

CLINICAL LEGAL EDUCATION

LAW SCHOOLS

NEWSLETTER

90-3

OCTOBER, 1990

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MESSAGE FROM THE CHAIR

Graham Strong (Cornell)

In previous messages I have focused upon issues facing clinicians and clinical legal education that are primarily political in nature. Should we move toward the formation of an organization that is entirely independent of the Association of American Law Schools to supplement the work of the AALS Section on Clinical Education? What can we do to promote salary parity for clinical teachers? In this message I would like to address matters that have little to do with the politics of clinical education, but much to do with the substance of clinical education and the evolution of our theories about lawyering.

I. Models of Lawyering and the "Generic Skills Assumption"

One of the great strenghts of the clinical method has been its conjunction of the abstract and the concrete: we derive theories of lawyering from practice experience, and rely upon those theories in turn to inform and refine the clinical

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lawyering practice of our students. Clinical education today is a mixture of the earth and the sky, of the concrete and the abstract. The proportions in the mixture have, however, changed a great deal over time.

The early history of clinicial education can fairly be characterized as a time when students were, more often than we may like to admit, immersed in casework in a rough-and-tumble fashion, with little in the way of overarching theories by which to guide or evaluate their practice. Individual cases held the potential for generalizable lessons, but without the perspective of a coherent body of theory, the lessons actually derived from casework may have tended to be overly particular to (Continued on page 5)

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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COMMITTEE REPORTS

AALS ANNUAL MEETING PROGRAM Thursday, January 3, 1991 Washington, D.C.

9:00 - 5:15

CLINICAL LEGAL EDUCATION

Graham Strong, Cornell, Chair John Barkai, Hawaii, Program Chair

9:00 - 10:30

Games Clinicians Play: Descriptions and Demonstrations of Classroom Simulations

Speakers: Paula Johnson, Northern Illinois Catherine Klein, Catholic Jean Koh Peters, Yale

10:30 - 10:45

Refreshment Break

10:45 - 12:00

Small Group Discussions: Establishing Networks Between New(er) Clinicians and More Experienced Clinicians

[Each small group will contain a mixture of new(er) and more experienced clinicians. You are encouraged to prepare for these small group discussions by identifying in your own clinical program 1) one thing that works well, and 2) one thing that is problematic.]

12:15 - 1:45 Luncheon

[Send a check for \$20.00, payable to AALS, to Jeff Hartje, Denver, to reserve a ticket]

2:00 - 3:30

Concurrent Sessions

Session 1:

What is the Role of ADR in Litigation Clinics?

Speakers: Beryl Blaustone, CUNY Donald Gifford, West Virginia James Klein, Univ. of Toledo Nancy Rogers, Ohio State

Session 2:

Judicial Externships: Structure, Supervision and Curriculum

Speakers: Linda Smith, Utah Other Discussants

Session 3:

In-House Clinics: Past, Present, and Future

Speakers: Robert Dinerstein, American Moderator
John Elson, Northwestern
David Gottlieb, Kansas
Marjorie McDiarmid, WVirginia
Gary Palm, Chicago
Kathy Sullivan, Brooklyn

Session 4:

Clinical Scholarship—Works in Progress:

One or two works in progress addressing diverse issues of clinical theory and practice will be presented for group discussion. Abtracts and drafts to be circulated in advance. If you wish to participate, contact Marie Ashe (West Virginia) or Tony Alfieri (Marquette).

Session 5:

The Exchange Room: Ideas, Conversations, and Teaching
Materials

3:30 - 3:45

Break

3:45 - 5:15

Concurrent Sessions

Session 6:

Computers in the Clinic: Using Electronic Mail, CaseTracking, Litigation Support, andData Bases

> Speakers: Andrew Clark, Warwick Karen Czapanskiy, Maryland Robert Seibel, Cornell

Session 7:

Teaching Students Who Learn Differently: Stories and Strategies.

Speakers: Barbara Bezdek, Maryland Philip Gentry, Columbia Angela McCaffrey, Hamline David Nadvorney, CUNY

Session 8:

AIDS Clinics: Lessons for Other Clinical Programs.

Speakers: Gene Schultz, St. Louis, Barbara Gilchrist, Saint Louis Richard North, Maryland

Session 9:

The Externship Seminar: Options and Problems in Relating the Classroom to the Field Experience

Speakers: Lisa Lerman, Catholic Other Discussants

Session 10:

The Exchange Room: Ideas, Conversations, and Teaching Materials

5:30 - 6:30 Business Meeting

AWARDS COMMITTEE

by Gary Palm (Chicago), Chair

The Awards Committee composed of Gary Palm (Chicago), chair, Dean Rivkin (Tennessee), Steve Ellmann (Columbia), and Carol Liebman (Boston College) are accepting nominations for the Annual Clinical Section Award for outstanding contributions to clinical legal education. Send your nomination to Professor Gary Palm, Edwin F. Mandel Legal Clinic, University of Chicago Law School, 111 East 60th Street, Chicago, IL 60637 (312/702-9611) within two weeks after the receipt of this issue of the Newsletter.

EXTERN COMMITTEE

by Leah Wortham (Catholic), Chair

At the January 1990 AALS meeting in San Francisco, we focussed on the need for more conference opportunities for extern clinicians to discuss topics of particular concern to them and to look at general topics in clinical education from an extern perspective. The Planning Committee for the 1991 Annual Meeting in Washington, headed by John Barkai, has been very helpful in providing such an opportunity at the January 3, 1991 clinical session.

The Planning Committee envisions 10:45 break out sessions following the opening session to allow networking, particularly between new(er) and more experienced clinicians. Although many of these may be geographic groupings, I would like to encourage extern clinicians to use this time to get together for some informal exchange on teaching methods. One possible use of this time would be informal exchange on particular methods such as the use of journals and learning contracts.

Both afternoon time slots will offer an extern session. Linda Smith from the University of Utah will lead a panel of extern clinicians on Judicial Externships: Structure, Supervision, and Curriculum. Linda has directed such a program for several years and has written a draft article on the topic. Lisa Lerman from Catholic University will lead a panel on the Externship Seminar: Options and Problems in Relating the Classroom Course to the Field Experience.

We will have an extern committee meeting slot at the conference, most likely on Friday morning. More to follow in an extern mailing. Anyone who would like to be added to the Extern Clinician list should call or write Leah Wortham at The Columbus School of Law, The Catholic University of America, Washington, D.C. 20064; 202/319-5491.

Before I knew the response of the Planning Committee, I had discussed with some of you having a Wednesday session before the Annual Meeting focusing on externship issues. Once we had considerable time on Thursday, it seemed sufficient to focus planning energies on that day.

COMMITTEE ON OUTSIDE FUNDING

by Mary Wolf (Indiana-Indianapolis), Chair

DOE GRANTS The Department of Education has issued the deadline dates for renewal and new law school clinic grant applications. The renewal grants must be submitted by December 18, 1990, and the applications for new grants are due January 18, 1991. Dr. Charles Miller, who had run the program for several years, is now managing the Patricia Harris Fellowship Program. Barbara Harvey is the new Program Manager for the DOE Law School Clinic grants. Her phone number is 202-708-7863. She indicated the award date for grant renewals is March 29, 1991, and the award date for new grants will be May 5, 1991. The grant applications for renewal grants have been distributed and the grant applications for new grants will be distributed in early November.

A conference organized by Dan Power was held in Des Moines at the end of September to discuss the DOE grants. Several suggestions came out of that meeting to improve the grant process which in turn may enable us to improve and develop our clinical programs. The following people who have submitted grants in the past volunteered to assist others in preparation of the grants: Randy Schmidt, 312-702-9611; Mike Norwood, 505-277-4140; and Angie McCaffrey, 509-328-2889.

LSC GRANTS Charles Moses hopes to have the LSC grant applications for 1991-92 available at the AALS meeting in January. The deadline for submission will be 6-8 weeks from this date. Grants will be

awarded 6-8 weeks later. It is hoped that all awards will be made prior to the end of the spring semester.

During the AALS meeting in January, our committee will be looking at the purpose of various grants, how to assist clinics in applying for grants and sources of monies available to support our programs. Please join us.

TENURE & PROMOTION COMMITTEE

by Stacy Caplow (Brooklyn), Chair

The status of clinical educators is a perennial hot topic for discussion, particularly now that many schools are enacting clinical tenure standards, placing former contract employees on a tenure track, creating long-term contract options, and, more disturbingly, denying tenure to some clinicians. A questionnaire was distributed at the 1990 AALS Clinical Teachers Conference in Ann Arbor and was included in the most recent section newsletter. At Ann Arbor, other roles that the subcommittee could play were discussed and additional suggestions were solicited at the end of the questionnaire.

One hundred fifty-six (156) clinicians responded. Section membership was about 296 as of March 1, 1990. I am, therefore, enclosing another copy of the questionnaire in the hope the remaining section members will respond in order to service the most complete picture possible. (See Questionnaire p. 26 -ed.)

As with most questionnaires, (particularly those prepared by amateurs,) many of the questions opened up further unasked issues. Some of these matters, such as voting rights, professional development support, summer funding, sabbatical eligibility, committee service have been addressed in the 1990 ABA Professional Skills Teachers Report which will be available soon. Answers also revealed a wide variety of <u>sui generis</u> situations, arrangements and accommodations under which clinicians work. Whether this flexibility is desirable is another future issue for the section to consider.

