

**Transcript of Oral History Interview with
Lois Kanter
January 5, 2006**

OGILVY: Lois, welcome. What was your first exposure to clinical legal education?

KANTER: My memory is always bad, but I went to law school in 1973, and as a first-year student I knew about the Harvard Legal Aid Bureau, which was a student practice organization, and it was one of the places where people at Harvard in that day and age could hide out and get away from traditional legal education. And so in my first year I did my Ames alternative, or my writing project for Harvard, under the supervision of people at the bureau. And instead of doing a mock case, we were doing briefs, mock briefs, for a real case. And that was my first exposure.

OGILVY: Do you remember anything about the case?

KANTER: I do. It was a welfare case. It was a housing case. We were representing the government, which we hated. And I can't remember the exact issue, but it was a matter of priority or priority for transfers on a welfare client. And we lost. Peter Anderson was a judge – he's now a judge in Boston. And we felt it was very

unfair, because we had gotten so involved in our side of the case that they would take us down on footnote 7 of the case we were relying on, and they said we hadn't done enough research, because I didn't know footnote 7. So that was my first experience. But it was a wonderful experience. I was at the Bureau for the next two years. I basically worked 40 hours a week there. I went to classes, didn't do much reading – tried to keep up. We helped each other. And we felt that we were Legal Aid lawyers very early on.

Then of course Gary was at Harvard, and in the fall –

OGILVY: Let's wait for Gary. I want to talk a little bit about the Bureau. Was this competitive?

KANTER: The Bureau started in 1917, and it was a student practice organization where the courts in that day allowed students to go in if they represented poor people, because the leading decision was that representing poor people was not the practice of law, and therefore you could have students represent poor people. And it wasn't a question of being supervised; it was really going in. The Bureau, even when I came in in '73, had very little supervision. It had an entire history, it had an entire format of third-year students mentoring second-year students. There

was a training process, there was a case-filing system that was draconian in detail – three times a year your cases were reviewed in accord with a five-page review process that a third-year student who was not your team leader would do. As I recall it, it was – I called it "Naziesque" in its administration, but it was because students were passing on from year to year the kind of structure that would enable people to practice in at least a marginally competent way. The cases were by and large fairly simple, and they kept it that way. But of course you'd stumble into very complex cases. The supervision that I got, aside from when my work at the Bureau was a clinical placement for a course, was every other week a lawyer from a big downtown firm would come to sign papers. And he was not interested in talking about my cases, because he said it would take too long. He was interested in just signing the pleadings. And it was frustrating, because I wanted to talk about them. And the issues that would come up that I really needed his help on, he wouldn't give me any help, and then I'd be in front of a judge, and the judge would ask me exactly the same question that I was nervous about. So it was really learning by doing. And I loved the Bureau. I then supervised there later in my career. It was just a wonderful experience for me. And I guess I think that it is the way I think about clinical legal education, even to this day, both for better and worse.

OGILVY: There wasn't any licensed attorney on staff at that time?

KANTER: There was no licensed attorney on staff when I came on. Very quickly during the time I was there it became a placement for Gary's Introduction to Advocacy course. He had graduate fellows that would supervise that placement, but they weren't really attached to the Bureau; they were attached to Gary's course. They then I think hired their first sort of part-time supervising attorney while I was there. He later absconded with his children to Florida and was not heard from for 20 years, and was caught and came back to Massachusetts. I mean, it was a different time. But, no, the licensed attorneys were the people from – volunteers who had been former Bureau members usually who came in every other week. And some were more active than others. And I had a really nice guy who was my supervisor for that first year. But I would say it was really my – Lenny – I can't remember what his last name is, but he practices in Washington, D.C., and he was my team leader. And he was the one I learned from.

OGILVY: And how many Bureau members at a time would there be?

KANTER: About 30 a year. So there were about 60 of us total. And it's amazing how many clinical legal educators come out of the Bureau. I'm not going to name names, because I'll forget people, but every time I come to a clinical conference I meet

five or six people that are from the Bureau. And you always know they're from the Bureau, because they'll ask about Betty, who was our administrative director. She rose from being an assigned secretary to really running it from an administrative point of view. But she never interfered with the students in terms of the student governance of the Bureau. That has changed. When I was there the Bureau governed itself, both administratively, case priorities – we had some confrontations with the law school. The one they had when I was there was about affirmative action going for diversity at the Bureau and admitting unequally. At the time that I was there it was by lottery, and we had a separate lottery for students of color. And the law school wanted to omit that process. And we fought them with the help of alumni. And they backed down. That was nice.

OGILVY: What was the name of the administrator, the woman that – ?

