

**Transcription of the Oral History Interview with
Ellen Scully
July 26, 2001**

Ogilvy: Ellen, what was your first exposure to clinical legal education?

Scully: I was working for neighborhood legal services locally. And my first vivid memory of it was going to a hearing at the D.C. City Council, and one of the students from the clinic at Catholic was being asked to remove his hat. He saw that as an intrusion to his entitlement to freedom of dress and speech and everything else and refused to, and he was removed. And I then saw that same student, as it turns out – I mean, that was I didn't know that he was a student at the time – and then I was later at the housing inspector's office and that same person was there and I talked to him and learned and he explained why he thought it was appropriate to make the statement that he shouldn't have to remove his hat. And even though I'd graduated from Catholic I didn't realize, I don't think, that they had a clinical program. It turns out that the office that they were in at the time was right near the housing inspector's office, so that was my first exposure.

Ogilvy: Good. Which year was that?

Scully: Well, it was probably '72, '73. They'd been in business for a while, but I can't put an exact – but that is what I would say.

Ogilvy: When did you graduate?

Scully: I graduated in '67. And we had no clinical programs at the time but we were – I volunteered when I was in law school at Legal Services at the office at 14th Street, which Legal Services was of course just starting at that time. And then it took me several years after graduation to encourage them sufficiently to hire me because that was a time when everybody wanted to work at Legal Services or the government or public interests. And so that's how I happened to find out that they had a clinic. I mean, I knew of it vaguely, but that's my vivid memory of physically seeing it in action.

Ogilvy: In '67 there wasn't anything like that?

Scully: There was nothing like a clinic, although there was a lot of activity at Catholic around the Legal Services Corporation and, as I said, people came in and talked. Classmates of mine became Reggies, a couple of them, and I don't think the Legal Services Office – I should know but don't – as to when it started, but I don't think much earlier than say '65 or '66. And, as I say, I volunteered there in '67. And I'm going to say the office had maybe been there for a year.

Ogilvy: How did you find out about the opportunity to volunteer?

Scully: Well, there was, as I said, lots of people came and talked. There were people who had graduated that were involved. Catholic was a place where people were doing – we were encouraged. I went all the time – not all the time, but I often went to court just to

0:03:00 look and watch, or up on the Hill to listen to hearings. And that was encouraged by people that taught us and just encouraged by colleagues. And, in fact, one of the things that we have students do is go to court and observe as a way of just getting a feel for it. And I have to admit it is a little bit the roots of my clinical education being observing and going and doing it. When I was in law school you weren't supposed to work – but there was this idea that you fully immersed yourself in it so it just came naturally to seek out opportunities to observe lawyers in action. But there was also a sense, even then, that you just had a real privilege by being a lawyer and that there were people that you – I mean, I don't know but I mean, it just was in me – I think just as the atmosphere

0:04:00 at Catholic to an extent -- I mean it wasn't, it became much more a place that that message was very explicit. But even when I was there there were people who, within the law student community, that really knew that they had been given a gift and wanted to do something with it. So there were a lot of things that people just did without even thinking it wasn't [inaudible].

Ogilvy: What was your first job in the administration?

Scully: The Justice Department. I worked at the Justice Department in a job that I was glad to have, but wasn't very challenging. But there was a wonderful mentality of you could volunteer anytime, anywhere. And so as soon as I got my work done I could go off in the middle of the day and I spent a lot of time – actually a colleague of mine from law school, John Roney, was then working for Legal Services in the offices on H Street. So

0:05:00 because of that connection I went and volunteered there almost daily. And it wasn't discouraged anywhere. I'm not sure how many people were aware of it, but there was a lot of that. It was not organized, but just done. And so I volunteered for several years until they decided to hire me, which was my ultimate goal anyhow. I mean, not the volunteering piece, but just – I kind of knew intuitively just from that year volunteering on 14th Street that this is what I wanted to do, and so ultimately I did.

Ogilvy: What division of Justice were you in?

Scully: I was in a division called Internal Security. Yes, which is why I say that there was very little to do. But it was a division that was phased out when Nixon became president, because it was thought that he could do it without any political fallout as I'm told. I had
0:06:00 left. But he appointed the attorney general for that division. The assistant attorney general continued. It was not like a political appointment; it was sort of an appointment for life. So, he was made a judge and then they ended the division. But I had when I was in law school, actually after John Keefe, whose picture I notice on the wall here – had decided – I took a course with him in antitrust, and he put me in touch with the one woman probably at that time that was of any note and had any power in the Justice Department. She actually tried the *United Shoe* case, which is a famous antitrust case. And so he decided that I should do my paper on that case, and I should meet her, which was the most wonderful decision for him to make for me because she put me in touch with people and actually somebody that I met through that called me when I was back in Massachusetts saying that she was leaving her position – and in

0:07:00 those days they were able to hire without a process that was very complicated. And so I came down and interviewed and decided to take that job and almost instantly knew that, well, the person that I was working for died six months after I started there and after that it became real apparent that it was a job that really was a place to move away from soon, although it took longer than I would have liked. But, at any rate, I volunteered at Legal Services the whole time.

Ogilvy: What type of things did you do there at Legal Services?

Scully: At Legal Services? A lot of night interviewing of clients. And a lot of preparing of pleadings for people. Sometimes I would even go to court, not handling cases, but just assisting whoever was, actually John Roney usually. Legal Services locally was in a little bit of a flux towards the end of my time there. They were changing directors and
0:08:00 there was some difficulty around that. I don't remember all the details. But so there was a little distraction occasionally, so it was even nicer to have someone like me to be there. But what I really remember about that was that that office was structured in a way that nighttime hours were available, so people would just come in off the streets. I mean, that was the concept anyhow, that you were located in the neighborhood and that people that might not go downtown or go to a centralized office – and I can still see the face of a woman that got off the bus and came in and she was very severe looking and just obviously very beaten down by the system. And but so I guess she had been riding by for some time trying to decide whether to trust this place and even come in and talk

0:09:00 about her problems. And, she did. And, I think that is the kind of thing that they were trying to have happen. So being able to volunteer more at the night hour, it was – I think it was obviously – I was the one that gained the most and you learn so much. And you feel like you are using your talents, your training, in a way that makes a difference. And that's, of course, very self-serving in the end. But –

Ogilvy: Do you remember what the woman's problem was?

Scully: I don't. I think it was – I think that she had many of them. One part of it I do remember was a housing problem, but no. The thing I most remember was how dramatic – she is almost symbolic in her looks to me of someone who is strong but has really, just really been weighed down with a lot of things over time. She was just very severe. I mean I only saw her smile towards the end of our relationship, and must say it
0:10:00 was transforming. But the image is really when she came in. It was tough. But it made me totally committed to the idea of a neighborhood location because there were lots of people like her that came and they were – and at that location and then also when we were where the clinic was too. But it was just dramatic in her looks.

Ogilvy: What year was it then that you left Justice and started at Legal Services?

Scully: Nineteen seventy. I started and worked the entire time in the office that Legal Services had in Anacostia on what I always loved, Good Hope Road, was where we were located. And that was a pretty amazing four years.

Ogilvy: Four years?

Scully: Yeah. And, I left there only because Roger Wolf and Tony Kramer, who were running
0:11:00 the clinic, told me it was as good as Legal Services but without some of the problems
that the local program was experiencing, and, they were right.

Ogilvy: Did you do a full range of legal cases for Legal Services? Or was it – ?

Scully: Oh, no. It was totally – you look back on it and of course it was probably the other
thing that convinced me that one of the more powerful ways to learn for a lot of people
is by doing. And the range of things that we did, I look back and it takes my breath
away. We did it. I think there were a lot of things I now could do a lot better for
people. Housing was an area I did a lot in. The impact of housing, in this city anyhow,
and the lack of it for people is pretty amazing. And those are cases that people come to
you with either a complaint because they have to be in court in a week or they are about
to be evicted so they tend to take on almost an emergency aspect to them and maybe
0:12:00 that had more of my caseload. But, no, I did a case where we filed the petition for cert,
we withdrew it because the Supreme Court was changing slightly, and we were
concerned that we might undo some of the law that had been done. But, I did a lot of
benefits cases. I did a fair amount of domestic – I mean, it was easy to not pay
attention to divorces and cases like that because they didn't have that emergency aspect
to them. But we were able to develop a system subsequently – they specialized in that,
and did it out of the office downtown which I think made some sense – but did a lot of

housing, a lot of benefits. I actually did some juvenile, although that was probably ill-advised as I look back on it because we had the public defenders office and people were

0:13:00 guaranteed by then – I mean *Gideon* had happened, so people had right to counsel. But it was a client that I had done a lot of housing and other matters for and so when she came to me I almost sort of before I realized it I was doing it. But I only did a couple of those. I did some neglect cases and a whole range of other types of cases. I did a lot of consumer cases. My guess is that in those days, as well as in the early days of the clinic, people were a little more wealthy in that they had consumer problems. Now lower income people don't have consumer problems, which is sort of a sad commentary. Oh, and the other type of cases, I did a lot of auto negligence cases. I probably had a run of them when I was at Legal Services, where I even won a case where my client had rear-ended the car in front of them. But the reason we did them

