

**Transcript of the Oral History Interview with
Liz Ryan Cole
January 6, 2000**

Hall: Some of the questions are essentially ones we are asking everybody and some are more particular to each individual person. One we are asking everybody is just what was your first exposure to clinical legal education?

Cole: My first exposure was as a law student at Boston University in 1972/73. As a third year student And I worked for what was then called Greater Boston Legal Services, part-time. It was an interesting experience but not an unalloyed pleasure.

Hall: Well do me a favor, that was one of...in your background that you would have been one of the students in the early program. One of the things I'd like to be able to recapture is what the flavor of some of those first few years and first few attempts at clinical programs were like. So if you just sort of share from your observations about that experience, that would be great.

Cole: Well, the good part. They liked me because I spoke Spanish, so I was placed in a legal services office where many of the clients were Spanish speaking. It was I

believe the first time there were two supervising attorneys even assigned to the “clinic”. I think they must have been staff attorneys, lawyers who were practicing and then “teaching” the clinic part time. I’m pretty sure that’s how it was done. We the students didn’t know much about them. They taught the classroom components, which I remember as awful. They were rarely present when we met with clients, perhaps because they couldn’t understand the conversation in Spanish. Our tasks as students were not clearly defined and I remember very little feedback. But the biggest shock was that we had so little contact with them that they were not even clear who we were. The most graphic example is that my clinic partner and I, who were and still are friends and worked together on everything, at the end of the year, she got the highest grade in the clinic and I got the lowest grade in the clinic. And I was so shocked that I went to talk to one of the teachers. He’d had a personal family tragedy in the week before and so I did not feel I could press very hard, but I asked , “How did this happen? We got the same evaluations. We had the same clients.” And it was clear that he had sort of become confused about who we were, and that and perhaps he thought I was somebody else. (He did not offer to change my grade but he said he was sorry). That didn’t leave me with a good feeling about poverty law practice, but it wasn’t enough to keep me from applying for a job as a VISTA lawyer, working for a legal services program in CA 8 months later. I got the job and loved it from day one.

Hall: So tell me a little bit even about what your case log was like.

Cole: What I remember now was that the BLAP office was in Egleston Square in Boston. It was hard for us to get out there on public transportation. We didn't have any preparation. It was certainly a different world for us than anything we'd seen before. But at least the fact that I was marginally Spanish speaking helped. I didn't feel completely intimidated getting out there. I liked the clients. As I recall, it was housing problems we were asked to work on. I don't remember doing any domestic problems. It felt disorganized, and I didn't have much of a feeling that I was helping anyone. This was also at a time that students were striking and focusing on ending the war in Vietnam, so poverty law work was not seen by my peers as particularly valuable. At the same time I was enrolled in this clinic I did what must have been unsupervised draft counseling. Of course we didn't have to study legal ethics because Watergate had not yet caused the ABA to change the rules regarding what law schools had to teach when it came to legal ethics.

In retrospect, I did have a quasi clinical although non-credit bearing experience that was very powerful in a positive way – in fact it kept me in law school. This experience was set up by the Law Students Civil Rights Research Council (LSCRRC). They were doing a court observation project in Roxbury, MA. There was a judge sitting in Roxbury who was reputed to be very rude to defendants and clients and refused, for example, to give people translators. So it was simply a court watching and reporting project. I learned about it because a classmate of

mine saw me on the bus and asked, “how are you liking law school?”. I told him hatied it and I was thinking of dropping out. And he said, “Come to this court watching project because you speak Spanish.” And I went and it was... It is what just got me excited about practicing law because the Judge was terrible! And he was so rude.

There were two defendants I remember in particular; two young men who had been accused of stealing pampers, which had just been invented, ham and some bread. That was it, they did not have a translator in court, and they were sentenced and sent away while their wives and children was weeping and confused there in the courtroom. Somebody was trying to translate for them, trying to explain what was going on and we students weren't allowed to do anything. We couldn't bring any paper into make notes or anything. But we would go out into the hall and then try to take notes. And in those days, I don't know how it is in Massachusetts now, there was no appeal of those city court decisions. You had to request a trial *de novo*, if you went didn't like the result, but the new trial was not an appeal, not a reconsideration of what the judge had done. I assume the Roxbury Defenders were in the courtroom, but in fact I don't remember the lawyer, just the terrified defendants and their weeping family,

Hall: You, just as a law student during your time there, did you feel much satisfaction with the normal sort of classroom training you were getting?

Cole: My law school education failed me, but what was worse, it failed my first clients. Because I thought if I went to classes and took the required courses and did what I was supposed to do, I'd be prepared to practice. And the shock of discovering how ill-prepared I was is what actually has shaped the rest of my professional life. I've spent time trying to improve, first in working with people who've already gone to law school, I did a lot of training of young and then more experienced lawyers. And then having the opportunity to come back into law schools and try to make it better for law students. So, overall I can say that my classroom training it was terrible, probably made worse by the fact that I had only one woman professor – and that the women students were aware of professors who were dating our classmates. At the time I applied to law school Harvard still had a quote that only 7% of the class could be women so you can imagine that the other Boston schools, which had gotten rid of their quotas, had women the top of every class.

Hall: I remember reading, you started off in like California.