Again, if your school has written standards for either a clinical tenure track or for long-term contracts, please send them to me. (Continued on page 16.)

Message From the Chair, continued from p.1-

to the context in which the casework occurred.

Over time, clinicians began to devote substantial effort to the development of theories of lawyering, often in the form of conceptual models of particular lawyering skills. One attraction of thesemodels was that they seemed to be largely context-independent; that is, to apply, with modest adjustment, in a host of different contexts. They relied upon what I call the "generic skills assumption": the notion that adequate cross-cutting models of lawyering skills can be developed that need not vary significantly according to the particular context in which the skills will be employed. It is an appealing assumption, but one that may be ripe for reexamination.

Should the next stage in the evolution of our theories of lawyering be a recontextualization of our models of lawyering?

The reexamination of the "generic skills assumption" that underlies many of our model-building enterprises is, in fact, a process that appears already to be well underway. Don Gifford, for example, proposed yearss ago a context-based theory of negotiation that focused upon distinctions in negotiation strategy selection in the criminal, personal injury, and labor contexts. He has more recently generalized his context-sensitive approach through what he calls a "strategic choice model" of negotiation. Stefan Krieger has suggested that existing models of trial advocacy are ill-suited for advocacy in public utilities proceedings. Don Peters has written of the need for modification of the Binder & Price interviewing model in the context of matrimonial interviews. David Binder and Paul Bergman have worked to contextualize their approach to counseling by highlighting the differences between counseling in the transactional and litigation contexts. And the list goes on.

II. <u>Recontextualizing Clinical Education: A Proposal for a Teaching Conference in 1992</u>

On behalf of the Section, I have submitted a proposal to the AALS for a five-day clinical conference in in the summer of 1992 on the subject of "Recontextualizing Clinical Education."

What I have in mind is a broad exploration of the role of context in our theories of lawyering. A conference on that subject would, in a sense, func-

tion as a counterpoint to the 1987 San Antonio Clinical Workshop that foucused on the possibility of moving "up the ladder of abstraction" in our clinical theory to find themes that cut across our traditional set of lawyering skills. Now it may be time for us to move "down the ladder of abstraction" and consider whether our mdels of lawyering need to be made more context-dependent. The 1989 UCLA-Warwick Conference repeatedly raised, but did not begin to resolve, the issue. I think that it would be worthwhile for us to devote some serious effort to the matter, and that a five-day summer conference would be a good way to do so.

The proposal is now in the hands of the AALS Professional Development Committee, which is charged with the responsibility to make recommendations to the AALS Executive Committee for 1992 conferences and workshops. There has been a long-standing tradition of a yearly AALS professional development program in the field of clinical legal education, and the continuation of that tradition in 1992 would be an encouraging indication that there is an appreciation within the AALS of the special need on the part of the community of clinicians for frequent interaction on the national level.

III. Oral Traditions, Written Traditions, and the Evolution of Clinical Theory

One reason that national conferences have performed an especially critical role within the clinical community is that, for a variety of reasons, a strong tradition of scholarship among clinicians has been slow to mature. Many law schools still hire clinicians on a tenure-ineligible basis, with no expectation or requirement of scholarly production. Others require scholarship of their clinicians, but fail to establish research support, research leave, and teaching load policies that are equivalent to the policies long in place for the balance of their faculty. Those clinicians who do write may find few non-clinical colleagues who share their special areas of concern, and therefore must often labor in relative isolation.

Such factors have slowed the development of a scholarly tradition among clinicians, and encouraged the development of an alternative and very powerful oral tradition. In significant ways, professional conferences have, within the clinical community, performed a role that is analogous to the role

performed by written scholarship in other fields of legal education. The evolution of clincal theory has been the product of our talk as much as it has been the product of our writing.

In my view, our strong oral tradition may in the end be the key to the development of a fully mature scholarly tradition among clinicians. We need to talk to help us to find and refine our visions; we need to write, to crystallize and preserve those visions, and to expose them to challenge beyond our immediate commuity. And, I think, we need especially to talk about our writing: to use our existing oral tradition as a way to enhance our developing scholarly tradition.

Several steps along that path have already been taken. The UCLA-Warwick conferences, and Steve Ellman's Clinical Theory Workshops at Columbia, have provided important opportunities for exchange on clinical scholarship-in-progrsss. And currently in the process of formation is a new Committee on Scholarship which sprouted from the Section's grassroots at last summer's Ann Arbor conference, and attracted a large preliminary membership. The committee-in-formation, jointly chaired by Tony Alfieri (Marquette) and Marie Ashe (West Virginia), represents an important new effort to establish a support system for clinical scholarship. Its goals include the creation of multiple opportunities for us to talk about our writing, to enlist our oral tradition in support of our developing scholarly tradition. You are invited to participate in the committee's work, and can join in by contacting either Marie or Tony.

The evolution of clinical theory is a process with many components. One perspective on that process is to view it as a movement up and down a ladder between the ground and the sky, between the concrete and the abstract. Another perspective to consider the process as a composite product of our oral and written traditions. We will all have the chance to participate actively in the evolution of clinical theory in January at our full-day program at the Annual Meeting, and again in May when the clinical community will gather again in Wahington for the clinical workshop on diversity and difference. I hope to see you there!

OF INTEREST TO CLINICIANS

ADR PROGRAM AT TOLEDO

The University of Toledo College of Law Legal Clinic, an in-house, live client clinical course, is in its second year of a formal arrangement with a local court-annexed ADR program whereby clinic students have been engaged as volunteer mediators as part of their clinical experience. Prior to the mediations, the students complete a training program conducted by the program director and clinic staff. Upon completion of the training, which includes lecture, role play exercises and observation of an actual mediation, the students are added to the volunteer panel of attorney mediators from the Toledo area. The cases involve referrals to the program from Small Claims Court, the City Prosecutor, the Police Department, Toledo Municipal Court Judges, and various agencies. Anyone having questions about this new program should contact Jim Klein at Toledo.

ABA TASK FORCE TO HOLD HEARING DURING AALS ANNUAL MEETING

The Task Force on Legal Education and the Profession: Narrowing the Gap, of the ABA Section of Legal Education and Admissions to the Bar will conduct a hearing during the AALS Annual Meeting in Washington, D.C. The Task Force, chaired by former ABA President Robert MacCrate, is studying the perceived gap between education of law students and the actual knowledge, skills and values needed by newly admitted lawyers to practice law competently. A hearing to receive input from clinical teachers was held in June in Ann Arbor following the conclusion of the AALS Clinical Teachers Conference.

The Washington hearing will allow a wider range of law school teachers and administrators to have direct input into the deliberations of the Task Force. AALS Section and Committee chairs and other selected legal educators will be invited to submit written comments to the Task Force and to speak for 5 to 10 minutes at the hearing. The hearing is open to anyone who wishes to attend. It will be held at the Ritz Carlton Hotel, 2100 Massachusetts

Avenue, N.W., from 9:00 a.m. until Noon on Friday, January 4, 1991. For further information about the hearing, contact Fred Franklin, Esq., ABA Staff Director (312/988-5581) or Professor Roy Stuckey, Chair, Subcommittee on Hearings (802/763-8303).

CALL FOR PAPERS

The Committee on Clinical Scholarship of the Section on Clinical Legal Education announces a call for papers to be presented during the Clinical Legal Educations Section Program of the 1991 Annual Meeting. The papers will be offered in a concurrent session on January 3, 1991, from 2:00 - 3:30 p.m. The session will adopt a workshop format enabling one or two presenters to outline and discuss their papers with groups of participants. The Committee invites the submission of works in progress, including a one to two page abstract, addressing diverse issues of clinical theory and practice. The papers will be reviewed and selected by a panel of readers. Abstracts and drafts of papers will be circulated in advance of the Annual Meeting. If you would like to participate, please contact or send papers immediately to Marie Ashe (West Virginia 304/293-5301) or Tony Alfieri (Marquette 414/288-5364).

ABA COMMITTEE ON LAWYER COMPETENCE TO SPONSOR CONFERENCE

On November 2 and 3, 1990, the ABA Standing Committee on Lawyer Competence will sponsor a national conference for legal educators: "Making the Competent Lawyer: Models for Law School Action. The conference will be held at the Hyatt St. Louis at the Union Station in St. Louis, Missouri. The substantive program begins Friday morning, November 2, and concludes at noon on Saturday. Some of the questions that the conference intends to answer are: How can skills instruction and traditional courses be integrated? How can the law school curriculum respond to specialization in the practice of law? How can schools most effectively use adjuncts and externship supervisors? How should legal writing, professional responsibility, and law practice management be taught? How can computers be used for instruction? For additional information, contact Kathleen Cuerdon-Kahn, ABA Staff Director for the Standing Committee, at 312/988-6219.

COURSE EVALUATION FORMS SOUGHT

Catherine Mahern, Director of the Elderly Law Clinic at Thurgood Marshall School of Law is seeking information on student evaluations of clinic courses. If your clinical program uses an evaluation of clinic courses separate from non-clinical courses, she would appreciate it if you could send her a copy of the clinical course evaluation materials. Send them to: Catherine Mahern, Thurgood Marshall School of Law, 3100 Cleburne Avenue, Houston, TX 77004.

