

**Transcription of Oral History Interview with
Lester Brickman
July 9, 2008**

(0:00)

YAROSHEFSKY: ...you're currently at Cardozo Law School?

BRICKMAN: Yes.

YAROSHEFSKY: And in 1968 where were you teaching?

BRICKMAN: 1968 well, I started teaching in 1966, which is umpteen years ago, I started teaching at the University of Toledo. I had gone to Law School at the University of Florida and then I was spirited away by the 'L' underground on the faculty at Florida and went to Yale for a year of finishing school. One of my professors at Florida, who had been among those that steered me into Yale and then into teaching, had left Florida to open the day law school at Toledo, so when I came on the market he was looking for professors and I was hired at the University of Toledo. I started teaching in 1966 and in 1968 I was still teaching at Toledo. I had gone through a divorce and like many in that circumstance I was looking for a chance of circumstances, a change of scenery for a bit, and there's a notice or something pops up about the Council on Legal Education for Professional Responsibility seeking a research professor or research fellow to spend a year in New York at this new foundation to work in the area of Clinical Legal Education. I had already started a program at Toledo, what I called the Law and Poverty Program, that I had gotten a small grant for that wasn't really a clinical program it was more of an out-house program I had people intern in the housing agency and the various other entities, governmental entities, in downtown Toledo. So, I had a bent in that sense so I applied for the fellowship and I was selected. So in 1969, I guess September or there about, I moved to New York, I'd been born in New York and lived there for my first ten years before we left. So I moved to New York, I was fortunate Bill Pincus, who then headed CLEPR, not then, *always* headed CLEPR, was able to use his influence with the Dean of NYU Law School to get me into faculty housing, I had a nice place to live overlooking Washington Square and so I spent the academic year in New York working for CLEPR.

YAROSHEFSKY: What did you do at CLEPR?

Well, my duties were kind of unformed when I came there, were sort of figured them out on the fly so to speak, but in order of importance probably a lot of the time I spent in organizing conferences for CLEPR, some of which were in New York but most of which were at various law school locations around the country and I also did a lot of site visits. I went out to evaluate the programs that Pincus had funded, I evaluated programs that, oh gosh, many *many many* at Harvard, at Boston and let me see, a program at Temple, a program, I think at the University of Connecticut, the program at Harvard, the program with the University of

Chicago, the University of Minnesota, the list just goes on and on, I don't remember all of them. I was a pretty critical evaluator, but also, I thought, fair. I had a background, in some sense, in program evaluation, because I had been doing program evaluations for Legal Services programs around the country.

YAROSHEFSKY: When were you doing that?

(4:00) Well, I did that from the very beginning, when OEO, the Office of Economic Opportunity and Sergeant Schriver first started the Legal Services Program, almost from the get-go I was one of their evaluators. At that time, in those early days, every year there was a contractor who was selected to do and be in charge of the evaluations. So there were a cadre of people, lawyers, law professors et cetera who did most of the evaluations and who were, you know whoever the contractor was they basically hired the same people, you got a government stipend for your work and so on. And I probably was one of the most experienced and widely used legal services evaluators in the country. I did virtually all the major programs and especially those where there were problems. I worked a lot, since I was in Toledo, I worked a lot with the Chicago regional office and at one point they bought me a fireman's hat, a red fireman's hat, because they kept
(5:00) sending me out to places where there was a 'fire,' not literally of course, that is where it was necessary to *fire* a program director but the Board wouldn't do so, *or* couldn't do so and I would convene a meeting of the board and get the program director fired. In Chicago, for example, I discovered the program director had ads in the yellow pages for his law practice, so there were a variety of circumstances so I had a lot of experience in that area, and so it was a natural extension of that for me to be evaluating clinical programs since a lot of them had relationships with legal services programs.

YAROSHEFSKY: Well, these are the early days of clinical programs. What did you find most impressive, as you went around the country looking at programs?

BRICKMAN: Well, uh, first, I should mention the concept that Bill Pincus brought to bear. Bill had been a Program Officer at the Ford Foundation for many years, and I don't
(6:00) know what lead him to this point, I never did discuss it with him, but he convinced the Ford Foundation to fund him with ten-million dollars, payable over ten years, roughly one-million dollars a year, to do for legal education what the Flexnor Report had done for medical education. The Flexnor Report was back in the twenties or thirties and that revolutionized medical education by instituting the clinical element in medical education. And Bill was convinced that a similar clinical component was an essential part of a legal education. And so, he convinced the Ford Foundation to create an offshoot foundation, which was called the Council on Legal Education for Professional Responsibility Inc., CLEPR for short-as we came to know it. Bill assembled a blue-ribbon board of some of the
(7:00) most notable names in law and legal education, and so, when I came there in 1969 they'd been in business for about a year, they had already started funding programs. Now, Bill understood the economics of higher education and he made

some choices at the outset, or adopted some strategies, which were critical to the success of CLEPR. Now let me just say...

