

SECTION ON

CLINICAL LEGAL EDUCATION

NEWSLETTER

NOVEMBER 1987

Reply to:

SANDY OGILVY

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3100 CLEBURNE AVENUE HOUSTON, TEXAS 77004

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MESSAGE FROM THE CHAIR

By
Peter B. Hoffman, Nebraska

GREAT THINGS ARE PLANNED FOR MIAMI -- DO COME!!!!

The Annual Meeting is one of the few times each year when clinical teachers can come together and meet fellow teachers with similar interests as well as learn some new things in the process. A superb program has been put together for Miami with something for everyone. The topics range from how to individualize our clinical teaching to comparative clinical legal education. A special program being presented through the cooperation of the ABA Section on Legal Education is being presented through the accreditation process and skills training programs. If your school is scheduled for an accreditation inspection visit in the next several years or you are interested in serving on an inspection team, this program should be very helpful to you.

I also want to encourage each of you to attend the Section Luncheon. Not only will the Section Award be given to an individual who has made an outstanding contribution to clinical education (the recipient's name is announced at the luncheon), but we have as our special luncheon speaker, Richard Huber, the new President of the AALS.

SEE THE BACK OF THIS NEWSLETTER FOR DETAILS.

Let me now turn to the topic of my last Message From The Chair. In October I attended the ABA National Conference on Professional Skills and Legal Education held in Albuquerque. The conference was outstanding in every respect—the presentations were well put together and showed the tremendous growth and innovation that is occurring in clinical programs around the country. (Special thanks to Roy Stuckey, South Carolina, and Sue Bryant, CUNY-Queens, for organizing the Conference.) I think that everyone who attended felt a great sense of excitement about the many changes that are occurring.

The Conference also set me to thinking about what the future of clinical education holds. Some aspects are very promising. As many of you know, relations between the AALS and the clinical community have been very rocky in the past. One of the bright spots is that the recent changes in the leadership at the AALS auger well for a new relationship between the two groups. One of the reasons Richard Huber was asked to be our luncheon speaker is in recognition of this new relationship.

Another event worthy of note is the "arrival" of clinical education nearly twenty years after the founding of the Council on Legal Education for Professional Responsibility. Looking at the range of schools with clinical programs and the number of clinical teachers (11% of all legal educators are clinical teachers), it is clear that clinical education is a significant feature of legal education today. As Robert McKay, former dean of NYU and a speaker at the Conference said in his concluding remarks, "I pronounce the skills training movement an adult."

I also see some dark clouds. One of these is the need for increased original and critical thinking about clinical education and professional skills. We need more deep thought and analysis about what should be the objectives of clinical education, what should our methodology consist of and what is the substance of the lawyering tasks we are teaching our students about. Clinical education has been, to a large extent, based on oral traditions rather than written scholarship. Our annual meetings, conferences and workshops have been the main vehicles for the transmission of knowledge. Now is the time to move beyond these and develop a larger body of literature.

This is not to say that there is not a substantial body of insightful and thoughtful articles and books already in existence. The products of the Lake Arrowhead Conference are first rate examples of what I am talking about. (See the latest issue of the UCLA Law Review) But clinical education has been in existence long enough that we should begin expecting more.

The need for a growing body of literature was highlighted by a phenomenon that occurred at Albuquerque and at every other conference on clinical education that I have attended. That phenomenon is the "us versus them" syndrome; that is, clinical teachers squared off against the enemy — traditional teachers. I talked with one teacher who had not attended one of these conferences for several years who expressed surprise that this sort of thinking continutes to exist. But for those of us who do not attend regularly, this view of the world is very much alive.

The major source of the division is that traditional teachers do not view us as their intellectual equivalents. We deserve to be and should be accepted as their equals on our own merits and the merits of our subject matter, but as long as our traditional colleagues continue to look askance at us and what we are trying to accomplish, this will not occur.

We can try to change our traditional colleagues and one of the purposes of the Albuquerque Conference was to do just that, but the progress will be painfully slow. Let me suggest a more likely path is the generation of a body of literature with the sort of critical thinking I mentioned earlier. This is the criterion on which the traditional teachers judge each other and it will continue to be the standard against which they judge us. We should continue to urge a change in the rules of the game, but such changes are always slow in coming.

But publishing is not for them; let me emphasize again that it is for us. We need to be continually thinking about what it is we are trying to do and how to do it. Publishing causes this to be done and also insures the dissemination of those thoughts.

I am not unmindful of the many structural obstacles to producing scholarship such as our high workloads. Nor am I unaware that scholarship comes with a cost as was discussed by Gary Palm in these pages a year ago. Finally, I am not suggesting that we all must publish. One of the many idiocies of legal education is the attempt to force everyone into the same mold when some of us are good teachers and others good writers. But those who have an interest in research and writing should be encouraged to do so.

Until the "us versus them" attitude is overcome, we will continue to label ourselves as the second class citizens of legal education with more than enough traditional teachers willing to join us in that assessment. We can and will overcome that stigma by producing the scholarship which will give our discipline authenticity foremost in our own minds, but also in the minds of our traditional colleagues.

This has been a long year with many more challenges and difficulties than I anticipated back in January. Nonetheless, it turned out to be great fun, not the least reason for which was the opportunity to meet with what I consider to be the finest group of teachers in the world. Thank you for the opportunity to do so. I am looking forward to seeing you in Miami.

TABLE OF CONTENTS

	Page
MESSAGE FROM THE CHAIR	1
COMMITTEE REPORTS	4
REMARKS - GARY BELLOW	7
OF INTEREST TO CLINICIANS	15
AMONG OURSELVES	18
PUBLICATIONS BY CLINICIANS	600000
JOBS	20
ANNUAL MEETING - WORKSHOP AGENDA	2.5

COMMITTEE REPORTS

COMMITTEE ON LEGAL SERVICES

The Legal Services Corporation (LSC) distributed over one million dollars in grants to law school clinical programs for the 1987-88 academic year. Following are schools and the grant amounts: St. Louis (\$50,000), University of Nebraska (\$49,892), University of North Dakota (\$39,850), University of North Carolina (\$43,350), University of Maine (\$50,000), University of Michigan (\$30,000), S.U.N.Y/Buffalo (\$50,000) McGeorge School of Law (\$50,000), William Mitchell College of Law (\$50,000), Southern Illinois University (\$48,600), Yeshiva University (\$50,000), Loyola (\$28,000), Lewis and Clark (\$50,000), Texas Southern University (\$32,000), Yale (\$46,324), Villanova (\$50,000), Thomas M. Cooley Law School (\$46,638), University of Denver (\$50,000), Stetson University (\$35,000), Catholic University (\$49,888), Gonzaga University (\$50,000), University of Utah (\$50,000), Willamette University (\$35,000), George Washington University (\$37,200) University of Texas at Austin (\$39,848), Brooklyn Law School (\$50,000) and Valparaiso University (26,615).

