Transcription of the Oral History Interview with
Don Peters
January 4, 2001

Peters: After clerking for a federal district court judge for a year after law school, I did a Reggie training program in Haverford, Pennsylvania. And that's where I first got introduced to clinical legal education. And I knew when I was in law school that the academic side of law was really where I wanted to be. My parents had both been high school teachers. So that really intrigued me, the combination of legal services, social commitment, justice education and teaching was something that struck me as a really nice combination, certainly something I was totally unfamiliar with, having gone to the University of Iowa from 1965-68 where CLE didn't exist. So after two years on my Reggie working with the legal services program of greater Miami, I decided to explore getting into teaching. And I had an opportunity to interview for and accept a job offer at the University of Colorado working in their clinical initiatives with their legal aid and defender clinic. And so that was sort of kind of a self-taught kind of opportunity to stay involved in legal services and get into teaching.

Hall: I assume like a lot of these programs, it must have been quite in its infancy when you first. . .

Peters: (Interrupting) The Colorado program was just in its second year. Yes.

Hall: Like some many other people who were supposed to be teaching something, but kind of creating it as you went along, what was your time there like?

Peters: Well it was wonderful and it was completely self-generating. We realized pretty early on that we wanted to help our students serve our clients as best they could. So we had to do some sort of skills instruction. And it was a time when there wasn't anything, so we sort of created our own. Developed our own role plays, began to develop our own theories of effective lawyering and then sort of eagerly grabbed onto things as they began to be published.

Hall: Don, one of the things that has struck me is that in a pre e-mail, pre Internet era, it seemed like a lot of people marched off in fairly similar tracks very early on. Is that your sense of it? Do you have any guess as to why that was?

Peters: Well I think it was in large part in response to the context in which we and our students found themselves. I mean, you know, certainly they had to engage in lawyering. We wanted them not to be experimenting totally coldly on clients and you know, subjecting low income people to complete learning on the job. So we felt a real desire to help our students get as competent as they could as quickly as they could. And so you know, you'd start with, well, you have to interview a client, and you usually have to help a client make a decision about what to do. And then you're probably going to have to negotiate at some point, and maybe you're going to have to litigate if negotiation fails. So that sort of created the whole thing. As you know, there were trial skills courses in most American law schools, but really in a very nascent state of development. So we sort of began to take the stages of trial and develop effective ideas for performance in each stage, borrowing from the NITA approach. And then we realized that we could do that with the non-trial law office bits. And so we all sort of marched down those rather similar paths, because I think we're all confronting the same thing regardless of the substantive areas in which our students were working.

Hall: Was there much communication between you and instructors at other schools, or were you guys pretty much functioning in isolation?

Peters: Pretty much functioning in isolation. I can remember the summer of my first year, which would I guess been the summer of '72. There was a conference at the University of Denver, and Dave Binder came to the conference. And so that's where I first got exposed to him and to the UCLA thinking about interviewing and counseling. And that was very exciting. But we worked a little bit with the people at DU, because it's so close, but absolutely no contact at all with anybody else except at conferences.

Hall: How did your program actually take shape in terms of the kinds of cases you had, your students handled, and the back-up you gave them?

Peters: Okay. Well, it was a CLEPR-seeded program, and it had two components. It had a criminal defense component, and it had a civil component, general legal aid. There was no existing legal aid in Boulder, which was where we were. So we became the legal services office for Boulder County, which was kind of interesting because Boulder is not an area where a lot of low income people live. We did a survey my first semester and we found out that about half of our clients had Ph.Ds, which is not a usual kind of legal services context. And we actually developed a scheme so that by my second year there, we were extremely popular

with students. And we would have students taking the legal aid civil clinic for their second year, and then in their third year sort of graduating to the criminal defense clinic so they'd have a real thorough grounding in law office skills and interviewing, counseling, and negotiating first plus, you know, the kind of minimal trial work that you do on the civil side. And then they'd go defend indigents accused of crime and get a lot of bench and some jury trial work. So for sort of a golden era then, we had employers recognizing the solid nature of this two year training, and they would frequently in their interviewing process tell students, "Don't tell me whether you're law review or COIF or any of that nonsense. Have you done the clinics?" which was kind of a high water mark at the beginning of my career.

