

**Transcription of the Oral History with
Eric Scott Sirulnik
December 17, 2002**

Ogilvy: I want to ask you what your first experience with clinical legal education was.

Sirulnik: Well, actually, I was a student in one of the first programs – I think in the country. It was 1968, and I was a student prosecutor in Roxbury District Court in my third year at Boston University Law School.

Ogilvy: What did you do?

Sirulnik: Well, we handled largely probable cause hearings. In Massachusetts, the criminal system works that in order to be bound over for grand jury action in a felony case, you go through a probable cause hearing. And I was working with the Roxbury Prosecutor's Office. Actually my first case was against F. Lee Bailey – he was the defense attorney. I did that for a year. And that I think more than anything turned me around to become a defense attorney. It was the experience I had in the system. If you can imagine what

0:01:00 Roxbury was like in 1968, it was a pretty awful place to be a citizen. There were a number of incidents that sort of energized me such that if I had not reached a conclusion before then, I did reach the conclusion then to go into public interest work. So I did that for a year and I had four trials.

Ogilvy: Wow. How was the program structured?

Sirulnik: I had two supervisors, one of whom by the way was the prosecutor in the Chappaquiddick case. He prosecuted Ted Kennedy, and he was uniquely fit for that position due to his own, I'll just say social skills. And I won't name him now. There were only six of us in the program. It was very small, and we would be assigned a case, no classes per se. It would sort of be like you were a new kid in the office. And we would practice. I remember practicing my presentation of evidence on an old reel-to-reel recorder over and over again. Basically you were thrown into the fire. It was very little training. You'd ask questions. Any questions you had were answered, but there was nothing given gratuitously.

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Ogilvy: Do you know if this was the first year they offered this?

Sirulnik: Yes, it was.

Ogilvy: It was the first year?

Sirulnik: Yeah. It was 1967 when it started, in the fall of 1967.

Ogilvy: Wow. Why did you come to law school in the first place?

Sirulnik: That's a really wonderful question. I didn't know. I was very young. I was a year or two younger than most kids that graduated, and I really didn't know what I wanted to be when I grew up. And I had sort of the impression that law would be a good preparation for any number of careers. I had always been – I was a government major in undergraduate school, and I thought I wanted to go into some sort of public service. I had actually thought of the State Department and took the foreign service exam while I was in law school. But things being what they were, I sort of developed in that era of the '60s – Vietnam – Boston was an incredible place to be. My orientation and my idea of why I would practice law changed dramatically in the two or three years I was there. I mean I had actually begun in my last year applying to insurance companies to do public interest law. In the end I volunteered to be a VISTA lawyer in a program here in Washington, which was run by Jean and Edgar Cahn, and it was the first year of the Urban Law Institute. Actually, coincidentally, it was part of GW. And I spent 18 months after that doing work with Neighborhood Legal Services three days a week and attending classes two days a week.

Ogilvy: So it was a joint kind of program where you got credit?

Sirulnik: Yes. You got a full scholarship. It was run by OEO Legal Services, may it rest in peace, in the day when they were doing good things. There were three classes of 25 students that were picked from graduates all over the country. I was in the first class. Sort of coincidentally, I guess largely because of my age, I stayed in till the end of the program.

Everyone else dropped out when they turned 26, because it was a deferment. But there were some of us that went on and continued to do public interest things. But I really didn't have any concept of what being a lawyer was, and my experience in that period molded me to doing what I did for the rest of my life professionally.

Ogilvy: What kind of cases did you have at Neighborhood Legal Services?

Sirulnik: I did largely tenants councils. So I worked with Florence Roisman, who is head of the law reform unit. I did a lot of draft counseling. There were some interesting stories there. It was a very hard time. I came in August of 1968 after the riots, and Neighborhood Legal Services had been pressed into emergency duty. So you still had some criminal cases, although as you know there's no criminal jurisdiction now certainly with the Legal Services Corporation, and before them with OEO Legal Services there was none. So we did some cases involving some of the looters and so forth. But there was a lot of emphasis then on community building – everything from a people's park, getting it licensed and built to I think one of my greatest early accomplishments in that time was a tenants council at 1401 Fairmont Street, which eventually the tenants ended up owning the building and still do. That was a big success.

