



SECTION ON

CLINICAL LEGAL EDUCATION

NEWSLETTER

89-1

MARCH-APRIL, 1989

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TEXAS SOUTHERN UNIVERSITY

THURGOOD MARSHALL SCHOOL OF LAW
HOUSTON, TEXAS 77004

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This **NEWSLETTER** is a forum for the exchange of points of view. Opinions expressed here are not necessarily those of the Section on Clinical Legal Education and do not necessarily represent the position of the Association of American Law Schools.

COMMENTS FROM THE CHAIR
Susan Kovac (Tennessee)

"The urgent displaces the important." My apologies to all of you for delaying this newsletter. (And you thought I was so organized!)

Mark your calendars now for the weekend of may 4-6 and plan to attend the Clinical Legal Education Workshop in Washington, D.C. An official flyer should be in your mailbox soon. The conference will begin Thursday evening. However, if you are a member of the Future of the In-House Clinic Committee or the drafting subcommittee of the Extern Committee, please plan to arrive Thursday morning and be ready for work by 1:00 p.m. Those two groups will meet during the afternoon either at the conference hotel or in rooms at one of the area law schools.

One of the segments of this workshop is titled "Dealing with Difference." It's a topic we've touched upon several times in the past, but I've never found our discussions very satisfying. And I know that we'll leave the May workshop once again feeling that we haven't had enough time.

At the 1986 Boulder conference, Sue Bryant and Victor Goode, both from CUNY, presented a segment on "Racism and Sexism and their Effect on Supervision." Many of us spent the afternoon in our small groups working out ways to respond to these issues in our individual programs. I know our conferences and workshops are designed to make us better teachers, but that session left me feeling less confident rather than more. Racism was not an overt issue on my campus. We had one black faculty member in the law school and few black students. Racial incidents were rare on campus. That does not mean there was no racism. To the contrary, I believe most of my white students "knew" their black colleagues were inferior much the same way they "knew" the sun would come up in the morning. It was a "given" which permeated their existence without ever rising to the level of conscious articulation. How could I reach them? Most of the examples I heard in my small group at Boulder were responses to racial incidents within the law school. Should I hope for a disruption or order to have a teaching vehicle? I could try to use myself as a lightning rod for dealing with sexism, but the authority issues make that difficult. I left the conference troubled.

Some who attended the Boulder conference had a very different experience. They were in a small group where one participant revealed that he is gay; he tried to include his experiences in the discussion of racism and sexism. Several members of the group responded badly to this unanticipated revelation; some became angry, others tried to ignore the issue. When they realized what they had done, how unsupportive they had been, they were shocked and disappointed in themselves. They spent the rest of the conference trying to work through their reactions and figure out why, when put to the test, they had performed so badly.

Last May at the Bloomington conference many of us watched a presentation by several faculty from American University which raised issues of racism and sexism in the context of a simulated case. The demonstration troubled me, because the teaching seemed to "use" victim students to teach their oppressors. I believe it is unfair to force female students to teach male

students about sexism, or to use black students to teach their white colleagues about racism. (As one of my gay friends reminds me, homophobia is my problem, not his. He has no obligation to teach me how to be a better person.) This topic, how to teach without further victimizing, came up again and again in my small group, over dinner, and in the evaluations. It was clear that I was not alone in my concerns.

Last fall one of my students told me about an experience she had in another class. The subject was Criminal Law and the case of the day was the rape of a white woman by a black man. The professor called on a black woman. As she said, "Even the dumbest white guy could have gotten that one!" I know the professor and I am sure he meant well; he was trying to raise the issue of racism and to illuminate the way in which it affected that particular case and the criminal system, to ensure that comments in his classroom would not perpetuate racist attitudes. But in the process he unwittingly inflicted pain.

When the student related her story to me, I promised that I would do something about it. Surely in the AALS Section on Clinical Legal Education I would find a critical mass of law school teachers committed to putting these issues on the teaching agenda but ready to admit that we are not very good at it. I would also find a group of people willing to engage in the process of getting better, even if that process meant practicing in front of each other, submitting ourselves to critique and doing it over. After all, we've made fools of ourselves in front of each other for years and always learned from the effort.

I have appointed a special committee to help. I have charged the Committee on Dealing with Difference (taking the name from this year's workshop) to find out what we can do to get better; to explore programs wherever they can find them and to assess their effectiveness and their applicability to our circumstances as law school teachers. Whatever they recommend, I have promised that I will try to get it done. That may mean working through the AALS Professional Development Committee for an AALS conference dedicated to this topic or through the Executive Committee for permission to seek outside funding. If you have attended any training which helped you, if you know of a program or a teacher, if you have ideas on what would work for us, please contact a member of the committee.

