



## CLINICAL LEGAL EDUCATION ASSOCIATION

### Presidents' Message

Dear CLEA Members,

After this long and harsh winter, it is important to celebrate the joys of Spring. Similarly, during this challenging and sometimes harsh time in legal education, it is important to join together "to advocate for clinical legal education as fundamental to the education of lawyers." ([CLEA Mission Statement](#)). And that is exactly what CLEA has been doing. We are now over 1200 members strong and as the pages of this newsletter demonstrate a robust source of wisdom, advocacy and support for our members. Here are some of the highlights of the past semester.

In January and February of this year, CLEA engaged in advocacy surrounding the proposal in New York State to adopt the Uniform Bar Exam (UBE) and modify the New York portion of the exam. A CLEA committee consisting of Donna Lee, Mary Lynch, Michael Pinard and Ian Weinstein examined the proposed changes and consulted with SALT representatives about the potential consequences of the proposed changes. In response to a call for comments, CLEA filed a letter on January 30th in which it raised three concerns,

*First, adoption of the UBE and the fifty question NY multiple choice section would continue to place undue reliance on the skill of standardized test taking as a measure of professional compe-*



**Janet T. Jackson**  
(Washburn)  
CLEA Co-  
President



**Mary Lynch**  
(Albany)  
CLEA Co-  
President

*tence. This, in turn, will incentivize law schools to be even more rigid and narrow in their admissions decisions, thereby diminishing student diversity in all dimensions. Second, requiring students to achieve a minimum score on the New York multiple choice section of the test in order to pass the bar exam will only increase the curricular pressure to favor doctrinal "bar review" courses over clinics and other skills offerings. Third, making these proposed changes at this particular time, when there remain many unanswered questions about the significant drop in bar passage rates nationally, is ill-advised and may preclude other, much more desirable changes, locking New York State and the entire profession into a deeply flawed system for years to come.*

*Continued on page 2*

#### CLEA NEWSLETTER

- Upcoming CLEA Events
- Articles on Clinical Teaching
- Social Justice Creative Writing
- Clinical Conference updates



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## Presidents' Message, continued.

Mary then testified before an Advisory Committee on the Uniform Bar Examination at a hearing held in February in Albany New York and, at the end of her testimony, was asked to provide supplemental information. CLEA provided follow up information to the Advisory Committee regarding the recent study of the success of the University of New Hampshire's Daniel Webster program as an alternative to the bar exam, available disparate impact data regarding test-takers of color, and data about how many law students are "shut out" of clinics nationwide. Thanks goes to Bob Kuehn of CSALE for providing CLEA with early release of that data. At the time of publication of the newsletter, the New York State Advisory Committee had not issued its decision on the proposed changes to the bar exam. CLEA's advocacy letters on this issue as well as a news article mentioning CLEA testimony can be found on our website [here](#).

In March, Janet attended the ABA Section of Legal Education and Admissions to the Bar's Council meeting. The highlights of the Council meeting were that the Council approved for Notice and Comment a number of proposed revisions to the ABA Standards and Rules for Approval of Law Schools. Along with including mediation clinics in the definition of a clinic (Standard 304 – see the Advocacy Committee Report for details), other proposed changes include changing the definition of "separate location" from one at which "the law school offers more than sixteen credit hours" to one at which "a student may earn more than sixteen credit hours" (Definition (17) and Standard 106) and restoring the ability of students to seek to transfer credit if they are enrolled in an unapproved law school that has been granted the power to confer the J.D. (Standard 505(b)).

The Council also heard proposals from the Data Policy & Collection Committee, some of which were passionately debated among Council members. Divisive proposals included: 1) changes to the Site Evaluation Questionnaire (SEQ). The most major change, to take place in the 2015-2016 academic year, would occur in the self-study component of the SEQ, where the form changes focus from a descriptive "marketing" document to a more analytical and evaluative document; 2) changes to how law school funded employment is reported. The committee recommended a

separate category be created for school funded positions and that those positions be reported as short-term. This would be a major change, as law school funded public interest positions are currently rolled in with some market-generated positions and are categorized as long-term; 3) changes in the current reporting format of entering class credentials. The new format would eliminate the reporting of the 25<sup>th</sup>, 50<sup>th</sup>, and 75<sup>th</sup> percentile UGPAs and LSAT scores of the entering class and would instead use a more granular grid that reports UGPAs and LSAT scores in bands. Information about these and other Council actions can be found [here](#). The CLEA advocacy committee continues to remain vigilant on ABA and other issues and we urge you to read their report on the following pages.

We very much look forward to seeing many of you at the May clinical conference. Welcome to all new clinicians and thank you to our New Clinicians Committee for planning what promises to be a spectacular day. Special thanks to the chairs of that committee Benjie Louis and Beth Schwartz. Please feel free to join us at the open CLEA Board meeting scheduled for May 5<sup>th</sup> at 7:00am in the Mission Hills Boardroom on the Lobby Level. You will not want to miss our CLEA members meeting and social gathering scheduled for May 6<sup>th</sup> at 6:00pm in Celebrity H on the Lobby Level. As per tradition, CLEA hosts an open bar, lots of hugs and laughter, and some good activism all in a short period of time. DON'T MISS OUT!

Wishing you moments of sanity midst the end of semester swirl,

Janet and Mary

### CLEA Events in Rancho Mirage

**CLEA Board Meeting, Tuesday, May 5, 2015**

**7:00 am — Mission Hills Boardroom, Lobby Level,  
Westin Mission Hills Hotel**

**CLEA Membership Meeting,  
Wednesday, May 6, 2015**

**6:00 pm — Celebrity H, Lobby Level, Westin Mission  
Hills Hotel**

**CLEA Awards & Per Diem presentations,  
Wednesday, May 6, 2015 Luncheon**

## Membership Committee Report

CLEA's Membership Committee encourages you to renew your 2015-2016 membership. For 2014-2015, CLEA had a record number of members – totaling 1286!

The Membership Committee also wanted to remind you about the role CLEA plays in clinician advocacy. Some people ask, "What is CLEA?" In 1992, several clinicians realized that there were important activities that could not be performed by AALS Section members; CLEA was formed as a separate organization to permit clinical legal educators to act swiftly and independently. CLEA does not compete with the AALS Section but augments it, and CLEA continues to urge clinical teachers to belong to both entities.

CLEA is currently engaged in activities such as advocating for excellence in legal education with the ABA Council on Legal Education and its committees (such as the Standards Review Committee); CLEA supports individual schools and clinicians facing political interference or threats to academic freedom of clinics; CLEA works with AALS and NYU to publish the peer reviewed Clinical Law Review (which comes free with a CLEA membership); CLEA sponsors the bi-annual New Clinical Teachers conference as well as various other conferences. These are just a few of the many areas in which CLEA advocacy has made a difference.

To renew online please log on to <http://www.cleaweb.org/> and follow the online directions. If you wish to rejoin by mail, we will have renewal forms available at the clinical conference. To confirm whether or not your membership is current, please sign into the website using your email e-mail and the temporary password CLEA2014 (unless you changed it after AALS clinical conference last spring). Please keep in mind that CLEA membership is not limited to full time teachers at AALS member schools; it is open to externship site supervisors, adjunct faculty and other persons interested in clinical legal education.

If you have any questions about your CLEA membership, please email the co-chairs of the Member-

### 2015 CLEA Executive Committee

Janet T. Jackson (Washburn), Co-President

Mary Lynch (Albany), Co-President

Margaret E. Johnson (Baltimore), Co-Vice President

Maritza Karmely (Suffolk), Co-Vice President

Laura Mc-Nally-Levine (Case Western), Secretary

Praveen Kosuri (UPenn), Treasurer

Donna H. Lee (CUNY), Immediate Past Co-President

Jenny Roberts (American), Immediate Past Co-President

### 2015 CLEA Board of Directors

Cynthia Batt

Tamar Birkhead

Lisa Bliss

Martina Cartwright

Evelyn Cruz

Anju Gupta

D'lorah Hughes

C. Benjie Louis

Perry Moriearty

Jeff Pokorak

Joy Radice

Beth Schwartz

Ian Weinstein

Executive Committee

### Externship Events at the AALS Clinical Conference

**Externship Section Breakfast Meeting, Tuesday, May 5, 2015, approximately 7:30 am and Location TBA**

**Externship Section Dinner, Wednesday, May 6, 2015 at 7:30 pm at Las Casuelas Nuevas. Please RSVP.**

ship Committee, Laura McNally-Levine at [mcnallylevine@case.edu](mailto:mcnallylevine@case.edu) and Maritza Karmely at [mkarmely@suffolk.edu](mailto:mkarmely@suffolk.edu). Also, please be sure to visit us at the membership table at the clinical conference in Palm Springs. Help make CLEA's membership even more strong in 2015-2016!



Maritza Karmely  
(Suffolk)



Laura McNally  
Levine  
(Case Western)

## ABA Advocacy Committee Report

By Kate Kruse & Claudia Angelos



Claudia Angelos  
(NYU)



Kate Kruse  
(Hamline)

We reported in the winter issue of the CLEA newsletter on the key outcomes of the “comprehensive review” of the ABA Law School Standards that ended, after a six-year odyssey, in August 2014. The process involves a referral to the Council’s Standards Review Committee for proposed revisions and then final decision making by the Council itself. You can find the Standards [here](#). The victories for the clinical community were notable.

The ABA enacted an increase in the required per-student number of “experiential” credits, defined as credits from clinical, externship, or simulation courses, from one to six. It declined to eliminate security of position and tenure from the Standards, leaving in place the imperfect but important current Standard 405. And it adopted standards that will require every law school to identify its required learning outcomes (Standard 302), to evaluate its students using “formative” as well as “summative” assessments (Standard 314), and to engage in ongoing review of its curriculum and methods (Standard 315). The CLEA Advocacy Committee worked continuously at each stage of this process, attending every meeting

of the ABA’s Standards Review Committee and the ABA Council, filing dozens of formal comments, and engaging both formally and informally with decision makers.

Nothing is ever over, of course, and the Advocacy Committee has continued to work as gains from the ABA comprehensive review are threatened and as new initiatives are proposed. The following bear mention.

First, the debate over whether to eliminate a provision of the Standards that prohibits externship placements from paying law students while they are earning credit has revived (Standard 305, Interpretation 2). This issue was hotly debated during the comprehensive review. The effort to eliminate the prohibition was narrowly defeated in the ABA Council, but was remanded by the ABA House of Delegates after intensive lobbying by the ABA Law Student Division. At present, the Standards Review Committee is again considering whether to recommend the elimination. CLEA’s Advocacy and Externships Committees appeared at the Standards Review Committee meeting in February to discuss the importance of the prohibition with the Committee, which will take the issue up again at its next meeting at the end of April. More to come on this.

Second, despite some rumblings, the ABA Council directed the Standards Review Committee for the

time being to leave alone Standard 405, which protects security of position and tenure for some faculty. The Standard has a three-part form, which requires schools to (1) “have an established and announced policy with respect to academic freedom and tenure;” (2) ensure that clinical faculty have “a form of security of position reasonably similar to tenure;” and (3) protect legal writing teachers only with such security of position that is “necessary to attract and retain a faculty that is well qualified” to provide legal writing instruction.

Finally, the ABA Council [voted out for notice and comment](#) a proposal, called for by CLEA and others, to include mediation clinics in the definition of a “clinic” under Standard 304. The new definition of clinic that passed in the comprehensive review had inadvertently omitted mediation clinics by requiring that a law clinic involve students in “advising or representing a client.” The ABA’s proposed new language, which has expanded the definition of “substantial lawyering experience” that a law clinic must provide, now includes “acting as a third-party neutral.”

Members of the CLEA Advocacy Committee gave presentations and engaged with clinicians to educate and problem-solve on these and other new ABA provisions throughout the past year at regional conferences and at the Externship conference. We remain vigilant.



## Update on Best Practices Committee

By Lisa Radtke Bliss and Carolyn Wilkes Kaas

The Best Practices Implementation Committee is delighted to announce that *Building on Best Practices: Transforming Legal Education in a Changing World*, Deborah Maranville, Lisa Radtke Bliss, Carolyn Wilkes Kaas and Antoinette Sedillo Lopez, Editors, will be published by LexisNexis in 2015. The book will be available in electronic format free of charge upon request. It will also be available for purchase in hard copy. Many sections of the book have been posted on SSRN. (Search “Best Practices in Legal Education”.)

Of particular interest to clinicians are the following sections, together with the SSRN links:

[\*Incorporating Experiential Education Throughout the Curriculum\*](#),

[\*Delivering Effective Education in In-House Clinics\*](#),

[\*Delivering Effective Education in Externship Programs\*](#),

[\*Ensuring Effective Education in Alternative Clinical Models\*](#),

[\*Conscious Institutional Strategy for Expand-\*](#)

[\*ing Experiential Education\*](#),

[\*Faculty Status and Institutional Effectiveness\*](#).

[Note that the final, published version will have some editorial changes from the SSRN drafts as we finalized the book last month, but the final substance will not be very different.]

The second Best Practices book was born from the Best Practices Implementation Committee, which was formed after the publication of *Best Practices* in 2007. Members of this committee planned conferences and workshops, made presentations, and wrote articles and blog posts about ideas from the book. It became clear that change was happening so fast that a second book was necessary.

After working on this project for so many years, it is our hope that a new group of clinical peers will assume the mantle of this committee and take on the project of spreading the word about the book and the ideas contained in the book for the



Lisa Radtke Bliss  
(Georgia State)



Carolyn Kaas  
(Quinnipiac)



Debbie Maranville  
(Univ. Washington)



Antoinette Sedillo-  
Lopez  
(New Mexico)

betterment of legal education. If change continues at the current pace, we hope a third book will be necessary within the upcoming decade.

It is our intention to remain as co-chairs for the remainder of 2015 and to ensure a smooth transition for new chairs and committee members. We hope to recruit new members who feel as strongly about reforms for legal education as we do who will undertake the tasks for the future. If you are interested in this project, please contact us at [lbliss@gsu.edu](mailto:lbliss@gsu.edu) and [Carolyn.kaas@quinnipiac.edu](mailto:Carolyn.kaas@quinnipiac.edu).