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Ogilvy: Yeah, did you work closely with Edgar on that?

Sirulnik: I did. With Edgar and Jean. In fact, when I graduated from the program, after 18 months,

0:06:00 I was made assistant director for curriculum development. So I worked with Jean producing clinical curricula.

Ogilvy: Tell me a little bit about that.

Sirulnik: Well, the Urban Law Institute was, as you know, I mean on the cutting edge of clinical legal education. It went on to become Antioch Law School, which is now of course UDC. And, they were very, very exciting times. I remember we were doing some work on community development in rural areas, and we were helping Native Americans. Edgar Cahn had written a number of very seminal pieces on the then-existing situation with Native Americans. One book was *My Brother's Keeper*. So, anyway, we had a project doing some work on an Indian reservation in Wyoming. As an expert to help us work on this, Edgar and Jean brought in Jane Fonda, who at that point that was her, I hate to say shtick, but that was the cause célèbre of that period in their life. So we worked with her and some of the people at the Navajo Nation and so forth, always from Washington. But we had a fairly large budget, so some of us were actually flown to different areas in the country to help assist projects there while we were still in school, while we were getting credit towards our master's degree. And it was just an incredible experience.

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Ogilvy: Wow, it was all funded by OEO?

Sirulnik: All entirely funded by OEO for three years, yeah.

Ogilvy: That's incredible. That's incredible. And, pretty heady stuff for a guy a couple of years out of law school!

Sirulnik: Yeah it was. And that was basically it. But in terms of the people we were representing, we were the only lawyer in town. It was never, ever treated with any disrespect or -- if they only knew what I didn't know, it might have been a different story. But we had

0:08:00 some tremendously exciting and dramatic cases. And you sort of winged it. And, again, it was a situation where we had classes in community organization, classes in policing the community, classes in housing and the poor. I remember getting a "D" on a paper in housing and the poor because what I had suggested that the tenants do was go out to the suburbs and picket the landlord's house. And the professor who was teaching the course, who will remain nameless, thought that was awful. To invade, you know, the Virginia neighborhood's privacy with a matter that was clearly, you know, confined to legal issues in the District. So there was still a little bit of resistance to some of the bigger, dramatic things. But they were very, very, exciting times. We did everything from, you know, representing, as I said, tenants councils, food co-ops, draft counseling in an era when -- I

0:09:00 remember once a young man came to Neighborhood Legal Services Office -- that's where we assigned the VISTA lawyers, on 14th and Park Road -- and this is September or October after the riots, and this kid comes in and it's 5:00 and it's late, and he's looking very hang-dog, as well he would because he just got his induction notice. And I said,

“Well, are you going to tell me a little bit about yourself?” It turns out he was one of five kids, the oldest. Mom was a single parent, bedridden. He was supporting the family. And I said, “Well I think you have a chance, you know, as a sole-supporting dependent to get a deferment.” He says, “That means I don’t have to go?” And I said, “Yeah, if you’re lucky, but it’s kind of late here. We have to do an emergency appeal.” So I did the brief and the order to try to get a stay through the selective system. And I handed it to one of the secretaries, and she refused to type it. And I said, “What’s the matter? Is it my handwriting?” And she said, “No. I think he should go. My brother went. My cousin went.” So there were challenges on all different levels here. But we did a little bit of everything. It was a wonderful experience for me. I’ve always said I think it did more for me than any of my clients.

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Ogilvy: Yeah, yeah. Was there anyone that you particularly worked with during this time?.