YAROSHEFSKY: Go ahead.

BRICKMAN: I think it, well, the most important was that the grant would be, would require-it was a three year grant-and it would require increasing amounts of law school funding in each year of the grant. So, at no point did the grant provide one-hundred percent of the cost of the program. The first year, I believe and my memory is fair on this at best, I think it was like two-thirds, one-third CLEPR to school or three-quarters to one-quarter. In any event, even in the first year of the grant, the school had to put up *some* money. Now, a lot of that really in the first year was _____ and was providing office space and so on. So, there was a lot of finagling that went on, but not, by the second year there had to be real money coming from the school. In other words, Bill knew that at the end of three years if the law school faced one-hundred thousand dollar knew program that the chances of getting that into the curriculum on a quasi-permanent basis would be really jeopardized. What he wanted was at the end of the three years, the financial transition to full law school funding would be relatively small by comparison so that in the third year of the grant CLEPR was only putting up a quarter or a third of the total cost and the school was already putting up two-thirds to be sure some of that was in kind, but there was real money there. So that by the fourth year, when it was no longer being funded by CLEPR, it was, it would be easy enough financially for the school to bear the relatively slight additional burden of the one-quarter or one-third that CLEPR was providing in the last year of the grant. So, that strategy was *key* to the success of CLEPR. Another strategy was what I would call Bill's recognition of the role of the elite law school.

YAROSHEFSKY: And what would that be?

BRICKMAN: Well, the back-drop for this is, at the time that CLEPR was started, clinical legal education was looked down upon in law schools. And the reason was that law schools had gone through a long period of time in which they sought legitimacy within the universe because they were a 'trade-school' they were looked down within the university hierarchy, law schools spent decades and decades gaining their acceptance within the university community as a scholarly entity, as opposed to a trade-school. And having achieved that victory, there was reluctance among law school leaders to now turn to the trade school aspect, as clinical legal education was conceived of, and dilute the concept of the law school as a place of higher education, as opposed to a trade-school. So, this was one of the problems that Bill faced and one of the strategies he devised for dealing with this was the words "Professional Responsibility," in other words, we weren't dealing with trade-school stuff, 'How to be a Lawyer,' but that a critical element of a legal education was training in Professional Responsibility. And what better way to train someone in Professional Responsibility then to have a student-lawyer have the responsibility of a real client, overseen of course by a Lawyer, a faculty

(12:00) member-lawyer, to have the responsibility of dealing with a real client with all of the warts and so on that real clients bring, and with all of the ethical issues that arise. It's one thing to take a course in Legal Ethics, you've taught Legal Ethics, I've taught Legal Ethics, you know, it's quite one thing to have the atmosphere the dry atmosphere in the classroom, it's quite another when the students faces reality. And he is or she is responsible, and has to make decisions or has to advise clients. And so, his concept, which I thought was a stroke of genius in terms of how this worked, was not, 'law students have to be trained' in, you know, how to do things as lawyers, but that, 'law schools need to have education in Professional Responsibility' and that the best way to do that is through a clinical program. So, these were the strategies that lay behind CLEPR.

YAROSHEFSKY: Now, how did the role, you told me about the role of 'elite law schools,' how did that play into this?

(13:00) **BRICKMAN:** Ah, okay. So we have, we have this general sense in law schools that anything that smacks of trade law schools stuff, you know, it works against the interest of the law school, we just look down on it. Bill understood the important of getting the top law schools, the 'elite' law schools to buy into clinical legal education. And so, he made special efforts to get Harvard, and Yale, and Chicago and some of the other elite schools, he offered them, he bribed them. Alright, well, he gave them more money, sure. He gave a lot of money to Harvard, and that was one of the great triumphs, because, because of that money, Harvard went on to hire Gary Bellow, who was one of the great legal services lawyers. Gary died much too soon, he was a great legal services lawyer who went on to create a great program at Harvard, you know, whether Harvard or Yale is a leading law school in the country, whichever, certainly Harvard is there. And Gary got tenure, which it was-Bill really supported Harvard's position, or, I have to choose my words carefully here. Gary certainly deserved his tenure but Bill facilitated it by paying a lot of money to Harvard to pay for these programs. He understood that if Harvard gives its _____ then what other law school is to say, 'Hey, you know, I don't want to do this.' So he went after the leaders, the law schools that were the elite, understanding the importance of having tenured clinicians at those law schools, of course the tenure part didn't fully work, it worked in the case of Gary bellow because he was unique, as you know, in the other law schools mostly you have these tenure-track type programs, or separate programs, or long-term contracts, because for a variety of reason that we might discuss later, but the success is, was in some, measure due to his knowing which spots to pick and then putting a lot of money on those schools.