## Notes from the Per Diem Project Committee

It's that time of year again. In a few days, we will meet in Rancho Mirage for the AALS Conference on Clinical Legal Education, and the Per Diem Project is asking you to help support a local area non-profit.

Each year, CLEA's Per Diem Project collects donations to support the community that is hosting our conference. Though it began with the collective donation of our per diem allowances, the Project has evolved into a broader

fundraising initiative. Last year, we raised \$11,042 for First Defense Chicago.

The recipient of this year's Per Diem Project Award -- selected by local clinicians -- is California Rural Legal Assistance. From the CRLA website ([www.crla.org](http://www.crla.org)): “CRLA has 21 offices, many in rural communities from the Mexican border to Northern California. Each year, we provide more than 40,000 low-

income rural Californians with free legal assistance and a variety of community education and outreach programs. Half of our resources are committed to multi-client cases that grapple with the root causes of poverty. The impact of CRLA's litigation has touched the lives of literally millions of low-income individuals,

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## Notes from the Per Diem Project Committee, cont'd

improving conditions for farm workers, new immigrants, single parents, school children, the elderly, people with disabilities, and entire communities.” Jose Padilla, the Executive Director of CRLA, will speak at the conference on May 6, 2015.

Tax-deductible donations to the Per Diem Project can be made in two ways:

1. You can give on-line via PayPal on the CRLA website: <http://www.crla.org/>. Click on the “Donate” link in the upper right hand corner and in the “Purpose” box, please write Per

Diem Project, so that CRLA can keep track of the donations.

2. You can bring your checkbook (or your cash) with you to Rancho Mirage and give at the luncheon on May 6.

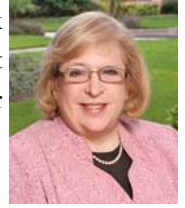
All checks should be made payable to CRLA with a notation on the memo line that the check is for the Per Diem Project.

CRLA brings vitally needed services that help alleviate the crushing poverty experienced by the rural poor. If every member makes a donation of just \$50 we can provide an amazing financial

boost to the good work that they do! Help us hit our mark by making your donation today.



Leigh Goodmark  
(Maryland)



Cynthia Batt  
(Stetson)



Karla McKanders  
(Tennessee)

## Report from CLEA Externship Committee

The Externship Committee (Cynthia Batt (pictured above), Eden Harrington, Carrie Kaas (pictured on p.5), Inga Laurent, Danny Schaffzin, Alex Scherr, and Beth Schwartz) continues its advocacy efforts on behalf of field placement faculty.

In early January, CLEA received an invitation to speak at a Standards Review Committee meeting to address whether the “paid externships” rule, which prohibits externship credit if a student also receives compensation, should be eliminated. Alex Scherr spoke on behalf of CLEA at the SRC meeting on February 13<sup>th</sup>, presenting our position that it is essential that the current rule be maintained to ensure the educational quality of field placement programs. CLEA also submitted written comments to the SRC after the hearing and now awaits the SRC’s recommendation on this issue to the Council of the Section of Legal Education and Admissions to the Bar.

Another area of focus for the Externship Committee has been Standard 305(e)

(6), adopted in 2014, that requires students to successfully complete 28 credits before they may be enrolled in field placement courses. This reflects a change from the previous requirement of completion of “one academic year of study.” The new rule is likely to have a negative impact on schools with part-time programs that permit students to enroll in externship courses after their first year. CLEA submitted written comments on this issue to the ABA in November, proposing revision of the new rule. The SRC will address Standard 305(e)(6) during its next meeting, scheduled for May 1, 2015.



Alex Scherr  
(Univ. of Georgia)



Eden Harrington  
(Tennessee)



Inga Laurent  
(Gonzaga)



Danny Schaffzin  
(Memphis)



Beth Schwartz  
(Fordham)

### Call for Writers for the Clinical Law Prof Blog for 2015-2016

Clinical Community,

As we approach the first anniversary of launching the Clinical Law Prof Blog, we are seeking new voices and writers. We seek writers who are involved with clinical legal education, either as faculty, fellows or staff attorneys, from clinics, externships or pro bono programs. We seek writers who will commit to post at least once per month during the school year, for at least one year.

Posts can be event notices and job postings, program updates, long form reflections on teaching, advocacy for clinical education, scholarly notes on substantive law, interviews, poetry, fiction, or comments on current events. For examples of content, see the [blog itself](#).

On the blog, the Facebook group and Twitter presence, we aim to create a vibrant platform for clinical law teachers to exchange ideas and to promote our work. We do not compete with the listserv or other sites but seek to supplement and strengthen our rich community. We hope to promote curious, civil, witty and useful writing for our enterprise of clinical legal education. If you are interested in joining the project, please [email Jeff Baker](#), by May 4. [Here](#) is the official post. Thanks for reading and supporting the blog.

### **Notes from the New Clinicians Committee**



Benjie Louis  
(Albany)



Beth  
Schwartz  
(Fordham)

The members of CLEA's New Clinicians Committee – Cynthia Batt (pic on p. 6), Jeff Baker, Genevieve Hebert-Fajardo, Praveen Kosuri, Benjie Louis, Jenny Roberts, Danny Schaffzin (pic on p. 6), Beth Schwartz, Kele Stewart (pic on p. 9), Wendy Vaughn, and Kate Weisburd – have been busy gearing up for CLEA's biennial, full-day New Clinicians Conference (NCC) which will take place on Monday,

May 4, 2015, immediately before the start of the AALS Clinical Conference.

The Committee began its planning last summer with the search for a conference venue, followed by months of planning the substantive program and gathering volunteers to present and to facilitate small group discussions. The day will be packed with informative plenary sessions, small group meetings, and mid-sized break-out sessions. All atten-

dees will receive an updated New Clinicians Handbook - legendary in its usefulness.

Presentation topics will focus on the hallmarks of clinical legal education – seminar design, rounds, and supervision – as well as the history and future of clinical legal education. The small groups will provide an opportunity to explore these topics in greater depth as well as build community. An outstanding group of clinicians has volunteered to present, including: Bob Kuehn, Elliott Milstein, Joy Radice, Jayesh Rathod, David Santacrose, and Tirien Steinbach.

We offer a special thank you to the generous supporters of this year's NCC – UCLA Law School, Pepperdine Law School, and the authors of Transforming the Education of Lawyers – Sue Bryant, Elliott Milstein, and Ann Shalleck. Their donations have allowed us to hold the NCC at the same location as the AALS conference, the Westin Mission Hills in Rancho Mirage, and to significantly

reduce the registration fee.

We look forward to seeing many new faces at the conference, including those who may be considered “the new normal.” We can't offer salsa lessons this time around (some of you may remember Puerto Rico) but we have heard that there are spas at the hotel!



Praveen Kosuri  
(UPenn)



Wendy Vaughn  
(N. Illinois)



Jeff Baker  
(Pepperdine)



Kate Weisburd  
(Berkeley)



Jenny Roberts  
(American)



Genevieve Hebert-Fajardo  
(St. Mary's)



## News from the AALS Clinical Conference Planning Committee

The AALS Clinical Conference Planning Committee looks forward to seeing more than 600 clinical faculty at our gathering in the Southern California desert in a couple of weeks.

We have a couple of updates for those planning to come. First, we are grateful to the organizers of a special event, “#BlackLivesMatter,” on Tuesday, May 5, at 5:45 p.m. We are also grateful to the UCLA and Pepperdine Schools of Law for hosting a reception for the event. It promises to bring our community together over one of the most important social justice issues of our time, one on which many of us, in many ways, have been working

tirelessly.

Second, we have some bad news followed by some good news. Bryan Stevenson, NYU, previously scheduled to present the keynote address on social justice and clinical education, has been called to engage in social justice and will have to be in court on that day. The good news: Peter Edelman, Georgetown, has stepped in to help us to tell the truth about poverty and to highlight the role of clinical education in confronting it. It promises to be a terrific talk.

Third, we wanted to reassure those of you who will find it useful to breathe in the course of all these

conversations that we have set aside a contemplative space for your use. Early on Tuesday and Thursday, Deborah Cantrell, Colorado, will convene a short meditation session. She will lead a longer session on Wednesday. We will hold a separate room open for contemplation during each of the concurrent time periods.

Finally, we’ve had a very good response to our Thursday afternoon trip to the Joshua Tree National Park, and so have added a second bus, for which there are still a couple of seats available. Email [registration@aals.org](mailto:registration@aals.org) if you’re interested in seeing this spectacular desert landscape. See you soon!

## The 2015 CLEA Awards for Outstanding Advocate for Clinical Teachers and Excellence in a Public Interest Case or Project

On May 6, 2015, the CLEA Board of Directors will present the annual awards for Outstanding Advocate for Clinical Teachers and Excellence in a Public Interest Case or Project at the AALS Clinical Conference in Rancho Mirage, California. The recipient of this year’s award for Outstanding Advocate is New York University Professor Claudia Angelos, and the recipient of the award for Excellence in a Public Interest Case or Project is the St. Louis University School of Law Legal Clinics. In addition, due to the unusual number of truly exceptional projects, the CLEA Awards Committee also decided to give “honorable mentions” to the University of Washington Law School IPNW Legislative Advocacy Clinic, the Women’s Employment Rights Clinic of Golden Gate University (WERC),

Northwestern University School of Law’s Bluhm Legal Clinic’s Children and Family Justice Center (CFJC) and the Roderick and Solange MacArthur Justice Center (MJC), the Quinnipiac/Yale Juvenile Sentencing Project and the University of Maryland Francis King Carey School of Law’s Criminal Law: Legal, Theory and Practice course (LTP). The CLEA Awards Committee includes Geneva Brown (Valparaiso), Anju Gupta, Co-Chair (Rutgers-Newark), Perry Moriearty, Co-Chair (Minnesota), Kele Stewart (Miami) and Jane Stoever (Irvine).



Anju Gupta  
Co-Chair  
(Rutgers-Newark)



Perry Moriearty  
Co-Chair  
(Minnesota)



Kele Stewart  
(Miami)



Jane Stoever  
(Irvine)



Geneva Brown  
(Valparaiso)

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**Outstanding Advocate for Clinical Teachers: Claudia Angelos**

Claudia Angelos has been a faculty member at New York University School of Law since 1980. She teaches lawyering and litigation and directs the Civil Rights Clinic, the Racial Justice Clinic, and the New York Civil Liberties Clinic at NYU Law. She is a national expert on prisoners' rights and during her thirty-five years at NYU, she and her students have litigated more than 100 civil rights cases in the New York federal courts.



Claudia has also been a long-time advocate for clinic education and has served in leadership positions on the boards of both CLEA and the Society of American Law Teachers (SALT). Claudia's nominators highlighted Claudia's work on behalf of the clinical community in the American Bar Association (ABA) accreditation standards revision process. Claudia has, in the words of her nominators, be an "unflagging, zealous and skilled" advocate for clinicians, helping "lead the successful battle to reaffirm clinical status, to increase the minimum required skills credits, and to identify practical skills as a critical part of the learning outcomes to be expected of all students." Over the last six years, Claudia has attended virtually every meeting of the ABA Standards Review Committee and many meetings of the Council on Legal Education, developing working relationships with members of the Committee and Council to inform and influence the deliberations. "While many challenges remain and we have not solved all our problems," Claudia's nominators conclude, "clinical education has come out of the comprehensive review in a much stronger position than we imagined at the beginning of the process. Claudia was the keystone and well deserves our recognition."



**Excellence in a Public Interest Case or Project: Saint Louis University School of Law Legal Clinics**

Located in the heart of downtown St. Louis, the Saint Louis University School of Law Legal Clinics have provided pro bono legal services to the St. Louis community for more than 41 years and currently provide legal services in six clinical programs (Civil Advocacy, Criminal Defense, Entrepreneurship and Community Development, Externships, Judicial Process Externship and Mediation) that house 10 practice areas.

The 2015 CLEA Award for Excellence in a Public Interest Case or Project highlights the Legal Clinics work in the aftermath of Michael Brown's death in August 2014. Guided by the University's social justice mission, the attorneys of the SLU LAW Legal Clinics wasted no time involving their clinical practice areas in the search for solutions. In fact, they have been involved in many of the issues Ferguson brought attention to long before they came under such a bright national spotlight. With a small staff of seven attorneys (Professors Amany Hacking, Brendan Roediger, Dana Malkus, John Ammann, Patricia Harrison, Patricia Lee, Susan McGraugh), one social worker (Lauren Choate), Professor of Practice (Steve Hanlon), two staff (Greta Henderson and LeAnn Upton) and many dedicated clinic students, the Legal Clinics found a variety of ways to engage students, faculty and the community during the 2014-2015 academic year.

The related legal work and advocacy involved multiple responses on a variety of legal matters including: community outreach and education; national, state and local media awareness of civil rights and criminal law abuses; lawsuits in state and federal courts on municipal warrant and tear gassing abuses; testimony before the governor-appointed Ferguson Commission; municipal, legislative and executive testimony; and leading meetings and panel discussions at the law school and in the community in an effort to seek solutions. Together, these professors, as representatives of the Legal Clinics, continue to bring attention to vital issues, fight for those who seek justice but do not have the means to fight themselves and work towards real solutions for a just future, all while teaching and mentoring their students to do the same.

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**Honorable Mention: University of Washington Law IPNW Legislative Advocacy Clinic**

University of Washington Law is the only school in the country with two innocence-related clinical law offerings, one for litigation, another for legislative advocacy. Since 1997, the Innocence Project Northwest's litigation efforts have exonerated 13 people who collectively served nearly 100 years in prison for crimes they did not commit. The Innocence Project Northwest (IPNW) Legislative Advocacy Clinic, led by director Lara Zarowsky, works closely with IPNW exonerees to address fundamental shortcomings in the criminal justice system. The Clinic has educated the legislature and the citizenry about the pressing need for reform. In addition to securing legislation, Zarowsky and her students collaborate with criminal justice stakeholders and working groups to advance policy reforms to prevent wrongful convictions based on eyewitness misidentification, false confessions, unreliable jailhouse informant testimony and flawed forensic science.

In 2013, the Clinic succeeded in its efforts to pass a comprehensive wrongful conviction compensation statute. The law provides \$50,000 per year of wrongful incarceration and \$25,000 per year spent wrongfully on parole, in community custody, or as a registered sex offender. It also includes payment of child support accrued during wrongful incarceration and provides re-entry services and tuition waivers. The Clinic's 2015 bill to prevent destruction of biological evidence has passed

both houses of the legislature and awaits reconciliation.