LSC funding of clinical programs continues to be a controversial issue. For this next fiscal year, LSC has recommended a one million dollar line item on its budget for this funding. In order to address the various issues raised by LSC funding of clinical programs, the meeting of the Committee on Legal Services at the AALS conference will be held on the morning of January 8, 1988, and will be open to all interested persons. Hopefully, we will be considering concrete suggestions for whether and/or how the funding process should operate. If you plan to attend the committee meeting, please contact Paula Galowitz at New York University School of Law, 715 Broadway, 4th Floor, New York, New York 10003, telephone number (212) 998-6430. We may try to meet at AALS before the committee meeting, if we can find a convenient time.

In the past there was a lack of consensus among members of the committee as to whether clinical programs should apply for grants from LSC. However, there was agreement that clinicians should be involved in the selection and review process. In order to give people an opportunity to think about the issues before the committee meeting at AALS, following is a list of possible topics:

- 1. Should clinical programs apply for funding from LSC?
- What should be the standards for awarding grants? Specifically, what should be the weight given to the educational goals, as opposed to service to clients' goals?
- What control/input should local legal services field programs have on an individual clinic's application and program?

- 4. Should the recommendation on the grant applications be by peer review, with at least a majority of the readers being clinicians?
- 5. Should LSC be required to make the grading sheets of of the reviewers of the clinical grant applications available under the Freedom of Information Act?
- 6. What should be the standards for evaluating the clinical programs and what role should clinicians play in these evaluations?
- 7. What should be the relationship between the local legal services and the clinics?
- 8. Why and how should LSC be funding clinical programs in an era of inadequate funding of field programs and support centers?

Come prepared to discuss these and other issues relating to LSC and clinical programs. If you have any questions or comments prior to the AALLS meeting, contact Paula Galowitz.

1988 CLINICAL TEACHERS CONFERENCE PLANNING COMMITTEE

The May, 1988, Clinical Teachers' Conference is entitled "The Clinic Classroom: Integrating Individual and Group Teaching." During the five day program, participants will explore the challenges of teaching clinic students in the classroom. This necessarily means taking a thoughtful look at the content of clinical classes. It also means examining different teaching techniques in theory and observing demonstrations of them. To unify the demonstrations, all will focus on teaching negotiation.

In small groups, participants will discuss the presentations and will critique each other's brief demonstrations or videotapes of group teaching. The conference should suggest ways to integrate case supervision and group teaching. Those who now teach simulation courses should find the focus on classroom teaching pertinent.

SCHEDULE

DAY	SESSION	ACTIVITY	
1	5	Panel debating different approaches to the Clinic class, followed by dinner and small group meetings.	
2	Morning	Demonstration of the case-focused class.	
	Afternoon	Demonstration of skills teaching through simulations: communication skills.	

DAY	SESSION	ACTIVITY
3	Morning	Variations in teaching techniques.
	Afternoon	Recess
4	Morning	New ideas about an old skill: a debate about approaches to negotiation.
	Afternoon	Demonstrations of class discussions: Ethics and values.
	Evening	Banquet and speaker.
5	Morning	Lecture: Innovations in the content of the
	Afternoon	Demonstration of classroom role plays: pre- paration for negotiation.

Among the topics being considered for the evening discussion groups are: (1) Clinicians' status and 405(e), (2) Problems of publication, (3) Specific student issues: night students, working students, (4) Supervisor burn-out, (5) Integrating supervising attorneys into the classroom teaching, (6) Teaching Mediation in the Clinic, and (7) Funding clinics. Committee members, Bob Dinerstein (American), Michele Hermann (New Mexico), and Peter Hoffman (Nebraska), invite clinicians to suggest other topics for the evening discussions. Please direct your comments to the committee chair, Kandis Scott, Santa Clara Law Clinic, 3100 The Alameda, Santa Clara, CA 95050.

NOMINATING COMMITTEE

The members of the nominating committee, Kandis Scott (Santa Clara), Gary Palm (Chicago), Ellen Scully (Catholic), David Gottlieb (Kansas) and Jeff Hartje (Denver) report the following nominations:

Chair-Elect	Susan Kovac (Tennessee)
Executive Committee	John Elson (Northwestern)
Executive Committee	Carol Liebman (Boston College)
Executive Committee*	Liz Ryan Cole (Vermont)

*to fill the term of Susan Kovac if she is elected Chair-Elect.

Executive committee members whose terms are expiring are Frank Bloch (Vanderbilt) and David Gottlieb (Kansas).

REMARKS BY GARY BELLOW UPON RECEIPT OF THE 1987 AWARD OF THE AALS SECTION ON CLINICAL LEGAL EDUCATION SAN ANTONIO, TEXAS MARCH 13, 1987

The following is a reconstruction from my notes of my remarks in San Antonio in March of this year. I've elaborated briefly on some points, but in general I've limited my efforts to reproducing what I said as best I can recall. My only regret is that I did not express as fully as I might have, how moved I was at the warmth and enthusiasm I received from my friends and coteachers at the Conference. Again my thanks.

My friends: I'm quite at a loss for words to respond to Tony's wonderful presentation. Really almost speechless. But -- as I'm sure those of
you who know me well, well know -- not totally without a few complaints,
critiques, and concerns. At least not yet. And surely not now, after so
gracious an introduction.

What I thought I'd speak to this afternoon is the future, at least the short-term future, of clinical studies in legal education, and the unfinished business of the beginnings we've created. We have surely come a long, long way together in a very short time. It's only when I look ahead that I am struck by how many barriers remain to be bridged, and how far we still have to go. It's this evolving, unfinished agenda that I'd like to add to today.

Let me limit myself to four suggestions.

First, I believe we must continue our insistence that the law schools take some responsibility for ensuring the competency of their graduates to practice law.