(14:00)

YAROSHEFSKY: In the beginning, in 1969, if you had to describe-and you have described a bit-in general, the approach toward clinical education in most schools, including Harvard, how would you describe that?

BRICKMAN: Well, pretty much, it was an outhouse program, it was not even..., it was barely a

(15:00) law school program. You could volunteer there was no credit for it, no academic credit, and by the way that was another requirement to make the grant, that it would have to be academic credit. Uh, Harvard, like Yale, was a farm-out program. You volunteered for whatever the program was called and you spent some time, it either had an office as I think they did at Harvard, an intake office, in some cases the office you volunteered for would then send you off to legal services or to legal aid or something like that, where you would spend a day or week or a half day a week or four hours a week and get exposed to clients. That's pretty much what was then going on in 1968 before CLEPR started funding primarily in-house programs. In other words, under CLEPR's programs the Law School hired a Clinical Director, who would be a faculty member not always on a tenure-track, although that was always a difficult problem and certainly a goal, and would set up an in-house program primarily, where clients would come in to... whether they came from legal services and in a sense were forwarded to the law school office, or the law school established it's office as an adjunct to the legal services office, but it would be a law school, a law school flag was planted. And they, a law school clinician paid by the law school, would run the program or at least one clinician often multiple posts.

(16:00)

YAROSHEFSKY: Were you the only person hired in the scholarship of 1969?

BRICKMAN: Yeah. He only, it was a very sparse office, it was well-situated. Bill has an appreciation for the finer things in life. The office, when I came there, was on Park Avenue, 280 Park, in one of the large buildings. They had been in a smaller office before that, there was Bill Pincus, there was Peter Swords; was his main assistant. Peter left CLEPR, oh, after a couple years, and went on to become the Administrator of the Council o Foundations. I may not be getting that exactly right. Peter was succeeded by Victor Rubino and Victor was there for all the years until CLEPR ended as its terminal year approached. Victor went on to become head of PLI, the Practicing Law Institute in New York where he remains today. That's probably the most successful PLI Director in its history. But so, when I went there in 1969-'70, Peter Swords was there, there was also an assistant and some secretarial people and that was the office. When Peter left, Victor came in, I stayed on with CLEPR, not in a full-time capacity after my year was up I continued to be retained by them as a consultant and each year I would do some work for them for the next five, sex, seven, or eight years. Typically I would do more of the site visits the site evaluations, I would also set up conferences for them around the country and I would also have a significant role in their annual meetings, at which they would have some pretty major conferences bringing a lot of people from around the country, Law School Deans, Clinicians and Law School Professors and other to discuss various topics of relevance to Clinical Legal Education.

(17:00)

(18:00)

YAROSHEFSKY: Do you remember any particular conferences?

BRICKMAN: I remember some, yes. Um, there were some memorable ones. I should preface this by saying that I mentioned earlier that Bill had an appreciation for the finer things, and I did to some extent. Bill and I were both gourmets. And so one of the pleasures of working in New York with Bill would be, you know, that two or three times a week we'd go out to lunch and I remember some of the great restaurants, the French and Italian restaurants, for lunch and so-on. When I would set up a conference, I remember two or three in particular, I set up one in Montreal so it wasn't at a law school that we were funding but you know it was a good location so we could attract people to come and I would do the physical arrangements with the Hotel and I would make arrangements for the meals and, you know, who we invited and although I didn't have the final say of that of course. And I would always pay particular attention to the banquets that we would put on at these events that was my signature contribution in some sense.

(19:00)

(20:00) So the Montreal conference, we had our banquet in a restaurant in Old Montreal called _____, I don't think it's there anymore. This would be sometime in 1970, '71, '72, I can't be sure whether it's the first year or the second, in any event, so you have to understand that the dollar was worth a little bit more then but, I negotiated a lunch with the restaurant people that was six dollars and fifty cents for a full French meal, and I selected as dessert, and I don't know why I did this it wasn't a favorite of mine, but I selected baked Alaska. And of course at the end of the meal they brought out the baked Alaska, the flambéed it and everybody went "Ooo and ahh," but anyway that became known as the 'Baked Alaska' conference, the substance was less important.

YAROSHEFSKY: Do you remember what the substance was?

BRICKMAN: I don't, I don't. But of all of these conferences got written up, I wrote them up. In the CLEPR newsletters. I did most of the writing of the CLEPR newsletters and certainly wrote up all of the conferences that I was in charge of. So, I could go back through the newsletters, I mean, they're preserved. They're not great scholarship, but some are interesting. It'll certainly give you a sense of what was going on. On another occasion, we had a meeting out in Berkeley, a conference in Berkeley, again substantively I can't tell you precisely, I mean all of these had to do with clinical education...