Hall: What were the other reasons that accounted for the popularity among students?

Peters: Well yeah, I think many students saw clinical legal education as I did, that is in part as a response to real problems in American legal education and justice delivery. And so certainly, the notion of experiential learning, the notion of doing something with what you study right from the beginning highly motivated students. And if you talk, I think, to any clinicians even *today*, there's just a thrill at how motivated students are, and how eager and energetic and enthusiastic,

and how much fun it is to work in that environment.

Hall: You said that Boulder's a little bit different environment. There's not an inner city situation, not a lot of poverty. One of the things that we've asked everybody to take on in some way or another is whether they view, sort of at its core, clinical legal education being primarily being about social justice or about skill building, or where in the spectrum would you fall in that discussion?

Peters: Well, I think it's about both. And my career has been consistently and exclusively working in two small communities; first Boulder, and then Gainesville, Florida, where I've been since '73 where there isn't the overwhelming need for legal services that you'd see in an inner city environment. And that has sort of forced me to emphasize the skills piece probably more than I would have if I had worked in D.C. or Chicago, or even Denver or Miami. So that I think has sort of forced me to really emphasize the skill building pieces. I had quite a personal shock going from the University of Colorado in 1973 to the University of Florida. Going from a very liberal, committed student population to a student population where an awful lot of people were wearing three piece suits or nice dresses and carrying briefcases and going to law school to make huge sums of money afterwards. So I found that I did not have a solid core of

students who really wanted to reform the world, whereas in Boulder, I mean everybody was at sort of the tail end of the 60's. So that's caused me, I think, to emphasize the skills building piece. We still try to emphasize the social justice component as much as we can. So I'm probably a little more on the skills side than the social justice side.

Hall: No problem at all. Once you made it to Florida, you realized you had to adapt in that direction. How did that actually affect your program evolution?

Peters: Well the program, I think, evolved from what I was doing at Boulder, which was a general civil practice over time to focusing on one area of practice, which was for us family law, because it was the area in which we could collaborate most effectively with the local legal services program. And we ended up doing family, pretty much non-emergency, cases, clearing their waiting list of clients with these matters waiting to be served. Once we actually started, we took new clients four time a year, because we were on the quarter system, interviewing people who were on the local legal services' waiting list with non-emergency divorce cases. And I began to see real skills learning potential in that because, from a legal side, the law was pretty routine. You could teach the law pretty quickly while you were teaching the interviewing and counseling skills. And the

personal parts of the work were enormously challenging, but you can get very quickly to a situation where you could turn over significant control to students, and so that you could really focus on getting quickly past the sometimes paralyzing questions of what's the law that applies to discussing skills issues. How did you relate to this client? What were the problems in your interview? What went well? What are the diversity challenges here? So my evolution was from a general civil practice to a focused practice to a family practice led to, I think, a really effective set of materials that integrated law instruction with skills instruction with competent service in the family law arena. One of the other things that happened for me at Florida was that I went from a small law school to a huge law school. So since 1973, I've only worked with students for one semester as opposed to longer periods of time. So part of my goal was to maximize the students' level and variety of experience within a fourteen or fifteen week term, and family law lets you do that because it moves relatively quickly. So I would have students have an experience of the beginning of the process, and frequently the end of the process on transfer cases. So I'd usually have students handle two, three, four cases by themselves. You could really see a growth from the first time to their fourth time.

Hall: Do any cases stand out in your mind as significant in view of the circumstances encountered, or that it wound up having unexpected significance, by the time they

were done?