COMMITTEE ON DEALING WITH DIFFERENCE

Antionette Sedillo-Lopez, Chair
Univ. of New Mexico, (505) 277-2146

Richard Boswell
Notre Dame, (219) 239-6982

Victor Goode
CUNY, (718) 575-4340

David Koplow
Georgetown, (202) 662-9000

Bea Moulton
Hastings, (415) 565-4620

Anne Shalleck
American, (202) 885-2658

1989 SECTION OFFICERS AND COMMITTEE CHAIRPERSONS

Chair: Susan D. Kovac, Tennessee
(615) 974-2331

Chair-elect: Graham Strong, UCLA
(213) 835-7460

Past-chair: William H. Greenhalgh, Georgetown
(202) 662-9080

Executive Committee:

(terms expiring 1-90)
Terry Player, San Diego
(619) 260-4532
Liz Ryan Cole, Vermont
(802) 763-8303

(terms expiring 1-91)
John Elson, Northwestern
(312) 908-8576
Carol Liebman, Boston College
(617) 552-4380

(terms expiring 1-92)
Jeff Hartje, Denver
(303) 871-6105
Jane Johnson, Tulane
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Newsletter Editor:
Sandy Ogilvy, Texas Southern
(713) 527-7275

COMMITTEE CHAIRPERSONS

Annual Meeting:
Jane Aiken, Arizona co-chair
(602) 965-6463
Bea Moulton, Hastings co-chair
(415) 565-4600

Attorney Fees:
Doug Parker, Georgetown
(202) 662-9535

Computers: Larry Weeks, Arizona
(602) 965-7359

Externships: Carol Liebman, Boston College
(617) 552-4380

IF YOU ARE SERVING ON THE DRAFTING SUB-COMMITTEE FOR THE 'STANDARDS OF GOOD PRACTICE', PLEASE PLAN TO COME TO THE MAY WORKSHOP AND TO ARRIVE EARLY. WE WOULD LIKE TO MEET IN WASHINGTON ON THURSDAY AFTERNOON, MAY 4, BEGINNING ABOUT 1 PM.

Future of the In-House Clinic:

Bob Dinerstein, American co-chair
(202) 885-1500
Phyllis Goldfarb, Boston College co-chair
(617) 552-4388

IF YOU ARE WORKING ON THIS COMMITTEE'S REPORT, PLEASE PLAN TO COME TO THE MAY WORKSHOP AND TO ARRIVE EARLY. WE WOULD LIKE TO MEET IN WASHINGTON ON THURSDAY AFTERNOON, MAY 4, BEGINNING ABOUT 1 PM.

Integration of Clinical Methodology
into the Traditional Curriculum:

TBA

Membership: Nicki Russler, Tennessee
(615) 974-2331

Outside Funding (aka Legal Services):
Jeff Hartje, Denver co-chair
(303) 871-6105
Paula Galowitz, NYU co-chair
(212) 998-6430

Political Interference:
Kate Federle, Hawaii co-chair
(808) 948-7474
Chuck Weisselberg, USC co-chair
(213) 743-7888

Several committees are currently inactive, primarily because no-one expressed an interest in serving on them. Have they outlived their usefulness? If you would like to work on one of the following committees, or have suggestions for what a committee should be doing, please let me know.

CLE: At one time this committee was going to serve as a clearinghouse to help schools sponsoring CLE programs get in contact with clinicians interested in teaching them. Carolyn Kubitschek did a survey of our individual substantive specialties, which she will update and distribute this spring. [If you did not respond to her survey in 1986, or if your areas of expertise have

changed since then, or if you can't remember whether you responded or not, please call Carolyn at (516) 560-5934.] At one time we thought the committee might also provide advice and technical assistance for clinicians who wanted to develop CLE programs. The committee was going to collect a library of program outlines, materials and other information. The committee has not received any requests for assistance from clinicians, either in developing programs or networking. Does that mean we are getting along just fine without such a committee? Unless some of define a need and volunteer to participate, I will allow this committee to go out of business after the report is distributed.

Insurance: I originally asked that this committee be created because we had a crisis at Tennessee. Our legislature decided that we are immune from suit under the state's sovereign immunity doctrine and therefore refuses to allow us to use state funds, including donated monies, to purchase malpractice insurance for clinical faculty. I assumed this problem would be widespread, at least among public institutions. I also had some thought that as a group we might be able to tailor an insurance package to our particular needs. There has been virtually no interest in this issue. Was I wrong about the problem? Is everybody else well-covered and reasonably secure? Or is malpractice insurance something you just don't want to talk about -- you recognize it as an issue but one you'd like somebody else to solve.

International Clinical Education: The committee has been serving as a clearinghouse of information, a resource to individuals. Do we need something more structured? Only two people ended up on this committee last year, and they are willing to continue, but wonder if there is more they should be doing besides keeping up on new opportunities.

Regional Training: This committee has not been functioning recently. Originally designed to foster regional workshops, in part by collecting a library of materials, the committee seems to have died because we didn't need it. Those regions interested in sponsoring their own conferences seem to be doing so without assistance from a committee. Does it need to be revived? If so, what should it do?