Cole: Right, first in practice. Yeah, I'm impressed.

Hall: I use to live out there so...

Cole: Oh ok.

Hall: Is there any case that comes to mind where you sort of, or just cases when you talk about failing your clients early on or just anything that would help illustrate how you weren't fully prepared.

Cole: There are two things I remember. When I first got to Palo Alto I went to a National Lawyers Guild pot luck. I had just started to look for work. My husband had taken a post-doctoral fellowship position at Stanford so we had just come back from 6 months in South America and at the pot luck I learned that the local legal services office was looking for lawyers. I called up the next day and they said, "When can you start?" I was so surprised and replied, "you don't even know my name.", but they said, "we know you're admitted in California and you speak Spanish and you're willing to work for a Vista Volunteer's salary, we don't need to know your name.". I loved that.

The Vista pay, which was \$2000 a year, was great for me because I was 3 months pregnant and I needed health insurance, so I accepted on the spot. In the meantime, between the day I was hired and the day I went in to fill out the paperwork, the director of the program had fallen out of a tree and been severely injured. So all the time I was there, the program really didn't have have a lawyer

director, but they did have an amazing and very sharp Latina Office Manager. When I went in she looked at me and said.... “You are NOT pregnant”, and then explained that if I were not pregnant then I would get complete health insurance, but if I were already pregnant I would not. Her quick thinking and good eye made a huge difference when I had my first son only 4 months later. Without health insurance we would have incurred debts we would never have been able to pay off.

Many of the cases the injured director was working on had to be reassigned to the few (there were only eight) attorneys in the office. Imagine, eight lawyers for all the low income residents of the city of San Jose, three of us Vista lawyers. In my first weeks I was asked to work on an education law case. What did I know about education law? Nothing. In preparation they told me that the director of this Mexican-American group, which had encouraged the client to talk to Santa Clara County Legal Services, is really rather a scary guy - a bear. So, what was I, 23 years old, with only 3 weeks of practice experience? And I went over to the organization's offices very anxiously. I was introduced to a little girl, about 8, who had been placed in a class for children the state of CA called “trainable mentally retarded” -TMR. Her father thought she should be in the “educable mentally retarded” group (EMR), which was another step up. And I got the sense talking to both the father and then the director of the program, that there was a problem, a larger problem, with language issues; that a lot of Spanish speaking kids or kids whose first language was Spanish, who shouldn't have been there, were being put in these classes .

After the client interview I met with the director of the community program who was working with these families with concerns about their children's placement in school. And I thought to myself, "I don't know how to work with community groups", I don't know anything about education law". I am not sure I knew enough to ask now I know what my questions were. I knew I worried, "What am I supposed to be doing here?" But then I had just a wonderfully fortunate break. In the initial part of our meeting the director was very formal and I cool, perhaps even hostile. Then we got talking, and suddenly he stopped and he said, "You must know my niece Lydia?" And I said, "Oh, you're Uncle Jose,". That friend Lydia was a scientist with my husband at MIT and she had had mentioned, almost in passing before we left when we were back in Boston, "oh, you'll have to meet Uncle Jose." And here he was! In that moment he changed from being scary to being really an uncle to me and my family. His wife taught us, when we had our first baby, how to wrap him in a tortilla wrap (how you swaddle babies, fed us, and introduced us around. They really welcomed us. That was a marvelous, lucky break for me. But from a legal perspective I was thrown into something which, in hindsight, I think I could have done a tremendous amount more for the Spanish speaking community in San Jose than I did - but I didn't have a clue. I didn't know who to turn to, I didn't know who to ask. I was not prepared by my legal education. That is one thing I remember to this day.

The other thing I remember is much shorter and in hindsight is a bit funny. I was representing some farm workers in the federal courthouse in San Jose. I don't

remember what the issue was anymore, but I remember the judge on the bench. This was my second or even third appearance before this judge and he suddenly stopped and asked, “Mrs. Cole, Are you admitted in Federal Court?”, and I thought, “Oh, shoot. I’m supposed to be admitted in Federal Court too?”, but I had the good sense simply to reply, “No your honor”, And he said, “Well here, I’ll admit you now.” Which was very nice of him, and he swore me in on the spot.

I also remember in that case that there were two lawyers on our side and ten lawyers on the other side and of the two lawyers on our side, one was a guy from California Rural Legal Services, who must have been out of school for a year or two and myself, in my second or third month of practice. And the eight lawyers on the other side were all dressed beautifully in cool and expensive suits and elegant shiny shoes. It gradually dawned in me that they had all been clerks in federal courts somewhere. And neither of of the two us had ever clerked for any judge anywhere. And I wondered why someone hadn’t told me how important it was to do a clerkship? I have often thought that if I went back to practice, I would go clerk now, before I went back to practice.

Hall: The um, as far as um.

Cole: It would be fun! I think it could be fun.

Hall: Alright. People usually act like they are going into the electric chair for the first two minutes and then they are talking.

Cole: Usually this is what we do to other people. Right?

Hall: Well, what I'm going to ask you, you said right up front that some of your educational experiences really had tremendous influence on you afterwards in terms of what you tried to, the directions you went and how you pursued them. Tell me a little bit about that. For instance after you moved off from this first legal experience, what did you do next and how was it influenced by this?