Peters: Well the category cases that stand out in my mind are the close custody cases. Because one of the down sides of a family law practice is that so much of it is essentially ex parte work. Nonetheless, students really learn how to manage documentation and how to build rapport with clients. But so often, one spouse, typically the husband, is not there. You default the husband and the hearing then becomes a sort of scripted kind of thing. But we would always have two, three, four disputed custody cases a term in which there were serious arguments to be made for both parents, often with a lawyer on the other side. And these cases usually focused on custody. And those stand out in my mind because they became the vehicle through which I would let the whole class work on them to learn trial skills, because they were going to trial, and they were going to be challenging trial experiences. Depositions were often taken. Often expert witnesses were involved. Several direct and cross examinations would need to be prepared and presented. Occasionally translating challenges existed requiring interacting with courtroom interpreters. These causes usually permitted assigning different tasks to the entire 8 student class I was working with. Everybody would do a piece of it, and then everybody would come and watch the trial even though only two students would actually present it. We would all have that common learning data upon which to analyze and discuss experiences. For

example, there was one in particular case where a crusty old circuit judge with whom I had lots of run-ins told me afterwards that it was one of the three toughest custody cases he had decided in 33 years on the bench. Our client, the mother, was an Israeli immigrant. Mom ran off with a boyfriend to Mexico for four weeks when the child was two-and-a-half years old, leaving him with Dad two days before Dad's Ph.D. oral examination. This gave Dad a chance to sort of play catch-up in terms of primary parenting. And then when they came back, Mom filed for a divorce and there was a geographical relocation issue which raised evolving and challenging questions of Florida law. We lost the custody claim but the judge told Dad that he couldn't leave the state with the child, meaning he had to find work in Florida. We knew that he wasn't going to. We set up a rehabilitative process for our client. She pursued it. Part of it was getting a job so that she no longer qualified for our services. But we got her a good lawyer, and Mom regained primary custody when the case was tried again ten months later. So it was a real interesting kind of case.

Hall: More than just that one outcome you almost had to sort of get her grounded first, try to take a second chance at it.

Peters: Yeah.

Hall: In terms of the educational aspects of it, what would you say your students got out of working that case?

Peters: Well, it had so many challenging issues. It was one of the strongest cultural diversity kinds of issues that I've ever encountered. Our client was very physically attractive, but came from a cultural tradition where you should not look at persons in authority when speaking to them. So when we were doing our mock direct examination, she just wouldn't look at us. We realized very quickly that the judge would pick up on that, so we brought in a video camera. We filmed her. We gave her video feedback. We explained that looking away when speaking to someone signals deception in our culture. We encouraged her to look at the judge when you speak to him because we knew that this judge would respond positively, particularly given our client's physical attractiveness. Despite this encouragement, we could not break through her strong cultural constraint. She looked away, and the judge didn't believe her as much as he could have. And so I was able to capture that as a learning example in all future classes in which I talk about that. The case also presented an interesting tactical issue regarding whether to call the boyfriend as a witness? The boyfriend was in a step parent role. He was the most stable, and probably the most likeable,

person in the whole triad. The judge was quite a prude, and we were really concerned about that. We knew that the affair was going to be a major argument for Dad. So we decided to anticipate and explain it to lessen its bite. It turned out to be absolutely the right choice. The Judge appeared to like the boyfriend a lot, and that actually rehabilitated our client. So we were able to talk about that. So it really became something that we could use. So certainly, the two groups of students who worked on the actual case got a lot out of it. And I was able to convert these facts it into a short simulation and then longer role play that I was able to use for years thereafter in simulation-based skills courses.

Hall: Don, as you started building and experiencing cases, what kinds of new methodologies do you bring into your work?

Peters: Well certainly, the clinical conferences that I was able to go to helped, because it became a process of developing more and more experiential opportunities, more small group work, more cooperative learning work, learning a lot more about giving effective feedback. This helped me integrate all of these activities into an approach that I used in my short, one semester clinic. I would begin during in the first three weeks of the term with what we called it an intensive seminar. Students would have two classes a day, and I was able to, after about five or six

years, sort of develop a set of composite problems they were likely to encounter in our family law local practice. These composite problems consisted of little short role plays I created which encouraged students to read legal summaries which would teach them the law as they were learning about how to gather information, how to build rapport, how to listen, and how to counsel. And so it was a situation where, after the three weeks, they'd taught themselves the basic substantive law they needed to know for the rest of their clinic experience. They also built minimal skill competencies for working in the law office. And at that point, we would bring in new clients. It was a real nice educational sequence, I thought.

Hall: You mentioned the conferences, as have a lot of other people. What is it about the evolution of clinical legal education that has made those conferences so significant?