Tenure & Promotion: This committee, too, has functioned primarily as a resource for individuals with personal needs and questions. Is it time to go beyond that? Only two people expressed an interest in serving on this

committee. Is that because the rest of our tenured members are exhausted? Or too humble to offer themselves as mentors for others? Would a document help, something like "Answers To The Most Common Questions Asked By Clinicians In The Tenure & Promotion Process" or are the problems so particular to the individual and the institution that you would not find a general statement helpful? Over the last several years we have been trying to collect data on the impact of 405(e), to determine how many clinicians were hurt rather than helped by the push toward upgrading status generally. Is it time now to look at tenure and promotion decisions on a broad scale, or is that still premature?

AALS CONFERENCE/WORKSHOP PLANNING COMMITTEES

1989 May Workshop:

Dennis Curtis, USC Chair
Richard Boswell, Notre Dame
John Elson, Northwestern
Carol Liebman, Boston College

1990 May Conference:

Leo Romero, New Mexico Chair
Bob Dinerstein, American
Mary Kay Kane, Hasting
Laura Sager, NYU

RELATED AALS STANDING COMMITTEES

Committee on Professional Development:

(terms expiring 1-90)

Robert Belton, Vanderbilt
Deborah A. DeMott, Duke
David G. Epstein, Emory

(terms expiring 1-91)

John Elson, Northwestern
Mary Kay Kane, Hastings
Ronald H. Rosenberg, William & Mary

(terms expiring 1-92)

Curtis J. Berger, Columbia
N. William Hines, Iowa
Elizabeth Warren, Pennsylvania

Committee on Clinical Legal Education:

(terms expiring 1-90)

Edward A. Dauer, Denver
Peter Hoffman, Nebraska

Kandis Scott, Santa Clara

(terms expiring 1-91)

Dennis E. Curtis, USC
Don Gifford, Florida
Fred Hart, New Mexico

(terms expiring 1-92)

Richard Boswell, Notre Dame
Barbara Schatz, Columbia
Karen Tokarz, Washington Univ.

RELATED ABA COMMITTEES

Skills Training Committee:

(all one-year terms, expiring 8-89)

Roy Stuckey, S. Carolina Chair
Dean Nina Appel, Loyola Chicago
L. Stanley Chauvin, Esq.
Judge Dorothy Easley
John Elson, Northwestern
Fred Hart, New Mexico
Gary Palm, Chicago
David Watkins, Esq.
Justice Rosalie Wahl, ex-officio

Accreditation Committee:

Dean Rudy Hasl, St. Louis Chair
Wayne McCormack, Utah, Vice-chair

This is a large committee. The only clinician currently a member is

Gary Palm, Chicago

Nominating Committee:

Dean Frank Walwer, Tulsa Chair

Curriculum Committee:

Dean Susan Prager, UCLA Chair

This is a relatively new committee. A clinician currently serving is

John Elson, Northwestern

AMONG OURSELVES

Karen Czapanskiy (Maryland) was the moderator of a conference held at Baltimore on November 5, 1988, entitled "Separating Sex and Violence."

Melvin B. Goldberg (William Mitchell) served as an advisor to the Sri Lanka Justice Ministry on methods of delivering legal aid services.

Michael L. Perlin (New York Law School) was the keynote speaker November 5, 1988, at a conference hosted by Rutgers-Camden on "New Legal and Social Action Strategies for People with Disabilities." In May, Michael was awarded the New York Law School's Journal of Human Rights first Outstanding Contribution to Human Rights Award; in June, he was awarded the school's Walter M. Jeffords, Jr. Distinguished Writing Award; and in October Michael was presented with the American Academy of Psychiatry and Law's Amicus award. This is given annually to one non-psychiatrist for his/her contributions to law and the forensic mental health professions.

Steven Lubet (Northwestern) was a panelist on a program, held March 17 and 18, 1989, sponsored jointly by the School of Law and the Social Science Program of Northwestern University, entitled "A Conference on Appointments to the Supreme Court of the United States."

Frank S. Bloch (Vanderbilt) was appointed Chair of the Committee on Income Security of the Section of Administrative Law and Regulatory Practice of the ABA.

OF INTEREST TO CLINICIANS

Southern Methodist University has been awarded \$72,000 from the U.S. Department of Education for a

political asylum clinic.

Status of Clinicians at Georgetown

The Georgetown Faculty has recently increased the governance rights of faculty members teaching in clinics. Georgetown implemented a long term contract system for faculty members in 1982. When the system was implemented, clinicians were given voting rights on all issues except appointments to the tenure track and tenure. As of October, clinical faculty will now vote on appointments to the tenure track. Thus they participate in all aspects of governance except the grant of tenure. For more information, contact Wally Mlyniec, Coordinator of Clinical Education at Georgetown.

At the most recent meeting of the ABA's House of Delegates the delegates adopted the resolution sponsored by the ABA's Young Lawyers Division, that provides:

*Lawyers should devote at least 50 hours to pro bono and other public service activities that serve those in need, improve the law, the legal system, or the legal profession.

*Law firms and corporate employers should support lawyers' pro bono work by counting that time toward their billable hours requirement or giving other work credit for those activities.

*Law Schools should require law firms recruiting on campus to provide a copy of their pro bono policy.