(21:00)

YAROSHEFSKY: But do you recall the dessert?

BRICKMAN: Ah-ha! I recall, here's the story. We housed everybody at the Clift Hotel in San Francisco, that was before it became renovated in its modern form and those days the Clift has a very famous dining room called the Redwood Room. And so, I arranged the banquet at the Clift and, 'what do you have on the menu when you go out to California?' Well, I wanted wild Pacific Salmon. So, and I wanted it, I told them I wanted it poached, I wanted it served cold. Well, uh and I wanted it in dill sauce. So I get the chef at the Hotel at the Redwood Room and he tells me that they have no dill at the Hotel. And I said, 'well can't you just go around the corner or wherever, find the market, and buy some dill,' he said he'll check into it

(22:00)

and I got a call from the Hotel manager and it's a crisis, there is no dill in San Francisco. So, I solved that problem by saying I want dill sauce I will in bring the dill. And I brought the dill from New York to California gave it to them and they made the poached, and so this was the 'poached salmon conference.'

YAROSHEFSKY: Well, I thought it might be the 'dill' conference.

BRICKMAN: Well, there was a... I could go on and on, but anyways that gives you the flavor of it. We had great meals at all of the conferences, that was Bill's interest, that was my interest, and I was certainly happy to be able to accommodate our mutual interest with fine food. We also, the annual conference merits some attention because it was Boca Raton, now that's an interesting story in and of itself. Why in Boca Raton, what was it, Boca Raton Country Club, I don't remember what it's... It's the major hotel there, you know, anybody that knows anything about it, it's quite a majestic place. And the simple reason why Boca Raton and not anywhere else or not multiple places, is that perhaps the leading member of Bill's Board will Whitney North Seymour Senior. I mean that was quite a catch, there were some other major names on the Board but 'Whit' was, you know, the great catch that Bill had because that gave a great deal, that linked a great deal of gravitas to the board. 'Whit' did not fly, anywhere. So wherever the conference, wherever the annual meeting was going to be. It had to be in a place that he could get to by train. And so, California was too long and too far, bottom line, out of all the locations, Boca Raton fit the bill. Because it was on a train stop and we could get there by train, and his companion. So, Boca Raton it was. And we would have a conference there, I mean we, I was there the first year of course because I was full-time, but thereafter, I would go there most years to be in charge of several of the conferences. And they would be major conferences and they would, at one time we, the papers presented were gathered up and there's... we published a book or Bill published a book and I think you've seen the copy, it's a volume like this. We edited and published the book based upon the papers at the conference.

YAROSHEFSKY: About how many people would attend, like on an annual basis?

BRICKMAN: About a hundred. There would be the Board and there would be a Board meeting, of course, but then there would be at least thirty, forty, fifty law school professors and deans and clinical people brought in from around the country. And they would stay over for a couple days. In fact, there was one occasion when the conference, the annual meeting was in jeopardy. It happened to be one year I did not go, because I had some other things going on, it was always around the Christmastime vacation. About, I can't tell you the year, but it could have been roughly 1973-'4 '5, something like that, I get a call from Bill, I was still at the University of Toledo, saying they were having a problem with the hotel. Apparently, the cardiologists were having a meeting there and they wanted to stay longer than the original time and so Bill had gotten a call from the Boca Raton Country Club, or whatever it's called, to say, "sorry, we're going to have to move

you out...there are some nice facilities down the road that we can find for you...," but that would have been from Bill's point of view, you know the Board would have been horrified and so on. Now why did he call me? Well, my father and you'll have to just _____ after, my father was the Kosher Food Inspector of the City of Miami Beach, a municipal job, which he first became inspector in 1954-'55. At that time, the Kosher Food Industry in the City of Miami Beach was a very small element, there were 4 or 5 or 6 establishments that had Kosher, butcher shops or restaurants or facilities. Over the course of about 30 years as the Kosher Food Inspector, a little bit less, under his tutelage and directorship in some sense, the Kosher food industry in Miami Beach burgeoned by the time he died on the job, there had been, there were a least a hundred, two hundred, I mean huge numbers, it was a major *major* industry because he lent it credibility when the term Kosher was used, people could have some reliance on that. In any event, the job got eliminated 5 or 6 or 7 years ago by a U.S. Supreme Court decision that found that it was an establishment of religion, ____ The Florida Supreme Court, during the time that my father was Inspector had upheld it. In any event, my father amassed a lot of political capitol during his years there, he became very influential, not only within the city of Miami Beach but on a broader basis, within the State. And anybody running for state office like the gubernatorial candidates would always stop at our home to solicit his support. He was believed to have a lot of political influence and even some presidential candidates would stop by. So, Bill called me in a panic that he'd been booted of the Boca Raton and *could* I get my father to help. I said, I have no idea but I'll try, I called my father and said, you know, 'can you help?' And he said, is this something that you would like me to do, you really want me to extend myself and I said yes. Now, I don't know the exact progress or progress of events from there, I do know that he called someone and I'm going to go into some details, let's say a major hotel owner in the city of Miami Beach, who called the governor's office, who called the secretary of agriculture, that was the sequence, who called the Boca Raton Hotel, and the off-shot of all of this calling was that the cardiologists had to move.