0:14:00 was it was before no-fault insurance and before the Metro so people's jobs were very dependent on having cars. But very few people had insurance. Once they had an accident, if they were sued, their license would be taken away. So – even if they weren't at fault. So that was a reason for us defending a lot of these cases. And also there were administrative hearings. But auto negligence cases, I have to say, were fun. The stakes were high, but they weren't the core, heart-wrenching issues that all the cases presented. I mean if you lost, it wasn't good, but the impact on the client wasn't quite as dire – maybe on your ego, but you know not on the client as much. And we did one case where the client – well, actually, it was the basement of a house had

0:15:00 burned and the thought was that the claim – was that the client had caused the fire. But the landlord's space heater was the culprit, said the jury, and they were right. But we

did a lot. A real range of cases, a fair amount of appellate work which has never been my favorite. I don't think it gives you as much opportunity to persuade as you do a jury. And there was a lot at Legal Services that I think is very core to clinical legal education. Like when we did jury trials, in my office, and I think in most of the offices – there were ten offices at Legal Services when I was there – you would alert somebody to trial dates. You'd sort of coordinate calendars and then a few days before, you would be talking to the person about the trial anyhow – they would then be second chair and help you out depending upon how much – but there is just so much you can do at a trial if you have two people. But because we were all so busy and had so many

0:16:00 of them that you couldn't have two people working on each case, at least that's what we thought. So, the way we did it was just informally seeking people and then formally committing to each other to sit in and be second chair and that was incredibly helpful. And then, you know, it wasn't formal again, but you always knew who had trials, and so you'd try to make time to sit in as a way of learning a lot. And then we met as lawyers informally all the time within our individual offices, but then down at a place called Law Reform where people actually took cases, worked with folks in the neighborhoods identifying issues that really needed to be brought – broad-based attack and yet the source of the cases was often the neighborhoods. So you did – [inaudible]

0:17:00 worked with people to try and influence – well, they would charge a security deposit to people east of the river for gas and telephone and stuff. So, a community group came and asked and then brought cases along those lines. And so if one office – like if office number one had come across that, then you'd find that out with meetings and then go to your community group. The connection between community was because of the

offices being around the city was very well – that worked beautifully, almost effortlessly at the time. I look back and I think, “Well, what were the methods of communication, because they were so seamless that how do you replicate them now?” And of course it is harder because of the dual requirements of a clinician. You’re not as in the community as much, although you are in it a lot. But the time that – like when I

0:18:00 was at number five – spent with the far southeast or actually the southeast neighborhood community organization. That time was easily taken away from a court time. Now, it is a little harder to do those things. But you still have to do them because the community is the source of the issues.

Ogilvy: What caused you to leave Legal Services in ‘74?

Scully: The new director of Legal Services who came in at that time had a philosophy of handling matters that was very unfortunate. I don’t want to go into a lot of the detail, but there was an unfortunate period where much too much time was being spent in

0:19:00 disputes than in really bringing services to the community. So, a number of us brought a petition to the board of directors. It was unsuccessful it appeared, although it turns out it wasn’t. It’s just – there was a grace period. I felt that the person that is in charge ultimately, once that decision was made, had the right to operate as he wanted. So, I was going to take a trip around the world. It seemed like this was the time. Until I bumped into Roger and Tony, who persuaded me that I really should come to Catholic and I still haven’t gone around the world. But, I’m glad I came to Catholic.

Ogilvy: How did you know them?

Scully: Well, I sort of mentioned how I first became aware, but it is surprising how like you notice things once you start to notice. If you have a certain type of car, then that's the only type of car you see on the road. Well, after that I was constantly running into them. I didn't know them that well, but knew them. Tony Kramer had been a former :Legal Services lawyer. Roger had not, but they had a reputation. They were doing
0:20:00 cases and were very active. And so, as I say, once you started to notice them – and so people were aware of the problems within the program. Unfortunately, that had become sort of more than just in-house. And, so, I think people knew I was leaving. And so, then they approached me. I mean, they knew I was leaving and I think the timing just turned out to be good. And then Clinton Bamberger, of course, persuaded.

Ogilvy: When did you come? When did you actually start at Catholic?

Scully: August of 1974.

Ogilvy: And where was the office?

Scully: The office at that time was at 1709 North Capitol Street. As I understand it, it started out near Thatcher Caskets which was in the 1400 block of North Capitol and very close to the housing inspector's office at that time. That was like only for a year or two that

0:21:00 they rented there. Then they came and rented 1709 North Capitol and half of 1713 North Capitol Street. So, for the first year that I was there, it was 1709 or 1711 – it must have been 1709 – we were mainly in that building. But before I came the students, with the support and direction of Tony and Roger, were looking to find someplace to buy, and had already located 1713, and that was all in the works. In fact, the sale had taken place before I was there. So it was in 1975 that it was purchased, but I think we moved at the end of that semester. We might have spent another summer. I can't remember, but – So, we actually lost some space, but we owned it. And we

0:22:00 painted it many times and people made bookcases and some of the students were just extraordinarily good at spackling, doing things – and Tony Kramer put up wallpaper. It was actually, because it was a business, it had been – it was a real estate owner, but it had been a home at some time, because it was a townhouse. So one of the offices actually had wainscoting. So Tony got to put the [inaudible] up. The office leaked a lot. So we all developed a lot of skills in terms of pushing the water out the front door because the people that were – there was, I understand it, the arrangement at the school was that there was a modest amount of money allocated to maintenance and we were not, you know, not -- we were -- I think the thought was initially that we would be very independent and that we wouldn't be costing anybody anything. So, when school did

0:23:00 come down to fix it, they were a model of ingenuity and fixing things in a way that was successful but not necessarily with the most quality. So – but that was all right. I mean, part of -- I think the community that developed among the students, was one, I think, the closeness of the space, which turned out to be brilliant on our part if we had designed it, but actually it was happenstance. But because they were so close to each

other, they learned a tremendous amount about each other's cases and were resources to people and the like. Because there were really just two student areas and just long tables that people had bought at auction – not auction but I don't know where they got them actually, but just people worked at just long tables next to each other and spent an extraordinary amount of time there. But that's the space that we went into in the first year. Warren Replansky was hired the second year I was there. I think we started together, but anyway we shared an office, because at that point we thought the sort of supervision from both of us sort of giving people – you know, sort of concrete exposure to the idea that there's many ways to do things, and you want to pick one which is right, but that there's no absolutes. That worked, but it was pretty time-consuming and had its drawbacks. So subsequently we took away a student space and made that into an office space.

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Ogilvy: When you started then, there were three supervisors?

Scully: Roger went up to school and was teaching full-time. I think that was it. Tony taught Criminal Law at night and he taught the classroom component with Roger. And then there was myself and subsequently Warren Replansky, I think he came the next year. Roger and Tony, as I understand it, sort of persuaded the faculty that this would be sort of a rotating position, somewhat like we usually do with the lawyering skills program. And that the person who was hired would leave in a year. Well, here I am; so I didn't leave. It was just the first year was very difficult actually.

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Ogilvy: Were Tony and Roger doing supervision as well?

Scully: Yes. Tony was not – I mean Roger was not, Tony was. Tony was supervising, teaching Contracts – I said Criminal Law, but Contracts, and it was – it really was too much because to be the director of the place, to be having a caseload and of course, we who were lawyers didn't understand the other business that he had – because when I started I was a supervising attorney and so didn't have teaching responsibility. We did, however, have a business meeting once a week that we used to sort of a rounds. Just because we were frustrated by not having an opportunity to meet with the students together, that being – the frustration being not the best word, but we clearly saw the benefits of meeting with the students as a group and that Warren and I then just spoke to Tony and Roger and they said, "Sure." So, we would have a meeting once a week to discuss matters that were really appropriately handled that way. And we supervised cases, but so did Tony. His caseload maybe wasn't as much and he felt comfortable calling on us to fill in. But he was a great source. I mean he had done it and he had been working with Roger, and they had been thinking about clinical education or legal education for students, clinical legal education. And they had worked on the classroom piece. They had tried different things. So he had a lot of insight and good ideas in terms of that, and Roger as well, but he was less available.

Ogilvy: How many students were you supervising?