In order to encourage faculty to assign ABA publications and to reduce the burden of expensive textbook purchases, the ABA Sections have begun

to discount books adopted as required texts or supplemental reading. The Sections of Litigation, Family Law, Economics of Law Practice, General Practice, Tort and Insurance Practice, and Urban, State & Local Government Law are a few of the ABA groups offering 40% off the regular price for such adoptions. Bookstores that handle assigned titles are given an additional 25% discount off the textbook price. If you would like to review any ABA publications for possible text adoption, write to Joe Weintraub, ABA Press, American Bar Association, 750 North Lake Shore Drive, Chicago, IL 60611 to request examination copies.

The Criminal Justice Center at Georgetown's Law Center was featured in a recent issue of Georgetown, the university's alumni publication.

Washburn School of Law will be hosting the fall 1989 Midwest Regional Clinical Conference. The conference will begin with a reception the evening of Friday, October 20, and end after morning meetings on Sunday, October 22, 1989. Please mark your calendar and plan on attending. The tentative topic will be, "Who are Our Clients? What are Our Cases? And What are the Implications?" If you have other ideas or are interested in participating as a speaker, please contact Professor Nina W. Tarr at (913) 295-6691 or write her at: Washburn School of Law, 17th and MacVicar, Topeka, Kansas 66621.

Grant applications for the U. S. Department of Education's Title IX Law School Clinical Experience Program were mailed recently. If your program made an application last year, you should have received your application packet. If you have not made an application recently, you may not receive notice; to get on the

mailing list, you should call Dr. Charles Miller at (202) 732-4395. The deadline for application is April 21, 1989. There is \$3,952,000 available. Although the program legislation would permit the Secretary of Education to pay up to 90 percent of the cost of projects at law schools, the maximum federal share for Fiscal Year 1989 will be 50 percent.

The Commonwealth (British) Institute for Legal Education and Training (CILET) has recently published a Bibliography on Legal Skills called The Legal Skills Sourcebook. The bibliography is a list of books and articles which give instruction in the performance of the daily tasks lawyers undertake. Topics include Interviewing, Counseling, Communication, Psychology, Alternative Dispute Resolution, Problem Solving, Investigation & Preparation, Pretrial, Advocacy and Trial Practice, Appellate Advocacy, Legal Research, Legal Writing, Drafting, Office Management, Client Relations, and the Legal Profession. For more information contact Jeanine Watt, c/o C.I.L.E.T., University of Windsor, Windsor, Ontario N9B 3P4.

The Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association, at its meeting on December 3, 1988, amended and adopted the following Interpretation of Standards 205, 403, and 405(e): Interpretation of Standard 204, 403, and 405(e): A law school should afford to full-time faculty members whose primary responsibilities are in its professional skills program an opportunity to participate in law school governance in a manner reasonably similar to other full-time faculty members. This Interpretation does not apply to those persons referred to in Interpretation 3 of Standard 405(e).

In a letter dated February 28, 1989, to the Deans of the ABA accredited law schools, the ABA Economics of Law Practice Section announced the availability of several \$250 scholarships to Myers-Briggs Type Indicator (MBTI) qualification courses. The letter contained a brochure describing the four-day course provided by the Association for Psychological Type (APT) to qualify non-psychologists to utilize the MBTI. More information may be obtained from Professor Leary Davis, Campbell University School of Law, P.O. Box 158, Buies Creek, North Carolina 27506. (919) 893-4111.

Bob Dinerstein (American) who is chairing the planning committee for the 1990 Clinical Teachers' Conference would like to hear from clinicians regarding a proposal to move the date from May to June. The difficulty with the May timeslot is the unavailability of inexpensive sites, such as schools, because classes are still in session. However, holding the week-long Conference the first or second week of June might limit the attendance of clinicians who operate summer clinics. Please call or write to Bob to express your opinion. (202) 885-1500.

MARYLAND AND MIAMI PROPOSE INNOVATIVE NEW PROGRAMS

The University of Miami School of Law is in the process of significantly revising its existing skills curriculum. Beginning in the 1989-90 academic year, the Law School will restructure its clinical and trial programs by establishing an integrated sequence of skills courses. The initial skills course will include two components: a two credit sequence of problems requiring students to address pleading and discovery, interviewing, counseling, and negotiation; and a three credit trial skills simulation course. The course is to meet six hours each week. It will have Evidence as a prerequisite, and the basic skills course would itself be a prerequisite for the clinical program and for an advanced skills course, as well as designated advanced workshops and seminars. However, students could enroll in the basic course without being required to take any further skills courses. The new skills course, to be taught by adjuncts supervised by a full time faculty member, will be offered each fall and spring semester. They hope to make basic skills training available for 72 to 96 students each semester.

The existing two semester, eight credit clinical program will be reduced to one semester. The new clinical offering will confer six credits: four credits for supervised clinical work, undertaken for the most part in the offices of the Public Defender and State Attorney; and two credits for a seminar conducted in parallel with the clinical work.

Students will also have the option of taking a four credit advanced litigation simulation course concentrating on complex litigation.