This project serves as an inspiring model for clinical law programs across the country to engage in both litigation and policy advocacy as a means of implementing system reform.

**Honorable Mention: Women's Employment Rights Clinic of Golden Gate University (WERC)**

The Women's Employment Rights Clinic of Golden Gate University (WERC) serves as legal counsel to the California Domestic Worker Coalition ("Coalition"), providing technical and legal advice to the Coalition. The Coalition consists of eight California based worker center organizations. The Coalition sponsored several bills to end the unfair treatment of domestic workers in California and to create industry-wide standards. On September 26, 2013, California's governor signed into law AB 241, the Domestic Worker Bill of Rights. The bill extends overtime to approximately 100,000 domestic workers who spend a significant amount of time caring for children, elderly and people with disabilities. It is one of the greatest expansions of overtime in California since the 1970s.

Drawing on their expertise in representing domestic workers, WERC provided critical legal analysis to the Coalition on existing rights, gaps in coverage and advice and counseling on strategic decisions. WERC faculty and students drafted bill language based on the Coalition's priorities, helped with messaging, trained Coalition members on the law, reviewed worker hearing testimony, submitted written analysis on

the impact of proposed changes and met with legislators and the Governor's staff. WERC brought a client-centered approach to legislative advocacy, providing a framework and structure for the role that lawyers play in grassroots advocacy in empowering the members of the coalition to be leaders in their own campaigns. WERC was an integral part of the community-based, worker-led legislative campaign that is linked to a national movement for transforming rights for domestic workers.

**Honorable Mention: Northwestern University School of Law's Bluhm Legal Clinic's Children and Family Justice Center (CFJC) and the Roderick and Solange MacArthur Justice Center (MJC)**

Northwestern University School of Law's Bluhm Legal Clinic's Children and Family Justice Center (CFJC) and the Roderick and Solange MacArthur Justice Center (MJC) have collaborated to reduce (and eventually end) the mass imprisonment of young people by reforming the parole system. For too many years, children on parole in Illinois have been removed from their communities and imprisoned without any real opportunity to challenge their imprisonment. As a result of the clinics' multi-strategic collaboration, youth facing parole revocation are now represented by counsel paid for by the state and a

*Continued on p. 11*

Over the years, thousands of Illinois youth have wrongfully languished in prison because the Illinois Prisoner Review Board (IPRB) and Department of Juvenile Justice (DJJ) were violating the most basic tenets of fundamental fairness and due process in the course of revoking youth on parole. This flawed system created a revolving door of youth imprisonment.

As a result of the clinics' advocacy efforts, youth in Illinois are no longer churned through an unjust revocation system and re-imprisoned unnecessarily. CFJC and MCJ have achieved a remarkable sea-change in the parole process that will improve outcomes for youth, for communities and for public safety. This collaboration was fueled by the work of dozens of law students and several legal fellows and was led by faculty members Julie Biehl (CFJC) and Alexa Van Brunt and Sheila Bedi (MCJ).

**Honorable Mention: Quinnipiac/  
Yale Juvenile Sentencing Project**

Three years ago, Quinnipiac University School of Law's Civil Justice Clinic and Yale Law School's Allard K. Lowenstein International Human Rights Clinic joined forces to advocate for reform in Connecticut to respond to recent U.S. Supreme Court decisions and provide a "second look" at long sentences imposed on children. In 2013, the two clinics published a joint report, *Youth Matters: A Second Look for Connecticut's Children Serving Long Prison Sentences*, which examines Connecticut's harsh sentencing laws for children and the special challenges that juveniles face navigating adult criminal proceed-

ings and growing up in adult prisons. The report draws upon interviews that clinic students conducted with individuals who are serving lengthy sentences in Connecticut for crimes that occurred when they were children.

A second report, *I'm Going to Move Forward: Stories of Change from Men Imprisoned as Children in Connecticut*, was authored by Yale's clinic and provides longer narratives about some of the individuals interviewed. Connecticut's General Assembly is currently considering a bill that eliminates juvenile life-without-parole sentences and provides special parole hearings for approximately 200 juvenile offenders serving long sentences in the state. Through joint efforts, the clinics built a strong coalition of advocates supporting the bill. Students from both clinics testified before the legislature's Judiciary Committee and provided research on the issue to the Connecticut Sentencing Commission. In addition to advocacy in Connecticut, Quinnipiac's clinic is assisting advocates around the country by writing comprehensive memos analyzing responses by state courts and legislatures nationwide to the Supreme Court decisions.

**Honorable Mention: University of  
Maryland Francis King Carey  
School of Law's Criminal Law: Legal,  
Theory and Practice course  
(LTP)**

The University of Maryland Francis King Carey School of Law's Criminal Law: Legal, Theory and Practice course (LTP), taught by Professor Michael Millemann, has spent the last three years representing individuals who

have served decades in prison after trials that featured unconstitutional jury instructions. The LTP's work exemplifies the very best in clinical legal education: developing an experiential course in response to a critical legal need, collaborating with the university's School of Social Work and the Maryland Office of the Public Defender to meet the myriad legal and non-legal needs of clients who have grown old in prison, and a commitment to "unpopular" clients who had no access to justice for decades. Thus far, the collaborative representation has led to the release of eighty clients, all with comprehensive reentry designed by law students and social work students. The average age of these clients is sixty-four and the average length of their incarceration was forty years. None of those released has been convicted of a new crime. Thus, in many ways, the work of the LTP and its partners has been both successful and transformative.

**Center for the Study of Applied  
Legal Education's (CSALE) 2013-  
2014 Survey of Applied Legal  
Education is now available [here](#).**

For a free customized report on any questions in the surveys, please contact [administrator@csale.org](mailto:administrator@csale.org) or Bob Kuehn at [rkuehn@wustl.edu](mailto:rkuehn@wustl.edu).

**CLEA POSTS  
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pg=1](http://www.cleaweb.org/Jobs?pg=1)**





## Social Justice Poetry by Brian G. Gilmore

CLINICAL LEGAL  
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### law and order #62

the handcuffs, dennis brutus,  
shackles locking his hands to  
his waist; if only he were like  
sisulu or tambo, shuffling along  
on robben; a cause to die for  
a reason to hold his  
head up high. show his  
face to the world, some  
big game of sport canceled  
for belief perhaps, something  
that would spur remembrance  
an instant that burgeons beauty  
the people in cars driving by would  
stop and notice maybe and not go on  
with their days, accepting it all  
like flies at a picnic.

### race (for b.o.)

a  
boy  
came  
down to  
earth  
from  
god knows where;  
he  
is  
just the  
kind of  
low rider we  
must have  
now  
on the  
planet to  
question the  
rot  
silly  
that we still are buried  
under some  
vile  
wicked  
x-sistence  
yes we are, a bunch of  
zeroes.

philadelphia (for d.j. renegade, ta-nehisi  
coates, darrell stover from landover, and  
the prison writers, lorton reformatory)

*"history will absolve me..."*

- fidel castro

like fidel after raiding  
moncada barracks

we face history like  
seed removed from  
soil

no longer waiting on  
america

our eyes open now  
curtains on tropical  
sunday mornings

peering over horizons  
around corners  
desperately seeking road  
that leads to  
sierra maestra

until then

pens must move like  
scalpels

slice through layers of  
lament

challenge headlines  
handed down through  
history

that which forces us to gather  
here, though even outside these  
walls we are linked: gravity to earth  
needle to thread, each of us  
free beyond barbed wire  
and bricks, spill our souls on  
these floors, like scattered  
pieces of puzzles.

### law and order #92

in the morning, near the  
courthouse, we know  
who they are:  
their shoes have no  
strings.

### Brian G. Gilmore

is Clinical Associate  
Professor of Law and  
Director, Housing Clinic  
at Michigan State  
University College of Law.  
He is the author of three  
collections of poetry  
including his latest,  
"We Didn't Know Any  
Gangsters"  
(Cherry Castle Publishing  
2014)

### bondage

attica prison.  
black men.  
caucasian guards.  
dead people  
everywhere.

folson prison.  
got electricity early.  
here he comes.  
in the flesh.  
johnny cash.

kremlin.  
lenin.  
marx.  
nicholas.  
overthrow.

people get ready.  
quote me  
religiously  
says  
train that comes.

unless united,  
voiceless are  
we the people.  
xavier university underwater.  
you and i will never be  
zulus in new orleans

## ClinINC: Bringing Business Concepts to your Clinic

By

**Lisa Pollan**

*Though clinicians are generally not trained in business and management, business principles can help clinics connect with the community, expose students to new frameworks and tools that relate to lawyering, and streamline day-to-day operations. This is the third in a series of articles that explores how business concepts can contribute to law school clinics. Lisa Pollan's first article, [ClinINC: Using Business Concepts to Manage Your Clinic](#), appeared in Volume 22, Issue 1 of the CLEA Newsletter (p. 22-24). Her [second article](#) was featured in Volume 22, Issue 2 of the CLEA Newsletter (p. 30-31).*

### Opportunities to Leverage Technology in Law School Clinics

The first two articles in this series covered how to create a strong clinic brand, use the brand to attract relevant project work, and the benefits of a strong clinic brand for students and clients. This third article will explore how to use technology to improve clinic operations and engage with students, alumni and clients. In the for-profit sector, successful companies use technology to get to know their customers, evaluate their performance, and streamline operations. While many clinicians currently use or are exploring using case management systems, there are other free and simple tools that law school clinicians can use to achieve these same outcomes with students, alumni and clients.

A useful framework for thinking

about using technology to facilitate clinic workflows comes from the field of operations. There are two types of processes: artistic processes and mass processes. Artistic processes involve a lot of variability, and require the employee to use judgment to execute the best solution, such as weaving a one-of-a-kind rug. In the clinic context, teaching how to conduct an initial client interview would be considered an artistic process. In contrast, mass processes are those where we want the same outcome, with the least amount of variability possible. In the business world, an assembly line production system is a good example. In the clinic context, a mass process might be gathering conflict information from students or distributing orientation materials. This article identifies processes that can be automated within clinics and suggests tools for doing so.

### *Streamlining Operations*

Clinic operations can be quite complex because of the academic cycle; each semester or year there is a new cohort of students who must be trained on clinic procedures. However, because clinic operations are often cyclical (each semester the same series of tasks must occur) there is a real opportunity to use technology to facilitate and automate these repeated tasks.

A powerful way to leverage technology for these mass processes is to use [Google Forms](#). With Google Forms, you can create standard surveys that

you can use again and again for free, with no limit on the number of responses you can collect. Google forms are easy and quick to set up, and the responses are automatically organized in a spreadsheet, making data collection and interpretation incredibly simple. For example, you could create a survey to send to incoming students at the beginning of each semester that gathers contact information, conflict information, and availability for supervision meetings. Once you invest the time in creating the form, you will only have to click send in subsequent semesters. You can see a sample Google Form [here](#), and the spreadsheet of results Google automatically generates [here](#).

### *Centralizing Information*

Another way to make clinic operations run more smoothly is to put all administrative information in a central, accessible place, such as an internal website. With [Google Sites](#), you can create a website for free and set permissions so only clinic students, faculty and staff can see the site. The sites are easy to build, edit, and update during or between semesters, and are also searchable. You could use a Google Site to put a clinic manual online so students can easily search for the information they need and access it from anywhere. You could also use a Google Site to organize onboarding and orientation materials for new fellows and staff.

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### Engaging with Students, Alumni, & Clients

#### *Soliciting Feedback from Students*

Google Forms can not only help streamline your mass processes, but also help you gather information from students more frequently throughout the semester. For example, you could use a Google Form to create a mid-semester evaluation that uses the same or different questions from your law school's teaching evaluations. Getting feedback mid-semester can allow you to adjust in real time to student feedback and learning needs.

#### *Staying in Touch with Alumni*

As mentioned in the [second article](#) in this series, sending e-newsletters can be an effective way to stay in touch with alumni. Some of these tools, such as MailChimp, allow you to create a newsletter template that you can update each time you want to send a new version. You can also use Google Forms to gather alumni contact and employment information in order to build an alumni database.

### *Communicating with Multiple Audiences*

As more clinics do work in the local community beyond individual direct representation, including project-based work, clinics may want to communicate different information about their work to students versus the community. Careful set-up of the clinic website can allow you to communicate with both audiences. Your home page should appeal to any visitor; it might include a brief description of the clinic, and include highlights of recent work. The home page can also serve to direct different types of visitors to the correct place. There might be a link for clients to learn more about the clinic's services, and a link for law students to learn about application requirements. These links can direct to separate pages designed for each audience so the information can be tailored appropriately. Two examples of websites that cater to multiple audiences are [Michigan Law's Community and Economic Development Clinic](#) and [Penn Law's Entrepreneurship Legal Clinic](#).

Interested in learning more? Check out these resources on operations, Google Apps and web strategy:

<https://hbr.org/2009/03/when-should-a-process-be-art-not-science>  
<https://support.google.com/docs/answer/87809?hl=en>  
[https://support.google.com/sites/answer/4417369?hl=en&ref\\_topic=23216&rd=1](https://support.google.com/sites/answer/4417369?hl=en&ref_topic=23216&rd=1)  
<http://dailygenius.com/school-administrators/>  
<https://www.naspa.org/constituent-groups/posts/tips-for-streamlining-your-processes>  
<http://blog.sendblaster.com/2014/04/17/how-to-collect-customer-feedback-using-email-marketing/>  
<http://www.contentmarketinginstitute.com/2012/05/serve-multiple-audiences-with-a-segmented-site-structure/>  
<http://www.fundraising123.org/article/how-serve-two-audiences-your-nonprofit-website#.VRWc7pPF-FI>

Lisa Pollan is the Program Coordinator for The Community Justice Project and The Social Enterprise & Nonprofit Law Clinic at Georgetown Law. She is also a second year evening MBA student at Georgetown University's McDonough School of Business.