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Scully: A large number. Everybody wanted to do it. My first year, which of course now you know I can't rely totally on memory because it was so long ago, but there are some things that stand out and one of them was that I hardly ever got to the bathroom. I mean, it was students were constantly coming with enthusiasm and ideas, and people didn't know how to say no to clients and the students were very, very active. I look back on it and I think that we appropriately did have to step back and say. "Okay, what systems are in place?" But we had just extraordinarily – how to say this? – the staff that's worked at the clinic has been extraordinary. The numbers have been very few in the years that I have been there. There have been five office managers. Now, that is pretty extraordinary when you think we're talking since 1974, and each of them has left not willingly: one because of having family and feeling the need to spend the time with her children; one because of health reasons; somebody else because they moved. The one person was a temporary, another person – oh, the temporary I didn't count – then the other person went willingly, but to work with her church. And then we have [inaudible] now. So the running of the office has been something that we have been constantly retooling and the like. But even when I came the person Ellen Fairably, who was the office manager then – I'm not sure we called her that, but she ran the place. I mean, she was extraordinary. She also coordinated students going to senior citizens' homes a couple of times a week just to give advice. And that was done effortlessly, seamlessly. And, you know, it was just – it wasn't any big thing – it was just there was a nearby church that Ellen knew wanted to have that done and students loved it and went. And I have to say that we probably had, well, two things – one is a lot of students took it full-time and that – I mean they didn't have any academic courses but

the clinic. That makes it much easier to function, frankly, because you're not trying to coordinate with their classes and all the rest. And so the coordination was a lot easier. Plus, students sometimes took the clinic over and over again. So they then became part of the almost – in an informal, but some – a couple of times we did it formally, where they would then take over some of the supervision.

Domestic relations cases – we had a secretary who had worked at Legal Services and came to the clinic – followed Tony – and she had been in charge of the divorces. So she had an incredible system, so students would in-take the cases if they weren't completed and then they would turn them over to her because there were 13 steps at that time. And then, when it got to like the eleventh step, the cases were then turned over to new students if they hadn't been done in the lifetime of the students, which often was the case given the courts delays. So there were a lot of high volume – it was a very high volume of cases as well as a lot of students. And you can do that when you have the combination. Actually cases are harder to manage in terms of numbers and the right amount when you have fewer people. Because if you take in a few more clients but you have lots of students, you can – for some reason it is easier to handle. Although I do worry about things that we missed, I'm sure – and didn't realize at the time.

Ogilvy: Was it one semester clinic at the clinic?

Scully: Even at that time it was a one semester. There were two decisions made, as I understand it, that were real core. One was that we would do only civil cases because we wanted to maximize the number of clients that could be represented, and not only do we have a fabulous public defenders system in the District but there was the right to counsel now in criminal cases. At the time we thought some day there would also be that right to civil indigents. There's not. But so there was that decision. The decision then was to make it a one-semester course, so it would be available to as many students as we could.

Soon, even before I came, they found out the virtue of allowing students to repeat if they wanted because of what they brought not only to the cases but to the students that were there, not to mention the lawyers. So it has always been one semester – but a lot of people – and some people would take it, as I said, for their entire clinic credit – I mean their entire course load – and then might continue later as volunteers or whatever.

But then there were some that would -- I mean, I can think of there was a married couple and he did it the first semester for the full time and she broke up the credits, and then he sort of continued doing it. But – and then we were lucky enough to have work-study money to hire people in the summer, so – because we did not offer it in the summer. Well that's not -- we did offer it in the summer, but not many students took it because it would be expensive and so we would hire like four or five students with work-study money and then many of them would continue. So we would have some people we called "lifers" that would be there, you know, from their second year and –

but what we always did was give preference to third-year students, but we always had a lot of second-years too.

Ogilvy: Were you like the Legal Services office in terms of a full range of cases?

Scully: We were. We were. And when I was there, as I said, there were the three of us.

0:33:00 Then at a certain point there was a change in personnel. First, Warren left and somebody else filled in, but then Rita Bank who was a student at the clinic – well, in 1979 Tony left and I – how to say this? – I never wanted to be the director because what I really like is lawyering and working with students. But in the process of being allowed to meet the people that were considering it, their idea of clinic and mine turned out to be sort of different, so I allowed myself to consider putting my hat in to be director. So in '79 I became the director. And Rita had been a student in the in the first semester and she graduated in – I might be wrong when she graduated – but the point
0:34:00 is she came to me. Tony was at this point still teaching the classroom piece for us but was not handling cases and was no longer on the faculty and she had – oh, I know, she graduated, she clerked for a year for Judge Kessler when Judge Kessler was in Superior Court. And after that, based on that experience and also the experience of the D.C. Bar of the serious problem with domestic violence, Rita decided to create a program and she got money from the Berkeley Law Foundation, which you may know is a foundation that helps people start something, but doesn't do overhead or anything like that. The hope is that people will do – they will sort of support the idea but then you

have to go. So she came too – but you also have to have space. So she came to me, and said if she could put in the application that she would work at the clinic, and have space there, you know, she'd be willing to do that. Would we be willing? And it sounded like a natural to me, except I was already thinking we were going to have to give up another student space and office. But having worked with Rita as a student, I knew that she was quite remarkable and that she would be a real asset. So Steve Frankino was the dean at the time, and I went to Steve and he said, "Sure." So, she got the foundation money, the Berkeley Law and a couple of others, and she came. But the thing that then became different at the clinic was she had as part of her idea that she would provide training to lawyers of the private bar, because very few lawyers were knowledgeable in how to do this work and, more importantly, the victims were usually women and they, no matter what economic strata, often didn't have access to lawyers, and that the lawyers that were going to be trained or were likely to take an interest in this were going to come from places where we weren't sure, but we knew that they were going to need a lot of mentoring and training. And so this was now going to take us into an area or specialty, and it was going to have one person working whose commitment was not totally to the students. But it seemed like a good idea, and Steve thought it was. It was a terrific thing for us. I mean it is terrible we had this problem, which clearly I'm sure existed forever, but we were becoming aware of it. And so Rita came and then the second year that she was there she also fund-raised money from the D.C. Bar Foundation which we continue to get. But then at a certain point that position became regularized, if you will. And yet we have always maintained that specialty. And just to go back for a second – man, I love talking – there is so much that's gone on

0:37:00 – but Rita had the grant from the D.C. Bar Foundation. D.C. Law Students in Court had also gotten a grant but it was – they weren't able to implement it for some reason. Jack Sherman was I think the director then. I don't remember exactly what the circumstances were, but that money was used by us, by Rita, to hire a woman who just did legislative work because there was no inter-family abuse act. The way that you got any kind of assistance for a person was to get them a restraining order. And so legislation was drafted by Susan Fischer. A lot of people got involved. The Women's Legal Defense Fund, which is now called something else – I don't remember the new name – but a lot of people. The city council was lobbied for several sessions, at least a
0:38:00 year and a half. And then, very sadly, as does happen, somebody threw a bomb in a woman's home – a fire bomb – and she was severely damaged. And that caught the public's eye and the city council's attention, and then the statute passed. And – but it had lots of pieces to it that you had to work through. Do you require the woman to testify? You know, does she give up her right to?– And the U.S. Attorney was saying, "Look, these problems really are the woman's problems because they don't follow through and the like." So there was a lot of that going on. And there was a desire not to put people in the middle.

As you got more experience with it, it became clear that people had moved to believing that there has to be a criminal aspect of it, and that there is a cycle of violence that takes a while for people – women of all economic background and training to break. But that's all that's evolved over the years since 1979 and '80. And you know now

0:39:00 Catherine Klein and Margaret Barry specialize with the benefit of Legal Services – sorry. We actually got a Department of Education grant to do that. And the problem hasn't gone away. But I think that we have made a lot of inroads in ways sort of with the experience of the cases and the clients. And so it is still, unfortunately, very much with us. And we have been incredibly fortunate to get the D.C. Bar Foundation Grant every year that allows us to do some of that specialty and the like and continue to work.

There was a period where we did a lot of police training and worked with the police department and have had, I think, some real success. And it's not just Catholic. We've done it – you know the wonderful thing about Legal Services and about clinical legal education is everybody collaborates, and I just think it is amazing how selfless people are – and that certainly in the area of domestic violence there's been just extraordinary collaboration and successes as a result. So when I say "we," it is a very broad "we." But Catholic really had the good fortune, if you are able to make a contribution where there is a need, to be very much involved in this.

0:40:00

Ogilvy: I want to go back to something that you said earlier, that when you came on in 1974 you came on as a staff attorney. When did you make the transition to the faculty?

Scully: That was in 1979. What was – well, independent of this, there's CLEPR, you know, the Council on Legal Education and Professional Responsibility – Catholic University had received grants from that organization. It was a Ford Foundation organization,

0:41:00 Ford Foundation foundation, and both Tony's and Roger's position, I think – now I'm not exactly certain on this, but, at any rate, there was at least a faculty position and the commitment to CLEPR was that the person that is hired would have faculty status. So when I became the director, taking over Tony's position, the law school remained totally true to that and my position was then converted to faculty. I mean, I had felt at that point I just knew that this was my life's job. It still excites me and satisfies me and I'm sort of almost embarrassed to say that, because aside from the teaching piece it is because people's lives aren't what they should be. But I think that is true in the profession generally, that we are problem solvers. But, at any rate, I wasn't leaving,

0:42:00 which is why I didn't want to be the director, because that requires a unique set of skills, and they are not ones that I had honed or think I come to naturally. But I just knew this was such a good thing that, the same way you do cases that you've never done before but you just know you are going to do them well because the client deserves that. Well, I kind of felt that about the clinic. And so that is how I happened to become faculty. But I also knew at the time that we all should be the same. And so even from the beginning, even though we all sort of were equals, if not, you know, me being at the lowest –

So – but – there was even starting back with Steve Frankino working towards getting everybody that was working at the AALS as attorneys to become faculty. At the same time there was also – or subsequently we were working on it, it seemed the way you would approach that would be to get salary parity. So then the issue would be a pure

0:43:00 one with the faculty and wouldn't take on, "Well, what's going to happen? Where's the money going to come from?" And then as we were sort of working towards that, at the same time or subsequently, there was the accreditation standard that was passed. But ours was really sort of a recognition that people were performing in a way that was in-hand enhancement to the faculty, and performing as faculty and so we needed to get to the point where that was recognized and valued.