Cole: Well, my husband then took a position at Yale so I went to Connecticut expecting that I would need to get admitted and practice in Connecticut. And by then I had two children and was looking for something that would give me a little more flexibility than I'd had. I discovered that one of the other parents in the daycare directed a Title 20 funded program called the Training and Advocacy Project. He was looking for somebody to help do training for legal services. So I spent five years doing that and then was able to move on to be a Regional Training Coordinator for the Legal Services Corporation, which meant I commuted from New Haven to Manhattan. The commute had drawbacks but also advantages. It

was in that work that I discovered I wasn't the only person who was a pretty complete dope when they came out of law school. I began to see a pattern. A lot of law graduates didn't know what they were doing. And I know the Legal Services Corporation (LSC) administration realized, "wait a minute, we are, in some ways, the biggest employer in the United States. Or certainly the biggest employer after the federal government. We are hiring more new lawyers than anyone else, and these people don't know what they are doing. How do we design something that will help make them be more effective advocates?"

That realization is what allowed LSA to start to focus on training. We got to work on what was called Basic Lawyering Skills Training, then Federal Litigation, then Trial Advocacy. Jim Rowan was one of the people who was very early active in that. He is now on the faculty at Northeastern. We then moved to management training. Trying to figure out how you take these excellent lawyers who moved their way up in the organization because they are good litigators and turn them into effective managers was a great deal of fun and very rewarding.

Hall: The um, as far as, in effect it all depends on your training people to practice law after they have left law school.

Cole: Right.

Hall: What were some of the measures you took in terms of the classes? How did you even approach trying to get that education across to kids?

Cole: Hmm. I think we started out just with a sense that we didn't know enough ourselves when we started to practice. And the assumption, I think, first was that there wasn't, that student didn't have the substantive information that they needed. So we began with social security law training and family law training, and there was a lot of focus on substantive law and poverty law that hadn't been taught in the law school. For me, I think I also realized in, in part, probably because I had a wonderful college experience that I had had high expectations from law school. People had always said law school would be great intellectual experience, and it wasn't. It was very disappointing in comparison to Oberlin.

I became interested in not only the substance but also the process of learning. As I think about it now, my dad had been a high school drop-out who grew up in the military, and became a trainer of men at West Point. He was reputed to be a very effective teacher. And it really didn't jell for me that I had these teaching instincts too until, in the process of developing training for supervisors, I was exposed to the Meyers-Briggs Type Indicator and the Kolb Learning Inventory. which we started incorporating into our management training. Finally had some language to think about the different ways people learn and what is most effective for different types of learners. With that background I was able to go to the

National Training Laboratories (NTL) and do some work in Bethel, Maine.

If I had time or I ever got a sabbatical I think I'd like to spend more time understanding cognitive development and what makes effective teaching. But my standard is, "Can I design something that wouldn't bore me", and as I have a really low boredom threshold, if I find myself getting up and wanting to wander to the back of the room I think, "OK, nope, Gotta do something else."

Developing this training was a lot of trial and error but we also brought in terrific trainers, people who weren't lawyers but were educators and consultants. We'd tell them, this is what we want to do, and the Legal Services Corporation, with training headed by Bea (later Dean) Moulton, has to get 8 million stars, for their excellent work. Imagine how marvelous it was to be able to attend a "training of trainers", where we would be invited to come to a retreat for a week, and these educational consultants would ask, "What do you want to design?", and we'd talk about it and the consultants would help us understand what questions to ask. They they would describe the resources and the teaching techniques they thought we could use. They taught us the importance of and how to measure outcomes? I had a marvelous on the job training through the Legal Services Corporation.

Hall: What time frame was this? Was it during the '70's? Or um, later on?

Cole: Let's see. I finished Law School in '73. I practiced for 4 years and even when I was practicing I think I was going to in-house training because we'd sit around and have meetings and talk about issues and I had become somebody in the office who was doing training by the time I'd left. I was in Connecticut from '77 to '82 (I have to measure this by babies). And um, I guess '77 to '80 and then with Legal Services responsible for Puerto Rico and the Virgin Islands and New York from '80 'till Ronald Regan was elected. After Regan began his program to destroy legal services in I moved to Vermont (1983).

Hall: Ok, now when you went back to Vermont, were you immediately a teacher in Clinical Education?

Cole: No. I, in Vermont you have to apprentice in order to be admitted to practice so I lucked out and was able to apprentice with a lawyer, then speaker of the VT House and now our Congressperson), Peter Welch. Peter had been in Chile when Allende Allende was overthrown, and my husband and I went to Chile (we were the first out-of-continent car that went into Chile after the coup), we had a lot in common. Peter was the speaker of the Vermont House at that time, and needed someone extra in his office so that led to an apprenticeship. I wasn't sure what I was going to do next and one day a guy came biking by my house and asked for a glass of water. My mom was visiting. She said, "Oh, don't let him in." I said, "I'm sure he's ok." But he was wearing spandex shorts and not much else and she

was suspicious. It turned out he was Jonathan (Skip) Chase, the Dean of Vermont Law School. We got to chatting. He knew my name from, I'm not sure, some work I'd done or something. And he asked me to come over for lunch and two weeks later I was an adjunct hired on a day a week basis to set up a program they called the Semester in Practice. Which sounded good to me. They'd just come up with it.

