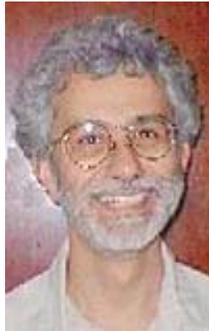


# CLINICAL LEGAL EDUCATION ASSOCIATION NEWSLETTER

VOL. X NO. 4

MAY, 2002

## PRESIDENT'S MESSAGE



**Peter Joy**  
(Washington University in St. Louis)  
[Joy@wulaw.wustl.edu](mailto:Joy@wulaw.wustl.edu)

It is hard to believe that it is time for CLEA's midyear report – so much has happened and time has flown-by so fast in the past five months. I hope this finds everyone well, and that you are catching your breath after another year. CLEA has accomplished a great deal in the last several months, and this message will bring you up to date.

### **CLEA Birthday Bash and Awards**

For those of you in Pittsburgh, I hope you enjoyed CLEA's Tenth Birthday. The University of Pittsburgh generously hosted a reception, while CLEA provided the entertainment, transportation, and supplemented the food with plenty of pizza. CLEA thanks the **University of Pittsburgh** for its generous contribution, as well

as **Washington University in St. Louis** which contributed the funds for the pizza and helped to underwrite one of the buses shuttling folks between the conference hotel and the party. At the short general membership meeting, a special award was given to **University of Pittsburgh Dean David Herring** for the positive role he played in favorably reversing efforts to move the University of Pittsburgh Environmental Law Clinic out of the law school. Academic freedom for clinical faculty and students, and access to the courts for our clients, can only be protected by the efforts of all law faculty, law school deans, university administrators, and university boards of trustees or visiting committees. Dean Herring received a resounding round of applause for his commitment to academic freedom and access to justice.

The CLEA Awards Committee presented the award for Outstanding Work on a Case or Project to the **University of Denver** for its work on a anti-predatory lending project. The award for Outstanding Advocate for Clinical Legal Education was shared by **Liz Ryan Cole (Vermont)** and **Mark Heyrman (Chicago)** for all their work in establishing CLEA. In addition, Outstanding Student Awards were sent to each student nominated by his or her school. Upon the recom-

mentation of the Awards Committee, the CLEA Board of Directors also voted unanimously to present a special pro-bono acknowledgment this year to the thirteen New York area law schools for the work that they have done in response to the 9-11 tragedy. Many thanks go out to the Awards Committee: **Mark Aaronson (Hastings)** and **Susan Kay (Vanderbilt)**, Co-Chairs; **Shirley Hochhausen (East Palo Alto Community Law Project)**; **Susan Jones (George Washington)**; **Keri Gould (St. Johns)**; and **Calvin Pang (Hawaii)**.

At the celebration CLEA Creative Writing Awards were also presented, and congratulations to all who were recognized. An accompanying story in the Newsletter lists the recipients.

**Paula Johnson (Syracuse)**, Co-President of the Society of American Law Teachers (SALT) presented birthday greetings to CLEA and reported on SALT's activities.

Many thanks go out to the CLEA Birthday Committee members who organized the evening of fun and entertainment, and special thanks to the committee chair **Nancy Cook (Cornell)**, **Bob Seibel (CUNY)** and **Karen Tokarz (Washington U. in St. Louis)** who emceed the innumerable "Unsung Hero & Shero" awards, and **Marla Mitchell (Thomas Cooley)** and **Rod Uphoff (U. of Missouri-Columbia)** who emceed the entertainment. Thanks also to the rest of the "official" committee members, **Sue Bryant (CUNY)**, **Paul Reingold (Michigan)**, and **Nina Tarr (Illinois)**, but many, many thanks also go out to everyone who provided entertainment (particularly those who

lugged instruments with them), everyone who pitched in to help with last minute details (like copying songs, helping with the pizza, making sure the buses ran smoothly, and buying boas for the past CLEA Presidents). If I was sure I wouldn't forget someone, I would attempt to list everyone who helped in some way. I really appreciate all of your help, and the evening was a success because of you. I would be remiss, however, if I failed to acknowledge **Susan McGregor**, who planned the reception for the University of Pittsburgh, and **Stella Smetanka** and **Tom Buchelle, (Pittsburgh)** who were our clinical faculty hosts helping in many ways.

