



## NEWSLETTER

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### MESSAGE FROM THE CHAIR

by

Margaret Barry  
Catholic University

The recent discussion about rounds on the lawclinic listserv underscores the commitment we have to optimizing the experiential learning opportunity offered to students. We ask students in rounds to think about their clients, the legal and nonlegal issues raised by their clients, social conditions, lawyers, the legal system, other institutions all in the context of their experiences at the clinic. We challenge students to think about their responsibility to make legal system responsive to their clients and others who are in need of legal assistance. I often forget, since many students in our private and costly institution are quite wealthy, that many students are far from it. These students struggle to pay rent, buy clothes, come up with tuition, buy books, and, often last of all, eat. They graduate owing over \$100,000 in combined college and law school tuition, and they often have or want to start families.

The students who graduate hungry and in debt may very much want to do public interest law but may feel that it is a luxury they simply cannot afford. A number of law firms provide public interest fellowships that

place recent graduates in public interest law firms, paying them a salary comparable to that of a first year associate. Some firms have pro bono positions available, or allow associates to use and get credit for using billable hours to provide pro bono assistance. And there are a number of grants that offer reasonable compensation for public placements. Many of us are active in our local bar organizations and in a position to urge local firms to make more of these positions available to our students. We also need to urge our schools to build loan forgiveness funds for students engaged in public interest law.

Deferred or forgiven loan payments for public interest practice might encourage more students to do what two graduates of Washington School of Law undertook: finding corporate sponsors and grants to pay for the public interest practice they wished to create. Initially, one of the students concentrated on the fundraising while the other undertook representation of domestic violence survivors. Within two years, they have built a name for themselves within the community as a reliable and competent resource. Within the same two years, they have opened an office downtown, attracted a NAPIL fellow, and have expanding their services to include domestic violence trainings. Such entrepreneurship is energizing and rewarding.

All by way of saying that I wonder if we do enough to expose our students to ways of

approaching this work that we say they should do, and at the same time relieving some of the financial pressures to which they have become all too accustomed. Maybe we should invite firms to speak about the public interest positions they provide or support, invite students like the two from American to tell about their work, and use our connections within the local bars to make sure that those wishing to pursue public interest lawyering are supported.

On a different note, last fall I led a roundtable discussion at our regional women law professors meeting. The subject was how to hold on to self in the midst of the extremely stressful and demanding work that we do. My interest in the discussion was therapeutic, as I am fairly certain it would be for many of you. The benchmark we set for ourselves in the work we do is high. Community service involves committee work, community education projects, and legislative advocacy. Clinical teaching involves seminars, countless hours of supervision, and often includes litigation. Then there is the administrative work related to running a law office for those of us in the in-house clinic setting, and the keeping track of placement experiences in externships. Oh, and we must publish. Finally, there is our relationship to the law school and the university, and the attendant contributions expected of us. (Yes, and I just suggested another item to add to the plate if its not already there.)

We met in the bucolic surroundings of the West Virginia University campus. Our group included legal writing instructors and classroom faculty who were also feeling pressured. A few expressed despair. When it came to children, some expressed regret or a sense of panic. People acknowledged disconnection with the person doing all of the running around. We had a good though not particularly conclusive discussion. I suspect that it is virtually impossible to resolve such concerns in a single conversation. What the discussion did do is to allow for a sense that

doing the everything that we expect is expected is not healthy, and does not yield the best product. Interpreting that sense is an ongoing challenge.

I have been quite conscious of this as I have turned to members of the section for help on various projects and committee work. Many have contributed hours upon hours of work on issues of importance to clinical legal education and to the members of the section. I sigh with relief and stifle guilt as I seek help from the persons who have not had the Just say no! discussion with themselves and who are creative and thoughtful in taking the lead on the issues they address.

Thus, at this second and last message as chair, I pause to thank those of you who have worked so hard. I have been reminded in working with so many of you that this is an exceptional group. It is for that reason that I have considered my position as chair both a privilege and a pleasure. I look forward to Kim O'Leary moving us into the millennium, and hope that our work this year has added to the strong foundation that others built.

Paula Johnson and her committee have planned a challenging program for the Annual Meeting in January. The program asks us to look inwards at the hiring practices we engage in, support and/or condone to see how our practices measure up to the positions we take regarding diversity. Many express strong feelings about the importance of diversity in our institutions. What do we mean by that and how far are we willing to go to achieve it? As a Section we have strong record of addressing issues of race, gender, sexual preference, but we do not exactly challenge our own practices. This will be the Section's main program, and it is cosponsored by the Minority Groups and Poverty Law Sections. We will also join the Environmental Law Section in sponsoring a program focusing on Environmental Law Clinics. Both programs should give us an opportunity to explore issues of importance to all of us.

I sincerely hope to see you in New Orleans in January, or at least in the hills of California in May.



AALS ANNUAL MEETING  
NEW ORLEANS, LOUISIANA  
JANUARY 6-10, 1999  
THE PROFESSIONAL  
RESPONSIBILITIES OF  
PROFESSIONAL SCHOOLS

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



Friday, January 8, 1999

4:00-5:45 p.m.

Joint Program of Sections on Clinical Legal Education and Environmental Law  
*Environmental Law Clinics: Theory, Practice & Politics*

8:00 p.m.

Clinical Legal Education Dinner  
*(Advance tickets required, if available, tickets may also be purchased on-site on Wed. Jan.6.)*

Saturday, January 9, 1999

1:30-3:15 p.m.

Joint Program of Sections on Clinical Legal Education , Minority Groups and Poverty Law  
*Scenes from a Clinic Redux: Faculty Hiring*

3:30-5:15 p.m.

Clinical Legal Education - Technology Committee

Sunday, January 10

9:00-10:45 a.m.

Joint Program of Sections on Clinical Legal Education, Minority Groups & Poverty Law  
*Scenes from a Clinic Redux: The Hiring Meeting*



## Electrify Your Teaching

Pump up the volume of what your students learn by attending a workshop created to help clinicians use technology effectively. The workshop, presented by the AALS Clinical Section Technology Subcommittee, will take place at the AALS Annual Meeting on Saturday, January 9th from 3:30-5:15 p.m. The presenters, Professors Marjorie McDiarmid (West Virginia) and Conrad Johnson (Columbia) will provide examples of how technology can be used by clinicians in the creation of better materials, to improve teaching, supervision and casework, and to prepare students for lawyering in the environment in which they will practice. See examples of how the web, e-mail, computer-assisted instruction and Folio can help you achieve your teaching and lawyering goals. Until we meet in January, questions and comments may be directed to Professor Conrad Johnson (212) 854-2141, [cjohnson@law.columbia.edu](mailto:cjohnson@law.columbia.edu).



### NOTE FROM THE EDITOR

The Clinical Section Newsletter is scheduled for publication two times in 1999. We invite everyone to submit articles. Everything is welcome! Essays, requests for information, committee reports, position announcements, publications, descriptions of clinical programs, etc.

In order to meet our publication dates, articles must be received on or before the submission deadlines. **The next submission deadline is March 15, 1999.** Articles received after that date will **not** be included in the Newsletter. If your article is important, it's important to get it here on time!

**Long articles (more than one page) and documents with charts or other formatting difficulties should be submitted on a 3 1/2-inch diskette, formatted for Word 97,** together with a hard copy. Articles may be submitted by mail, e-mail or FAX (see address and number information on the cover).

Please contact the Editor, Kate Mahern, if you have any questions.



### SPECIAL FEATURES

Clinical Students' and  
Teachers' Recent Reports of  
Systemic Casework and  
Projects: Ingathering Data

Gary Palm

This on-going reporting of impact work reinforces the conclusion that Clinics are doing very important legal advocacy for poor persons. Systemic efforts reported include obtaining expanded relief in individual cases and keeping a vigorous appellate docket when individual cases are lost. Other efforts include initiating new proposals, legislative rulemaking proceedings and other class-wide actions. Just two weeks ago, I sent out an urgent e-mail for reports on use of the media by Law School Clinics. Early returns show that clinical teachers and students are more involved in media advocacy than I thought. I will continue reporting on this special topic of clinic advocacy through the media in the next issues as well as continuing the Ingathering reports of systemic cases.



## FLASH

### **Chicago-Kent Does Non-Fee Generating Pro Bono Systemic Advocacy and Succeeds**

A senior unnamed Chicago-Kent administrator discloses shocking news that the Chicago-Kent College of Law Health Clinic wins big victories and successfully obtains good media coverage.



### **Home Births Assisted By Nurse Midwives Are Now Fully Covered By Medicaid - (*Chicago Community Midwives v. Wright*)**

Stephanie Altman reports:

We represented two classes of Chicago-area certified nurse midwives who provide home birth services for women on Medicaid who were either pregnant or had given birth recently and desired a home birth. Medicaid recipients utilizing the services of these midwives were being denied reimbursement by the State of Illinois Department of Public Aid. Federal Medicaid law mandates payment for the services of nurse midwives with no restriction on the setting in which services are provided. Stephanie Altman and Terrance Norton filed a class action suit in federal court on behalf of Medicaid recipients denied reimbursement for such services, past and future, and on behalf of the providers. We received favorable publicity on the suit from the Chicago Tribune, the Chicago Sun-Times WBEZ, and the Chicago Parent Magazine.



### **Emergency Health Services for Ineligible Aliens**

We represent several persons who have been denied Medicaid emergency health insurance. Our clients are poor persons who are either legal permanent residents but not citizens or are not legal permanent residents

of the United States. The Illinois Department of Public Aid has recently terminated over 4,000 persons receiving emergency medical assistance under this program. Our clients, some of whom are permanently hospitalized at Oak Forest Hospital, suffer from emergency conditions including persistent vegetative states, kidney failure, and post-transplant rejection. We have represented these clients on an individual basis to temporarily extend Medicaid coverage per month. We are also researching class issues involving due process violations and engaging in legislative and administrative advocacy with IDPA. We have also submitted comments to the Secretary of Health and Human Services to protest the Administration's position on appeal in a 2nd Circuit case on this issue. An article was published in the Sun-Times about one of our clients.



### **Mang - P And Medicaid Class Actions Will Be Filed Or Are Pending**

We plan to file a class action representing parents against the Illinois Department of Public Aid to contest IDPA's practice of now allowing employment exemptions in the calculation of eligibility for Medicaid. If successful, the suit would expand the number of working families that will be eligible for Medicaid, the state health insurance program. We have been negotiating a settlement on behalf of our clients for the last year.

We represent over 400,000 pregnant women and children on Medicaid in Cook County who have brought suit against the Illinois Department of Public Aid to ensure equal access under the Medicaid Act to obstetrical and pediatric services. The case was filed in 1994 and is in a complex discovery stage before District Court Judge Zagel.



## **University Of Miami Law School Clinic Wins Several Big Victories Miami's Children And Youth Law Clinic**

Since the Clinic's creation in 1996, we have served more than 85 children in Dade County through direct legal representation in judicial, administrative and other legal forums. Several thousand children both locally and throughout the state have benefitted from a mix of strategies that include individual case advocacy resulting in systemic reform, administrative rule-making, class action litigation, appellate advocacy, client education and community building on behalf of the Clinic's target client community. We have identified a specific target population -- foster care adolescents -- as the focus of our legal work. A number of national studies have shown that a disproportionate number of foster youth end up homeless after their discharge from state custody because they lack the money, skills or family support to make it on their own. These clients desperately need help in getting independent living and other services in place before leaving foster care. They also need assistance to ensure the continuation of foster care services and the extension of court jurisdiction after turning 18.