THE CARDIN PROJECT AT THE UNIVERSITY OF MARYLAND SCHOOL OF LAW

The University of Maryland is embarking on an innovative educational experiment in the first and second year curriculum that will impress upon students, in more than a rhetorical way, their responsibilities as lawyers to represent the unrepresented by engaging students in a small-section experimental course with either simulated or actual client representation. The new program will create a bridge between their existing Clinical Law Program (Clinic) and the traditional curriculum. Integration of the experiential components with one

of the required courses in the first or second year curriculum will provide a context in which the substance and operation of law and legal systems can be studied theoretically in class and can be observed, applied, and tested in practice. The consequences of this approach will be to foster a deeper and more realistic understanding of the responsibilities of a lawyer while providing civil legal aid to the poor. The first public service goal will be accomplished both directly, by providing legal help to indigent clients, and indirectly, by communicating to students as persuasively as possible that representing the poor is an enduring professional responsibility. The second educational goal will be accomplished by developing new offerings that introduce law students to the practice of law and integrate classroom, simulated, and actual case learning experiences.

The Advisory Council to the Maryland Legal Services Corporation (the Cardin Commission) prepared in the fall of 1987 an Action Plan for Legal Services to Maryland's Poor. The Council's report contained a specific recommendation for action by the State's two law schools:

- (1) Require law school clinical experiences in providing civil legal to the poor as condition of graduation.
- (2) Increase the emphasis in law school education on the attorney's professional responsibility to serve the poor and other under-represented groups.

The Maryland General Assembly appropriated funds with which to begin to implement the Cardin Commission's recommendations for legal education. The University of Maryland School of Law deliberated long and carefully about how best to respond to these important educational and public service initiatives to achieve most effectively the goals of inculcating a sense of professional responsibility to its students, while providing additional legal services to the under-represented.

The most critical decision to the shape of the law school's response was the decision that a program of mandatory clinical work should be fully integrated with the law school's curriculum. This decision was based on the insight that if the new efforts are to be regarded as truly important they must be part and parcel of the traditional curriculum -- rather than be simply tacked on as an afterthought with no demonstrated connection to the rest of legal education -- and they must take place at the early, formative stage of law students' education. Because it is in the context of the existing curriculum that the new program was designed, understanding the law school's implementation of the Cardin Commission's proposals requires some background on the curriculum.

Like most American law schools, Maryland's first-year curriculum is required. It is the standard fare of the first year of legal education: contracts, torts, civil procedure, criminal law, etc. Maryland also requires constitutional law, evidence, income tax and legal profession (professional responsibility). (There are a few other curricular requirements for graduation, but they are not course specific.) Unlike many law schools, all first-semester students meet in a small group (approximately 25 students) for one of their substantive subjects. This class, which carries two credits more than the standard large section substantive course, includes legal method/process materials and a substantial writing component. It is taught by tenured or

tenure-track faculty.

Maryland has a large clinical program that both prepares students to provide civil legal assistance to the poor and serves the poor through individual representation and impact litigation. About 65 students enroll each semester in the Clinic. The Cardin Commission's general satisfaction with Maryland's present clinical program was in large part responsible for their recommendation that they do more.

It is against that background that the faculty adopted a new and experimental program that would use a combination of law school and Cardin Commission resources to implement a two-year experiment guaranteeing every day division student at least one small section experience beyond the first semester with either case simulation or exposure to live-client representation. The initial State appropriation was allocated to the hiring of three full-time faculty who will be responsible for implementing the first phase of the Cardin program. These faculty were chosen, particularly, for their experience and interest in planning and teaching an integrated course designed to inculcate more strongly the professional values of quality representation for the poor.

In this first phase, actual client involvement will be available for only about half of the day division class. The remaining portion of the class will have a small section with a substantial simulation experience. (This portion of the program will not be funded through the appropriation implementing the Cardin Commission recommendations.) As funds become available, the law school intends a full implementation of the Cardin program that will provide live-client involvement for all day and evening division students.

The efforts aim to accomplish several goals. The most important of these is the inculcation of professional values -- to instill in students an operational as well as theoretical sense of professional responsibility and the attorney-client relationship, including a thoroughgoing recognition of the obligation to provide quality legal services to those who are unrepresented. These efforts also aim to teach some of the skills necessary to competent practice and to make students aware of the realities of law practice. Finally, Maryland aims to increase the availability of legal services to the unrepresented both in the short run and, more significantly, over the longer range of its graduates' working lives.

AALS WORKSHOP ON CLINICAL LEGAL EDUCATION

May 4-6, 1989

Washington, D.C.