KANTER: Betty Alleback. And if you – the secret sign for people who were at the Bureau is, "How's Betty?" And if they say, "How's Betty?" you know they were at the Bureau. That's really nice.

OGILVY: Now, to go back, you were going to talk about your experience with Gary Bellow.

KANTER: Gary had been at Harvard for a couple of years when I got there. And this was before the Legal Services Center. He did a course called Introduction to Advocacy. It was something like nine credits, and it ran for one semester. He did an intensive trial advocacy – two weeks, I believe – that was either the model for NEDA, or it was modeled on NEDA – but it was an intensive simulation process. And then you were placed in various placements around town. You could be in Greater Boston Legal Services or you could do your placement at the Harvard Legal Aid Bureau, and that's where I did mine.

I can't remember whether he had both criminal and civil at that time, but my sense was he had both criminal and civil. But I was on the civil side. The book was out, *The Lawyer Process*, at that time. That would have been the fall of '74-75. It was interesting, because Gary was already, to those of us who were interested in legal services, who were interested in poverty law – he was a God from his work at California Legal Services. And on the faculty at Harvard he seemed to be enormously well respected. It wasn't a matter of him being an outsider, at least not to those of us who probably didn't know what was going on at the faculty. But he was unique. It was him at that point. He had what was to be his wife Jeanne Charn worked with him at the time I was there, and was a very strong influence on the clinical program, but had no discernible status at the law school

at that time. She became the director of the Legal Services Center later. But she was very much a force in terms of you felt she was an administrative force and also a real partner to him in the work he was doing.

As I said, he had graduate fellows. They were actually getting master's degrees, I believe, who came in from all over to be supervising attorneys. You know, the problem with the graduate fellow program – and I use graduate fellows now in the program that I have – is that they didn't know Massachusetts law. They were young and new. They were learning how to supervise. And so even though – you know, I was in a program that had the preeminent clinician, I think, my supervisor was incredibly inexperienced, and as far as I was concerned fairly worthless in terms –

OGILVY: –(inaudible)–

KANTER: No, no, I'm not. In fact, I don't even know if I'll recollect her name, because she became sick and we operated without a supervisor for most of the semester.

The other thing about the experience with Gary, which I've talked to other people about, and I think it's fairly – or it was fairly well accepted – was that he was

teaching to a level that we were not at. And you wanted to say to yourself, I'd like to do his course when I'm five years out or when I'm three years out – because we weren't really grasping the principles that he was talking about. The book in particular was – you know, which I love – or loved when I was out for a while – it was just beyond us. And it seemed very theoretical, it seemed very not helpful to the work that we were doing. And we were there just trying to get our feet on the ground, just trying to be able to talk to client, just trying to have an experience, and he was talking about the experience in a way that was not accessible to us at the time.

Now, whether or not it set a goal, you know, a standard that we incorporated into our future learning, I can't say. At the time it was frustrating.

But the course itself, you know, we really felt that we were being saved from the law school and the traditional legal practice that we had there. For most of us who were at the Bureau, for most of us who took Gary's course, law school was about legal services, it was about poverty law. That's what we wanted to do. We just had to get through law school in order to do it.

OGILVY: How many students were in the class?

KANTER: Oh, 60, 80, 100 – it was a big class. It was a big class. But then, as I said, they were divided into groups. So I think that the graduate fellow that I worked with had eight or ten students. I think that became the norm in terms of what one supervisor could handle, and that's what I thought.

OGILVY: You said it was nine hours. How much of that was the field work?

KANTER: The first two weeks were intensive, about 25, 30 hours – or it seemed that way – very intensive simulation. After that I believe it was only one class a week. And then your field work took whatever time you devoted to your field work. Because we were on campus, because it was the Legal Aid Bureau, because it was a sort of parallel organization that had its own structure and had its own rules, you know, we all spent 20-30 hours doing Bureau work in addition to whatever the classroom component was. But after the first two weeks I would say most people really delved into their clinical placement and the course became something some people went to, some people didn't. I went. But, as I said, it was frustrating – or maybe it was something for me to strive for.

OGILVY: Was there an examination?