DE PAUL OPENS LAWYERING SKILLS CENTER

DePaul has announced the opening of its new Lawyering Skills Center.

SIGNUP FOR 1991 COMMITTEE ASSIGNMENTS ANNOUNCED BY CHAIR-ELECT

Jeff Hartje (Denver) solicits members of the Section to participate in the work of its Committees by volunteering to serve on one or more committees. (See page 2 for a list of current committees.) Contact Jeff at Denver Law School.

AMONG OURSELVES

Neil Gold (Windsor) is visiting in the Department of Law, City Polytechnic of Hong Kong. [See Essay, p. -ed.]

Steven Lubet (Northwestern) received a certificate of excellence from the Roscoe Pound Foundation for his work in teaching trial advocacy. Steve was also a presenter at "Trial Advocacy Teaching in the 90s and Beyond," presented on October 26, 1990, by The Training the Advocate Committee of the ABA, Section of Litigation, NITA, and the Northwestern University School of Law.

Other clinicians participating in the Trial Advocacy Teaching in the 90s and Beyond program were Maude Pervere (Hastings), Thomas F. Geraghty (Northwestern), Robert P. Burns (Northwestern), Jonathon M. Hyman (Rutgers), and Anthony J. Bocchino (Temple).

J. Patrick Hazel (Texas) won a \$5000 Richard S. Jacobson Award given by the Roscoe Pound Foundation for excellence in teaching trial advocacy.

Catherine M. Mahern (Texas Southern) was a member of the seminar faculty at "Texas Elder Law: The Basics and Beyond," sponsored by the National Business Institute, Inc. on August 22, in Houston, Texas.

Mary A. McCarthy (Yale) died of pancreatic cancer recently in Branford Connecticut. McCarthy, the daughter of former U.S. Senator and presidential candidate, Eugene J. McCarthy, was the co-director of the legal clinic at Yale. She began to teach at Yale in 1982 as a supervising attorney and lecturer in clinical studies.

Larry Grosberg (New York Law School) was appointed Director of the Lawyering Skills Center at New York Law School, effective September 1, 1990.

James M. Klein (Toledo) was appointed by University of Toledo President Frank Horton to serve as faculty representative to the NCAA and the Mid-American Conference, effective July 1, 1990.

Stephen Wizner (Yale) is presented a paper at a one-day conference on The Jurisprudence of Justice Antonin Scalia, sponsored by Benjamin N. Cardozo School of Law Jacob Burns Institute for Advanced Legal Studies, Yeshiva University, October 29, 1990.

Wally Mlyniec (Georgetown) and John Copacino (Georgetown) were in uniform when the Georgetown Law Center faculty squared off against members of Congress in the annual Home Court basketball game to benefit homeless people. The event, now in its third year, netted \$92,000 for the

Washington Legal Clinic for the Homeless, an advocacy group that provides legal assistance to the homeless through 160 volunteer attorneys.

PUBLICATIONS BY CLINICIANS

Balos, Beverly (Minnesota) and Isabel Gomez, "Judicial procedures in misdemea...or domestic assault cases—a model policy." 10 N. Ill. U. L. Rev 259 (1990).

Failinger, Marie A. (Hamline), "Contract, gift, or covenant? A review of the law of overpayments." 36 Loy. L. Rev. 89 (1989).

Grosberg, Lawrence (New York Law School), "Class actions and client-centered decisionmaking." 40 Syracuse L. Rev. 709 (1989).

Janus, Eric S. (William Mitchell), "Clinics and 'Contextual Integration': Helping Law Students Put the Pieces Back Together Again." 16 Wm. Mitchell L. Rev. 453 (1990).

Kotkin, Minna J. (Brooklyn), "Public remedies for private wrongs: rethinking the Title VII back pay remedy." 41 Hastings L.J. 1301 (1990).

Lubet, Steven (Northwestern), Book Review - "Closed Minds and American Law Schools?" 75 Cornell L. Rev. 949 (1990).

Margulies, Peter (CUNY), "Who are you to tell me that?: Attorney-client deliberation regarding non-legal issues and the interests of nonclients." 68 N.C. L. Rev. 213 (1990).

Peron, Anne K. (Baltimore), "The constitutional right to court-appointed adversary counsel for defendants in guardianship proceedings." 43 Ark. L.Rev. (1990).

Raveson, Louis S. (Rutgers-Newark), "Advocacy and contempt: constitutional limitations on the judicial contempt power-part one: the conflict between

advocacy and contempt." 65 Wash. L. Rev. 477 (1990).

Schrag, Philip G. (Georgetown), "The future of District of Columbia home rule." 39 Catholic U. L. Rev. 311 (1990).

PUBLICATIONS OF INTEREST TO CLINICIANS

Fischer, William F. "Lawyering as a way of life." 28 Duq. L. Rev. 669 (1990).

A new computer program is available called the "Evidence Tracking System." It is based on principles in Binder and Bergman's book on Fact Investigation. For information or ordering contact: Data Base Associates, P. O. Box 1838, Honolulu, HI 96805.

JOBS

The Columbus School of Law of The Catholic University of America (CUA) expects to fill the position of Clinical Coordinator in the 1991-92 academic year. This is a tenure track position divided between classroom teaching and coordination of CUA's nine clinical programs, including an extensive off-campus externship program. Classroom teaching assignments would be decided on the mutual interest of the law school and faculty member. Clinical responsibilities include student counselling about clinical program choice, coordination of annual Clinics Day providing information on offerings, curriculum development and monitoring, and substantive responsibility in one or more of CUA's external clinical offerings. Scholarly productivity is a requirement of promotion and tenure. Those interested should write to Associate Dean George Garvey, Columbus School of Law, The Catholic University of America, Washington, D.C. 20064 by January 1, 1991. CUA is an equal opportunity employer. It is sponsored by the Roman Catholic bishops of the United States as a national university and center of instruction and research. Its faculties are composed of teachers from diverse backgrounds and religious traditions, but faculty members are expected to respect the religious commitment and mission of the University and to be supportive of its aims and ideals.

The University of Denver College of Law is seeking candidates for a tenure track position that involves teaching lawyering skills, clinical and core curriculum courses. Outstanding academic and professional background expected. Scholarly production or potential essential. Part responsibility for first-year Lawyering Process course with several other professors. Contact: Professor Jeffrey H. Hartje, Associate Dean for Academic Affairs, University of Denver, College of Law, 7039 E. 18th Avenue, Denver CO. 80220. Phone: 303-871-6105.

District of Columbia School of Law invites applications for appointment to the faculty as Director of Clinical Legal Education. The publicly funded school, which will graduate its first class in 1991, has a mandatory three-year clinical curriculum, taught by tenure-track faculty. We emphasize the practice of law in the public interest, as well as the training of persons from groups underrepresented at the Bar. The Director leads the development and implementation of clinical pedagogy and also functionas as "managing partner" of the clinics' civil and criminal law practice. Applicants should have substantial law practice and clinical legal education experience, and administrative and management ability. Applications from minority group members and women to join our already diverse faculty are encouraged. We will be interviewing at the AALS Recruitment Conference Nov. 8-10 and at the time of the Annual Meeting Jan 3-6. Contact Prof. Gay Gellhorn, Chair, Faculty Appointments Committee, District of Columbia School of Law, 719 13th St., N.W. Washington, DC 20005-3997. Telephone: 202-727-9602; FAX: 202-727-9608.

Georgetown Law Center is accepting applications for Fellowships in its various clinical programs. The Fellowships last two years and pay in excess of \$20,500 per year. At the end of the two years, the

Fellow is awarded an LLM degree in Advocacy. This year, Georgetown is accepting applications for Fellows to work with the Appellate Litigation Clinic, Criminal Justice Clinic, Juvenile Justice Clinic, Center for Applied Legal Studies, Harrison Institute, the Institute for Public Representation, and Street Law. Georgetown also administers the Women's Public Policy Fellowship Program. This is a one year Fellowship that does not lead to an LLM degree. Recent graduates as well as those graduating in June, 1990 are invited to apply. Persons interested should apply directly to the clinical program in which they are interested. Applications are due in December. For more informations, contact Professor Wallace Mlyniec, Associate Dean for Clinical Education, Georgetown University Law Center, 600 New Jersey Avenue, N.W., Washington, D.C. 20002. Area Code 202-662-9590.

The University of California Hastings College of Law is seeking to hire two new clinicians beginning in the 1991-92 academic year. The positions to be filled are regular, full-time, tenure-track faculty positions. Applicants should have excellent academic credentials, a strong interest in legal scholarship and significant experience in criminal litigation. Prior clinical teaching experience is not necessary, as the positions to be filled are entry-level or junior-level faculty positions. Applications should be directed to Professor Margreth Barrett, Chair, Faculty Appointments Committee, University of California Hastings College of Law, 200 McAllister Street, San Francisco, California 94102.

The University of Idaho College of Law seeks a visiting faculty member to assist in the clinical program during spring semester 1991. Duties include supervising students in live client clinic and teaching one skills training simulation course. Prior clinical teaching experience preferred; membership in a state bar required. Contact Sheldon A. Vincenti, Dean, UI College of Law, Moscow, ID 83843; Phone (208) 885-6422, FAX (208) 885-7609. Search will close October 31, 1990, or when sufficient number of applications have been received.

