



SECTION ON

CLINICAL LEGAL EDUCATION

NEWSLETTER

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WHAT'S INSIDE?

Message from the Chair.....	3
Committee Reports.....	4
Among Ourselves	5
Of Interest to Clinicians.....	5
Publications by Clinicians.....	8
Publications of Interest to Clinicians.....	8
The Clinicians Songbook, Vol. 1.....	8
Jobs.....	10
Endnotes.....	10
Salt Conference Schedule.....	11
Tenure & Promotion Survey.....	13
1990 Clinic Teacher Salary Survey.....	15

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.

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MESSAGE FROM THE CHAIR

Graham B. Strong (UCLA)

Two words especially stood out during the testimony of clinicians at the open hearing of the ABA Task Force on Law Schools and the Profession which was held in Ann Arbor after the Clinical Conference. They are two words that define an issue that, to my mind, should be placed on the front-burner across the country in the ongoing effort to eliminate law school discrimination against clinical legal educators. The two words are "SALARY PARITY," and I hope that Deans will begin hearing those words with much greater frequency, and at higher decibel levels, as time goes by.

I. Generating Evidence of Salary Disparity

The members of this Section, of course, do not need to be convinced that there is a substantial disparity between the salaries paid law teachers who teach in the traditional curriculum, and the salaries paid clinical legal educators. We have, after all, the evidence of our personal experiences. And we have heard the disturbing rumors of newly-hired teachers in the traditional curriculum starting with salaries well in excess of those received by successful long-term clinicians at the same schools. The hard statistical evidence of salary disparity is, however, surprisingly hard to come by. Efforts to develop that evidence are currently underway, and I hope that each of you will cooperate with those efforts.

A great deal of information is gathered from law schools each year through the ABA. This information, however, has thus far been insufficient to document the degree of salary disparity between clinicians and others. In 1985 and 1986, the first two years after the adoption of Accreditation Standard 405(e), the ABA sent out a questionnaire designed specifically to monitor improvements in the status of professional skills teachers. Although it asked about a range of status issues, including some issues related to compensation (fringe benefits and summer funding, for example), it did not ask for a comparison of salaries. The more comprehensive annual ABA law school questionnaire generates a good deal of aggregate faculty salary information, but has not yet generated separate comparable information on clinical salaries.

Marjorie McDiarmid (West Virginia), as Chair of the Data Collection Subcommittee of the Committee on the Future of the In-House Clinic, conducted a wide-ranging Section survey late in 1987 that did produce some salary data. It correlated salary to different factors than did the existing ABA survey data, however, and therefore a direct comparison was impossible. Marjorie conducted a follow-up survey to correct this difficulty, but the return was too sparse to produce meaningful information.

This summer, at the Conference on Clinical Legal Education in Ann Arbor, substantial data was collected that for the first time begins to give us the basis to gauge the level of disparity

between our salaries and those of our non-clinical colleagues. Bob Seibel of Cornell devised and distributed a salary survey that was completed by 133 participants at the Conference, an astonishing number which suggests the depth of concern among clinicians over the salary parity issue. The data from the Seibel survey should not only permit comparison to existing ABA data, it also holds the potential to reveal an intriguing profile of variations in salary within the clinical community itself. How do our salaries vary by gender? By ethnic background? By region? By school size? By length of experience? Bob will be sharing his preliminary results with us through the *Newsletter*, and will also distribute additional survey forms through the *Newsletter* for those who were unable to attend the Ann Arbor conference. It is extremely important that you fill out the Seibel salary survey if you have not already done so. It provides the best mechanism currently available to begin to prove what we already know: that law schools systematically discriminate against clinicians in the provision of salaries.

II. Salary Parity and Standard 405(e)

The gathering of data to demonstrate salary disparity is, of course, only a first small step on the road toward salary parity. We need, in addition, to be able to make the case for salary parity when supposed justifications for salary discrimination are forwarded. One case to be made in support of salary parity is that based directly upon ABA Accreditation Standard 405(e). The most celebrated aspect of Standard 405(e), of course, is its provision that law schools should afford full-time clinicians "a form of security of position reasonably similar to tenure." This clause of 405(e) was the principal focus of early efforts to improve the status of clinical teachers. The salary parity issue, however, shifts the focus of attention to the separate provision of 405(e) that law schools should afford full-time clinicians "perquisites reasonably similar to those provided other full-time faculty members by Standards 401, 402 (b), 403 and 405." Is salary one such "perquisite"?

