few years and then I got a teaching job at Northwestern. Taught there for several years, and then I got an offer of the deanship at the University of Connecticut, which at that time was quite a local, bar-oriented institution; but public higher education was expanding on the East Coast and there was money and so the task was to try to make it more of a regional and perhaps national school. I was Dean for 5 years and then, as we are fond

(1:00) of saying, I got promoted to the faculty and stayed there until I retired in '88. And while I was there I really, uh, I taught in a number of fields and did research in a number of fields and finally emerged into arbitration and alternative dispute resolution. But the last several years there I ran the judicial clerkship clinic, with state and federal judges, but the emphasis that I placed on it was not just the substantive law and the reasoning, but

writing, because the students really needed writing supervision even though they were college graduates. And then before my retirement and after I did a good bit of labor arbitration, I was a special master for the federal court in Hartford. Did work, you know, volunteer work in non-profit agencies, and I was on the National Legal Services Corporation Board. And actually I was the co-draftsmen of the long-range plan for legal services, but there was a slight bump in the road named Ronald Reagan.

OGILVY: (LAUGHS)

SACKS: So, that's my story.

OGILVY: Yeah. How did you enjoy Yale?

SACKS: Oh I loved going to law school, it was a wonderful thing and particularly because I'm like a lot of young men going into the service, I knew exactly what I was going to do after the war, and I went back and did it.

OGILVY: Did you come from a family of lawyers? Or is this..

SACKS: No, I had an uncle that was a lawyer, but he never practiced, but no my

(3:00) family is now, we have some lawyers, but my father was a successful businessman who wanted his kids to be professionals, et cetera.

OGILVY: When did you begin to consider the law as a career?

SACKS: Well, if you were Jewish, and your father was a businessman and didn't want you in the business, and you did well in high school, and you were a debater, and you weren't interested in medicine, then you went to law school. And in the hierarchy in Sioux City, Iowa, for Jewish kids, if you didn't go into your father's business and you wanted to be a professional, then it was medicine at the top and then it would be law and dentistry then maybe accounting, and you never heard of a Jewish engineer.

(4:00)

OGILVY: (LAUGHS)

SACKS: So when I got to University and I wanted to be a teacher but this was in the Depression and there was some anti-Semitism and so they said go to law school, and I had a mentor who said Yale Law School is small, and so forth and that's where I went.

OGILVY: Did you have a hiatus from college to law school because of the war?

SACKS: No, I finished one year of law school and then I went into the service.

OGILVY: And what did you do, in the service?

SACKS: Well, I wound up; I was an orientation officer, the polite name for political education of the American troops to try to persuade them that the war was worth fighting, and some attention paid to post-war planning. But my basic unit was transportation, and in the closing days of the war in Europe, we ran gasoline to Patton's third army.

(5:00)

OGILVY: And after graduating law school then you went into private practice.

SACKS: Yeah, in Minneapolis.

OGILVY: And what size of firm; what kind of...?

SACKS: Well, it was a two or three man firm. And they had quite affluent business clients. My boss was a Brandeis clerk, and he was tapering off and he said to the two of us, "Well, if you boys stick around and hold on to the clients the practice is yours." And that would have meant probably 100,000 dollars in 1948 prices, but if you don't enjoy it why... So then I went to Washington, and I worked for a civil liberties lawyer named Joe Rauh, and then some of my friends went into the Wage Stabilization Board during the Korean War, and I was there and then; that folded and I went to the

(6:00) Department of the Army, where they had a small office advising the secretary of the Army, and our office did the defense of the Army in the Army McCarthy hearings, although I stayed home and minded the shop.

OGILVY: What did you do with Joe Rauh?

SACKS: Oh, we represented the National Collegiate Athletic Association, we represented a Mexican drug firm, pharmaceutical firm, and maybe some other stuff; there wasn't much civil liberties practice at that time.

OGILVY: What attracted you to DC from Minneapolis?