KANTER: No, not as far as I recall. You know, there might have been. Actually, there might have been. Harvard might have had a requirement, and I think Gary said, "I'm going to ask you to talk about your cases." And that's what the exam was, you know, "Tell me about your most interesting case, tell me about your most difficult case." I think that was the exam. And I don't actually remember the grading. I think by my second year I really didn't care about the grading. And, you know, grading was very – it was a very problematic issue for those of us who were clinicians, and we really wanted to do evaluations, and we didn't want to turn our evaluations into grades, and we didn't want to put students on a – they call it a curve – I call it a totem pole – and try to standardize what is a non-standard kind of method of education. And so that was the hardest thing. But, you know, I think for most students who were in – you know, I was there in the early '70s, and I was a little bit older, I had taken some time off so that I was a college student in the '60s. And even at Harvard Law School there had been a real impact of the civil rights movement, the Vietnam war. There had been sit-ins at the law school. So the law school – traditional legal education had begun to crack, even at Harvard – or maybe at Harvard more than at other schools. So there were a group of younger professors – not clinicians – people like Duncan Kennedy – Duncan was a very significant influence for me. You know, later – he

was a good friend of Gary's, and later did some clinical work at the Legal Services Center, but he was basically a free thinker. He was very critical of traditional legal education. And he was a big influence for me. He was a friend of a friend, so I knew him on a personal level. He was more my age than Gary was.

And then there was a whole critical legal studies movement, which was just beginning to get started. It was more of an '80s – 1980s – at least at Harvard. So that was an influence. But it was really the Old Guard was still in power at the law school, and it was still for – you know, a huge class there. And they were comprised mainly of very elite hard-charging, ambitious – you know, I won't characterize them – but not people I had a lot in common with. So the people that surrounded the clinical program and the Legal Aid Bureau and Greater Boston Legal Services, you know, we were hiding out from the rest of the law school. But there was a big group of us, and it was a movement at that time. We didn't feel isolated – we felt like we were on the cutting edge and other things would follow.

OGILVY: What year did you graduate?

KANTER: Seventy-six.

OGILVY: What did you do next?

KANTER: I tried to get into Greater Boston Legal Services, but they were only taking people who had done their clinical placements at Greater Boston Legal Services. It was impossible to get into legal services programs right out of law school unless you had an in – at least in Boston, and I was staying in Boston. So I went to a small private firm, and in part – I mean, there was a little bit of the idea that a private firm would give you real litigation experience and you would learn how to litigate like the big boys if you went into a private firm. I did not find that to be true. I went into a private firm. As soon as I had gotten two years, I figured, I reapplied to the Legal Services program. There were beginning clinical programs around Boston. I applied to them, to the attorney general's office. I got offers everywhere two years later. It was a kind of reverse elitism. If you were in a private firm and you wanted to go to legal services, then they were happy to have you, whereas if you wanted to do it right out of law school they weren't so happy to have you. Kind of interesting. But I went to the Boston University Legal Aid Program. I didn't go to Greater Boston Legal Services. But BU Legal Aid

Program then, and currently, stations its clinicians at Greater Boston Legal Services offices. And so I went to one of their field offices, and that's where I stayed for a couple years. I then became a Greater Boston Legal Services manager for a couple years.

OGILVY: You were an employee of the law school initially, right?

KANTER: Boston University Law School. That was from '78 to '80.

OGILVY: What was your status?

KANTER: I was a clinical instructor. At that point actually BU had the status wars fairly early. They had a fairly structured clinical program. Bob Burdick was the director. He is still the director of the civil side. David Rossman I think was there – no, he may have been the second person. But it was pretty established. They got us some kind of clinical instructor status. The pay was much better than Legal Services pay. There was a lot of respect given to the clinical program. We weren't very integrated into the law school, because the placements were at Greater Boston Legal Services. And we really – Bob considered himself a Legal

Aid lawyer – we all considered ourselves Legal Aid lawyers. And we were the student supervisors in the Legal Aid Bureau in the Greater Boston Legal Services offices. But we identified with the lawyers at Greater Boston Legal Services rather than with the law school. And that's the way they set it up then, and I think it's still true today.

OGILVY: How was the integration between the law school supervisors and the staff supervisors?

KANTER: It was really good. I mean, we were just considered an additional lawyer with the students. There was not – you know, I thought there might be envy or competitiveness or some sort of thing. In my office there was none. The only difficult time was when the Legal Services lawyers went on strike, and it really blew Greater Boston Legal Services apart. It was a really – it was Reagan's war on the poor, and so we reacted by warfare against one another – not a very pretty picture. Bob wanted us to cross the picket lines and staff the offices. And those of us who came out of families where that was not acceptable, we didn't do it. And he backed down. But that was the only time. And the clinical instructors didn't cross the picket lines by and large. But it wasn't – people went in and out. People were at Greater Boston Legal Services and went into the clinical

programs. I went from being a clinician to being a manager at Greater Boston Legal Services.

OGILVY: Why that switch?