Thursday, May 4, 1989

- 6:00-8:30 p.m.
Registration and RECEPTION
- 6:30-7:30 p.m.
Faculty Walk-Through

Friday, May 5, 1989

- 8:45-9:00 a.m.
Welcome
Carl C. Monk, Deputy Director, AALS
Description of Workshop
Dennis E. Curtis, University of Southern California and Chair, AALS Planning Committee for Workshop on Clinical Legal Education
- 9:00-10:30 a.m.
Ethics in Practice
The panel on ethics will discuss William H. Simon's recent article — "Ethical Discretion in Lawyering" — as an introduction to small group discussions about the integration of ethical instruction in clinical courses.
Participants should find it helpful to obtain from your library and read 101 Harvard L. Rev. 1083 (1988).
Charles Ogletree, Harvard University
William H. Simon, Stanford Law School

- 10:30-10:45 a.m.
REFRESHMENT BREAK

- 10:45 a.m.-12:15 p.m.
Small Group Discussions

Define a curriculum (self-reflection guidelines, issues on ethics). Make use of live client experience.

- 12:15-2:00 p.m.
AALS SPONSORED LUNCHEON
Speaker To Be Announced

- 2:00-3:00 p.m.
Training Supervisors

Few law schools systematically train their new clinicians or extern supervisors in the methodologies of clinical teaching. In order to stimulate thoughts on how to remedy this common deficiency in clinical

programs, one panelist will describe a comprehensive approach toward training in-house clinicians, one will discuss how a training program could have improved her effectiveness as a novice clinical teacher and one will describe her intensive program for training extern supervisors. The small groups will then plan innovative programs for the training of new clinicians and field supervisors and share their conclusions at the luncheon on Saturday.

Liz Ryan Cole, Vermont Law School
Mark J. Heyrman, University of Chicago
Jean Koh Peters, Columbia University

- 3:00-3:15 p.m.
REFRESHMENT BREAK

- 3:15-5:00 p.m.
Small Group Discussions

- 5:30-6:30 p.m.
RECEPTION

- 8:30 p.m.
Informal Discussion of Fundraising
Gary H. Palm, University of Chicago
Daniel L. Power, Drake University

- 8:30 p.m.
Informal Discussion on Current Political Issues
Susan Davis Kovac, University of Tennessee

Saturday, May 6, 1989

- 8:30-10:00 a.m.
Dealing with Difference

Recently, the Notre Dame Law School instituted a workshop into the first year ethics course focusing on racial and cultural awareness. The law school hired three professional counsellors experienced with the subject area, two of whom were from outside the institution and one from within. The panelists will discuss their teaching methodology and the ways in which racial and cultural sensitivity workshops can be used in law school clinical programs. In addition, the panelists will explore the problems encountered in the workshops conducted at Notre Dame and how they might be avoided.

Rosemary E. Phelps, Staff Psychologist and Adjunct Assistant Professor, Department of Psychology, University of Notre Dame

Marcia M. Dickman, Assistant Professor and Assistant to the Vice President of Student Affairs, Oklahoma State University

- 10:00-10:15 a.m.
REFRESHMENT BREAK

- 10:15-11:45 a.m.
Small Group Discussions

- 12:00 noon-2:00 p.m.
AALS SPONSORED LUNCHEON
Report from Small Groups on Training Supervisors

Moderator: John S. Elson, Northwestern University

- 2:00-4:00 p.m.
Informing the Clinical Experience: Three Perspectives

Speakers from the fields of feminist legal theory, law and economics and critical legal studies will, by focusing on a case study, suggest ways their perspectives might be used in clinical supervision.

Law & Economics

Robert C. Ellickson, Yale Law School
Feminist Legal Theory

Elizabeth M. Schneider, Brooklyn Law School

Critical Legal Studies

Mark V. Tushnet, Georgetown University

- 4:00 p.m.
ADJOURNMENT

Paul Bergman (UCLA) recently conducted an expert witness exercise in his Trial Advocacy class that other clinicians might find interesting and useful.

Beyond Blocks: A Trial Advocacy Expert Witness Exercise

I generally give the topic of expert witnesses short shrift in my semester-long trial advocacy course. Given the press of time, and the "start up" costs for students to become sufficiently grounded in an area of expertise, experts fall by the wayside. This year I finally made good on my promise to "teach something about expert witnesses," and because the exercise worked so well I thought I would share it with you.

The exercise that I developed took a little over three hours of class time (one and one-half classes). The expert was a campus colleague who is a professor of linguistics, whose expertise is voice identification based on sound spectrograph analysis. The exercise involved the entire class of 12 students - half representing a husband seeking to collect the proceeds of a life insurance policy on the life of his allegedly deceased wife, the other half representing the insurance company which refused to pay. The refusal to pay was based on a recorded message which the company claims was recently left by the wife. The expert's opinion is that the voice on the recent tape is the same as the voice on another tape which concededly belongs to the wife.

Though other areas of expertise would undoubtedly work as well, the benefits to this one are: (a) a cooperative expert was readily available; (b) the topic has minimal "start up" costs. I was able to put together some readings, including an appellate case or two, which allowed the students to become knowledgeable fairly readily; (c) the topic did not involve medicine or police-type subjects. Students rarely know enough about a medical topic to do any kind of professional job, and many medical topics are too gruesome for me. Police subjects (fingerprints, breathalyzers, etc.) are more suited to criminal cases, whereas my course is one in civil trial advocacy; (d) there is, or at least has been in the past, debate in the scientific community about the validity of sound spectrograph analysis. Many courts have therefore excluded this form of testimony, at least in criminal cases. The factors that have led these courts to bar the testimony furnish a ready source of cross examination.