Indiana University School of Law-Indianapolis seeks a new clinic faculty member for its Civil Practice Clinic. This position must be filled before January 1, 1991. Consideration will be given to persons committed to clinical education, dedicated to providing quality legal services to low income and disabled persons and familiar with poverty law. Contact Mary Therese Wolf, Director of Clinical Programs, Indiana University School of Law-Indianapolis, 735 West New York, Indianapolis, Indiana 46202, Tel: 317-274-3808.

The University of Kansas School of Law is seeking well qualified lawyers for positions beginning with academic year 1991-92. 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. Applicants must hold J.D. or LL.B. from an accredited law school and have an outstanding academic record. Significant legal experience is preferred. Applications should be postmarked by October 24, 1990, and should be submitted to Professor Edwin W. Hecker, Faculty Recruitment Committee, School of Law, University of Kansas, Lawrence, Kansas 66045.

The University of Minnesota Law School is accepting applications for two clinical teaching positions. Clinic teachers are responsible for the supervision of law students in civil clinical programs and classroom instruction on lawyering skills such as interviewing, negotiation, and trial preparation. Minimum qualifications include a J.D. degree and two years of legal practice. One of the positions is in the University of Minnesota's Professional and Administrative Track under an initial three-year probationary contract and with eligibility for an eventual continuous appointment. The desired starting date for this position is August 1, 1991. The other position is funded by a federal grant and will be a temporary appointment for a three-year period, subject to the availability of annual appropriations. This position will also be responsible for developing a family law clinical program. The desired starting date for this position is January 2, 1991. Applications should be sent to Professor Stephen Befort, University of Minnesota Law School, 229-19th Avenue South, Minneapolis, Minnesota 55455 (Phone:612/625-5515) and must be received by November 15, 1990. Applications should indicate the position sought and include a resume, law school transcript, description of relevant experience and the names of two references.

New York Law School invites applications for the position of Director of Externships. NYLS intends to expand significantly its educational relationships with the courts and the private and public law offices located in the law school's immediate vicinity. The Externship Director will develop and monitor student placements in these offices as well as participate in the supervision of the student externs. He or she also will teach classroom components. In short, the person assuming this position will play a central role in the development of the skills and live-client clinical program. We seek a person who is experienced and distinguished in clinical and skills education, as well as in the practice of law. Clinical experience includes teaching, administration, scholarly writing and the development of new teaching models. The ideal candidate will be someone familiar with the NYC bar, however, an energetic, persuasive and innovative clinician who has never been to New York could overcome this obstacle. A two or three year contract, which may be renewed, will be offered to the suitable candidate. It is the policy of NYLS not to discriminate in its employment practices because of race, color, religion, sex, sexual orientation, marital or parental status, national or ethnic origin, age, or disability. Please send resumes to Professor Donald Zeigler, Chair, Appointments Committee, New York Law School, 57 Worth Street, New York, NY 10013.

Thurgood Marshall School of Law, Texas Southern University invites applications for both tenure-track and visiting faculty positions for the 1991-92 academic year. We anticipate having several positions available. The candidates who we seek must have excellent academic records and must have demonstrated or show potential for superior scholarship and teaching. Our principal, though not exclusive interests are in the traditional areas of the first

year curriculum. The law school selects on an annual basis one individual to fill its distinguished visitor's seat. That individual must be a senior tenured professor who is recognized as a distinguished scholar or is an individual who has a distinguished national reputation in another area of law besides teaching. Interested applicants should send a letter of application and curriculum vitae, with references, to Associate Professor James W. Beard, Jr., Chair, Faculty Appointments Committee, Thurgood Marshall School of Law, Texas Southern University, 3100 Cleburne Avenue, Houston, Texas 77004.

Vanderbilt University School of Law has an opening for a clincal faculty member beginning in the fall semester, 1991. The position is a non-tenuretrack, three-year renewable professorship at the rank of assistant, associate or full professor of the practice of law, and carries all faculty rights and responsibilities except voting on tenure-track appointments. Teaching responsibilities include one clinical course each semester and one non-clinical course each year. Clinical courses include classroom sessions and supervision of students representing clients through the law school's in-house, live-client clinic. The position to be filled has in the past covered he area of juvenile law; however, the position is openequally to applicants with other areas of specialization. Applicants should have at least three years' legal experience and excellent academic credentials, preferably with some involvement in clincical programs. Salary and rank will depend on experience. Letters expressing interest should be sent with a resume to: Professor Donald C. Langevoort, Chair, Faculty Selection Committee, Vanderbilt University, School of Law, Nashville, TN 37240.

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

ESSAY

"THE OTHER SIDE OF INTEGRATION" by Ann Juergens (William Mitchell)

Late last summer, after five years as a half-time

Clinical Instructor, I became a full-time tenure-track professor. I am still primarily responsible for an inhouse client representation clinic, and also teach a skills course and a variety of other classroom courses. I have been an Asistant Professor of Law for about 15 months now, and, while most of the baggage that came with the new status was welcome, a few pieces were unexpected. The following thoughts are offered for any clinician who is trying to bridge the gap to the tenure-track faculty.

The transformation from clinical instructor to professor was a painful one. After months of agitation on various issues from the in-house clinicians, a committee was appointed to study our work. The expense of the clinics—as opposed to large classroom classes—at first came as a shock to some faculty. As the faculty committee discussed whether the clinical programs were worth continuing, it seemed that we had opened Pandora's box. This phase passed, and a reconstituted committee eventually concluded that the work of the in-house clinics was worthy and intellectually rigorous. (2)

It did not follow that the people who were doing that work were seen as worthy and intellectually rigorous. Three half-time clinical instructor positions were changed to two full-time tenure-track professor positions. A national search was commenced. Of the three clinical instructors, I am the only one who is still employed at this school. I lost my two closest colleagues. It was a great price to pay.

The conversion to tenure-track statuts also meant that less than full-time employment was no longer possible. I had appreciated the advantages of part-time work as a person who has substantial caregiving responsibilities for other people. The assumption, with which most of us are familiar, is that one cannot be a serious scholar, teacher, or colleague if one wishes to devote less than, say, 60 hours per week to the enterprise. (3)

These real losses were accompanied by very great gains, some tangible, others intangible. A full-time professional job rarely takes twice as many hours as a half-time professional job, and that was true for my position as well. I am now paid more than twice as much (plus benefits) for what are not really twice as many hours of work.

Increased salary and benefits were changes that I

knew would happen with regular faculty status. Other benefits were harder to imagine in advance. People began listening to me. This was a change that made me aware of just how invisible the clinical instructorshad been. My faculty office is more than twice as large as my old office: it is emblematic of how much more space I fill here now. I am still getting used to research assistants, library scanning services, WESTLAW on my office computer, reporting to the dean on my year's accomplishments, being involved in planning for the entire school. The faculty now have a stake in my work. For the first time in my clinical teaching career, long-range plans are both possible and expected. These changes in attitude are palpable. They are also empowering.

The other side of the empowerment is a feeling that reminds me of what it was like to move after my first year of college from an all women's dorm to a formerly all male dorm where the male to female ratio was 5 to 1. The men's dorm had much larger rooms, private baths, more roast beef dinners and more status as a campus address. It just didn't have very many women around. I chose to move there and had looked forward to it with excitement, but my identity as a woman went through a few years of confusion as I adjusted to life in a fishbowl.

Now it is my identity as a clinician that is being refined and tested. My close colleagues used to be almost exclusively clinical teachers, including those from the other law schools in Minnesota. It was a small and tightly knit group. By becoming part of the larger faculty, I have become part of a group of about 32 full-time teachers. One other man spends at least half his time teaching a client representation clinic. At any given time, one or two others are supervising a student or two on some cases where clients are involved. But the great majority of the faculty are not aware of the unique tension of roles inherent in teaching client representation clinics.

Now my time must be spent on developing an understanding with these other members of the faculty. There are no separate standards for clinicians here; we must make tenure according to the same rules as everyone else. And it is important for tenure here, as at most schools, that one be "collegial." Many of the faculty are good people whom it is a pleasure to get to know. Some have a tentative appreciation for our

pproject is to name what it is that we do as clinicians so that the regular faculty can hear us, can learn from us and, in turn, help us grow.

When the only people who listened to me were clinicians, the value and integrity and difficulty of the work were understood without words. Now, the project of translating our work for the faculty is added to the tasks of translating the law for students and for clients. Most law faculty seem only to need to do one of those three interpretations.

On a more prosaic level, after the clinicians became tenure-track, we found the administration needed education about our differences, too. For example, when our budget was mainstreamed we were happy to be rid of that responsibility. But we quickly learned that the concern for clients that is part of our daily habits is not taken for granted elsewhere -- even in an institution full of law professors. When the central accounting office took over the management of our trust account, they did not assume that we would have to replicate that account information in our clients' files (or provide some other way in chich the information could be provided to clients on short notice), and no one planned for protection of client confidentiality.