Hall: Was that essentially because of the work you'd done on legal services?

Cole: Yeah, I think it must have been. It was Skip Chase's idea, and Chase was a dean and he was terrific to work with. Unfortunately he died very early of cancer.

Hall: Tell me a little bit about this. You were founding your own first college program. What were some of the biggest challenges of doing that?

Cole: Well the advice I give to people now is- If you are competent, or you think you are a competent lawyer, and you want to learn what it feels like to be a paralegal, um, in other words, a competent person who's sometimes devalued, go teach in a law school. Be an administrator. Be an adjunct. Be somebody who's not on the tenure track. That was the biggest issue for me. Some of the tenured faculty

members were not excited about the Semester in Practice, and if they were excited about it, they thought someone who was a “scholar” should teach it, not someone with practice experience.

But luckily I was naive and didn't know a lot of those issues. After the first months struggling alone, I came to an AALS meeting and I found my people. The clinical section people treated you like you were a real person. So, AALS has really been a support center for me for 16 years. (NB this interview was taken 20 year ago).

Hall: I get the feeling that this is a common theme. Sort of a sense of being a bit of a step-child or second class citizen, just in terms of the day to day. How did that manifest itself for you?

Cole: Um, well in the beginning our salaries were significantly less. Now thanks to one of the deans, we clinical teachers at VLS get the same salary as doctrinal faculty.

The first year I was there, I remember going to a faculty meeting and I remember after my first meeting, the dean called me aside and told me, “You will speak only when spoken to.” I thought, “whoa!! what have I gotten myself into?”

On the same day I was offered my day a week appointment as an adjunct to create

and direct the Semester in Practice, one of the administrators asked me “Would you like to run our career services office?” and, after finding out what it was, I said, “Oh, that could be interesting.” So in the first year at VLS I did that too.. And I started going to faculty meetings and I remember going to one meeting where the dean said, “you will speak only when spoken to.” I thought, “whoa!!”

Ok, different set of rules.... So, speak only when spoken to, salary issues, professional development issues. I remember sitting once using a computer and having a dean come by and say in passing, “What a waste of high priced talent.” He said it because I was typing and not dictating. These things change. Over time, you develop your own relationships but I think coming in as an adjunct, and not through a national hiring process creates a real long term problems.

Hall: Do you still even today get that message that somehow you are not of that same value as ...

Cole: I was put on the tenure track but my tenure decision will be this year in May and if I get tenure I’m going to throw a big party ‘cause I think it is definitely very much in doubt. My writing is deemed too practical.

Hall: Could you continue to discuss that a little bit? What is _____ about the

writing?

Cole: You are going to edit this part out, right? You are going to show this before my tenure vote? Though no one voting on my tenure would be at the clinical meeting. That's not true. One person voting on my tenure might be there. What's too practical? Oh boy. I think that the writing people do ought to be useful and one of the comments made about my writing is that it is not scholarly enough. I guess that is all I would say.

Hall: Ok, we'll move on.

Cole: Ok.

Hall: How, in general, if you were to primarily categorize, at least clinical education at its onset, would you have seen it more as a teaching method or kind of a social justice movement and has that evolved over time?

Cole: Um, I'm probably different than a number of other clinicians in this regard because I do see it primarily as a teaching method. But, um, how does one say

this? At the lunch today they were talking about Bill Pinkus, who, with the funds of the Ford foundation, started what we now call the beginning of clinical legal education. He, apparently, defined clinical as work done by a law student under the supervision of a lawyer who was on the faculty of a law school. And he thought that there were so many bad practices in practice that they shouldn't be held up as models for students. I think that if you have fresh enthusiastic and committed law students who are exposed to lawyers in practice, not only will those law students become better lawyers but I think that the profession will improve. I'm thinking that's the next article. And what's going to happen if you have to practicing lawyers with student menses? It is like having you conscience with you; i is harder to be sloppy or not pay attention to somebody, I think, if you got a law student there looking up to you. The same way parents are perhaps better people because we have our children looking at us.

Hall: Well coming back to the question, which is, not intrinsically more important than the answer, at its onset, I was asking, did you see it primarily as a teaching method or

Cole: Social

Hall: A social justice movement? But to you have any sense of how it evolved over

time? From its earliest root until today?

Cole: Well, certainly it was, for most people, a real question of social justice. I confess at that time I was in the Legal Services camp and we thought that the people in the law school clinics had cushy jobs and if they were really committed to social justice they would be out there on the picket line or working in the unions and not with this job in law schools. That perspective has changed tremendously. And although I have my own personal commitment to what I think is social justice, my goal is to try to get the students to think clearly about who they are and what they bring to practice. At least get agreement on what the questions are. That helps me in our law school since so many of our students are do-gooders. It is wonderful - like teaching in the '60's.

Hall: The um, were there any major milestones in your own career between '84 when you joined the faculty and was it '92 when CLEA was formed?

Cole: I think that's right. Major milestones? Boy, is it that long ago? Um, it has been very gradual really. They have continued to add faculty and I think without exception the younger faculty, people who came after I did, have been very supportive both of the "Semester in Practice" and of me personally. So that has made a big difference.