Ogilvy: You mentioned Rita Bank coming on and really beginning the Domestic Violence Project which continues today. What was the next major transition?

Scully: Well, subsequent to that, the Legal Services Corporation seemed to be engaged in a battle of eliminating Legal Services, at least as I knew it and loved it. But one of the things that they started to do was give substantial grants, and there was a reluctance on 0:44:00 people like myself that had been former Legal Services people to apply for them for fear that you would be taking money from programs. But I remember talking to Willie Cook who was the director of the local program, and he said it's a given. So what we would hope is that people that really are committed to low income – solving or helping with the problems of the low income – So we applied for and got a grant from the Legal Services Corporation that at that time what they were doing, which I really thought was quite [inaudible] – they were trying to encourage people thinking about legal services for the elderly. And just as an aside, at the time that – this was like in the early '80's, so that it did seem "elderly." Now as I get older it doesn't seem "elderly"

0:45:00 any more. And so, we thought, “Wow, this is interesting, but we have – how are we going to fit any more bodies here?” And also it was clear that we wanted to have people that – in other words, not just take it on with existing staff. So right around that time, the night students had been really very active and vocal, asking to have a clinical program.

Ogilvy: What year are we talking about?

Scully: We are probably talking about – boy, I thought I knew this recently – I could look this up, if I thought of it – I think maybe 1981 or maybe ‘85 – ‘84, ‘85. It’s fallen out of my head, but it’s around – it was after the family abuse project – but probably ‘83, ‘85,
0:46:00 somewhere in there. It was a two-year grant. Well, the idea, that I think came from a discussion with Leah Wortham, because she was sort of a supervisor – she was coordinating all the clinical programs and had been dealing with these night students, and all of a sudden it was like, “Wow! We could have it at night.” That would take care of the space. That would allow the expansion and probably would be a natural because how do you do a live clinical program for people that work during the day? So we wrote the proposal that way, and I remember working with Leah on it. Because I had just finished the May Sarton book that was about a woman in a nursing home and I was just, you know, very enthusiastic and already decided that this would be the first reading assigned and everything. Leah hadn’t read it, but she looked at it. She was working on the application along with the office manager who was Jessie Carpenter at that time, and myself. And she pulled out a quote from like the first chapter that was

0:47:00 just perfect and made that part of the application. I almost forgot that. And so then we did get the grant. It was soft money and we had a two-year grant, and then we started the business of looking to hire somebody. And I'm just now remembering that I could figure out exactly when we got it because it was when Catherine's daughter Sonya was born and she's 15 so. But we found that we didn't – so, how do you – we know you needed a secretary because the administrative aspects of it were going to be extraordinarily complex because we were working with a full-time clinical program staffed by students who were night students. And also – so, we knew we had to have a secretary and a lawyer and the money, you know, was wonderful but it was. So we

0:48:00 said, "Okay, we'll have to hire someone that's fairly new out of law school," which was very attractive to us because of what we could learn from people that were new. But the problem was people wanted to do it, so we got tons of applications from people that would be taking substantial pay cuts and – didn't fit in our original idea. And we were concerned about that because we would feel uncomfortable paying somebody – So we agonized over that and we did hire somebody who was certainly – we kept saying, "You wouldn't be paid as much." And they understood that, and that's how we started.

Ogilvy: Who did you hire?

Scully: Claudia Schlossberg. And she was very good. She might well still be with us, I think, but the issue really was at that point I think all of us had come to realize that to have a program that you don't know whether it exists until you are able to fund-raise for it, which we did for another year or two, really interferes with the quality of the program.

0:49:00 So we went to the faculty and asked that there be a vote up or down as to whether the faculty would commit to this program continuing. But by then Claudia had left and we decided that it was so unclear as to whether the program would continue, that ideally we would look for people who would work part-time. Because it was at night and we actually – I think Catherine identified two students who had taken the clinic that might – kind of had been in touch, sort of knew what they were doing and maybe they would be interested. And so then they were hired and then subsequent to that the school committed too. And fortunately they did, because although we kept trying to get money, we were now getting to the point where money is getting a little tighter because programs are getting phased out and the law school picked up the [inaudible]. But we still do fund-raise and have gotten money from various organizations over time but

0:50:00 haven't – Legal Services did not renew it after the two or three years and so – I think we got a Department of Education grant for a year to do it. We did. We've gotten some nice grants from various places, but the school has followed through on their commitment.

Ogilvy: Who were the two people that you hired?

Scully: We hired Michael McGonnigal and Sandra McMillan. And Sandra had a dual degree, - a social work degree as well as law school, and her interest was with the elderly. In fact, when she left she went to Sarah's Circle which is a – I don't know if you know it – it is an extraordinary place where the idea is to tap into the creativity of people that are older and have it – they have housing, but they also have a lot of programs that

probably you wouldn't find in a lot of senior citizen center places – or maybe you would nowadays. But, anyhow, they pioneered that. And so she left us and went to that. So it was quite a nice sort of match. And it had the advantage that we weren't putting people in peril of losing the job. That was our big concern. Because what if it didn't continue, you know? What would people do?

Ogilvy: Were they operating out of 1713 space as well?

Scully: Well, as it turned out, 1713 was on North Capitol Street in an area that I, you know, became totally like it was home, because you'd go there everyday and you'd be there at all hours of the day and night and all the community people would tell you what you had done the day before. But if you came into that neighborhood without that sort of grounding, it could be somewhat intimidating. I mean, there were – I mean, I don't want to – let me be fair, it is a high crime area, and so to have a program at night was less than attractive – plus the logistics. And by then I had space. We had an office space which we shared with the program that Harold McDougall did. And so they ended up operating out of there. The administrative assistant operated down on North Capitol Street and we had the most extraordinarily complex system of maintaining files and having dual files and all – because one of the things that we spent a lot of time on is office management and helping students develop the skills of file maintenance and all the rest. And so trying to keep that and how much can you keep that and still do right by the case. And so it was critical that the person be someone that was able to be on North Capitol Street. The files were all then part of our file system – they were

maintained – because the office up at school didn't have that kind of security space, although we did have to create some of it. But that turned out to be a real boon to have that space up there because what happened on North Capitol Street is a lot of time students would stay way past the time night students would be coming, so it would have been a crunch space-wise anyhow. But that actually worked out much better, because then students, night students, could take it for four, five or six credits, so they often had other classes that they were going to, so the logistics would also have been difficult. So that quickly became – and actually Claudia, her first semester she was on North Capitol Street, but after that she was up on the campus. It just was a natural.

Ogilvy: Mm-hmm. At what point was Catherine Klein hired?

Scully: Catherine was hired in 1981 as – and it was at that point that Claudia had – Well, first of all, I got confused. Claudia, of course, is the advocate for the elderly. Rita Bank – Rita was concerned that the position was not going to continue, and even though I was incredibly optimistic as I always am. It wasn't me that was trying to contribute to bringing up her family and the like. And so she decided that there were opportunities for her, and that she could still do things. She certainly has continued to do extraordinary things, and been very active in the bar, and done a lot of things in the area of domestic relations. And at the time we advertised the position, we made it clear that it was one that there was already the informal commitment, but we hadn't had the – the dean had been very, very supportive and I think he felt there wasn't a problem. And indeed there wasn't. But –

Ogilvy: Dean Frankino?

Scully: Yes. And so that – we advertised the position. We had a lot of people apply. We had an extraordinary – just an extraordinary group of people apply. I mean, some of the
0:55:00 people that I look back and didn't hire. I think that Catherine was just clearly the choice and the right choice. I think she has been stunning in the position. But it is interesting to look back and see the people that could have and were willing to do it as well. But as I say, Catherine is clearly the right choice.

Ogilvy: She operated by herself these last few – ?

Scully: Well, she's all – yes. Because, see, what we did even when Catherine was there was – there was this thought that it was important to look – and there still is – at the client as a whole person. And so if you're fairly new to practice then – and to the practice of low-income people, then seeing some of the other issues, the housing issues and the benefits issues and the like, by virtue of handling them. Also, the concern that I still have, that
0:56:00 it's such draining work that if that's all you do – now maybe because I don't do that much of it – maybe it seems even more draining. So always there was an integration of the person, even with Rita, of doing some other cases. And the way we operated at that point, and for many years until we specialized, was that the students would work with many of us, if not all of us. And we would meet very regularly. We would go off several times a semester to somebody's home or someplace and just talk about our

experience with the students and find out. And we had an ombudsman in the system, because sometimes one of us might have a case that we were tense about which the student would then feel and then how would they – But part of learning is how do you keep the caseload going? And so, at any rate, the way it worked was that Catherine was the resource. I mean she took courses – I mean, she taught Family Law at

0:57:00 American, I think, as a way of sort of using the opportunity to learn and to get ideas – and she actually took a semester off to do that. But she was the front person, and I mean she still is along now with Margaret.

