

**Transcription of the Oral History Interview with
Bob Golten
April 3, 2001**

Golten: I'm not your quintessential clinician, in that I sort of started in clinical education before it had a name and just kind of blundered into it. I was a public defender here in the District of Columbia and was asked to start a program out at St. Elizabeth's for involuntarily committed mental patients. And I didn't know anything about mental health law. So I went out to American University Law School and offered to teach a course in law and psychiatry. So, I'd have to learn it really quickly. Whoever the dean was – Goosetree, I think his name was – said sure. So I found a psychiatrist –

0:01:00 somebody put me on to a fellow named Jerry Post – and I asked him if he'd team-teach this course with me. He said fine. So I started teaching this seminar with about a dozen students. Meanwhile, I'd started this program and opened up an office at St. Elizabeth's Hospital and began getting flooded with these cases.

Ogilvy: What year are we talking about?

Golten: This was 1970. So this is over 30 years ago. And I couldn't handle all these cases. And I said, Well, why don't I take these students out with me, and they can help put together the cases and present them? And they did that for academic credit. And I

0:02:00 thought, Man, this is a great way to practice law. I get to practice law in a way that serves the public good, and I get to teach and the students get to find out what lawyering

is about, and they get empowered in the process. I thought I was onto something. I'd gone to a big law school, a good law school, Harvard Law School, where I thought I got a pretty poor education, because when I walked out of there, I had no idea how to practice law or what it looked like even. And it just seemed to me this was, you know, something doctors do when they're in school – they train with real patients. Why weren't we doing this with law students? Anyway, that was my introduction to clinical legal education, although I'm not sure that we were using that term back in 1970. I mean, there were clinical law programs, but I didn't know of them. Where I went to school there weren't any. So I was a public defender for a while. You know, I just ran that project for a year. I only taught one course, I think, out at AU. Then I went back to doing regular criminal defense work. And I had students working with me from Georgetown in, I think, some sort of program that was being run –maybe it was work study. But I had access to students, and it made for me the practice of law more interesting, and for the students who were working with me. I think they enjoyed it.

I remember one of my students at that time – this was sort of an interesting vignette – one of my students got married at about the time that we had a criminally committed patient from St. Elizabeth's escape. He was from the Virgin Islands and, as it happened, my student was going down there on his honeymoon. I wanted this guy to turn himself in before he got killed or got in more serious trouble. So I asked my student, who was my friend, if he wouldn't mind while he was on his honeymoon trying to round this guy up. I told him where I thought he could be found with his parents –

and getting him over to the U.S. Attorney, out of harm's way. This guy said sure. I mean, he was kind of a free spirit. I think his bride was less so. And he spent most of his honeymoon in the Virgin Islands looking for my client. Finally he found him and brought him down to the U.S. Attorney's office. He spent a day or so in the U.S. Attorney's office trying to sort it all out. His marriage didn't last, but what's more important we did get the client out of trouble. So, anyway –

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Ogilvy: Before you go on, let me go back to the St. Elizabeth's experience with the AU students. What were you having the students do with you there?

Golten: They were interviewing patients. They were interviewing doctors. They were helping to prepare the case for presentation to the Mental Health Commission. And on occasion they would present the case. I mean I taught the students without any – it was on-the-job training. There was no curriculum for doing this. I guess I kind of devised it after I learned who the Mental Health Commission was, what they did, what the rules of evidence looked like before the Commission, and what the protocol was. I left part of that to the students, but we all learned together. The students were acting like lawyers.

0:06:00 There was nothing before the Mental Health Commission at that time that prohibited their representation.

I should say that the other thing I learned during that experience, apart from the value of this kind of pedagogical experience for the students, and for the teacher, was the value

of accountability in any big institution, because before I went out there and the students with me, the doctors had free run. And the patients weren't getting treated very well. Some of them weren't getting treated at all. We started asking the right questions and the hard questions, and it made a big difference. I mean it caused a bit of a convulsion at St. Elizabeth's. The Mental Health Commission threatened to resign unless the

0:07:00 public defender pulled me out of there, me and my students. But Judge Bazelon of the Court of Appeals was then on a crusade to make the mental health system more responsible. I remember meeting with him just before I started going out there. He told me what an opportunity I had to make a difference. When the Mental Health Commission came after me, I found some protectors. But I think the institution has probably never been the same. And the students who worked – in fact, one of the students, strangely enough, one of the students who was working with me at the time at American University ultimately took over that job, and is still there. He's been there – he's the longest public defender in the District of Columbia – I mean, the longest

0:08:00 serving – and he's still doing these cases and has remained a good friend of mine over the years. His name is Harry Fulton.