No special interpretive wizardry is required to demonstrate that salary is plainly included among the perquisites of position that 405(e) was intended to cover. The "perquisites" to which 405(e) refers, by its terms, include those provided other full-time faculty members under the balance of Standard 405. And one perquisite specifically provided all full-time faculty under 405(a) is "compensation... sufficient to attract and retain persons of high ability and... reasonably related to the prevailing compensation of comparably qualified private practitioners and government attorneys and of the judiciary." Clinicians, therefore, are entitled to the provision of compensation on a reasonably similar basis.

This interpretation of 405(e) is a simple reading of its plain meaning. It is, moreover, the way the Standard was understood by those who originally proposed it. In 1984, three law school deans (Huber, Redlich and Schaber), who were members of the ABA Council that proposed 405 (e), made that understanding clear in a letter written "to explain the reason for the Council's decision approving Standard 405(e) "

It has been suggested that Standard 405(e) will impose an undue financial burden on law schools at a time of possibly decreased enrollments. Many schools have already substantially equalized the salaries of clinical and nonclinical faculties. Of course, nothing in Standard 405(e) precludes salary differentials among clinicians similar to those that exist among nonclinical faculties. But if professional skills training is to assume its rightful place as an essential component of legal education, should not those who are devoting their careers to the difficult task of clinical teaching be compensated in a manner roughly comparable to those who are teaching more traditional classroom courses?

Letter to the Deans of all ABA-approved schools, June 18, 1984. Thus, both the plain meaning and the "legislative history" of the Standard point to the same conclusion: compliance with 405(e) requires that a law school set salaries for clinical and nonclinical faculty in reasonably similar ways.

Let me suggest a simple test that will help to determine whether a school is in compliance with 405(e) with respect to its compensation policies. The test has only two questions. The first question is this: when the school seeks to fill a clinical position but has not yet focused upon individual candidates, is the potential salary range for the position reasonably similar to the potential salary range for open nonclinical positions? Compliance with 405(e) does not require that identical salaries actually be offered for the two types of position, but does require the dedication of reasonably similar resources to the effort to attract persons of "high ability." The second question of the two-part test is this: if a person who is hired to teach in the clinical program had instead been hired to teach in the nonclinical curriculum, would that fact affect the person's salary in a significant way? Compliance with 405(e) requires that equally well-qualified clinicians and non-clinicians receive reasonably similar compensation.

What arguments can a law school offer that a systematic policy of salary discrimination against clinicians is somehow in compliance with 405(e)? One argument goes like this: All that 405(e) requires is that clinicians, like nonclinical faculty, be paid a salary that is "sufficient to attract and retain persons of high ability" and "reasonably related to the prevailing compensation of comparably qualified... practitioners." So far, so good. But then the argument goes on to assert that clinicians of high ability can be hired at lower salaries than can nonclinical faculty of high ability because the pool from which clinical teachers is drawn is the pool of legal aid attorneys, who are less highly paid to begin with. Thus, the argument concludes, the compensation scheme is the same, but, due to neutral market forces, its outcome happens to vary to the detriment of clinical teachers.

It is an argument that would not deserve rebuttal had it not already been offered as a serious justification for discriminatory salary policies. First, it is based upon a wildly obsolete notion

of what clinical education is, and of whom today's clinical educators are. The subject matter of clinical education is not poverty law, nor indeed any substantive area of the law, regardless of the context in which clinics are set. The subject matter of clinical education is the lawyering process itself, in all its variations, and the pool from which clinical educators should be recruited is therefore at least as broad as the pool from which other legal educators are recruited. The argument, moreover, is one that is only applied to clinicians. It would be equally reasonable to suggest a salary policy that systematically favored all teachers of corporations and tax over teachers of criminal law, say, or of torts, if empirical evidence showed salary differentials among practitioners in those fields. Such a policy would be intolerable and indefensible if applied in the nonclinical context, and it is intolerable and indefensible for clinical legal educators as well.

Standard 405(e) contemplates that compensation for clinical teachers, like compensation for nonclinical teachers, should be adequate to attract and retain those of high ability. The high rate of turn-over within clinical positions alone indicates that this goal is not being adequately met at many law schools. Thus, salary parity should be regarded not only as a matter of elemental fairness, but also as a matter of practical wisdom for the nation's law schools. It is, very simply, the single most important step that they could take to insure the long-term excellence of their clinical programs.