However, I think from the student's standpoint the best part of the exercise was not that they learned about "voiceprints" as opposed to some other topic, but the chance to develop and present expert testimony in a meaningful way. The testifying expert, and a colleague of his with similar expertise, met with the students in class for one hour, two days before the class during which the "trial" took place. During this meeting, the students representing the husband had 10 - 15 minutes to ask the testifying expert questions about his background and about his opinion and the bases for it. (This was in the nature of a very brief deposition, the students asking questions based on the reading materials they had been given.) Then the class was halved in twain for the remainder of the hour. Insurance company counsel met with the testifying expert to develop the direct testimony, and the husband's counsel met with the other expert to plan areas of cross. (If the experts could not have attended this class, I would have tried to use graduate students from the Department of Phonetics for the pretrial preparation, though it's important to have the actual expert for the "trial.")

The trial was held during the regular 2 hour class time. Seven community volunteers were present as a jury. The evidence other than the expert's testimony was given to the jurors in the form of an oral stipulation. Following standard voir dire questioning by the judge (Al Moore), one student from each side conducted 10 - 15 minutes of voir dire, though of course no jurors were excused. However, I did ask students to write down their impressions of how the jurors might vote, based on their responses to the voir dire questions.

The trial proceeded in sequence, though at a somewhat hurried pace. One student from each side gave an opening statement. Two or three students from each side divided up direct and cross. The direct examination was readily divisible: general background, the technology, what the expert did in this case. Cross was readily divided up on a topical basis. Finally, one student from each side made a brief closing argument, primarily limited to the weight to be given to the expert testimony.

Class members left the courtroom and chatted with the expert while the jury deliberated for about 20 minutes. The deliberations were recorded, and played back in the following class.

I recommend this model to instructors who, like me, have a relatively short amount of time to devote to experts. It captured the students' interest and imagination, had them working together in team fashion, and in my opinion was a very effective teaching exercise. I will be glad to send a copy of my problem to anyone who desires one.

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Schrag, Philip G. "Seeing Ground Zero in Nevada," N.Y. Times, Mar. 12, 1989, at §5, col.1.

....JOBS...JOBS...JOBS...JOBS...JOBS...JOBS...JOBS...JOBS...JOBS....

American University, The Washington College of Law is seeking a tenure track faculty member or visiting faculty member for its live-client clinical program. Responsibilities include supervising students, teaching the seminar portion of the clinic and participating in the administrative affairs of the clinic and the law school. Clinical faculty members are also expected to teach one additional course in the law school each year. The Washington College of Law encourages, supports, and expects scholarly production by its clinical faculty.

Currently, the Washington College of Law offers the following clinical programs: appellate advocacy clinic; criminal justice clinic (prosecution and defense); public interest law clinic; and women and the law clinic. The applicant's specific teaching responsibilities will depend on experience, interest and overall needs of the law school's clinical program.

Minimum qualifications include a J.D. degree, outstanding academic record, and four year experience as a lawyer. Desired qualifications include prior experience as a clinical teacher, legal publications and participation in AALS clinical teachers' conferences. Requests for visitorships will be considered.

APPLICATIONS consisting of Curriculum Vitae and Cover Letter should be sent to Professor Claudio Grossman, Chair of the Faculty Appointments Committee, with a copy to Professor Robert Dinerstein, Acting Director of Clinical Programs, The American University, Washington College of Law, 4400 Massachusetts Avenue, NW, Washington, DC 20016. The deadline for applications is April 1, 1989.

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University of Baltimore School of Law seeks applicants for the tenure-track position of director of the clinical program. Applicants should have experience directing a law school clinical program. Contact Michele Gilligan, Chair, Faculty Appointments Committee, University of Baltimore School of Law, 1420 North Charles Street, Baltimore, MD 21201.

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Boston College School of Law. It is extremely likely that Boston College will have an opening for a visitor in the civil clinic for the 1989-90 academic year. For more information contact Associate Dean Robert Smith, Boston College School of Law, 885 Centre Street, Newton, MA 02159; (617) 552-4389.

University of California School of Law, Los Angeles (UCLA) seeks a lawyer to supervise second- and third-year law students working on civil cases referred by outside agencies to UCLA and to assist faculty members teaching clinical courses. Lawyer will be responsible for case supervision including client contact, court appearances and document preparation and review. Opening is from July 1, 1989 to June 30, 1990. Requirements are an excellent academic record, minimum four years practice, including substantial litigation experience, and must be a member of the California Bar as of January 1990. This is a full-time position with non-tenure faculty status as a lecturer. Send resume and cover letter by April 1, 1989 to Susan Cordell Gillig, Assistant Dean, University of California School of Law, 405 Hilgard Avenue, Los Angeles, CA 90024.