SACKS: Well, private practice, being an advocate was not for me, I wanted to judge the controversies that came into the office. And, you'll edit this out, but my first way out of Minneapolis was a clerkship with David Bazelon, (7:00) DC Court of Appeals. And I interviewed him in Washington and as I said, you know, you'll edit this out, but you'll enjoy it, he interviewed me in Washington on 16th St. --the Jewish community center--I don't know if it's still there, interviewed me while he was working out in the gym, and then I got the offer to be his clerk, and I said Ok. And then a few months later he rescinded the offer. And the reason was that he had discovered that I was a reserve officer and might be called up because it was the Korean War. And Bazelon, I suspect was not much of a lawyer, he had

been Alien Property Custodian and then Truman must have appointed him to the DC court. And he probably felt that he really needed a clerk, but of course there were other clerks around. Anyway, I have never quite forgiven him for that. So that was closed, and then I got the job with Rauh. And then on to the Board and so forth.

OGILVY: And so, after the work for the Army you went to Northwestern?

SACKS: I went to Northwestern.

OGILVY: How did that come about?

SACKS: Oh, it's one of those situations, one of those accidents that shape your life. I had given up on searching for an academic post. And then out of the blue they offered me an associate professorship because I had a friend named Adam Yarmolinsky, if that name means anything to you. He was a classmate and a mover and a shaker, one of McNamara's boys during the war, and he must have talked to them, and so I went to Northwestern, and enjoyed it, and it's a very pleasant place, and it was a very fine academic setting. I didn't do any clinical work. The very little we did was to send some students down to the one of the big social service agencies, and I got very interested in interviewing and counseling. And that later bore some fruit in the clinical programs that we're going to talk about.

OGILVY: And during part of that time you were a fellow at the Center for Advanced Studies in Behavioral Sciences?

SACKS: Yeah. Well, I was working on a study of conflicts of interest among lawyer legislators in state legislatures, and it eventually ended up in a law review article, although I had hoped it was going to be a book. And so that's, I spent that year, there doing that.

(10:00)

OGILVY: And how did you find out about the deanship at Connecticut and make that move?

SACKS: Um, well as I recall we were on a camping trip in the north woods, and somebody had a letter or a telegram or something and said would you be interested in being Dean of Connecticut? And I said to myself, and you must never repeat, well you can repeat it, I said I didn't know they had a law school. But as I've said before, there was money, we had a very ambitious and able president, and when I came there to be interviewed, it was pretty clear that what they wanted, and what I hope to be able to do was to put the place on the map. And so, that's how it happened.

OGILVY: Did you enjoy being the Dean?

SACKS: Um, it was 1967-72 the period of Kent State and Cambodia and student

(11:00) revolts, and resistance, and I had a lot of trouble with the alumni who wanted to preserve it as a nice little parochial bar-oriented school. Aside from that, oh yes, but the biggest problem was student parking.

OGILVY: (LAUGHS)

SACKS: So, aside from that it was a lot of fun. But we, I think I had some success in augmenting the faculty with younger people, some of whom have gone on to be Deans, in, you know, the big law schools and so forth. And kind of gave the clinical program a push, and got a law review started, and its more or less laid a foundation for subsequent developments, at U. Conn.

OGILVY: Had you been an Associate Dean at Northwestern?

SACKS: No, no, I, the irony is that it was NCLC and CLEPR that I think interested
(12:00) the Connecticut people in me. Because you are always looking for an administrative type, of course it's true that when you scratch a law school professor, he'd like to be Dean, but I think it was the administrative experience that probably persuaded them to give me a look.

OGILVY: Well that's a perfect segue, let's talk about NCLC, how that came about, and your involvement with it...I guess we can say for the tape what NCLC stands for.