III. Salary Parity: The Final Chapter

The reason that I regard salary parity as an issue of such importance within the clinical community is that it represents the largest and most decisive of the status issues remaining on our political agenda. Whether we like it or not (and I don't), money is a prime indicator of value within the law school community, as it is elsewhere. Without salary parity, clinical educators will continue to be undervalued within the law school community, and we can therefore expect progress toward equal treatment to be slow and difficult. With salary parity functioning as a symbol of equal value, however, we could expect that other barriers to equal treatment within the law school would fall away far more easily and rapidly. Salary parity could help to close the book on law school discrimination against clinical educators, and it should be on the front burner of our national political agenda.

COMMITTEE REPORTS

Tenure and Promotion Committee by Stacy Caplow (Brooklyn), Chair

The Tenure and Promotion Committee was resurrected at the Ann Arbor Clinical Teachers Conference. At a workshop on 405(e), tenure and promotion, attended by about 30 people, several projects were identified as worth undertaking. 1. Status Questionnaire - Almost 100 people completed a questionnaire about faculty status. In order to get the most complete total possible, the questionnaire is enclosed in this *Newsletter*. Please

complete it (if you haven't already) and return it to me at Brooklyn Law School, 250 Joralemon Street, Brooklyn, N.Y. 11201. If clinicians at your school are not on the Section's mailing list, please make copies and ask them to send their completed forms to me. It's simpler to collate the data with one sheet per clinician, so please don't attempt to describe the entire picture at your school on a single sheet.

2. Tenure, Promotion, and Long-Term Contract Standards - If your school has written standards affecting tenure, promotion, or the granting and renewing of long-term contracts, please send me a copy. I will be a clearinghouse for individuals whose schools are adopting or amending regulations.

3. Evaluators - Tenured or senior clinical faculty who would be willing to serve as evaluators of clinical scholarship or of clinical programs in connection with faculty status matters should drop me a line. Please detail your special interests or expertise and indicate a willingness to have your name proposed as an evaluator. Evaluation of the work of other clinicians is an important step in the process and right now we are not very organized to help each other. Again, I will act as a clearinghouse for people in need of evaluators (assuming enough tenured or senior clinical faculty respond). [Senior clinical faculty is anyone who has survived in this endeavor for more than 8 (totally arbitrary number) years and whose status is secure even if not tenured.]

4. Clinical Scholarship Standards - The Committee plans to make a stab at drafting some standards for use in evaluating non-traditional scholarship. It is hoped that we can draft some facilitative language which, after approval by the Section, can be distributed to deans and chairs of tenure committees as well as Section members. If anyone has any other projects they think the committee should work on, please let me know. Please help the committee by returning the information sought. The results of the questionnaire will appear in a future *Newsletter*.

Committee on the Future of the In-House Clinic by Robert Dinerstein (American), chair

The Committee will shortly complete its final report that covers the following areas: pedagogical justifications for in-house, live-client clinics; the Data Subcommittee's statistical study of clinical teachers; suggested minimum guidelines for in-house programs, with commentary; the challenges facing the clinical teacher; and recommendations for the Section leadership. Currently, we are exploring ways to distribute the report to members of the Section. We hope to have a session at the AALS Annual meeting in Washington to present the report and get Section members' feedback on its contents.

AMONG OURSELVES

Kate Mahern (Thurgood Marshall) is on the faculty of a program sponsored by the National Business Institute, Inc. - Texas Elder Laws: The Basics and Beyond - to be held in

Houston, August 22, 1990.

Bill Greenhalgh (Georgetown) was the guest speaker at a breakfast held in conjunction with the Maryland State Bar Association's January meeting. He discussed Georgetown's clinical programs and their impact on criminal law practice in Maryland.

Andy Shookhoff (Vanderbilt) won the Democratic party nomination for Juvenile Court Judge for Nashville and Davidson Counties on May 1, 1990. He won with an overwhelming 72% of the vote after receiving the highest favorable rating ever received by any judicial candidate in the Nashville Bar Association's pre-election poll of lawyers. Andy will be unopposed in the general election in August, and will be sworn in as judge in early September. In addition, back at the Law School, Andy was promoted to the rank of Associate Professor of the Practice of Law, effective July 1, 1990.

Gary Palm (Chicago) was among the participants in the National Association for Law Placement annual conference April 4-7 in Chicago. Gary and others spoke at the first plenary session on "Driving Forces in a Changing Profession."

Brooklyn Law School held a symposium on May 4th entitled "The Legacy of *Goldberg v. Kelly*: A Twenty Year Perspective." **Minna J. Kotkin** (Brooklyn) chaired the program.