### **Expanded Scope Of Relief For An Individual (Non - Class) Miami Wins Action**

One client, almost 17 when the Clinic was appointed to represent him, had been in foster care since early childhood. He was living a very unstable life in foster care, frequently on runaway status and often truant from school. Clinic attorneys and students went to court to compel the state to provide him with independent living skills training and services. Through this case, the Clinic uncovered systemic inadequacies in the state's independent living program for foster children. As a result of the Clinic's

advocacy for this single client, presiding Judge Sandy Karlan ordered the Department of Children & Families to completely overhaul its delivery of independent services to foster youth in Dade consistent with the requirements of state and federal law.



### **Rulemaking Proceedings Establish Fiduciary Accountability For Foster Children's Social Security Benefits**

#### **Special to In-gathering**

More recently, the Clinic has addressed the state's seizure of federal Social Security benefits of foster youth to reimburse the state for foster care expenses, in direct violation of federal and state law. Our advocacy in this area resulted in the promulgation of state-wide rules that protect the federal benefits of all foster youth in the state of Florida. The administrative rules establish new standards of fiduciary accountability in the state's management of foster children's benefits. This is a major state-wide legal victory for foster youth.<sup>1</sup> During the past year, we have continually worked on and monitored both of these issues, to improve upon the state's handling of its legal responsibilities with respect to independent living services and the protection of federal benefits of foster children.



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<sup>1</sup> Colleagues of ours at Northwestern University Law School's children's legal clinic have told us that they have been litigating the same issue for years and have been unable thus far to secure similar legal change from the state of Illinois. (Maybe NWU can respond to this challenge. GHP)

## **Miami Identifies Systemic Abuses For Future Action From Current System Work: Reflections Upon Experience**

The Clinic has been able to work on a number of other significant impact legal issues. Now that we have succeeded in revamping the state delivery of independent living services to teenage foster youth prior to their eighteenth birthday, we have begun to address two corollary issues. The first concerns the state's practice of discharging foster youth at their eighteenth birthday, without notice or the opportunity to be heard, in direct violation of state law, which allows foster youth to remain in care until their 21st birthday. The second involves amending Florida law to permit juvenile court judges to retain jurisdiction over foster youth who remain in care after their eighteenth birthday.

One of the more compelling cases the Clinic has been working on during the past year, which illustrates these impact issues, involves a client represented by the Clinic since her entry into foster care at age 17. The client was able to remain in foster care after her 18th birthday, but earlier this year she was abruptly discharged from foster care by the state, due to her failure to follow the terms of a "contract" that she signed with the state. She was never notified about her failure to comply with this contract and was never given the opportunity to explain why she could not fully comply with the contract. (She was pregnant, ill, and ordered by her doctor to have complete bed rest to save the baby.) A couple of months after she gave birth, the state social worker showed up at the doorstep of her foster home without warning, told her to pack her belongings, drove her and her infant child to the Salvation Army homeless shelter, and left her there, thereby "discharging" her from foster care. This is typical of how our state "discharges" foster youth from care. During the past several months, students in the Clinic have been investigating filing a civil

rights lawsuit for declaratory and injunctive relief against the state, alleging violation of procedural and substantive due process to continued foster care benefits and notice and a hearing prior to termination from foster care. The Clinic has been considering litigation modeled on a New York lawsuit, *Palmer v. Cuomo*, 503 N.Y.S.2d 20 (A.D. 1 Dept. 1986), which successfully challenged the foster care discharge practices of New York state.



## **Legislation Will Be Proposed To Get State Services For Foster Children From Age Eighteen to Twenty - One**

With respect to the issue of extended court jurisdiction, students in the Clinic filed and argued motions in several cases of dependent children who reached 18 and continued to receive foster care services from the state. The motions asked that the court retain jurisdiction over their foster care status until the age of 21. In one of these cases, *J.O. v. DHRS*, the trial court granted the child's motion, which the Department of Children & Families appealed to the Third DCA. Subsequently, the Fourth DCA ruled that Florida statutes do *not* confer jurisdiction over foster youth beyond the eighteenth birthday. *L.Y. and Melody v. DHRS*, 696 So.2d 430 (Fla. 4th DCA 1997). We are now exploring the possibility of amending Chapters 39 and 409, Fla. Stat., to permit juvenile court judges to exercise oversight of older foster care clients. One of our students, Evan Goldman, is currently engaged in an independent study project with us, researching federal and state law (both in Florida and in other jurisdictions) and preparing a legislative proposal that we hope to have introduced in the upcoming session of the Florida legislature. If the statutes are amended, clients would have access to judicial remedies to ensure protection of their right to services or to challenge unlawful

discharge from foster care after their eighteenth birthday.



### Editorial and Op Ed. Pieces

Professor Louise Trubek reports that her students have had good success with op. ed. pieces that present social science data to show the needs of poor persons and justify reforms. She urges us to have students take on a press initiative as part of clinical study.

Gary H. Palm and Mark J. Heyrman have had less than complete success appearing with their students before the Chicago Tribune Editorial Board. Both of us urge full and careful preparation, including providing full data. Gary found the Editorial Board as tough (but nicer) than the Seventh Circuit Court of Appeals at oral argument. Item 5 on my on-going Work-in-Progress: A) Causing Change through Creative Conflict is Built Public Pressure B) Share your theory of the case with everyone you meet; and

- a) Issue Press Releases repeatedly at least every two (2) weeks.
- b) Contact TV reporters on the off-weeks.



The following is an article which is self-explanatory of some of the most outstanding systemic work every done at the Edwin F. Mandel Legal Aid Clinic.

February 17, 1998, *Streetwise*<sup>2</sup>

### **A LESSON IN DIGNITY FROM RESIDENTS OF LOWER WACKER**

(Guest Commentary by Matthew Jackson, a third-year law student, volunteers at the

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<sup>2</sup>A newspaper about homeless issues in Chicago and sold for \$1.00 per copy by homeless persons on the streets of Chicago.

Mandel Legal Aid Clinic of the University of Chicago Law School, where he represents the homeless residents of Lower Wacker Drive.)

At first, it looked like failure in federal court. But our homeless clients taught us that the Feb. 5 decision to not prohibit the city from sweeping Lower Wacker Drive was in many ways another step forward.

The plaintiffs, a class of over 80 residents of Lower Wacker Drive, filed the motion after City Streets and Sanitation employees, accompanied by eight police officers, destroyed virtually all of the residents' personal property on December 1, 1997.

On that day, residents lost everything imaginable, including identification and social security cards, a green card, birth certificates, voter registration cards, cherished photographs of deceased family members and family keepsakes such as bibles, watches and jewelry.

Residents were also robbed of items necessary for their daily survival: an asthma pump and high blood pressure medications, blankets, winter coats, mattresses, sweaters, toiletries and innumerable articles of clothing.

Finally workers, such as metal scrapper and long-time Lower Wacker resident Sam Oglesby, lost the tools of his trade: a file, screwdrivers, vice-grips, wrenches and sockets.

After the devastating sweep, the plaintiffs sought a preliminary injunction which would have halted the city's practice of sweeping away the personal belongings of the residents of Lower Wacker until the lawsuit itself filed, now in its initial stages, is concluded. After nine days of testimony, which featured 28 witnesses for the homeless and only four for the city, the judge had reached a decision.

As the judge announced the words: The events of [Dec. 1] resulted in a much cleaner, safer Lower Wacker Drive and also precipitated an immediate reduction from about 50 to about 20 homeless people living there." a sinking feeling invaded the legal advocates' stomachs.

We winced, knowing the injunction would not be granted, and we thought about the upcoming press conference scheduled a few

minutes later in the lobby of the Dirksen building, preparing to put a good face on what was otherwise a bad day.

But, as the judge finished reading his conclusion and returned to his chambers, it was apparent that our clients were not surprised or deterred. Chandra Almond looked cheerful. She wore a bright pink blouse and skirt, and sat attentively at the attorney's table.

Next to her was Bo Harris in a brightly striped, collared shirt. Kurt Vanos, sitting in the gallery, was sporting a closely cropped haircut, smiling serenely. When I asked him in the hallway before the judge's announcement how he was, he calmly responded: "I've had better. But I've had worse."

After the decision was announced, I listened for the boos and grumbling from the gallery. Then silence. I looked at Bo Harris, expecting a sign of dejection. Instead, I saw a determined face. It was clear that we, the legal representatives, had taken this setback a lot harder--perhaps more accurately, a lot more narrowly--than we should have.

Assembled in a nearby conference room, representatives from the Chicago Coalition for the Homeless and over 20 residents focused on the positive points of the judge's ruling.

First, they stressed that the opinion strongly invites plaintiffs to seek compensation for what was lost on December 1, 1997.

The judge's opinion reads: "My own view, previously expressed to both parties, is that some of the plaintiffs are entitled to compensation for some of the belongings discarded that day, provided that those belongings were unattended or relocated to safe areas, were not intermingled with unsafe or unsanitary items, and were the basic items, such as a sleeping bag and several blankets, required to live on the sidewalk. If this court can assist in the resolution of individual claims for compensation, it sits ready to do so."

Second, the judge recognized the city had violated its own procedures on December 1, 1997, a contention that city witnesses had denied on the stand.

Third, the judge asserted that any future extraordinary cleanings or procedural changes should be preceded by reasonable notice--that is, the legally appropriate and humanely respectful way to proceed.

Fourth, the judge held that the residents have a reasonable expectation of privacy. The city's written procedures currently fail to explicitly designate safe zones, such as concrete median strips, where belongings would be safe from seizure and destruction. Thus, any future city sweeps that violate the unwritten city policy of permitting items to be kept on the concrete strips likely will be viewed severely by the court.

These four points were welcomed by the residents, but they came from the judge, not the city. The city has never owned up to the fact that what it did on December 1, 1997 violated its own procedures and that what it did was wrong.

During the press conference in the lobby, Bo Harris spoke for the need for dignity.

"Even an apology from the city would have meant a lot," she said. "Instead, we got nothing, and that's not fair."

At any moment, a City Hall official could admit that the sweep of December 1 was wrong, promise that the city will never subject the Lower Wacker residents to the abuses of that date. And at any time, the city, if it had the courage and compassion to do so, could reform its own procedures to recognize the concrete strips as safe zones and to declare that items moved to such strips will not be seized or destroyed.

However, the city is silent. So, instead of expecting any voluntary, positive efforts on the part of the city, the residents are left to dwell on the positive words in the judge's opinion, the hope for compensation and larger questions I hadn't focused on.

After the press conference, members of the Chicago Coalition for the homeless, over 20 plaintiffs, my fellow legal representatives from the University of Chicago's Mandel Legal Aid Clinic and I gathered at a restaurant. While the advocates and I studied the judge's written opinion, Coalition representatives and residents stood up, one at a time, to express themselves.

Lower Wacker veteran, 48-year old Oglesby, summed up the crowd's feelings:

"We're gonna win this thing somehow. United we stand, divided we fall. I love all of you."

Resident Devell Chambers, gesturing toward John Knight, the plaintiffs attorney from the Mandel Legal Aid Clinic, said: "I know I gave you hell in the beginning, but you're all right homey. You're in a good neighborhood."

Dolly, who works at the Coalition, followed: "If your things aren't worth fighting for, they aren't worth having."

Applause grew after each brief speech was delivered. The serene Kurt Vanos stood up and crossed his arms on his chest as if he were addressing a church congregation: "I see hope now that we have stepped forward and I hope we can keep together in the future."

After the meal, Oglesby was inspired and spoke of perhaps the biggest lesson that the injunction proceeding had taught the residents, the need for eternal vigilance and continuous monitoring of the city's erratic sweeping practice.

"This whole thing has taught me to use our heads for more than hat racks," he said. "We are gonna get cameras and video to catch them in the act if they ever do this again. We'll be scattered around the corner with our Canons and our Kodaks and equipment. We're gonna be trusted in the future. Now I know how to go about it. I love you guys. If we all stay together, we're gonna make it."

As the group streamed out of the restaurant, the initial sting of the legal defeat on the preliminary injunction motion had faded away. All that remained was the court's invitation to seek compensation, the solidarity of the group, the determination to fight on and the dignity that the whole process gave many of the residents.