SACKS: National Council on Legal Clinics. Well, the Ford Foundation, interested in education for professional responsibility, gave 800,000 to the National Legal Aid and Defenders Association, and more or less said to NLADA “Well, you guys, figure out what to do with it.” Promote professional responsibility and maybe legal clinical education in the law school world. So how did I get the job of being Associate Executive Director and then later Executive Director? Well, family connection. It turned out that the head of the NLADA at the time was Emery Brownell, and it so happened that my father-in-law was a good friend of Brownell’s and somehow he found out that Brownell was looking for a law school type to take over this program and my name was communicated and Brownell came to dinner at our house and the next thing you knew, I had this offer. So I took the job and it was full-time for a year and then part-time thereafter.

(13:00)

OGILVY: And your title initially was what?

SACKS: I think, it’s in the material that you gave me, Assistant Executive Director, for a couple years, and then Brownell died and then I was made Executive Director.

(14:00)

OGILVY: What can you tell me about Emery Brownell?

SACKS: I don't really know much about him, he was a very able guy, committed to legal services for the poor. I think the emphasis at that time was probably more on civil legal affairs rather than criminal. Um, and I enjoyed working you know with him. And my recollection is that I probably had a good bit of freedom, since he wasn't anything of a specialist in legal education.

OGILVY: Where were you physically located?

SACKS: In the, I think in the ABA building on the Chicago South Side.

OGILVY: And what was the physical set up there if you recall?

SACKS: Oh I think the NLADA had a bunch of offices, and I guess I had an office.

OGILVY: Was there other staff?

(15:00)

SACKS: Maybe some secretarial help, but I don't believe so.

OGILVY: What were you charged with doing, or coming up with, and how did the organization begin? I mean money.

SACKS: Well, I don't know, we must have had some kind of charter from Ford. Um, and I don't remember what the charter was, but we were really; what wound what happened was we really pursued two tracks, the lawyers' public responsibility and legal skills for budding lawyers and the public track, which I helped to develop, was to try to expose students to the broader problems of society in the hope that they would take an interest in that, in these problems, when they became practitioners and not simply look upon it simply as a place to make money. So, we sent students.

(16:00) Well, I went around the country and talked to law schools. "Are you interested in applying for a grant?" Eventually we made grants I think to 19 schools spent about 500,000 dollars. And some law schools were interested, some were not. The biggest opponent of clinical legal education at that time was Erwin Griswold, Dean at Harvard. And the opposition to clinical education, there were a couple of factors. Number one was the feeling that it's not rigorous enough, that the students don't really get adequate supervision. Number two was, "They don't need it," "We're not going to spend our precious three years helping law students find the court house." And there was a foundation for the belief because the graduates of Harvard and Yale and so forth went to Wall Street or Boston firms where they could hardly go to the bathroom without

(17:00) consulting the partner that was their mentor. But of course that was not true of the University of South Dakota, or Drake Law School in Des Moines. So, there was some resistance but eventually we got a bunch of

schools to apply, and we evaluated them as carefully as we could and I think many of the programs were carried on after the grant ran out because I think we required matching funds. Um, and where we sent the students-- I'm now talking about the public responsibility track--we put them in prisons, legal aid societies, criminal courts, juvenile courts, mental hospitals, police departments and social agencies. And then we financed some summer interns. And as a part of this program we financed some publications. I wrote a little pamphlet called "Defending the Unpopular Client" going back to John Adams and British redcoats at the Boston Massacre. We had a very able UCLA professor and I think later, Associate Dean, Murray Schwartz that wrote a pamphlet on I think legal problems in the defense of the criminally accused. We actually made a film with Felix Frankfurter. Which you could probably dig out, but I'm not sure it's worth your effort. So, this was another part of the track and now I'm moving over into the professional skills aspect of what we did. Um and incidentally I have a question for you that maybe you can already have explored. But, OEO and the war on Poverty and the great expansion of legal services occurred and must have started in '67 or '68. And I'm unclear as to the extent to which there was any connection between that program and CLEPR and clinical legal education, I suspect, that some of the OEO money must have gone to law schools, directly or indirectly. But it might be a connection worth your exploring. Alright, so on the professional training aspect, we did a fair amount on interviewing and