Anne Shalleck (American), **Bob Dinerstein** (American) and **Roy Stuckey** (South Carolina) were among the American legal educators who participated in a Workshop on Challenges of Professional Legal Training in Ocho Rios, Jamaica this past December. Sponsored by the Council on Legal Education for the West Indies, the Workshop focused on issues affecting professional skills instruction in Caribbean legal education.

Several clinicians are 1990 AALS Section Chairs: **Stephen Wizner** (Yale), Law and the Community; **Steven Lubet** (Northwestern), Litigation; and **Leo Romero** (New Mexico) Prelegal Education & Admission to Law School.

OF INTEREST TO CLINICIANS

Midwest Clinical Conference Scheduled

The University of Wisconsin will be hosting the Midwest Clinical Conference, which will begin Friday, October 12, 1990, and run through noon on Sunday, October 14. The theme of this year's conference is "Clinicians as Teachers." Presentations and discussions will focus on setting goals for and evaluating the progress of your students — as well as yourselves as teachers. There will also be a follow-up presentation and discussion on the "isms" raised by the videos shown at last year's conference, sessions on writing and scholarship, and sessions on the nuts and bolts of supervising students for new clinicians. Discussion groups based on substantive areas of practice and instruction are also planned. For more informa-

tion, contact Bob Peterson, Center for Public Representation, 121 South Pinckney Street, Madison, WI 53703.

1990 Clinic Teacher Salary Survey

Bob Seibel (Cornell) seeks to collect data about clinical teaching salaries and related matters. Attached to this *Newsletter* is a copy of his survey instrument, which should be returned to Robert F. Seibel, Cornell Legal Aid, Cornell Law School, Myron Taylor Hall, Ithaca, NY 14853-4901.

Salt Conference - Private Gain or Public Interest

The Society of American Law Teachers 1990 Conference for Legal Educators, September 14-15, 1990, at New York University Law School, will focus on analyzing the forces that are eroding professional values and identifying strategies for change within the legal academy. Particular emphasis will be placed on how law teachers experience these phenomena as individuals and how they can contribute to change.

The planning committee for the Conference has noted that in the last decade, the percentage of graduates of American law schools who have accepted public interest positions has declined by half. Most other graduates leave their law schools with only a faint sense of their public service responsibilities as practitioners. The bar is increasingly driven by competitive economic forces that emphasize profitability rather than professionalism. Nationally, only 17% of licensed attorneys participate in formal pro bono programs. What is common to all of these trends is a deep erosion of professional values. The commitment of members of the legal profession to contribute to social good is being eclipsed by self-interest and desire for financial gain. Law schools have accommodated rather than challenged these trends.

Students who enter law schools with public service aspirations find them subverted rather than supported by the educational experience. Placement activities at many schools seem more important than academic programs. Debt burdens and astronomical starting salaries in the private sector preclude full-time public interest work for many graduates. The design for the Conference includes presentations by knowledgeable speakers and opportunities for conferees to share their experiences and ideas in small group meetings and in social settings. For additional information, contact Henry Rose (Loyola-Chicago) at 312-266-0573.

1990 Clinical Teachers Conference

A Huge Success

The 1990 Clinical Teachers Conference, held from June 2-7 in Ann Arbor, Michigan, attracted over 150 clinicians, making it the largest teaching conference the AALS has ever had. The stated goals of the conference were to examine the different goals of clinical education and the ways in which different forms of clinical education attempted to achieve them; the conflicts facing clinical teachers in their roles as teachers,

lawyers, and scholars; and the programmatic and subject-matter innovations that some clinical programs have initiated to move away from traditional litigation- and individual case-oriented clinical programs. As always, much of the spirit and energy of the conference derived from the small-group interactions and from the unplanned themes that evolved as the presentations and discussions proceeded.