For the first time, the residents en masse were given a forum to tell the story of their injustices and to explain their diverse realities. A court reporter had transcribed their words: a federal judge had listened carefully and asked questions about their pasts and their families. The in-depth legal proceeding itself was a new experience and a morale boost, but it was just the beginning.

The advocates soon would file back into the clinic office, research cases, and brainstorm for the next filing date, gearing up for the next round, which would begin with enthusiasm and end decisively with a judge's ruling.

But, for the Lower Wacker residents, all of the motions, briefs, court appearances, sporadic media attention and judicial decisions were part of one uninterrupted stream of events, personalities, and temporary set-backs in their undeterred uphill fight for basic respect and consistent city procedures.

As Sam said, shaking hands as people exited the restaurant: "I'm not going anywhere. We're gonna keep together. We're gonna keep fighting."



#### PLEASE NOTE

This may be the last newsletter you receive if you are not a current member of the Section. To become a member, fill out the Membership form on page 43-44 of this Newsletter and mail it to David Chavkin. If you are unsure of your membership status, please contact Dave at the address on the form or call him at (202) 274-4168 or e-mail him at dchavkin@wcl.american.edu.

AMONG OURSELVES

NOTES & ANNOUNCEMENTS

**Anthony Alfieri** participated in the 1997-98 Clason Lecture series at Western New England.

**Barbara Babb** received the "Distinguished Service Award" from the Maryland Legal Services Corporation on November 4, 1998, for leadership in the provision of civil legal services and outstanding advocacy on behalf of Maryland's poor.



**Russell Gabriel**, Director of the University of Georgia's Defender Clinic, received the Equal Justice Award for being Georgia's Outstanding Public Interest Attorney.



The **George Washington University Law School Domestic Violence Advocacy Project (DVAP)** is delighted to announce the receipt of a major grant from the Department of Justice for "civil legal assistance" to battered women. The DVAP plans to expand in size by hiring an additional supervising attorney and expanding the interdisciplinary components of the program, by bringing in psychology graduate students to learn with the law students, increasing the participation of clinical psychologist Mary Ann Dutton in the clinic, and expanding its domestic violence intervention project in the Emergency Medicine Department. The DVAP also intends to organize a conference on interdisciplinary approaches to lawyering in domestic violence cases with the help of CLEA and other interested clinicians.



The following promotions were announced at the **South Texas College of Law at Texas**

**A&M University:** Associate Dean **Cathy Burnett** is named Associate Dean and Vice President. Assistant Dean **Kimberly Klein Cauthorn** is named Vice President of External Services. Assistant Professor of Clinical Studies **Betty Luke** is named Director of Live Clinics.



**Jane Murphy** (Baltimore) has received funding from the National Institute of Justice to participate in a two year study, "Ecological Model of Battered Women's Experience" which will describe and predict longitudinal patterns of battered women's experience. Working with researchers from the George Washington University, the University of Maryland, and the House of Ruth, Professor Murphy will co-supervise a study of battered women, recruited from three sites in Baltimore: a battered women's shelter, the domestic violence docket in criminal court, and the civil protection order docket. One of the primary goals of the study is to evaluate the relative effectiveness of different types or combinations of community and legal intervention in reducing domestic violence. The study will take place from June, 1999 through June, 2001.



**Nils Olsen** who was the Director of Clinical Legal Education at the **State University of New York at Buffalo (UB)** for over a dozen years, was appointed on August 1, 1998 as Dean of the Law School. **Peter Pitegoff**, who has directed UB's community economic development clinic for the past decade, was appointed as Vice Dean for Academic Affairs and will focus on the upper division curriculum. **Diane Avery**, also appointed as a Vice Dean, will focus on the first year curriculum. **Melinda Saran**, who teaches in the Special Education Clinic, will serve as Acting Director of Clinical Legal Education.



Rex R. Perschbacher became Dean at the University of California Davis on July 1, 1998.



Jean Koh Peters presented "The Troubling Necessity for Storytelling in Child Advocacy" as part of Loyola-Chicago's first ChildLaw visiting scholar program on March 3, 1998.



The University of Connecticut School of Law is pleased to announce the addition of **Ruth B. Philips** to its clinical faculty. Ruth graduated from Harvard Law School, where she was a C. Clyde Ferguson Human Rights Fellow. After graduation, Ruth worked as a staff attorney for the Criminal Defense Division of the Legal Aid Society for five years. She recently participated in U.N. treaty negotiations for the International Criminal Court, with the Women's Caucus for Gender Justice in the International Criminal Court. She is available to fill a spring semester clinical opening. E-mail: [rphilips@law.uconn.edu](mailto:rphilips@law.uconn.edu).



Syracuse University College Of Law has announced the conversion of two contract clinical faculty positions to tenure track faculty positions. **Angela Burton** has been hired as an Assistant Professor of Law and Director of the Children's Rights and Family Law Clinic, one of five in-house clinics of the Syracuse University College of Law Office of Clinical Programs. Professor Burton received her J. D. From New York University School of Law where she taught courses in interviewing, counseling, negotiation, informal advocacy, and trial advocacy. Previously, Professor Burton had clerked on the New York State court of Appeals and was a legal consultant to the Permanent Judicial Commission on Justice for Children. She was in private practice

before teaching in the Lawyering Program at New York University School of Law. A member of Workways, an interdisciplinary group dedicated to innovation in legal research, she co-wrote "Hey, There's Ladies Here!": Reflections on Becoming Gentlemen, a review essay about women's experiences in law school.

**Laura L. Rovner** has been hired as an Assistant Professor of Law and Director of the Public Interest Law Firm. Prior to joining the law faculty, Professor Rovner was a NAPIL Equal Justice Fellow and Staff Attorney at the National Association of the Deaf Law Center in Silver Spring, Maryland. Her areas of practice included access to medical care, access to the legal system, employment discrimination, and access to benefits and services in the public and private sectors. She was also a Clinical Teaching Fellow at the Institute for Public Representation where she supervised and evaluated clinic students in the representation of clients before federal district and appellate courts and administrative agencies. At Cornell Law School, Professor Rovner was the recipient of the Stanley E. Gould Prize for Outstanding Dedication to Public Interest Law, and Note Editor of the Cornell Journal of Law & Public Policy. She is currently researching and writing on issues of power and identity in disability rights cases.



**Susan L. Waysdorf**, the Co-Director of the HIV-Public Entitlements Legal Clinic at the University of the District of Columbia School of Law was granted tenure in the Spring of 1998 and promoted to full professor during the Summer of 1998.





**Report From AALS Liaison to the ABA  
Government and Public Sector Lawyers  
Division Council  
Daniel Power**

On April 24 and 25, 1998, I attended the annual meeting of the ABA Government and Public Sector Lawyers Division Governing Council in San Francisco. The position of AALS liaison to the ABA Division was finally approved by the AALS Executive Committee prior to the Councils meeting.

I made a presentation to the Council members about the Clinical Section of the AALS and what we clinicians are endeavoring to achieve through our clinical programs. Our Section and this ABA Division have much in common. The Division has much to offer our Clinical Section, and we have much that will benefit the members of the Division. Together we have the potential for enhancing the quality of public service in our profession.

As an initial measure, I would like to see the just-retired Executive Director of the Division, Richard Lynch, come to our annual meeting and be the speaker at our luncheon. I think a considerable number of our membership may wish to join the division. (It is not your typical ABA "culture".)

Second, the division has a program on Ethics that is the most interesting and dynamic that I have seen. Perhaps we could have them conduct the program at one of our conferences.



**Australian in Washington D.C.  
Observations and Reflections of an  
Australian Clinical Teacher on a Semester  
in the United States**

Judith Dickson  
Lecturer and Clinical Supervisor  
School of Law and Legal Studies  
La Trobe University, Melbourne, Australia

I am fortunate to be spending this semester in the clinical programmes of the Washington College of Law at American University. The semester is a period of research leave (or sabbatical) from my own university. I am therefore in the luxurious position of having no teaching responsibilities and the time to pursue my research interest in methods of supervision. At home I co-teach professional legal ethics in a subject called Legal Practice and Conduct. The Rules of the Council of Legal Education in Victoria, the body comprised of judges, practitioners and deans of all four law schools which prescribes requirements for admission to practice in that state, require completion of this subject before a person may be admitted to legal practice. While the content of Legal Practice and Conduct addresses the rules of professional conduct, the context for examination of these is the issue of access to justice and the role of the legal profession in enabling this. The method of teaching is the clinical method. Students spend one day a week during the semester assisting the lawyers at a local government legal aid office. I go with the students as the on-site clinical supervisor.

In this way the programme is probably something of a "hybrid" between a typical externship in a US law school and the in-house clinic. It is also different from the traditional "generalist" Australian clinical legal education programme. Historically, clinical programmes in Australia have been physically situated in a community legal centre and have not been specialist clinics. The programme in which I supervise,

however, has as its primary objective the analysis of the lawyer-client relationship and the examination of the operation of the ethical rules in practice. The practical legal work is the vehicle for this analysis and examination as the students are confronted with the exigencies of real practice.

When considering what to do and where to go in this period of leave I was drawn to the United States, the home of clinical legal education. After more than ten years of clinical teaching I felt I needed rejuvenation and I also wanted to pursue my interest in methods of supervision in clinical legal education. In Australia there has been little or nothing written on the subject and I feel there is a need to develop a theoretical framework within which we Australian clinical supervisors can do our work. Feedback from other clinical teachers indicates that they would like some training in the educational process of which they are part. Washington College of Law drew me both because of its programmes and because of its faculty. In particular, I was attracted to the prospect of working with people who had contributed to the developing understanding of clinical supervision. So, with much effort on both my side and WCL, I uprooted my family and came to Washington D.C. in August. I can certainly say that for my part at least the effort has been worthwhile. I have been very warmly welcomed and made to feel part of the clinical team.

The lively intellectual environment and collegial atmosphere are particularly noticeable with an energizing effect on faculty. I am impressed by the structured programme for clinical faculty which includes both "roundtable" discussion of issues of interest or concern and more formal presentation of work in progress. Added to this are the externship seminar series and a wide variety of other seminars in the law school, all contributing to a feeling of intellectual enquiry and participation in the

world of lawyering beyond the law school walls.

There are some obvious differences between the operation of the clinics at WCL and the traditional Australian clinical legal education programme. First is the location of the clinical programme. Historically, clinical programmes in Australia have had a close link with the community legal centre movement and are historically located at that centre. To the best of my knowledge there are no clinical programmes actually based on law school premises. There are a variety of reasons for this and one is the structure of legal education in Australia. Another, however, is the fact that in the early 1970's law students were involved in setting up free legal services. They worked as volunteers alongside members of the profession and law school faculty to provide advice and representation to the large numbers of people unable to afford private legal services. Some few years later when the idea developed of incorporating this volunteer legal practice into the law school curriculum, the existing entity and site of the free legal service became the site of the clinical programme.

This model has continued in Australia and has recently been re-enforced as the accepted model by the Federal Government in its funding initiative for clinical legal education.

A second major difference is the way in which the legal services are delivered to the client. From my observation at WCL (and from my readings, I gather it is not unique in its mode of service delivery) I conclude that the interviewing and advice giving (counseling) processes are separated by time. Students interview the client and then in consultation with their supervisor develop the counseling approach, including legal and practical options etc. At some later time, there is a counseling process, either by letter or in person. Of course, in the case of limited time lines this will be only a short time later.

By way of contrast, in a typical Australian clinic, students interview and advise clients (at least in a preliminary way) in the first session. Students conduct the "fact-finding" part of the interview and then consult the supervisor while the client waits in the interview room. The advice developed will of course depend on the nature of the problem presented but in most cases the client will be sent away with at least some preliminary advice on possible options. Australian clinical supervisors and students would probably think it extraordinary to simply take the "facts" and send the client away without advising, even if only on a preliminary basis. I must say my initial reaction was the same and I have still not worked out how I feel about the method adopted here.