Sirulnik: I worked with Gene Chase, who was then the director of the Neighborhood Legal Services Office. I was in Office No. 3. I worked with a wonderful gentleman who is still practicing and doing labor law, named Woody Osborne. He was in Neighborhood Legal Services. I worked with Paul Webber, who’s a judge now in Superior Court. Webber and Osborne were my immediate supervisors. And I remember once there was a group of five of us that were helping to represent a large tenants complex on 14th Street. And the UPO Office, which is one of the local development agencies, had its office there and they weren’t doing enough. So the tenants group voted to go in and do a sit-in in the UPO

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Office. And there were three lawyers working on the case. We drew straws, and I was the one that was allowed to stay outside to call for help when they got busted, which of course they did. So I remember calling Paul Webber, who was on duty at the Neighborhood Legal Services Office No. 3 and giving him the situation that my two colleagues were being marched off to the slammer. He said, "They're where? They're what?" It was like, you know, lawyers don't do that. And I said, "Well, one out of three stayed outside to be lawyers and the others did what the council wanted." Those were exciting times. It's – Clifton Terrace was the building, and as you know that's gone through several iterations, and I think it's finally back on track to be a functioning tenant-owned building.

Ogilvy: That's terrific. Wow. So, let's see, then you became an assistant director?

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Sirulnik: An assistant to Jean and Edgar Cahn during – I still had cases and my clients, but what I was attempting to do was to take those cases and clients and develop curriculum. We did a text for Civil Procedure, I remember, based on housing law cases. And the idea was not just that it would be a good clinical text, but it would be useful to integrate into the mainline curriculum of the law school. So we did this case, one case from start to finish. Real pleadings, real investigative reports, so forth, and made a little casebook out of it, and it was used for two years by one of the Civil Procedure teachers there. We did a consumer curriculum. I worked with a fellow named Don Rothchild, who was then with GW faculty. He wasn't in my program, but that was – my master's thesis was doing

0:13:00 something on mortgage speculation and redlining in an early day. I also did a project – I did a consumer curriculum for high school students feeling that was the best way to educate parents. Kids were still in school, so we did a lot of curriculum development. And when I say curriculum development, it wasn't always traditional Torts and Property Law.

Ogilvy: Were these materials picked up by other schools?

Sirulnik: They were used internally at GW, and then when GW and the Cahns parted ways – as you may or may not know, it was not under the best of circumstances – a lot of the materials just sort of fell foul. Jean and Edgar actually had retained copyright for the materials, and they all ended up going with them. And they were improved on. I'm sure they formed the basis of some of the texts.

Ogilvy: You have any of the originals?

Sirulnik: I do, yeah. They're in the library at the law school where my master's thesis is – down in the third level of the stacks, growing mold, but that's all right.

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Ogilvy: What year then did they leave GW?

Sirulnik: They left the same year I did which was 1971.

Ogilvy: Okay. And what did you do then?

Sirulnik: Actually, I was asked to teach a course in experimental humanities. It was experimental humans. It was a wonderful, wonderful period, though. That was a program run by Clarence Mondale, who was once described by *The Washingtonian* as the vice president's "smarter brother," because he was the academic. And he and another gentleman who went on to be the vice president of the university, Rod French, who were traditional academicians in the humanities field, wanted to develop a course which was more relevant to the '60s and '70s, to what was going on. They had a couple of failures in terms of people teaching the course. They had known of my work at the law school, and asked if I would consider coming in as a guest lecturer. One thing led to another, and I became the professor for the course. And then I was hired as Clarence Mondale's assistant to work there doing grant writing and community development. I did that for a year. And that was an interesting course. It was 1970 and '71. I used as my textbook a book by a sociologist from Brandeis University called *The Pursuit of Loneliness* – it was a book that said things like the Vietnam War, the terrible divide between poverty and those who have was largely a result of technology, that it made for life impersonal, and that there were values that normally people would have to work out between themselves because you dealt with the guy who made your pie. And, you know, you worked for your landlord in one way or another, and he knew your kids and so forth. And as society evolved, and the Vietnam thing was that you could press a button and kill somebody from 50,000 feet away. What I tried to do was to say what principles in the law still existed to

act as a hedge against those types of problems. The students were all sent out, and they did internships for credit. They were basically gofers because they were juniors in college, but they worked for Neighborhood Legal Services in community programs. And we came in and we'd do grant rounds and talk about what they saw and what they learned and tried to relate it to what Slater's position was in the book. I did that for a year.