counseling. It was assumed at the time that interviewing was a very simple process, you sat the client down and asked them his problem and he told you about it and the first thing you learned of course was never believe your client. It's only a series of half-truths. But beyond that the emphasis, now here we're beginning to talk counseling, and my concept which I really borrowed I think from medicine, or psychiatry, was that the lawyer's job is to not merely treat the legal symptom but look at the whole problem of the client. So if it was an estate planning problem there might be problems with the children, if it was a business problem there could be some difficulty with partners. Even a tax problem could raise these considerations. And what we tried to do was to inculcate in law students the idea that you ought to look at the whole problem, you're not going to be able to solve the problem, but if there's a family problem or a family relations, parent-child problem, you ought to know of the social agencies in your town to whom you could make a referral, particularly in divorce cases. This was well before the emphasis on mediation. So treating the whole client was one of our concepts. And another concept that we emphasized was finding facts, which of course is an art in itself. And students would presumably learn these skills in clinical programs whether they went out in an externship to a legal aid society or whether the law school ran its own clinic. We tried to emphasize legal rigor, rigorous thinking and I think over the years we have finally persuaded the more

(22:00) conservative law school people that clinical legal education can be rigorous in fact, even more rigorous because you've got a client that you're dealing with, it's not just some problem at the end of the chapter. So that's what we did at NCLC. There were certain issues that were raised that I think might or might not still be extant. Class discussion of what the students saw, if you went to a prison, to expand and deepen his knowledge, the importance of close supervision. One of the problems with clinical legal education, at least in externships is as I'm sure you know, in that the practicing lawyer or the judge is not so much interested in educating the student often but in getting the job done. So one of the

(23:00) things that I did at Connecticut as I said was, when I ran the judicial clerkship clinic, I really did very close supervision to make sure that the students were getting something out of it. And of course another major issue in clinical legal education, which has perhaps been resolved by now, is clinical faculty compensation, and clinical faculty security. The whole issue of "Are they going to get tenure?" or "Are they going to get long term contracts?" "Are they going to be second class citizens?" and as an add on, "Can they, will they, be permitted to teach academic subjects?" Another bone of contention, "Are these guys really competent to teach Torts or Family Law or whatever." So, unless you have further questions, further deponent, sayeth not.

(24:00)

OGILVY: I do.

SACKS: (LAUGHS) Alright.

OGILVY: I wonder if you could tell me, first of all anything more about the film that you did with Felix Frankfurter, because I am going to look for that for sure.
(LAUGHS)

SACKS: I think it was on the subject of defending the unpopular client, but we had difficulty, because it's hard to keep him on the subject. He wanted to digress and did. That's as much as I can tell you, I don't think it got wide play, but that's what we did.

OGILVY: It would be fun to see it, if you got it. There was a Board of Directors, for NCLC and I'm going to read a couple of the names out, and if you have, or if you can tell me a little bit about what the role of the board was and if any of these I guess at this point in time it was gentlemen...

SACKS: Well, if you go down the list, I'll tell you what I know.

OGILVY: Ok, William Avery.

(25:00)

SACKS: Alright, Bill Avery was a Chicago practitioner, there were a group of practitioners. —not well acquainted with legal education. Their legal education had been at top-flight schools. These were top-flight lawyers in Los Angeles, Chicago, New York, but they were friendly to the ideas that

we were trying to promote in the law schools, and there was, you know, they would ask questions, but they weren't skeptics.

OGILVY: Do you know how this group was put together?

SACKS: No, I don't. I imagine that Bill Pincus, who was shepherding this grant, must have made connections with not only Brownell, but NLADA at that time and the ABA had a top-tier group of lawyers who were presidents of
(26:00) this and that. The Whitney Seymours and the Orison Mardens and there was one other lawyer whose name I can't ...