Is this difference related to some subtle difference in emphasis in the goals of the clinical programmes here and in Australia? We certainly insist that the primary objective of our clinical programmes is an educational one. However, we argue that the best way to achieve this objective is through the hustle and bustle of the community legal centre environment. I do not want to debate this fascinating question here but it is one which is currently before the Australian clinical community because of the recent government initiatives I referred to earlier.

Another difference lies in the ways students work. Typically, students in Australia have their own caseloads whereas here at WCL students work in pairs. I can see advantages to both methods.

My time here at WCL has given me a wonderful opportunity to observe other clinical teachers and reflect upon my own practices - a habit that I am keen to inculcate in my students but often fail to practice myself! I have also had the opportunity to participate in supervision sessions with Ann Shalleck and Diane Weinroth, to share in a (simulated) interview critique with a student and David Chavkin, to sit in classes taught

by Binny Miller, Suzanne Jackson, Elliot Milstein, Rick Wilson, Beth Lyons, David Chavkin, Brenda Smith, Bob Dinerstein, Ann Shalleck and Diane Weinroth (and I hope others yet). I have had conversations about supervision, teaching methods and clinical teaching generally and had the opportunity to attend the New York Clinical Workshop and the Mid-Atlantic Clinical Workshop. All this has contributed to an exciting, enriching and stimulating intellectual experience for me for which I am tremendously grateful to the Washington College of Law and its clinical faculty and staff in particular. I hope that they have enjoyed having me in their midst.



### **CLEA To Comment on Accreditation Standards**

Mark Heyrman

Secretary-Treasurer of CLEA

The American Bar Association is revisiting law school accreditation standards. A group of law deans has made several proposals inimical to good legal education and good clinical education. The Clinical Legal Education Association is working on responding to the law dean proposals and is making proposals of its own. CLEA intends to address the following topics:

1. Opposing the law dean's proposal to amend Standard 405(c) which gives security of position to clinical teachers. The law deans would make this standard aspirational rather than mandatory (change "shall to should").
2. Preserving the requirement in Standard 302(d) that law schools provide live-client clinical education. The law deans propose to repeal this requirement as well.
3. Adding language (probably in Standard 301) requiring law schools to have as a goal preparing students to practice in a multi-cultural society.

4. Adding a standard requiring law schools to measure outcomes and to evaluate the effectiveness of their educational endeavors.
5. Preserving or strengthening the requirement in (Standard 302 (e)) that law schools encourage pro bono activities among their students and provide them with opportunities for doing so. The deans propose to eliminate this provision, even though it is entirely aspirational.
6. Revising interpretation 305-2 to Standard 305 to be more process or outcome oriented and less focused on micro-management of externship programs.

CLEA will be submitting written comments on these issues to the Standards Review Committee of the Council of the American Bar Association's Section on Legal Education and Admissions to the Bar in mid-November or as soon as we can figure out how to fit the full name of this committee on one envelope.



### **Clinical Scholarship Abstracts Service**

Clinical teachers who have recently finished article manuscripts, or have recently published articles, are encouraged to submit an abstract (200-300 words) of their work to the new Clinical Scholarship Abstracts Service, for which CLEA has allowed me to serve as initial editor. The service is entirely electronically based. If possible, please submit abstracts to me by e-mail at [browndk@wlu.edu](mailto:browndk@wlu.edu). (If not, then mail a disc with the abstract to my address below.) I will compile them and periodically post them in a single message on the Clinic listserv. Abstracts will also be posted on the CLEA website, where eventually they will constitute a searchable archive.

With each abstract, please submit your address, phone and e-mail, so that people may contact you if they would like to request a copy of the paper. If the paper is set for publication, please note the publication's

name, so that people may locate the article through the journal.

This should be a great way for teachers both to make their work known to other clinicians (and to make it known sooner than it would otherwise would be), and for clinicians easily to keep up with publications that are of particular interest to them.

At least initially, until we see how the service works, the subject matter of the service will be broadly defined. Abstracts of any articles or working papers that address lawyering or clinical legal education issues, that arise out of clinicians' teaching or practice experience, or that otherwise are likely to be of particular interest to clinical teachers, will be published.

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### **Exposing Clinic Students to the Broad Range of Lawyering Strategies in Working With Community Groups Toward Systemic Change**

Ascanio Piomelli  
Hastings College of Law  
Civil Justice Clinic

A few years after my colleagues and I established U. C. Hastings' in-house Civil Justice Clinic, several of us decided we needed to create an advanced clinical offering to go beyond our basic one-semester, stand alone clinic.

We were proud of what we soon renamed our Individual Representation class,<sup>3</sup> but we felt we needed to expose students to a fuller panoply of lawyering strategies entailed in working effectively outside an individual lawyer-client relationship and outside a litigation context.

After our own internal deliberations, we facilitated a course-planning colloquium in which all five in-house clinical faculty<sup>4</sup> and four students who had taken our initial clinical offering helped to devise a curriculum and to develop criteria for selecting field placement projects.

The result is our Group Representation class, which we are now offering for the fifth time. The 8-unit class entails 4 hours of seminar and 20 hours of field placement work per week.

Each semester we work with four organizations (usually, but not always, public interest law firms) on projects that collectively involve a range of persuasive strategies, such as impact litigation, lobbying, public education, media work, coalition-building, and community organizing/mobilizing. Rather than having our students work as generic legal interns, we seek discrete, semester long projects where two-student teams can take significant

responsibility. We look for situations where students will be able to interact with community groups and members, legal and lay activists, and policy makers.

This semester, placements involve:

- \*a class action lawsuit over the adequacy of health care provided in California women's prisons;

- \*challenging counties' use of a controversial drug-use detection device to remove children from parents who test as positive;

- \* facilitating a community planning initiative and the establishment of "village centers" in low-income neighborhoods of Oakland, and

- \*grassroots lobbying on federal immigration law issues on behalf of a coalition of farm workers and their allies.

In past semesters, students have lobbied Congress on behalf of immigrants, the state legislature on behalf of tenants, and the city/county on behalf of gay, lesbian, bisexual, and transgender youth. They have worked with community organizers on garment worker and farm worker issues. They have developed public education materials and programs for homeless people and victims of police violence. They have created diverse working groups of patients, doctors and medical experts to advise public health agencies on methadone distribution systems.

Although students are placed with public interest law organizations and community groups, in-house faculty have some involvement in monitoring and guiding students' fieldwork. We do so by having students write detailed weekly field notes (which we successfully insist be at least five single - spaced pages long) and meeting weekly with teams to discuss their notes and past and upcoming activities. Individual faculty vary in the extent to which we review (either before or after the fact) students actual

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<sup>3</sup>This 8-unit course (with 4 hours of seminar per week) gives students a start to finish lawyering experience culminating in a court trial, administrative hearing, mediation or negotiated settlement. In addition to skills-training in interviewing, case theory development, negotiation, and hearing and trial practice, extensive theoretical readings, seminar discussions, and writing assignments encourage students to develop their own visions of the sort of lawyer they hope to become.

<sup>4</sup>My colleagues are Shauna Marshall, Randi Mandelbaum, Miye Goshi, and Mark Aaronson.

field work product and the regularity with which we check in with field supervisors.

Seminar discussions are also a central vehicle for involving faculty and students in shaping field work activities. This occurs not simply in the 20% of sessions explicitly devoted to "rounds," but to almost every session which we explicitly discuss how the readings can be applied to students' projects. Course readings expose students to various models of lawyering for (and sometimes against) social change. They also closely examine specific persuasive strategies, such as class action litigation, community organizing, lobbying, community legal education, coalition-building, and media work.

In order to develop a key skill for group work, we have rotating pairs of students lead/facilitate discussion in approximately half of the seminar sessions.

The explicit message of the course is that lawyers must be familiar with many different strategies and techniques for achieving systemic change. Through their reading, fieldwork, and recurring discussions of their peer's projects, students develop more sophisticated visions of how they can work toward social change--and practical experience doing so alongside other community and legal activists.

*Further information (including the course syllabus) will be available on the Civil Justice Clinic's forthcoming website. (scheduled to be launched in December 1998) at [www.uchastings.edu/clinic](http://www.uchastings.edu/clinic).*



#### **LEGAL EDUCATION: 2000 AND BEYOND**

The 1998 Annual Conference of the Commonwealth Legal Education Association will be held jointly with the Norman Manley Law School, Kingston, Jamaica and with the co-operation of the Commonwealth Lawyer's

Association at Ocho Rios, Jamaica from December 14-16, 1998.

Conference topics will include:

- \*Clinical legal education
- \*Continuing legal education for judges, legal professionals and legal educators
- \*Teaching methodology and curriculum development
- \*Developing human, technological and material resources for improving legal education
- \*Values and attitudes: ethical issues

Registration forms and further information can be obtained from:

Keith S. Sobion  
Conference Co-ordinator  
c/o Norman Manley Law School  
P.O. Box 321  
Kingston 7  
Jamaica, W. I.  
Phone: (876) 927-1235 or 927-5899  
Fax: (876) 977-1012



#### **COMMITTEE REPORTS**

##### **Award Committee**

The Section Award Committee of the AALS has reported recommending the following persons in order of preference to the Executive Committee as recipient of the Clinical Section Award:

Shelley Broderick (D.C. School of Law)  
Vanessa Merton (Pace)  
Homer LaRue (Howard)



## Externship News

Mary Jo Eyster and Linda Morton

There has been a flurry of activity surrounding the ABA Standards governing clinical programs generally, including the provisions that apply to externship clinics. We learned of the ABA's request for proposed revisions with very little time for response, and tried to assemble a group to work on this effort. Unfortunately the haste that was necessary made it impossible to reach all the members. On the other hand, we were able to draw on a great deal of thought and effort that had been spent several years ago when CLEA drafted and submitted proposals to the ABA and the AALS. We used CLEA's previous proposals as the base from which the group would derive the current recommendations. At the time of this writing, this effort is just underway, but it may well be completed by the time of the AALS Annual Meeting in New Orleans.

Also of interest to this group is a great new resource-LEARNING FROM PRACTICE, A Professional Development Text for Legal Externs, authored by Sandy Ogilvy, Leah Wortham and Lisa Lerman. The book is now available from West, and even has a useful Teacher's Manual. As most of you know, this externship text is the product of a collaboration among several experienced teachers. We look forward to seeing those of you who can make it to the AALS conference in New Orleans in January. The Externship Committee will hold its meeting on January 9, from 10:30-12:15 in the "Rosella" meeting room on the fourth floor of the Sheraton..

Meanwhile if you have questions, thoughts or suggestions about your own program, other programs, or our Externship Subcommittee, please don't hesitate to contact us by e-mail or phone.



## Financial Resources and Funding Committee Report

Daniel Power

In early June, I was in Washington D.C., to lobby the Senate Appropriations Subcommittee on H.H.S., Labor, and Education at the time the committee was considering ("marking-up") appropriating funds for the Department of Education.

I asked former Congressman Neal Smith (the "point guard" on the Title IX Law School Clinical Education Program since 1977) for his approval in my desire to have the program re-named "The Neal Smith Law School Clinical Experience Program." Once he gave me his approval, I met with Senator Tom Harkin (ranking minority member of the subcommittee) to spearhead the effort. At the same time, I contacted Jerry Shestack (former ABA president) to contact Senator Arlen Specter for the same purpose. Senator Specter is Chairperson of the Subcommittee. Mr. Shestack is from Philadelphia. I requested that the sum of \$5,000,000 be appropriated to restart the clinical program.

In late September and early October, I traveled to D.C. again at the time the House and Senate Conferences were meeting on the omnibus appropriations bill which included the Department of Education appropriations.