Hall: Tell me about CLEA. What was your role in founding that and what was the need that gave birth to it?

Cole: I don't think of myself as having a very significant role in founding it. Except for perhaps regularly expressing frustration and suggested corrections I was astonished when I got called and asked if I would take an officer's role. "Who me?"

Hall: Recorder back on. Let's see if we can come back to the question we were at a minute ago. Which is, essentially what were some of the issues that surrounded the founding of CLEO?

Cole: Clinicians weren't about to have a voice in a number of areas because AALS is a membership organization not of individuals but member schools. They have what can seem like restrictive rules, for example on whether a group run a conference? who to invite? how can you set it up? and there are a number of areas where people with clinical expertise really have an opportunity to contribute and we needed another organization so we could articulate the issues that we thought were important without having to change and bend the rules of AALS. Now we

can lobby, we can do all sorts of things.

Hall: Institutionally, at that point, what were the biggest issues that were facing clinical teachers?

Cole: Boy. I think, the ABA accreditation standards were an issue at that time. Certainly they became an issue soon afterward. And we were able, CLEA was able, to talk about what was important in terms of accreditation standards in a way that people hadn't been able to do in the past. Also having a place to publish, a place to communicate with each other, having a journal was so important. I think the journal of Clinical Legal Education has just been superb. Which is due in a large part to Randy (Hertz) and the marvelous board of editors who've come and gone. I used to think writing was completely a waste of time. I now see that writing helps keep thoughts from getting get lost. I guess it is like creating a history. And it is more accessible than going and watching interviews of people talking about what they've done. And so being dragged kicking and screaming to the point of writing things down is useful - and if you also have wonderful peers to edit it and help you do a great job of writing it down, which prompt others thoughts by writing it down, I think that may be the best thing CLEA's done, is the journal.

Hall: What in the accreditation debate, what role did CLEA play in that?

Cole: Well we have drafted alternative standards, alternative interpretations. We've tried to lobby individuals and groups. We've tried to educate them, I wouldn't say lobby them, it has a negative term. But we've tried let people know what the effect would be of various proposed standards. And sometimes they are things that they haven't thought about. We've also been able to give people an opportunity to see that there are other schools that have faced some of the issues that they are facing.

Hall: I guess I would like to put some of the discussion in context or perspective and see what would have been the significance if the accreditation had not been approved.

Cole: You mean? Let me try and be specific. There are a couple standards, one of them deals with externships. And there has been continued debate about who can teach externships, or external clinics, how much credit students ought to be able to get, how much of a student's law school career can be devoted to practicum based legal education. We certainly haven't been as successful as we would like to have been, but externships are different from in-house and you'd have to ask somebody else about in-house.

I think we have been more successful on the in-house front than we have been on the externships. Probably because most of the people who teach externships still have less career stability, less status, than people who are in the in-house clinical world. Or maybe they are just working so hard. I mean there are externship people who are supervising 60 and 70 students a semester. They don't have time to breathe much less think about the political ramifications of changes and accreditation standards. And there aren't many externship faculty who are in the position that I'm in which is tenure track. Externship people, I think, are still the second class citizens of the clinical world.

Hall: As I understand it, there were two significant ABA debates going on at that time. One had to do with accreditation, that law schools had to offer some kind of clinical education. The other had to do with some kind of professional parody, something close to tenure. Is that your recollection on those issues?

Cole: Well, I'm not going to be able to comment on the status issue in any intelligent way. As I understand it, no I think there are people who can talk about this more intelligently than I can. Jay Pottinger (Yale), for example, has followed the debate most closely. But last year in Atlanta CLEA was able to bring people together so there was a presence and the Council on Legal Education and the Section didn't think they could simply proceed without input and that if they

made decisions that were very, of great concern to clinical law teachers there would be negative consequences.

Hall: I have one or two last questions

Cole: Yeah

Hall: On CLEA. The first group that came together as officers of which one, who was on that group and what kinds of perspectives did you all bring to?

Cole: Well, Richard Boswell and Mark Hyermann and myself, and I don't remember who were officers and who weren't. Roy Stuckey and Bob Seibel were very key. There was a larger group of active people. It started originally around a Cinco de Mayo dinner where we said, "This is absurd. We need to have conferences that are more affordable, which we have been able to do to a certain extent. We need to have a force for scholarship, we need to be able to take positions on certain issues." It was a very egalitarian group. It was almost as if jobs were handed out by drawing a name out of a hat. And we worked together, I think effectively, and had a lot fun. We wanted to make certain that we were all inclusive.

If I could do it over again, I think I would've tried to, tried even harder to bring in people who weren't clinical law teachers per se. I really like to see adjuncts and short term contract faculty find something in CLEA that works for them. Maybe have brought legal writing faculty in instead of having their own organization. But perhaps, they had already gone far enough that it was too late to do that. And I would still like to see people who care about clinical teaching methods, not just clinicians, be active. But it makes sense that we're, people that pay to be clinicians be the most benefit from CLEA.

Hall: Is there any one time or thing, activity that you guys did where you could point to it as an illustration of something very helpful in some larger process??

Cole: Not right now.

Hall: What would you consider to be some of the major milestones of clinical legal education from the late '60's to today?