KANTER: It was really a personal thing. I had had a child, and you know, it – well, it's not so personal. The idea was I couldn't work part-time, that I couldn't do the work adequately part-time, and I really thought that I could – I would just have fewer students and fewer cases, and if I was willing to have flexible child care, if I was willing to be available flexible hours, I didn't see why the fact that I was going on part-time status – I always feel workers like me are part-time salary, full-time employees. But there was in Boston, and even in the Legal Services in the public interest positions, there was a very strong bias against anybody working part-time. It was the first group of professional mothers who wanted to work part-time. Greater Boston Legal Services was much more accommodating. It was a small office, and they were happy to have anybody who would deal with the union hot-heads at that office, and they were all my friends, so it was easy for me.

OGILVY: One more question about this. Was there any differential in the workload at BU,

the supervisors and the –

KANTER: No, there really wasn't. There really wasn't. And the students themselves integrated within the offices. They were field offices at the time – GBLS has now – well, for many years – but they centralized their lawyers. But at the time there were field offices. I was in one of the larger field offices, but they were still relatively small, they were very cohesive. The students would work with anybody, if there was a need that somebody needed research and a student was willing to do it, we were happy to have the student do it. They felt very a life – again, they felt, like I always felt, that they were part of a legal services movement – they were just the student side of the movement. And they were all hoping to get jobs at Greater Boston Legal Services, which many of them did.

OGILVY: And how long were you manager there?

KANTER: I was BU's supervisor for two years, and then I was a manager I think for three years. It was a part-time job. I moved over to the Harvard Legal Aid Bureau when they had an opening. And some of that was due to the management. I wasn't all that comfortable being a manager. And I liked being a student

supervisor, and the Bureau was a very familiar place. And they only had part-time positions. And that became a problem for those of us who stayed at the Bureau for a long time, because as we were raising children it was nice to have that part-time job. But as we wanted to get more involved it was not so nice. And supervising at Harvard was very different than being a clinical instructor at Boston University. You really were a supervising attorney. You weren't a clinician. Now, some of that was peculiar to the Bureau, where the students really administered the Bureau. And so the supervisors were not encouraged to take any interest in case selection, in administration, and kind of running of the show. And for many of us that was good. We agreed with case selection – the students would consult us about difficult things. We had the students and we had the cases. And in that area we were independent, and very much respected. But we had basically no connection to the law school. And, unfortunately, Gary created the Legal Services Center in the poverty community away from Cambridge. And that separated the supervisors who were at student practice organizations at Harvard from the clinical program. There were still placements of students, and it would count as a placement in Gary's course, but we really weren't considered part of the clinical program office. They were our supervisors. But we were kept on a kind of part-time – it's like adjunct professors in a law school now. It wasn't even like – clinicians are second-class. We were third-class. And that was unfortunate. It really was. And I think that Gary was faced with a difficult problem, because he wanted to have a poverty law office, and he wanted an

active, vibrant office, and he wanted to create it as a real teaching and training institute. And originally the Legal Services Center was a partnership between Northeastern and the Legal Services Corporation. Clint Bamberger came, Jim Rowan came, and they were going to do – and they did I think for one year, maybe two – an entire third year you would spend at the Legal Services Center, and it was really going to be a laboratory for an expansion of a clinical education concept, really a progression, a natural progression from what Gary had been doing, and something that resembled the apprenticeship program. And to me – and I never talked to Gary about it, because by that time we were pretty separated. We didn't feel we were being mentored or valued in our resources. But it was a wonderful concept, and I don't think it was – you know, I know the third-year program wasn't realized. And it's too bad. It was Reagan and the Legal Services Corporation as I understand it pulled pack. Northeastern was unable to maintain parity partnership in terms of financing, so it became a Harvard operation entirely. And Legal Services Center did many wonderful things, but I think its potential was not realized as much as it could have been. And for that I was really sorry.

I later had my Domestic Violence Clinic was placed at the Legal Services Center when I ran it on a part-time basis from Northeastern, because Northeastern maintained a connection to the Center, by putting its students there when Harvard students weren't there during the spring and summer. So I've been connected to the Center throughout my career. And I wish that clinical legal education had

gone as far as Gary wanted it to go. I don't know how he felt about it though.

OGILVY: How many supervisors were at the Bureau when you were there?

KANTER: Six.

OGILVY: That's a big change from when you were a student.

KANTER: Yes, it was a big change. And there were six half-time supervisors. There were the men and there were the women. The man had private practices. The women had children. And – but there was very little turnover at the Bureau. In fact, three of the six who were there with me in '81 are still there. So for years there was very little turnover. Maybe in 15 years there was one opening. And then in the last 10, 15 years there's been a little bit of rotation, but not too much. It's considered a very interesting job for folks. The students are wonderful. The clinical program at Harvard has taken it over more. They put in a full-time manager about four years ago, and then one of the existing supervisors went full-time this past year. And so gradually I think that it is becoming a more

supervisor-run operation. And Betty retired. And so she was one of the people who kept the flame alive in terms of students being in control. So there's change.