But – and in the same way, housing was something that evolved to be my thing. And so I would be more likely to do housing cases, but the students would then be exposed. It was pretty demanding on them, when you look back on it. But they had exposure to a range of cases and to several very distinct lawyering styles. And we talked to the students that graduated and still talk to us – which there are many and I don't think that they are just being nice. They found that to be, I mean, they didn't have any choice, but they found it to be a very satisfying experience – demanding – demanding like you wouldn't believe. But, you know, the opportunity to do, say, a jury trial in housing and
0:58:00 also working with somebody with a domestic violence case – maybe as teamed and not having the equal responsibility, but still seeing more than just one side of it. They found it pretty satisfying.

Ogilvy: Were there other supervisors during that period, say, '79 to '81?

Scully: From '79 to '81 there was – when I became the director – quite how to take this but, turns out that sort of everybody left. So I was in the position of having to hire people. And then Warren Replansky was leaving, so I had to replace him. So, at first it was just myself and a person by the name of Gary Voinovich and Tony. Then we were lucky enough to add Rita. And so we had Rita, Gary – but we also had to replace Tony, or me as the case may be. So at one point Gary was me, and I was Tony, and then we had to replace Warren. And then subsequent to that we had Rita. So that we had – and then the night – so we had five, at times six, because we had two people doing the night program. So we had a person by the name of Sam Botts, who was supervising attorney for some time and then when he left to go to private practice, Margaret Barry was hired to take his spot.

Ogilvy: [Inaudible].

Scully: I don't remember to tell you the truth. But I would say in the late '80s – not late 80s, because this is, yeah, late '80's. Yes, definitely late 80's. I almost lost a decade. Whoops. Yeah. Margaret probably came, you know, about late '80s, early '90s. She had been on the Hill for a number of years. That again was an interesting and wonderful opportunity to meet lots of people who were interested in the position. As was when we advertised the position, before we made the decision to hire two people part-time. We interviewed a lot of amazing people, many of whom are in legal education now.

Ogilvy: What was the next transition would you say ?

Scully: The next transition? Oh, and then the next transition I would say was when we got the legal services. I mean – I'm sorry –

[End of side A]

What was wonderful about that – I was originally opposed to it because of the concern that it would be much harder than to have a general practice, because the only way we were able to take the range of cases was because we had a range of people – and, you

1:01:00 know, I like the general practice aspect. The specialties have lots of good reasons to do them but it is then a – we were doing it with the personnel. But when Catherine and Margaret got the grant from the Legal Services, from the Department of Education, they were able to hire another person. And so there were three people for two years doing what we now call the Families and Law Clinic. And that brought Stacy Brustin

1:02:00 in on soft money doing that program. And so that I would say was the next big change, and that actually did push us to the limits in terms of our space. So Catherine actually operated out of the office up at school during the day. And now you should also know that I probably had the nicest office down on North Capitol Street. So, she was friends with Wyatt; it was one of the reasons I was attracted to her. I think to go up to school was the space – her space was pretty limited. But so that was the next big change. And that had us then having really specialty clinics within Columbus Community Legal Services. We'd always identified Advocacy for the Elderly, but that was a night program. Now the day program was working very differently and so was the general

practice clinic, which it was still called, but refocusing what we – and reassessing what we – which we were all the time anyhow because of the needs of the community changed. But at that point, sort of thinking about, “Well, what can you reasonably do?” Plus, it was emerging that students needed to have, we thought, an experience where the case would have a good chance of starting and ending during the time they were there. So for awhile when there was a citizens complaint center in the District of Columbia we did those cases. For the reason -- I mean it was a service to the

1:03:00 community, but it also had the advantage of – I mean, I think the primary reason we did them was because there was something that started and ended. But there was an interest in doing that. Part of Gary Voinovich whose – he'd been approached to do them and it really made – it really was – so that was an opportunity. So we had to reassess what the community needs were, how we would assess them, and then how we could meet them. And over the years, of course, the students were becoming more concerned about courses that they took and less free-wheeling, if you will, in terms of spending a lot of credits at the clinic. So you had students who were changing, and so we had to adjust for that as well. And I think that is a big change too, is that as law school became more expensive, and as the political climate changed, the students

1:04:00 changed as well. And then you reacted to that, even if you didn't realize it. You were reacting because students were different. And things were different for students. They had different life experiences and they had a different sense of what the future held for them. And they were paying, as time progressed, a lot more money to go to law school. But the life experiences I think were a big piece of it as well. Of course those of us that were just doing this stuff all the time didn't necessarily – it took us awhile to catch on

to that. And that is a challenge sometimes to stay in-tune with the students and where they are from, because they all seem like they are peers. I mean, they are all so accomplished and everything, you kind of forget that they have had very different experiences and have different expectations. And I think also that the exposure through the media that students have to low-income people is very different. I mean, there is almost a sense that they have been given that people have caused the problems that they have, and I don't even know half the time that people realize that they are thinking that. So that's a piece of it too.

The other big change, Sandy, was I think an awareness that we had to be more conscious about what we were teaching students. As the students changed, I really don't think you could rely on the students to sort of fill in the gaps. And that's not a negative statement. But when you had students that maybe came with some different sense of the clients, you didn't have to then build into the curriculum things. You didn't – and maybe should have been worrying, for instance, about there is a very fine balance between lawyering excessively and lawyering sufficiently. And how do you provide for the largest number in the way that is reasonable? When you're doing it and you're doing it with students back in the '70s and the early '80s who come with a different mind-set, you're probably not giving them the impression that poor people aren't worth it. But when you are coming and doing cases with people that haven't had that experience, then high volume may give messages that you now have to think more carefully about. And also you have to think yourself now of whether your systems are

in place with the times. It's not that you are being driven by something, but you have to pay attention to it. And so I think that's a change that came about. Also, the demands of academia become greater. But it is all very subtle. It is kind of fun to look back on it. But in thinking about it, I think the changes are being more conscious and deliberate in communication with the students, and then also much more attentive to sort of creating opportunities for discussion about issues and probably being more attentive to what your views are and being willing to sort of share them; I mean, making those choices consciously and being clear about what you are doing, and not just assuming things. I think that is a big piece of it. And in a way that doesn't put off the student that didn't come there, didn't come to the clinic to necessarily help somebody, but came to develop skills, or the student that comes to help but hasn't really thought through all that that means and maybe isn't thinking then of – is thinking of lawyering differently for when you are helping somebody versus when you're doing it for somebody that's paying. Both people get the same but it's – there's things that go on in your head, and that has been an ongoing discussion. I mean, I remember a discussion in class a long time ago where a student in the rounds portion was describing how he's representing somebody that was applying for unemployment compensation and she was never home when he called. So, as he told the class, she was obviously working was his conclusion. And a lot of students jumped on him and then other students felt that it was inappropriate to jump on him. So it was a wonderful dynamics in the class. But one of the students ultimately spoke up and said, "You know, if I'm doing something for somebody, I don't feel quite the same obligations than if I'm obligated to do something." As a way to sort of getting people to think about, you know, maybe you're

not so judgmental, maybe you're not entitled to be so judgmental because how's that impacting on your representing. It was a very interesting discussion. But I do think that people may – subtly – may not have thought carefully through what it means. I think – not to discourage people wanting to do things, but what does that mean? How do you do it? How do you help a client become self-sufficient in ways that – you know, I always thought bringing up children must be a great way to learn all of this stuff, because you must be dying to help them or do it yourself, but if they are going to learn to do it – I mean we have one of those T-shirts that says, you know, the quote from Confucius that it's when you ultimately are doing it that you learn. And so that's

1:10:00 a discussion on both sides of the coin, and making the atmosphere for the students, no matter where they are coming from, such that they can learn. And of course, unabashedly, my ultimate goal was that they learn about the power and privilege they have and how much it needs to be used for people that really are extraordinary but are worse off because of society's dealing with them.

Ogilvy: I want to come back to some of these larger issues in a moment. But first I want to kind of bring us up to the present in terms of the history of the clinic. Margaret was hired around '88 and the grant was given, and Stacy was here for a couple of years.

Scully: Right.

Ogilvy: And, then at that point in time that was a project became a separate clinic. Am I right?