Ogilvy: Fascinating. Why was it called "experimental humanities"?

Sirulnik: Well, it was on a grant. So it was an experiment to see if this would ever be taken into the program. In fact, the whole department was. We were very lucky. We had a huge
0:17:00 grant from the Ford Foundation. We had a large grant from Carnegie Foundation. So we now had a department of experimental humanities, which I ended up turning into, in many ways, my part of it, a clinical program around legal issues for undergrads. Then the grants ran out and the program ran out, so –

Ogilvy: What year was that?

Sirulnik: Nineteen seventy-two.

Ogilvy: What did you do next?

Sirulnik: There was an opening in the law school to teach Torts, and a position to run the clinics.

They had sort of regrouped after Edgar and Jean left the law school, and decided they would have a clinic internally within the law school. So they posted the position and had a temporary individual in there for years. Actually, Willie Leftwich – he went on to do some good litigation in the labor field, but he tired of the job. And so I think after a semester he said he didn't want to do it anymore, so they were now going to create a slot.

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So I interviewed for that. I had won the book award for Torts, so I thought I could teach Torts, even though I hadn't done – I had done maybe two torts cases in my life. And the old dean at the law school at that time was a fellow named Bob Kramer. Bob, I remember, interviewed me before I went to meet the faculty. And he said, "Well, I see here you're applying for the Torts position and you're also applying for the clinic position. Do you think you can do both?" And I said, "Sure." He said, "Great. I can save \$20,000. I'm going to recommend you to the faculty." Of course, there was a search and everything, but I always remembered – and to this day, that's sort of been my dealing with deans. That was the prime directive: How much is it going to cost me and what am I going to get? But he's a wonderful, wonderful fellow. He was very, very conservative in his own politics. In fact, when I got the position and he hired and congratulated me, he said, "Eric, I don't care" – the clinics were in the basement in those days – he said, "I don't care what you do down there. I just don't want to read about it in

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the *Post*." And, my, how things have changed. Now there's a premium to be paid for getting high visibility. He was very supportive. The last thing he did -- and this is actually a phenomenon that repeated itself with three different deans in their last sort of days of tenure – was to create more hard-money slots. Every single slot that was in the

clinic always began in soft money. I would do the grant writing and the fund-raising, and then those slots would be sort of auditioned before the faculty and the students, and then hopefully they would convert into hard-money slots. I now have 14 people there.

Virtually every one was a result of soft money that to converted full-time – and that's just the full-time clinicians.

Ogilvy: When you walked in the door and were hired, what was the shape of the clinic?

Sirulnik: I had a Job Corps secretary who used to sleep about four of her six hours on the days that
0:20:00 she came to work. She locked the door and wouldn't answer that, or the phone, because she was catching up on her sleep because she had another job. I had two students who were disaffected with the experience they had had in the first semester. We had a tiny office in a building called Bacon Hall, which no longer exists ,on the third floor of an old townhouse. And I basically nourished what was up and running until I could write some grants and get enough money to hire two other attorneys. We started to do some litigation, which was never done in the clinic when I took it over in the first six months of its operation. We took advantage of the student practice rule in the district courts here – I
0:21:00 mean, the Superior Court – and started to do that, as well as some more community development, sort of paralleling the things I had done with the Urban Law Institute with tenants councils and so on. Then we had, you know, we had fun even then in the beginning – not that we don't have fun now. I've just become such an administrator. My position in the cases is somewhat limited. But one of the first projects we did was the Mt.