Lisa can be reached at

[lkp33@law.georgetown.edu](mailto:lkp33@law.georgetown.edu)





## The ABA Got It Right: Veterans Need Our Help

By Patricia E. Roberts

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In August 2014, the American Bar Association's (ABA) House of Delegates adopted Resolution 104A, encouraging "all law schools to create veterans law clinics to ensure that all veterans who cannot afford legal services can access them," and that for those schools lacking resources to create a stand-alone veterans law clinic, "the school is urged to meet those legal needs of qualifying veterans through an existing clinic."<sup>1</sup> As a clinician in William & Mary's Puller Veterans Benefits Clinic, I was excited by the ABA's encouragement for law schools to help in addressing the unmet legal needs of those who served our country. Not everyone applauded the ABA's Resolution. For instance, there are those who do not believe the ABA should propose what can be interpreted as an unfunded mandate regarding law school curricular efforts and clinical focus, and there are colleagues in the veterans law arena who, with good reason, fear law schools getting involved in this complex area of the law without the requisite skill and experience, thus potentially causing more harm than good for the veterans they seek to serve.

While it is understandable that some may object to directives from the ABA, as thoughtfully discussed in the companion piece to this article, I propose we take Resolution 104A in a more positive light, as encouragement that the nation's law schools and students recognize the unmet legal needs of our veteran

population, and, with the necessary training and skill, make a concerted effort to help address those needs. This article in no way implies that veterans are more deserving than the other worthy constituencies our law school clinics already serve, or that, when law schools consider development of new clinics, the needs of veterans should trump those of other marginalized and underserved populations. Instead, I suggest that when evaluating which clients to serve, the clinical community give very serious consideration to those who are serving or did serve in our armed forces.

The estimated number of all veterans currently living in the United States is over 22 million.<sup>2</sup> Since September 11, 2001, almost 2.7 million veterans have deployed to Iraq, Afghanistan and other combat zones,<sup>3</sup> and they face multiple challenges when they attempt reintegration with their families and communities. These range from, among other things, the impact of disabilities and moral injuries sustained during service, finding employment, and addressing their unmet legal needs. These brave men and women, serving in the longest period of war in our nation's history,<sup>4</sup> constitute less than 1% of the nation's population.<sup>5</sup> We enjoy the safety and security their sacrifices provide, but only 5% of us are directly impacted by their actual service.<sup>6</sup> An all-volunteer force has resulted in redeployments in record-breaking numbers; the medical care offered today results in less casualties, but more service members who

survive with significant injuries; and the strain on service members personally and professionally often includes legal matters for which they either cannot afford to hire a lawyer, or for which attorneys' fees are disallowed.

The Department of Veterans Affairs (VA) has identified legal needs as among the most significant unmet needs of homeless and poor veterans.<sup>7</sup> The strains of multiple deployments can result in financial and housing legal issues, as well as matters such as divorce, custody, estate planning, accessing public benefits, guardianship, and criminal record expungements. In order to assist with some of the unmet legal needs among veterans, the Legal Services Corporation began an initiative in 2010 focused on improving access to justice for low-income military veterans and for military families, but they are limited in which types of cases they are allowed to undertake.<sup>8</sup> The ABA, through their Military Pro Bono Project,<sup>9</sup> ABA Homefront, and Veterans' Claims Assistance Network,<sup>10</sup> are utilizing private attorneys willing to provide pro bono assistance to veterans, as are many state and local bar associations. Equal Justice Works, through their Veterans' Legal Corp.,<sup>11</sup> have undertaken funding three years of fellows and law students who will assist veterans with their civil legal issues, including disability claims. Despite these organized efforts to aid veterans in need of legal assistance but unable to afford it, there remains a significant unmet need

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in a variety of legal issues facing veterans, areas of need where some law school clinics are already providing assistance, and where there is room for many more to do so.<sup>12</sup>

In 2008, there were approximately half a dozen law schools with clinics, programs or pro bono initiatives focused on meeting the legal needs of service members and veterans; in 2012 there were 25; now there are more than forty.<sup>13</sup> These initiatives include a variety of models, some are volunteer efforts, others are for academic credit, some are in partnership with other legal services organizations, and others are in partnership with medical centers or schools. Several law school clinics help active duty service members with their civil legal needs, or are involved in veteran treatment courts, or aid veterans in other unmet legal needs such as financial, housing, family law, employment, education and health and public benefit matters; there are also law schools that take a more systemic approach to improving the VA's treatment of veterans through litigation or legislation and policy drafting. From one-day advice and counsel sessions or participating in a local stand down, to visiting homeless shelters or a VA healthcare center to offer legal services, or working with a volunteer attorney or legal aid organization in the community who works with veterans, there are limitless ways for students to get involved, showing one veteran at a time that we are glad they are home and we are eager to help.

Increasingly, law school clinics and

programs are choosing to serve veterans by aiding them in the disability compensation process with the VA. Given the increasing number of law schools choosing to focus in this area, and my own work with veterans' disability claims, this article will focus on that particular model of assistance to veterans. However, all of the foregoing legal needs can be the subject of a much-needed and successful law school clinic or pro bono initiative aiding veterans and service members.

The VA disability compensation process is complex and confusing to most veterans, and factual and legal analysis in preparation of a comprehensive claim or appeal on behalf of a veteran can result in greater success in adjudication. More thorough claims submissions can also result in a significant reduction in multi-year wait times if those claims are accurately decided, thereby eliminating the need for the veteran to appeal the decision. According to the VA's Monday Morning Status Report for March 28, 2015, the number of backlogged disability claims (defined as pending for 125 or more days) was estimated at 193,662; with 464,897 total claims pending.<sup>14</sup> Although the VA completed a record-breaking 1 million claims per year over the past three years, with an even higher amount in 2014, the number of claims received continues to exceed the number processed.<sup>15</sup>

The backlog will continue to grow, and law clinics can aid that backlog by preparing comprehensive claims packages on behalf of veterans.

It is estimated that 45% of the 1.6 million veterans from the wars in Iraq and Afghanistan have filed a disability compensation claim, with an average of eight to nine ailments claimed to be service-connected.<sup>16</sup> In addition to our current conflict veterans, veterans from our prior wars are aging, making disability more likely; "45% of World War II veterans, 24.8% of Viet Nam [sic] veterans, and 16.3% of the Gulf and Iraq War veterans are disabled."<sup>17</sup> For those veterans who do file claims for disability compensation, the delays and appeals that result are alarming. If an initial disability claim is unsuccessful and a veteran appeals, the average waiting time for the nearly 300,000 veterans awaiting appeal is more than 1,200 days from filing at the agency level to a decision at the Board of Veterans Appeals (BVA).<sup>18</sup> Once at the BVA, more than half of all VA disability appeal cases are sent back for another review<sup>19</sup> — sometimes more than once; these remanded cases are meant to take priority at the agency level, which, if occurs, means that new claims are waiting even longer for adjudication. For those cases appealed from the BVA to the Court of Appeals for Veterans Claims, there is a wait of more than 250 more days, with a significant number of those cases remanded, at least in part.<sup>20</sup> Not only are these inexcusable timelines for veterans with disabilities to await decisions on their claims, attorneys who choose to assist veterans with their claims may only charge fees

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after the Agency of Original Jurisdiction (the Regional Office) issues an initial decision on a claim and the veteran files a Notice of Disagreement.<sup>21</sup> Those attorneys must also be accredited by the VA in order to assist veterans.<sup>22</sup>

The fee prohibition and the additional VA accreditation requirements serve as a disincentive to many attorneys, yet without attorney assistance at the initial stages of a VA claim, veterans are often unaware of the evidence necessary to support their request for benefits. When veterans are unaware of the evidentiary requirements or type of evidence necessary for a successful claim, or, as a result of their disabilities, are unable to effectively acquire appropriate evidence in support, their claims are more likely to be denied. With a VA national average of 205 days to complete a rating claim,<sup>23</sup> there is an extraordinary delay before a veteran even has the opportunity to hire an attorney and begin the long road to appealing an initial entitlement or ratings decision, with the result likely to be a remand and more delays.

The ABA's Resolution encouraging law schools to create clinics serving veterans, or adding veteran legal services to existing clinics, was welcomed by this clinician. Whether or not one agrees with the ABA's authority to exert any influence over law schools with such resolutions, there is certainly plenty of work to be done to aid our veterans in their reintegration and unmet legal needs, work that is rewarding as well as challenging to our law

students. There are many synergies between the vast needs of our veteran population and the educational experiences sought by our students. In addition, aiding veterans in our law school clinical programs provides rich opportunities for client interaction, client-centeredness, work in a variety of practice areas, interprofessional experiences, and, in the case of disability compensation benefits, a deep foray into administrative law from agency level through federal court. Finally, with an all-volunteer force whose sacrifices impact relatively few of us on a daily basis, other than to ensure the freedom and protection we have come to expect, veteran and service member clinics offer an opportunity for us to say thank you and recognize that our freedom comes at a cost. As President George Washington noted, "The willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional to how they perceive the Veterans of earlier wars were treated and appreciated by their nation."<sup>24</sup> Our law school clinic staff and students, with appropriate training and resources, can positively impact not only the veterans of today, but increase the likelihood that there will be people willing to serve tomorrow.

### Notes

<sup>1</sup> See Terry Carter, *ABA House Urges Law Schools to Create Veterans' Law Clinics*, ABA J. (Aug. 11, 2014), [http://www.abajournal.com/news/article/aba\\_house\\_urges\\_law\\_schools\\_to\\_create\\_veterans\\_law\\_clinics](http://www.abajournal.com/news/article/aba_house_urges_law_schools_to_create_veterans_law_clinics).

<sup>2</sup> See [http://www.va.gov/vetdata/docs/QuickFacts/Population\\_quickfacts.pdf](http://www.va.gov/vetdata/docs/QuickFacts/Population_quickfacts.pdf) (last visited 4/24/15).

<sup>3</sup> Phillip Carter, *Foreword* to OLIVER GOULD ET AL., *THE MISSION CONTINUES: A CASE STUDY OF THE WELL AFTER SERVICE MODEL, VOICES FROM THE FIELD 5* (2014), [http://www.cnas.org/sites/default/files/publications-pdf/CNAS\\_WellAfterServiceCaseStudy\\_VoicesFromTheField\\_updated.pdf](http://www.cnas.org/sites/default/files/publications-pdf/CNAS_WellAfterServiceCaseStudy_VoicesFromTheField_updated.pdf).

<sup>4</sup> Howard Schultz & Rajiv Chandrasekaran, *Want to Help Veterans? Stop Pitying them*, Wash. Post (Oct. 31, 2014), [http://www.washingtonpost.com/opinions/want-to-help-veterans-stop-pitying-them/2014/10/31/1885e088-5eb9-11e4-9f3a-7c28799e0549\\_story.html](http://www.washingtonpost.com/opinions/want-to-help-veterans-stop-pitying-them/2014/10/31/1885e088-5eb9-11e4-9f3a-7c28799e0549_story.html).

<sup>5</sup> Ellen Schell, *Military & Veteran Cultural Competence For Attorneys & Advocates Why You Need To Know*, BATTERED WOMEN'S JUSTICE PROJECT 5 (Apr. 25, 2012), [http://www.bwjp.org/files/bwjp/files/Military\\_and\\_Veteran\\_Cultural\\_Competence\\_for\\_Attorneys\\_and\\_Advocates.pdf](http://www.bwjp.org/files/bwjp/files/Military_and_Veteran_Cultural_Competence_for_Attorneys_and_Advocates.pdf) (containing PowerPoint slides from a webinar put on by Ellen Schell).

<sup>6</sup> Schultz & Chandrasekaran, *supra* note 4.

<sup>7</sup> *Veterans Legal Corps to be Largest Deployment of Lawyers Serving Veterans*, EQUAL JUSTICE WORKS, <http://www.equaljusticeworks.org/news/06-26-13-Veterans-Legal-Corps> (last visited Mar. 10, 2015).

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<sup>8</sup> *Serving Veterans and Military Families*, LEGAL SERVICES CORP., <http://www.lsc.gov/about/about-legal-aid/serving-veterans-and-military-families> (last visited Mar. 10, 2015).

<sup>9</sup> Am. Bar Assn., *Military Pro Bono Project*, MILITARYPROBONO.ORG, <http://www.militaryprobono.org/> (last visited Apr. 24, 2015).

<sup>10</sup> *Veterans' Claims Assistance Network: For Attorneys*, AM. BAR ASSN., [http://www.americanbar.org/portals/public\\_resources/aba\\_home\\_front/Military\\_Pro\\_Bono/aba-veterans-claims-and-assistance-network/attorneys.html](http://www.americanbar.org/portals/public_resources/aba_home_front/Military_Pro_Bono/aba-veterans-claims-and-assistance-network/attorneys.html) (last visited Mar. 10, 2015).

<sup>11</sup> See <http://www.equaljusticeworks.org/news/06-26-13-Veterans-Legal-Corps> (last visited Apr. 24, 2015).

<sup>12</sup> Patricia E. Roberts, *Post-9/11 Veterans: Welcoming Them Home As Colleagues And Clients*, 45 UNIV. MEMPHIS L. REV. 51 (forthcoming 2015).

<sup>13</sup> According to information compiled

by the Puller Clinic in February 2015 (results on file with author).

<sup>14</sup> [http://benefits.va.gov/REPORTS/detailed\\_claims\\_data.asp#Reports](http://benefits.va.gov/REPORTS/detailed_claims_data.asp#Reports).

<sup>15</sup> <http://www.va.gov/opa/pressrel/pressrelease.cfm?id=2582>.

<sup>16</sup> Marilyn Marchione, *U.S. Vets' Disability Filings Reach Historic Rate*, The Associated Press (May 28, 2012) available at <http://usatoday30.usatoday.com/news/health/story/2012-05-28/veteran-disability/55250092/1> (last checked Apr. 24, 2015).

<sup>17</sup> ROSEMARY R. FRENCH & NORMA BAYES, *GUIDE TO VETERANS LEGAL ISSUES* 8 (2nd ed. 2014), available at [http://www.benchmarkinstitute.org/t\\_b\\_y\\_t\\_s\\_u\\_b\\_s\\_t\\_a\\_n\\_t\\_i\\_v\\_e\\_guide\\_to\\_veterans\\_legal\\_issues.pdf](http://www.benchmarkinstitute.org/t_b_y_t_s_u_b_s_t_a_n_t_i_v_e_guide_to_veterans_legal_issues.pdf).