Thank you all!

### **ABA Standards Struggle**

CLEA submitted written testimony in May to the ABA Standards Review Committee concerning Proposed Standard 306 (distance learning) and proposed changes to Standards 301, 304, and 305. **Margaret Martin Barry (Catholic)** also testified on behalf of CLEA at the last public hearing on May 15, 2002. CLEA's written and oral testimony had three major points: 1) opposed proposed language that would create confusion over whether or not all the credits earned for in-house clinical programs were treated equally with classroom courses; 2) opposed proposed language dealing with study outside of the classroom that would have the effect of further limiting the number of credits students could take in externship programs; and 3) proposed new language that would lift the limit on credit hours for externship programs that contain features to insure interaction between

instructors and other students both in and out of class sessions.

CLEA submitted testimony both because its membership is committed to quality legal education and because some of the proposed changes run counter to this goal and are contradictory. The proposed revisions cast doubt on whether or not all of the credits awarded for in-house clinical programs would be treated equally as classroom credits, and whether or not other courses (e.g., supervised research, and co-curricular activities such as law review and moot court) would vie with externships courses for the portion of credits permissible for “study outside of the classroom” (approximately 15 credits for schools requiring 80 semester hours of credit for graduation). CLEA maintained that the proposed changes would limit rather than encourage law students to participate in a variety of their law schools’ educational programs, which is an overarching goal of the accreditation standards dealing with the law school course of study.

Margaret reports that CLEA’s comments were well-received, and that the Standards Review Committee agreed to withdraw its recommendations that would threaten both in-house and externship programs. She notes that Standards Review also promised to consider CLEA’s recommendation that the present cap on externship programs be lifted for those externship programs that contain the following features:

1) provide access to the instructor during class sessions; (2) are interactive; (3) provide satisfactory opportunities for students to interact with the professor and each other

outside of class sessions; and (4) if there are field supervisors, the faculty member responsible for the course is in close contact with and aware of how field supervisors interact with students.

Although CLEA was successful on two of three points, and received a commitment that the third point will be considered next year, it is possible that Standards Review will revisit the issue of whether all credits for in-house clinical should be counted equal to classroom courses under the ABA Standards. As currently written, Standard 304 acknowledges that modern law school instruction includes a variety of teaching methodologies, such as clinical teaching, professional skills instruction, and legal writing. CLEA maintains that in clinical courses, the “classroom” is often in the courtroom where students represent clients under the supervision of faculty or supervising attorneys, in the clinic law office or externship placement where students meet with supervising faculty or attorneys and other law students to discuss client representation issues and receive instructional feedback, and other locations where law students interact with each other and faculty to discuss clinical course subject matter. In professional skills courses, law school instruction often takes place in non-classroom settings such as trial and moot court rooms and interview rooms where students are not engaged in traditional “classroom” instruction but rather hands-on simulations where they put theory into practice. CLEA will continue to work to ensure that the ABA Standards value clinical and

professional skills instruction that are not primarily classroom-based.

Margaret will represent CLEA at the meeting of the ABA Council of the Section on Legal Education and Admissions to the Bar in June, when the final report of the Standards Review Committee on the proposed changes will be considered. **Jay Pottenger (Yale)** represented CLEA at the Council's February meeting. We all owe a great deal of thanks to Margaret for giving testimony, and to Margaret and Jay for serving as CLEA's primary contacts with the ABA. We also owe a debt of thanks to **Karen Tokarz** and **Randy Hertz (NYU)**, who serve respectively on the Standards Review Committee and the Council. Their experience as clinical teachers on these two important bodies enables them to provide important input on Accreditation Standards. In addition, we owe thanks to **Jim Klein (Toledo)** for serving on the ABA Accreditation Committee and bringing his experience as a clinical faculty member to the consideration of accreditation matters for individual law schools.

The proposed Standard changes, and the current ABA Standards, are available at the ABA website, <http://www.abanet.org/legaled/standards/standards.html>. At the time the Newsletter is going to print, the revised proposed Standards were not posted.