OGILVY: Well those are two more that are on the list, William Gossett is another name.

SACKS: Yeah, he was I think Ford Motor Company but I'm not sure. Oh well.

OGILVY: Edward Levi.

SACKS: Oh well. Top Flight. Levi at that time was either Dean of the law school or President, I think Dean of the law school. He was very kind to me personally, very sharp mind. And he more than others would ask the hard questions when I would present to the board an application and my recommendations that we make the grant. He had an interesting habit, you

pick up the phone and he wouldn't say this is Ed Levi and I wanted to ask you about so –and –so. He would say “What about the application from the University of Tennessee, does that make any sense given so and so and so and so..” and you'd finally figure out who it was and what this was all about. He was a man that shepherded his time carefully, a first-rate guy.

(27:00)

OGILVY: Sounded like he was very active.

SACKS: Yeah, he was active and I paid a lot of attention to what Ed Levi said.

OGILVY: Also, Ross Malone.

SACKS: He was from New Mexico, an ABA president or going to be president. Again, one of this group of lawyers not especially helpful, but not hostile. And you know they lent their names and the prestige to it. So if you went to, you know, the University of Chicago or UCLA they'd recognize, you know these are, if these people are on this board—why it's got to have some substance.

OGILVY: You mentioned Orison Marden already.

SACKS: Yeah, well Orison Marden was the chair of the board. Very nice man, Wall Street lawyer. Very supportive, and you know filled the role

(28:00) admirably.

OGILVY: Charles Miller.

SACKS: Well now, Charlie Miller was one of the original clinicians. If he's still alive you must interview him. He was at the University of Tennessee, running a legal clinic, at a time when legal clinics were at the bottom of the law school pecking order. Do you know is he still alive?

OGILVY: I think he is, yeah.

SACKS: Have you interviewed him?

OGILVY: We haven't, no.

SACKS: Oh well, you must do it, because he will bring to bear for your audience, or at least for you, a lot of historical material. It was a tough fight for people like Charlie Miller.

OGILVY: It's interesting now that the Dean designate at Tennessee is a clinician, named Doug Blaze.

SACKS: I see.

OGILVY: Very nice, they have such a long standing tradition there of clinical legal
(29:00) education there. It's really nice to see that happening. Russell Niles.

SACKS: He was Dean at NYU. And I think a helpful guy, you know I respected him, not as much as Levi, but I think he was, you know, an important member of the Board.

OGILVY: Whitney North Seymour.

SACKS: Well, kind of one of the grand old men of the American Bar, and again he fits in this group that I've previously described to you.

OGILVY: Maynard Toll.

SACKS: A Los Angeles lawyer of O'Melveny and Myers; still a prominent name I believe; again in this group of lawyers that knew each other and some of whom at least came from NLADA as well as ABA.

(30:00)

OGILVY: Marlin Volz.

SACKS: Marlin was, I think, the Dean at the University of Kentucky. You know, an academic interested in the program. I don't think he was one of the strong academics on the NCLC board.

OGILVY: Ted Voorhees.

SACKS: A Philadelphia lawyer, one of the big Philadelphia firms, nice fellow; again, in this same group that I've previously described to you.

OGILVY: What was Pincus's role, if you recall, during the years of the NCLC?

SACKS: Well, he would come to the meetings, and we'd hold meetings three, four times a year, in nice places of course. I don't think he exerted a great deal of influence at the time; he was obviously supportive, and friendly, and a
(31:00) very nice guy. But I don't recall that he, you know, played an influential part in saying, "I don't like this grant or I think this is fine but we ought to require X," you know.

OGILVY: Did you have explicit guidelines that you were following at that point in time?

SACKS: I think we probably had guidelines on the amount of the grant, the duration, requirement of matching funds, and, probably, some general guidelines on what we were going to do. But my recollection is that I had a good bit of freedom in passing upon applications, at least to screen out those that I thought shouldn't go to the board.