This was, of course, our earliest demand. Given the number of law graduates going directly into small firm and solo practice, the lack of systematic instruction in those settings, and the total control law schools exercised over prepractice education, it seemed a relatively uncontroversial one. For those of us in legal aid offices, what, after all, could be radical about wanting recent graduates serving thousands of needy clients to have been taught to do something more than write a moot court brief?

But such a demand turned out to be very radical indeed, opening up longsubmerged questions about what law schools in this country are about and who
it is they serve. What is at stake in the demand — for practitioner—oriented,
rather than judge—oriented, education — is not whether such instruction will
be sufficiently rigorous, or adequately concerned with critique and reflection, or appropriately devoted to understanding the law and its institutions.
Either perspective can effectively pursue those goals. What's at stake is
the Langdellian accommodation itself, and its domination of legal education
for now over a hundred years.

In return for the prestige and legitimacy of placing law study in the academy, the profession ceded the introduction of neophyte lawyers to law-on-the-books to a newly-formed class of legal academics. The academics, in turn, left instruction about the practice of law to the Bar. The academics focused on judges, the Bar on practitioners. The academics theorized about law as if practice didn't exist. The Bar practiced law as if explicit theoretical understanding and critique was neither necessary nor desirable.

And both joined in smoothly socializing new entrants to a relatively unquestioning acceptance of the ways practice is organized, the law job defined, and the values of legal professionalism realized.

This is a story familiar, I know, to most of you here today and I won't elaborate on its complexities. Suffice to say that the present system of onthe-job education of practitioners, unsupplemented by demands for self-consciousness, and dominated solely by craft criteria, inevitably serves the status quo, suppresses consideration of alternative approaches, and makes the Bar far less questioning and challenging toward legal culture and its values than it might otherwise be.

What clinical legal studies has done, by making the expertise and relationships of practice a subject of study, is to cast serious doubt on the present allocation of responsibility between the Bar and the academy in educating lawyers, and the so-called benign consequences of that allocation, both for the public and for the profession. And — given the still supreme confidence of most law school faculty in the current system — doubt, in turn, becomes the key to change. I would very much like to see that doubt enlarged and nurtured, well beyond the seeds we've already sown.

Second, I believe that we must continue the struggle for different budgetary priorities and staffing decisions within the law schools. It's clear that we need many more clinical teachers, adequately paid, and sufficiently secure in their tenure, to do the scholarly, teaching and supervisory tasks that have been assigned to them. It's also clear that we need more courses and programs, adequately staffed and funded, assigned large enough allocations of credit, and given sufficient long term support, to make it possible to seriously undertake multi-year planning and development in this area of the curriculum.

I know that there are many people in this room who not only recognize these needs, but have spent countless hours struggling to meet them. I mention these concerns because, recently, I've begun to hear an increasingly apologetic tone among clinicians in raising them.

Demands made on our own behalf somehow seem self-interested, selfish, apolitical.

Concerns for status or pay seem unworthy, visionary, uninspired.

Efforts to enlarge and improve the quality of service our programs provide poor people appear well meant, but softheaded, peripheral to the educational enterprise.

These reactions feel very wrong to me. It matters that we teach our students to struggle for what matters, and that we do so by example as well as by precept. It matters how much hard, non-grant money supports clinical programs, how institutionalized they become, how much room for experimentation, failure and error they permit, and how deep are the schools' commitments tomaking access to justice a realistic ideal for their graduates — matters, that is, if the future matters.

I don't have any doubt that the experiments now going on in law school clinics — on the roles of paralegals, the use of law students in the delivery of legal services, the possible linkages between service for the poor and for the near-poor — will make a major impact on the character and content of the expansion of access to the unrepresented in the 1990s.

I similarly have no doubt that clinical programs have a unique, major role to play in experimenting with ways of educating lawyers to be better self-teachers in and from practice; or that those innovations will have profound implications for legal education in decades to come. But such contributions do not come without money, support, and recognition. We should be neither tentative nor insecure about demanding them.

Third, we need to speak and write more about both the pedagogical and research implications of our own work.

We have not said enough about the specific weaknesses -- analytic, conceptual and attitudinal -- which the current curriculum seems to create, or leave untouched, in our students.

We have not been clear enough about means and ends in clinical teaching, and the degree to which well thought out clinical courses depend on elaborated, specified educational goals. Clinical method can be integrated into the curriculum only in so far as the courses that use it are taught with clear ends in view and some attention to the students' educational experience as well as coverage of the subject matter. This means serious discussions with "the regular faculty" about what they are trying to accomplish in their teaching —discussions that are as difficult and often as threatening, as they are necessary.

Perhaps, most important, we have not brought our constant contact with the legal system in operation -- particularly as it affects ordinary citizens -- to bear on describing and accessing the function and fairness of existing legal institutions and the roles lawyers play in shaping them.

In the past few years, a group in which I've been an active member — under the rubric of "Critical Leal Studies" — has fostered, amidst an increasingly hostile response, the beginnings of what may become a real debate about the necessity and justice of our economic and political institutions, the ways that existing legal ideas protect and insulate those arrangements, and the possibilities that they might be redesigned and changed.

Because it arises among legal academics, the debate very often focuses on judge-made law. But the concerns of the "Crits" -- particularly their interest in the ways race, class, caste and gender affect legal values -- go much further. I think clinicians have much more common ground with critical legal studies than a superficial view of "what they do and what we do" would

ever suggest. Indeed, a number of the central themes of the clinical movement — the importance of self-consciousness in coping with the pressures of socializing institutions, the open-textured nature of legal rules and the significance of context in understanding their function, the values of autonomy and equality in a just social order — are echoed in the critical legal studies literature.

I also think we can make important contributions to the debate CLS has engendered. We are in a continuing conversation with future practitioners about the content and consequences of lawyer work. How we define what's relevant to that examination, how we deal with moral and political considerations in practice judgments, how much we challenge our students to question prevailing definitions of professional obligation and role, how creatively we suggest alternative ways of approaching the law job, can only add to their interest in and understanding of what is finally becoming a serious argument in the law schools, and hopefully within the profession, about distributive and corrective justice in American law.