<sup>18</sup> Jacqueline Klimas, *Disability Appeals Process Forces Some Vets To Wait Years*, The Washington Times (Jan. 22, 2015) available at <http://www.washingtontimes.com/news/2015/jan/22/veterans-wait-years>

[for-disability-appeals-process/](http://for-disability-appeals-process/) (last checked Apr. 24, 2015).

<sup>19</sup> *Id.*

<sup>20</sup> Annual Report, United States Court of Appeals for Veterans Claims, October 1, 2012 to September 30, 2013 (Fiscal Year 2013) available at <https://www.uscourts.cavc.gov/documents/FY2013AnnualReport.pdf>.

<sup>21</sup> *Accreditation Frequently Asked Questions*, U.S. DEP'T OF VETERANS AFFAIRS, available at [http://www.va.gov/ogc/accred\\_faqs.asp](http://www.va.gov/ogc/accred_faqs.asp) (last visited Mar. 15, 2015) (quoting 38 C.F.R. § 14.629 (b)(1)(iii)).

<sup>22</sup> *Id.*

<sup>23</sup> See *Aspire Benefits*, U.S. DEP'T OF VETERANS AFFAIRS, <http://www.app.hospitalcompare.va.gov> (last visited Mar. 10, 2015).

<sup>24</sup> See [http://americanveteransmemorial.org/Military\\_Quotes.html](http://americanveteransmemorial.org/Military_Quotes.html).

### Patricia E. Roberts

is Clinical Professor of Law,  
Director, Clinical Programs, and  
Director, Lewis B. Puller, Jr.  
Veterans Benefits Clinic  
at William & Mary Law School



Any questions  
can be directed  
to  
[perobe@wm.edu](mailto:perobe@wm.edu)

### 137 years of anti-competitive behavior: Remind me why we should listen to the ABA By Robert Solomon

The ABA resolved that all law schools should create veterans clinics, “urging” law schools without resources to create stand-alone clinics to meet the needs of “qualifying” veterans through existing clinics. I responded by proposing that the ABA use 90% of its exorbitant fees to fund law clinics and legal services programs serving veterans, domestic violence victims, children, community groups,

immigrants, and others. I wrote that I could go on a diatribe as to why I felt this way, but would not, instead noting that the ABA resolution smacked of people who are doing little to provide legal services proselytizing to those who are actually doing something. Reading that today, I confess that it reads like the beginning of a diatribe. Here’s the rest.

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## 137 years of anti-competitive behavior: Remind me why we should listen to the ABA

By Robert Solomon

CLINICAL LEGAL  
EDUCATION  
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To me, this discussion has nothing to do with the decision to serve veterans and everything to do with the role of the ABA in attempting to establish priorities for law school clinics. The ABA and state and local bar associations have a long and well-documented history of anti-competitive behavior, limiting access to affordable legal services and supporting those efforts only after determining that there is little risk of competition. That is why any ABA position should be considered in the following context.

The ABA is a trade organization, founded in 1878, with the main objective of protecting the business of its members. Like many trade organizations, the ABA has done its best to create a monopoly and restrict the entry of new members into the trade. The ABA was slow to accept women and African-Americans (women were not accepted as members for 40 years and African-Americans for 75 years), but the real restraints have been through its accreditation process and its successful establishment and vigorous prosecution of unauthorized practice of law statutes.

Through its accreditation process, the ABA limits the ability of law school graduates to practice law. In most states, graduation from an ABA-accredited law school is a prerequisite for taking the bar exam. The ABA asserts that the accreditation process is a necessary part of self-regulation by the profession, but the ABA, an organization controlled by the self-

appointed elite of the profession, has performed this role poorly. In 1995, the Justice Department sued the ABA for anti-trust violations, arguing that the accreditation process privileged ABA-approved schools and discriminated against state-approved schools. The parties entered into a consent decree, but in 2006, after the DOJ filed a motion for contempt, the ABA admitted that it had violated the consent decree and paid a fine in the amount of \$185,000.

This is small potatoes compared to the promulgation and enforcement of unauthorized practice of law statutes. If the ABA wants to expand access to affordable legal services, the easiest way is to license trained paraprofessionals to help civil litigants fill out legal forms, inform clients of procedures and timelines, review and explain pleadings, and identify additional documents that might be needed in court. That is not my idea – I just described Washington State's Limited License Legal Technician, permitted by court rule since 2012. The rule passed by a vote of 4-3. In dissenting, Justice Susan Owens wrote, "During my years on the Washington Supreme Court, I have not once authored a dissent to an administrative order of this court. I depart from that custom today because I have very strong feelings that our court's decision to adopt the new [rule] is ill-considered, incorrect, and most of all extremely unfair to the members of the Washington State Bar Association."

I disagree with Justice Owens on

her notion of fairness. I believe that the needs of consumers should come before the needs of the private bar. So did the majority, which noted that the plan might pose a threat to the family law bar, but wrote that "protecting the monopoly status of attorneys in any practice area is not a legitimate objective." Meanwhile, the organized bar does everything in its power to shut down any alternative means of providing legal services. LegalZoom, which has been offering on-line forms since 2001, has been sued in eight states for violations of unauthorized practice of law statutes. The ABA continues to insist that only a barred attorney can offer legal advice and a paralegal must be supervised by a member of the bar.

Commentators across the political spectrum have criticized the ABA's attempts to maintain a monopoly for its members. Judge Richard Posner characterized the legal profession as "a cartel" seeking to perpetuate a monopoly to restrict entry to the detriment of consumers. Deborah Rhode urged that the profession stop trying to put LegalZoom out of business and look toward appropriate regulation. The Department of Justice, the Federal Trade Commission, and the legal reform group HALT have all criticized the ABA's stance on unauthorized practice. Economists regularly criticize the "rent taking" of the legal profession's monopoly, which allows lawyers to avoid market forces and inflate the value of their services.

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## 137 years of anti-competitive behavior: Remind me why we should listen to the ABA, cont'd

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As University of Southern California Professor of Law Gillian Hadfield noted in *The Washington Post* in 2010, “The United States stands largely alone in advanced-market democracies in drastically restricting where and how people can get help with their legal problems. In all states, under rules created by bar associations and state supreme courts, only people with law degrees and who are admitted to the state bar can provide legal advice and services of any kind.”

Clinicians are fond of the medical model as a training ground for professionals, but if we really subscribed to the medical model, we would be as intent on training paralegals as we are on training lawyers. There are approximately 1,500,000 lawyers in the United States and 275,000 paralegals and legal assistants, a ratio of more than 5 to 1. There are approximately 900,000 physicians, 2.7 million registered nurses, and 700,000 licensed practical nurses, a doctor/nurse ration 1 to 4.

Given the growth of the nursing profession, we can safely assume that nurses will play a larger role in medicine, while legal assistants will stagnate. As a society, we provide more autonomy to nurses to provide medical services, than we do for paralegals to provide legal services. This is not because doctors have supported autonomy for nurses, but because market forces, including third-party payments, forced a change. The legal profession, largely because of its control of state legislatures, has maintained the anachronistic, anti-competitive, anti-consumer unauthor-

ized practice statutes, and the ABA and state bar associations are at the center of these efforts.

The organized bar’s anti-competitive history is not limited to non-lawyers, but extended to members of the bar who sought to provide free or low-cost services. When I was admitted to practice in Pennsylvania in 1972, the Bucks County Bar Association published a minimum permissible fee schedule, a common practice across the country. Bar associations stopped these practices only when forced to do so. The same is true for lawyer advertising. The ABA provided tremendous support for legal services in 1981 (and it was tremendous), but the earlier years were quite different. In *Unequal Justice*, Jerold Auerbach described the ABA’s lobbying efforts, led by its president and future Supreme Court Justice Lewis Powell, to constrain federally-funded legal services, both in scope and ability to compete with the private bar. Even with those restrictions in place, bar associations across the country fought the establishment of legal services programs, especially in bread-and-butter areas like family, consumer, and landlord tenant matters.

By 1981, with restrictions in place, the private bar saw that legal services programs were not competitors and often led to an increased need for private attorneys. That principle is still true. If the ABA endorses a plan to expand access to legal services you can safely bet that the plan will not affect the profession’s income stream, and likely moves the profession’s pro bono mandate to a third-party, like

law school clinics. There is a reason that the veteran’s proposal refers to “qualifying” veterans, the qualification being that the veteran not have a case that could generate a fee. If you are a clinician or a legal services attorney, you understand the needs of your community and your ability to provide services. The ABA does not. You may agree with the ABA, just as you will occasionally agree with a broken clock, but do not think that the ABA is making a real priority decision. It is not. Like all trade organizations, its choices are limited to what is best for the members of the profession, not what is best for society. In my opinion, that limitation makes the ABA’s recommendations meaningless.

### Robert Solomon

is Clinical Professor of Law,  
Director, Clinical Programs, and  
Co-Director, Community &  
Economic Development Clinic  
at UC Irvine School of Law

He can be reached at  
[rsolomon@law.uci.edu](mailto:rsolomon@law.uci.edu)



**Overview of Multi-forum Advocacy:  
Developing a Strategy for Systemic Legal Change  
By Deborah Maranville**

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With its intensive use of the case method, American legal education focuses primarily on rights held by individuals, and the legal claims that arise from those rights. As a societal matter, however, we may want lawyers to stand up for the rights of communities, as well as individuals, against the overwhelming power of the state, large corporations, and the sometimes unchecked power of local elites. Thus, in addition to learning to focus intensely on specific problems that individual clients may bring to us as lawyers and to identify potential claims to redress those problems, we also want to do more. Lawyers often need to learn how to step back and look at the broader picture, and to develop strategies for addressing broader social problems. The importance of this step is often illustrated by the following story:

Three friends are fishing in a mountain stream. Suddenly, a baby comes floating down the stream in a basket. One of the friends wades into the stream, reaches out, grabs the basket and pulls the baby to safety. His companions congratulate him on saving the baby's life and they relax for a moment. But then another basket floats by and the second friend wades in and grabs the basket. Gradually a slow, but steady stream of baskets with babies float by and the three friends create a human chain to pull the babies out, one after another. But the flow of babies continues and in-

creases in speed to the point that the friends have difficulty acting quickly enough to pull all of the babies out. Suddenly, one of the friends takes off and starts running upstream. Her friends say, "Hey, what are you doing? Are you just going to abandon these poor babies?" She responds, "I'm going up to find out who's throwing these babies in the stream and stop them."<sup>1</sup>

As we think about the challenges of developing a strategy to address a recurrent issue, it may be useful to identify the key steps in the process.

**1. *Identify a systemic issue.***

The first steps in developing a strategy to address a recurrent legal issue are, of course, to see the issue and to recognize that the issue is a recurrent one. Sometimes we can do this simply by asking ourselves whether the problem brought to us by an individual client is also experienced by other individuals. If we work within a given specialty area long enough, we will be exposed to the legal issues that arise within that area and we can begin to see patterns.

In other instances, the issue is one that is unlikely to present itself directly in the guise of an individual client and we may need to step back and ask what is causing the larger challenges our clients face. For instance, many argue that a major trend in the economy in the U.S. over the past forty years has been an increase in income inequality. Legal factors are implicated in this trend in a variety of

**Deborah Maranville**

is Chair, Curricular Innovation  
and Professor of Law  
at University of Washington  
School of Law

She can be reached at  
[maran@uw.edu](mailto:maran@uw.edu)



ways, including tax structures, tariff agreements, agricultural subsidies, and labor law. They may be difficult to recognize unless we read widely in a range of literature, beyond law.<sup>2</sup>

**2. *Strive for a client centered/  
community driven approach***

Once you have identified a systemic problem, learn all you can about the causes, implications and potential solutions. Consult widely with affected communities and clients and be guided by them. Don't assume that you know best. Lawyers are often faulted for arrogance and assuming they know more than everyone else. Don't fall into that trap. In addition to consulting with affected communities and clients, find out what others have learned about the problem by consulting the social science literature and reliable media sources from a range of perspectives.

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## Overview of Multi-forum Advocacy: Developing a Strategy for Systemic Legal Change, cont'd

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### 3. *Develop a multi-forum approach to address a systemic legal issue*

Not surprisingly, legal education's orientation toward rights held by individuals leads many law graduates to envision the work of a lawyer exclusively as litigating. Yet, effective strategies for systemic change necessarily operate in multiple forums using multiple modes of advocacy. That is so because no single approach can be effective. The results of litigation can be undermined or overturned by statutory changes, while statutes can sometimes be struck down on constitutional grounds. A concerted and effective media campaign can provide the groundwork for legislative change. Or such a campaign can shift the way the law is applied, by changing the willingness of government agencies to exercise their discretion, or changing the way the jurors think about problems, for instance by convincing them that the tort system is out of control.<sup>3</sup>

And a shift in the formal legal standards, whether through statutes, regulations, or case law will be a pyrrhic victory, if it is not implemented on the ground. Thus, the most effective approaches often meld more traditional legal strategies such as litigation, statutory change, proposing or commenting on administrative agency regulations with media campaigns and direct action based in social movements.

Examples:

In the civil rights arena, beginning with the attack on the Jim Crow system or segregation and

continuing with the movements for women's equality, disability rights and GLBT rights, we have seen repeatedly that in combination with a strong social movement, even unsuccessful litigation can lead to shifts in public perception, enactment of legislation and/or success in later litigation.<sup>4</sup>

As a lawyer, you are likely to find yourself most drawn to one aspect of a multi-modal strategy, and you may feel that you lack the skill to engage in the others. That is to be expected. Some of us will have the skill to act as the orchestra conductor and coordinate each of the pieces; others will focus on one instrument. But we are all likely to be more effective if we act with an awareness of the other instruments and the overall music (or noise) being created. And our individual efforts can be enhanced if we develop links with partners in the community who approach, or could approach, our efforts from different perspectives.

### 4. *Strategy: Litigation*

If your chosen instrument (or one of them) is litigation, you will need to develop a broad range of knowledge and skills, both around legal doctrine and around fact investigation and development.