OGILVY: When did she retire?

KANTER: Oh, boy, maybe about three years ago, four years ago. She's still around. We still see her. But –

OGILVY: And how long were you a supervisor at the Bureau?

KANTER: I was there from '81 – it was a part-time – until I went to Northeastern in '91. And then I think I did one year where I did both jobs, because the Northeastern job started out part-time, so I had two part-time jobs. But it was a good period of time. I wanted to be full-time by 1990. I wanted to do family law. I wanted to specialize. Domestic violence was just making its mark in Boston. One of our Legal Aid Bureau students in fact was a national leader in the domestic violence legal movement, and she came to the Bureau. We thought we were going to teach her how to be a lawyer, and she wanted to teach us how to represent battered

women. And I think that we got the better of that deal, because she taught us a lot. And that was what the Bureau was about. The students taught the supervisors so much, and I think that that's a piece of clinical education that keeps us in it, is that the students come with incredible commitment. They come with incredible ideas. They come now with a lot of background in the things they want to do, and I think that they push people to keep their practice current, to keep considering new ways of doing thing, to just revitalize supervisors who may after a period of time become a little rote in their practices. Or at least that's what happened to me.

OGILVY: Have you found that to be consistently true?

KANTER: Yes, I found it to be consistently true. And it's interesting. When I came to Northeastern, I've done domestic violence work at Northeastern exclusively since '91. And when I came I was still young enough to consider myself sort of the leader of a band of hardy students, and one of a group. Now that I'm pushing 60 I do feel a distance from my students that I didn't feel then. But the students that I have, and I would say particularly Northeastern students, but you know at the Harvard Legal Aid Bureau there were those students – I'm sure at every law school there's a group of students who come because they're committed to the

work, and they do – they just bring an enormous amount of energy, and they bring their own perspectives, and they push you along. In the past couples of years I expanded the domestic violence program at Northeastern by including supervising attorneys, an interesting paradox actually for me to have underpaid younger people doing the supervising. And for a couple years I almost became a manager of the supervisors as opposed to a supervisor myself. And it's a concept I don't agree with. It's a movement in clinical education that I despise. It goes back to third-class citizenship for the real clinicians, the ones who are supervising students. But I also found that I didn't like it myself. You know, the one-to-one relationships with students which I maintain through supervision isn't the same when you're going to court with them, or you're in court with them on a day-to-day basis, when you're dealing with the same administrators, the same know-nothing judges, or know-it-all judges depending on – and I lost something by becoming more of a teacher and less of an actual supervisor of the students through a variety of some good events and some bad events, I'm now doing more of the direct supervision. I have one supervising attorney working with me, and we kind of co-teach the programs that we have going. I like it more, and I'm more energize, because the students energize me and I feel very good about it.

OGILVY: Where did you establish your interest in domestic violence?

KANTER: Well, I think I was always, from the women's movement. I mean, the civil rights movement was in the '60s; the women's movement really took over for me and a generation of women largely my age in the 1970s. And we became as Legal Services lawyers very interested in family law, very interested initially in child support. Legal Services at the time wasn't that interested in family law. They weren't interested in child support. But we believed that economic issues for women, which included welfare and housing and other issues, but it did really include family law, which was a stepchild for most poverty law programs and for most clinical programs as well. We believe that that was the beginning of it. So in the '80s, when I was a clinician and a supervisor at the Bureau, I wanted to specialize, and I wanted to specialize in family law and child protection from the women's or the children's point of view. As I said, we had this wonderful student, Sarah Buel, come to the Bureau, and she was a formerly battered woman, she had been a Legal Services paralegal. She really believed in the empowerment of battered women. She believed that we lawyers did not understand the dynamics of domestic violence, that we were representing victims of violence incredibly poorly in a very traditional legal way, and she was very loud in her criticism of us, and she was right. And that was one of the things. I mean, it was a life-saving event for me, and I have to remember that, because she was a student and someone who really we didn't give much credit to when she first came. We saw her as a quote/unquote "activist," but we did not give her the respect I think that

her ideas demanded. Three years later we gave her a lot of respect, and she's influenced a lot of lawyers of my generation, and judges, to take issues around client empowerment very seriously. And I would say as a Legal Services lawyer, as a clinician, my idea of teaching was all about being better than the best. And poverty lawyers, we were going to train poverty lawyers, we were going to be poverty lawyers who were better than the big litigators, better than the establishment litigators. We were going to play their game better than they played their game. In terms of representing victims of violence, that approach is deadly, I believe. It really places clients at risk. And the idea that litigation and winning is the goal, and being able to empower the client in the legal system – the lawyer empowering the client to really prevail in the legal system misses the point in most of these cases and is very dangerous in many of the cases. And I would have said that I was a client-centered lawyer; that I listened to clients, that I was a good counselor, that clients made decisions – but really they made decisions within the legal framework that I accepted, you know, that was handed to me and which I accepted and which I wanted to work within. And that's how I taught my students. In fact, in the '80s, when my students first came to me with the notion of client empowerment and doing pro-se clinics and that we could empower women to speak for themselves in the family court, I was scathing – I said, "Oh, good, poor people will speak for themselves instead of having lawyers – what an advancement," I said – you know, "That what you want for poor people, that they shouldn't be able to get lawyers?" And yet – and I totally ignored of course the