These things were easily taken care of with simple in-house training--I do not mean to exaggerate the burden here. The point is that one must remember that only the clinicians' project at work is informed by client consciousness. The students are the clients in the eyes of the rest of the institution. That is as it should be, but one must plan and educate around that reality when a client representation clinic is integrated into the rest of the administration. Computer crashes on the day a brief is due have different consequences than when class materials are due. Stress and ninth hour demands on clinic support staff are higher, as they, too, deal with clients as well as students as well as faculty and administration.

The benefits of integration with the regular faculty have easily outweighed the burdens so far at this school. It is a great opportunity, and at the end of our explanations—if there is an end—we clinicians will understand our task better than we did originally, too. Still, in the course of all of this analysis, it seems wise to remember the time when we spent our days primarly in teaching and helping people who needed

advocates.

Notes (1) Many aruments about the relative merits and value of clinics were considered, including the argument that other small group learning experiences such as seminars and the trial and counseling competitions were also more expensive then traditional classes with large student-teacher ratios. It is beyond the scope of these comments to describe all that went into deflecting concern about the expense of clinics.

(2) The reasons underlying that finding are discussed in an article by my colleague Eric S. Janus, in "Clinics and 'Contextual Integration': Helping Law Students Put the Pieces Back Together Again." 16 Wm. Mitchell L. Rev. 453 (1990).

(3) This rule does not necessarily apply to older tenured faculty members who wish to work part-time for reasons deemed to enhance the reputation of the school, ie., not for care-giving reasons.

ESSAY

"CLINICAL LEGAL EDUCATION IN HONG KONG" by Neil Gold

There is no live client legal education in Hong Kong. Its isolation and traditional links with the U.K. seem to have spared Hong Kong the difficult debate we North Americans have experienced, especially those in the 51 jurisdictions south of the 49th parallel. Currently, some skills and professional responsibility teaching is done. It is a trend but not a wave. Learning about and how to practice is left mainly for the apprenticeship which all intending practitioners must undergo. The criticisms of apprenticeship in America's 19th Century continue in Hong Kong's 20th. We in the Commonwealth, the Antipodes aside in some measure, have held on to apprenticeship despite its warts because we are very uneasy about credentialling the uninitiated to practice. I suppose service under articles of clerkship or a pupillage (as the apprenticeship is formally known for solicitors (office lawyers) and barristers (court work and opinions) is also a kind of clinical experience, though without many of the structural elements which give the word "clinical" meaning in the context of guided by an education.

I came to Hong Kong in July to work with a small group (now 4, to be 7 in January 1991, and maybe more later) to develop a mandatory, year long, post graduate, bridge-the-gap course. This vocational year, as it is often called, is intended to convert academic

learning into practice learning. For many years now the University of Hong Kong has run this course. It is there that most of Hong Kong's skills teaching goes on.

The teaching of lawyers' skills in an institutional setting is still a controversial subject here. Many think it cannot be done. Others say it should await apprenticeship where it will be done better. On the side of those who say it cannot be done, there are those who say it should not be: it is not really law study, it is shallow and it wastes the scarce resource (time) for teaching "real" law: rules, procedures, and so on.

A year ago I visited Hong Kong to advise on how the new, second law school at the City Polytechnic jof Hong Kong should proceed to offer its mandated version of this postgraduate course called the PCLL -Postgraduate Certificate in Laws. I visited firms and courts and talked to articled clerks, solicitors, barristers, academics, and judges about their perceptions. Among their common concerns were writing, drafting, communication, research, and problem solving deficiencies in apprentices and junior lawyers. There were relatively few cases of concern over substantive or procedural knowledge; most of the worry was about know-how and the young people's relative lack of awareness about their professional responsibilities.

In August of 1990 I recommended that the City Polytechnic of Hong Kong adopt the University's basic course with modifications which would build on the trends to do more skills and professional responsibility teaching. I also thought research should be done on lawyer's work to decribe it better and to identify its key elements with a view to understanding, in performance terms, what differentiates the ordinary from the exemplary practitioner.

A research project, if funded, will attempt to analyze lawyers' work, excellence in law practice, and the relationship between success and personal styles. We are also now reviewing possible models for curriculum development - we want to do the best, most considered and systematic job possible to meet Hong Kong's needs. In addition, we have been funded to produce Hong Kong's first practice manuals to aid the course and the practitioners.

Hong Kong is an exciting, frenetic, crowded and sometimes frantically busy place. It is a site of beauty, of mystery, of commerce and incredible humidity. In 1997 Hong Kong becomes part of China. The future is uncertain, complex and unsettling. The job ahead is daunting. However the challenge is obviously irresistable. If you are in the neighborhood come and see us. The address is City Polytechnic of Hong Kong, 83 Tat Chee Avenue, Kowloon, Hong Kong; Telephone No.: 7888366; FAX: 7887530.

Want to be on the planning/teaching team? Jobs are available for January 1991, and beyond too. If you have any ideas about what we must do, must read, must teach, must think about -- please write. We're a long way from home here.

TENURE ELIGIBLE CLINICIANS

<u>Ov</u>	e	r	V	<u>i</u>	e	W

total number of <u>tenure eligible</u> total number of <u>tenured</u>	49 28
TOTAL TENURE ELIGIBLE AND TENURED	77
tenure denials or adjustments from tenure to non-tenure track	4
Title/Rank	
a. Rank	
<pre>professor associate professor assistant professor instructor</pre>	27 31 19 0
administrative title also (i.e. Dean, Director)	19
b. Promotions ¹	
<pre>from lecturer/instructor to assistant from lecturer/instructor to associate from lecturer/instructor to full</pre>	1 5 2
<pre>from assistant to associate from assistant to full</pre>	8 13
from associate to full	4
<pre>from no rank (visitor, adjunct, fellow, staff attorney) to assistant</pre>	1 3 6
Years at present school	
1970-74 1975-79 1980-84 1985-89 1990-	10 12 18 23 10

¹ This refers to the change in rank from initial appointment to the present, even if people were promoted more than once.

Change of Status (for those not initially appointed on a tenure track) from short-term contract to clinical tenure track 19 from short-term contract to regular tenure track 4 from part-time or visitor to tenure track 4 Standards of Evaluation adjusted for clinical work2 16 identical to regular tenure track³ 23 NON-TENURE ELIGIBLE Overview total number of non-tenure eligible respondents 74 number reporting reliance on outside funding 22 Years at present school 1970-74 3 1975-1979 6 1980-1984 14 1985-1989 42 1990-6 Title/rank Rank a. professor 7

associate professor
assistant professor
lecturer/instructor

Adjustments include a longer period of eligibility or

Adjustments include a longer period of eligibility or allowances for clinical work demands such as fewer publications and recognition of different forms of teaching and scholarship. The ABA Professional Skills Teachers Report contains the language of clinical tenure track standards used at various unidentified schools. Written standards from Pace, Northwestern, Brooklyn, and Nebraska were sent to me. Other schools with clinical tenure tracks include South Carolina, San Diego, American, N.Y.U. and Yale. PLEASE SEND ME YOUR STANDARDS!

Many people reported that while the formal standards were the same as for the regular tenure track, some informal accommodations were made for the demands of clinical teaching,

	visitor adjunct staff/supervising attorney director/dean + professorial title director with no professorial title	3 2 6 2 11
b.	Title	
	the adjective "clinical" appears in the faculty title	35
c.	<pre>Promotions (for those who started with a full-time professorial position)</pre>	
	<pre>from lecturer/instructor to assistant from lecturer/instructor to associate from lecturer/instructor to full</pre>	4 3 4
	from assistant to associate from assistant to full	3 3
	from associate to full	1
<u>Ini</u>	tial v. current status	
a.	Initial appointment ⁵	
	tenure track year-to-year contract two year contract three year contract part-time/adjunct visiting	3 49 2 4 11 9
b.	Current appointment	
	tenure track year-to-year contract two year contract three year contract five year contract seven year contract unspecified "long-term contract"	0 23 6 12 7 4 2

⁴ Examples include "Associate Professor of Clinical Law" or "Associate Clinical Professor." Those who reported themselves as staff attorneys, supervising attorneys and directors usually had no professorial title to modify with the word "clinical."

⁵ There are so many variations here from "fellows" to "full-time adjunct [sic]," to "unclear" that the only real conclusion that can be drawn is that there is a lot of irregularity.

<pre>part-time/adjunct visiting no set term automatically renewable</pre>	1 1 3
Number of reappointments to terms > 1 year	
one	4
two	7
three	5
four	3

Schools with written (or articulable) standards for long-term contracts

Boston University
Brooklyn Law School
Columbia University
Cornell University
Georgetown University
George Washington University
University of Michigan
University of Nebraska
Puget Sound

CONCLUSION

c.

five 5 +

This is only an interim report. I hope to receive more completed questionnaires. I would also appreciate suggestions about better ways to organize and communicate the data.

Finally, after reading the comments on the responses, I have concluded that there are many stories in the "naked city" of clinical education, the details of which cannot be communicated fully in a quantitative report. This further confirmed by belief that the section needs a small group of individuals who can collect information and be a clearinghouse section members.

⁶ Most of these schools have not sent these standards to me. Please do since I already have received calls from schools looking for examples of written standards.