Dean Joe Harbaugh (Richmond), a self-described fallen clinician, kicked off the festivities Saturday night with a keynote speech on the goals of clinical education as seen through the eyes of one whose restlessness has taken him up and down the eastern seaboard. On Sunday morning, Victor Goode (CUNY), Janet Motley Weinstein (California Western), and David Gottlieb (Kansas) debated the merits of simulation, externship, and in-house clinical programs, respectively, as they presented a simulation in which they were trying to persuade a wealthy grantor why their particular program would be the worthiest recipient of the funding largess. The presenters identified as among the possible goals of clinical education professional responsibility and role identification, legal analysis, professional skills training, student empowerment, and studying the lawyering process. They proceeded to analyze and debate the ways in which their forms of clinical education met or failed to meet those goals. In the afternoon plenary session, Victor Goode and Kathy Sullivan (Brooklyn) demonstrated how one clinical problem could be used to achieve different teaching goals. Kathy conducted a small class the goal of which was to assist two students from an in-house clinic in deciding whether to accept a case for the clinic. The case involved the representation of a lawyer (a former clinic student) who was fired from her job in a public defender's office after she refused to do further arraignments because of her excessive caseload. Victor then took the same problem as a simulation (one drawn from a simulation developed at CUNY) and taught a large class whose goal was to remove students from a specific task orientation and have them explore from a role-based perspective their personal feelings about the problem and the existence of common ground among the various participants (the client, a former colleague at the public defender's office, the supervisor, and a member of the office's board of directors).

One of the persistent problems of live-client, in-house clinics is the appropriateness of supervisor intervention in the various settings in which students practice law. On Monday morning, Kathy Sullivan and Peter Hoffman (Nebraska) presented videotaped vignettes of instances of supervisor intervention (Peter) and non-intervention (Kathy). The presenters staged a debate in which they critiqued the supervisors' decisions, thereby highlighting some of the more problematic aspects of the different approaches. The theme of conflict for the clinical teacher - here, between her role as a teacher and her role as a lawyer for the client—was continued in the afternoon session as Frank Bloch (Vanderbilt), Steve Ellmann (Columbia), and Marie Ashe (West Virginia) presented a thoughtful panel on the real and perceived conflicts facing clinical teachers who want or need to produce scholarship while also engaging in time-consuming (if

quite satisfying) student supervision.

Evening sessions Sunday and Monday night addressed the separate concerns of new clinicians and clinic directors, evaluation in clinics, 405(e) and the tenure process (with a particular focus on recent disturbing examples of tenure denials affecting some of our colleagues), and gender and race issues in clinics (more on that below). Following up on the Sunday morning session, the Tuesday plenary session featured presentations by Janet Motley Weinstein and **Frank Avellone** (Ohio Northern) on the goals and methods of externship programs. Janet demonstrated an interview between an in-house externship supervisor and a student interested in an externship program in which the supervisor attempted to draw out the student on his reasons for wanting to participate in a particular externship program. In a second demonstration, Janet conducted a supervisory session with an extern student who reported on her experience as a prosecutor presenting the testimony of a police officer in a criminal case. Prior to the case, the police officer was vague about the details of the case, only to develop an excellent memory once he took the witness stand. The student's lack of reflectiveness presented the supervisor with a serious challenge (pedagogical and ethical), to say the least. For his part, Frank conducted a large class in which students from the same externship placement were asked to develop a strategy to respond to several situations in which different actors in the legal system were acting in a gender-biased manner.

After an afternoon of fun and frolic (and any number of sore muscles caused by canoeing, soccer and other instances of hands-on clinical scholarship), **Wally Mlyniec** (Georgetown), **Kandis Scott** (Santa Clara), and **Steve Wizner** (Yale) told us all what burnout is (what many of us consider burnout the literature refers to as "cop-out"), why we experience it (our imperfect fit into the law school culture) and why in many ways our jobs present numerous opportunities for self-fulfillment, the antithesis of burnout (the pleasures of collaborative work, collegiality, the ability to use law to help people, etc.). Among them, the panel of dinosaurs (their term) comprised almost fifty years of teaching experience, an impressive counterpoint to the lament of "where have all the clinicians gone."

The last portion of the conference consisted of two plenary sessions. In the first, **Sheila Reynolds** (Washburn), **Graham Strong** (UCLA), and **Don Duquette** (Michigan) discussed the ways in which their programs have made use of people and concepts from other disciplines. Graham demonstrated some aspects of his foray into neuroscience and left-brain, right-brain research by having us all imagine a sliced-up cube and then answer questions about its properties. I am still having trouble with that one; I'm glad that the different bar exams I've taken have stuck to more mundane matters. Sheila described the Washburn clinic's use of psychiatrists from the Menninger Clinic and Don talked about the Michigan Child Advocacy Clinic's interdisciplinary approach, in which psychiatrists,

social workers and other mental health professionals work with law students in representing clients. On Thursday morning, at the last plenary session, Sheila Reynolds and **Harold McDougall** (Catholic) discussed the pros and cons of non-traditional clinics, a mediation clinic that Washburn formerly operated (Sheila) and the Law and Public Policy Program at Catholic that features a legislative clinic with a public policy emphasis (Harold).