As of the writing of this note, I have not heard what the final results are on this matter. The deliberations were this side of chaotic.

If the funds were not included this time, please join with me to ensure that they are included next time. If the program was refunded this time, please write the two senators to thank them-and send me a copy for future use.



## Committee on In-House Clinics

Barbara Babb

Alan Minuskin

The Committee on In-House clinics met in Portland, Oregon during the AALS Conference on Clinical Legal Education. The committee decided to pursue a project to gather empirical data on how participation in clinical courses affects students' career development and advancement. This involves assessing the values of clinics and the importance of clinical legal education to current clinic students, former clinic students, employers, and potential employers.

Tim Arcaro from Nova Southeastern University Law Center has offered to draft the survey instrument, which we plan to use to survey employers, current and former law students, and career services personnel within law schools. The committee has decided to pilot the survey instrument in an urban setting, and the group has selected Baltimore as the site. In that manner, both the University of Baltimore Law School and the University of Maryland School of Law can assist with the data gathering. Once we have an idea about the types of data we are collecting, we can refine the survey instrument, if necessary. We plan to distribute the final version of the survey to clinic directors, who can disseminate the survey to appropriate individuals in their locations. We expect to prepare a report summarizing our preliminary data gathering. In the very near future, the committee also intends to mail to clinic directors the following article, which contains a questionnaire that might assist clinic students and faculty in critiques of client counseling activities: Marc W. Patry, David D. Wexler, Dennis P. Stolle, and Alan J. Tompkins, *Better Legal Counseling through Empirical Research: Identifying Psychological Soft Spots and Strategies*, 34 Cal. L. Rev. 439 (1998).

The committee plans to meet in New Orleans, Louisiana, during the AALS Annual Meeting. Please contact either of us (Barbara: 410-837-5661; Alan 617-552-0980) if you are interested to assist with the survey design or data analysis. We welcome your participation, and hope to see you in New Orleans.



## International News

Roy Stuckey, South Carolina

I will devote most of this column to passing along the responses of some of our colleagues to the continuing survey of clinicians who have consulted or taught in a foreign country. The directory created by these responses now includes almost 90 clinicians who have worked in over 60 countries. Before getting to that, however, I want to share some news about GAJE.

GAJE (the Global Alliance for Justice Education) is beginning to plan a global conference for December, 1999, that will most likely be held either in South Africa or India. GAJE posted a notice on the listserv in mid-October soliciting information about interest in the conference. If you think you would attend the conference or if you want to volunteer to help plan it or just suggest topics for the program, contact Frank Bloch at FBLOCH@LAW.VANDERBILT.EDU. To subscribe to the GAJE listserv, send your name, address, phone, fax number and E-mail address along with any relevant job title or organizational affiliation and a brief statement of your activities and interests to Robin Palmer (palmer@law.und.ac.za) at the University of Natal-Durban (S. Africa).

One of the most interesting things about the responses to the international survey is the variety of sources of funding that people are finding to support their overseas ventures. The primary sources of funds come from U.S. taxpayers via USAID, the Fulbright program, and ABA CEELI/AFLI;



but private organizations such as the Ford Foundation and the Soros Foundation are making significant contributions also. A surprising number of visits are funded by the host law schools.

In no particular order, here are some of the recent projects that you may not have heard about. **Holly Maguigan**, New York Law School was in Pune, India, in January, 1998, consulting with faculty on clinical education and participating in the ILS-sponsored International Workshop on Gender, Justice & Development. She presented a paper on Women and Violence. **Kate Mewhinney**, Wake Forest, taught in a summer program at the University of Venice in July, 1998. **Deborah Moranville**, Washington, went to Kaunas, Lithuania in July, 1998, with six University of Washington faculty and two students to teach U.S. administrative law using simulations.

**Michael Mullane**, Maine, helped establish an in-house clinic at Pomov University in Archangel, Russia during September, 1998. **Jane Schukoske**, Baltimore, visited Kiev and Ostrog, Ukraine, in May and June to provide a perspective on clinical legal education for the law faculties at two newly reopened universities. In December, 1997, **Mark Wilson**, Gonzaga, made a presentation in Buenos Aires, Argentina, to faculty and students from eight South American law schools that participate in a clinic/public law interest consortium. Also participating in this conference were **Clark Cunningham**, Washington-St. Louis, **Martin Geer**, Baltimore, **Jeff Hartje**, Denver, **Steve Meili**, Wisconsin and **Rick Wilson**, American. **Mark Wilson** was in Santiago Chile in June, 1998, to arrange exchanges of two Chilean clinical faculty to Gonzaga University in early 1999. In November, 1998, Mark is making another clinic/public law interest consortium presentation in Lima, Peru. **Janet Stearns**, Washington, taught introduction to American

law and comparative property law at the University of Chile in Santiago from 1996 through the Spring of 1998. An article about her experiences teaching in a foreign country in a foreign language is being published in the Journal of Legal Education.

Please keep me informed of your international activities so I can update the directory and share the news. If you are not sure whether you have already sent information to me about your recent or earlier projects, just ask me via e-mail (ROY@LAW.LAW.SC.EDU). It is easy for me to check. If you want a copy of the directory, either all of it or only a particular region of the world, I will be happy to send it to you.



### Joint Working Group on Accreditation and Standards

Jay Pottenger and Bob Dinerstein

This report is an update of an item included in a recent CLEA newsletter. Because not all Section members would have received that report, we have kept the "Background" section (which is in the middle of this report) as a sort of primer for clinicians new to the ongoing debates over accreditation. The "Recent Developments" and "Next Steps" sections of this report should bring everyone up to speed on the new ABA proposals, current topics, and opportunities for action.

Already 1998 has brought proposals for major structural changes in the governance and oversight of the law school accreditation process. Our Joint Section-CLEA Working Group has been monitoring developments thus far, while also laying the groundwork for an active role in the upcoming discussions within the bar, the federal government, and legal education about where to lodge the powers (i) to set accreditation standards and (ii) to implement them through site visits and compliance reviews. Meanwhile, during the

current academic year, the ABA's Standards Review Committee is considering changes to the heart [Chapters 3 (Program of Legal Education) and 4 (Faculty)] of the 1996 Standards. One key issue before that committee is how to handle ALDA's demands for a weakening of those Standards relating to clinical legal education-including Section 405(c).

## RECENT DEVELOPMENTS

### 1. Structural changes

The ABA leadership has proposed removing all real power over the accreditation process from its House of Delegates, and lodging ultimate authority both to set standards and accredit individual schools and programs with the Council of Legal Education (the governing body for "our" Section of Legal Education and Admission to the Bar, within the ABA). Under the proposal submitted to the U.S. Department of Education last month, the House of Delegates would retain only an "advisory" function, able to require the Council to "reconsider" changes the Council makes to the Standards for Approval of Law Schools. The House would be given a similar "advisory" role on accreditation decisions (pro or con) regarding individual schools and programs. In both cases, the House of Delegates could delay the effective date of Council actions, but the Council would decide (in the end) whether or not to accept the advice of the House. This "House of Lords" power to slow changes down by requiring reconsideration obviously would be a very substantial departure from the current situation, in which the Council's role is to recommend changes to the Standards and/or decisions on accreditation status, but the House of Delegates has the actual power to decide both matters.

This proposal is thus far only that-officially. Unofficially, however, the proposal has supposedly already been blessed

by the U. S. Departments of Justice and Education. Although we understand that the ABA has already gotten informal approvals internally as well, the ABA itself has not formally adopted it, either at the Section or the House of Delegate levels. This proposal will be debated publicly at the Department of Education hearings in early December (probably December 7, in Washington, D.C.). The actual ABA votes on these changes are expected at the ABA's Mid-year Meeting (February 3-9, 1999 in Los Angeles), and again (as to the Section's By-Laws and the ABA Constitution) at next summer's ABA Annual Meeting (August 5-11, 1999 in Atlanta).

If any effort to change or challenge this proposal were to be mounted - and it isn't necessarily clear that one should be - the clinical community would need to figure out its alternative proposal(s), and start organizing immediately. One possible alternative would be to limit the switch of power between the Council and the House of Delegates to federal, Department of Education accreditation matters. This would be most significant to the 17 law schools which are not affiliated with colleges or universities, and whose accreditation for federal purposes (particularly student loans) is thus entirely dependent upon the certification of their accrediting authority by the U. S. Department of Education. Another possible approach would be to remove the House of Delegates as the accreditation authority for individual schools, but keep its current power over the Standards, i.e. as the policy-setter for overall accreditation matters. Discussions on these topics will be ongoing for at least the next several months, as we (the clinical community) try to sort out our options, settle on strategies, and act.

### 2. Standards Review

Meanwhile, the council's current Standards Review Committee has gone to work on proposals to change parts of chapter

3 (Program of Legal Education) and 4 (Faculty) in the 1996 Standards. Section 405(c), which currently requires that clinical faculty be afforded job security and "non-compensatory perquisites" reasonably similar to non-clinical faculty, is under direct attack by ALDA and others. So are other parts of the Standards. Although some of the clinical community is developing particular proposals (and/or responses to ALDA), the Standards Review Committee is open to suggestions from everyone in legal education. Their current schedule calls for an agenda-setting session before Thanksgiving, then a substantive drafting session in mid-December, just after fall term classes end. Final proposals and language are expected to be voted before the ABA's Mid-year Meeting in early February.

This is obviously a fast-track schedule. Accordingly, every clinician is urged to spend some time looking over chapters 3 and 4 of the Standards, and thinking about possible improvements. You can get a copy of the Standards from your Dean, or from the Office of the Consultant in Indianapolis:

James P. White, Consultant  
Indiana University  
550 West North Street, Suite 349  
Indianapolis, Indiana 46202-3162  
(317) 264-8340  
FAX (317) 264-8355

<http://www.abanet.org.legaled>

Your suggestions about amendments can be filtered through an informal clinical drafting committee, chaired by Bob Seibel (now at CUNY):

Bob Seibel  
CUNY Law School  
6521 Main Street  
Flushing, New York  
(718) 340-4206  
FAX (718) 340-4275

[seibel@maclaw.law.cuny.edu](mailto:seibel@maclaw.law.cuny.edu)

or sent directly to the Consultant's office (above address), with a request that they be

distributed to the Standards Review Committee.

### Background

As most of you will recall, the U.S. Department of Education (ED) has the authority to regulate accreditation processes in higher education. For nearly five years, ED has been pressing the Council of Legal Education (the governing body of the American Bar Association's Section of Legal Education & Admissions to the Bar) to bring the accreditation process for American legal education into compliance with the Higher Education Act [20 U.S.C. § 1099b] and its implementing regulations [34 C.F.R. § 602.1 et seq.]. One of the major respects in which the Council and ABA are "out of compliance" is the legal requirement that an accrediting authority must be "separate and independent" of the professional, membership association operating in its field of endeavor.

The Council and ABA do not qualify under their present governance structures, because ultimate accreditation authority--both to set the Standards and to accredit (or not) particular schools--is currently lodged in the House of Delegates (of the ABA). Thus, although the ABA was accrediting American law schools long before the federal government began regulating educational accreditation, the Council (as its "education subsidiary") has been operating under a "waiver" of this requirement for separation and independence.<sup>1</sup>

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<sup>1</sup>These governance issues play out in an important way in the composition of the Council itself. ED requires public membership in any accrediting body it approves. As a result, the Council also voted to make room for them by taking away voting membership on the Council from delegates of both the Young Lawyers' and Law Students' segments of the ABA. Concerned that this change likely will have an adverse impact on

In the view of the ED, another important failing of the current accreditation system is its apparent lack of "valid, reliable, outcome-based standards" for assessing the quality of the legal education currently being delivered by us and our non-clinical colleagues. The ED regulations require an ongoing assessment of the Standards with this in mind. As a result, the Council ordered its Standards Review Committee to accelerate their evaluation of the new, 1996 Standards. This academic year (1998-99) Standards Review will be considering changes to the heart of the Standards (Chapters 3 and 4) - including the Standards that speak to clinical education and clinical status. Randy Hertz (NYU) is the clinician on Standards Review this year. Proposed revisions - including the anti-clinical amendments ALDA has been pushing for - will go to "hearings" before adoption, so stay tuned for further developments. Voting on such changes is likely to occur at the ABA's 1999 Meetings: February 3-9 (in Los Angeles) and/or August 5-11 (in Atlanta).