LAW SCHOOL CLINICAL TEACHERS

1989 SURVEY OF SALARIES AND OTHER CHARACTERISTICS

PRELIMINARY REPORT¹

This is a very preliminary report in the sense that I will present an early view of some of the data without any statistical analysis, and without having had time to try to interpret the results. Indeed, it is not clear that the information I will share here consists of the most significant parts of the data, nor that the categories here are the ones that ultimately will make the most sense. Also, I am still receiving completed survey forms, and I will continue to add them to the database for a few more weeks. Nevertheless, I am anxious to share some results because I believe that we will all benefit by having access to as much information as possible as soon as possible.

I want to thank everyone who completed a survey form.² So far I have 235 responses; more than 100 have been received since the Ann Arbor Workshop, where I first collected data. I am always impressed by the cooperative spirit of clinical teachers, and this survey is confirmation of that spirit. Nobody really knows how many of us are actively engaged in clinical teaching right now, but it is clear that 235 is a very significant sample.

GENERAL INFORMATION

The following information is based on the 235 responses, of which 121 (51.5%) were from women and 114 (48.5%) were from men. It would appear that a much higher percentage of clinical teachers are women than the percentage of traditional teachers who are women. The proportion of women clinical teachers appears to be the same at both private and publicly supported law schools: 136 people (58% of the total responses) reported that they work at private schools and 70 (51.5%) of them were women; 99 reported from public schools and 51 (51.5%) were women.

One person did not respond to the question about race/ethnic background. Of the remaining 234, only 15 respondents (6.4%) indicated that they are not white. The people of color who responded are about equally divided by gender, and 10 of the 15

¹ The survey was conducted and this report written by Bob Seibel, Cornell Law School, Myron Taylor Hall, Ithaca, NY 14850.

² I especially want to thank Sandy Ogilvy for distributing survey forms with the newsletter, and for his willingness to devote space to the undertaking. I also want to thank Roy Stuckey, Marjorie MacDiarmid, and Graham Strong for their suggestions both as to content and methodology for the collection of data. My colleagues at Cornell are also to be thanked for suggestions and for their general indulgence.

are African-American. I hope to get data about the general representation of people of color among law school faculties, but I suspect that representation of people of color among clinicians may be no better (and perhaps even lower) than the general law school numbers.

Some additional demographic points of interest are that 73.4% of us seem to work in law schools located in areas with a population over 250,000. Fifty two percent (52%) work at schools with a student body of 500 to 1000, and the rest of us are about equally divided between schools that are smaller and schools that are larger (does this mean that larger schools have proportionately less opportunities for students to take clinical programs, or are there simply less large law schools?). Most of us (189-or about 83%) are in positions funded by "hard" law school funding.

The Northeast region seems to have the most clinicians--100 (42.7% of all respondents). Next is the Midwest with 62 (26.5%), then the South and the West tied with 36 each (15.4% each). In the Northeast 56% of the respondents were women, and in the West the percentage of women was even higher--58%. In the South the percentage drops to 47%, and the Midwest seems to have the smallest proportion of women clinicians--42%

The Northeast and the West have the highest proportions of clinicians teaching in private law schools: 73% and 64% respectively. The Midwest and South both have more clinicians in publicly supported schools than private schools, the percentage in private schools being only 39% and 42% respectively.

The majority of the respondents, 134 (57%), work summers for no additional compensation (a very few respondents gave an exact amount of their summer stipends and in those case their total compensation was used and they were considered to work during the summer for no additional compensation). A surprising number indicated that part of their compensation is designated for administrative work--73 (32%). While a majority indicated that they are not required to produce scholarship, the percentage was not that high--53%.

The overwhelming majority of us seem to have clinic work that is primarily live client--197 (84%). Only 15 (6.4%) said they do primarily simulation based clinical teaching, and 22 (9.4%) said their work is about equally split between the two. Ninety two percent (92%) of the respondents said they do clinical teaching both semesters of an typical year. More than half of us (57%) seem to supervise from 6 to 10 students per semester. Only a handful of us (less than 7%) are lucky enough to usually supervise 5 or less students, and the remaining 36% generally supervise 10 or more (not surprisingly, most of the people who primarily do simulation also generally supervise more than 10 students per semester).

SOME SALARY AND STATUS STATISTICS

I want to re-emphasize that at this time I can only give the most preliminary of reports on raw data about the salary information that I collected. There are dozens of permutations of ways to look at and interpret the possible correlations between salary levels and factors such as teaching experience, law practice experience, geographical area, school size, gender, race and other factors. I also want to emphasize that the data collected supplies the basis for comparisons among clinical teachers, but since no data was collected from non-clinical teachers, no direct comparisons can be made. Some data is available from the ABA and AALS but I have not had a chance to see if that data will permit comparisons between clinical and non-clinical law faculty using my data. We should all support efforts to secure such data because the ultimate issues relate to fair treatment of clinical teachers vis-a-vis non-clinic faculty.

Nonetheless, I believe it is helpful for us to have as much data about ourselves as possible, so here is some of the data in summary form, according to some factors that I have arbitrarily chosen. More refined analysis will have to wait. Please remember that the data collected was for 1989-90 and not for the current academic year.

First, overall averages by status:

Number	Status	Average Salary
35	Tenured	\$72,959.03
65	Tenure Track	61,359.38
76	Non-tenure Permanent	52,529.16
59	Short Term	40,858.44

The overall average salary for all 235 people is \$55,081.21. I have not computed the correlation between status and number of years of teaching, or number of years out of law school, but I would expect that tenured faculty have, on average, more experience than tenure track faculty, and the same correlations may partly explain some of the differences.

Of the total sample, 121 of the respondents were women. Their salaries and reported status are as follows;

Number	% of total same status	Status	Avg. Salary
9	26	Tenured	\$71,766.67
39	60	Tenure Track	62,477.15
39	51	Non-tenure Perm.	48,121.36
34	58	Short term	39,699.50

Similar data for the 114 men:

Number	<pre>% of total same status</pre>	Status	Avg. Salary
26	74	Tenured	\$73,371.77
26	40	Tenure Track	59,682.73
37	49	Non-tenure Perm.	57,175.22
25	42	Short term	42,434.60

The fact that the proportion of women who are tenured is so small might be partially explained if it is true that the last seven years have seen a significant increase in the number of women moving into clinical teaching. At least it appears that for women on the tenure track salaries are comparable to those for men. The largest differential (solely by status) is that the average salary for women in Non-tenure track long term contract is at least 16% lower than the average for men in the same status (once again, I have not done computations to see if this can be explained by non-gender based factors such as a different average number of years out of law school, but the following data may suggest this is at least partly true).

I broke down the data by gender³ within three other parameters: years teaching, years out of law school, and respondents' age. Here are the results (where the number of respondents who fell in a category was small, i.e, 5 or less, I do not give the salary averages, partly to preserve confidentiality and partly because the averages are not as reliable):

Years		Total		Men		omen
Teaching	#	Average	#	Average	#	Average
1-4	103	\$45,443.76	36	\$44,586.53	67	\$45,904.36
5-8	50	56,651.00	24	58,102.08	26	55,311.54
9-12	36	62,431.47	22	61,274.23	14	64,250.00
13-16	34	67,524.53	20	70,000.05	14	63,988.07
>16	12	74,013.83	12	74,013.83	0	·
Years		Total		Men	Wo	omen
Years Out	#	Total Average	#	Men Average	W <	omen Average
			# 15			
Out	#	Average		Average	#	Average
Out 1-5	# 25	Average \$35,650.60	15	Average \$34,564.33	# 10	Average \$37,280.00
Out 1-5 6-10	# 25 46	\$35,650.60 46,961.96	15 14	Average \$34,564.33 53,057.14	# 10 32	Average \$37,280.00 44,295.31
Out 1-5 6-10 11-15	# 25 46 90	\$35,650.60 46,961.96 54,220.84	15 14 39	Average \$34,564.33 53,057.14 55,880.36	# 10 32 51	Average \$37,280.00 44,295.31 52,951.80

³ I did not attempt to breakdown data by ethnic category simply because the numbers were too small.

Age Total		Men		Women		
_	#	Average	#	Average	#	Average
<30	4	n/a	3	n/a	1	n/a
30-34	35	\$41,260.43	13	\$39,720.38	22	\$42,170.45
35-39	73	51,578.66	31	53,752.68	42	49,974.02
40-44	72	58,551.39	36	59,237.97	36	57,864.81
45-49	36	67,070.36	20	73,310.00	16	59,270.81
50-54	8	65,837.50	6	74,050.00	2	n/a
>54	5	n/a	4	n/a	1	•

Superficially the data seems to suggest that as a group women clinical teachers have less teaching experience than men though the pattern is not as clear for number of years out of law school. There seems to be a consistently higher average salary for men over the categories for years out of law school, but the pattern is not present for the categories of teaching experience.

I find it interesting that over 62% of us seem to be in the age range of 35 to 44, and about 60% have been out of law school between 11 and 20 years, with 65% having 8 or less years of teaching experience. It seems to suggest that a significant number of us have entered clinical teaching relatively recently after a good period of doing other work after law school.

I will appreciate any comments or suggestions about interpretations or explanations of the data. I also would like to hear from anyone who has suggestions for different data that should be requested in future surveys. I can't say often enough that this is all very preliminary, but I wanted to share what I have so far.