Cole: I think students coming to law school now expect to be able to have some component of their legal education be real world based. And that is a tremendous change from when I started law school. I see them coming in and saying if the

courses are limited enrollment and they don't get an opportunity to do it, they know "this is my expectation, this is my right to do it."

I don't think the academy has changed as much as I would like to see it have changed. Except that I think that many women coming into law teaching perhaps came in through clinical law teaching. Certainly you should look at clinicians now. There are more women than men but it is not bad. It is not a really unbalanced mix.

Um, I do think, I tell you this. I think in another 20 years law teaching will generally will have moved to the point where we will be looking at a range of teaching techniques and we will be saying what is it we want law students to be able to do by the time they leave law school and that law students who want it will have an opportunity to have real world practicum based or field based experience. Will they be better lawyers? I'm not sure. I think so.

Hall: You wrote an article, I think in '94, at least from reading your resume that talked about the future of clinical legal education.

Cole: Ahhh.

Hall: What did you identify in that article as the main issues and has your assessment changed since then?

Cole: Actually, I think that was a session and I remember Sandy being there. Where I was asked to talk about the future of legal education and what I thought would be most helpful would be to get the participants there to talk about what their vision of the future of legal education was. 'Cause it seems to me very rare that somebody can, in the course of a presentation, change what is going to happen. What I wanted to do was get people to think about what should the future be and how can I make it go in that way. I usually thought of myself as a facilitator rather than having a vision of my own. Except that I want students to be respected and taught as effectively as possible. I think the type of teaching that we've used traditionally has excluded women and students of color and so I've wanted to expand teaching techniques so we could bring people who were previously excluded from the profession into the profession on the assumption that those people will then go on to serve people that they know and care about. And that the profession will improve in that way.

But I don't think, if I had to think now about what do I think the future of legal education would be, um, I think it is going to flow from what happened to the profession. And I think that right now we are at a point where it is very possible that the legal profession will change so remarkable that legal education will have to change because we are training people to do something differently. That it will

spilt. Perhaps it will go to a barrister, solicitor type model. I'm seeing that legal ed, that the profession is changing and struggling with what I think is happening. I think many of us are.

Hall: As far as the live client or the externship do you think the value of that is going to grow or diminish as the legal profession itself changes?

Cole: I think hands on experience, supervised by thoughtful and experienced people is the only part of legal education, whether it is legal writing or clinic, internal or external, that we are going to have to keep. I think that the delivery of information is going to come in many different ways. But incorporating that information, changing our behaviors, and then incorporating those changes is got to be done in a clinical method.

Hall: Tell me a little bit about the issue dealing with externships. What problems are there unique to that model that the live client model doesn't have?

Cole: We have less control over what the issues are students address. That is a negative. That is also a positive. Students have to understand that issues come up which one just simply can't anticipate. We have, in some ways, less control over the

behavior that the students witness from field mentors but again that can have an advantage because one of the drawbacks in-house clinics face is that they can be criticized as “oh this is ivory tower practice, but it is not how we really do it.” Whereas in an externship, if they are in a practice where you can represent this as high quality practice, students can see the tensions worked out and they can see that they can be worked out. A drawback, let’s say you take a States Attorney you have to say to the students, “now look. States Attorneys generally aren’t, *generally*, aren’t as capable as public defenders because they have an advantage there. If you go into a States Attorney’s office you might see somebody shooting from the hip because they can get away with it. What sort of a field mentor are you looking for?” And if you have a field mentor who is not somebody you’d send your child to, to learn law, then the law school has to take a much more active role in helping the students see. Like the summer job that doesn’t work out as well. So my fantasy of legal education would include both internal and external experiences woven together with the content and ability to read cases and do prep. Traditional education done in a simultaneously way.

Hall: I understand you have worked somewhat with trying to train supervisors in connection with externships. Tell me about some of the issues there and what steps you have taken to...

Cole: It is funny. I realized the other day I haven’t done it in about a year and a half.

And one of the reasons is, I don't think the workshop is as good, well I know its not as good as I'd like it to be, but although the participants who come in are very enthusiastic, I see some real holes in it. What I do, do is I have a three part workshop which focuses on a little bit on adult learning theory using the Myers-Briggs type indicator as a way into that. A four part feedback statement which is a simple feedback statement which they can build on in the same way you learn a melody and then can improvise. And an agreement conference, which is a way to do macro-planning for feedback, problem solving. Some of it is just bringing people together. My ideal workshop is half the people are clinical law teachers and half are field mentors and they come in a little bit suspicious of each other. "Well these clinicians, they're just ivory tower types." And the clinicians saying, "what do these field mentors know?" And generally the experience is "wow!!" Very positive relationship set up.

I don't address systems at all. That is one of the areas I'd like to improve. It is hard to get people to make the time to come in and do something when we are trying to change behaviors. I mean this is for experienced supervisors who have patterns of supervision, and we want to give them a chance to rethink what they do and improve their supervision. It is not basic stuff. And that is very hard to do in like a three hour session and then they go away for a couple weeks and come back again. So it is hard to get them to come out. But that is one of the things I absolutely want to work on next is improving that. And then the other thing is I want make it more possible for as many students as who want, not just at my law school but other law schools, to do a semester in practice.