We are similarly in constant contact with the workings of lower court justice and what law, in fact, means for ordinary people. If clinicians could find a voice and a method — to detail what we know and see about the law in operation — it would ground debates about American justice in a much richer reality than currently is drawn upon. Indeed, much academic discussion about law — left and right — is mired in myth. We do not have a unitary profession; the Bar is deeply differentiated and stratified. Judges do not function primarily as adjudicators, at least not in most State court systems; rather, they are a minor part of a massive bargaining process only inaccurately described as an adversary system. Large numbers of clients

enjoy little of the choice and autonomy envisioned by the Code of Professional Responsibility; it is lawyer-interest rather than client-interest that often govern the outcomes of legal practice.

These are commonplace observations of legal reality that are only sometimes acknowledged in the academic literature or law. What's needed from us is that we elaborate, refine, question, question, and better understand them and their implications. I'm sometimes struck, perhaps in wanting not to appear excessively rhetorical, how often, in our writing, clinicals (including myself) have been restrained in describing the pervasive injustice of the existing system to low— and middle—income people. In no area of their experience do clinicians feel more strongly yet act more tentatively than in writing about the systems in which they work. In no area of legal education have we done less, and have we had more to offer.

Finally, I want to say a word about continuing our own internal debate and critique. As all of us know, there has evolved a healthy dialogue among ourselves about differences concerning simulation and fieldwork, externships and in-house arrangements, skills training and conceptualization.

We have done somewhat less well, however, on issues of power and power-lessness, and the social relations of practice. I believe we need to focus much more than we have on such questions as how we treat our students, our clients, each other, and the folks who work in the environments we have created. Many of us believe that change in the direction of more equality and community in our culture in the next decades will depend on finding new ways of relating and being which, in some sense, prefigure the sort of social order we'd like to see emerge. If this is the case, not only relations between lawyer and client, but relations between supervisors and students, students and staff, and will have to become a focus of our study as well.

We will have to address, much more directly than we have, how clinical work environments are governed, how work is allocated, what systems of power and prestige are legitimated and which are denigrated, and quite self-consciously experiment with and argue over the content of the choices we make in these areas.

If we would have our students question the work they are entering they surely must see us questioning our lives and worlds as well. If we would hope that they will shape their lives in accordance with their ideals, they surely must have examples of ideals lived, given content, as well as discussed and talked about.

All of this -- I'm sure you've noticed -- has a decidedly leftward tilt.

I see -- indeed I've always seen -- clinical education, particularly in the realities it exposes, the relations it insists on, and the values it holds, as a radical venture -- part of innumerable small steps toward a more egalitarian, more diverse, more democratic, more communal world.

Whether it will, in fact, take that direction, realize that vision, I honestly don't know.

A friend of mine says that it all depends on how many of us abhor misery, disdain cruelty, are offended by unfair privilege and hierarchy, and would be unafraid to act on these beliefs despite their inevitable ambiguities.

There are many, many in this room whose experience and commitment easily meet such a standard. Whatever hope that offers, it surely makes me feel especially pleased to be among you, and especially honored for the recognition you've offered me. Thank you.

OF INTEREST TO CLINICIANS

"Herbert Eastman at St. Louis University School of Law reports that the clinic has received federal grants for two new clinics. First, St. Louis received a LSC grant for a new Homelessness Clinic in which students provide legal services to people in homeless shelters (in conjunction with a private bar project on homelessness) and mediate landlord/tenant disputes referred by the landlord/tenant court. Second, they received a grant from the Department of Education for a Health Law Clinic in which students provide services to Alzheimer's patients and the elderly homebound and serve as guardian ad litem in guardianship cases. The new clinics supplement the existing Mental Health, Juvenile Court and Non-Profit Corporation clinics.

St. Louis University law clinic filed a lawsuit challenging Missouri's failure to pay, under the Medicaid program, for the cost of AZT for low income AIDS patients. After the pleadings were filed, the state began to make payments. Professor Eastman offers to send the pleadings to any clinic contemplating a similar lawsuit in any other states not yet covering AZT under their Medicaid programs.

The Clinical Program at the University of Maryland has created a new component designed specifically to represent persons with AIDS. To support this project, Maryland received a grant from the U. S. Department of Education that will fund a half-time faculty member to work with the existing faculty and a half-time administrator/secretary. This Clinic is different from the traditional clinical model used at Maryland for three reasons. First, it is housed, in part, in the AIDS outpatient clinic at the University's hospital. This allows the law students to be part of the medical and social teams treating problems one would encounter in a legal office and those unique to carriers of the disease, like discrimination claims, complications caused by dementia and issues surrounding death.

The second difference is that the Clinic also functions as house counsel to the hospital and its physicians on AIDS issues. While this means that the Clinic will not represent any patients in disputes with the hospital because of potential conflicts, it offers a new dimension to law students, allowing them to function in a different role.

Third, the Clinic is being jointly taught with faculty members from the Medical School who will assist in teaching the scientific aspects of the disease, participate in a public health policy analysis of the disease and address the unique psychological issues faced by the students in counseling terminally ill patients and coping with their own burnout.

Rich North is the principal attorney in this Clinic. Anyone with questions about the program is invited to call him at (301) 328-3837.

*Clinical faculty interested in serving on ABA-AALS site inspection teams will want to attend the Clinical Section's January 7, 1988 afternoon workshop on the law school accrediation process at the AALS annual meeting in Miami. Now that the Clinical Section's long-standing efforts to encourage the inclusion

of clinical faculty on site inspection teams appear to be bearing fruit, it is imperative that there be a sufficient number of knowledgeable and willing clinicians available to serve on such teams. Your attendance at the Section's training session in Miami will both demonstrate your interest in serving on site inspection teams and facilitate your performance on such teams. The workshop agenda (see Annual Meeting Schedule p. , infra.) also promises to raise for discussion a number of critical issues concerning the present and potential impact of the accrediation process on clinical legal education.

There is no question that the accreditation process can have profound effects on law schools' policies, including the priority they accord the clinical faculty and the professional skills curriculum. By participating in the accreditation process, clinicians' views on these critical subjects will be heard and can have an effect. The Clinical Section's January 7 program is an important initial step towards developing an effective clinical voice in the accreditation process. Service on site inspection teams is also usually a lot of fun and invariably a valuable learning experience. Your participation in the January 7 workshop should therefore prove rewarding as well as important to the clinical movement.

If you have any questions, suggestions or comments about the program, contact John Elson, Northwestern University School of Law, 357 E. Chicago Avenue, Chicago, IL. 60611.