whole idea that being able to speak for yourself in the legal system had advantages. I didn't see any of those advantages. I saw it all as negative. And having done domestic violence work – and I'm of course not the only one who feels this way – it's pervasive in the clinical literature on domestic violence and sexual assault – you know, really being able to let a victim be in charge, and to train students that lawyering, at least for victims of domestic violence, although I think for all disempowered people, is a different process, you know, and it really involves a different way of approaching the legal system. That's sort of been the new thing that really energized me in the past 15 years, and puts me somewhat at odds I must say – not with my colleagues in the clinical world, because I think I've increasingly my colleagues in the clinical world are those that do the things that I do. There's been a lot of domestic violence clinics, there's been a lot of funding. After Title IX funding dried up. Funding for domestic violence clinics increased and took over, and it came from the Department of Justice, the Violence Against Women Act Office. So there is a whole cadre of clinical people who are running domestic violence clinics across the country, and for them the client empowerment model, the multidisciplinary approach to how you work on these cases is something that's been part of the clinical literature, it's been part of the movement and something that I didn't appreciate when I started, but I sure appreciate it now.

OGILVY: What was the shape of the practice that you stepped into when you first went to Northeastern?

KANTER: Oh, I didn't step into anything. I stepped into a student demand that there be a domestic violence clinical experience. And the students at Northeastern had been doing their own volunteering at a shelter. They had watched Sarah Buel at Harvard develop a cadre of students who were just walking into the lower courts and helping people with restraining order. They went to Clare Dalton, who had come over from Harvard in a tenure battle – they went to her, because she was the leading feminist – not a clinician – and asked her to work with the administration so that they could form a domestic violence clinical program. And Clare taught the course for a quarter using Legal Services attorneys from Harvard, the Harvard Legal Services Center. The students weren't satisfied with that, because at the Center they were still doing family law in a very traditional way, and they weren't taking restraining order cases, they weren't taking contested cases. They were really doing a very – a kind of a family law practice that really squeezed out the domestic violence component. So they came back to Clare and said, We want a real domestic violence clinic. The students knew what they wanted. And so she got \$25,000 to hire a part-time clinician to come in, and I applied and I got it. Subsequent to that, we applied for a Title IX grant to do a full-time domestic violence clinic, and we got it pretty much right away. And then I went full-time

over at Northeastern. And at that time I pulled the Domestic Violence Clinic out of the Legal Services Center, because their rules and their case priorities – we just weren't getting the cases we wanted. I put it back into the law school. And about the same time we were invited by a judge in one of the lower courts to assign students to the court and have them doing restraining order cases as people came into the courthouse. And that relationship has continued for 15 years, and our students – our office – we have an office there – we have a regular relationship with the court. Fortunately, the judge is now the chief judge of that court, and she supports our program. So we can – we are more or less formal in the court. We are still guests in a certain way, and that's fine. But our Restraining Order Clinic is a sort of core clinical opportunity.

Northeastern is a difficult school to have a clinical program in, because it's a co-op law school, and the students – beyond their first year they're three months in cooperative education placements, legal placements in the community, nationally, internationally, and then they come back to school for three months on an academic program. The clinical courses run during the academic program. And so they're limited in time to 12 weeks. Well, doing a clinical program in 12 weeks is remarkably difficult. And all of the clinics at Northeastern – and there has been a clinical program at Northeastern, in part because Jim Rowan was there as a tenured professor – have evolved so that they take the kind of cases where students can actually be the lawyer in charge and the case can reasonably be

expected to get down in 10 weeks. So in domestic violence, try as we might to handle contested custody cases – we just couldn't do it, because it wasn't fair to the clients to have the fourth student over the course of the year. So we have done restraining order cases, and they can get – because those cases are two or three weeks long, they can get 12 or 15 clients in a 12-week period. Our Prisoner's Rights Clinic handles parole hearings before – for 15-year murderers – second-degree murder cases – and they handle disciplinary hearings at the clinic. The Criminal Defense Clinic, which operates sort of part-time and using adjuncts, does misdemeanor defense cases. Poverty Law takes on – tries to take on short-term cases. They do a lot of representing groups. So all of our clinics are a little bit different than a regular clinical program, because we've had to collapse the experience into 12 weeks. Cases continue from quarter to quarter, but in terms of the students we want them to be able to get the entire relationship with one or a number of clients during the time they are there, because they can be an assistant to somebody doing complex litigation under co-ops. They don't need to be in a clinic for that.