YAROSHEFSKY: (LAUGHS)

BRICKMAN: So, I wasn't at the hotel, I mean I missed this, but I do have to tell one story, that I think, it's a great story about what happened at that conference. And the backdrop I've given you is just absolutely necessary for this. One of the people that had been invited was a guy by the name of Gary Palm. Gary was the Clinical Director at the University of Chicago, you know, one of the elite schools and very important, the school was very important to the success of these programs. In any event, for whatever reason Gary arrived very late, after 10p.m. he was coming from Chicago it's winter time, it's probably the Chicago airport weather issue, I don't even know if Gary's still at the, do you know if Gary's still there?

YAROSHEFSKY: I do not know.

BRICKMAN: Okay, anyway, Gary was, you know, if Gary were a she he'd be called rubinesque, but he probably was the idea for the _____ little Abner comic strip for Joe _____, Joe _____ was a character who was always disheveled, and no matter how much you would dress him and how neat he would be, in minutes he would be disheveled. Gary was a little bit like that.

(31:00) His shirt was always hanging out of his pants and so on, all of this is not essential to the story but it does add a little bit of, some elements, some local color. So Gary comes to the hotel around 10- 10:30 that night, everybody had come in that morning or the night before, and there's no room at the Inn. All the rooms are taken, but this hotel had been called by someone next to God. So they had to find him a room, the *only* room in the hotel was the Frank Sinatra Suite, which rented for that time for 25 or 30 thousand dollars a night, something, whatever. So, they put Gary Palm, in the Frank Sinatra Suite, so they take him up to the suite, and I hear this first-hand from Gary as I spoke to him later, and because the story is one of the great stories in all of CLEPR's history. He gets taken up there, he enters

(32:00) into a very large room, you know, 'what's this?' and so on. And, you know, the bellhop deposits its bag and goes off and Gary is looking at this room, and knows there's some mistake, because this is a *huge* room, but, he then starts to walk through the room and notices that there are doors. So, he opens the doors into a *bigger* room, with a grand piano, and he is in an *enormous* suite, you know, with two bathrooms, and crystal chandeliers and he is absolutely scared out of his wits. He knows that it's a mistake and that when he goes to check out, they're going to charge him, and that's going to more than his annual salary, so he spends basically a sleepless night there. The next morning he comes down and tells the

(33:00) tale. Well, the most interesting reaction of all was from the Board members. Now, the Boca Raton had an older part of the hotel and the new, what was called 'the tower,' we were always housed in the tower, the best rooms in the tower, the most expensive rooms, were the corner rooms, because they had double exposures and of course the Board members were put in the corner rooms and the working folks were put in the interior rooms. And the board members had some kind of sense of, you know, whose... the pecking order, right? Well, when word got around that *Gary Palm* was in the Frank Sinatra Suite, there was a hewing cry within the Board, 'why wasn't *I* put in that suite?' Anyway, that's one of the great moments in CLEPR history, Gary Palm in the Frank Sinatra Suite of the Boca Raton Inn & Country Club.

(34:00)

YAROSHEFSKY: And I suppose that had something to do with the history of the advance of clinical legal education? (LAUGHING)

BRICKMAN: I think it definitely...I think, if Bill, if CLEPR had gotten kicked out of the Boca Raton who knows what would have happened, *history* might have been different.

YAROSHEFSKY: Do you have any other recollection of specific Board Members?

BRICKMAN: Uh, I have some. Yeah, Ed Levi was on, at one point, as a board member Ed was a very caustic guy and I remember one time I was making a report to the Board

about something and in words few in number he just chewed me to bits, it was quite an experience.

YAROSHEFSKY: Do you know what the issue was?

BRICKMAN: I don't remember, but I had made some statements, I don't quite... it was many *many* years ago, but I do remember, to this day, my reaction was, "I've just been minced-made mince meat of." And he did it with very few words. There are
(35:00) some stories I can't tell, political issues or for a variety of other reasons. Orison Marden was another major name on the Board. Orison made quite a few contributions. Bill had a relationship with the Board, he treated him very nicely, of course, they weren't paid but they got their trip and so on. And they basically went along with anything he proposed. I don't mean that they were a rubber stamp because they really, they really did pay attention, but pretty much they understood that Bill ran the show and that they would give him their support whenever he needed it. And having a blue-ribbon Board like that opened a lot of doors. I think that was another strategy that Bill adopted that was very successful.