The traditional Wednesday night dinner featured a speech by **Michael Norwood** (New Mexico), reporter for the ABA Task Force on the Law Schools and the Profession: Narrowing the Gap. Mike described the genesis of the Task Force and discussed its expansive goals. Many of the Task Force's concerns about the current state of legal education dovetail with those long expressed by clinical teachers. The Task Force held a hearing following the end of the conference in an effort to take advantage of the high concentration of clinical teachers in Ann Arbor for the conference. No gathering of clinicians can be without its controversies, and this one was no exception. As the presentations and discussions took shape, it became clear that many clinicians are struggling with difficult questions of gender- and race-consciousness in their teaching. An informal evening discussion group on this topic attracted more than fifty clinicians, and much of the heated discussion at the conference concerned people's differing perceptions about these issues, especially gender.

With the 1991 clinical workshop scheduled to focus on matters of gender, race, and sexual orientation in clinical programs, clinicians will have an excellent opportunity to continue the dialogue on these crucial issues. In addition, at the Wednesday dinner, a brouhaha developed over an AALS policy that resulted in preventing **Roy Stuckey** (South Carolina) from attending the dinner. (Roy was unable to attend the entire clinical conference but was in Ann Arbor for the ABA Task Force hearing.) Thereafter clinicians debated the pros and cons of an organization for clinical teachers that would be an alternative to the AALS. The group passed two resolutions, one condemning the policy that prevented Roy's attendance at the dinner and the other expressing support for the work of the Section's Committee on Alternatives. **Bob Seibel** (Cornell) probably captured the experience best when he presented Graham the next day with a tee-shirt with the words "Feed Roy Stuckey" emblazoned on the front.

Finally, we had our traditional end-of-conference songfest (coming after the heated debate about Roy's dinner, I now know what it is like to go onstage after a comedian who has just died), a collaborative effort that featured David Gottlieb's paean to Midwest clinicians (to the tune of "California Girls"), "Supervision (I Can't Get No)" (to the tune of "Satisfaction") and "All My Teaching" (to the Beatles' "All My Loving," with Jane Johnson's unforgettable first line "Close your eyes and I'll frame shift"). And, in act of unconscious plagiarism that gives me new appreciation for George Harrison's position in the "My Sweet Lord"/"He's So Fine" controversy, I wrote a song "Burn-

out" to the tune of the Everly Brothers' song "Dream", only to realize upon returning to Washington (after being reminded by some of my colleagues) that Jean Koh Peters had used the same song as a basis for her song "Burnout" at the Bloomington Clinical Conference. No wonder the tune stuck in my head; at least the words were completely different. In any case, a belated acknowledgment to Jean's inspiration. [For your own copy of the lyrics, see *The Clinician's Songbook* Vol. 1 below.]

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Toukovich, Emil A. (Kansas) and **Stanley D. Davis**, "DNA Printing: Recent Developments," 38 *Kan. L. Rev.* 65 (1990).

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PUBLICATIONS OF INTEREST TO CLINICIANS

Trial Practice: Problems and Case Files with Video Presentation by **Edward R. Stein** and **Lawrence A. Dubin** (Cincinnati: Anderson Publishing Co.: 1990).

THE CLINICIANS SONGBOOK Vol. I

by **Bob Dinerstein**, **David Gottlieb**, **Jane Johnson**, and others? (with apologies to the original artists).

SUPERVISION - THE EXTERN'S LAMENT (To Rolling Stones', "Satisfaction")

I can't get no supervision
Might as well watch television
But I try, and I try, and I try, and I try
I can't get no ...

When I'm going into court
And I'm reviewing this and preparing that
And I'm listening to the judge
Ask for some useless information
'Bout my client's reputation
I can't get no ...
No, no, no, no-no - hey, hey, hey
That's what I say

You will get some supervision
We'll review your reflective vision
But I cry, and I cry, and I cry, and I cry
I can't get no ...

I've got a lawyer in the field
And she's doing this and she's doing that
and she's not paying attention
Nor is she doing intervention
I can't get no... I can't get no...
No supervision, no supervision, no supervision

ALL MY TEACHING (To Beatles', "All My Loving")
Close your eyes and I'll frame shift
Tomorrow we'll role play
And talk about your journal too

We'll reflect all the way
'Bout the issues of the day
And we'll call it a seminar too.