•The Sixty Plus Law Center of the T. M. Cooley Law School has been awarded a \$165,000 grant by the State of Michigan to operate a state-wide Medicare Recovery Project. The project is initially aimed at pursuit of appeals of Medicare coverage denials for dual Medicare-Medicaid eligible residents of skilled nursing facilities. It is expected that the second-semester clinic interns who will work in the project will handle four to six such appeals, preparing briefs and conducting formal hearings. The project should give them valuable training not only in this very complex area of administrative law, but in dealing with medical evidence and expert witnesses.

The project is an outgrowth of a pilot program that the Center operated in the local tri-county area during the last year. Under the new project, the attorney staff will grow to eight, and student enrollment is expected to increase by at least a third. Professor Nora J. Pasman will continue as Director of the Center and of the new project. Professor Marjorie P. Russell has been named Assistant Director of the Medicare Recovery Project. In addition to the state grant, the Center has received grants from both the Legal Services Corporation (\$43,638) and the Department of Education (\$50,216).

Paul Reingold of the University of Michigan Clinical Law Program reports that the MCLP received a LSC grant for 1987-88 to do the bulk of the landlord-tenant work for Legal Services of Southeastern Michigan. The grant enabled the Clinic to expand its staff to 2.75 faculty positions and to increase student enrollment to 28 students a term.

- *Paul also reports that the Child Advocacy Clinic, directed by Don Duquette, has been awarded a grant of \$150,000 a year for three years to coordinate an interdisciplinary graduate project (psychiatry, pediatrics, psychology, social work, and law) in child abuse and neglect. The grant comes from the Department of Health and Human Services' National Center on Child Abuse and Neglect, and is designed to allow graduate fellows from each of the five units to work together on prevention, diagnosis, treatment, and legal resolution of child abuse and neglect cases.
- The AALS will present a Mini-Workshop on Appellate Litigation on Thursday, January 7, 1988, from 9:00 a.m. to 5:00 p.m. at the Fontainbleau Hilton Hotel. The 2:45-3:45 p.m. session is Methods of Teaching Appellate Skills Clinical, Simulation and Traditional. Panelists are: Michael E. Tigar, University of Texas; Myron H. Bright, St. Louis University; and Robert J. Martineau, University of Cincinnati.
- The American Bar Association's Standing Committee on Dispute Resolution will hold its 1988 Conference, entitled Education and Mediation: Exploring the Alternatives, April 8-10 in Washington, D. C. Further information may be obtained from Prue Kestner and Megan Sylvester, program coordinators telephone: (202) 331-2258.
- *The American Bar Assocition Postconviction Death Penalty Representation Project seeks to recruit several hundred volunteer attorneys to provide representation to the nearly 2,000 indigent persons on death row in the United States. The Project insists that crimninal defense experience is not necessary to represent effectively a prisoner in a postconviction proceedings. Training programs, materials and consultations with attorneys experienced in postconviction representation will be provided free of charge. For more information, contact Ester Lardent, ABA Postconviction Death Penalty Representation Project, 1800 L Street, N.W., Washington, D. C. 20036. Telephone: (202) 331-2279.
- There will be an Open Meeting of the Executive Committee of the Section on Clinical Education at the AALS Annual Meeting in Miami from 7:00 to 9:00 p.m. on Wednesday, January 6, with a beer and wine cash bar. Come to the Voltaire Room in the Fontainbleau Hilton Hotel.

AMONG OURSELVES

- *Roy Stuckey (South Carolina) has been appointed to head the Skills Training Committee of the ABA Section on Legal Education and Admissions to the Bar.
- Father Michael Gallagher (Loyola, New Orleans) was featured in The Affiliate (September/October 1987), a publication of the ABA Young Lawyers Division Affiliate Outreach Project. Father Gallagher teaches professional ethics at Loyola, supervises in the Law Clinic, and serves as coordinator of the Gillis W. Long Poverty Law Center. In addition, Father Gallagher is actively involved with the Inmate Counsel Program at the State Penitentiary in Angola, LA. He serves as a member of the Board of Directors of the New Orleans Legal Assistance Corporation, as a member of the Advisory Board of the New Orleans Pro Bono Project, and he is chair-elect of the Poverty Law Section of the AALS.
- *Michael Meltsner (Northwestern) has been appointed to a two-year term as Northwestern's Distinguished Professor.
- *Liz Ryan Cole (Vermont) has agreed to serve as Chair of the Women's Section of the Vermont Bar Association.
- *Stefan Krieger (Southern Methodist Univ.) is now an Associate Director and Assistant Professor at the Southern Methodist University School of Law's Civil Cases Clinic.

PUBLICATIONS BY CLINICIANS

Klein, James M. (Toledo). "A Comparative Look at the Unemployment Insurance Programs of the Federal Republic of Germany and the United States," 9 UNIV. PENN. J. INTL. BUS. LAW 2 (1987).

Menkel-Meadow, Carrie J. (UCLA) & Murray L. Schwartz. <u>Lawyers and the Legal Profession: Cases and Materials</u>, 1987 Supplement (The Michie Co., 1987).

Perlin, Michael L. (New York Law School). "Can Mental Health Professionals Predict Judicial Decisionmaking? Constitutional and Tort Liability Aspects of the Right of the Institutionalized Mentally Disabled to Refuse Treatment: On the Cutting Edge," 3 TOURO L. REV. 13 (1986).

Perlin, Michael L. "Ten Years After: Evolving Mental Health Advocacy and Judicial Trends," 15 FORDHAM URBAN L.J. 335 (1986-87).

Perlin, Michael L. "State Constitutions and Statutes as Sources of Rights for the Mentally Disabled: The Last Frontier?" 20 LOYOLA L.A.L. REV. 1249 (1987).

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PUBLICATIONS OF INTEREST TO CLINICIANS

Anderson, Lloyd C. and Charles E. Kirkwood. "Teaching Civil Procedure With the Aid of Local Tort Litigation, 37 J. LEGAL EDUC. 215-31 (1987).

Day, David S. "Teaching Constitutional Law: Role-Playing the Supreme Court," 36 J. LEGAL EDUC. 268-73 (1986).

Fry, Patricia Brumfield. "Simualating Dynamics: Using Role-Playing to Teach the Process of Bankruptcy Reorganization," 37 J. LEGAL EDUC. 253-60 (1987).

Halpern, Charles R. "A New Direction in Legal Education: The CUNY Law School at Queens College," 10 NOVA L.J. 549-74 (1986).