Peters: Well, I think there are at least two factors that leap out at me immediately. One is this sort of breaking through the isolation, realizing that everybody was confronting the same kinds of things. And talking and sharing experiences. And then learning a lot. Many of the people that developed and designed those conferences really had some very helpful thoughts: Sue Bryant, Elliott Milstein,

and others, that really I think helped us see how non-directive teaching could be done very effectively within the context of clinical legal education.

Hall: In your case, was does non-directive teaching mean to you.

Peters Well it means opening up to students, empowering them to lead in developing case theories, plans, and tactics, and letting students tell you what they were trying to accomplish before you share feedback about their performances. This avoids constructively criticizing them for not doing "X," because they might have been trying to do "Y." It means, you know, going as far as you can to shift representational responsibility from you to them. You probably heard about this almost decade long debate between the Georgetown crew and others about when you intervene in interviews and other actual student-client interactions. But I think the value from that debate for me and for my clinical colleagues was realizing that in our framework, we could go quite a ways before intervening so we could really let the students experience unexpected problems in front of judges and then let them try to dig out before we intervened and tried to avoiding lasting client harms. So those are kind of the two main components.

Hall: Are there any cases you can think of that really illustrate where you did need to step in?

Peters: None that come to mind right away. One of the things that we learned at the conferences was to have clear understandings about how the supervisory process would work during the hearings so that the students would know that just because they got in trouble, we weren't going to say anything. Because most of our ex parte hearings were in chambers, we supervising attorneys were able to sit actually away from counsel tables, sort of in the back of the room. There was one instance where the same judge that I'd mentioned earlier was in a bad mood. And he was picking quite unfairly on a student, and I sensed it, and I said something pretty outrageous, which really served a lightning rod function. And the judge got furious at me and really chewed me up one side and down the other. And the student, because we had talked about it in advance, realized what I had done. And so soon as that little tirade was over, the student came back and took over. My intervention had served the function of ventilating the judge's moodiness, and he decided to calm down and the student was able to help the client accomplish her objectives. And then we were able to talk about it afterwards with the performing team and then the entire clinic group.

Hall: You mentioned the isolation issue. Are there any people you would have considered mentors of yours in developing your teaching?

Peters: Well, not in kind of a direct way. The people who did some of the early writing in the areas in which I was working were very important to me: Dave Binder, Paul Bergman, and Tom Schaffer regarding interviewing and counseling; and Joe Harbaugh in negotiation and creating effective simulations. But I didn't really have the opportunity to work with any of them except at the conferences. Certainly Sue Bryant with her ideas about feedback, and Elliott Millstein, who was my small group leader at my first clinical conference at Big Sky, Montana. So, but, you know, it was kind of a one shot deal.

Hall: In general, are there any people you would point to as being particularly pivotal in the growth of clinical legal education?

Peters: I have a hard time, you know, identifying any specific individuals, because it's been such a marvelously collaborative effort. And there have been so many people lending assistance to my growth and development at appropriate times. Certainly Roy Stuckey really helped those of us in the South get involved who

wanted to get involved. And certainly Elliott, Sue, and Dean Rifkin played major roles. I mean, I think all the people who were at the Key Biscayne process and then carried it forward.

Hall: What were you any part of that?

Peters: Unfortunately, I wasn't.

Hall: One thing that struck both Sandy and I when we were looking at your resume is that it seems like you've gone more into international extensions of this in recent years. We're very interested in that because in some ways, it seems like that represents at least one branch of the future for clinical education. So I'd like you to talk about how you got into and where you see it going.

Peters: I got into it because, in a very kind of accidental way, I got a Fulbright in 1981 to go to the University of Malaysia. And this was sort of an outgrowth of something that the Asia Foundation with the Ford Foundation had gotten involved in, and they had brought in some Asian Legal Educators, including a couple of

people from Malaysia on a study tour. And I got selected for the Fulbright and ended up at the University of Malaysia teaching a simulation based professional skills course, and really enjoyed it. I was very positively impressed with the way that, at a very basic level, some of the action theories, and some of the ways we were framing what lawyers did, had tremendous cross-cultural resonance there. I just found at this conference, the guy who is sort of Mr. Metaphor, George Lakoff, and some of this work has found that some of the key metaphors underline a lot of what lawyers do, resonate throughout the world. And so I think there's probably a connection there. So, that got me very interested in it, and I've just been real fortunate in the last four or five years to have had some opportunities to get involved in East Africa, and in Poland, and back in Malaysia, and now a little bit in the Mid-East with Jordan.