Hall: From the point of view of a law student going through this kind of program, what do they most need from a supervisor? What kind of qualities make up an ideal supervisor in this kind of program?

Cole: One woman at the department of Justice said to me, “ my daughter is in law school right now and I am going to take care of your student the way I would want someone to take care of my daughter.” That was good. More specific? I want them to give the student meaningful work. I want them to give them feedback in a timely way so they can incorporate the changes. I want them to model the sort of lawyering that you would want your mother to have if she needed a lawyer. I want them to include the student in their professional life. So if the mentor is going to a Bar Association function, they bring the student. If they are going to deliver a speech, the student writes part of the speech and then goes with the mentor. If they are going off to court to prepare, I want the student to ride in the car with the mentor or on the bus before and after so they can say “This is what I wanted to accomplish and well what do you think? Did I pull it off or not?” And I want the student to take on the cloak of the lawyer. I have this image of a mantle that they take on. I’m the lawyer now, as much as possible. Most of the cases my students work on are more complicated than some of the, than some clinics that the approach of taking on simple cases so the student can work it through in a short period of time. But I _____ to my mentors is,

“Give the student something that is beginning now. Give them something that is going in the middle and something that you think might end in the next fifteen weeks. So they can see different parts of the larger beast. But give them the chance to put on the mantle of the lawyer or make the decisions that you make.” I have one Judge in Cambridge, who, at the end of the each day, because there are more people incarcerated than there is room for, as a result of a court order, after people have their bail hearings set at the end of the day the guards come in and say, “you have to release 17.” So the judge says to the student, “Ok, tonight you choose which ones are going to go.” Now the Judge isn’t going to let the student make an egregious error, but imagine. The student reflects on this experience in his journal. Or the partner in a law firm says, “Why don’t you come and listen to us debate who is going to get bonuses or not and why.” Things that you just can’t do in law school. So that is the sort of thing that I look for my field mentors to do. Not always easy, but I just went and negotiated the senate judiciary today, and I think they are going to do it. We’ll see.

Hall: What, actually I’d like to ask you about that after the interview. How close is the reality to the ideal?

Cole: I would say 80% of my students get what I am looking for. Another 10% get pretty close to that and the last 10% have a disappointing experience. And of that last 10% I change about half of them and the other half say, “I’m going to stay

anyway.” ... from that prestigious place that is usually what it is. Um and as I’ve gotten better, I’m able to say to students, “Look you can’t go such and such a place because they are so full of themselves that they won’t give you the experience. You are paying \$10,000 for this, make me work for it. Make me create an experience for you that you couldn’t drop out of law school to do.” And most of the time they hear that. Occasionally I get, “I’ll pay to get out of Law School!” That is a harder standard. But that’s something that we can do as a group if we work together so that if all the law schools in Washington had the same experience with a particular organization that didn’t treat students effectively, and we could share that information, they would either have to improve or say, “we don’t want to take students for credit.” And either one is ok. As long as, but if they want students for credit they have to give them something in return.

Hall: Well, you started off by talking about your experiences at Boston University where it sounded like you almost felt like you were lost in whatever program they had there. How much better are students served by these clinical programs now than when they were first coming into being?

Cole: Oh, I think. I don’t think you could even compare. They are so much better now. Not just the opportunities but the students who come in have people who want to be there, who want to be teaching them. And with some exceptions, I’m thinking

of a very well established law school that in my opinion does not have a good clinical program, then people who do clinical teaching are not on a tenure track, don't get support, don't get training. With some exceptions, I think students who have a clinical experience now have a superb experience and it is the less, with some exceptions, it is the less well established law schools that have the best clinical programs. One of the, Ted Guest does the US News and World Report ranking, and we persuaded him to stop, not just Ted, but, to stop asking Deans who had the best clinical programs and when they took that question out there was a significant change in who had good clinical programs. That is something that we are hoping CLEO through Sandy's good offices will continue on with so we can come up with standards of good practice. And not have ranking but who has a good program and who doesn't. And US News is very interested in picking that up instead of ranking, if possible.

Hall: If you were to identify certain things that have changed to improve the educational climate for students, what are some that come to your mind?

Cole: I think there is more respect for diversity, not just lip service, although lip service helps. It is different than the judge who taught our trial advocacy, trial tricks course, who said, "If you have a women on the other side, whisper to her as she goes up to examine, 'who fed your husband breakfast this morning?'" So I think there is more respect for students. Other improvements?

It is more expensive. I think that is a real problem. Our students graduate owing up to a \$100,000 a year, too much, too much pressure. Any other good? I think teaching techniques have generally improved. The students who have an opportunity to take smaller classes generally benefit. That is what I think is better.

Hall: A couple other questions. I'm starting to round the turn here. I had the sense when you were talking about when you first became a professor in '84 that there was not nearly the network among different political programs that there is now. Is that a correct impression?

Cole: I think so. Also I think my naivete helped me when I came to the clinical group. I didn't understand that what I was doing wasn't considered clinical by a lot of people. And because I knew in my heart that it was clinical, I just acted as if it was and people came to accept it as, I think, I think they have. Certainly there was a network and I sort of had to stumble into it. But there are many more people now. That's what I see.

Hall: How much does that help people at the individual law school, to have this sort of fabric that has emerged?