#### a. Creative Case Theories

New law students often view the law as a matter of finding the correct answer and thus may see it as dry and uncreative. While litigation certainly requires engaging in a significant ra-

tion of tedious activities, it also can be intellectually challenging and creative. Especially with litigation for systemic legal change, you must develop your skills by learning to see the potential in litigation to develop legal rules favorable to your position. That will involve identifying gaps, conflicts, or ambiguities in existing rules—judge-created common law rules, statutes, and administrative regulations—and developing potential arguments for adopting rules, or interpretations that will resolve those gaps, conflicts or ambiguities in your client's favor. Think of yourself as an artisan and the legal rules as the materials you work with. Sometimes the materials will feel like bricks, solid and immovable—but even then perhaps they can be rearranged. Other times, the materials will feel more like clay, readily susceptible to molding.

We build our arguments using legal doctrine, so you will likely find it easier to develop these arguments if you are familiar with a wide range of doctrine. If you specialize in a narrow doctrinal area, remember that reading outside your specialty area can provide inspiration for creative approaches. Similarly, tracing the historical development of doctrine in an area you are working in can often provide the basis for arguments to limit the reach of more recent precedents.

#### b. The Factual Record

As with individual litigation, successful systemic litigation will generally depend on making a compelling factual record

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## Overview of Multi-forum Advocacy: Developing a Strategy for Systemic Legal Change, cont'd

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to demonstrate the negative impacts of a legal rule on the individuals challenging it. For instance, in constitutional litigation, a court may rule on the constitutionality of a statute or practice on its face, without regard to the specific circumstances of the plaintiff. In some cases, however, the plaintiff will concede that the statute or practice is constitutional in some cases, but argue that it is unconstitutional as applied in **this** case. Creating an adequate factual record may require extensive fact investigation and will often require identifying relevant bodies of social science research, and identifying and working with expert witnesses.

### 5. Strategy: Legislation

If you choose to address the problem through legislation, you will need to develop the skills in one or all of the following areas, and know who to collaborate with for the areas in which you lack the necessary skills:

- a. Research the legal and factual background of the issue
- b. Draft a statute that addresses the issue and, to the extent possible, does not introduce unnecessary ambiguities or unintended consequences
- c. Present effective testimony and written materials in support of the legislation
- d. Build coalitions to convince the legislature to enact the statute.

### 6. Implementation

Winning a case (or passing new legislation) brings great satisfaction. By itself though, a judicial opinion or a

statute is just a piece of paper. It will have little meaning, unless it is implemented effectively. Thus, a critical aspect of addressing systemic problems is tracking what happens after the high level “win”. You will want to communicate with others who work in the substantive area and/or with the affected community to make certain that the new legal rule is applied in practice.

For instance, in her presentation at a UW Social Justice Tuesday on February 28, 2011, Lynn M. Paltrow of National Advocates for Pregnant Women noted that many court decisions protect pregnant women from the attempts of hospitals to override women’s decisions in high-risk pregnancies, and from prosecutors who seek to use criminal law or the dependency system against pregnant women with drug problems. Nonetheless, these cases keep arising, even in jurisdictions with controlling legal precedent.

### Notes

<sup>1</sup> This story, attributed to Saul Alinsky, famed Chicago community organizer, is found in many versions. I first heard it from Ada Shen-Jaffe, former director of Columbia Legal Services in Washington State. Other versions say that the babies are falling into the river not due to intentional action by anyone, but due to a negligent oversight, such as a hole in a bridge.

<sup>2</sup> See, e.g., <http://extremeinequality.org/>.

An interesting recent analysis of the effects of income inequality can be

found in Richard Wilkinson and Kate Pickett, *The Spirit Level: Why More Equal Societies Almost Always Do Better* (2009) and on their website <http://www.equalitytrust.org.uk/>.

<sup>3</sup> See, Lewis F. Powell, Jr., *Confidential Memorandum: Attack of the Free Enterprise System* to the Chamber of Commerce (1971) about developing a campaign to counteract anti-corporate or anti-capitalist sentiment in the early 1970’s. The memo is available at numerous websites, accompanied by commentary. [http://www.reclaimdemocracy.org/corporate\\_accountability/powell\\_memo\\_lewis.html](http://www.reclaimdemocracy.org/corporate_accountability/powell_memo_lewis.html); <http://prospect.org/cs/articles?articleId=9606>; Michael McCann and William Haltom) *Distorting the Law: Politics, Media, and the Litigation Crisis* (Chicago, 2004).

<sup>4</sup> For an illustration of this in the context of gay marriage, see Peter Nicolas & Mike Strong, [The Geography of Love: Same-Sex Marriage & Relationship Recognition in America \(The Story in Maps\)](#).

### INTERESTED IN SUBMITTING YOUR WRITING TO THE CLEA NEWSLETTER?

CLEA is looking for short articles on clinical teaching, social justice, and other creative writing that more closely resemble what you might read in a bar journal instead of a law review (fewer pages, fewer endnotes). CLEA is now soliciting submissions for our fall edition. Please email any member of the CLEA Newsletter committee. We welcome your ideas and feedback.

**This is Ours.**

**By Inga Laurent**

CLINICAL LEGAL  
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These last few weeks have been devastating. I find myself at extremes—on the verge of tears or boiling over with anger. I do not understand the range of responses to the loss of human life. I cannot understand the lack of civility, accountability and respect for the sanctity of human life, regardless of technicalities, action, inaction, past action, body size or skin color...

But what has been most devastating is the silence. The silence of my colleagues, my students, my profession....Never have I found so many of us with so little to say. And while the silence may be benign, it certainly does not feel that way. I cannot explain why the silence seems so deafening, so sinister, so dark, so loud, but it does. The silence feels like indifference or defeat.

And I understand that we are silent for so many reasons. Because we aren't ready to, aren't sure how to, don't want to talk about it. Because we don't want to offend, admit, deny, accept, acknowledge or be complicit in it. Because it's complicated, nuanced, jumbled, overwhelming and there are just no clear solutions, resolutions or easy answers.

But silence cannot be the answer, especially not for us.

*This is ours. We create it, sustain it, perpetuate this system. We are not outsiders, on the periphery, the borders, or the edge. We are in the belly of the beast; we are the beast. We are in it, we are it. It is us. This is ours. And so it is our responsibility to act, to fix, to change, to remedy. How? There is no clarity here, the path undefined, hazy. But we start by owning it. This is ours. We own it and we march. We talk, we debate, we blog, we discuss, we bring it to light – in forums, in conferences, on the news, individually, in the classroom – we are unceasing. We use our tools: facts, precedent, policy and logic. We.Do.Not.Stop. Because this is ours.*

Inga N. Laurent

is Assistant Professor  
and

Director, Externship Programs  
at Gonzaga University  
School of Law

She can be reached at  
[ilaurent@lawschool.gonzaga.edu](mailto:ilaurent@lawschool.gonzaga.edu)

This is Ours.

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## What I Wished I Had Known Before I Got Into Clinical Teaching

An Essay by

Brian G. Gilmore

The CLEA Newsletter Committee is excited to introduce our new, recurring column, *Things I Wish I Knew When I Began Clinical Teaching!* Each newsletter will feature quotes, stories, and probably a few words of warning or wisdom from clinical colleagues around the country. By highlighting different clinician's perspectives, we hope to offer something that will resonate with everyone.

Funny, heartfelt, serious — all are welcome from clinicians of any experience level. Whether you began teaching thirty years ago or last year, we want to hear from you. To contribute or for any questions, please email Professor D'lorah Hughes at [dlhughes@wayne.edu](mailto:dlhughes@wayne.edu).

There probably isn't a day that goes by that I don't ask the following question: Will lawyers wind up in the future like print journalists are today? I even wrote an essay about this question because first, I once considered going into journalism and have written for years for print media. And second, I have many friends who were or are print journalists who have been in the vortex of the imploding print media industry. Many have become schoolteachers or university professors; others freelance write now, or have morphed into working in digital media in various ways. Some do radio, other do television, many do any and all of it as the last days of print journalism, at least according to some observers, gets closer and closer.

Of course, as a law professor and lawyer, I also wonder about the legal profession. The advance of digital technology and its effect upon the industry is pretty obvious by now. The work of lawyers is getting easier and more efficient, less lawyers are needed, and less people are going to law school. In fact, it appears obvious that those with skills in digital technology or at least knowledge of its applications are better positioned in the modern world overall.

All of this much of the time fills me with some anxiety and makes me wish I would have known more (or studied it more) about digital technology before I became a law professor. I would have still entered the profession but maybe I would have prepared myself differently and sought out other experiences to enhance my digital skills or at least understand the impact it would have on the world. All of this again takes me back to my writing life.

I have been a writer since college. I decided when I was in college I was going to write and it has remained that way. It might be poetry, fiction, non-fiction, research writing, book reviews, etc.; it didn't matter. I wanted to write and get published and in fact had to write. I have been moderately successful at it and at the same time have achieved goals as a public interest lawyer and legal professional as well.

I did not know if that would be as a public interest lawyer right away (I was a student activist) but I knew I had a

need to help people and in turn, I felt it would help me. In the end, the writing and the need to engage with people has worked out into a fairly interesting mix of work over the years. I attended a public interest law college, graduated and moved right away into public interest legal work. Once I got into clinical teaching in 2005, the two came together even easier because of the demands of law school teaching. The skills of a writer are quite important to teaching and the skills of a lawyer are very useful for a writer. The experiences of being immersed in the daily lives of low-income citizens and ordinary people are always illuminating. It tells me so much more about the world and destroys easy assessments of people and communities.

But in entering clinical teaching in 2005, I failed to understand the coming digital boom that has taken over the paths of information exchange in the world. I find this to be a shortcoming both as a writer and as a lawyer/law professor. Today, writing is still healthy but it is vastly different. Digital publishing is quick and immediate and is more important than print though print remains important as well at least for some genres of writing. I knew this was coming so the change has not been much of an issue. However, as for the law, and law school teaching, I did not really fully understand it.

*Continued on p. 26*



**An Essay by Brian G. Gilmore**

The work of lawyers is vastly different than the world I entered in 1989 when I went to law school.

Examples of this change in the legal world are electronic filing, discovery, and exchange of information between lawyers. In addition, the expansion of digital technology is lessening the burden on the court system and lawyers because it allows many tasks to be done through electronic screens on computers. While this all sounds cozy and convenient, it does mean that some lawyers will no longer be needed and other workers associated with the profession will vanish as well.

If only I had better understood the coming changes from the digital world and understood the impact. I am not saying I would have avoided clinical teaching or gotten out of law but it might have changed my approach to a few things as a clinical professor. It might have also influenced my job choices in teaching. It again all goes back to the world of journalism.

As a result of being involved in writing, I have met many writers over the years and some really well known journalists. When the digital era arrived and completely changed journalism and how news was delivered, many of them had no idea what it meant. Some did and they executed a plan to perfection that kept them functioning at a high level still in the industry or outside of the traditional boundaries. In other words, some of them made great use of the new digital publishing world.

I feel the same is happening with the law but I am not as educated as I could be in the field because I did not recognize the coming change or at least I did not know specifically what was going on in the legal world as it related to digital technology. I was mostly concerned with developing my career, making a living for my family, doing writing and research, and maintaining my professional and moral commitments to do legal work.

It should also be stressed that I am not stating that if I had known of the impact, I would have taken a course on writing code for websites or web applications (though that might have been a thought). I am really talking about the students. I currently teach in a state that is deficient to me in the advance of technology in the legal world. There are areas of the state better than others but for the most part, many of the courts have failed to advance technologically and make full use of the available resources. It is as if it is 1950 to many of the legal systems in the state and because we do clinical work where students work in the courts, it is disappointing. There are signs of progress but not enough for me.

Of course, all of this discussion about digital technology and the legal profession and teaching ultimately makes me wonder about the future of legal education and clinicians. I recently read an article entitled "The Robots Are Coming" by John Lanchester in the London Review of Books about robots and how there is great possibility that robots will re-

place many jobs and professions. It is precisely what journalists have confronted for a decade now. It caused me to again wonder about my shortcomings in the digital area.

One part of the article was quite interesting. A study, called "The Future of Employment" used in the article rated 702 professions into the future. The study, written by two Oxford economists, Carl Benedikt Frey and Michael Osborne, concluded that over the next 20 years, 47 percent of all professions are in a "high risk category" and could be replaced by "automation." "Human to human interaction," according to the study is in demand, as is "judgment." This sounds like the future for lawyers might be positive. For the record, the #1 profession of the future: Recreation Therapist. As for the profession doomed over the study at #702: Telemarketer.

As for we lawyers (the chart did not include law professor), lawyer came in at a respectable #113. Writer or author was rated #123. I did not feel totally down about the future. But today, I again read another article on an exciting web application that can make some legal work unnecessary.



**Brian G. Gilmore** is Clinical Associate Professor of Law and Director of the Housing Clinic at Michigan State University.

He can be reached at

[bgilmore@law.msu.edu](mailto:bgilmore@law.msu.edu).

## Good News : Moves, Honors & Promotions



After four years of serving as Director of the **University of Tennessee** Legal Clinics, Professor **Val Vojdik** will begin teaching a new Human Rights Practicum, along with Civil Procedure, Civil Rights, Gender and the Law, and related courses beginning in fall 2015.

Professor **Penny White**, Elvin E. Overton Distinguished Professor of Law, will serve as Acting Director of Clinical Programs. Prof. White is the Director of the Center for Advocacy and Dispute Resolution at UT. She will be co-teaching our Advocacy Clinic this fall with Professors Wendy Bach and Joy Radice.



Clinical Professor **Elisabeth Semel** was awarded **Berkeley Law's** annual Rutter Award for



Teaching Distinction. This prestigious award honors a professor who inspires students and demonstrates a deep commitment to teaching. Semel is the founding director of Berkeley Law's Death Penalty Clinic.



Professor **Judith Lipton**, Associate Dean for Experiential Education, has been appointed as the inaugural Honorable Blanche E. Krupansky and Frank W. Vargo Jr. Professor in Criminal Law at **Case Western Reserve University**. This is a newly endowed chair and she becomes our law school's first clinician with an endowed professorship.

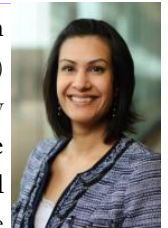
**Emily Broad Leib**, the director of **Harvard Law School's** Food Law and Policy Clinic, was awarded a research grant in the inaugural year of Harvard President Drew Faust's Climate Change Solutions Fund. Her project, "Reducing Food Waste as a Key to Addressing Climate Change," was one of seven chosen.