[Refrain]
All my teaching I will give to you
All my teaching - hope you like it too

We'll pretend that you're suing
The landlord who's screwing
The tenant and her family too

Then we'll frame-shift again
And become the landlord's friend
And we'll ask for attorney's fees too.

[Refrain]

EAST COAST TEACHERS (To Beach Boys', "California Girls")

Well east coast teachers are hip
They're into the non-directive scene
They always see that gender bias
They never intervene

And west coast schools they write and
Simulate with laid back pace
They never have to see a client

Or ever try a case

[Chorus]
I wish they all could have the Midwest style
I wish they all could have Peter Hoffman's style

At midwest schools we win our cases
We make them do it right
We tell them 1st step, 2d step, 3d step, 4th
Model us with all your might

If they do it wrong, we tell them
If they do it right we cheer
On Monday we may scold them hard
But on Friday we buy 'em beer

[Chorus]

INTERVENE (DON'T) (To Dionne Warwick's "Walk on By")

If you 'em screwing up the case
And I seem about to fall on my face
Don't intervene - Don't intervene
Avoid that scene
Cause we don't really care if the client goes to jail
So long as my feelings are sacred
Let 'em go to hell...
Don't intervene - Don't
Don't intervene - Don't

I'm not sure that you know what to do
When I go to court sitting with you
Please intervene - Please intervene
I'm too green
The Client will understand that you're not being mean
You're just there to save his poor bacon
And keep him from losing

Intervene - Don't - Please
Intervene - Don't - Please
(fade)

STOP IN THE NAME OF ROLE (To Supremes', "Stop in the Name of Love")

[Chorus]
Stop - in the name of role
Before you intervene [2d & 3d: Baby don't take over]
Stop - in the name of role
You all know what we mean
Don't take over - Don't take over

Look, we all know you're really quite a lawyer
You've won your cases, sometimes in the foyer

But now you're here to take their few skills flower
Assist the student, give her a sense of power
[Chorus]
If you plan right, there'll be no need to do it
So much the better for her to work right thru it
Even tho' you think the client might suffer
Intervention can be a whole lot rougher

[Chorus]
BURNOUT (To Everly Brothers', "Dream")

Burnout, burn - burn - out
Burnout, burn - burn - out

When I get tired of all this stuff
I get kind of cranky and somewhat gruff
And all I feel like saying's that I'm suffering from
Burnout, burn - burn - out
Burnout, burn - burn - out

I like to write things, that do not count
All my students gripe that I'm no fount
Every day I feel that I'm a victim of
Burnout, burn - burn - out
Burnout, burn - burn - out

I know that you will say
Look for another way
To not give up the fight
Only trouble is, gee whiz
It's about time that I got a life

So as long as I'm here
I won't copout,
I may get pissed off or even pout
But that's ok 'cause you say there is
No such thing as Burnout - burn - burn
(fade)

JOBS

The Arizona Center for Law in the Public Interest seeks a creative, energetic attorney with significant litigation experience as Executive Director. The Center is Arizona's only non-profit public interest law firm and has obtained many landmark ruling in environmental law, mental health, education, and other areas of public interest law. Legal experience in areas of social concern or public concern will be given special consideration. Please submit resume and cover letter describing your interest in and qualifications for this position to Kris Stocking, 363 North First Avenue, Suite 100, Phoenix, Arizona 85003 by July 21, 1990.

The University of Connecticut School of Law seeks an attorney to serve as an Assistant Clinical Professor in its Disability Law Clinic, beginning September 1, 1990. This clinic has just been funded by Title IX, for an expected period of three years. In the clinic, students, under close faculty supervision, litigate abuse and neglect cases, veterans' disability claims, special education and disability discrimination cases, in state and federal courts and administrative agencies. The position also involves teaching an intensive seminar in which students engage in a variety of simulated lawyering exercises. Minimum qualifications: At least one year's experience in a law school clinic, public interest or related practice, excellent writing and interpersonal skills. Admission to Connecticut Bar or willingness to sit for the Bar preferred. Salary DOE. Application deadline is July 15, 1990. Send letter of interest, resume, writing sample and the names of three references to: Professor James H. Stark, University of Connecticut, School of Law, 65 Elizabeth Street, Hartford, CT 06105-2290.

All employers listed here are affirmative action/equal opportunity employers; women and minorities are especially encouraged to apply for these positions.

ENDNOTES

I received a number of comments regarding the size of the print in the last *Newsletter*; in reponse to the suggestions, this issue is printed in 10 point type. Let me know if you still think that it is too small.