The University of Denver College of Law is seeking applications for two tenure track faculty positions to begin September 1989. One position combines traditional teaching in first year courses, criminal law or civil procedure with clinical instruction in client representation or mediation in the STUDENT LAW OFFICE or Mediation and Arbitration Center. The other similarly combines teaching courses in interviewing, counseling and fact investigation, negotiation and mediation and other professional skills in the classroom with clinical instruction in the STUDENT LAW OFFICE or Mediation and Arbitration Center. Applicants should have superior scholarship and teaching credentials. Minorities and women are strongly encouraged to apply. Submit resumes to Professor Jan Laitos, Chair, Appointments Committee, University of Denver, College of Law, 1900 Olive Street, Denver, CO 80220. For information, call Professor Jeffrey Hartje at (303) 871-6289.

University of Michigan has an opening effective September 1989, or Itinerary 1990, for a teacher/supervisor in the Michigan Clinical Law Program. The M.C.L.P. is currently offered as a 7-credit upper-level course consisting of an intensive trial advocacy seminar and a general practice civil-criminal clinic. Applicants should have trial experience, a strong academic record, and an interest in teaching. The position also demands administrative skills and the ability to do independent research and writing, non-clinical teaching, or outside litigation. Michigan bar membership is required.

Michigan has recently upgraded the status of its clinical faculty by adopting a promotional track of long-term renewable contracts. The Clinical Law Program is likely to grow over the next few years and the addition of some specialty clinics is possible. To apply, please send a letter and resume to: Paul Reingold, Director, Michigan Clinical Law Program, 363 Legal Research Building, 801 Monroe Street, Ann Arbor, Michigan 48109; (313) 763-4319.

New York University is looking for a Visiting Clinical Professor to teach in its Civil Rights Clinic in the Spring semester 1990. The Civil Rights Clinic handles both live cases and simulations. The clinic maintains a varied docket of civil rights cases, including political asylum, prisoners' rights and employment discrimination cases.

Applicants should be experienced clinicians. Minorities are especially encouraged to apply. Applicants should send a resume to Professor Martin Guggenheim, Acting Director, Clinical and Advocacy Programs, New York University of Law, 715 Broadway, 4th Floor, New York, NY 10003. Applications should be received no later than April 7, 1989.

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Northwestern University seeks to appoint a tenure-line clinician to its faculty. The Northwestern University Legal Clinic is an in-house, live-client program. The position is to be filled with the fifth tenure-track slot devoted to clinical teaching. Primary teaching responsibility will consist of supervision of students in Clinical Practice, but other courses may be taught as well.

Applicants should be committed to casework supervision, and should possess superior academic credentials and/or significant clinical teaching background. Send resumes, written work, and references to Professor Steven Lubet, 357 East Chicago Avenue, Chicago, IL 60611.

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Southern Methodist University invites applications for a tenure track position in its Civil Clinic, commencing August, 1989. The person will be responsible for supervising 8 to 10 students each semester in a "live client" Clinic and will have the opportunity for teaching non-clinical courses. Contact Professor Daniel W. Shuman, Chair, Faculty Appointments Committee, Southern Methodist University School of Law, Storey Hall, Dallas, TX 75275.

Syracuse University College of Law seeks applications for the position of Director of the Law Clinic. Qualifications include trial and appellate practice experience, commitment to social justice and clinical education and the ability to manage an in-house civil, criminal and law reform clinic. Teaching areas include law office management, trial and appellate lawyering skills (counseling, interviewing, negotiation and case management practice), pre-trial and post-trial procedures, trial advocacy techniques and non-litigation lawyering skills. Substantial research and scholarly writing is required for promotion and academic tenure for candidates interested in a tenure-track position. Send resume to: Travis H. H. Lewin, Professor of Law, Syracuse University College of Law, Syracuse, New York 13244-1030 by April 30, 1989.

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The University of Wisconsin Law School is accepting applications for the director of the Legal Defense Project. The director of the Legal Defense Project administers a clinical program providing representation to indigents charged with misdemeanors through the supervised work of second and third-year law students. The caseload may be modified to include some indigents charged with relatively low-penalty felonies.

Teaching duties include a four credit course in client advocacy, a seminar in professional responsibility, clinical supervision of individual student case work and supervision of staff attorneys in their teaching roles. The director also prepares teaching materials for the seminar and clinical components of the program, and will engage in and coordinate research and writing projects based upon the program's work. Experience in litigation is required; experience in teaching law students or lawyers is highly desirable. Applicants should have a command of the substantive and procedural aspects of the criminal justice system, and an interest in studying and improving the workings of the system in a particular local setting.

Administrative responsibilities include hiring and evaluation of supervising attorneys and clerical staff, preparation of the program budget, negotiation with contractors to assure adequate funding, working with interested faculty to maintain continuity with the law school curriculum, and working with the local bench and bar to improve the program and its effectiveness.

Salary: Negotiable, with probable starting range of \$35,000 to \$45,000.

Application deadline: April 30, 1989. Please send applications or inquiries to: Professor Walter B. Raushenbush, Chairman LDP Search Committee, University of Wisconsin Law School, Madison, WI 53706.

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