1:11:00

Scully: Right. In fact, when we got the grant, we started a separate clinic within CCLS. So CCLS is now comprised of three clinics, and so there was a lot of adjustment to the change in – sort of then thinking what do you do with the general practice piece. How do we – you know, all the things when you go to a slightly different – when you want to take advantage of all that we have you don't want to lose the wisdom and the abilities and the way of looking at things that Catherine or Margaret have for the general practice. And so we were then sort of the thinking about all of that. But then the next big change was the law – the university, the law school was building a new building, and so a lot of discussion around whether we would move up, whether there would be space for the clinic or whether we would redo the space on North Capitol Street, and the just energy and time spent around that.

1:12:00 Initially what we wanted was to stay within the community. We had – and this went on for a long time, by the way – we had a lot of interest in getting another building and fixing up the one we had so that we would be state of the art, because that's a statement to the clients as well as to the students, but also be in the community. And that was how we were going at first. But I – and there was a conscious effort within the university, the law school; fund-raising from separate people and the like, and we were going that route. But then there were some concerns that people were nervous about the area. There had been a couple of murders and the drug activity was pretty, pretty substantial. And so that tempered some of the enthusiasm. And then there was a
1:13:00 conscious decision on the part of some people at the clinic that they were no longer committed to staying. And once that happened there was a lot of sentiment from

people to begin with to move us up. We'd be more visible, more accessible to students. And so the tide turned. But, at the same time, this effort that I had mentioned earlier, or around the same time of getting everybody regularized was ongoing, and that again was a lot of time and energy, which simply because the law school and the law school's faculty looks at things very carefully and makes decisions and then sometimes rethinks decisions, and then initially everybody was going to be long-term contract. That seemed to be the desire of everybody. The committee that I was on, along with Catherine and a number of people, some of whom no longer are on the faculty – sort of floated the proposal. Urban Lester was the chair. And people's reaction to it really made it seem like what really folks wanted as they thought about it more carefully was that everybody be faculty. So then we went back to the drawing board on that and that was – and, at the time, the night position was not included in that, because this had been going on for so long it pre-dated the establishment of the night program. Well, of course it was people sharing temporary jobs. That decision, as I look back, is probably one I wish we'd made differently. But at the time – timely – it made sense. And there was concern that the university might not commit to more than the three slots, because at that point it was Catherine, Gary and Margaret. And so that decision was made. The implementation went on for years. But ultimately Catherine, Gary and Margaret's positions were converted to full-time faculty positions and in fact both Margaret and Catherine now have tenure. And then we had some turnover in the general practice. Gary left and then Dave Chavkin was here for awhile, and then he left to go to American. And Stacy Brustin was hired by the law school. So, I think those folks are here to stay. And so it's made – but we are still dealing with the night program. And

then we move up to school, and we have space that is elegant and sort of mind-bogglingly beautiful and air conditioned and all sorts of things. But we are all in terrible shape because we don't run up and down stairs anymore. But it's turned out to be very accessible to the students. I think it is a model. You know, you'd do some things differently in the design, but I think it's neat. The design – we need more space obviously –but – and then that has made us then have to refocus and think about things.

1:16:00 How do you be more visible to a community when you are in an academic setting?

And so a lot of the things that we did anyhow just as being part of lawyers to a community – I mentioned earlier about going to see the senior citizens. But we also did projects with other programs. We did amicus, worked with the community organization near the clinic which is called the four Cs, the Center Community something-something – I can't remember it now. So now we're looking at that, but we've been turning our direction on the community closer to the law school – although we were very close – thinking more in terms of Brookland, partly because we have some former clients that are involved in community efforts there. And so we have

1:17:00 always been District wide; we had not just served the community right around the office. The decision was made – and it is funny how you just don't re-think these some times, but at the time it wasn't clear – clinical education would continue. And so the concern was you get an area dependent on you, and then they won't access the Legal Services Corporation. Of course we're here. Unfortunately, the Legal Services Corporation is – now the neighborhood Legal Services Corporation is really in death's struggle. So that is something that wouldn't have hurt. But we never did make that community dependent on us, which I think facilitated a bit the leaving – although the

people around me were disappointed and it has a different feel for the students. The concern you have is that the clients are sort of not real because they come to us often.

1:1801:00 We don't necessarily go to their homes. And depending upon the type of case – and so how much do you know of what it is like? So, we do a bus tour. And I particularly – I kind of feel funny doing it, but it does very dramatically make the point as to how far people have to come when they come to our offices. The Metro doesn't reach some places, and a lot of people don't like to Metro – I mean, it is more expensive and they are not acclimated to it. So seeing this bus ride and stuff like that – and they actually take into account security and really spending a lot of time getting people to talk about that. We also talk about making opportunities to, if you are going to the client's home, a lot of things around that. But maybe doing – or going to the Social Security office while you are there. So a lot of thought and effort put into getting the students out to a community, because they are not experiencing it when they are up on the –

Ogilvy: You touched on one thing that I want to ask you about now. Maybe you can expand a little bit. In what ways has your pedagogy, and to some extent your supervision, changed since you began in '74?

1:19:00

Scully: It's changed. I mean at the core there's an approach, for me anyhow, and I think for everybody that there's – it's very – the only way it can work is that it is very much a peer relationship. Well, as I get older it is harder for the students to have that sense of the peer relationship. I mean, maybe it wasn't that easy when I was younger, but somehow I have to think that it was. I, on the other hand, have to remind myself,

because I find the students really quite stunning – they always seem very competent and composed and they're very inventive and creative – but they are also at the stage of learning and maybe less confident than I would have thought. And so in a sense I have to take into account the power dynamic in a way that I didn't have to. Oh, and the other thing I should mention is that we now grade. We didn't used to grade, and I think that plays a part. You know, it plays a lot of different parts. But for me I feel I have to continue to be aware of that because grades play such an important role in law school and so again the power dynamic.

I also think that my pedagogy, as I was sort of suggesting earlier, has to be more sensitive to life experiences and also how people interact with their clients' expectations of the community. You know, I think the students always had expectations that were very different than their clients. I think most people come from a place where, for the most part, the community – that authority has been responsive to them. I mean, I still put my foot on the brake when I see a police officer, even if I am doing under the speed limit, because it is sort of my upbringing. But I never thought of the police officer as the enemy, except in ticket-giving, I guess. And I'm going to assume, and it is probably my nature, but I'm assuming people are going to be responsive to me. And I think people that are fortunate enough to go to law school come with that sort of sense. But our clients have just the opposite expectations, and so that's sort of a simplistic way of saying – concretely helping people to think and develop realistic ways to get to know our clients so that they can adequately represent

them, because I think that's hard. So I think the pedagogy gets consumed with that a lot.

1:22:00 Now I honestly feel like there were a lot of assumptions made about what we were doing or what I was doing ten, twenty years ago in terms of those very issues, because they weren't any less there. But I had spent more time in the classroom piece and the reason for that is, one, it is something that we've always had. But it has become much more critical. One, I think we've become better at teaching; but, two, it is also the tool that is recognized in academia. It is much harder to explain supervisory sessions. And, even if you could, there is also an efficiency aspect of being about to do things in the classroom piece. So it may be coincidental, but I think it is not bad, but I can tell you

1:23:00 that the dramatic change is that when we started the classroom it was an intrusion almost, because the skills learning and all the rest really took place in the course of the cases. And so it wasn't an "intrusion" – that's a bad choice of words – but it was incidental. You didn't spend a lot of time preparing. Much more of your time went into the cases and the supervision. Now you see the opportunities and the need to use the classroom to do things, and I would say that the pedagogy is interesting. It's solidified in a way, because the sort of instinctive thought that you are going to learn about cross-examination by doing it, and that the best that you can hope to do is give

1:24:00 people some practice at it, still exists. What I think has come to my thinking is the real need to help people think about their learning in conscious ways and using the class to get people – you know, all of this is sort of to get them to think about it – continuing that in supervision – and using the class to help people think about assumptions they make, and things that – not that there is any judgment involved in this, but just you

don't know until you kind of have the opportunity to experience something. And I remember a case that I didn't do, but a student did, but in the discussion afterwards, he said, "It was very early on in my experience, but it was like, you know, I should really be paying to have this job." But he said to me, he said, "You know, I really thought that I was pretty in touch with clients and that I had – that I wasn't thinking less of them, that I came to sort of seeing them as equals. He said, "But I was wrong." He said, "You know, I went" – and he had gotten up at God knows what hour to go to a Social Security office with his client, and he was blown away by the client's ability to navigate that experience because, as he said, "She could have run a Fortune 500 company." He said, "She knew just how to push and when not to push too much. She was organized. She figured out how to deal with the extraordinary wait." But she got him there – the two of them there early enough so that they didn't get turned away. And, he went on for the longest time. But he started it out by saying it was only by doing that – I mean, he didn't say it quite this way, but he was actually upset with himself because he said he didn't realize how he had such low expectations for her, and that if anybody had asked him he would have said, "Oh, no, you know, I'm totally in touch." And he said – but why was he so blown away? He was right – I mean, you could discuss the fact that not everybody was going to be able to respond like she does. And it is a pretty extraordinary experience to go to a – it wasn't Social Security actually, it was a public assistance office – at 6 a.m. in the morning and see what people have to go through. But he was right, he hadn't given her that, hadn't thought of her in those terms and, you know, he was thinking in kind of the narrow terms that we do: you either have an education or you don't, you look successful or you don't, you drive a