The next issue of the *Newsletter* is scheduled for mailing in early October and should have information about the annual meeting. Committee chairpersons should try to have committee reports to the editor by late September. I would like to print an essay in the next issue. If you have something in the works, please let me know. In addition, I welcome cartoons and photographs (with present technology, black and white prints are best).

Please let me know what improvements you would like to see in your *Newsletter*.

jpo

SALT
CONFERENCE SCHEDULE

Friday, September 14, 1990

- 8:00 - 9:00 Registration/Coffee
- 9:00 Welcome: Dean John Sexton (NYU)
- Keynote Speaker: Marjorie Shultz (Berkeley)
- Professor Shultz will identify themes and issues that underlie the profession's de-emphasis of public interest work, accentuating the role of legal education.
- 9:30 Understanding Changing Patterns of Student Choice:
 David Chambers (Michigan)
- Professor Chambers will present information regarding the changing patterns of student employment choice, focusing on the effects of starting salaries, debt burdens and the public interest job market.
- 9:45 Case Study: Brooklyn Law School:
 Elizabeth Schneider, Facilitator
- Faculty members and students at Brooklyn Law School will explore the relationship between career choice and public interest education and how that relationship affects them and their institution.
- 10:45 Refreshment Break
- 11:00 Small Group Discussions
- 12:15 - 1:30 Lunch
- 1:30 Panel Discussion: Law School Curriculum
 Howard Lesnick (Penn) - Moderator
 Homer LaRue (Maryland)
 Gerald Lopez (Stanford)
 Lucie White (UCLA)
- This panel will critique the implicit and explicit messages of the traditional law school curriculum. They will also examine curriculum innovations that may better promote public interest work.
- 2:45 Refreshment Break
- 3:00 - 4:30 Small Group Discussions

AALS SECTION ON CLINICAL EDUCATION
SUB-COMMITTEE ON TENURE AND PROMOTION

QUESTIONNAIRE ON THE STATUS OF CLINICIANS
JUNE 1990

Name: _____

Present
School: _____

PLEASE ANSWER THE SECTION APPROPRIATE TO YOUR CURRENT APPOINTMENT

I. Tenure Eligible

A. Initial Appointment at Current School

1. Year of initial appointment _____
2. Type of appointment _____
3. Title/rank _____

B. Present Appointment at Current School

1. Type of appointment _____
2. Title/rank _____
3. If your status changed after your initial appointment, describe that process.

4. If you are tenured, describe the process and standards used in evaluating your tenure application.

5. If you were denied the tenure for which you were eligible, what are the current terms of your employment?

II. Non-Tenure Eligible

A. Initial Appointment at Current School

1. Year of initial appointment _____
2. Type of appointment _____
3. Title/rank _____

B. Present Appointment at Current School

1. Type of appointment _____
2. Title/rank _____
3. If your status changed after your initial appointment, describe that process.

4. If you have a long-term contract, describe the process and standards used in evaluating your application for a long-term contract.

5. How many times and for what periods have your contracts been renewed?

6. Describe the funding for your position.

DO YOU HAVE ANY SUGGESTIONS FOR WORK THAT THIS COMMITTEE COULD DO?

Return this questionnaire to: Prof. Stacy Caplow, Brooklyn Law School
250 Joralemon Street, Brooklyn, NY 11201.

1990 Clinic Teacher Salary Survey.
Answer based on information for 1989-90 academic year.

1. My Law School is private public
2. Student Body is under 500 500-1000 over 1000
3. Located in area pop. under 250,000 pop. over 250,000
4. Region northeast south midwest rockies west cst.
5. I am tenured tenure track non-tenure permanent short term non-tenure
6. My position is funded with hard money soft money
7. My salary is under \$40,000 \$40,000 - \$49,999 \$50,000 - \$59,999 \$60,000 - \$69,999 \$70,000 - \$79,999 over \$80,000
8. I do clinic work during the summer yes no
9. Part of my pay is for administrative work yes no
10. I am woman man
11. white african-american hispanic native american asian-american other
12. My clinic work is primarily live client* primarily simulation about equal
13. No. of students I supervise each semester.* 5 or less 6 - 10 over 10
14. I usually teach outside clinic while supervising yes no
15. I have been teaching for _____ years.
16. I am _____ years old.
17. I have been out of law school for _____ years.
18. The number of full time clinic teachers at my school is _____.

* includes externs Return this Survey to Prof. Robert F. Seibel, Cornell Legal Aid, Cornell Law School, Myron Taylor Hall, Ithaca, NY 14853-4901.