### **Admissions Victory**

CLEA, represented by the pro bono work of lawyers at Skadden Arps, filed an amicus brief supporting the admissions program at the University of Michigan School of Law. **Bryan Adamson (Case Western), Jon Dubin (Rutgers-Newark), and Gary Palm**

provided assistance with the amicus effort. The United States Court of Appeals for the Sixth Circuit, sitting en banc, upheld the constitutionality of the law school admissions process. The court's opinion may be read on the web site of the Sixth Circuit, at [http://pacer.ca6.uscourts.gov/cgi\\_bin/getopn.pl?OPINION=02a0170p.06](http://pacer.ca6.uscourts.gov/cgi_bin/getopn.pl?OPINION=02a0170p.06) The Court has not yet issued a decision in the undergraduate admissions case. Thanks to our lawyers and the CLEA members providing assistance. CLEA is committed to supporting the admissions program if the U.S. Supreme Court accepts cert on the case.

### **New Clinicians Gathering**

Approximately forty-five new clinicians gathered at the Pittsburgh Conference for an opportunity to meet each other, hear a little about CLEA and the AALS Clinical Section, and to meet some more experienced clinical faculty. Chair of the Clinical Section, **Carol Izumi (George Washington)**, and Chair-Elect, **Bryan Adamson (soon to be Clinic Director at Seattle)**, joined several CLEA Board Members to welcome the newer clinicians. Each new clinician also received a copy of CLEA's New Clinicians Handbook, prepared by **Alex Scherr** and printed with the support of the University of Georgia. If you are a newer clinician and do not have a copy of the handbook, please contact Alex at [scherr@jd.lawsch.uga.edu](mailto:scherr@jd.lawsch.uga.edu). Thank you Alex. In 2003, CLEA will sponsor a one day New Teachers Conference prior to the Clinic Workshop, which will take place in Vancouver, British Columbia, Canada.

## **CLEA 10<sup>th</sup> Birthday Commemorative T-Shirt Sales**

If you have not yet purchased a special CLEA 10<sup>th</sup> Birthday Commemorative t-shirt yet, please respond by ordering one using the order form in the Newsletter. **Kim O'Leary (Thomas Cooley)** really took on the yeoperson's task of ordering, shipping, and selling the t-shirts at the Pittsburgh conference. Many others helped Kim in some way, including CLEA Board Members **Carrie Kaas (Quinnipiac)** and **Alex Scherr**. Thank you Kim, Carrie, Alex, and everyone else who helped to sell the t-shirts. CLEA still has plenty of attractive 100% cotton, natural pigment died shirts in "pepper" and "berry," so please buy one of each.

## **Thank You Jay and Welcome Antionette**

**Jay Pottenger**, whose term on the CLEA Board expires in December, resigned at the Board's meeting in Pittsburgh because he is about to embark on a well deserved sabbatical this summer. Jay has worked tirelessly on ABA and Department of Education (DOE) issues for CLEA as a Board member, and we have all benefited from his hard work. Although Jay is leaving the Board, he promises to continue to serve as a CLEA liaison with the ABA and DOE. Thank you Jay, and enjoy your sabbatical.

Please join me in welcoming **Antionette Sedillo Lopez (New Mexico)**, who has joined the CLEA Board to complete Jay's unexpired term. Welcome Antionette!

## **Best Practices Project and D.C. in August**

There was another meeting of the Best Practices Project in Pittsburgh. This is the third general meeting. **Roy Stuckey (U. of South Carolina)**, is chairing the Steering Committee, and he will soon post information concerning the Project to the clinic and externship listserves as well as on the CLEA website. If you want to get involved in the Project, please contact Roy ([roy@law.law.sc.edu](mailto:roy@law.law.sc.edu)). **Annette Appell (UNLV)** is the official CLEA Board representative on the project, and many other Board members are involved.