But I think the role of public interest lawyers – no surprise – is largely to make powerful institutions like St. Elizabeth's, which have a major influence on people's lives for better or worse, answer the hard questions. And students who have that experience learn early on, before they actually become lawyers who values the rule of law.

Ogilvy: How many students did you work with?

Golten: There were ten or twelve. It was not a large class of students. It was a seminar. The
0:09:00 psychiatrist who worked with me is a fairly well-known fellow in the field, because it turns out he was working for the CIA at the time. He was debriefing – who were we at war with in 1970? – I guess he’d been involved in debriefing Vietnamese prisoners of war, checking out spies, or potential or alleged spies. Every now and then his name – over the years his name would surface in the newspaper, because he was doing this kind of highly classified but provocative work. But anyway –

Ogilvy: Is this an assignment that you sought or were you just assigned to St. Elizabeth’s?

Golten: When I went to the Public Defender, I’d been – prior to that time, I had been working first at the Justice Department here in Washington in the Tax Division. And then I
0:10:00 went to work as the general counsel for OEO– not the general counsel for OEO, but the general counsel for the Job Corps, which was one of the components of the poverty program of OEO. And when Nixon became president I left and didn’t quite know what to do with myself, and I went over to the Public Defender’s Office and was sort of a non-traditional applicant, because I was well out of school. And, they said, “Well, fine, but we’d like you to start this program at St. Elizabeth’s before you start trying criminal cases.” I said fine. And, that’s how I got into it. I mean, I wasn’t looking for that job.

0:11:00 You know, apart from the major learning curve that I experienced that I was on, and the vibrancy of practicing this kind of clinical law, it was a pretty dreary experience. I mean, I would have nightmares. It was *One Flew Over the Cuckoo's Nest* out there, quintessentially. I mean, you know, it was dreary. But when I got all finished, like so many things in life when you look back on it, you realize that, hey, that wasn't – it was a really valuable thing that I was doing and it added a significant dimension, I think, to my legal personality. And it propelled me into other kinds of both public interest lawyering and clinical legal education.

Ogilvy: Are there any cases that you did with the students that stand out? It was a year right?

0:12:00

Golten: Yeah, I was there a year. You know, I can't remember how many cases we actually took to the federal court out of the Commission. There were a few. I'm not sure that we made any significant contributions to the law. That was an era when important decisions were coming down, particularly from this Court of Appeals, on the right to treatment and how that was the quid pro quo for being taken off the streets involuntarily and locked up. But I'm not sure that I personally, or my students, were responsible for any major contributions to the development of mental health law. It was trench warfare more than anything – nothing loftier than that.

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Ogilvy: What did you do next?

Golten: Well, after I finished my stint at the PD's office, I had a reputation as a feisty litigator.

And there was a former prosecutor in the U.S. Attorney's Office who was then the general counsel for a major conservation organization, the Natural Wildlife Federation.

Somehow or another he found out that I was – I had been at the PD's office for four years and I was ready to try something else. So he invited me to come over there and try cases, environmental cases. I'm from the south side of Chicago, and I didn't know anything about environmental law – but, you know, I didn't know anything about

0:14:00 mental health law or criminal law – so I said fine. So I became an environmental litigator. I taught a couple of courses in natural resource law as an adjunct at American University, but I didn't do any clinical work. Students came over, and we had access to students, but it wasn't in any formal clinical program.