McAninch, William S. "Experiential Learning in a Traditional Classroom," 36 J. LEGAL EDUC. 420-26 (1986).

Oppenheimer, David B. "Boalt Hall's Employment Discrimination Clinic: A Model for Law School/Government Cooperation in Integrating Substance and Practice," 7 INDUS. REL. L.J. 245-50 (1985).

Teich, Paul F. "Research on American Law Teaching: Is There a Case Against the Case System?" 35 J. LEGAL EDUC. 167-88 (1986).

Weinstein, Jack B. "Modern Teaching at Brooklyn Law School -- The Example of Toxic Torts," 52 BROOKLYN L. REV. 329-33 (1986).

BROOKLYN LAW SCHOOL is seeking a full-time clinical faculty member to direct its Bankruptcy Clinic. The position begins January 1988. Salary and rank will be commensurate with experience. The faculty member will be responsible for supervising students who represent persons seeking assistance with bankruptcy or creditor issues. He or she also will teach a seminar component of the program that focuses upon advanced bankruptcy law and lawyering skills. Applicants should have experience or a demonstrated interest in clinical teaching, a strong academic record, and preferably, some background in debtorcreditor law. Resumes should be submitted as soon as possible to: Professor Minna J. Kotkin, Director, Federal Litigation Program, Brooklyn Law School, 250 Joralemon Street, Brooklyn, NY 11201.

UNIVERSITY OF CALIFORNIA SCHOOL OF LAW, LOS ANGELES seeks applicants for teaching positions to begin August 1988 or January 1989. UCLA seeks both experienced and beginning teachers for permanent, visiting, clinical and non-clinical positions. Applicants primarily interested in clinical teaching and research should have clinical or litigation experience, at least two years' bar membership in any jurisdiction, and California Bar membership or willingness to take the California Bar exam no later than July 1988. Contact Associate Dean Carole Goldberg-Ambrose, University of California School of Law, 405 Hilgard Avenue, Los Angeles CA 90024.

CINCINNATI COLLEGE OF LAW invites applications for several tenure-track visiting positions beginning with the 1988-89 academic year. The College of Law is particularly interested in scholars of corporate law, applied skills, and law and medicine. Contact Professor Joseph P. Tomain, Chair, Faculty Appointments Committee, University of Cincinnati College of Law, Cincinnati, OH 45221-00401. Telephone: (513) 475-2261. (AALS Placemnet Bulletin 10/16/97)

THOMAS M. COOLEY LAW SCHOOL announces openings beginning January, 1988, in its affiliated clinical law program, the Sixty Plus Law Center, Inc., for clinical instructors to supervise and train law student interns in a newly funded statewide Medicare Recovery Project. Prior experience in public benefits/legal services and law student supervision required. Admitted to practice in Michigan or eligible for next bar exam. Send resume to Professor Nora J. Pasman, Executive Director, Sixty Plus Law Center, Inc., 1201 Oakland, Suite 231, Lansing, MI 48915. (AALS Placement Bulletin 10/16/87)

UNIVERSITY OF DAYTON SCHOOL OF LAW invites applications for tenure-track appointments for the 1988-89 academic year. While the number of positions and curricular needs are not certain, they expect to fill the position of Director of Clinical Studies, as well as a position in the areas of criminal law and criminal procedure. The existing clinical program is a carefully designed combination of live-client experiences and classroom simulations. Theory and practice skills are taught in a value-centered way. Contact Professor Jeffrey W. Morris, Chair, Faculty Recruitment Committee, University of Dayton School of Law, 300 College Park, Dayton, OH 45469-0001.

UNIVERSITY OF GEORGIA School of Law seeks a Director of its Legal Aid Clinic. The director coordinates and supervises a staff of approximately fifteen attorneys in providing legal assistance to indigent criminal defendants through all phases of litigation. Responsibilities may also include representation of defendants charged with serious felonies, including death penalty cases. The director also participates in the clinical education program. Teaching responsibilities include the operation of the Legal Aid Clinic and Criminal Defense Clinic. Must be, or be willing to become a member of the State Bar of Georgia. (Although resumes were requested by October 31, 1987, what do you have to lose? — ed.) Contact Dr. Giles W. Kennedy, University of Georgia School of Law, Athens, GA 30602. (AALS Placement Bulletin 10/16/87)

UNIVERSITY OF IOWA COLLEGE OF LAW seeks experienced and entry-level candidates for visiting and permanent classroom and clinical teaching positions. Contact Professor Mary Louise Fellows, Chair, Faculty Appointments Committee, University of Iowa College of Law, Iowa City, IA 52242. (AALS Placement Bulletin 09/17/87)

UNIVERSITY OF KANSAS SCHOOL OF LAW seeks well qualified lawyers for positions beginning with academic year 1988-89. These positions are contingent upon the availability of funding and include permanent, visiting, 12-month, 9-month, semester and summer session appointments. Positions can include tenure-track appointments in clinical education. Contact Professor Robert H. Jerry, II, Faculty Recruitment Committee, University of Kansas School of Law, Larence, KS 60645. (AALS Placement Bulletin 09/17/87)

LOYOLA LAW SCHOOL, LOS ANGELES invites applications for visiting appointments to begin August 1988. Curricular needs are subject to change, but particular areas of current interest are federal income taxation, professional responsibility, counseling and negotiation. Contact Professor Therese Maynard, Chair, Appointments Committee, Loyola Law School, 1441 W. Olympic Blvd., Los Angeles, CA 90015. (AALS Placemnet Bulletin 10/16/87)

LOYOLA LAW SCHOOL, (CHICAGO) seeks a highly qualified person to serve as clinic attorney with the Loyola University Community Law Center beginning in the summer, 1988. The initial appointment will be for a period of two years, with possible extension beyond the initial period. Duties include supervision of students handling civil cases and teaching lawyering skills. Three years practice with previous experience as a law student supervisor preferred. Send application and resume to Henry Rose, Director, Loyola University Community Law Center, 721 North LaSalle Drive, Fifth Floor, Chicago, IL 60610.