The ABA Clinical & Skills Education Committee of the Section on Legal Education and Admissions to the Bar is sponsoring a Section Program – "How Can Law Schools Better Prepare Students for the Practice of Law?" – at ABA Annual Meeting on August 10, 2002, from 10:30 a.m. to 12:00 noon at the Ritz-Carlton, at 1150 22<sup>nd</sup> Street, N.W., Washington, D.C. Lawyers from a variety of practice settings will discuss their perceptions of the gaps in legal education and solicit additional insights from the audience. They will also consider strategies for inducing law schools to be more responsive to the needs of the profession and law students. Roy is one of the speakers, and this program will provide those attending with information on the Best Practices Project.

CLEA will hold a **CLEA Conference** in D.C. on **August 10, from 1:00 p.m. to 4:15 p.m.**, to continue the discussion and work of the Best Practices Project. This will be the Fourth Annual CLEA Conference in conjunction with an

ABA Annual Meeting. After the CLEA Conference, those attending will be urged to attend the business meeting of the Section on Legal Education and Admissions to the Bar, scheduled from 5:15 - 5:45 p.m. The CLEA Conference is free and CLEA will provide or organize transportation from the conference site to the business meeting at the Ritz-Carlton Ballroom I, lobby level. I urge you to plan on attending this conference, and the Section business meeting. CLEA members have been attending the business meetings in recent years as a demonstration of our interest in accreditation matters. **Carrie Kaas (carolyn.kaas@quinnipiac)** and **Alex Scherr (scherr@jd.lawsch.uga.edu)** are working with **Margaret Barry (barry@law.cua.edu)** to arrange the logistics for conference. More information will follow on the listserves, but please contact Margaret, Carrie or Alex for more information.

#### **ABA Site Teams and ABA Work**

##### **Stacy Caplow (Brooklyn)**

continues to assist the ABA in locating qualified law faculty with clinical teaching experience to serve on ABA site teams. Stacy participated in the ABA training for site evaluators, February 8-9, 2002, in Chicago. In addition, there is a document about ABA site visits on the CLEA website, <http://clinic.law.cuny.edu/clea/aba/index.html>. If you are interested in serving on an ABA site team in the future, please contact Stacy ([scaplow@brooklaw.edu](mailto:scaplow@brooklaw.edu)). This past year, almost every site team had an experienced clinical legal educator as a member.

Although there is some clinical faculty representation on some

important Section of Legal Education and Admissions to the Bar committees and bodies, CLEA is working to get more members involved. If you are interested in serving on an ABA committee, please let me or Stacy know so that CLEA can recommend you. If you have volunteered in the past and have not been contacted by the ABA, please volunteer again and let us know you previously volunteered. Stacy has forwarded the names of every person who has volunteered, but the ABA only adds a limited number of persons each year to committees. As a result, you may have to volunteer for a few years in a row before you are chosen by the ABA. **CLEA Website – the First Place to Look for Clinical Legal Education Information**

##### **Bob Seibel (CUNY)**

<[seibel@mail.law.cuny.edu](mailto:seibel@mail.law.cuny.edu)> continues to improve the CLEA website, <<http://clinic.law.cuny.edu/clea/clea.html>>, but he needs help. During the summer and the fall, Bob and others will work to improve the website so that it will become the first place to look for clinical legal education information. In addition to linking your law school clinic's website to the CLEA website, please consider contacting Bob to help with identifying more links and material that belong on the CLEA website. Thank you Bob.

##### **Special Thanks**

I also want to extend CLEA's and my personal thanks to **David Santacroce (Michigan)**, who has assumed the role as the joint AALS Clinical Section/CLEA directory compiler and dues collector. I urge everyone to complete the new data

forms David sent to you, or to visit the directory website <[https://cgi2.www.law.umich.edu/\\_GCLE/index.asp](https://cgi2.www.law.umich.edu/_GCLE/index.asp)>, where you can download the data form which is part of the Section's membership form. Thanks also go out to **Lou Anne Betts**, who works with David to maintain the directory.

Special thanks also go out to **Larry Spain (Texas Tech)** who continues to serve as the CLEA Newsletter editor, layout person, and production manager. Larry's patience, hard work, and creativity, makes the Newsletter a reality. I also thank **Carrie Kaas**, Past President, and **Annette Appell**, Vice President, for all their help in keeping the CLEA train on track, and **Suzanne Levitt (Drake)**, Treasurer, and **Paula Galowitz (NYU)**, Secretary, for all their important work that is usually not visible to the membership.