The faculty at **Quinnipiac** recently granted tenure to **Sarah French Russell** and promoted her to full professor.



**Tanya Asim Cooper** (Alabama) will join the faculty at **Pepperdine University School of Law**, where she will design and direct the Restoration & Justice Clinic to serve victims of gender-based crimes.



**Crystal Shin**, Director of **William & Mary Law School's** PELE Special Education Advocacy Clinic, was recently appointed Clinical Assistant Professor of Law. She helps her students advocate for children with disabilities throughout local school districts, and is developing a program to aid children with disabilities who are charged with crimes.



**Allyson Gold** was recently promoted to the Rodin Visiting Clinical Professor of Law and Supervising Attorney in **Loyola University Chicago School of Law's** Health Justice Project clinic.



**Claire Raj** has joined the faculty of the **University of South Carolina School of Law** as an Assistant Professor of Law. Claire will be establishing and teaching a special education clinic, the first of its kind here at the law school.



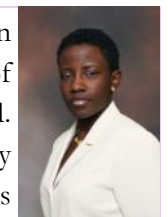
**Inga Laurent** was promoted to Associate Professor of Law at **Gonzaga University School of Law**.



**Seattle University School of Law** has granted tenure to **Tom Antkowiak**.



**Dehlia Umunna** has been appointed Clinical Professor of Law at **Harvard Law School**. Dehlia serves as the Deputy Director of CJI and supervises third-year law students in their representation of adult and juvenile clients in criminal and juvenile proceedings and arguments before Massachusetts' Supreme Judicial Court and Appeals court.



## Good News : Moves, Honors & Promotions

### CLINICAL LEGAL EDUCATION ASSOCIATION



**University of Washington School of Law** welcomes **Christine N. Cimini**, who will be joining the UW School of Law as a

Visiting Professor in Autumn of 2015. Christine is the Associate Dean of Research and Faculty Development, Director of JD Externship Programs, and Professor of Law at Vermont Law School.



**Maxine Lipeles** (Interdisciplinary Environmental Clinic) (**Washington Univ.—St. Louis**) received the Darrow Award from St.

Louis University School of Law. The award recognizes attorneys who have devoted their time, energy, and professional reputation to helping better society through work in the field of public interest law.

**Tracey McCants Lewis**,

assistant director

of clinical legal education and assistant clinical professor of law, was named Woman of the Year by Duquesne University School of Law's Women's Law

Association. McCants Lewis is also the supervising attorney for Duquesne Law's Civil Rights Clinic and Pro Bono Program.



Professor **Wendy Bach** was awarded the 2014 Harold C Warner Outstanding Teacher Award by the **University of Tennessee College of Law** in recognition for her incredible commitment to teaching in clinical and non-clinical courses.

**Jon Bauer (UConn)** is the recipient of the 2015 Tapping Reeve Legal Educator Award from the Connecticut Bar Association. The award is given for sustained contributions to legal education, scholarship, and the practice of law.



**Karen Tokarz** (Civil Rights, Community Justice and Mediation Clinic) received the Outstanding Legal Educator Award from the Black Law Students Association (BLSA) at **Washington University (St. Louis) School of Law**.



**Susan Crawford** (Cyberlaw Clinic) has been appointed clinical professor of law at **Harvard Law School**. She has been a faculty co-director of the Berkman Center for Internet & Society since 2012 and was most recently a professor at Cardozo Law School and the University of Michigan Law School.



Professor **Avidan Cover (Case Western Reserve)** was promoted to Associate Professor of Law. He teaches in the Civil Rights & Human Rights Clinic.



Prof. **Brenda V. Smith (American)** of our Community and Economic Development Law Clinic was awarded a Faculty Research Grant to preserve the narratives of a historic African American Veterans organization and to explore the creation of a small museum; and awarded a grant to develop and publish the 3rd edition of the LGBTI Policy Guide for Correctional Agencies.



Associate Professor and Director of Clinical Programs **Margaret Drew (UMass)** and Clinical Professor of Law **Sarah Buel (Arizona State Univ.)** are recipients of the 20/20 Vision Awards, which were created in honor of the important work accomplished by the passage of the Violence Against Women Act and the creation of the Commission on Domestic & Sexual Violence 20 years ago. Recipients played an instrumental role in mobilizing the legal profession against domestic and sexual violence by either creating, supporting, advancing, or advocating for the CDSV or VAWA over the past two decades.





## Good News : Moves, Honors & Promotions



Associate Professor and Director of the Human Rights Clinic at **University of Miami School of Law**, **Caroline Bettinger-**

**López**, has moved to DC to become the new White House Advisor on Violence Against Women. She plans to return to University of Miami to teach the Human Rights Clinic in 2017.



**Kate Elengold (American)**, a Practitioner-in-Residence in our Women and the Law Clinic, recently won the 2015 Emerging Scholar Award at the Denver University Law Review for her article "Branding Identity", which comes with a \$500 cash award and publication in the Denver University Law Review in early 2016.

Prof. **Karla McKanders (Tennessee)** was awarded a UT Community Outreach Grant for Legal Literacy Project, Spring 2014. She was also recognized as Knoxville's 40 under 40 Honoree, January 2014.



In celebration of International Women's Day, **Andrea Park**, Staff Attorney at the **Harvard Legal Aid Bureau** and **Sabrineh**



**Ardalan**, Assistant Director and Lecturer on Law at the Harvard Immigration and Refugee Clinical Program were honored in the 2nd Annual Harvard Law International Women's Day Portrait Exhibit.



Farewell and congratulations to **Tim Jaasko-Fisher**, founder and first Director of the Court Improvement Training Academy, who has left the **University of Washington School of Law** to pursue other opportunities.



**Penny M. Venetis** has taken a several year leave of absence, effective January 2015, from **Rutgers School of Law-Newark**, where she is Clinical Professor of Law, Director of the International Human Rights Clinic and Judge Dickinson R. Debevoise Scholar, to join Legal Momentum as Executive Vice President and Legal Director.



**Carol Izumi (Hastings)** has been selected to receive the 2014-2015 Professor Chris Kando Iijima Teacher and Mentor Award in recognition of the impact she has had on the many students and legal educators she has mentored and supported, and her extensive contributions to public service, teaching and scholarship supporting Asian American rights.



**Natalie Nanasi (American)**, a Practitioner-in-Residence and director of our Domestic Violence Clinic, is going to the Hunter Legal Center for Victims of Crimes Against Women at the Southern Methodist University Dedman School of Law.

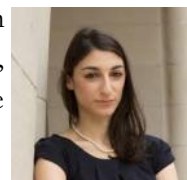


**Patty Roberts (William & Mary)** was recently named one of the Class of 2015's "[Influential Women of Virginia](#)," which recognizes Virginia women in all fields, including law, business, health care, education and the arts, and who are selected for making "notable contributions to their chosen professions, their communities and society at large."



Professor **Val Vojdik** was awarded the 2014 W. Allen Separk Faculty Scholarship Award by the **University of Tennessee College of Law** for her article, "[Sexual Violence Against Men and Women in War: A Masculinities Approach](#)".

**Toby Merrill (Harvard)** was promoted to Clinical Instructor and Lecturer on Law with the HLS Predatory Lending/Consumer Protection Clinic. Toby joined the clinic as a Skadden fellow in 2012. Toby represents low-income student loan borrowers in litigation against predatory lenders, focusing on unscrupulous practices and false promises of for-profit educational institutions.





**Julia Devanthery** was appointed to Clinical Instructor with the **Harvard Law School** Housing Clinic. Julia joined as a Staff Attorney for the Mattapan Initiative in 2013. Previously, Julia served as the Manager of Legal Advocacy at HomeStart, Inc. and a Clinical Law Fellow at Northeastern Law School's Domestic Violence Institute.



**Jack Lerner** has joined the **UCI** faculty as a clinical professor and the director of our new Intellectual Property, Arts, and Technology Clinic. Prior to coming to UCI, Jack directed and taught a similar clinic at the University of Southern California School of Law for seven years.



Professor **JoNel Newman**, Professor of Clinical Education and Director of the Health Rights Clinic at the **University of Miami School of Law**, has been selected as the 2015 recipient of the AALS Section on Clinical Legal Education's M. Shanara Gilbert Award. JoNel's colleagues and students at the University of Miami submitted a compelling nomination packet, describing her long-standing commitment to social justice, creative pedagogical approaches, and commitment to serving marginalized communities in the Miami area and beyond. One nominator wrote of the significant contributions of the Health Rights Clinic that JoNel directs, noting that her students "have served over two thousand vulnerable health-impaired clients . . . and have secured over two million dollars in entitlements and public benefits for their clients." Her nominators wrote of a myriad of innovative and impactful community-based projects that JoNel has spearheaded, including initiatives relating to the Haitian diaspora, veterans' rights, pediatric care, and more. JoNel's students wrote that she "embodies the qualities sought in the recipient of the Shanara Gilbert Award" and her colleagues at Miami herald her "extraordinary efforts and contributions to clinical legal education, service, and justice."



Professor **T. Keith Fogg** of Villanova University School of Law (where he directs the Federal Tax Clinic) will join **Harvard Law School** in Fall 2015 as a Visiting Professor to teach at the new HLS Federal Tax Clinic. The clinic will help defend the most vulnerable taxpayers and teach tax practice.



**James Liebman**, the Simon H. Rifkind Professor of Law at Columbia Law School will teach at **Harvard's** new interdisciplinary Public Education Policy and Consulting Clinic as a Visiting Professor. This Clinic will be composed of law, business, education and policy students from Harvard, Columbia, Dartmouth, Michigan, NYU and Stanford.



**Jasmine Harris (American)**, a Practitioner-in-Residence in our Disability Rights Law Clinic, will join the faculty at UC-Davis, where she will teach Disability Law and Evidence.



**Roy Hoagland** was appointed a Professor of Practice at **William & Mary Law School** in fall 2014, and the clinic work he previously directed was incorporated into the new Virginia Coastal Policy Center, more accurately reflecting the diverse interdisciplinary projects and studies the Center undertakes.



**Eloise Lawrence (Harvard)** has been promoted from Staff Attorney to Clinical Instructor at the Harvard Legal Aid Bureau. Previously, Eloise was a staff attorney with Greater Boston Legal Services, the Environmental Health and Justice Initiative at the Conservation Law Foundation, and with Business and Professional People for the Public Interest.

**Boston College Law School** is delighted to announce that it has hired **Lynnise Pantin**, currently Associate Professor of Law, Director of the Social Entrepreneurship Initiative, and Director of the Transactional Law Clinic at New York Law School to join our faculty next year. Lynnise will establish a new entrepreneurship clinic here at BC Law.



## Retiring Clinicians

**Debbie Maranville** (pic on pgs. 5, 21), and **Julia Gold**, both of **University of Washington School of Law** are wrapping up their final year of teaching as they transition to retirement. Debbie is the Director of the Clinical Law Program; before that, she co-founded the program's second clinic, the Civil Law Clinic (most recently offered as the Worker's Rights Clinic). Julia is a Principal Lecturer and long-time Director of the Mediation Clinic and Street Law Clinic.



On April 1, 2015, **Hamline Clinic Director Mary Jo Brooks Hunter** retired, having developed and taught the Hamline Child Advocacy Clinic since 1993. She will take up a post as a Trial Court Judge for the Ho-Chunk Nation, where her duties will include presiding over a specialized court focusing on children and families.



**Rick Wilson (American)** is retiring after an admirable career as a public interest lawyer and clinical teacher. As founder of our International Human Rights Law Clinic 25 years ago, Rick created a model that put client-centered representation at the core of human rights advocacy and student learning, promoting the belief that law and legal institutions should be harnessed to advance the cause of justice.



**W. Lewis Burke (South Carolina)**, Professor of Law and Director of Clinical Legal Education will be retiring this June 2015, after 37 years on the faculty. While his contributions are too many to name, we thank him for his passion and leadership and wish him the very best as he moves on to new adventures.

## New Clinicians



**University of Washington School of Law** welcomes **Kelly Warner-King** as a Co-Director of the Court Improvement Training Academy (part of the Child and Youth Advocacy Clinic). Kelly has extensive experience in child advocacy on legal and education issues, currently also serving as Director of Synapse Learning Solutions, which connects children with learning disabilities to the services and assistance they need.



**University of the District of Columbia School of Law** is pleased to announce that **Jonathan M. Smith** is our new Associate Dean of Experiential and Clinical Programs. Jonathan was the Chief of the Special Litigation Section of the Civil Rights Division of USDOJ and director of the Legal Aid Society of D.C.

**Suffolk University Law School Clinical Programs** is pleased to welcome four new faces to the dynamic clinical team. Please join me in welcoming **Regina Holloway**, Testing Coordinator in our Housing Discrimination Testing Program; **Nadiyah Humber**, Testing Coordinator in our Housing Discrimination Testing Program; **James Matthews**, Clinical Fellow, Accelerator Practice Clinic; **Sherley Rodriguez**, Clinical Fellow Housing Discrimination Testing Program.

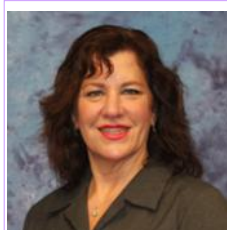


## New Clinicians



**Jeena Shah, Esq.**, from the Center for Constitutional Rights (CCR) in New York City, has been appointed as a visiting Clinical Professor of Law to teach in and continue the work of the **Rutgers-Newark International Human Rights Clinic** and participate in the Constitutional Rights Clinic after the departure of Penny Venetis.

**Albany Law School's** Law Clinic & Justice Center welcomes Visiting Assistant Professor **Sarah D'Alessandro** to the Tax & Transactions Clinic. A graduate of Fordham Law School and formerly a veteran staff attorney at Legal Aid of Northeastern New York, Sarah brings a wealth of public interest experience and taxation expertise to the position.



**Donna Huntermark** joined **Duquesne Law's** clinical legal education program as administrative assistant and paralegal. A Pennsylvania certified paralegal and PACE registered paralegal, Huntermark worked for 15 years as a bankruptcy paralegal and as a paralegal in a corporate law department.