The ED oversight of accreditation arrangements is handled by a National Advisory Committee, which works with the ED staff to make recommendations to the Secretary of Education. This National Advisory Committee and its ED staff have

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the Council's access to law student's and recent graduates' (those most likely to have clinical experience) views on legal education, a group of clinicians is considering proposing amendments to the ABA Section's By-Laws to restore these seats, and so restructure the composition of the Council. Any such vote would take place at the August 5-11, 1999 ABA Annual Meeting (in Atlanta). We welcome ideas and assistance from the Section membership on this approach; after all, under the ABA's faculty group membership plan, nearly all of us are voting members of the ABA's Section.

ben increasingly impatient with what they have perceived as foot-dragging and stonewalling by the Council and ABA over coming into compliance with ED's 1994 regulations. One source of the ABA's reluctance has been the antitrust action and Consent Decree brought by the Department of Justice (DOJ), in which the ABA agreed to ensure that the practicing legal profession would become more actively involved in the accreditation process, to try and prevent a "capture" of that process by self-interested legal academics. The ABA thus sees a tension between the DOJ and ED regarding the proper role of the profession in accreditation decision-making for legal education. This tension has been exacerbated by an ongoing accreditation struggle between the Council and the Massachusetts School of Law (MSL), in which MSL has cast itself as fighting for lower-cost, more open and accessible legal education, against the Council and the legal establishment, with their allegedly overly restrictive and expensive Standards.

These intertwined issues came to a head this summer. At the Council's June 1998 meeting, the Young Lawyers and Law Students failed to hold onto their voting membership on the council. Then, at the National Advisory Committee's June 1998 hearings, Bob Dinerstein (American) and Jay Pottenger (Yale) watched as the Council's Chairperson was verbally crucified by the ED. Both the ED staff and the Committee were incensed by the refusal of the ABA and Council to present a proposal for how they planned restructure the accreditation process, in order to come into compliance on accreditation authority. Instead, the Council simply said it was "in discussions" with the leadership of the ABA, and would inform the ED "soon" (i.e. in a previously agreed upon September 1998 filing) how it would propose to restructure the accreditation process, and what steps and time frame it would require to

accomplish whatever changes it was proposing.<sup>2</sup>

Ironically, legal academia itself appears to have been largely ignorant of, and excluded from, these important developments. All discussions of these issues at ABA and Council meetings have been conducted in executive session, in the presence of counsel.<sup>3</sup> Many of the council members (we understand) have been listeners rather than active decision-makers.

#### Next Steps

There will be discussion of these issues over the clinical listserv, as well as within the Section (and CLEA), over the next few weeks. Clinicians likely will present testimony to the Department of Education (December 7th in Washington D.C.) And at any Standards Review hearing(s), whether at the AALS Annual Meeting or elsewhere. The ABA and Council/Section meetings on February 6 and 7 (in Los Angeles) and August 5-7 (in Atlanta) may turn out to be very important for the future of clinical legal education. So please:

1. Review and think about Chapter 3 and 4 of the current Standards;
2. Join in the list-serve discussions;
3. Send your suggestions to the clinical committee (c/o Bob Seibel or the Consultant);
4. Be prepared to travel (to testify, to vote, and/or lobby) if we need to muster troops in January (New Orleans), February (Los Angeles) and/or August (Atlanta).



#### **Report of the Political Interference Group** Peter Joy and Chuck Weisselberg

The Political Interference Group (PIG) remains involved in the continuing battle over the Louisiana Student Practice Rule. As most clinicians are probably aware, the Governor of Louisiana and several business groups complained to the Louisiana Supreme Court about the work of Tulane's Environmental Law Clinic. The Governor and business groups requested radical amendments to the Student Practice Rule interfering with the academic freedom of clinical students and faculty and access to the courts for their clients. AALS, CLEA and SALT opposed the amendments.

This summer, the Court announced several changes to the Rule without asking for any public comment on the amendments. The Court added formal indigence requirements for clients of the clinics and extended the indigence requirements to members of groups and non-profit corporations represented by the clinics. The Court also agreed with the business groups that clinics should not be permitted to represent any group or nonprofit with any national affiliation. The Court did turn aside the most invasive suggestions of the business groups, e.g., that clinics submit proposed cases to screening panels comprised of people who hold views on all sides of

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<sup>2</sup>The proposal to shift power from the House of Delegates to the Council, discussed above, is the result of those discussions.

<sup>3</sup>This secrecy is somewhat understandable, both because of legal liability concerns (due to the Consent Decree) and because the plan must be approved by a number of constituencies within the ABA itself, all of which want to have a role in formulating the decision, not simply act as rubber stamps. Moreover, simultaneous discussions have been conducted with both federal departments (ED and DOJ) involved in regulating legal education accreditation activities, in an effort to obtain advance assurances of approval. Plus, as clinicians can perhaps appreciate, the lawyers involved have tried to cloak the entire deliberative process in privilege.

proposed litigation or that clinics be forced to represent some businesses.

Following the announcement of the amendments to the Rule, Tulane and Loyola Law Schools asked the Court to stay the amendments. In addition, the Louisiana State Bar Association, the AALS, and the Attorney General for Louisiana have asked the Court to stay the amendments and provide an opportunity for public comment. Several other groups, such as the League for Women Voters, have joined in this request. There is an indication that the Court is reconsidering the amendments, and there may even be action on this prior to the AALS meeting in January.

If the Louisiana Supreme Court does not reconsider the amendments, there is a strong likelihood that there will be litigation over this matter and very strong support for a demonstration against the Court's action while the AALS meets in New Orleans. Finally, if the academic freedom of clinical faculty and students and access to justice for their clients are not restored, there will likely be a call for a more protracted strategy to combat the Court's actions including a possible boycott of Louisiana and garnering letters of support from all of our law school faculties.

Those of us in PIG are grateful for the support that clinicians around the country have given on this issue. There will be several programs at the Annual AALS Meeting on environmental law clinics, student practice rules and academic freedom. Please contact Peter ([joy@wulaw.wustl.edu](mailto:joy@wulaw.wustl.edu)) or Chuck ([cweissel@mail.law.berkeley.edu](mailto:cweissel@mail.law.berkeley.edu)) if you are interested in working with PIG on political interference or academic freedom issues.



#### FACULTY POSITIONS AVAILABLE

**American University, Washington College of Law**, is seeking a tenure-track **Professor** in its **Clinical Program**, with beginning rank to be determined by experience and qualifications. Responsibilities in the in-house, live-client clinical program include teaching a seminar component of a clinic, conducting case rounds and supervising students on their fieldwork. In addition, clinical faculty teach one course each year outside of the clinical curriculum and participate fully in all aspects of the life of the law school. Clinical faculty are also expected to engage in scholarly research and activities, as well as service to the legal profession, the law school and the university. The Washington College of Law currently has the following clinics: civil practice clinic; criminal justice clinic, (prosecution and defense); domestic violence clinic (criminal and civil); international human rights clinic; community and economic development law clinic; tax clinic; and the women and the law clinic. The Clinical Program is interested in exploring the possibilities for reshaping current clinics or creating new ones. The applicant's specific teaching responsibilities will depend on experience, interest, and the overall needs of the clinical program.

Minimum qualifications include a J. D. degree, outstanding academic record, four year's experience as a lawyer, and membership in a bar. Desired qualifications include prior experience or training as a clinical teacher, legal publications, and participation in clinical teachers' conferences and workshops. American University is an

EEO/AA employer committed to a diverse faculty, staff and student body. Minority and women candidates are encouraged to apply. Applications consisting of a curriculum vitae and cover letter should be sent to:

Office of the Dean  
American University  
Washington College of Law  
4801 Massachusetts Ave. NW, Suite 366  
Washington D. C. 20016-8192



**The University of Baltimore School of Law** invites applications for a **fellowship** to start in May, 1999 in the Community Development Clinic (CDC). This public interest fellowship program offers practicing attorneys exposure to law school clinical teaching.

The fellow's duties include direct supervision of case work of clinic students and clinic classroom teaching in coordination with clinic faculty. The fellow also pursues a personal learning plan negotiated with the clinic director.

This position is a contractual appointment for up to two years. (Non-renewable). Qualifications: excellent oral and written communication skills; at least two years of experience as a practicing lawyer; a strong academic record and/or other indicia of high performance ability; commitment to work for low income communities; and a lively interest in teaching. Salary: \$42,000 year 1; \$45,000 year 2. Over six years experience: \$45,000 year 1; \$48,000 year 2. Plus full benefits, including retirement annuities, research support and travel allowance.

The CDC represents community associations and other organizational clients in distressed urban neighborhoods. Students receive 12 credit hours for their year-long work in the clinic. Students work an average of 20

hours/week, on cases and in a class covering substantive law, lawyering skills and policy. The CDC's work includes:

- \*strengthening of community organizations (incorporations, bylaws, application for recognition of 501(c)(3) tax exempt status)

- \*anti-crime efforts (drug nuisance abatement and defensible space)

- \*job creation/economic development

- \*housing redevelopment (HOPE VI, receivership actions to gain control of vacant housing)

To apply, submit a letter of interest and resume by February 1, 1999 to:

Professor Jane Schukoske, Director  
Community Development Clinic  
University of Baltimore School of Law  
40 W. Chase Street  
Baltimore, Maryland 21201  
Phone: (410) 837-5713  
Fax: (410) 333-3053

The University of Baltimore is an equal opportunity employer. Minority candidates are encouraged to apply.



**The University of Chicago Law School** seeks applicants for clinical teaching positions. Applicants must be capable of teaching advocacy skills and methods to law students and supervising those students in complex litigation and other advocacy on behalf of indigent clients of the Law School's Mandel Legal Aid Clinic. Depending on qualifications and experience, an appointment may be made as either a Clinical Lecturer in Law for two-year terms up to a maximum of four years or in the Clinical Professor Law track as an Assistant, Associate or full Clinical Professor of Law with indefinitely renewable terms of either three or five years. Please send resumes to:

Mark J. Heyrman  
Arthur O. Kane Center for  
Clinical Legal Education  
University of Chicago Law School  
6020 South University Avenue  
Chicago, Illinois 60637  
Fax: (773) 702-2063



**The University of Denver College of Law** invites applications for two full-time, tenure-track **Clinical Faculty** positions for Fall 1999. Our Student Law Office trains approximately 100 students each year in its Civil Representation, Criminal Representation, and Mediation/Arbitration and Battered Women's Clinics. The clinical staff consists of two clinical tenure-track faculty members, a clinical teaching fellow, and tenured faculty members who also teach non-clinical courses. The Student Law Office operates year round, supervising students on an 8:1 ratio. The Director of Clinical Programs and three secretaries provide support for these live-client clinics and for our extensive internship programs. In 1904 the College of Law created the second "legal aid dispensary" in the U. S., to aid the poor and to train students. Continuing today, clinical education is an integral part of the educational program of the school. The faculty, the new clinical director, and the new dean are working together to strengthen and enhance clinic programs. Appointments will be made on a flexible nine-month basis to ensure staffing in the summer and to allow clinicians a three month period for scholarly activities. Faculty members on a clinical tenure-track are entitled to benefits and privilege comparable to those awarded to all tenure-track faculty, except that they are restricted to teaching and supervising in clinical

courses in client representation; classroom teaching in clinical and internship programs; design and development of specialized clinics, primarily in a poverty law setting; and development of lawyering skills and professional values.