There came a time, however, when I wanted to get out of Washington. And I wasn't sure I wanted to continue to do environmental law either. I talked to this fellow that had hired me – and he was a true believer, he was a real environmentalist. I was just,

0:15:00 you know, sort of a hired gun. I found it interesting. I enjoyed it – at that time the environmental movement was a true underdog. I enjoyed advocating for the underdog, but I wasn't sure I wanted to stay in that field. I talked with him, and he said, "Why don't you take your job and go out West, set up an office out West?" So, I said, "Yeah, that's not a bad idea, but I think I'd like to do it at a law school, and I think I'd like to set up the office as a clinical law program." That was fine. So I went out West. I went out to Oregon and talked to the University of Oregon. I went down to Arizona; I went

to the University of Colorado. Colorado made the best offer. It seemed like the right place to be in the late '70s. It was the center of the country, a lot of energy development, a lot of water resource development, a lot of resources being wasted I thought. So I went to Colorado and opened up a clinical law office. And I think it was – you know, just as I think that the clinical program in mental health law was the first of its kind back in 1970, I think that the office we opened up in Colorado in Boulder was the first environmental law clinical program. Students worked with me. There I was on the in-house faculty, the regular faculty, so I stayed there for six years, and had a great experience.

Ogilvy: Let's talk a little bit about the kind of cases you had in the clinic, how you structured the clinic, the students?

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Golten: I started out running an interdisciplinary program. We had students from Colorado State University up in Fort Collins, graduate students in biology, fish and wildlife and forestry students, combined with my law students. I taught a regular seminar. It was a substantive seminar, not a skill-based or skill-oriented seminar. It was about the law. Then I paired students up on different sorts of cases. The first case we had out there involved a major water resource project that the Denver Water Board was planning. The students did research. One of the things about environmental law is that lawyers, and certainly law students, don't have much opportunity to actually make courtroom appearances. The cases are protracted. I sort of stayed away from cases that were

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heavily predicated on fact development. I tried to find and distill cases so that we could argue the law. So there wasn't a lot of courtroom experience – there was some. But the first case was involving a water project, and we were pitted up against the Denver Water Board. We received a lot of publicity.

0:19:00 One of the things that occurred when I went out to Colorado was they hadn't seen the likes of me out there. It was kind of like St. Elizabeth's – I mean, here was a new game, here was some guy, a carpetbagger at that, coming out to challenge "business as usual." So we attracted a fair amount of attention. And one of the things that happened was that the students found themselves appearing – getting interviewed by the press and making statements. My style of being a clinician was sort of ad hoc, but I considered the students working with me not as students, but as sort of junior partners. It wasn't a very hierarchical kind of structure. So, you know, we were all on a first-name basis, and I tried to give the students as much responsibility as I could. I learned early on at 0:20:00 St. Elizabeth's that, mostly out of necessity there, that it made a lot of sense to bestow upon students trust, and most of the time they rose to it. So if one of the students was handling a case or a piece of a case, and the press wanted to talk to me about it, I would sometimes refer the press to the student and have the student talk about it. I mean, I'm not sure the law school was really excited about my exposing the students to that kind of risk or exposure, but – So we did high-profile stuff, water resources – We litigated a case up in South Dakota about road building in the Black Hills National Forest. We were doing some big controversy over Crested Butte in Colorado, having to do with a

mine that AMEX was trying to put together on Mount Crested Butte. The clinic
0:21:00 became a bit of a pioneer in trying to reform the 1872 Mining Act. And we would hold workshops, mining workshops over in Crested Butte, and draw people from around the country, who were then – you know, this was the late ‘70s, early ‘80s – who were then trying to get their arms around extracted mining that was causing major devastation in parts of the West. Students would come to these workshops out in remote, beautiful Colorado. It was a trip. It was a high. But we had important people coming up. Joe Sax came up from – I think he was teaching at Michigan at the time. Larry Rockefeller came up from NRDC. People came from California. Of course, we tried to schedule the workshops during ski season.

Ogilvy: Who were your clients and how did you get them?

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Golten: We had affiliates of the National Wildlife Federation, state affiliates. Then, mostly it was local environmental groups. In the case of Crested Butte, it was the High Country Citizens Alliance out of Crested Butte. In the Black Hills it was a local group from South Dakota around Rapid City. The Denver Water Board case, it was nascent groups just beginning to blossom, who wanted to save the Platte River. I have to say that the home office, the Wildlife Federation Office, was a little concerned that I was running a legal aid program out there for environmentalists. They wanted me to be waving the
0:23:00 National Wildlife Federation flag, and a little more looking at cases that only their

affiliates were interested in. I was to make sure our cases were major cases that would attract publicity and facilitate fund-raising. I was – given my own dynamics, I was interested – and I thought that this was right in making accessible free legal services to grassroots groups that otherwise wouldn't have access to lawyers – and that had a meritorious cause.