good car – you know, those kinds of things that are unconscious daily measures of things. And I think without – so, I'm sure that experiences like that, the students teaching me, have formed and informed the pedagogy and made me try to think of ways – not just in the class, but in the supervision – in which a tremendous amount of pedagogy goes on – but in the class to help people in ways that get beyond people thinking of being judged or that they are bad. We're human beings and we're products of where we grew up and what we learned and stuff, and that's not wrong. But it's just how do you deal with all that and do a good job for the client? In the same way, you know, if you did taxes, if you did tax law, you have to learn about your client and what their community – might have negative or positive – or who needs to label that assumption? That piece I think has become the core of the pedagogy. But at the same time, you know, to have students be able to engage in that – they got to have some confidence that they are equipped to be able to do things. So you can get them to the ultimate point where they learn by what they do. And so the classroom piece is constantly struggling how to have enough so that they can jumpstart and then get themselves to the learning piece, because one thing I have learned is that they don't know how good they are – even though I think they do, and they impress me, a lot of them just don't have that confidence. And it – so how do you get them to a point where you've got them equipped? So, you can't ignore the basic skills, thinking of different ways. Stacy came up with a great idea to do workshops on several areas that we handle. Like we do special education cases now because there is a cap on what lawyers can get in D.C., so people aren't doing them – or not many people anyhow. And so we have a tape and we have a workshop – and then for Social Security we have a

workshop. And we keep telling them none of this is going to equip you totally. You are going to have to learn. But this gives you some idea where to go. And I have

1:29:00 become really, you know, almost not paralyzed by it, but really aware as how critical that is to give people the basic tools so that the discussion about clients is one that they can engage in, because they aren't thinking, "Oh my God, how am I going to do this interview?" You know that. And then the other piece is that you can't give them too much because then they are overwhelmed. But the ultimate thing is the same goal is to get them with a comfort level so that they will learn by doing and they will be so motivated. And their clients will help them. I mean the ultimate luxury of this job is frankly they learn from the clients. They learn from us too, I hope a bit. But basically if they have some minimal self-confidence and openness, which is why the assumption

1:30:00 piece is critical, the clients are their real teachers, and their observations in court and themselves. But I still worry a lot about pedagogy just in case you can do something.

Ogilvy: I want to switch gears for a couple minutes. I want to talk a little bit about the clinical movement in general. You focused on Catholic's, the history there. We can talk a little bit about your exposure and your involvement with what has been called the clinical movement I guess in this country. When did you first start going to conferences or

1:28:00 were you aware that there was something beyond Catholic?

Scully: Well, I knew that there was something beyond Catholic, because being in the District I was very aware of, well, Law Students in Court, which was run by a consortium, and because they did a lot of housing and I did housing and I certainly was aware of that.

There was a lot of exchange informally there. And then Georgetown – because we used to do a lot of neglect cases and Georgetown would represent the children and we'd often represent the parents. And there would be a lot of getting together with legal services providers in various areas, and people from those programs would show up. But I think that in the sort of formal, classic way I became the director and therefore faculty in '79, as I said.

And I went to my first conference at the Kiawah. It was the end of the CLEPR.

1:29:00 CLEPR was ending and – oh, just to back up for a second, we would have visits from people from CLEPR, and there would be a lot of exchange that way. I didn't go to some of the early conferences Roger Wolf went to and there's the *Cleveland Law Review*, the *Cleveland Marshall Law Review* that there were some articles in. But so we'd meet with people from CLEPR. But the first one I went to was in Kiawah. And I developed when I was at Catholic something called narcolepsy – or developed it. I don't quite know how to say this – and so for a few years, although it was a real benefit as a supervisor, decided, because students could immediately bond with me or at least they weren't intimidated by someone who would fall asleep on them, which is what happens the way I have narcolepsy – but I was a little reluctant to take that on the road, 1:30:00 if you will. So I passed up, but not for long, because what I realized was that, well, there were things to be learned. And so the first one I went to was at Kiawah. I meant to look up the date. I can tell you it was the year that JR was shot, of “who shot JR?,” because everybody said that they weren't watching that program, but we all ended up watching it over in Stuckey's townhouse because South Carolina was hosting this. And

I remember thinking then how extraordinary the group was and what you could learn, and what nice places we went to to meet. That was a year where I became involved. I think I had gone actually to the January AALS meeting, and that was in Philadelphia. I remember going up on the train and going to the clinical lunch, and I remember

1:31:00 meeting Judy Potter and things like that. But the first exposure for me was – so I missed the Big Sky one that everybody talks about. But I did go to the one in Kiawah. And then I haven't missed one since. The learning that goes on in those conferences is extraordinary. Now I have to say that it was already a developed organization by the time – even as old as I am – started going. And I always felt like, and I still do to an extent, playing with the big kids. But of course it was much smaller – the people that attended anyhow – but it was always creative and innovative, and a lot of people have come and gone through those ranks, the movement aspect, and particularly the

1:32:00 accreditation piece. I was someone that was concerned about, and to this day think that we made a mistake in that I think clinical education is one of the more extraordinary things, and I don't think we sold it. I mean, I don't think we used our advocacy skills in a way that I was encouraging people to do. Now I'm not a big – I mean, you know, I was lucky enough to be involved in those, that I've done things with Wally. We did a keynote one time, I forget where – and have done a lot of things over the years. But I don't think that – I know I wasn't as active – I never was active in that movement, other than vocal. The one drawback of having narcolepsy is that you have to make your

1:33:00 choices as to what you can do, and so I'd never been involved in that. But at meetings I've spoken out, because it has always been a "we-they." And you know again this is probably the rose-colored glasses or the infliction of someone who is very optimistic,

but I was a very successful trial attorney, and I say that with no false pride because it wasn't because of being skillful in the extreme, but I think I just bowled people over by believing that I was right. As Catherine said to me once when she was observing, she said, "You think if people don't understand you," she said, "if people don't agree with you, they don't understand." And I think maybe I'm being naive in my position. I want to make it clear that I may well have been. But my feeling was that – and maybe also very out of touch as to how it would have impacted other places. But in the early time I

1:34:00 felt like what would have been a better route is to sell the whole package and to work at – which I don't think we ever did – I have a couple of things that I always put in my evaluation form, I think we've missed the boat a lot by not having records of what we've done and we are getting better at that. But I think we could have had a couple of times we could have really talked about – We know what we do. I know it is hard to explain and how do you value supervision. I know that most people that are academics often haven't practiced. But we are advocates, and I think that the one thing that we maybe didn't do, which I was worried about – and it is – but the problem is how do you say this without being a naysayer – is I think we are much more rich and that by solely presenting the academic aspect is not going the route of trying to educate and persuade

1:35:00 people to the richness of the faculty in a way to value what clinicians do, I think was unfortunate, because I think we lost a lot of people. And I think we've lost a little bit of what was good for clinics, you know, again being very innocent to how the politics are at places and being – and so accepting that. But my shtick would have been to try that anyhow, to really spend more time advocating working, in doing actual workshops and stuff so we could help people, where people have been successful.

I remember talking with Kandis Scott once, and she was describing how, you know, going to faculty meetings and seeking – now she had a faculty appointment maybe that – but seeking people out, and how if you have kind of positive expectations and can convey it, then you may get to a point where people will then not feel threatened. But

1:36:00 see that – this is something very different. And so I think that the movement didn't do that. But, again, I was not a player. But my disappointment in that is that I think we have lost some people that were very good clinicians because they didn't write. Although in some instances I think what they wrote was good. But it wasn't valued because it wasn't the doctrinal. And there wasn't anybody – there wasn't like a core of people you could go to and say, "Okay, this is writing that clinicians do. This is why we do it." We do have a lot of wonderful writing, but I can remember even in my institution that Ralph, who was the dean then, would say, "Well, what are people writing?" Well, some of the wonderful stuff that people were writing was not necessarily clinical, and so you didn't have a body of writings that you could – now

1:37:00 with the clinical, you know, with having that wonderful law review, now that's different. But I still think that clinical then has become more like other. And, as a result, it is harder to do things differently. And then the pieces – and this isn't surprising – I mean there is a lot of attraction to having more flexibility and not having the day to day, which is almost implicit in doing straight clinical education. And so once people get tenure they don't necessarily come back to the grind. And maybe that is the defeating of my argument, because for people to remain involved they would

have to move to a point where you can do different things. But that is my one concern with the movement. But, on the other hand, I mean, Sandy, I remember when a lot of people came, but it was still a very small group. And now it is an enormous group. I think that there's the movement that you think of where you have some people who are very visible and active, and then I think that there were just a lot of things going on that were less visible because they might have been regional or within – it was all before e-mail and all the rest, where people were doing things on an informal basis. I think that several of the – getting people together at a conference, a small conference, things like that – I think a lot of that was going on.