Hall: I'm going to ask you to move a little bit from the abstract to more concrete. When talked about the, you know, the ability of this to translate across cultures, tell me a little bit about how that happened. Because I mean, on the surface it seems like it would be very hard to translate legal training in this country to legal training in another place.

Peters: Yeah. I'm not talking about translating legal training. I'm talking about the

theories of action that sort of, in a broad way, frame what lawyers have to do with clients to be effective, or with other lawyers. When I was in Malaysia not really knowing what else to do, I sort of brought client-centered interviewing, client-centered counseling, negotiating, looking at it in terms of both as problem-solving and value creating, and value claiming , and a little bit of basic trial advocacy theory into our curriculum development. I was quite stunned, really, at how much resonance the students and my faculty colleagues felt these ideas had for what Malaysian lawyers had to do. And that's been my experience ever since. I mean, just taking it in terms of interviewing. Lawyers all around the world have to gather information from their clients. They are helped in gathering information by having an understanding of ways to go about that. So just on the very specific level of question formation, I have taught, you know, our ideas about trying to ask questions openly, allowing respondents a lot of leeway to respond. Not trying to put our agenda on them right away. I've taught that in Haiti, I've taught it in Malaysia, I taught it in Uganda. And the lawyers that I've worked with, the faculty that I've worked with say, "Yeah, that makes sense," you know? Because we experience people who direct us, narrow us, limit us, and ask only leading or compound questions. And that frustrates us. And we experience others who say what's the situation, how did this happen, what are your objectives? And so this approach seems to work." So obviously I'm not saying, "This is how you have to do it. This is the kind of system you need to have. This is what your substantive law should be." But I am raising for

discussion that whatever your substantive law is, how do you start an interview? How do you find out what your client wants? Should you separate facts from client objectives, and, if so, how. What's the useful way to proceed? Interestingly enough, and I've actually written about this, the notion that clients should be empowered to make decisions is the most threatening notion on four continents that I've worked on. You know, American law students are resistant to that. And so have they been in Malaysia, Uganda, and Australia.

Hall: What makes it such a trans-continental thing? I mean, why do you think lawyers resist that notion?

Peters: Well, I think it comes back to the fundamental humanness. And I think people who are in helping roles realize that you can help as well as direct and control clients. And in stepping back and empowering, and really serving the person that you're trying to help, is more challenging but also more rewarding. It is less efficient in a sense in terms of getting something done quickly. It is also often more threatening because it minimizes the lawyer's control.

Hall: Any other observations? You mentioned Africa. You mentioned Poland.

Any other threads that have sort of just run commonly through all these experiences?

Peters: Well, one of the things that I'm doing most now is doing a lot of work and trying to develop approaches to mediation. So I've been doing a lot of reading about mediation as experienced all around the world. And again, on this sort of very basic level of action theory, I experience a lot of receptivity to contemporary notions of effective mediating actions. I just did a workshop in Uganda working with lawyers from five East African countries. And they all said, you know, "This makes an awful lot of sense." And again, I think mediators everywhere in virtually all contexts have to gather information. They need to listen. They need to identify culturally appropriate and effective ways to help people move from positions of conflict to positions of agreement. And I think there are some common threads to help mediators accomplish these fundamental, virtually universal, objectives. I hope to do some more writing in this area.

Hall: Don, what do you think it is about the clinical education model, or some of the things that have grown out of the clinical model that make it an effective teaching tool in different cultures and countries?