The collection of data and the study of salary and demographic information is ongoing. I have made some revisions to the form used last year and I hope that the new form will be published with this edition of the newsletter. Please complete the new form, using the information that is current for this academic year, and return it to me. I hope to collect information at the AALS meeting in January, and have some preliminary results available by March, before decisions for 1991-1992 are made. I appreciate everyone's cooperation.

1990-91 Clinic Teacher Salary & Demographics Survey Please Answer Based on Information for 1990-91 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 100,000	pop. 100- 250,000	pop. over 250,000
4.	Region n'east	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.	Each year I teach	_ _ 9 months	_ _ 10 months	_ _ 11 months
8.	My salary for 1990-93 My estimated addition pract	nal earnings this		
9.	I do clinic work duri		yes	no
10.	Part of my salary is for administrative v		yes	no
11.	I am required to pro	oduce	yes	no
12.	Number of items publ		vears (not just 1	law reviews)
13.	My clinic work is	primarily live client inc. externs	primarily simulation	about equal
14.	In a typical year I clinic or simulation		one semester	both semesters
15.	No. of students I us supervise/semester (externs) (not simula	(incl. 5 or le	ess 6 - 10	over 10
16.	I usually teach a tr law school course du same semester I teac	ring the	yes	no
17.	I am _ woman	_ _ man 18.	I amyear	es old.
19.	White Africa	1 i •	Native American	Asian- Other
23.	of whichare tenu	g for years. Law school for T of <u>full time</u> cliured,are tenure. The tenure short ter	I teachf _years. nic teachers at e track,are m.	<pre>my school is; non-tenure permanent,</pre>
		cii Luw DCIIOOI ,	y rayror nai	, Haca, NI 140)U

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. <u>Tenure Eligible</u>
A. Initial Appointment at Current School
Year of initial appointment
2. Type of appointment
3. Title/rank
B. Present Appointment at Current School
1. Type of appointment
2. Title/rank
 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. <u>Non-Tenu</u>	re Eligible
A. <u>Init</u>	ial Appointment at Current School
1. \	Year of initial appointment
2.	Type of appointment
3.	Title/rank
B. Pres	sent Appointment at Current School
1.	Type of appointment
2.	Title/rank
3.	If your status changed after your initial appointment, describe that process.

4.	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?

AALS CLINICAL LEGAL EDUCATION SECTION MEMBERSHIP

Below is an alphabetical list of members as of October 4, 1990. We have switched computer systems and I do not guarantee accuracy; please check the list, even if you saw your name on an earlier list this year. As you can see, I am missing some phone numbers, and I suspect some of you may have relocated without my knowledge. If you discover any mistakes or omissions, please contact me. If you do not see your name but expected to, call me. If you do not see your name and didn't expect to because you neglected to renew your membership for 1990, it is not too late. Just send a check for \$15 made out to the AALS to me. If you are new to clinical teaching, we will be happy to accept your check now and grant you membership for 1990 and 1991; if you have a colleague who is new to clinical teaching, spread the word. All the rest can expect 1991 notices in late November or early December.

Nicki Russler, Membership Chair U.T. Legal Clinic 1505 W. Cumberland Ave. Knoxville, Tenn. 37996-1805 (615) 974-2331

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Alvarez, Alicia	De Paul	(312)	341-8294
Amsterdam, Tony	NYU	(212)	998-6199
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Anderson, Gary	Tennessee	(615)	974-6773
Angelos, Claudia	NYU	(212)	998-6430
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Ashe, Marie	West Virginia	(304)	293-5301
Avellone, Frank	Ohio Northern	(419)	772-2240
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Baker, Brook	Northeastern	(617)	437-3217
Baker, Lisle	Suffolk	(617)	573-8186
Balnave, Richard	Virginia	??	
Balos, Beverly	Minnesota	(612)	625-5515
Barkai, John	Hawaii	(808)	948-6546
Barry, Margaret	Catholic	(202)	526-5800
Barthel, Deborah	George Washington	(202)	994-7463
Bates, Luis	Catholic (Chile)	(562)	698-6201
Beane, Dorothea	Stetson		
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Bennett, Susan	American	(202)	885-1510
Bentele, Ursula	Brooklyn	(718)	780-7990

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  Bernhard, Adele
                                                                                                                                          (215) 459-8315 \times 420
 Ceko, Theresa Loyola (Chicago) (312) 266-0573 Check, Lewis Loyola (Chicago) (312) 266-0573 Chill, Paul Connecticut (203) 241-4679 Churgin, Michael Texas (512) 471-5151 Coben, James Hamline (612) 641-2137 Cohen, Pamela Chicago (312) 372-2000 Cohen, Robert Chicago (312) 702-9611 Colbert, Doug Hofstra (516) 560-5934 Cole, Elizabeth Tulane (504) 865-5153 Cole, Liz Vermont (802) 763-8303 Collier, Paul Harvard (617) 495-4408 Colon-Navarro, Fernando Harvard (617) ?? Condlin, Bob Maryland (301) 328-3719 Cook, Nancy New Mexico (505) 277-5265 Copacino, John Georgetown (202) 662-9575 Cowden, Vance South Carolina (803) 777-2278
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Critchlow, George
Cunha, John
Cunningham, Clark
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Columbia
Cal. Western
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Fank, Judith
Fentiman, Linda
Findley, Keith
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Feelr, Norman
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Flynn, Pat
Frank, Judith
Franklin, Neil
Franklin, Neil
Franklin, Neil
Galbreath, Glenn
Galbreath, Glenn
Gallagher, Michael
Gallagher, Michael
Gallagher, Michael
Gallagher, Michael
Gallagher, Michael
Gallagher, Michael
Gallagher, Bradbara
Gav Frederick
Cover Dame
(219) 239-7795
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Cove
          Gallagner, Michael
Gallant, Kenneth
Galowitz, Paula
Gasperetti, Barbara
Gay, Frederick
Geiger, Teri
Genty, Phil
Geraghty, Tom
Gideonse, Martin
Gilchrist, Barbara
Goemann, Richard
Gold, Neil
Goldberg, Pamela
Goldberg, David
Goldstein, Lee
Goldstein, Lee
Goodwin, Robert
Gould, Scott
Gould, Scott
Gragh, David
Gold, Scott
Gragh, Pamela
Gold, Scott
Gold, Scott
Gold, Scott
Gragh, Con
Goldstein, Scott
Goldstein, Scott
Gold, Scott
Gragh, Mike
Greenberg, Dan

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(211) 280-5525
(211) 280-5525
(211) 280-5525
(212) 280-5525
(212) 293-817
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(312) 908-8576
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(314) 658-2718
(304) 293-5306
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(304) 293-5306
(315) 253-4232
(2930)
(316) 253-4232
(2930)
(317) 253-4232
(2930)
(319) 388-8009
(319) 338-8009
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Greenebaum, Ed Greenhalgh, Bill Georgetown (202) 662-9080 Greegg, Carol Florida State (904) 644-1432 Grosperg, Larry New York (212) 431-2179 Gross, Sam Michigan (313) 464-1519 Gross, Sam Michigan (313) 464-1519 Gross, Vivien Guggenheim, Marty NPU (212) 998-6430 Harty, Fran Hartje, Jeff Denver (303) 871-6105 Hay, Ann Marie Hecht, Henry UC Berkeley (303) 871-6105 Hey, Ann Marie Hecht, Henry UC Berkeley (415) 642-1787 Hegland, Kenney Herring, David Herring, David Histohum, Mark Herring, David Histohum, Mark Hollandsworth, Marla Hartyan, Mark Hollandsworth, Marla Hollandsworth, Marla Hollandsworth, Marla Hollandsworth, Marla Hollandsworth, Betsy Honligsberg, Peter Hollandsworth, Betsy Honligsberg, Peter Hyman, Jonathan Irvine, John Irumi, Carol George Washington (202) 994-7463 Janus, Eric Johnson, Calvin Johnson, Calvin Johnson, Conrad Columbia George Washington (202) 994-7463 George Washington (202) 94-7463 George Washington (202)
            Kurtz, Madeline
                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                (212) ??
             La Fleur, Catherine Loyola (New Orleans) (504) 861-5590
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Levy, John Lidman, Raven Liebman, Carol	Tulane Minnesota IIT Chicago-Kent Harvard Villanova Catholic Hofstra William and Mary Puget Sound Boston College	(504) 865-5153 (612) 625-5515 (312) 567-5050 (617) 495-5026 (215) 874-8421 (202) 635-5005 (516) 560-5934 (804) 221-3824 (206) 591-2278 (617) 552-4380 or 893-4799
London, Harriet Lopez, Antoinette Lopez, Tomas Lowenthal, Gary Lynch, Mary Maguigan, Holly Mahern, Catherine Mandell, Leonard Maranville, Debby 543-0346	Seton Hall New Mexico Constortium of Univ. Arizona State Albany NYU Thurgood Marshall Northern Illinois Washington	(201) 643-4999 (505) 277-5265 (202) 638-4798 (602) 965-5379 (518) 445-2317 (212) 998-6430 (713) 527-7275 (815) 753-1069 (206) 543-3434 or
Margolis, Kenneth Margulies, Peter Marsico, Richard Masner, Charles May, James May, J. S. Mayer, Connie McCaffrey, Angela [McCarthy, Mary	Gonzaga	(216) 368-2766 (718) 575-4200 (212) 431-2176 (703) 528-7592 (802) 763-7718 (301) 625-3121 (518) 445-2317 (612) 641-2889 (203) 432-4800] (304) 293-5301 (406) 243-4823 (202) 635-6195 (206) 447-3931 (509) 484-6091 (213) 825-3497 (512) 436-3303 (914) 422-4333 (202) 885-1500 (312) 908-8576 (202) 885-2605 (607) 255-4196 (617) 357-9200 (216) 375-7751 (313) 763-4319 (202) 662-9590 (812) 855-7229 (617) 495-4408 (212) 998-6430
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O'Neil, Paul
O'Neil, Paul
O'Panela
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Patzer, Douglas
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Pecora, Anne
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                                                                                                                                                 or (302) 478-5280 ext. 420
                                                                                                                                                                         333-8150
(517) 371-5140
(212) 431-2183
(212) 566-1277
(916) 752-0548
(305) 623-2304
(617) 495-5202 or
 Peden, James Cooley
Perlin, Michael New York
Perry, Robert New York
Perschbacher, Rex UC Davis
Pertnoy, Leonard St. Thomas
Peters, Marcia Harvard
                                                                                                 Harvard
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Player, Terry