OGILVY: It seems remarkable to me you spent so much time in actual practice and then still opted to do clinics.

KANTER: Well, they would do it. I mean, the students who do clinics tend to do all the clinics, and so they not only opt to do one clinic, they opt to do three clinics. So people come to Northeastern because it's experiential learning. We recently, the law school as a whole, did a self-study, you know an accreditation requirement. But it was a real – I've been there for 15 years, and it's the first time that the faculty has really sat down in very small groups and talked about the values and talked about how they want their values to be recognized in the curriculum and in the administration, in the life of the law school. And what they came back to was what Northeastern started in the early '70s, what's experiential education was to be the focus of the school, it was what we were most proud of, it was where we wanted to put our resources and our energy. And, interesting for me when I think about clinical legal education, it's really tied up in a bundle with poverty law and legal services, which for many people of my generation that was always true. And I think for Gary it was very much true. But it's also tied up for me in just experiential learning, because the co-op program to me is a form of clinical education. And in fact, as you look to the future of clinical education, because of the economics, many of the schools are going to externship models, which are clinical models. They aren't the clinical model that most of us who grew up in more formalized clinical would value. We don't think of it as being as strong and as educational as the clinics that we operate and that we can structure and control. But I think that experiential learning is the way you really have to think about clinical legal education, both in terms of what students want and what the law

schools are going to be able to afford. Even simulation, which, you know, I called simulation "dead-client" clinics – if it's a live-client clinic, that's clinical legal education.

But the truth is in many of our clinical programs simulation is really a key educational tool that we use. It is a methodology. If clinical legal education is a movement, simulation is a methodology. And we use it a lot, and we should use it. You can't give every student all the experiences you want them to have in handling actual cases. And certainly at a place like Northeastern simulation courses are really valuable because of the limited time we have. And we can't expect to get live clients who will give the students a range of experience that we might be able to do in a 12-week complicated litigation simulation.

So although I am really wedded to live-client clinic and not to co-op, and not to simulation and not to externships, that's where I want to place my time and effort. I really believe that as a clinician, if I want to affect my law school, other law schools, I have to think a lot more broadly and generously about different methodologies. I think that clinical legal education has transformed law school education. I think that despite the influence of people who want to be traditional scholars – you know, they want to teach in a podium class, and then they want to write and research and talk to one another. I mean, I know a lot of those people – a lot of those people are former Legal Aid lawyers. You know, they're former

practitioners who now want to sit back and really tell students about the things they've learned. They want to write about it. They're great teachers. They're not clinicians. And they're really not interested in supervising experiential learning. And I have a tremendous respect for those folks. I'm not one of those people, but I have tremendous respect for them. And yet that's traditional education, even with people who have been active practitioners, unlike the Harvard model where they take them right out of the clerkship, Northeastern doesn't take people right out of clerkships. Most of its faculty have practiced for a considerable period of time before coming to the law school. It's still a traditional educational – podium courses. And I understand why people want to do that, and I think there's enormous value to the profession and to students in that kind of thing. I think that most students – I think that most students – I don't know about most faculty – would say they want clinical legal education. They want experiential education. And I think the profession as a whole wants students who have had some experiential education before they come to them. And so I think practicing lawyers value it. So I think that clinical legal education has transformed all law schools. It will continue to expand. But I think that it is because of the economics that it's not going to expand in the way that I would love to see it expand with apprenticeship programs and full-time clinics and more clinical faculty who can have whole careers, like I've had, doing this. I think it's going to have to be a broader experiential learning process, and that we have to support that as clinicians, because it incorporates the values we want in our law schools, even if it

isn't exactly what we would structure. It's something that's affordable and acceptable, and I'm willing to go with it. Of course I'm at Northeastern, so it's easy for me to say.

OGILVY: How many students do you supervise?

KANTER: We, in our clinic, I only take six to eight students. I have a supervising attorney, which is a post-graduate fellowship position, because I just know that they're not going to be offered a job at Northeastern, so I want to make it perfectly clear to them that they're coming as a fellowship experience rather than as a job where they can progress. I offer the clinic three quarters out of four during the year, and we're stationed at the court.