Zion Cemetery in Georgetown. The Mt. Zion Cemetery was titled in the name of something called the Female Ladies' Union Band Society, which was an unincorporated association of former slaves and freedmen, who had paid 50 cents a month for their life to have perpetual care in this cemetery. They had – the land was deeded to them by an abolitionist from Louisiana in 1812, so they had their own cemetery. And after a number of years the cemetery fell into disrepair. The surviving ladies' dues couldn't pay for it, and the property was condemned. Some developers decided they wanted to dig up all the bodies, move them to a common grave in Prince George's County, and put a plaque up saying there are dead guys here. And I was approached by a group called the African-American Bicentennial Commission. So it was during the bicentennial, 1976 obviously, and the idea was to do something for black history as part of the bicentennial. So they asked if we could provide legal services. To make a long story short, there was a final hearing in United States District Court with Judge Gasch, and it was like, "We're going to dig up these bodies. Does anyone object? – or forever hold your peace." I stood up and I said, "I object" – I swear – and he said, "Yes," but, his tone was, "Who the hell are you?" Out of nowhere, someone jumped into this and I was representing a gentleman named Robert Baker who was then 90 years old and had remembered watching Civil War soldiers march home after the war. He was the descendant of slaves, and he had relatives buried there, so that gave me standing. We ended up pursuing Baker – and the other gentleman was Butler – Baker and Butler. And we got the right to represent them, and we also found other people that objected. Three years later, the disinterment order was voided. The original trustees who allowed this to happen were removed. And, as they

say, no good deed goes unpunished., and to this day I am a trustee, United States Court-appointed trustee, for the Mt. Zion Cemetery. We've managed to do some historical mapping, and every year there's a fund-raiser around the cemetery. So, it still exists as an institution. And that was – the clinical project was called "The Grave Diggers" because the students dug up all this information like the law of dead bodies and how you could stop this thing. So, that was – all of our projects had names. We had "The Grave Diggers," we had "The Soil Dumpers" – because they were doing a lot of that out in Southeast and all, and they were dumping all the soil and it was washing down the streets, and so we had an environmental project.

Ogilvy: That was a great story.

Sirulnik: They were exciting days.

Ogilvy: Who were the first people you hired when you –

Sirulnik: David Marshall, who has – went on to be an assistant United States Attorney in Washington state, and now is in private practice. Robinwynn Louis – Robinwynn is at the Office of the General Counsel, Department of the Navy. They've both done different things after they got out, and they're the best people I could have had. They stayed with me for several years and then went on to do different things. This was Robin's sole experience, I think, and David's too. David went to AU, Robin went to GW. But both of their sum total of experience – and, these were people I was hiring, and they had done

Law Students in Court, and I hired them. Who else are you going to get for \$20,000 a year, if that? And they, like I, grew on the job, and did great. I always thought that was a function of the clinics – not just a clinical experience for the students, but for clinicians. I mean, not everyone has the type of experience that we're lucky enough to obtain people to come work in the clinics now. In those days, they were just, you know, a year out of law school.

Ogilvy: Was George Washington associated with Law Students in Court from the very beginning?

Sirulnik: Yes, and, to this day still is. I'm a big supporter of the Law Students in Court. I've had some wonderful directors and it's a wonderful experience. Again, the money aspect comes into it – until the dean or the faculty was willing to appoint a minimum of two supervising attorneys. I said we can't do that in-house because you need someone to
0:26:00 cover cases. You can't just hire somebody, and so mathematically it was cheaper to make the contribution per student than allow it to continue, and I think that was a wise decision.

Ogilvy: How long did you actually supervise students and have cases?

Sirulnik: Probably for the first 10 years or so. And then it got to the point where I had six full-time clinicians. The fund-raising became my main role – grant writing. You know, still I would do a session on negotiations, and then the law school asked me to run their trial practice program, and I did that for a couple of years. So I was teaching. And I always

taught either Torts and Criminal Law in the first semester. And then, as a result of some of the other work I did, I developed a course which I co-teach with Peter Meyers, which is a skills session section, called Drugs and the Law. It's the history of the Federal

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Controlled Substances Act. We divide the class into half prosecutors, half defense attorneys, and we have scenarios with role plays, and we'll bring in a real psychiatrist or a real police chemist and so forth. It's a very popular course. It started as a seminar for 20, and now it's 40. We have a waiting list of 40 to get into it, so it's been –

Ogilvy: When did you start that?

Sirulnik: 1982.

Ogilvy: Looking back over the evolution of the clinical program, can you talk about some highlights maybe, or some markers?