MARQUETTE UNIVERSITY LAW SCHOOL invites applications for two full-time, tenure-track positions for the 1988-89 academic year. One appointment will be as the Director of Clinical Studies, the other is a trial practice appointment. Contact Ralph C. Anzivino, Chair, Faculty Appointments Committee, Marquette University Law School, Room 109, 1103 West Wisconsin Avenue, Milwaukee, WI 53233. (AALA Placement Bulletin 09/17/87)

UNIVERSITY OF MARYLAND LAW SCHOOL invites experienced clinicians to apply for a visiting position in its clinical program for the entire 1988-89 year or for a single semester in the 1988-89 school year. The applicant will supervise students in civil or criminal cases. Applicants should have at least four years clinical teaching experience, but do not have to be admitted to the Maryland Bar. Contact Susan Leviton, University of Maryland School of Law, 510 W. Baltimore Street, Maltimore. MD 21201.

UNIVERSITY OF NEBRASKA COLLEGE OF LAW seeks an individual to supervise and teach a criminal prosecution clinical program. Rank and salary dependent upon qualifications. Position may be tenure-leading if at Assistant Professorship level; non-tenure-leading if appointed as Instructor. Start August 1988. Requires J. D. degree and experience in criminal practice. Remit letter of application with resume and names of at least three references, addresses and telephone numbers by November 15 (or until suitable applicants apply thereafter) to: Mr. Roger Kirst, Search Chair, College of Law, University of Nebraska-Lincoln, NE 68588-0902.

UNIVERSITY OF RICHMOND invites applications for three newly created tenure-track faculty positions beginning fall 1988. One position is for an individual whose primary interest is in taxation. Another position for a person to serve as a director for the legal writing program and to teach in other substantive areas. The School of Law has special interest in several subject areas including clinical. Contact Professor W. Wade Berryhill, Chair, Faculty Appointments Committee, University of Richmond, T. C. Williams School of Law, Richmond, VA 23173. (AALS Placement Bulletin 10/16/87)

University of San Diego School of Law invites applications for permanent or visiting faculty in nearly every field of law, including clinical legal education. Permanent positions begin August, 1988, and visiting positions are available for the academic year 1988-1989 or either semester. Send your resume noting at least three references, and a letter indicating subject matter to Faculty Appointments Committee, Unversity of San Diego School of Law, Alcala Park, San Diego, CA 92110.

SANTA CLARA UNIVERSITY SCHOOL OF LAW invites applications for a visiting position in its clinical program. The applicant will supervise students in criminal cases and, in addition, will be asked to teach a simulation or traditional course. Must be admitted to the California Bar and have two years of experience. Contact Professor Kandis Scott, Santa Clara University School of Law, Santa Clara, CA 905053.

SANTA CLARA also seeks an Acting Director of Clinical Programs for the summer of 1988. The person will supervise both civil and criminal cases in the clinics; no other teaching requirements in this position. The applicant must meet the State Bar requirements outlined above. Contact Kandis Scott at Santa Clara.

SOUTH CAROLINA LAW SCHOOL. One clinical/professional skills faculty position is expected to be available with the 1988-89 academic year. At least two years experience in law practice or law teaching is required. Applications for either a permanent or visiting appointment will be considered. Direct resumes or inquiries to Roy Stuckey, Director of Clinical Education, USC Law School, Columbia, SC 29208. Telephone (803) 777-2278.

SOUTHERN UNIVERSITY METHODIST UNIVERSITY SCHOOL OF LAW seeks to fill faculty positions with persons who will teach primarily in the areas of business associations, director of civil clinic, tax, Texas procedure, trusts and estates and other related areas. The positions may be available at the assistant, associate or full professor levels for the 1988-89 academic year. Contact Professor Daniel W. Shuman, Chair, Faculty Appointments Committee, Southern Methodist University School of Law, Dallas, TX 75275.

STATE UNIVERSITY OF NEW YORK AT BUFFALO, FACULTY OF LAW invites applications for two tenure-track clinic positions and one permanent or visiting non-clinic position. Clinic applicants should have experience in law practice, or the equivalent, and a strong interest in clinical practice and related scholarship. The law school's non-traditional curricular emphasis encourages critical examination of the values and empirical assumptions underlying law practice and legal thought. The law school environment is supportive of innovative and collaborative forms of clinic and non-clinic teaching. Contact Frank Munger, Chair, Appointments Committee, State University of New York at Buffalo, Faculty of Law and Jurisprudence, John Lord O'Brian Hall, Amherst Campus, Buffalo, NY 14260.

UNIVERSITY OF TENNESSEE COLLEGE OF LAW seeks applicants for full-time faculty positions beginning fall 1988. Although there is significant flexibility in these positions, areas of primary current need include property and related courses, contracts and commercial law, legal writing and research and clinical offerings. Applicants should send a resume. Contact Professor Neil P. Cohen, University of Tennessee College of Law, 1505 W. Cumberland Avenue, Knoxville, TN 37996-1800. (AALS Placement Bulletin 10/16/87)

UNIVERSITY OF TOLEDO COLLEGE OF LAW is seeking applicants for a tenure-track faculty position which includes service as the Director of the Criminal Law Practice Program and teaching non-clinical courses. The Program places legal interns in prosecutors' offices in Toledo and its environs. While assigned to the offices, students handle misdemeanor and traffic prosecutions from the initial charging decision through final appeal. Substantial emphasis is given to the development of courtroom skills. The Director is reasponsible for regular classroom sessions which complement the courtroom experience and is responsible for the overall academic quality of this clinical program. Two part-time adjunct faculty, who are primarily responsible for placement supervision, are assigned to the Clinic. The faculty member's teaching load will also include non-clinical courses. Contact Professor Douglas K. Chapman, Chairman, Personnel Committee, The University of Toledo College of Law, 2801 W. Bancroft Street, Toledo, OH 43606. Telephone: (419) 537-2926.

WASHBURN UNIVERSITY SCHOOL OF LAW will be hiring a new faculty member to teach in the Washburn Law Clinic and to serve as Administrative Director of the Clinic, effective with the 1988-89 academic year. Contact Professor James Concannon, Chair, Faculty Recruitment Committee, Washburn University School of Law, Topeka, KS 66261. Telephone (913) 295-6660.

VERMONT LEGAL AID, INC. seeks an Executive Director. The Executive Director is responsible for overall administration of the state-wide program. The program has six district general-program offices and two offices representing mentally and developmentally disabled clients. Total funding exceeds \$2 million from various sources. Minimum of five years legal exerience, preferably in Legal Services, two years administrative experience at policy making level in Legal Services or related program or equivalent experience; eligibility for admission to Vermont Bar; demonstrated interest in and commitment to working with low income, elderly and disabled people; and demonstrated ability and commitment to working with staff in a particupatory management setting. Send

--- JOBS ---

resume, a minimum of two references and major writing sample to John D. Shullenberger, Executive Director, Vermont Legal Aid, P. O. Box 1367, 12 North Street, Burlington, VT 05402. Telephone (802) 863-5620.