OGILVY: What did you see as your goal with the initial 800,000 dollars?

(32:00)

SACKS: Well, I think, to give clinical legal education a substantial boost, both for the public responsibility purposes and the private responsibility purposes, and I should have mentioned legal ethics, as that was always a theme. Legal ethics was kind of a step child of the legal curriculum. And we gave it some emphasis hopefully in the clinical setting and I think that some of our publications that I've said were devoted to ethical issues. And the private lawyers who were on the board had I think had a special interest in that aspect.

OGILVY: In 1965 NCLC sponsored a National Conference in Asheville, North Carolina that attracted 100 or so law schools reps. What was the impetus for that and what ...

SACKS: I just don't remember.

(33:00)

OGILVY: Do you remember anything about the conference itself?

SACKS: Asheville is a nice place in the mountains.

OGILVY: (LAUGHS) Then in '65 Ford came up with another 950,000 dollars.

SACKS: Right.

OGILVY: Changed your name, to the Council on Education and Professional Responsibility. What was the impetus for that?

SACKS: I don't know why they changed the name. And I'm not sure just when Pincus began to play a more prominent role in the program. And I don't remember exactly when he became director in my place, the booklet that you gave me has that information.

OGILVY: He didn't, he became president of CLEPR, when CLEPR came in in '68,
(34:00) so...

SACKS: So there was an interim?

OGILVY: Yeah, there was that period of '65-'68 where COEPR –the acronym- was operating.

SACKS: See, I must have had an important role there before Pincus came on.

OGILVY: It seemed like it as a continuation of NCLC, but

SACKS: I don't know if we got anymore money, or not.

OGILVY: Well the 950,000 dollars plus the balance of the 800 that had not been spent.

SACKS: Oh I see, Yes, which at that time was money. Yeah.

OGILVY: Yeah (IN AGREEMENT). And seven of the Board members of NCLC stayed on, but there were some additions, and I wanted to kind of run through some of those if I could.

SACKS: Sure.

OGILVY: David Cavers?

SACKS: Cavers, very wonderful man from Harvard, specialist in conflicts; very supportive, very broad minded in terms of legal education. Great fellow.

(35:00)

OGILVY: Alfred Conard.

SACKS: Al Conard, I think, taught at Columbia, and I think that he was, you know, generally supportive; you know, I don't remember too much about him.

OGILVY: Finally, a woman, Florence Kelley.

SACKS: Yeah, she was a judge, a very prominent juvenile court judge, Florence Kelley, and she was certainly supportive, when we wanted to put students into juvenile courts, because she was very reform minded about the juvenile courts, which at that time I think probably required a lot of attention.

OGILVY: Myres McDougal.

SACKS: Well, Mac, as we used to call him at law school, didn't play an influential part in CLEPR, he was not really a clinician, he was really a jurisprude.

(36:00) And though I had a lot of respect for him and he helped me, I don't recall that he was very influential or important in the actions.

OGILVY: Ok, Joshua Morris.

SACKS: Dean at Oregon? I think maybe.

OGILVY: Walter Schaefer.

SACKS: Well Bill Schaefer was an Illinois Supreme Court Justice, very nice man and selected, I think, because they wanted to have some folks from the judiciary. And I think he probably taught part-time at Northwestern when I was there but I don't remember too much about him.

OGILVY: Finally, Joseph Sneed.

SACKS: Yes, Joe Sneed, was a tax-man at Duke, I think. Very able, supportive and
(37:00) by supportive I mean not only, “I agree with you Howard,” but willing to ask probing questions. You know the board didn’t approve every recommended grant that I would make.

OGILVY: My notes indicate that about this time you went to a part-time basis.

SACKS: Yeah, that would have been right.

OGILVY: Until you left to become Dean at Connecticut in ’67

SACKS: Yeah.