YAROSHEFSKY: If you look at the short term legacy, I'll ask about the long-term in a minute but
(36:00) the short-term legacy of CLEPR, how would you evaluate that?

BRICKMAN: Well, he set out to make clinical legal education a part of American legal education, that's a tall order, he succeeded. Now you can argue today about how good or how bad the programs are and how they've impacted law schools but in terms of what he set out to do, which was to put clinical programs into all of the major schools, he largely succeeded in that. And it's rare that when you have such a major goal in mind to have such a major degree of success.

YAROSHEFSKY: That's the long-term legacy in some...

BRICKMAN: Well, it's short-term in the sense that in my years with CLEPR he was able to, you know, over time get most of the major law schools in the United States to
(37:00) adopt a clinical, to have an in-house clinical program. And then he also hooked up with the US Department of Justice at one point to have some federal money made available that he in essence distributed that went to fund prosecutor programs. To be a kind of a political balance to what were mostly legal services for the poor programs and so the prosecutor programs were also a big success, I don't think they stayed, I don't, some remain, but I don't think that once the funding dried up those were as deeply ingrained into the law school as the other clinical programs were.

YAROSHEFSKY: When did those programs begin?

BRICKMAN: The prosecutor programs were about two-thirds of the way through, I can't
(38:00) remember the dates but I'm guessing in the mid-seventies, late seventies, that we went to the, in fact it might have even been after that. I remember I went around

(39:00) doing some evaluation of applications, you know Bill is the sort of the director and I work for him to fund programs. I funded a program at the University of Florida where I had been a graduate of, I had some unhappy times with the Dean who so expected that I would not given him the money and I gave him every reason to believe that I would not, but I did because it was the best of the applications in that sector. Then there were also, we had, tax clinic programs, I was very much instrumental in setting some of those up we got approval grudgingly frankly from the tax court to have students, you know to do in house under a clinical program, have _____ people with tax problems. Be handled by students, we have such a program today over at Cardozo, a number of schools we gave some money for that we got some money from the federal government I think , but largely it was CLEPR money to support some of these tax... In other words, Bill was not wedded to the idea of having just the poverty clients, he thought a mix made a lot more sense for a lot of reasons and so there were the prosecutors there was the tax clinic, I don't remember, we all, we tried to set up a clinic having something to do with corporate stuff but it never quite worked, we never got the right formula so it didn't happen.

YAROSHEFSKY: How many years did you work with Bill at CLEPR?

(40:00) **BRICKMAN:** Well, I had the full year and then after that I was a consultant, I would guess pretty much to the end, or close to the end.

YAROSHEFSKY: Which was?

BRICKMAN: Probably around 1980 roughly, I don't, my dates are off. I'm not very good at that. But, basically it was a ten year program it might have lasted for another year or two. At the very end, Bill had some money left and he was hoping that he could keep it, you know, in the sense of continuing to do something, or, but the Ford people basically held him to his word of a ten year program and they took back what was remaining and that was the end. And, of course, Bill continued to have close affiliations with clinical programs, but that was the end of CLEPR.

YAROSHEFSKY: As you look back, what are you most proud of in terms of your work with CLEPR?

BRICKMAN: You mean besides the 'Baked Alaska'?

YAROSHEFSKY: (LAUGHS) Yeah, besides the gourmand qualities.

(41:00) **BRICKMAN:** Alright, I think one of the contributions I made, during my first year particularly, was to bring a systems approach to the whole process of grant-making and then grant valuation, or evaluation after the fact. Rather than considering the valuation the site-visit evaluation a separate act, I integrated the whole process, so that the application process required certain information that was the basis for some of the evaluations that would take place periodically including site visits, there'd be self

(42:00) evaluations there'd be an annual report but the annual reports would not be free-form in structure it would follow the contours of the application which I had redone and then so too, the site visits where mainly I did them, some others I think, but mostly I did most of the site visits, although I think Victor Rubino as a staff member did quite a few also. The site-visits would simply be a further element in the application process, I mean there'd be goals there'd be evaluator standards set up at the outset in the application process. So I thought that was a significant contribution. The newsletters and somebody else will have to judge whether that made any significant contributions you know it kept the flag flying, it kept the name out there, we sent the newsletters to everyone in legal education and others so it had a wide circulation, and I think it gave some people ideas about clinical programs which they followed up with, and I think that helped in terms of planting clinical programs into legal education.

YAROSHEFSKY: Over the course of the time that you were with CLEPR, what challenges do you think were the most difficult ones?

(43:00) **BRICKMAN:** Well, as I mentioned earlier, the primary challenge was to change the mindset of legal academia, with regard to clinical programs, and clinical programs were thought of in those days as unbecoming for law schools to become involved with they were just, they were trade school elements that the law schools had fought hard to escape from. It was changing that mindset and that couldn't be changed overnight.