Cole: I think, whether you are an extrovert like me and you have to go and see these people and hug them, or whether you are an introvert and it is ok to read about them on the clinical listserv and read the articles, I think the critical mass is essential. Many of us are isolated on our campuses or there are two or three people, but that's not enough. So you really come and get, you improve significantly in your own practice and in your own teaching when you come to these sessions.

Hall: I'm going to come back to one of our asking everybody questions.

Cole: Ok

Hall: Can you name like three people who you think has been most influential in the evolution of clinical legal education?

Cole: Well I think Bea Moulton absolutely. She's quiet and doesn't sing her own praises, but absolutely Bea. She was tenured at Arizona, I think, I'm not sure if she was tenured even before she came to legal services. But she brought real

credibility to clinical teaching. Gary Palm for his wonderful energy and consistency and dedication. Roy Stuckey as a personal mentor. I mean Roy is the guy I called up when I started doing this and I said, "I hear the ABA has some rules about externships." He very politely didn't fall over dead at the other line, "yes, let me send you some information." and encouraged me in getting together a small group of people to talk. Um, Richard Boswell, although he is stretched very thin. Shelly Broderick for hanging in there and keeping what was the Antioch School of Law, today somebody mentioned New Mexico was the first school that required clinical programs but I think it Antich, now DC school of law and Shelly has been there from year one. How long can I go on?

Hall: The Oscar ceremonies go on for Well, actually you also raised the issue of mentors. You mentioned Roy, is there any other people you would consider your personal mentor?

Cole: Ah, Randy Hertz actually. Although in some ways he's just a kid. He's probably mentored people since he was three years old. Boy, I'd have to think about that. The whole movement, when you need somebody, somebody is there. I guess that's what I would say. The mentoring is not so much person to person but you can go to a group of clinicians, you can be in a small group of people you don't know and say, "here's an issue I'm struggling with." and everyone will contribute at the level that they have expertise.

My most sort of physical representation of that is I co-lead a small group at a conference in Michigan in Ann Arbor ten years ago. And I know it was ten years ago because I had a six-week old infant and the good old AALS, my other co-facilitator was also the mother of a six-week infant. We were the only two parents of six-week old infants at the conference and we were in charge of the same small group. The group stepped in and did everything from taking over leadership of the group to holding the babies to going out for walks and that's part of the real beauty and strength of this group of people.

Hall: I want to come back to one word you used I think when there was some noise out in the hallway, talking about your passion for clinical legal education. It is not necessarily a word I associate with every teacher, having a passion for their field. What is it that make you feel a passion for it and do you feel that it is shared among others who do the same kind of teaching?

Cole: The second part first, yeah I really do think that people in clinical teaching share a passion. I've never thought about it until you asked that question earlier, and I've been trying to think what is it? Because some people, like Gary (Palm), have a passion for service. I think I have a passion for service but I think there is more to it. So what is it that ties us all together? I think it is a respect for the students and clients that they serve. A sense that if they are treated fairly and respectfully and

justice, as much as possible, is allowed them then it will permeate throughout our society. There is a passion for making this a better place. And I see that with clinicians and I would say that I see that in the SALT group, the Society of American Law Teachers. And it is not something that I think is common to law teachers in general but I think it is changing.

Hall: Last couple of questions. To what degree do you think the clinical model has influenced the traditional law teaching model?

Cole: So far not enough. Um, But I'm starting to see more people use problem simulations not be hesitant to engage students in conversations as opposed to the brow beating sense how Socratic use to be interpreted. Not that I ever think that was the Socratic method. But what they call the Socratic method. I think as more traditional teachers, I'm seeing this a little coming to law school teaching, having had a positive clinical experience, what they do is they support the interaction between the two. Maybe that is where we'll see a change.

Hall: The ultimate global last question for me. Looking over the past 30-odd years, what do you think have been the greatest successes of clinical legal education, what have been its greatest remaining shortcomings?

Cole: I think Rick Wilson and his team of students working on international issues provided support to clients that simply might not have otherwise happened. Um, picking up the pieces when the Legal Services Corporation fell under great pressure. But it is an ongoing struggle. Maybe counseling, maybe students who go through a clinical experience are better at the counseling aspects that lawyers are supposed to be able to do, but people who have gone through traditional legal education haven't learned to do. I don't think it is as global as we'd like it to be.

Hall: In terms of shortcomings or biggest challenges yet to be successfully conquered, what do you say?

Cole: Access. We are still too isolated from the rest of the "academy". I think any student who wants it needs to be able to do it for credit. And I do still think that internal clinics miss something by not having to deal with issues the structure and balance. Bedside. We still hard to teach bedside manner. Um, completely in an in-house clinic. Did you know that the word clinic comes from the word bed in Greek? That's where the term "clinical" comes from.

Partly it depends on are we are going to end up continuing to be a profession? If we are a profession, what sets us and any professional apart is, in my opinion, the person who comes to us can trust us. You might be able to trust an automobile

mechanic, you could become a professional automobile mechanic if you held out any of us who come to you, you treat as you would treat yourself. But they haven't done that, and I don't know that lawyers are going to keep doing that. But, Law school we have a chance to try and get them to think about it. That's what we are paid for, right?