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      Power, Dan
      Drake
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Ross, Phil	Seton Hall	(201) 624-3840 or
_		678-0220
Ross, Susan		(202) 662-9640
Roth, Patricia	Georgetown	(202) 662-9565
Roth, Susan		(718) 499-4332
Rousseau, Pat	Dayton	(513) 229-3817
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Salsberg, John	Harvard	(617) 495-5202
Sandler, Leonard	Iowa	??
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Schatz, Barbara		(212) 854-3867
Schiff, Sue Ann		(415) 643-6746
Schmidt, Randall		
Schrag, Phil	_	(312) 702-9611
		(202) 662-9099
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Schwartz, Ron	IIT Chicago-Kent	(312) 567-5050
Schweitzer, Harvey	a	(202) ??
Scott, Kandis	Santa Clara	(408) 554-1945**
Scully, Ellen	Catholic	(202) 526-5800
Seibel, Bob		(607) 255-4196
Seidman, Ilene		(617) 495-4408
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Siegel, Arnold	Loyola (LA)	(213) 736-1105
Silverman, Andy		(602) 621-1975
Simmons, Peter	Rutgers (Newark)	(201) ??
Smith, James	UC Davis	???
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Spitzer-Resnick, Jeffrey	Wisconsin	$(608) 251 - \overline{4008}$
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Stone, Don	Baltimore	(301) 333-8149
Strom, Barry	Cornell	(607) 255-4196
Strong, Graham	Cornell	(607) 255-4196
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		(303) :::

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Taylor, David	Northern Illinois		753-0560
Taylor, James	Wake Forest		759-5723
Tremblay, Paul	Boston College		893-4793
	Wisconsin		251-4008
Tullius, Jean	Baltimore		396-1322
	Oklahoma		325-4699
Voyvodic, Rose	Windsor		256-7831
Vujnovich, Gary	Catholic		526-5800
Wanger, David	Consortium of Univ.		638-4798
Watson, Sidney	Mercer		752-2492
Weber, Mark	De Paul		341-8808
Weeks, Larry	Arizona State		965-7359
Weinstein, Janet		(619)	239-0391
Weissberg, Lynn	Harvard	(617)	495-4394
Weisselberg, Chuck	USC	(213)	743-7888
White, Paula	Indiana (Bloomington)	(812)	855-7867
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Wizner, Steve	Yale	(203)	432-4800
Wolf, Mary	Indiana (Indianapolis)	(317)	274-3808
Woo, Margaret	Northeastern		437-3301
Wortham, Leah	Catholic	(202)	635-5140
Zorn, Stephen	CUNY		575-4200
Zulack, Mary	Columbia	(212)	854-4291
		,	
*visiting at Maryland 199	0-91	(301)	328-3297

^{*}visiting at Maryland 1990-91
**visiting at CUNY 1990-91

^{***}visiting at Vermont Fall 1990

AALS CLINICAL LEGAL EDUCATION SECTION MEMBERSHIP LIST - BY SCHOOL

Below is a list of clinical section members as of October 4, 1990, listed alphabetically by school. If you are mislisted or missing, please let me know. If you know of colleagues who should be on this list but aren't, let them know.

Nicki Russler, Membership Chair U.T. Legal Clinic 1505 W. Cumberland Ave. Knoxville, Tennessee 37996-1805 (615) 974-2331

Akron	Mitchell, Marla	(216) 375-7751
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Albany Albany	Lynch, Mary Mayer, Connie	(518) 445-2317 (518) 445-2317
American American American American American American American	Bennett, Susan Dinerstein, Bob Miller, Binny Milstein, Elliott Polikoff, Nancy Shalleck, Ann Wilson, Rick	(202) 885-1510 (202) 885-1500 (202) 885-1500 (202) 885-2605 (202) 885-1510 (202) 885-1500 (202) 885-1510
Arizona Arizona Arizona	Curtis, Willie Hegland, Kenney Silverman, Andy	(602) 621-8602 (602) 621-1166 (602) 621-1975
Arizona State Arizona State Arizona State	Aiken, Jane Lowenthal, Gary Weeks, Larry	(602) 965-6463 (602) 965-5379 (602) 965-7359
Baltimore Baltimore Baltimore Baltimore Baltimore	Babb, Barbara Hollandsworth, Marla May, J. S. Murphy, Jane Pecora, Anne	(301) 333-8148 (301) 625-3411 (301) 625-3121 (301) 333-8148 (301) 889-7055 or 333-8150
Baltimore Baltimore Baltimore	Schukoske, Jane Stone, Don Tullius, Jean	(301) 625-3411 (301) 333-8149 (301) 396-1322
Boston College Boston College Boston College Boston College	Bloom, Robert Goldfarb, Phyllis Kronberg, Brenda Liebman, Carol	(617) 552-4374 (617) 552-4388 (617) ?? (617) 552-4380 or 893-4799
Boston College	Spiegel, Mark	(617) 552-4326

Boston College	Tremblay, Paul	(617) 893-4793
Boston Univ. Boston Univ. Boston Univ.	Burdick, Bob Knight, Lois Scharf, Irene	(617) 353-3148 (617) 353-5818 (617) 357-5757 x 4999
Brooklyn Brooklyn Brooklyn Brooklyn Brooklyn	Bentele, Ursula Caplow, Stacy Kearney, Caroline Kotkin, Minna Smith, Lisa Sullivan, Kathy	(718) 780-7990 (718) 780-7944 (718) 625-2200 x615 (718) 780-7994 (718) 780-7919 (718) 780-7994
UC Berkeley UC Berkeley UC Berkeley	Blum, Patty Hecht, Henry Schiff, Sue Ann	(415) 642-5980 (415) 642-1787 (415) 643-6746
UC Davis UC Davis	Perschbacher, Rex Smith, James	(916) 752-0548 ???
UCLA UCLA	Bergman, Paul Menkel-Meadow, Carrie	(213) 825-7522 (213) 825-3497
Cal. Western Cal. Western Cal. Western	Einesman, Floralynn Morton, Linda Weinstein, Janet	(619) 239-0391 (619) 239-0391 (619) 239-0391
Capital	Jackson, John	(614) 445-8836
Cardozo	Pantaleo, Frances	(212) ??
Case Western Case Western	Joy, Peter Margolis, Kenneth	(216) 368-2769 (216) 368-2766
Catholic Catholic Catholic Catholic Catholic Catholic Catholic Catholic	Barry, Margaret Klein, Catherine Lerman, Lisa McDougall, Harold Scully, Ellen Vujnovich, Gary Wortham, Leah	(202) 526-5800 (202) 526-5800 (202) 635-5005 (202) 635-6195 (202) 526-5800 (212) 526-5800 (202) 635-5140
Catholic (Chile)	Bates, Luis	(562) 698-6201
Chicago Chicago Chicago Chicago Chicago	Cohen, Pamela Cohen, Robert Heyrman, Mark Palm, Gary Schmidt, Randall	(312) 372-2000 (312) 702-9611 (312) 702-9611 (312) 702-9611 (312) 702-9611
Columbia Columbia Columbia Columbia	Ellmann, Steve Genty, Phil Johnson, Conrad Rabb, Harriet	(212) 854-2744 (212) 280-5525 (212) 854-2141 (212) 854-4291

Columbia Columbia Columbia	Schatz, Barbara Spinak, Jane Zulack, Mary	(212) (212) (212)	854-3867 854- 854-4291
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Cooley Cooley Cooley Cooley Cooley Cooley	Russell, Marjorie	(517)	371-5140 371-5140 371-5140 371-5140 371-5140 371-5140
Cornell Cornell Cornell Cornell	Galbreath, Glenn Miner, JoAnne Seibel, Bob Strom, Barry	(607) (607) (607) (607) (607)	255-4196 255-4196 255-4196 255-4196 255-4196
Cumberland	Goodwin, Robert	(205)	870-2408
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	·	524-5580

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Tennessee	Kovac, Susan	(615) 974-2331
Tennessee	Rivkin, Dean	(615) 974-2331*
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Widener Widener	Nachmias, Carolyn Nichols, Nathaniel	(302) 477-2194
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Wyoming	Burman, John	(307)	766-2165
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