As often happens when you have a home office back in Washington, D.C. and you're out there in the hinterlands, there was a philosophical collision. And ultimately, you know, after six years, I think we were all tired of it. I went my way, and the Federation hired somebody who was out of Washington, who was going to do more of what they wanted done, which was a few major cases rather than a bunch of cases that were of importance only to local people. So then I became an American Indian lawyer, but the clinical law experience, that six years at Colorado, spawned a clinic that still exists and bred some friendships that also still persist among my students and myself. I discovered that the students who were working with me, when they finished law school, they looked around for jobs that could be as interesting as the one they saw me doing.

One of the problems that we all know is good interesting jobs doing public interest lawyering – they're not growing on trees – they're highly – they're precious. The other problem is that some of these students, even back then, were coming out of law school with major debt, and as good as those public interest law jobs are, as attractive as they are, the students had to face economic reality. So even if they could get those jobs, which was problematic, they had to think about their pocketbook.

Ogilvy: I want you to tell me a little about your pedagogy. Did it evolve? Was it consistent throughout the time?

Golten: It was off-stream pedagogy. I mean, I wasn't using any curriculum. I was teaching
0:26:00 substantive law, and my style was very individualistic. I would make a point of meeting with students on an individual basis at regularly scheduled times. I would ask the students before the meeting to give me memoranda of what they had been doing, what their problems were, where they thought they were going next. I thought it was a very useful way to manage students and cases. It was good discipline for the students. Besides, when they came into the meeting, they'd put their mind around the issues and it kind of expedited our colloquy. Then if the students were going into an
0:01:00 administrative hearing or a court hearing, which was certainly not very often, then we would go over how it was going to play and practice a bit. I didn't do any skill training in a formalistic sense. I guess my vision was that I was running a law firm. I was the senior partner. These folks were my junior partners, and they would learn as I had learned, by doing, and hopefully by my doing a decent job of mentoring. I wasn't teaching litigation skills. I wasn't teaching negotiation skills except on a one-to-one
0:28:00 basis. I wasn't teaching how to counsel clients, how to draft documents – except by having them do it.

Then I started going to meetings of the clinical section of the AALS or of CLEA, and I always felt that I hadn't quite caught up. I should tell you that I was at a conference of

international human rights clinicians and lawyers in India a couple of years ago – a year and a half ago. While I was there, I bought a book that Don Peters, a friend of mine, a clinician, recommended. He had a couple of chapters in it. It was published in India and had a collection of essays by well-known, established clinicians on each facet of clinical legal education. It was the first time, really, that I had read anything in a textbook that was about clinical legal education and how it ought to be delivered. I'm jumping ahead, but then I did some work for CEELI and went overseas and helped start clinics, in Slovakia and then in Azerbaijan and for the ABA African law project in Uganda. Phil Schrag's article about how to start a law clinic and how to run it had appeared in the *Clinical Law Review*. I thought he had done a masterful job in putting it all together. I had never seen that done; I had never done it. But my approach to clinical legal education was really sort of random. I mean, I guess it's fair to say it was sort of on-the-job training. I wasn't running classical legal aid programs. You know, here I'd done this thing back in 1970, now I was doing environmental law. Afterwards I became an Indian lawyer in a firm in Boulder that did mostly American Indian law and was comprised mostly of American Indians. Then I went back to Colorado and started an Indian law clinic. I mean I saw all these Indians that had these good cases and couldn't afford a lawyer. The Native American Rights Fund, which was in Boulder, and where I spent half my time for a year taking the place of a friend of mine who went on sabbatical while I was still in practice – they would take just a few cases – a few big cases. But the phone was always ringing, and people were being turned away. So, I went over back to CU and said, "We ought to have an American Indian law clinic here,

where we could give free legal assistance to Indians.” “Good idea, you’ll have to raise the money.” But at that time there was money. I mean there was Title IX; and the Legal Services Corporation was giving out money. So I found enough money to get it started.