The College of Law seeks individuals with demonstrated potential for superior scholarly achievement and excellent clinical teaching. Professional practice experience is highly desirable. We will consider applications from both entry-level and experienced candidates with a J.D. Degree, willingness to apply for and obtain licensure in Colorado, and prior practice and/or clinical supervision experience.

The University of Denver is committed to enhancing the diversity of its faculty and staff and encourages applications from women, persons of color, persons with disabilities, and veterans. Contact:

Professor Alan K. Chen  
Chair, Faculty Appointments Committee  
University of Denver  
College of Law  
1900 Olive Street  
Denver, CO 80220



**Florida State University College of Law** seeks candidates for an **endowed professorship** beginning in the 1999-2000 academic year. The professorship requires both an involvement in public interest law and academic teaching, research and writing. Candidates should demonstrate a record of, and continuing interest in, representing those in our society with the greatest need for representation. Candidates should have a distinguished academic record that demonstrates a strong potential for scholarly achievement. The College of Law seeks to foster and enhance intellectual diversity and



encourages applicants by members of all under-represented groups.

Contact:

Charles W. Ehrhardt, Chair  
Goldstein Professorship Appointment  
Committee  
c/o Janet Hughes  
Florida State University  
College of Law  
Tallahassee, FL 32306-1601



**Georgetown University Law Center** seeks applicants for a full time tenure-track faculty position, whose responsibilities include teaching in the Criminal Justice Clinic and the Prettyman Fellowship Program. Candidates should have a distinguished academic record, a commitment to scholarship, and substantial experience in criminal trial litigation. Women and men who will contribute to Georgetown's traditions of excellence and diversity, including members of minority groups, are encouraged to apply.

The person appointed will be responsible for supervising JD students and LL.M. fellows representing defendants charges with felonies and misdemeanors, teaching the clinic seminars, managing the activities of the fellows associated with the Clinic, and working with other faculty and staff in the Criminal Justice Clinic. Interested applicants should send a curriculum vitae and cover letter to:

Professor Robin West  
Chair, Faculty Appointments Committee  
600 New Jersey Avenue, N. W.  
Washington, D. C. 20001



**Georgetown University Law Center** is pleased to announce the availability of

graduate law fellowships to commence in the summer of 1999. This fellowship program is unique in American legal education. Each fellowship is associated with one of the Law Center's clinical programs, and each offers the opportunity to combine study with practice in the fields of clinical legal education and public interest advocacy. Georgetown now offers 13 in-house clinical courses, with over 300 students participating each academic year. Fourteen members of the full time faculty, four visiting faculty, twenty-four graduate fellows, and numerous adjunct instructors devote a substantial portion of their teaching energies to clinical education.

The fellowships vary considerably in purpose, requirements and duties. They all share, however, a common goal. All fellowships offer interaction among faculty, students, and clients, and provide an opportunity for personal education and professional development. Each is designed to provide highly motivated lawyers the opportunity to develop skills as teachers and litigators within an exciting and supportive educational environment.

Typically, fellows enroll in a two year program during which they are in residence at a specific Georgetown Clinic. Upon completing the residence and the requirements for graduation, a fellow is awarded the degree of Master of Laws (Advocacy). The fellowships usually begin in the late summer with an intensive orientation. The training program is designed to immerse the new fellow in the substantive law applicable to a particular clinic and to train the fellow for the specific tasks to be undertaken in the clinical setting.

The Fellowship program offers a stipend of approximately \$32,000 (taxable) per annum,

plus all tuition and fees in the LL.M. program.

Additional information may be obtained from:

Wallace J. Mlyniec  
Associate Dean for Clinical Education  
600 New Jersey Avenue N. W.  
Washington, D. C. 20001



**Howard University School of Law** is seeking a tenure-track **Professor** in its **Clinical Program**. The School of Law is seeking a senior-level person for a one to two year visiting position with the intention that the person would become a regular tenured or tenure-track member of the faculty should the professor and the Law School find the arrangement mutually satisfying.

Responsibilities in the in-house live-client clinical program include teaching a seminar component of a clinic, conducting case rounds and supervising students in their fieldwork. In addition, clinical faculty teach one or two courses each year outside of the clinical curriculum and participate fully in all aspects of the life of the law school. Clinical faculty are also expected to engage in service to the legal profession, the law school and the university. The candidate should have a scholarly record commensurate with that of a senior level faculty member.

Howard University School of Law currently has two in-house clinics. One is a criminal defense clinic in which students represent persons accused of misdemeanors. The criminal defense clinic also represents juveniles in the delinquency system. The other clinic is a general practice civil clinic representing the elderly of the District of Columbia. The Law School is interested in exploring the possibility of restructuring the current clinics and/or creating new ones.

The applicant's specific teaching responsibilities will depend on experience, interest, and the overall needs of the clinical program.

Minimum qualifications include a J.D. degree, outstanding academic record, six years of experience as a lawyer, and membership in a bar. Minimum qualifications also include prior experience or training as a clinical teacher, legal publications, and participation in clinical teachers' conferences and workshops.

Howard University is an EEO/AA employer committed to a diverse faculty, staff and student body. Minority and women candidates are encouraged to apply.

Applications consisting of a curriculum vitae and cover letter should be sent to:

Michael D. Newsome  
Associate Dean of Academic Affairs  
Howard School of Law  
2900 Van Ness Street, NW  
Washington, D. C. 20008



**Loyola University Chicago School of Law** invites applications for an appointment as Director of the Loyola University Community Law Center. This position provides a unique opportunity to head a well established law school clinic which has been in operation for eighteen years, and to help guide the Clinic into the next century. The law school is located at the University's Water Tower (downtown) campus in close proximity to many interdisciplinary service-oriented programs and centers, including Loyola's Center for Aging Studies and Loyola's Center for children and Families. The University has a great interest in developing additional programs to serve the poor and disadvantaged populations in Chicago. The Director will be responsible

for a wide range of administrative duties, including grant writing and cooperative efforts with other Loyola centers, as well as the overall supervision of the Community Law Center. Loyola's Community Center currently serves indigent persons with civil legal problems in the areas of family, employment, disability, and housing law; we hope to develop additional areas of service. Candidates for this Directorship appointment should have outstanding academic credentials, professional and administrative experience, strong interest in clinical and interdisciplinary education, and a demonstrated excellence in scholarship and teaching. Admission (or eligibility for admission) to the Illinois bar is expected. Loyola is interested in having a wide variety of perspectives represented within the University, and we especially encourage applications from women, minorities, and persons with disabilities. Candidates should send full vitae. (Please: No writing samples or recommendations at this time.) Contact:

Professor Anne-Marie Rhodes, Chair  
Law School Committee on  
Faculty Appointments  
Loyola University  
Chicago School of Law  
One East Pearson Street  
Chicago, IL 60611



**Santa Clara University School of Law** is seeking a licensed attorney to teach law students in a clinical setting in East San Jose, California. Candidates must have experience in legal matters affecting small business development and employment law. The attorney will be responsible for supervising student's work at the East San Jose Community Law center. Half of the attorney's time will be spent on small

business issues, and the remaining half on employment matters. Small business work involves advising low-income clients regarding legal questions arising in business start-ups and on-going enterprises. Candidates should be familiar with business permits and licenses, basic business tax laws, and business property law. Employment cases involve primarily wage and hour and unemployment matters, with some workers' compensation cases. The attorney will help students handle cases in court and before administrative agencies. The East San Jose Community Law Center is a clinical program of Santa Clara University School of Law. The Center is located in East San Jose, CA and provides free legal services to low-income persons in employment, immigration, consumer, and small business matters. Law students gain practical, hands-on experience with the legal needs of low-income clients under the guidance of experienced, dedicated instructors. Essential duties include supervising students in the work of assisting clients, review and evaluate potential cases, handle caseload when students are unavailable and review and approve all documents students prepare. Also supervise or do outreach to the community (e.g. presenting workshops, working with the media) and public education about relevant legal matters and prepare reports on project accomplishments for funders is expected. Candidates must be admitted to practice law in California for at least two years. Spanish fluency and community education work desirable. Candidate should have strong writing skills and be flexible, organized and efficient. Must be able to work with a variety of people, including low-income clients and law students. Salary is dependent upon experience.

Send resume and cover letter to:

Margaret Stevenson  
Project Director  
East San Jose Community Law Center  
1765 Alum Rock Avenue  
San Jose, CA 95116  
(408) 254-7726



**Southern Methodist University School of Law** is seeking to fill the faculty position in its Criminal Justice Clinic for the fall of 1999. The Criminal Justice Clinic is an established in-house clinic with approximately 12 students enrolling in the six credit clinic each semester. In addition, there is a staff attorney with over 18 years of clinical and legal defense experience who assists with the student and case supervision. The faculty's responsibilities include teaching the classroom component of the clinic course, student and case supervision, overall administration of the Criminal Justice Clinic, and research and scholarship. Clinical faculty at SMU are hired on a unitary tenure track and participate fully in the governance of the school. SMU will consider both experienced and entry level clinicians with excellent legal experience and credentials. The school is seeking to continue to diversify its faculty and particularly encourages applications from women and minorities. Applications consisting of a curriculum vitae and cover letter should be sent to:

Professor John Lowe  
Chair, Faculty Appointments Committee  
Southern Methodist University  
School of Law  
Dallas, TX 75275-0116



**Stanford Law School and the East Palo Alto Community Law Project** seek an

experienced **attorney** to provide direct legal services and supervise and train clinical law students. The Law Project, with a dual mission of providing quality legal representation and quality clinical training to its target community, offers a diverse and challenging opportunity to engage in individual and group representation; community legal education; community organizing and impact litigation.

The attorney will assume responsibility for current casework and legislative efforts focused primarily on housing issues. Attorneys with relevant civil practice experience outside the area of housing are also encouraged to apply.

The teaching responsibilities include working with students individually and teaching a seminar related to clinical practice.

Minimum requirements: J.D.; along with four years of relevant practice experience; evidence of teaching ability; interest in supervising clinical students; ability to work effectively in a diverse, multi cultural community. Spanish language proficiency, and active license to practice in California desirable.

Term: This is a three-year renewable appointment, at both Stanford Law School and the Law Project. The appointment at Stanford will be as a lecturer. Start date will be as early as January, 1999 and no later than June 1, 1999.

To apply: Please send a 2-page cover letter explaining your interest in the position and a resume, by December 1, 1998, to:

R. Renee Glover  
Executive Director  
East Palo Alto Community Law Project  
1395 Bay Road  
East Palo Alto, California 94303



**The University of Tennessee College of Law** invites applications for a full-time, tenure-track faculty position to commence in the fall semester of 1999. The principal focus of the position is in the area of clinical teaching and lawyering skills.

A J.D. or comparable degree is required. Successful Applicants must have a strong academic background and be able to satisfy the requirements for admission to the Tennessee Bar. Substantial professional experience and/or experience in clinical and skills teaching is desirable. Candidates must also demonstrate a commitment to excellence in teaching, scholarship and service.

In furtherance of the University's and College's fundamental commitment to a diverse faculty, minority group members and women are encouraged very strongly to apply.

Send resume to:

Professor Douglas A. Blaze  
Chair, Faculty Appointments Committee  
University of Tennessee  
College of Law  
1505 W. Cumberland Avenue  
Knoxville, TN 37996-1810

UTK is an EEO/AA/TITLE VI/TITLE IX/SECTION 504/ADA/ADEA Employer.



**The University of Tennessee College of Law** invites applications for the position of **Director of the Center of Advocacy** to commence July 1, 1999.