OGILVY: Um ok. So then in June of 1968 Ford announced the creation of CLEPR
(38:00) and the six million dollars over 5 years with promise of continuing support later on. Pincus left the board and became president of CLEPR and a number of the board members from COEPR stayed on and you then joined the board of CLEPR. What can you tell me about the early years of CLEPR?

SACKS: Well, my dominant impression is that Pincus and I differed in our aims. But I cannot tell you what the difference was, It may have been that he was more oriented towards the development of professional ethics and professional skills and I was more interested in, you know, exposing students to social problems, but he certainly won out, and I remember feeling somewhat frustrated, because at that point I was just a member of the board and board members tended to go with Bill rather than with me for understandable reasons, but if you ever find out what the difference is I would be interested in knowing. It didn't affect our personal relationship but he had a somewhat different set of aims.

(39:00)

OGILVY: How often would the board meet?

SACKS: I assume it probably met quarterly or so.

OGILVY: Did you have any contact with any of the staff members, Peter Swords...?

SACKS: Oh yes, I knew Peter Swords quite well.

OGILVY: Tell me a little bit about Peter.

SACKS: I don't remember much more than he was a young, ambitious. I think, went on to become Associate Dean somewhere, maybe at Columbia.

OGILVY: Betty Fischer, was the secretary to your board

SACKS: I don't remember much, no recollection.

(40:00)

OGILVY: Vic Rubino, replaced Peter Swords the Secretary Treasurer at some point.

SACKS: He was a law school type I think, I don't remember much about him, not even, well, I just don't have much of a memory.

OGILVY: Let me give you the names of some additional board members, these are, we've already talked about some that are carryover's from NCLC and COEPR and now with your addition D'Army Bailey, an African American judge from Memphis, joined the board apparently.

SACKS: No real recollection.

OGILVY: Ok, a Leslie Dunbar?

SACKS: No, doesn't mean anything to me.

OGILVY: Ok, Fred Graham.

SACKS: Graham, wasn't he a Washington Post Reporter?

OGILVY: I think so. Max Kempner

(41:00)

SACKS: Nice Fellow, Kempner. Very supportive, New York law firm, very very nice.

OGILVY: James Naybrit III

SACKS: He was, I think, an African American Dean at a law school, I don't remember much about him though.

OGILVY: Ok, Sam Thurman.

SACKS: Dean at Stanford? I think, maybe?

OGILVY: How long did you stay on the board you recall?

SACKS: I don't really recall.

OGILVY: Were there any activities during this time that stand out in your mind?

SACKS: No, I had a diminished role, and as I've said, I think there were some difference in viewpoints between Bill Pincus and me, and of course at the

(42:00) time, you know I was very involved in navigating the rough waters at the University of Connecticut. So I probably gave less attention and therefore my recollections are weaker.

OGILVY: Do you remember attending any of the national conferences?

SACKS: I probably did some of them at least.

OGILVY: Buck Hill Falls was the name.

SACKS: Yeah, I think I went.

OGILVY: Any recollection of that?

SACKS: No I don't have any specific recollection.

OGILVY: We're you still on the Board at the end of CLEPR's...

SACKS: When did they go out of business?

OGILVY: About 1980, although, the Key Biscayne Conference in 1979, October of 1979, was probably the last hurrah.

SACKS: I don't think I went there because in 1977 or '78 I was appointed by Carter
(43:00) to the Federal Legal Services Board and Hillary Clinton was the President of the Board, and I was very much involved in that activity. So I may not have gone to the Key Biscayne Conference.

OGILVY: Was Legal Services Corporation at that time providing funds to law schools?

SACKS: Oh yeah, 250 million dollars worth. And whatever you may think of Hillary Clinton, she was a very good Board President. Very able woman.

OGILVY: Do you remember anything about your service on the Board of Directors of the Corporation?

SACKS: Pardon?