Ogilvy: I want to talk more about that, but before we leave the environmental piece, I want to ask you one more question about that. Environmental law may seem to be a lightning rod for business interests and other political interests. Did you have that experience?

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Golten: One of the things that happened after we opened this office in a state-run law school was that Mr. James Watt, who was then running the Mountain States Legal Foundation in Denver, came up to see the dean and said, “What is going on?” – you know, because he had read about our involvement in this big water case. Here we were trying to stop that which makes the West bloom, and his constituency was outraged that this state-run law school was providing shelter and support for an environmental law clinic. And the dean’s response to Jim Watt coming up there was, “Listen, he’s teaching this seminar. The students are learning how to practice law. You want to come up here and do the same thing, the door is open.” Watt went back to Denver, and that was that. But, yeah, there was some political fallout. Ultimately, the Wildlife Federation, after I left and they had brought somebody else up from Washington, moved physically across the street from the law school, and off the premises. They still maintained a pedagogical connection to the law school, but at least the law school was a little bit insulated from

the political implications of what the office was doing. But, yeah, it was a problem.

After I set this up in Colorado, a colleague of mine went out to Oregon, to the

University of Oregon, and set up a comparable clinic. And a major benefactor of the

0:33:00 university was so outraged, so pissed off, that he threatened to withdraw all his financial support. The university couldn't accommodate that, so this guy had to pack up and go someplace down the road. But we all know what happened at Tulane, and it's an issue.

Ogilvy: Was the Wildlife Federation providing most of the funding for the clinic or some of the funding?

Golten: Yeah, they paid my salary and, you know, we expanded the office some. The Wildlife Federation picked up the tab. The law school gave us space, provided us with utilities, furniture, and a certain amount of logistic support. But most of the money came from – for the operating costs – came from the Washington office of the Wildlife Federation.

Ogilvy: What was your faculty status at that time?

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Golten: They created a title called “adjoint.” I wasn't an adjunct because I was living there – I was on the premises. I certainly wasn't tenured – I went to faculty meetings. I didn't have a vote. I was sort of *sui generis*. I mean, they didn't quite know what to do with me. But I was actually on the first floor of the law school. Usually I'm in the basement, but there I was on the first floor, off in the corner. It's true. So my status

was, I think it's fair to say, ambiguous, but I did have status. The law school didn't pay me anything; it all came out of Washington.

Ogilvy: Were there other clinicians at this time?

Golten: Yeah, there was a legal aid program, which had four clinicians, two doing criminal stuff
0:35:00 and two doing civil legal aid. I wasn't part of that panoply. They were in the basement.

Ogilvy: You left there and went into a firm?

Golten: I went into a firm, and I also – at the same time I went into the firm, I also became the county attorney for a county up in the mountains, Summit County. So while I was learning American Indian law for the first time, I was also learning local government law. They told me it was a part-time job. The guy who had done it before me had only worked one day a week, but the people that offered me the job said, “You know, you might be bored with this. There's not a whole lot to do.” But the fact is there was a lot
0:36:00 to do. I mean, I was doing tax work, I was doing social service work, mental health work, land use planning. I mean, there was a whole variety and I didn't know what the Colorado statutes looked like. So, I was doing two new things at the same time. It was very invigorating. It was neat. But I wasn't using students at all and I wasn't associated with the law school. I was thinking, you know, local government law – why don't we have some clinics and clinical experiences in this? – because one of the things was there

0:37:00 was a paucity of practitioners in this field and, consequently, at that time I saw not a whole lot of accountability, so county commissioners were running amok. And if you started talking about due process at county commission meetings, the commissioners, most of whom were pretty conservative Republicans, would roll their eyes.