Have a wonderful summer, and I hope you can make it to D.C. in August.

## NOTICES

### NOTICE SEEKING NOMINATIONS FOR CLEA BOARD

A Nominating Committee is presently being constituted to solicit nominations for five seats on the CLEA Board of Directors whose terms will be expiring this year. Any CLEA member in good standing is eligible for election to the Board. Nominations are due by **October 1, 2002**. A complete list of

the Nominating Committee will be publicized soon. In the interim, the following members of the committee may be contacted with nominations, indications of interest, or questions: **Annette Appell, Chair (UNLV)** [appell@nevada.edu](mailto:appell@nevada.edu); **Cynthia Dennis (Rutgers-Newark)** [cdennis@kinoy.rutgers.edu](mailto:cdennis@kinoy.rutgers.edu)

## DUES NOTICE

If you have not yet sent in your **2002 dues**, please do so **now**. If you are uncertain if you have sent in your dues, you can check by going to the new "**Gateway to Clinical Legal Education**" at [https://cgi2.www.law.umich.edu/\\_GCLE/index.asp](https://cgi2.www.law.umich.edu/_GCLE/index.asp) **David Santacroce (University of Michigan)** is responsible for maintaining the Gateway, which consists of the on-line directory of clinical faculty and a link to the **CLEA Website**, <http://clinic.law.cuny.edu/clea/clea.html> If you have not paid your dues, please complete the dues form accessible from the Gateway or in this newsletter. All dues paying Full Members of CLEA receive the *Clinical Law Review* as a benefit, as well as the *CLEA Newsletter*. CLEA also has a special Associate Member category for persons engaged in legal education on a basis that is less than full-time, such as in the capacity of an adjunct educator or field placement supervisor in an externship, or law faculty (full-time or part-time) in countries outside of the U.S., and others interested in the furtherance of clinical legal education who are not full-time educators. Dues paid Associate

Members have full voting rights in CLEA and receive the CLEA *Newsletter* via e-mail **only**, and **not** the Clinical Law Review.

## FIRST ANNUAL CLEA AWARDS

At its 10<sup>th</sup> Birthday party on May 20<sup>th</sup> during the Clinical Legal Education Conference in Pittsburgh, CLEA announced the first annual Awards for Excellence in a Public Interest Case or Project, for Outstanding Advocacy in Support of Clinical Education, and for Outstanding Student Performance in a Clinic. CLEA also acknowledged the pro bono work of law schools in the New York area in the aftermath of 9/11.

The recipient of the **Excellence in a Public Interest Case or Project Award** is the **Civil Clinic at the University of Denver's College of Law** for its Predatory Lending Project. This project is impressively multi-dimensional. Initially, it involved comprehensive legislative advocacy and individual and class-action litigation. In gathering facts for legislation and litigation, the participating students also discovered the importance of community legal education. As described in the nominating statement, after students hit an initial round of houses largely owned by elderly and low income Hispanic and Black individuals, it was not uncommon for the students to hear, upon knocking on a door something like, "I have heard about you and got your literature from a neighbor, and when those predators came calling I sent them away." This

revelation led to ongoing clinical student work in distributing information about predatory lending practices and in counter-marketing and other direct action activities aimed at preventing the unscrupulous foreclosure of homes. The participating law students are **Lonn Heymann, Kelly Clarke, Sarah Corbally, Vera Duwoody, Dan Lipman, Dan Wartell, Joel Laughlin, Jonathan Bender, Shalizeh Nadjmi, Jon Wilson, Jamie Allen and Alby Zweig**. Their clinical supervisors are **Christine Cimini** and **Doug Smith**. The other, also impressive, nominees involved cases or projects carried out by **American's CED Clinic, Cardozo's Innocence Project, Miami's Foster Children's Mental Health Project, Missouri's Family Violence Program, and Rutgers's Women & AIDS Clinic**.

The **Outstanding Advocate Award** is to be presented each year to acknowledge those who have contributed in multiple and substantial ways to the advancement of clinical legal education. The co-recipients this year are **Liz Ryan Cole (Vermont)** and **Mark Heyrman (Chicago)**, in particular for their work in helping to establish CLEA as an effective organization on behalf of legal clinicians. They have been pictured on more than one occasion, with great affection, as the Ma & Pa of clinical advocacy. (Note their picture elsewhere in the newsletter.)