All of the above are Equal Opportunity/Affirmative Action Employers. Minorities and women are especially encouraged to apply.

ANNUAL MEETING COMMITTEE

Agenda
Section on Clinical Legal Education Mini-Workshop
1988 AALS Annual Meeting
Thursday, January 7, 1988
Fontainbleu Hotel - Miami Beach, FL

ROOM TIME

FONTAINE 9:00 -

10:20 -- Overcoming the Abstract Student: Individualizing Clinical Education

- Identifying individual student differences

- Understanding different ways that people learn

- Developing teaching methodologies geared to individual differences

- Helping students to develop different models of being a lawyer

Panelists:

Robert Burdick, Boston University School of Law Minna Kotkin, Brooklyn Law School Henry Rose, Loyola University School of Law, Chicago Ellen Scully, Catholic University of America School of Law

10:20 - 10:40 -- BREAK

10:40 - 12:00

Option 1. Small group discussions about individualizing clinical education.

IMPERIAL 5

Group #1 - Supervision techniques - ways that student differences affect our supervision.

PASTEUR

LAYFAYETTE

Option 2. International Clinical Education Forum

- A survey of international clinical programs in universities and professional schools
- Teaching methodology in international clinics: substantive issues, materials, and methods
- Sabbatical exchanges

The panel will explore the development of international clinical law programs and survey existing programs connected with the universities in the British Commonwealth countries, Europe, South America, Africa and Asia. Teaching approaches will be compared, including issues of methodology, setting, substantive areas and teaching materials. Finally, the opportunities for sabbatical exchanges will be discussed focusing on the variety of experiences available including teaching in clinic, developing clinical curricula, teaching theories and development of materials in international settings.

Panelists:

Frank Bloch, Vanderbilt University School of Law Neil Gold, University of Windsor Law School Jeffrey Hartje, University College of Law Elliot Milstein, American University School of Law

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Option 3. Externships: Articulating Educational Objectives and Devising Ways to Achieve Them

Externship programs with different educational objectives will prepresent their good (and bad) experiences in trying to achieve those objectives through particular formats for classroom components, student journals, supervisor training, and other devices. The program will seek to stimulate a sharing of possible differences in objectives and specific techniques that have been used.

Panelists:

Leah Wortham, Catholic University Law School Gary Meyers, Lewis & Clark Law School Liz Ryan Cole, Vermont Law School

CHAMPAIGN 12:00 - 1:30 -- SECTION LUNCHEON and Announcement of Section's Annual Award for Outstanding Contribution to Clinical Legal Education

Speaker:

Richard Huber, President AALS (1988) (Tickets available from Peter Hoffman (Nebraska) - \$20.00.)

AFTERNOON SESSIONS

CONTAINE

- Option 1. Participating in ABA-AALS Accreditation Site Inspection Teams: The Role of Clinicians
- 1:30 2:00 -- ABA-AALS Accreditation: Overview of the Process

Presenter:

Peter Winograd, University of New Mexico School of Law

2:00 - 2:15 -- An AALS Perspective on the Effect of the Accreditation Process on the Review of Professional Skills Programs

Presenter:

Victor Rosenblum, Northwestern University School of Law, President, AALS

2:15 - 2:30 -- Accreditation for Professional Skills Programs

Presenter:

Roy Stuckey, University of South Carolina School of Law

2:30 - 3:30 -- Inspecting Professional Skills Programs: In-house, live-client clinics; externships; simulation courses

Presenters:

Kandis Scott, University of Santa Clara School of Law John Elson, Northwestern University School of Law Susan Kovac, University of Tennessee College of Law

- 3:30 3:45 -- BREAK
- 3:45 4:05 -- The Ingredients of a Helpful Inspection Team Report

Presenters:

Dean James White, Consultant on Legal Education to the American Bar Association

Kathy Grove, Assistant Consultant on Legal Education to the American Bar Association

4:05 - 4:45 -- Controversial Issues Arising from ABA Review of Law Schools'
Professional Skills Programs: Perspectives of ABA Accreditation
Committee Members

Presenters:

Gary Palm, University of Chicago Law School Rudolph Hasl, Dean, St. Louis University School of Law Joseph Harbaugh, Dean, The T. C. Williams School of Law, University of Richmond

4:45 - 5:00 -- Open Discussion of issues raised during the session

FLEUR de LIS Option 2. Skills and Politics

- 1:30 3:05 -- Skills and Politics: Teaching about the Realtionship between Political Analysis and Lawyering
 - Our goals in raising the political issues presented by our cases
 - Methods for teaching political analysis
 - Integrating political analysis into an understanding of lawyering

Panelists:

Bill Hing, Stanford Law School Janet Calvo, CUNY at Queens College Lucy White, UCLA Law School

3:05 - 3:25 -- BREAK

FLEUR de LIS

3:25 - 5:00 -- Clinics and the Courts: Creating a Dialogue with Judges about the Dilemmas of Student Practice

Washington D. C. area clinicians will re-enact parts of a skit they developed for and presented to the 1987 District of Columbia Judicial Conference. The skit portrays three segments from a fictitious clinic case: a planning session between supervisor and student, a court hearing in the case and the critique and evaluation of the hearing by supervisor and student. The issues raised by the skit include student responsibility for cases, the role of the clinical supervisor (focusing on when to intervene), the importance of client control, planning and decisionmaking involving issues that may arouse judicial ire, attitudes of judges toward students, teaching about values expressed by the court system, and the responsibility of the court under a student practice rule. The panel will discuss the issues raised by the skit as they appear in different parts of the country and the possibilities for creating a dialogue with the judiciary about the goals and methods of clinical education.

Moderator:

Wallace Mlyniec, Georgetown University Law Center

Panelists:

Hon. Geoffrey M. Alprin, Associate Judge, Supervisor Court of the District of Columbia Neil Franklin, University of Idaho College of Law Philip Hamilton, New England School of Law Mark Heyrman, University of Chicago Law School

FONTAINE 5:30 - 6:30 -- SECTION ON CLINICAL EDUCATION BUSINESS MEETING