0:38:00 But one of the things I didn't do was talk about setting up a clinic in local government law. But I did go back to the University of Colorado and say, "Listen, Indian law is the new game in town, and this law school should be a player." The dean, who was a good guy, a civil-rights-minded fellow named Gene Nichol, who ran for the Senate and lost and retreated to North Carolina, where I think he's now the dean – he said, "Sure, but, you know, you're going to have to raise your own money." So we began the Indian law clinic there in 1992. And again, to my knowledge, except for a small clinical program up at the University of Montana, which provided law students to seven Indian tribes in the state of Montana to act as research assistants to the tribal courts, ours was the first program of its kind. Once again, I thought my students had great experiences. I learned a lot from having to do this and from having to teach students and having to stay in front of the students. It became an important component of the law school. When I left in 1996, it persisted and the university converted the soft-money clinic into a hard-money clinic. It's doing well.

0:39:00 One of the high points of that experience I thought for me was having a student who I thought was really quite exceptional. We had a case involving a Navajo woman who

was trying to get custody of her son, who was then with her ex-husband up in the Black Hills on the South Dakota reservation. I think it was the Yankton Reservation over in eastern South Dakota. We had to argue in tribal court against a motion filed by the tribe to dismiss on jurisdictional grounds. And so I sent the student up to argue the motion. We prepared well for the hearing, but she went up there and did a great job. And the tribal judge, who was a traditional tribal judge – I mean he wasn't a lawyer – you know, 0:40:00 he had an Indian name – was Issac – something like Two Bear – he called me up and said, “You know, I just wanted to tell you that that student of yours did a better job than any of the lawyers I've seen up here in the last two years.” I mean, she went on to work with a big firm in Denver and has done well. You know, as we clinicians know, that's a great feeling when one of your students really acquits him or herself well. And, you realize what a difference it makes to that student's life and institutionally to what you're doing.

Ogilvy: What was the shape of your pedagogy at that time?

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Golten: I was teaching a seminar in Indian law. I was teaching substantive law. Students at the seminars would talk about their cases, but it was still sort of on-the-job training and regular meetings with me. The drill was – and still is, because I'm still doing this kind of stuff – is the students would give me memoranda coming in to the meeting. Immediately thereafter I would dictate – at that time people were still dictating, and I was an inveterate, promiscuous dictator – I would dictate what just happened and send a

memorandum to the student. It was a “this is what I learned, this is what we agreed to, this was what was going to happen next” type of memo. I thought it was just the right way, at least for me, to run the operation. Students felt that those meetings were

0:42:00 important, because if nothing else they produced a memorandum. And also there is a lot of miscommunication, misunderstanding that goes on in meetings between anybody, but particularly if somebody is in a hierarchical – putatively hierarchical position and somebody is a student. This was avoided by my writing those memoranda after they left. Not only did the students feel that something important had happened, but also there was some clarity. The other thing is that I froze stuff that I otherwise would have forgotten about. You know if you’re running a caseload and you have a lot of students, a lot of cases, stuff is going to run together, it’s going to disappear, it’s going to recede into oblivion unless you write it down. So I dictated.

Ogilvy: How many students were you working with at a time?

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Golten: In the Indian Law Clinic I think there were probably eight to ten.

Ogilvy: That was a year long?

Golten: It was a semester.

Ogilvy: [Inaudible]?

Golten: Yeah, I left in '96. When I started the clinic and the Indian community found out that a white guy was going to be running this thing, there was a lot of agitation and a lot of resistance. So I stepped out of the way. And the dean went out to look for an Indian, and found one up in North Dakota. It was an Indian woman who at the last minute, because the money was soft and she had a child and she needed some security, said, "I'm not going to come down there." Gene Nichols picked up the phone, called me at my firm, and said, "Listen, we just lost this woman. Can you come over and do this?" I said yeah, but with the understanding that I'm only going to start it up, and I'll leave after three years max. While I'm there I'll try and raise enough money to hire a second person, an Indian, to do this. All that happened, and we hired another native woman from South Dakota to come down and be the second person. You know, the goal was – the target was for me to leave. She didn't work out. She went back to the reservation. I wound up staying longer than three years. There was a bit of a political groundswell. I left in 1996. That's when I was introduced to CEELI in the ABA, and going abroad to try to start clinical programs.