The **Outstanding Clinical Student Award** recognizes students who have excelled in both clinical field work and clinical seminar participation. The recipients are determined by the clinical faculty at their respective law schools. It is

intended that these students be acknowledged not only through the receipt of a certificate from CLEA but also at an appropriate graduation event at their schools. The first distinguished group of student recipients are **Alethia Bess and Nishan Kottahachchi (American), Lisa Willardson (W.S. Boyd/Nevada), Susan Moriarity (UC Hastings), Tiffany Buxton (Case Western), Hugo Alfaro (Catholic), George Sotiropoulos (Cooley), Vivian Buckingham (Columbia), Michael Stockharn (Cornell), Sharlene Kranz (Dist. of Columbia), Jo Ann Ahles (Hamline), Kevin Lewis Quisenberry (Indiana), Julie Johnson (Montana), Kristina Campbell (Notre Dame), Jason Pensky (Pace), Ty Anderson (Quinnipiac), Jinan Arafat (St. John's), Jeff Mix (Texas Tech), Natalie Wilson (Villanova), Catherine Sansonetti (Roger Williams), and Paul Flick (Wyoming).**

In addition to what will be recurring annual awards, the CLEA Board this year also wanted to acknowledge the outstanding pro bono response of law schools in the New York area to the multitude of legal needs arising in the aftermath of the tragedies of 9/11. A letter will be sent from the CLEA Board to the deans at **Brooklyn Law School, Benjamin N. Cardozo Law School, Columbia University School of Law, CUNY School of Law at Queen's College, Fordham University School of Law, Hofstra University School of Law, New York Law School, NYU Law School, Pace University School of Law, Rutgers Center for Law and Justice at Newark, St. John's University School of Law, Seton Hall**

**University School of Law, and Touro Law School** to recognize and support the exemplary public service work carried out by students, faculty and staff at each respective school during this terrible and trying time.

This year's **CLEA Annual Awards Committee** was co-chaired by **Mark Aronson (UC Hastings)** and **Susan Kay (Vanderbilt)**. The other members of the Committee were **Keri Gould (St. John's), Shirley Hochausen (EPACLP/Stanford), Susan Jones (George Washington), and Calvin Pang (Hawaii).**

## CREATIVE WRITING CONTEST WINNERS!

The **Third Annual Creative Writing Contest** once again produced a plethora of great literary offerings, and with some difficulty, the judges selected this year's award winners. Congratulations go out to:

**Stephen Rosenbaum (Berkeley): Social Justice Award** for his two poems, *Flag Text Trilogy* and *I Cannot Pledge Allegiance* (printed below);

**Gail Silverstein (Berkeley): First Place, Poetry**, for *United We Fly* ["...This comfortable familiarity is slashed by/ plastic knives; they were metal in August..."];

**Justin Brooks (Cal Western): First Place, Prose**, for *Whicker Island*; ["Every morning Darcy tried to run in a different direction...."]

**Michele Halloran (Michigan State):** **Second Place, Poetry**, for *An Adirondack Mountain* [“... Some seek refuge in the warmth of fire and the allure of table./ Blanket me instead with the gray smolder of mountain fog...”];

**Bridgit Burke (Albany):** **Second Place, Prose**, for *My Quinn Lee Story* [“. . . but for me, the most important years were from age four to eleven. Those were the years that I knew my father.”];

**Marla Mitchell (Thomas Cooley):** **Honorable Mention, Poetry**, for *One Week Later at 8:58* [“...One week later I know that I am not separate from the terrorist, the firefighter, the victim, the/President...”];

**Stacy Caplow (Brooklyn):** **Honorable Mention, Prose**, for *Mona Retires* [“It was the low blood sugar time of day when winter dusk cast shadows in the courtroom...”].

Prizes were conferred at the CLEA Birthday Party on Sunday, May 19<sup>th</sup>, in Pittsburgh. First and second place winners received hand-crafted wood or blown glass pen holders, and Honorable Mention recipients were given stationery inspired by Maya Angelou’s writings. The Social Justice prize was a set of hand-made wooden book-ends.