Peters: Well I think the student empowering dimension of clinical legal education is certainly breaking through. I do have to say, most of my work has been in countries heavily influenced by the British legal system. These are former and current commonwealth countries where the method of instruction is primarily if not exclusively based on information transference through lecture. So that students, even though they're often younger because these are often first degree programs, by the time they get to the first degree program, they're close to being adults. And they really want the adult learning pieces that underlie clinical legal education. They value being empowered. They value having their input asked for, heard, and valued. They really thrive. I just had a wonderful experience helping a colleague develop a curriculum for the legal aid clinic in Kampala, Uganda as part of the law development center's mandatory post-graduate curriculum. So these are students who are five years past high school. So in their early 20's. And she was a little skeptical. I was in Kampala for two weeks in November helping her and her colleagues draft interviewing and counseling exercises stemming from the kinds of problems existing in the contexts in which their clinic will work. And she's just been giddy with excitement about how much the students enjoy playing roles. They like being the client, experiencing lawyers from the other side of the desk, and learning from these role reversal experiences. They also love having ideas of what to do before they interview clients, and ways to identify and assess effective and

ineffective actions. And so she teaches this in a classroom component, and then the students go off into detention homes and interview juveniles who are being illegally detained. And my friend says that this sequencing works. Bottom line, I think people really do like to learn from experience. They like to learn by doing.

Hall: How would you compare the enthusiasm of some of these international students you've worked with your own students back in Florida.

Peters: Well, it's very similar, you know? I was struck when Peter Joy said when receiving his award that that thrill that comes on a student's face when they first realize they can do something with this knowledge. It's not all just passive information acquisition. It rather is "I can take this knowledge and I can use it to help people." I see that happening in Uganda with law students going out and helping actual people solve real problems. There's a reality to this knowledge. There's an immediate and practical use to this knowledge. So I've experienced it very similarly.

Hall: I'm going to ask you one last question on Poland. Some of the legal systems

that should be applied and would be quite different from our own, I would think.

Peters: Right.

Hall: Does that have any impact in terms of the way the lessons are received or able to be used?

Peters: You know, I don't think it does on the basic level of what lawyers need to do with clients. I think it *clearly* does when you start to think about systems in which lawyers work to accomplish client objectives. One of the things that we're sort of confronting now is whether it is possible to install an effective mandatory mediation court ordered system in a civil country as opposed to a common law country? Is there something about being a civil judge where you play such a more active role in the development of the case that increases judicial reluctance to allow mediative solutions to problems? Does that make judges somehow more hostile? In a common law systems judges basically sit back and decide whatever people bring him. So if a case can be mediated, you know, there's another case waiting to be brought to them. There seems to be more judicial resistance now toward mandating mediation in civil countries. So, I think

clearly at the level of designing and working within systems, there's huge, huge differences that I don't think we fully comprehend.

Hall: I know it's early on, and this will be extremely speculative, but do you have any hope or sense that as more students and teachers are exposed to some of these models overseas, that there might be some sort of broader, long-term resulting of all that?

Peters: Yeah, I do. I just think that underlying these frameworks is a client-centeredness, is a real respect for the person that you're serving that, you know, you see reflected in problem solving and value creating negotiation. You see it reflected in the importance of empathy, and so much else of what we work with students when preparing them for and supervising their clinical practice. Again, and it may be naïve, but I think as people learn these skills and begin to use these skills as lawyers, it's going to change some of the way they behave as lawyers.

Hall: Don, with this area of international clinical collaboration, not as many people coming through have had the exposure you had. So a little less grounded I guess in what they ask you. So I was just wondering, is there anything you would like

to see in a video around the whole evolution of clinical legal education as it relates to some of your international work? Any thoughts that we've not talked about?

Peters: No, not really. I mean I do think there's a growing recognition within the American clinical community that we have a lot to contribute. And it's certainly not in an imperialistic way, but it's in terms of, "This is what we do. These are the methods we use. These are some of the basic frameworks we use. Here are our ideas. How do they fit? How do they need to be adapted? Where are the serious cultural disconnects and how might we ameliorate them? You know, you can really create that collaborative, mutual learning environment in international work that I think good clinicians create with their students, and good students then create with their clients. You can create that when you collaborate internationally with people starting to do these things abroad. So it's just kind of a natural extension of a process that I think we're all familiar with and I think we're all committed to, and I think we're all relatively skilled at because we try to practice what we preach.

Hall: Don, looking over the years from when you first had your exposure to clinical legal education and now, what would you consider to be the greatest successes,

and where do you see that future of all this going?