Sirulnik: Yes. I think the highlight certainly for me -- and it's a phenomenon that was repeated, you know, elsewhere – was the status of clinicians finally being recognized as being an important part of the law school mission. The first 10 years, as I say, that I was doing the actual supervision – around that same time, the students were year-to-year – not students

0:28:00 – my clinicians were year-to-year appointments. They had no faculty status, and I did all the hiring and all the firing. There was no faculty participation. And finally there were little incremental moves to the point now our clinicians are obviously full-time, but

they're hard money. They have full faculty participation – everything except tenure decisions. They're on all the committees. And thank God, without them the law school would stumble and fall. There's so much that they do and they contribute to.

So that, the recognition that as an equal partner in the educative process and so forth. So I think that that is something obviously. You know, since 1972 when I started – it's no secret – I think there's a downside to that to a certain extent, and that is where the clinical movement has gone as a result of in many situations. Of course this is not all situations, because the desire to achieve tenure or to be accepted within traditional academic standards – I think that so much of the energy is devoted to scholarly work or writing and so forth which is published or touted as being clinical and I question how much of it really is, or whether energies could be devoted in other respects. I think I come from a legal services background. I always was proud of the number of cases – we handled 2,000 cases one year, you know, and we did well at it. And then with the number of students – and I understand it from the point of view of a given role; a mission to play. And that role is intense education. The number of students a supervisor can supervise used to be 15 in my clinics, and then 10, obviously now it's eight with everyone else.

And I think that's to a certain extent unfortunate, not just because of the number of cases that we can handle as a result of that, but the number of students that are exposed to clinics. So I think those are the two important movements that I've seen.

Ogilvy: In terms of the focus on education and the way that the classroom portion of clinics

developed, how did that develop at GW?

Sirulnik: Well, we always had what we called the Clinical Seminar – but it was practice-driven. It was, “What do you do when you get this kind of a case?” “What’s the substantive theory in this area of law?” We did role-playing, we did video-training, all geared to getting in there and doing it. And they were based largely around the existing cases. It was making up for the, I think, for my own clinical experience that I wasn’t taught anything. I was
0:31:00 just sort of thrown in there, and it was sink or swim. So it was trying to let students know what they were going to be involved in, what their expectations should be for their own performance. And to a large extent we still have that component within the clinics. There’s some theoretical work done, depending I guess on the bend of the individual who’s teaching the course. Some clinicians at GW are more theoretical and more academic than others, and others are practice-driven. I remember writing to the faculty once that a house is a mansion with many rooms and I think we should accommodate both. And that was the time when they started to put emphasis on scholarly work, and thankfully we’ve been able to do that.

Ogilvy: I’ve lost the question. You mentioned your Drugs and the Law course. In your bio here
0:32:00 you indicated that you helped introduce the first student practice rule in the U.S. Court of Federal Claims.

Sirulnik: Yes, that’s a wonderful – I forgot about that – that’s so recent, I just – es, back in about I

guess it was 1986, Congress passed something called the National Childhood Vaccine Injury Act as a result of the fact that there were – even though there were a small number – a minuscule proportion, maybe one in a million, maybe one in several hundred-thousand would get an adverse reaction to a childhood vaccine for anything from the measles shots – or I guess smallpox is something we’d be thinking about now. And vaccine manufacturers, hospitals, and even some healthcare providers, were either threatening or had stopped participating in vaccination programs just at the time when the move was for universal vaccination. I think Jimmy Carter was one of the first – that was one of his platforms, that poor people should be vaccinated. Just because they don’t have enough money, the government will pay for it. So there was a real threat that that would stop the program. Congress came up with a no-fault system where for every single dose of vaccine sold in the United States there’s a \$1 surcharge which goes into a superfund which is administered by the Justice Department or the Department of HEW, and you sue the fund. And the doctors are not at risk; the hospitals are not, the pharmaceutical companies are not. We are seeing some of that play out again with an attempt to get risk-free status for pharmaceutical companies, [inaudible] smallpox. That was the good news. The bad news was that in order to make the program work, there was a \$250,000 cap put on any damages one would receive, and you had to go through administrative exhaustion before you could – through this process which was administered by the U.S. Court of Claims before you could bring a money damage suit in District Court. And lawyers’ fees were limited by statute to \$36,000, and the average award for the first 10 years was something around \$12,000. So every public-spirited, personal injury lawyer in the