YAROSHEFSKY: To what extent do you think we're successful today?

BRICKMAN: Oh I think immensely. You know, I think, I'm hard put to think of a single law school in the country, and there may be some, that don't have clinical programs of one kind or another. Students like clinical programs law schools such as our own use clinical programs as part of a sales technique, you know, in terms of, 'hey, look me over.' To prospective students or we have these great clinical program of course if we transition from CLEPR to Cardozo I have some other great stories to tell as well.

YAROSHEFSKY: We'll ask you about that in a moment.

(44:00)

BRICKMAN: Okay.

YAROSHEFSKY: Well, I'll ask you about that now. So you left CLEPR, you left your *official* position...

BRICKMAN: Well, I, my official position was 1970.

YAROSHEFSKY: But then you remained a consultant?

BRICKMAN: Every year I would, you know, I would do trips I would valuations for them, I would set-up conferences, run conferences, write the newsletters and so forth.

YAROSHEFSKY: When did you come to Cardozo?

BRICKMAN: I came to Cardozo when it opened in 1976 I believe we opened, I'm, I believe that's right. I was in Virginia at the Virginia State Bar Association Annual meeting I'd been invited to debate the former ABA president on the issue of lawyer advertising, I was 'pro' he was 'con.' And the speakers, the invited speakers and the officers of the Virginia State Bar Association were invited to the Kennedy Center for some theatrical event so we were on one of those mini-busses going from a place in Virginia to Washington, D.C. On the bus was Monrad Pulson, you know it was one of those busses without many seats, he was standing up there. I knew Monrad because he had been very much involved in legal services so we had been on conferences and so on and so forth, and, 'I'm Monrad, what are you doing?', 'What are you doing?' Monrad had gone through a divorce a very bitter divorce and he was looking for a change of scenery and Monrad was selected to be the first Dean of the new Cardozo Law School. That selection process, which is somewhat, you know, outside of our conversation area but it has some bearing. Monrad's roommate at the University of Chicago was Morris...

(45:00)

YAROSHEFSKY: _____

BRICKMAN: No, I think, I'm blanking on this. He was a famous lawyer in the South, Morris Abram. And Morris had been approached as had a number of other Jewish folks, to be the first Dean at Cardozo and for a variety of reasons they all said no, but Morris said, listen I had a roommate in college or, I guess, a roommate in Law School, who you should look at and he's not Jewish, but he's close, he's Danish, and that's how Monrad got selected to be Dean. In any event, he spent, he took a two year leave of absence from the University of Virginia where he had been Dean and then gone through this divorce. I met him on the bus, he tells me he's leaving, he's going to Cardozo at the time, for reasons quite apart from divorce but other reason I was disaffected with where I was and Monrad said, 'Hey, come to New York, you like New York.' And I did, so, and, you know, 'stay here with us a year, and if you like the place, stay on.' So, I came to New York as a visitor at the brand New Cardozo Law School and ended up staying on. And I became, in those days, I had some administrative bent and so we had virtually no administrators at this new law school so I became pressed into service and in some significant measure in those early years I was a Dean

(47:00)

_____ I did a lot of the Dean-kind of work that Monrad didn't do because he's as a Dean he would be great in shaking hands and meeting people and, you know, in attracting faculty, but in terms of the infrastructure of the law school, that was not his shtick. And so, there came a time when because of my relationships with CLEPR and so on, I applied for a grant, to start clinical program at Cardozo. And I got the grant, not surprising, I had a lot of background in the area and I don't remember whether if it came from CLEPR or some, I think it came from the Department of Education program. In any event, I got the grant and then it became necessary, this is early in the life of the school, to get faculty approval. Well, Monrad was kind of a lukewarm supporter, you know, but

(48:00)

basically he said, 'Alright Brickman, you do it.' So, we had a faulty meeting and I reported that I had gotten the grant and people were very upset frankly, because I hadn't sought permission in advance to apply, so there was so disgruntlement there, but it was really a lot of serious opposition to the idea of a clinical program at...Cardozo. There were...

(49:00)

YAROSHEFSKY: For the reasons that you've already expressed?