This position is a twelve-month tenure-track faculty position with broad responsibilities including: directing and coordinating the advocacy curriculum; teaching advocacy related courses; facilitating advocacy-related activities at the College of Law; promoting interaction between students and faculty of the College of Law, other members of

University community, and members of the legal profession; publicizing and fundraising for the Center of Advocacy; advising students, facilitating advocacy-related research; and contributing to legal scholarship.

A J.D. or equivalent is required. Candidates must have a strong academic record, a distinguished career in practice and/or advocacy-related teaching, administrative or management experience or interest, and a demonstrated interest in bar and professional organizations and activities. The successful candidate will have an understanding of, and demonstrated commitment to equal employment opportunity and affirmative action.

In furtherance of the University's and College's fundamental commitment to a diverse faculty, minority group members and women are very strongly encouraged to apply.

Send resume to:

Professor Jerry P. Black  
Chair, Search Committee  
University of Tennessee  
College of Law  
1505 W. Cumberland Avenue  
Knoxville, TN 37996-1810

UTK is an EEO/AA/TITLE VI/TITLE IX/SECTION 504/ADA/ADEA Employer



**Washburn University School of Law** (Topeka, Kansas) is seeking applications for the position of **Director of the Law Clinic**. This is a tenure-track position carrying full faculty status. The Clinic Director teaches at least 3/4 time in the law clinic and may also teach a traditional classroom course. Applicants should have experience teaching in a live-client clinic, an excellent academic record, scholarly potential, significant legal practice experience, and demonstrated

administrative ability. Law clinic faculty may be admitted to the Kansas bar without an exam.

Washburn's clinic is distinctive because we have a long tradition - in fact since the clinic's inception in 1969-of hiring tenure track faculty to teach both in the clinic and the regular classroom, with no distinction in status, salary, or benefits. The Clinic Director teaches 3/4 time in the law clinic and may also teach a traditional classroom course. Five out of twenty-seven members of our full-time faculty teach in the law clinic. Our clinic is a live-client general practice (both civil and criminal) clinic in which students enroll for one semester, for four or five hours of credit. The students are assigned to be supervised by one faculty member who selects cases within his or her expertise and interest. Thus our caseload is flexible, depending upon faculty interest. Students also have an opportunity to engage in mediation through local courts and agencies. A limited number of students are permitted to take an advanced clinic internship after the completion of the first semester. The clinic operates year round and the Director is on a 12 month contract, with one month vacation.

Applications will be accepted through November 30, 1998 and until such later time as the suitable applicant is found. Interested applicants should send a letter, a resume, and a law school transcript to:

Professor Sheila Reynolds  
Chair, Faculty Appointments Committee  
Washburn University School of Law  
Topeka, Kansas 66621



**Widener University School of Law's Harrisburg Campus** is seeking an experienced clinical teacher to fill a tenure-

track Director of Clinical Programs position. The director will work in the Civil Law Clinic, which handles a variety of civil cases, and also teach in the classroom. Candidates should have clinical teaching and practice experience, strong academic records, and a commitment to scholarship. Widener encourages applications from members of minority groups and women. Applicants should send a resume and the names of three references to:

Professor Michael J. Cozzillio  
Widener University School of Law  
3800 Vartan Way  
P.O. Box 69382  
Harrisburg, PA 17106-9382



**The University of Wyoming College of Law** invites applications for a tenure-track position to begin with the 1999-2000 academic year. The person selected for the position will serve as **Director of the College's Defender Aid Clinic**. Students in the clinic do appellate work in the Wyoming Supreme Court in cooperation with the State Public Defender office, advise inmates in the Wyoming corrections system, and assist public defenders throughout the state with research and writing. Third-year students are authorized under the student-practice rule of the Wyoming Supreme Court to appear in any court of the state with the consent of the client and under the supervision of a licensed attorney.

The responsibilities of the position also include teaching and scholarship. The successful candidate will teach approximately six hours of regular classroom courses per year, including, for example, courses in criminal procedure. Applicants should have strong academic credentials and a commitment to engaging in research and scholarship.

The college seeks applicants with practice experience in criminal law, at the trial and appellate levels. Applicants must have a demonstrated interest in clinical education. The College of Law encourages applications from persons whose backgrounds would enhance the diversity of the faculty.

Contact:

Dean Jerry R. Parkinson  
University of Wyoming  
College of Law  
P.O. Box 3035  
Laramie, WY 82071-3035



PUBLICATIONS BY CLINICIANS

**Aiken, Jane Harris** (Wash U) *Sexual Character Evidence in Civil Actions: Refining the Propensity Rule*. 1997 Wis. L. Rev. 1221-1273. . . **Alfieri, Anthony V.** (Miami) *Black and White. (Reviewing Critical Race Theory: The Cutting Edge* edited by Richard Delgado; and *Critical Race Theory: The Key Writings That Formed the Movement*, edited by Kimberley Crenshaw, Neil Gotanda, Gary Peiler and Kendall Thomas) 10 LaRaza L. Rev. 561-600 (1998). . . and *Race Trials* 76 Tex. L. Rev. 1293-1369 (1998). . . **Babb, Barbara A.** (Baltimore) *Fashioning an Interdisciplinary Framework For Court Reform In Family Law: A Blueprint To Construct A Unified Family Court* 71 S. Cal L. Rev. 469-545 (1998). . . **Cahn, Naomi R.** (GWN) *The Moral Complexities of Family Law* (Reviewing Nancy E. Dowd, In Defense of Single-Parent Families; and Barbara Dafoe Whitehead, The Divorce Culture.) 50 Stan. L. Rev. 225-271 (1997). . . **Capowski, John J.** *Statements Against Interest, Reliability, and the Confrontation Clause*. 28 Seton Hall

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*International Criminal Court Statute: Jurisdiction and Admissibility* (forthcoming) 9 Crim. L. F. (1998). . . **Polikoff, Nancy D.** (AU) *Context and Common Sense: the Family Law Jurisprudence of Julia Cooper Mack* 40 How. L. J. 443-458 (1997) and *Resisting "Don't Ask, Don't Tell" In The Licensing of Lesbian and Gay foster Parents: Why Openness Will Benefit Lesbian and Gay Youth* 48 Hastings L.J. 1183-1193 (1997). . . **Quigley, William P.** (Loyola New Orleans) *The Quicksands of the Poor Law: Poor Relief Legislation in a Growing Nation, 1790-1820* 18 N. Ill. U.L. Rev. 1-98 (1997). . . **Saunders, Kurt M.** (Dusquesne) *Race and Representation in Jury Service Selection* 36 Dusquesne Law Rev. 49 (1997). . . **Stearns, Janet Ellen** (U.Wash) *Reflections On Teaching In Chile* 48 J. Legal Educ. 110-119 (1998). . . **Strong, Graham B.** (Richmond) *The Lawyer's Left Hand: Nonanalytical Thought in the Practice of Law.* 69 U. Colo. L. Rev. 759-798 (1998). . . **Taifa, Nkechi** (Howard) *Codification or Castration? The Applicability of the International Convention to Eliminate All Forms of Racial Discrimination to the U. S. Criminal Justice System* 40 How. L.J. 641-688 (1997). . . **Tokarz, Karen L.** (Wash. U.) *A Manual For Law Schools On Adjunct Faculty* 76 Wash. U. L. Q. 293-309 (1998).



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**Aaronson, Mark Neal** *We Ask You To Consider: Learning About Practical Judgement in Lawyering* p. 247-320. . . **Gellhorn, Gay** *Law and Language: An Empirically-Based Model For the Opening Moments of Client Interviews* p. 321-358. .

**Kovach, Kimberley K.** *The Lawyer As Teacher: The Role of Education in Lawyering.* p.359-390. . **Smith, Linda F.** *Medical Paradigms For Counseling: Giving Clients The Bad News* p. 391-431. . **Eagly, Ingrid** *Community Education: Creating A New Vision of Legal Services Practice* p. 433-530. . **O'Grady, Catherine Gage** *Preparing Students For The Profession: Clinical Education, Collaborative Pedagogy, and the Realities of Practice* p. 485-530.



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**Joy, Peter A. and Charles D. Weisselberg** *Access to Justice, Academic Freedom, and Political Interference: A Clinical Program Under Siege* p. 531-537. . . Submission of the **Association of American Law Schools** to the Supreme Court of the State of Louisiana Concerning the Review of the Supreme Court's Student Practice Rule p. 539-569. . . Submission of the **Clinical Legal Education Association** to the Supreme Court of the State of Louisiana Concerning the Review of the Supreme Court's Student Practice Rule p. 571-582.



**Carol Izumi** (Washington) and **Kimberly O'Leary** participated in the Dispute Resolution Institute of Hamline University School of Law in the Summer of 1998. Carol Izumi presented a course on Mediation Skills. Kimberly O'Leary presented a course on Interviewing & Counseling.



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**CONTINUING SURVEY OF CLINICIANS  
WHO HAVE CONSULTED OR TAUGHT IN A FOREIGN COUNTRY**

This is part of an ongoing project to identify clinical teachers who have served as consultants on legal education or who have taught in any capacity in other countries (including their own schools' semester abroad or foreign summer programs). The compilation now includes approximately 120 clinicians and 60 countries. The information can be accessed via CLEA's website: <http://www.clea.cornell.edu>, or a hard copy can be obtained from Roy Stuckey.

If you fall into any of the categories or know someone who does, please fill out this form (or report the information in any format) and send it to:

Roy Stuckey  
USC School of Law  
Columbia, SC 29208  
803/777-2278; FAX 803/777-3401  
NET: Roy@Law.Law.SC.EDU

Confirmed plans for future activities should also be reported. We welcome listings from Canadian members of the AALS Section on Clinical Legal Education.

If you want to report more than one international teaching or consulting experience, please complete multiple copies of the survey or write on the back of this form.

Your Name: \_\_\_\_\_ School: \_\_\_\_\_

Country: \_\_\_\_\_

City: \_\_\_\_\_

Institution: \_\_\_\_\_

Duration/Dates: \_\_\_\_\_

Source of Funding (circle as many as apply):

sabbatical; CEELI/AFLI; foreign school; foreign government;

Fulbright; other: \_\_\_\_\_

Brief Description of Purpose (including any subjects taught):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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Membership in the Section on Clinical Education runs from January through December.

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Name of University: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

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State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Office Telephone: (     ) \_\_\_\_\_ Fax Telephone: (     ) \_\_\_\_\_

INTERNET: \_\_\_\_\_

(over)

Graduated Law School: 19 \_\_\_\_ Years Full-Time Teaching \_\_\_\_ Years Part-Time Teaching \_\_\_\_

I am overall director of clinical law programs at my law school: \_\_\_\_ (Yes or No)

Subject Matter of Clinic(s) in which you are now type of Clinic  
teaching or in which you customarily teach(Externship/In-House/Simulation)

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Subject Matter of Non-Clinic course/sType of Course  
that you teach(Seminar/Large Classroom/Other)

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What is your employment status in the law school (i.e., long-term contract, short-term contract, tenured, tenure-track, clinical tenured, clinical tenure-track)?\* \_\_\_\_

Do you work full-time or part-time (percentage if part-time)? \_\_\_\_

Are you funded through hard or soft money (percentages if combined funding)? \_\_\_\_

Salary:\* \_\_\_\_ Number of Months \_\_\_\_

Gender:\* \_\_\_\_ Race/Ethnicity:\* \_\_\_\_

Do you wish to be notified of activities targeted at clinicians of  
color?\*\* \_\_\_\_

Do you wish to be notified of activities targeted at lesbian/gay/bisexual  
clinicians?\*\* \_\_\_\_

Do you wish to be notified of activities targeted at women  
clinicians?\*\* \_\_\_\_

\* Salary, tenure status, gender and race/ethnicity are not released in any member-identifiable  
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\*\* This information will only be released to the applicable caucus of clinicians of color,  
lesbian/gay/bisexual clinicians, or women clinicians to facilitate activities approved by that  
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