country ran to the end of the line, if not out of the [inaudible]. So there were thousands of pro se litigants clogging the U.S. Court of Federal Claims because there was no other option for them, and the court screamed help. And our dean at that time, Jack Friedenthal, was at some sort of a social event and met one of the judges from the Court of Claims. Jack said to me, “Oh, Eric, I told the judge we could do a vaccine clinic.” I said, “One problem, Jack. There isn’t any student practice rule there.” So we had to appear before a special committee [inaudible] the entire Court of Claims en banc, and we now have a student practice rule, fees of which were almost \$12,000 to \$36,000, which is not a lot to a law firm – it’s a lot to us – all go to the clinics. And of course this program is available to any law school in the country. So we do 10 or 15 cases a year. We’ve been to the Supreme Court of the United States on one of the cases.

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Ogilvy: Really? Which case was that?

Sirulnik: It was a case where we were called in as – it was called *White Cotton v.* – I think it was *Shalala* – was the named defendant at the time – it’s always the secretary of HHS, and we actually ended up winning on remand damages.

Ogilvy: Terrific. Wow. Clinical legal education was in one sense a movement as well as anything. Were you involved in that?.

Sirulnik: In the early days, yes. I lectured at the University of Houston. I participated in a huge

0:36:00 conference there. In fact, for those days it was like I didn't know there were that many clinicians in the world. There were 100 clinicians that came from all over the country. And they were doing similar things that I was doing, because it was, you know, the early '70s, and they were doing legal service stuff. Grants were available from OEO, and then the early days of the Legal Services Corporation. And I was talking about the types of things that we did here, and largely because we were in Washington, we had this whole panoply of wonderful law reform cases and things to do. They were busy worrying about food stamps and qualifying for workman's comp or something. That was the level of the cases. There was a disjoint then, which went on, I think, in many ways, to sort of be the precursor for the disjoint that I ended up being one of those people in the audience saying,

0:37:00 "How can I do this fancy stuff when I'm trying to feed mouths?" The next few conferences that I went to, people were starting to talk about the concepts of, you know, the theory in clinical education. And I was saying, Well, you know, I think that the important thing is not to lose sight of the service, and that there are other ways to teach other than theory, and that there are other energies to be expended on the product that we should demand that the law schools of this country realize that there's a clinical mission and it's different than the classroom's. And we all have to undersell it as we can be as good. We don't have to replicate the individuals who are voting on these tenure decisions. So that's where I think the movement has gone and is going.

Ogilvy: Do you remember who sponsored the Houston conference?

Sirulnik: Oh, gosh. I think it was probably OEO.

Ogilvy: Do you remember the year?

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Sirulnik: Berger was just appointed – it was the year after. He wrote an article, I don't know if you recall, on lawyers are unfit to practice because they don't get any practical skills. And that was a big motivating force. This was a conference that was a response to the Berger article, so '72 or '73. I haven't thought about it in years, but that was it.

0:01:00 And then we went out with the tenants groups – that's what I wanted to do. So one of the lawyers who was in Houston went out. We went walking around and advised them on what was going on with their case and tried to give them some information.

Ogilvy: Did you ever get any money from CLEPR – Bill Pincus?

Sirulnik: No. I know Bill. I knew him when he was doing the work that he did do. I don't think that we ever did.

Ogilvy: How did you know Bill?

Sirulnik: Through the Berger conference. We had lunch at the Supreme Court, and he was sitting next to me. Berger had called all the local clinicians in to talk to them. And I'll always

remember that as a little vignette. I mean, here we are in the Supreme Court of the United States, and the chief – he wasn't chief justice, he was justice – maybe he was chief, yeah, he was chief justice at that time – in his dining room, and there was a liveried employee bringing things out on sterling silver trays and so forth. And here I am three years out of law school sitting next to Pincus and so forth, and the chief justice asked for his special salt. You know, he called the gentleman by name and he brought it in, again, on a silver sterling plate – I presume it was sterling silver – and he had a huge container of Jane's Krazy, Mixed-Up Salt. So I thought that was a pretty good description of the chief justice of that time.