OGILVY: Anything about your service on the Board of Directors you want to...

SACKS: Well, it was interesting. I was given the assignment of drafting a long-range plan for legal services for the poor, and I had a staff member who
(44:00) really was of enormous help; he knew more about it than I did, and together we put, we created, a plan, which I'm sure was quite ambitious in its goals. But nothing came of it, because of as you know Reagan was

very hostile to government financed legal services. The staff member eventually became a member of the Vermont Supreme Court.

OGILVY: Who's that?

SACKS: I can't remember his name. And the Board was a good Board. There was some minority representation. I remember there was a representative of the Indians that I, for some reason, I had some clashes with, not on personality, I think, but on issues. And overall I thought it was a worthwhile enterprise, and I think they're still in existence and they
(45:00) probably got a hundred or two hundred, so it was worth doing.

OGILVY: Were you still on the Board when President Reagan became President and appointed Howard Phillips?

SACKS: I think so. And I can't remember when my term ran out.

OGILVY: Is there anything else, especially about NCLC, COEPR, CLEPR, what do you think of its legacy; do you have a sense of that?

SACKS: Well, my recollection, I left legal education in '87. My understanding at that time was that it was solidly established all over the country and that a law school like Harvard might have or Yale might have seven or eight

(46:00) clinics. We at U. Conn. had a half a dozen. You know, everything from tax advice to poor people to helping...there was one at Connecticut on inner city development. They were working on a particular project, and the director, a lawyer from downtown Hartford, said you know, we're teaching them about zoning and putting together financing and all the high-level stuff that nobody ever thought clinical legal education would be engaged in and then, of course, you'd have mental health services for the indigent, and you'd have a criminal clinic, and you'd have a criminal appellate clinic and then you'd have a legal services civilian civil side clinic. And you know if nobody had offered an intellectual property clinic they would very soon. So in that sense it was solidly established, I think

(47:00) they probably worked out most of the problems about security and compensation. I think it's probably an integral part of legal education today, and you know the results probably varied greatly depending on the school and the supervisor, but that's true of the academic courses you know as well. It's of course...one of the assets was students loved it, you know get away from the library and out into the real world, and I'm sure that they'd you know made a contribution. The clinic that I ran at Connecticut, we, you know, helped the judge with some matters and in that sense it was helpful. And so I think it, you know, this is a legacy we

(48:00) were not completely responsible for it; you never are. But, you know, the time had really come, because, as I'm sure you know, clinical medical education had been in effect all the way back to the early 1900's, and the

famous Flexner Report, and so it was time for you know the law schools to engage in that. But when we finished you know maybe you can spend a couple minutes and tell me since you're now in it where it stands today. So I think that NCLC and CLEPR and COEPR were very worth while and
(49:00) of course on a very personal basis it made my career it probably made the career of others. You know, at Connecticut we had some, one clinician that eventually became Dean at Pittsburgh. So, it was helpful and that's very special in a limited sense. I don't know that I can say anything more, but I think, you know, I speak as a biased observer, but I think I would guess, you can ask Pincus this, that out of all the grants that Ford makes this was probably one of the more successful. That if you ask the Ford people at that time what they thought of this, was this worth doing, I think
(50:00) they would say yes it was worth, it was worth doing.

OGILVY: One final question. When we spoke on the phone trying to set up this interview you had told me that you thought that NCLC was at least as significant or perhaps more so than CLEPR. And I was intrigued by that.

SACKS: Yeah, I wouldn't say that, because CLEPR had obviously more money. I think that we prepared the road bed and they came along and filled it. That would be my impression, because they did a lot more, or to put it another way, I think we softened up the law schools and the law school administrations and then they came along and then finally the

(51:00) administrations became convinced “Yeah, we got to do this and lets just get the best people we can and treat them well and make it an integral part of legal education.”

OGILVY: Thank you very much Sir.

SACKS: Alright, my pleasure.

(51:19)