In January, **Suma Peesapati** (pic not available) joined **UCI's** Environmental Law Clinic as a Practitioner-in-Residence. Suma has practiced environmental law for more than fifteen years and joins the clinic after having spent the last five years as a staff attorney with Earthjustice in San Francisco.

**Audrey Patten** joined the **Harvard Law School** Predatory Lending/Consumer Protection Clinic as an Attorney and Clinical Fellow to



help represent victims of domestic violence on their consumer issues. Previously, Audrey was a staff attorney at Northeast Legal Aid, Inc. in Lowell, Massachusetts where she worked for the Battered Women's Legal Assistance Project.



**University of Washington School of Law** welcomes **Alejandra ("Ale") Gonza** as Lecturer for the International Human Rights Clinic.

Ale is a Commissioner with the Seattle Human Rights Commission, a legal adviser to the Due Process of Law Foundation in Washington, DC, and has served at the Inter-American Commission on Human Rights, and at the Inter-American Court of Human Rights.

**University of Washington School of Law** welcomes **Alicia LeVezu** as an Equal Justice Works Fellow, for a two-year term. Alicia is working on establishing a right for counsel for juveniles in dependency cases.



## Good News: Books & Publications

### John Gross (Alabama)

"Representation by Counsel or Access to Defense Resources: Utah's Single Source Approach to Indigent Defense" forthcoming in Washington & Lee Law Review Online.



Professor **Mary Lynch (Albany)** has co-authored a chapter in the forthcoming text, *Building on Best Practices: Transforming Legal Education in a Changing World* (Lexis, forthcoming 2015).





## Good News: Books & Publications

**Patty Roberts (William & Mary)** (pic on pgs. 18, 29) *Post-9/11 Veterans: Welcoming Them Home as Colleagues and Clients*, University of Memphis Law Review (forthcoming in Volume 45).

**Mae Quinn (Washington Univ.—St. Louis)**



*In Loco Juvenile Justice: The Case Against Minors in Municipal Courts*, BRIGHAM YOUNG U. L. REV. (forthcoming 2015); [Robbed of](#)

[Childhood and Chances: Ferguson and Beyond](#), St. Louis Post Dispatch (March 2015).

**Anju Gupta (Rutgers-Newark),**

ETHICAL PROBLEMS IN THE PRACTICE OF LAW: MODEL RULES, STATE VARIATIONS, AND PRACTICE QUESTIONS (WOLTERS



KLUWER 2015-2016) (CO-AUTHORED WITH LISA G. LERMAN AND PHILIP G. SCHRAG); *Nexus Redux*, 90 IND. L. J. 465 (2015).

**Robert C. Holmes (Rutgers-Newark),**



*Use of Clinic Students' Extant Talents: Negative Exploitation or a Peek at the Future of Legal Education*, 66 RUTGERS L. REV. 685 (2014);

*Benefits of Chartering in Delaware Versus New Jersey: Busting the Myth and Closing the Gap*, 8 RUTGERS BUS. L. J. 1 (2014).

**Jon C. Dubin (Rutgers-Newark)**, SOCIAL SECURITY DISABILITY LAW AND PROCEDURE IN FEDERAL COURT (2015 EDITION; CO-AUTHORED WITH CAROLYN A. KUBITSCHKE, THOMSONREUTERS/WEST PUBLISHING CO.) (FORTHCOMING 2015).



**Laurie Serafino, Duquesne Law's** director of clinical legal education and associate clinical professor, authored "I Know My Rights, So You Gon' Need a Warrant for That": The Fourth Amendment, Riley's Impact, and Warrantless Searches of Third-Party Clouds, published in the Berkeley Journal of Criminal Law, 19 (2), 154-205.

**Wendy A. Bach (Tennessee)**

*The Hyperregulatory State: Women, Race, Poverty and Support*, 25 Yale J. L. & Feminism (2014); *What if Your Child Were the Next One in the Door? Reimagining The Social Safety Net For Children, Families and Communities*, in Nancy Dowd, ed., *Conversation: Reforming the Juvenile Justice System* (forthcoming NYU Press 2015); *Litigating in the Zeitgeist*, in Ezra Rosser and Marie Failing, *The Poverty Law Canon* (forthcoming University of Michigan 2015); *Flourishing Rights*, Michigan Law Review (forthcoming 2015)(reviewing Clare Huntington, *Failure to Flourish* (2014)).



**Brandon Butler (American)**

*Transformative Teaching and Educational Fair Use After Georgia State*, Connecticut Law Review, forthcoming Fall 2015;

*Audio Preservation: The Legal Context*, in *The ARSC Guide to Preservation* (Robin Pike & Maya Lerman, eds.), forthcoming Spring 2015;

*Fair Use and Sound Recording Collections: Solutions to Common Challenges*, in *The ARSC Audio Presentation Handbook* (Robin Pike and Maya Lerman, eds.), forthcoming Spring 2015 (with Peter Jaszi);

Special Report: Digital Copyright Developments Relating to U.S. Libraries and Publishers, 2012-2013, in *Library and Book Trade Almanac 2014* (Bowker Annual); Fair Use Rising: Full Text Access and Repurposing in Recent Case Law, 285 Research Library Issues 3 (2015);

Fair Use Best Practices: The Emerging Cross-Community Consensus, in White Paper Series for *Statement of Best Practices in Fair Use of Collections Containing Orphan Works for Libraries, Archives, and Other Memory Institutions* (2015).





**Laura Cohen (Rutgers-Newark),**

*Introduction: When the Law is Guilty: Confronting the Mass Incarceration Crisis in the United States*, 66 Rutgers L. Rev. 841 (2014); *Extending the Guiding Hand: Incarcerated Youth, Law School Clinics, and Expanding Access to Counsel*, 17 U. PA. J. L. & SOC. CHANGE 401 (2014); *The Critical Role of Post-Disposition Representation in Addressing the Needs of Incarcerated Youth*, 48 JOHN MARSHALL L. REV. \_\_\_\_ (2015)(with Sandra Simkins; lead article).

**Valorie K. Vojdik (Tennessee)** (pic on pgs. 27, 29)

*Sexual Violence Against Men and Women in War: A Masculinities Approach*, 14 NEVADA L. J. 923 (2014); *Theorizing Violence Against Men in Armed Conflict*, in Solange Mouthaan and Olga Jurasz, GENDER AND INTERNATIONAL CRIMINAL JUSTICE (Intersentia Publishers, forthcoming); contributor, Linda Berger, Bridget Crawford, Kathryn Stanchi, ed., U.S. FEMINIST JUDGMENTS: REWRITTEN OPINIONS OF THE UNITED STATES SUPREME COURT (Cambridge University Press forthcoming).

**Matt Rossman (Case Western Reserve)**

“Evaluating Trickle Down Charity” in Brooklyn Law Review (forthcoming this summer).

**Christine N. Cimini (Vermont)**

*Hands Off Our Fingerprints: State, Local and Individual Defiance of Federal Immigration Enforcement*, 47 CONN. L. REV. 101 (2014); *Scholarship with Purpose: The View From a Mission-Driven School*, 31 TOURO L. REV. 39 (2015).

**Jay Mitchell (Stanford)**

and

**Michelle Sonu (Stanford),**

*Food Banks to Investment Banks: Clinic Design for Corporate Practice*,



18 Lewis & CLARK L. REV. (forthcoming 2015).



### COMPARATIVE PERSPECTIVES ON GENDER VIOLENCE: LESSONS FROM EFFORTS WORLDWIDE

, edited by **Rashmi Goel (Denver)** & **Leigh Goodmark (Maryland)**. Contributors include **Robin Runge (George Washington)** (picture not available) and **Donna Coker (Miami)**.

**Sandy Freund (Rutgers-Newark)**

*Effective Tax Administration Offers in Compromise - Why So Ineffective?*, 34 VA. TAX REV. 157 (2014).

**Avidan Cover (Case Western Reserve)**

“Corporate Avatars and the Erosion of the Populist Fourth Amendment” forthcoming in Iowa Law Review.

**Jennifer S. Fan (Univ. Washington)**

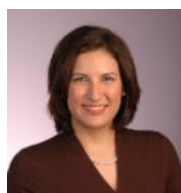
*Coming of Age: Innovation Districts and the Role of Law Schools*, 23 CLINICAL L. REV. (forthcoming); *Institutionalizing the United States Patent & Trademark Office Law School Clinic Certification Program*, 19 LEWIS & CLARK L. REV. (forthcoming).

**Bob Kuehn (Washington Univ.—St. Louis), *Pricing Clinical Legal Education***, 92

DENVER U. L. REV. 1 (2014).

**Jasmine Harris (American),**

*Processing Disability*, 64 AM. U. L. REV. 457 (2015).

**Randi Mandelbaum (Rutgers-Newark)**

*Re-Examining and Re-Defining Permanency from a Youth's Perspective*, 43 CAP. U. L. LAW REV. \_\_\_\_ (forthcoming 2015).



## Good News: Books & Publications

Professor **Kenneth Margolis (Case Western Reserve)** has coauthored with Dean **Martin Katz** of the **University of Denver Law School** two articles in the upcoming **BUILDING ON BEST PRACTICES: TRANSFORMING LEGAL EDUCATION IN A CHANGING WORLD**: 1) a chapter entitled “Leading for Curricular Change,” and 2) a section entitled “Providing a Balanced Curriculum.”



### Becky L. Jacobs (Tennessee)

*Cultivating Purposeful Curiosity in a Clinical Setting: Extrapolating from Case to Social Justice*, 21 **CLINICAL LAW REVIEW** 371 (2015);

*Environmental Challenges to the Energy Sector*, *Energy Choices: How to Power the Future* (R. Collin & R. Collin, Praeger Intl. 2014).



**Jennifer Mueller (American)**, a Practitioner-in-Residence in our Tax Clinic, published *Defending Nuance in an Era of Tea Party Politics: An Argument for the Continued Use of Standards to Evaluate the Campaign Activities of 501(c)(4) Organizations* at 22 *George Mason Law Review* 103 (2014) and co-edited a chapter entitled “Practicing Before the IRS and Professional Responsibility in Tax Practice” in the newly released Sixth Edition of *Effectively Representing Your Client Before the IRS* (ed. Keith Fogg). Her new article, *The Unwilling Donor*, will be published this fall in *Washington Law Review*.



Professor **Ayesha Bell Hardaway (Case Western Reserve)** has a forthcoming article in the *NYU Review of Law & Social Change*, “The Breach of the Common Law Trust Relationship Between the United State and African Americans - A Substantive Right to Reparations.”



### Jonathan Hyman (Rutgers-Newark)

*Beyond Fairness: The Place of Moral Foundations Theory in Mediation and Negotiation*, 15 *NEV. L. J.* \_\_\_\_ (forthcoming 2015)



### Llezlie Green Coleman (American)

*Exploited at the Intersection: A Critical Race Feminist Analysis of Undocumented Latina Workers and the Role of the Private Attorney General*, 22 *VA. J. SOC. POL'Y & LAW* \_\_\_\_ (FORTHCOMING 2015).

### Peter Joy (Washington Univ.—St. Louis)

*Race Matters in Jury Selection*, 109 *NW. U. L. REV. ONLINE* 180 (2015);

*Innocent Defendants Pleading Guilty*, 30 *ABA CRIM. JUST.* (forthcoming Spring 2015) (co-author).



## What is CLEA?

Most clinical teachers are members of the AALS Clinical Legal Education Section. But in 1992, several clinicians realized that there were important activities that could not be performed by AALS Section members, at least not without the cumbersome approval process of the AALS Executive Committee. CLEA was formed as a separate organization to permit clinical legal educators to act swiftly and independently, and to open membership to persons who were not eligible to join the Section. CLEA does not compete with the AALS Section but augments it, and CLEA continues to urge clinical teachers to belong to both entities.

### CLEA is currently engaged in activities such as:

Advocating for excellence in legal education with the ABA Council on Legal Education and its committees (such as the Standards Review Committee). Indeed, this advocacy has become one of CLEA's primary endeavors – whether supporting job security and governance rights for clinical and other skills teachers or seeking ABA support for curriculum reform. CLEA advocacy has made a difference. It has never been more important than it is now, when ABA support for our work preparing students for the practice of law is at risk of erosion.

CLEA supports individual schools and clinicians facing political interference or threats to academic freedom of clinics.

CLEA works with AALS and NYU to publish the peer reviewed Clinical Law Review (which comes free with a CLEA membership).

CLEA sponsors the bi-annual New Clinical Teachers conference and co-sponsors numerous other conferences.

CLEA authors amicus briefs on topics important to legal education.

CLEA commissioned the writing and publishing of the 2007 book, *Best Practices for Legal Education* (Roy Stuckey et al), which, along with the Carnegie Report, "Educating Lawyers," is prompting a major re-evaluation of legal education.

CLEA sponsors awards for students, clinical teachers, and for clinical programs.

## Upcoming Events

- **CLEA New Clinicians Conference**, Monday, May 4, 2015, 8:00 am — 5:00 pm, West Mission Hills Resort, Rancho Mirage, CA
- **CLEA Board Meeting**, Tuesday, May 5, 2015, 7:00 am, Mission Hills Boardroom, Lobby Level, Westin Mission Hills Hotel.
- **CLEA Membership Meeting**, Wednesday, May 6, 2015, 6:00 pm, Celebrity H, Lobby Level, Westin Mission Hills Hotel. Open Bar.
- **Midwest Regional Conference**, October 2-4, 2015, Case Western Reserve University School of Law
- **Southern Clinical Conference**, October 22-24, 2015, University of Memphis Cecil C. Humphreys School of Law
- Please stop by the CLEA table at the Clinical conference to pay dues, update memberships, and say hi!

CLINICAL LEGAL  
EDUCATION  
ASSOCIATION

Advocating for clinical  
legal education  
as fundamental to a  
lawyer's education.

### CLEA Newsletter Committee



D'lorah Hughes  
Wayne State University  
Law School  
[dhughes@wayne.edu](mailto:dhughes@wayne.edu)



Katherine Kruse  
Hamline University  
School of Law  
[kkruse02@hamline.edu](mailto:kkruse02@hamline.edu)



**EDITOR**  
Tanya Asim Cooper  
University of Alabama  
School of Law  
[tcooper@law.ua.edu](mailto:tcooper@law.ua.edu)