So, I volunteered to go to Slovakia, and I went there for three months and went to two law schools. There I discovered this whole new horizon for public interest lawyering, because here are these countries coming out of Communism – 50 years of Communism – and they had new constitutions. It looked like we in America had written them. They were a little better than ours though. But nobody knew what the words meant. Legal education in those countries was 50 or 60 years behind where we were. They didn't

have any tradition or experience with free lawyering, free public interest lawyering.

0:46:00 The concept of public interest was sort of foreign and it just seemed like this was very fertile territory for people like me who were looking to make a dent and do something not only interesting but fruitful.

So I came back to Colorado after that three months and talked to the director of international legal studies at the University of Denver, a fellow named Veal Nanda, a well-known scholar. I said, “We ought to set up an international human rights law clinic here.” He said, “Great idea – you’ll have to raise the money.” He was, besides 0:47:00 being the director of international legal studies, the vice-provost for internationalization. So ultimately we decided to set it up as an interdisciplinary program for law students and graduate students. The goal is two-fold. One is to take human rights issues and violations and try to covert them into cases that we would begin bringing into the domestic courts of the countries where these abuses were occurring, all the while doing this in collaboration with advocates on the ground in these countries. And, secondly, we would try to figure out a way to help establish clinical programs in developing countries and ultimately be part of a network of law school clinics that were doing human rights advocacy. It was pretty ambitious, especially since we didn’t have any money. But that’s what I’m doing.

Ogilvy: Are you working with students now?

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Golten: Yes, and we've made some progress. We had a couple of law students last summer.

One went to Uganda to a clinic that I helped set up there for homeless children and juvenile offenders who were being intermingled with the adult population. And we sent another law student to Croatia to work at the U.N. High Commissioner on Refugees on an issue involving property rights of returning ethnic Serb refugees to Croatia who were being denied their property rights. This summer we've got someone going to Nepal to work on a girl-trafficking project. The students write litigation reports – that's phase one. Phase two is trying to figure out how to implement them – that's hard. But another student is going down to Belize to work on an indigenous land rights issue

0:49:00 down there. The students produced a bunch of reports. Also, we filed one petition with the Inter-American Commission on Human Rights, another with the – recently with the U. N. Special Rapporteur for Indigenous People. I hate to say it, but it's the same random methodology. I mean, it's on-the-job training and probably in this experience I'm learning more from the students than they are from me. Because, again, it's a brand-new field, and the students are coming to me with more beginning knowledge. I've sort of caught up to the students now. I know a lot about international human rights law, but when I started – I'm teaching a couple of courses in the stuff, or I've

0:50:00 taught a course a couple of times. So, I feel as though I'm no longer a fraud holding myself out as an international human rights lawyer. But, you know, I'm learning as the students are learning – both of us as we go along.

Ogilvy: You went to Harvard, didn't you?

Golten: Mmm-hmm (affirmative).

Ogilvy: Just a traditional education?

Golten: Yeah. I worked hard and kept my nose to the grindstone. I'm from the south side of Chicago – I didn't know anyone had ever gone to Harvard Law School. I wasn't really sure what I was doing there. I wasn't sure that I could stay in. I worked hard – I did
0:51:00 okay. I did well. But I didn't stray off the straight curricular path. And, you know, when I finished I went back and became a real lawyer for a couple of years in Chicago working for a firm. Whether it was because I was home again or practicing real law, it didn't work for me. So I actually went off to Europe and sold mutual funds for awhile. After I filed some job applications in Washington, I almost stayed in Europe and worked as house counsel for one of these American firms that was selling mutual funds to Americans all over the then-expanding globe. But I came back, played it straight, and went to work for the Justice Department.

0:52:00

Ogilvy: I think we circled back to where we started. Is there anything else that I haven't asked that I should have asked?

Golten: I think you've covered the territory. I mean, I feel sort of blessed at having this rich experience as a clinical teacher and as a public interest lawyer. It certainly hasn't been lucrative, but it's been fun. And, you know, my friends from law school who've gone

straight and made a lot of money, I think they're – when we get together they're a bit
envious that I've had this broken-field experience, where I've learned a lot, and maybe
0:53:00 contributed a little to the commonweal. I have a daughter who is starting – who is
planning to go to law school next year, and, you know, I'm hopeful that she too will run
a broken field.

Ogilvy: Thank you.

Transcribed from tape by Jean Connelly