Ogilvy: CLEPR was doing conferences around that time, too. One was in Buck Hill Falls, Pennsylvania in 1973. Does that ring a bell?

Sirulnik: No, I didn't attend.

Ogilvy: Okay. Key Biscayne, 1979.

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Sirulnik: With B.B. Rebow? No. I didn't do many conferences.

Ogilvy: I'm trying to find people who were there to talk about these.

Sirulnik: I was busy, and I knew that. Plus, I had budget constraints and so forth. And so I

hiatused in terms of conferences, which I think still continues.

Ogilvy: What do you see as the future of clinical legal education? I mean, you can start with GW if you want, but I'm also interested, you know, more broadly.

Sirulnik: Well, wonderfully at GW, just when I think things are not getting stagnant, but we're just sort of living on past accomplishments, there's some new inertia that came in. My last act that I was able to accomplish before I am giving up my deanship this year was to get a two-year commitment from our dean to start an international human rights law clinic which will take cases from a variety of sources throughout the world. Clinicians will work along those lines. There's a tremendous interest I think in that in the student population. So I think that that – and our dean is an international law specialist. So I think at least at GW we're alive and well, and we're moving into the 21st century in new ways. And hopefully student interest will maintain, and the law school funding. I've always thought that -- I'm down to one clinic now – that was my goal when I got out of here to have every single clinic self-funding through the law school and law school tuition. It should not be something that we can have because someone else is paying for it, but the recognition that it is an important integral part of the law school's education mission. And I think that that trend has been established at GW and will continue, although our current dean certainly has an issue with the eight students in each clinic. But I think we're safe for the foreseeable future. I think that that's probably true in other law schools, but again, I don't know at what price.

It's interesting. I'm doing -- I recently did a review of the clinical program at Duquesne Law School. And it's a brand-new program -- it's six years old -- and they had just had their first review by the ABA -- a site visit -- and they scored higher than the rest of the law school. And they did a great, great job. The older model with service, doing things in community organization, public benefits practice, family court, and so forth, with an emphasis on the practical aspect of it. So I think the road continues to fork. I think they're both legitimate, but I think they will both continue, depending on the model and so forth. I feel optimistic that the end result will continue to be a good one. I always said something else that was so important is that our clinicians go on, even if they don't -- our clinicians, our students, having been exposed to our clinicians -- even if they don't go into public interest law, they'll be exposed to poor people, and they'll be exposed to those issues. And they will hopefully have the skills, and maybe more importantly the motivation to continue to do that in one form or another. I don't want to sound like Bush, the elder, in a Thousand Points of Light, but I think it's important that people contribute in any way that they can.

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Ogilvy: We're just about through. You said you're stepping down after 30 years of doing this. What are you going to do?

Sirulnik: I'm going to continue to teach Criminal Law and my Skills Session Seminar, the Drugs and the Law. And the dean of the law school, Mike Young, has asked me -- I guess it's a function of longevity -- he says whenever he's out on the road with alumni meetings

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they're always asking for me – I think there are a couple of colleagues that have been there longer than me – so he's asked me to go to some of these meetings and assist in alumni relations, fund-raising. And it was something I had always sort of fantasized about if I had to retire, although I am not retiring now, one of the ways I would like to spend it would be to travel all over the country seeing former students, because some of them have gone on to do such wonderful, great things. And so I'm going to be able to do that, I think, as part of a continuing professional position.

Ogilvy: Big opportunity. That's my questions. Is there anything that we haven't touched upon that we should've?

Sirulnik: No. Just lots of old war stories, but we'll have to do those off-camera.

Ogilvy: Thanks, Eric.

Sirulnik: Thank you very much, Sandy.

Transcribed by: Sabrina Hilliard