But I was thinking about how many people have left. You know, the faces of people that were involved, for a number of reasons, have gone onto other things. And then some people left because as it became more academic it wasn't a fit for them. And also just thinking about an earlier discussion, the times became different, and different marks or needs have to be met. We've been extremely fortunate in that the clinic was not ever dependent on soft money. And so I remember when I became the director I made it clear that that was not something that I saw as a desirable route to go, because the grants often were for a year or two, and then you had to carry it. And so a totally understandable decision could be to go an entirely different route and have someone fund-raise. But that just wasn't me. So I needed to be upfront with people that that was not something that I would be wanting to do, or would do, so don't hire me. I would respect – crushed – but would respect that. But if you did, you weren't getting a fund-

1:40:00 raiser, because I didn't think it was good pedagogy, good for our pedagogy. So I operate from a very luxurious position as a result. And when we have gotten money, we've been able to do creative things with it. Although a lot of our expansion was done, or development was done without bringing in funds – I mean, you look at the need of the community and decide to do an entirely different area – you would then develop in that area. You could also write a grant and bring somebody in, but then the connection between client and student and the staff becomes much more remote. So that is sort of the route we went. And – but it is just fascinating to see the discussions, although I will say that one of the things that is kind of satisfyingly – I don't know quite

1:41:00 how to say this, but a lot of the problems are not ones that are easily solved or that are taken care of in the prior generation or the prior five years. You come back and have these really great discussions, informally or otherwise, about an issue that you had a great discussion on five years or ten years earlier. And I find that that is not bothersome because that is the nature of sort of humanity and the like. It is different – the responses are different, even the description of it is slightly different. But it is still those kinds of constant problems that you have. But I think on many of them, you know, the movement – to me the movement has been the meetings, the conferences, the relationships and now the literature that comes out of it. You know, my disappointments are when we have people that are no longer doing it that otherwise would, or somebody that might write something different but has to write something

1:42:00 else. But there's – would market a lot of different ways, but for me is the fact that there are so many people who are clinicians and who have tons to share. And do it every time you go to those meetings or read the law review or whatever.

Ogilvy: I guess that brings me to my last question. What do you see as the future of clinical education?

Scully: I think it could go a couple of ways. I think it could become more diluted and less attentive, to me, to the core issues, which for me are that – I mean, to be fair, to be straight about it, I think the importance of clinical education is to get people attuned to, committed to, dealing with thinking about it in a lot of different ways – not everybody going into legal services and the like, but the clinical education should exist in my judgment so that people are more and more aware and have a lifetime commitment to dealing with the problems of people who are marginalized and victimized by our society. And so my concern is that as we have to spend more time away from the actual client, and that the client becomes more an example than a human being, who in my view is the primary teacher, we may dilute it to the point that it isn't a clinical movement for me. It is an extraordinarily wonderful way to teach people to be lawyers and to teach people to reflect and to be good. But it is less valuable because ultimately I've come to the conclusion anyhow that you can say all you want, you can do all these wonderful things, but if people don't have the chance to then experience it and to have exposure to a sufficient number of clients – and that doesn't mean one or two, because, you know, not all clients are wonderful, not all – they don't have to be your own clients – you can do it with teaming, you can do it – but if there is not sufficient time spent with the human being, struggling with them, taking them to a hearing, and having a

discussion that might have nothing to do with the case, the rest of it's, in my opinion, too academic.

So my concern is as we become concerned to look more like the, for a lack of a better word, stand-up faculty, and take on those attributes, we do it at the expense of what I think is the core of learning. And so when I say it could go one of two ways, I say that

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optimistically it will go the way I think because there are so many extraordinary people within clinical legal education that daily speak to that, and there is so much conversation that goes on at these conferences about these issues that I figure you keep it alive and you do it even if you can't have the kinds of numbers and the like that we used to have. Because it is hard to think that you'd have contacts there with a Jane Aiken and wouldn't come away with the exposure that you had to the clients enforced and, you know, informed by discussions with someone like Jane – that you wouldn't get there. And what she does in her writings for people, I think, is pretty extraordinary.

And she is just one example of many. And so my feeling is that those are the people that will prevail, but I think the thing is clinicians need to be exposed to that too. So

1:46:00

the future of it is it is here to stay and it is wonderful. Whether it will do what I think it can do is the question that I have. And this isn't – you don't even have to tape – maybe you can – I just think that it is really critical, and I don't mean anything that I said, but I think like the people that have talked at some of the conferences that when we gave the awards to Clinton Bamberger and – oh, this is terrible, the man from – Richard from New Mexico – Norwood?

Ogilvy: Mike Norwood.

Scully: Mike Norwood, forgive me, Mike. Their talk. And when [inaudible] said you take that – that is information and history that I think really informs. I hope that there are lots of videos. I went to a memorial service for – this is great – I guess I’m having – being supremely befuddled as I like to think of it, but –

Ogilvy: Kathleen Sullivan?

1:47:00

Scully: No, no. Kathleen, yes. But I was thinking years ago when I went to the memorial service for the former director of the Legal Services Corporation who had died, Dan Bradley. And I was just overwhelmed at the eulogies and the information – and even though I’d been at Legal Services – that I didn’t know. And then I was appalled that it wasn’t taped. And I thought if someone had taped that, unobtrusively so it wouldn’t interfere, what that would be for people that come that are just dying to hear this kind of information but it is not that readily accessible. So I think the more we do that, I think we will also be – I mean, I see these kinds of things as really making I think clinical education go in a direction that I hope it goes in, that people know, even if they didn’t experience it – it’s like the civil rights movement – I mean, Ginger Patterson shows videos and she – you know, she said, because they weren’t around, the students, and that’s not their fault – but that sense of history I think sometimes. And then the ultimate reason is because I think people will realize that the creativeness and lawyering for the poor is still there to be done. And in the things that were done in the

1:48:00

past were stunning. But, you know, if you read for instance, from my way of thinking, if you read the cases that people read now in the Property class – if you read *Javits*, if you read *Brown*, it's sterile. But if you hear Florence Roisman and people talk about what was – you know, who she was and how that case happened and how nobody had any clue that you could convince a court to do what it did. And they created it not out of whole cloth, but they created it. And there is lots of that still to be done. But I think

1:49:00 it's got to be encouraging in the political climate we often find ourselves in – I hate saying “political” – I just – maybe in the information age that we find ourselves in for people to realize what was done. And that's just my way of saying there's similar things that can be done. Because you asked me early on about Legal Services, and I remember doing things you just wouldn't have – you just didn't stop to think – you just knew there had to be a way to correct this thing. And you then thought about it and you came up with things.

I was doing serving as an amicus and the issue was the appealability of protective orders in the District of Columbia, and I was doing it with somebody who was younger than I – and that is only that he wasn't in D.C. at the time that all of this law was being

1:50:00 made. And one of the things as we were researching this was, “Well, what was the court's authority to even order this?” And, he said, “How did it happen?” And I said to him, I said, “I don't think anybody stopped to question whether they had authority. They just did it.” And, you know they had the authority and maybe they didn't, but without anybody questioning it. And that's some of it too, because none of these issues are that clear. They only become clear after the fact. And so *Javits* seems like a

natural, but it wasn't at the time. And there's lots of things left to be done. But I think if people hear about – not just read the case, but actually hear the people talking about it, and have them realize what was pushing them and what was motivating them, I think that they – I just have to think that that is probably as important as anything we could be doing, because I have to think people when they hear the stories are going to want to do it. I mean, and if they just connect with one client that they realize is a human being and that you know – I think that gets them to the next stage. So, that's my thought about the future.

Ogilvy: Well, let me close for today by asking you, as we ask everyone, if there is anything else that you would like to say that we missed?

Scully: No, it is interesting. I thought one of the questions was, What case do you remember the most? And it seemed the easiest question, and of course it turned out to be the hardest, because you think about it, and how do you measure that? And so that question provoked for me lots of thoughts about cases, and it just reminded me of the extraordinary opportunity I've had. I mean, you know, do you measure it by the number of people or do you measure by the impact? And of course there isn't any one measure. So there isn't any one case. But, I think probably because I have been listening to the tape at the conference, and I was thinking, you know, a case that probably had the most impact on people was [inaudible] preserved tons of housing, because there was a unit – not a unit but multiple housing in NE that they always were trying to take off the market and convert. And we were successful working with other

groups. I was thinking about this and you know I think we saved maybe close to a thousand units that are still on the market today that given the lack of low and moderate housing, and that was great. And I think people got a lot out of it. But it would never come to mind as the case that I, you know, because the measure is impact there, but it was different. I mean, you related to the people. It was down to four people in the units because they would bring in people to get rid of – anyhow, the point of all that is to say that that question was the one I was thinking about, and it just made me – it just opened up everything in terms of just the variety and complexity of this, because it isn't just the clients. I mean, it's also what the students bring and get out of it, and then of course selfishly it's you know what you get – you and everything – but I mean ultimately it's such important work that the fact that it is so enjoyable is an embarrassment.

Ogilvy: Thank you very much.

Scully: Thank you. It is true.

Transcription of audio taken from video -- By: Mia Faber