We also have an interdisciplinary advocacy project at the emergency department at the hospital, and we've had that also for about 13 years. And that is open to first-year students. They work nights and weekends at the hospital. It's primarily an interviewing operation. They interview every woman coming into the hospital about what their experiences of domestic violence may have been, or what they know about domestic violence, how they feel about domestic violence. And through these interviews, the students, A, learn how to interview, and there's a

structured training program; they meet clients – they aren't necessarily victims of domestic violence – most of them are not, or at least they don't identify as victims of domestic violence. But they talk about their lives and they talk about their perceptions of domestic violence. So it's a tremendous educational tool for students about the dynamics of domestic violence, as well as about the skills of interviewing. In the process of these interviews, individuals do identify as victims, and we have an experienced advocate, usually a student, sometimes a graduate of our program, but usually a student, who is there to do advocacy as a team leader. And the supervising attorney that I currently work with, her primary responsibility is supervising that program. And so there are 10 team leaders that she supervises directly, and then there are 40 first-, second- and third-year students – primarily Northeastern, but it's also open to students from other law schools who want to do it. And the student only dedicates one evening every other week – so it's about 12 evenings. And then we have all-day trainings that they have to go to. So it's a good introduction to clinical work. First-year students come in, they want to do things so badly, and yet there's not a lot of things that they can do that are experiential, that are really helpful. And the hospital feels what we do is very helpful. They like having us there. If victims come in, our team leaders are there to help. The students who are there, they're just talking to people, and most of the patients like being talked to. So that's the second program we have.

And then we have a Probate Litigation course that's primarily simulation. We had tried to run in coordination with private practitioners in town and with a co-op – a clinic in one semester, co-op in another. It didn't work very well. We may try to revive it. But with just two of us, that's plenty.

OGILVY: Do you do that during the fourth quarter?

KANTER: No. I've been not teaching at all during the fourth quarter. And part of my clinical status issue with the law school, I did not get a tenured position, which I had expected to get. I came in the back door. I thought that if I proved myself as someone who could do a good popular course, bring in money to the school, that I could jump onto the tenure track. Did not work. Northeastern prides itself in not having – in having one track, only a tenure track. And they have brought in clinicians at various times onto the tenure track, but they haven't stayed as clinicians. They jumped onto the regular faculty – except for Jim Rowan, who has maintained the clinician status.

So our prisoners rights – he's actually a paralegal, not a lawyer – has been teaching for 25 years – and I were given a unique clinical professor status at the law school. I was somewhat bitter about it at the time, but I wanted a nine-month

contract, because I felt that would equalize my salary, the salary they were willing to offer me. And it did. And until recently I would work the 12 months. I'd publish some, because again I thought that that would be useful. I'm not so sure it's useful – maybe useful for me in the long run, but I don't yet think I have that many things to say. I think I'm better at doing it than I am at talking about it. But I'm trying now, as I enter a different stage, to actually take the quarter off and to try to invest myself in something other than my work. We'll see how that develops.

OGILVY: I've got about two minutes left on this tape, so –

KANTER: I told you I was a talker.

OGILVY: I can change tapes –

KANTER: No, no, no. I actually have a time limit too.

OGILVY: Is there anything that we haven't talked about that you think that we should at least put a minute or two on tape?

KANTER: Well, I think that the importance of the clinical community to me has grown over the years. I was not a part of it in the early years, because Harvard didn't encourage its supervisors to become a part of it. But in the last 10 years or so being able to have national colleagues has been incredibly important to me, and I really become more of a scholar, more of a thinker. You know, I've been challenged by the work of my peers on the national front. And I think one of the problems with developing a cadre of supervising attorneys, with being very close to the poverty legal services movement, is the absence of that kind of community for many of our younger colleagues. And I would just want to find a way for people who are on the frontlines, but not necessarily in high status clinical positions, to recognize and to be recognized in the national clinical community. to

OGILVY: What's next for you, for the next – you've got 10, 15 years left?

KANTER: Oh, I think I've got less than that. I want – I always want to be doing something new. I want to be doing something different. The school is pushing toward a

more international focus, and I think that that's where clinicians are going. I've always said that Dorchester is a big enough pond for me, so I'd like to do more collaboration among the other law schools. I think we've done an excellent job collaborating among the legal services programs. I think clinics have to be part of the poverty law community in their local towns, and many places clinicians aren't as close to their legal services colleagues, their domestic violence colleagues, as they could be. I think that integration is very important.

But I think it's also important to look at the other law schools in your community, particularly places – well, like Boston where we have a lot – and really be able to coordinate the training, to be able to mobilize students in a collaborative effort rather than seeing it school by school. So those are the kinds of things that I'm thinking about. But really, you know, I thought – I took some time off, and I thought I would have the answers, and I don't have the answers yet. So I think that things just come up, and I'll think about it.

Okay, thank you.