BRICKMAN: For the reasons, yes. There was, you know, that mindset that this is not academic, this is something else and we are striving for academic success for admission into the stature of a top law school an academic law school, not a regional law school, not a trade law school, but, you know, one of the great law schools. I mean that was the mantra. And so, the question of approving the clinical program was touch and go. Now, one of the faculty members, at the time, was Ed _____, Ed is deceased now, he was a superb professor and researcher in areas of contracts and tax, but Ed was one of the academic purists. And he led the charge, along with others, against, the clinical program. Now, he made a fundamental miscalculation a political miscalculation which saved the day. There was a majority of votes not to accept the grant, in other words, the program if it had been voted up or down on the basis of just the program, it would have been voted down. But, Ed wanted to put the kabbash to clinical legal education for all time, and so his notion as that the law school rejects any and all clinical programs, any and every time and over the course of history. In other words, it was a blend or bust motion that said 'We don't want clinical education period.' And he lost a couple supporters who said, 'Well, we don't want this program, but who knows about the next one and maybe something else, you know, we don't like to say never.' So, by that political miscalculation, clinical-the vote-on that on his measure was defeated by one vote.

(50:00)

(51:00) One vote. Had he said, 'no to this program.' that would have passed, so the program survived and in some sense its history. Who did I hire to run the first program, Barry Scheck. That's one of my great accomplishments.

YAROSHEFSKY: Well, it's a great one.

BRICKMAN: And when I hired Barry, I made him promise, I wanted, I knew the problems that would come down the pike, which had to do with tenure status and so on, I hired him as a, on a tenure-track, but as someone that he promised me and I made him promise me that he would write. That he would publish articles, and we discussed that at length, you'll confirm this with Barry, which he didn't do until much *much* later. Twenty years later.

YAROSHEFSKY: Twenty year later...

BRICKMAN: Twenty years later. But of course, he created, he created one of the great Clinical Programs in the country, and then in some sense helped put Cardozo on the map.

(52:00) And we use Barry Shamelessly for student recruitment and he was very influential in our great success as a law school in attracting students.

YAROSHEFSKY: Great. And you have a great deal of responsibility for bringing clinical education to Cardozo, most people don't recognize.

BRICKMAN: Well, yeah. (Laughs) Perhaps, I mean, I, this goes back a long time, what thirty years? '76-'77-'78, year thirty years, that's before most of the faculty that were on, or are at Cardozo today were never there then, you know, are not from that era. And the few that are, may or may not remember what I'm talking about.

YAROSHEFSKY: Let me ask you about CLEPR, looking back now, as CLEPR's role in the development of clinical legal education, is there anything, you think, that should have been done differently?

(53:00)

BRICKMAN: Good question. I don't, it's hard for me now to go back and rethink that. I remember from time to time I had some disagreements with Bill, of course, he was the boss. But in all honesty, I just don't remember what those were. I remember one time, and this is a minor matter, I had been trying to get some ruling from the tax court that would allow students to be admitted to tax court practice, just as a number of state's supreme courts have, like in New York, have allowed student practice in courts. So, even though students are not lawyers, there is a special rule in many states, like New York, allowing student practitioners to appear in court, law students. And I wanted a tax court to get, to issues a similar edict to make tax clinics more accessible, and I couldn't get those curmudgeons to budge. So I wrote in a newsletter, you know, something like that, maybe even a little more acerbic, and Bill, censored my newsletter, took out that language, and I was very upset with him, of course he was looking at a bigger picture and I spent months and month corresponding with and talking with the people on the tax court, they just would not enact such a rule. But that doesn't really respond to the question, I truly don't have a sense at the moment, it's been so long since, and my career and made so many other shifts and, you know, moves away, I have very little to do with clinical education in the last twenty or so years. I still follow some of the events but I'm certainly not, I mean, I certainly not active in it and haven't been for at least twenty years, if there's an old-timer's meeting at any time, or you know, a reunion, I'd be happy to go to it, but I'm from another era.

(54:00)

(55:00)

YAROSHEFSKY: Well, perhaps they should put together a CLEPR reunion. Very few people know about the materials exist from that era, and you yourself spoke about a book, of which you gave me a copy of yesterday, a significant book in the history of clinical legal education. Were you involved in putting that together?

BRICKMAN: Yes, I was involved in putting the book together, I had one of the articles in there which actually described how the beginnings of CLEPR and maybe, I haven't looked at it in, you know, many years, but probably said some of the same things that I've just related here to you. There were also the newsletters, and then there was a draft article I wrote, which I never finished; trying to put into publishable form, about the professional responsibility elements in clinical legal education, a

(56:00) paper that I probably still have from the early 1970s. Of course now there is a Clinical Education Journal, clinical education has come of age and it's well ensconced in American legal education. But, I, some of the early literature is still worth looking at for anybody that has either historical or a scholarly interest in the subject.

YAROSHEFSKY: And it would be worthwhile if we could find your article, I don't know if you could or not, for professional responsibility to get that as well.

BRICKMAN: It's somewhere in the bowels of my office. I think I have it.

YAROSHEFSKY: That would be terrific. Anything you want to add, any other observations about CLEPR?

BRICKMAN: Nothing that I could put on tape. (Laughs)

YAROSHEFSKY: Well, thank you, this has been terrific. Thank you.
(56:50)