Peters: Well, I think the greatest success is really that we have established a very strong presence in American legal education. When you see the number of schools that have clinics, when you see the number of schools that are willing to permit clinical experimentation, it becomes impressive. You know when I started, probably less than half of the American law schools had clinical programs. Now I think it's a very rare school that doesn't. When you see the way the method is infiltrating the rest of the law school curriculum, it becomes impressive. As one specific example, I taught civil procedure at Florida for 15 years. I stopped doing it only because I felt like I needed to teach more skills courses so that more students could experience them before graduating. But when I was teaching civil procedure, I developed a whole set of role plays that presented experiential learning approaches based largely upon my clinical experiences. And for a while at Florida, everybody teaching civil procedure at Florida was using these role plays so that clinical method was being imparted to all first year students at Florida. I see many examples of that around the country and I view this as a significant contribution. I think that brings social justice in through a back door of American legal education in really very valuable ways. What was the other part?

Hall: What are your frustrations?

Peters: Well, I'm frustrated that the growth curve is so slow. To me, the real challenge is a resource allocation challenge within a lot of law faculties, and certainly within my law faculty. There is so much student interest, so much additional stuff that can be done, and so little inclination on the part of the faculty as a large decision making body to allocate sufficient resources to provide what I feel is an appropriate balance. You know, the McCrate Report in 1990 says that American legal education is out of balance. And as far as I can tell, certainly where I work, that Report had very little tangible impact. And so the balance is just completely out of whack. It's so hard for me to participate in voting on somebody with a non-legal Ph.D. who's going to produce scholarship that from my perspective just doesn't contribute to social justice knowledge or learning about effective lawyering. And that we just hire these people, droves and droves and droves of them, while there are so many valuable clinical initiatives we'd like to start, even in Gainesville, Florida, that we lack resources to pursue. We have got huge numbers of students really clamoring for these opportunities, and we don't hire the people that we need because we don't have the faculty votes or administrative support. So I think we've got a problem. I hope we can be creative in developing strategies for continuing to expand and enrich these learning

opportunities, these service opportunities for our law students, because I think our law students still want them. And certainly at a place like Florida, which has a huge student body, and I'm now the only tenured person on the Florida faculty teaching in the clinical area. We had *five* four years ago. We're not hiring non-tenure tracks, either.

Hall: A few final questions: Is the future of clinical legal education at your school secure?

Peters: I think so. I hope so. I believe clinics will survive generally although some schools will reduce or eliminate them. I guess one analogy might be that we're clearly on the beach like they were at Normandy. But how do we get off, get into Paris and cross the Rhine and, you know control, or at least participate as equal partners?

Hall: Now to the next question. You talked about the desire to change the balance to add more clinical faculty and opportunity. What thoughts do you have about how to accomplish this?

Peters: Nothing that's been very effective. The balance argument doesn't work. One of the things that I think can happen with tenure track clinicians is certainly an experience I had where you teach a traditional course. And by doing that, you begin to understand the perspective of your traditional colleagues. And my frustration has been I haven't been able to translate that understanding into effective persuasion to, you know, to just expand a little bit so that we come a little more in the balance, so that we can provide. . . begin to respond more effectively to the student interest in this kind of learning and this kind of service.

Hall: Who are some of the people you've worked with whom you remember fondly?

Peters: At Colorado, everybody that I've worked with is now gone. The person that was most inspirational to me was George Johnson who came to Colorado out Yale, and then the public defender's office in Philadelphia, and then a public interest practice in New Haven. And he was forced out about five years after I left. Forced out of teaching. The two people that had tenure tracks at Colorado, one became a judge and is now retired, and the other one has just gone back into the criminal defense work, Bill Cohen and Murray Richtel.

At Florida, our CLEPR grantee was Jim Pierce who has gone on phased retirement. And he ran our criminal defense externship program. Working with him was Jerry Bennett, a really talented criminal law lawyer who unfortunately died last year of a brain aneurism while teaching a trial advocacy class. My non-tenure track colleagues are fabulous.

Hall: Thanks for your thoughts. I appreciate them.

Peters: Great. Thank you.