This year’s judges were the executive editor and the poetry editor of a Pittsburgh-based literary journal, HEArt (Human Equity through Art). The editors had hoped to publish some of the winning entries, but, unfortunately, the literary journal, like

so many clinical programs, is losing its funding. The Creative Writing committee is hoping to find another forum for this and last year’s winning entries.

It’s not too early to begin writing, polishing and submitting work for next year’s contest! Contact **Calvin Pang (Hawaii)**, **Nancy Cook (Cornell)** or **Bob Seibel (CUNY)** for more information.

## SOCIAL JUSTICE AWARD WINNER

**Untitled**  
**by Stephen Rosenbaum**

I cannot pledge allegiance to the flag  
Nor to the Republican Administration  
for which it now stands  
(Flying over the skies of Afghanistan)  
Nor to the Minister of Homeland  
Security

When Insecurity rains like so many  
tears and guided missiles.  
One nation in-di-vi-si-ble? I don’t  
think so.

Perhaps a nation of invisibles.

Like the many flags gathering dust on  
attic floors and hardware store shelves  
Only now defiantly unfurled and  
saluted.

Invisible: like the Punjabi cab driver  
who must paste a decal on his  
windshield lest his loyalty be  
questioned.

Invisible: like the schoolgirl who must  
leave her hijab at home for fear of

taunts and stares at her covered hair.

Invisible: Like the Iraqi grocer who displays a star-spangled poster— not to sell Budweiser, but to ward off bricks and stones.

So say can you see  
How united we stand?  
One nation, under God

Adonai  
Jehovah  
Mars  
Yaweh  
Ares  
Hashem  
Krishna  
Allah.

United we stand  
Behind a policy of  
bombing Afghanistan?  
arming Pakistan?  
muting criticisms of Uzbekistan?  
calming fears in Turkmenistan?  
Supplying airborne humanitarian food aid  
with liberty and justice  
for all—  
Or just US?

# CONFERENCES

## REPORT FROM THE PITTSBURGH CONFERENCE

**Liz Ryan Cole (Vermont) and  
Mark Heyrman (Chicago) Receive  
Award for Outstanding Advocate  
For Clinical Legal Education**



**This was created for the CLEA 10<sup>th</sup>  
Birthday Party in Pittsburgh and for  
the first award for outstanding  
advocacy given to Liz and Mark for  
their work in establishing CLEA.**

## Achieving Social Justice through Art: A Concurrent Session Report

At the Pittsburgh conference, one of the concurrent sessions focused on achieving social justice for our clients through art. The session produced some excellent ideas on how art can be used in teaching and lawyering, so we thought we'd pass them along, and solicit more. Most of these ideas have been tried-often with skepticism-by people at the conference. They were all reported as having produced some surprisingly beneficial results.

1. Create a collage. Bring together a community of students, clients, and/or staff by having them share in the creation of a collage that reflects a joint effort or vision. Or give students their own frames to work with at the beginning of the semester and let them create a collage throughout the semester.
2. Collaborative writing. A way to give voice to clients (or students) is to sit down with them at a word processor and record what they have to say. Work together through dialogue to develop the manuscript.
3. Creative dispositions. Can your client paint, write, or sculpt? Is there a way for the client to make restitution or provide compensation by creating a work of art or contributing to an artistic project, such as a mural or a garden? Are you creative enough to convince a court or opposing party to consider this as an option?
4. Use music with student or client groups. This can be pre-recorded,

but participants favored live, interactive performance.

5. Collaborate with artists, art historians, museum curators. The experts can help us and our students transcend legal/analytical boundaries. For example, one person mentioned using Dutch paintings to teach observation skills; another uses pointillism as a analog to fact and case theory development.
6. Assign a creative project. Ask students to draw on their own creativity in reflecting on their roles and experiences. The assignment can be to share a vision of justice or an image of the ideal attorney through creative means. (Students have reportedly responded to this kind of exercise by, among other things, creating games, baking & breaking bread, writing songs, doing dramatic readings, and organizing performances in mime.)
7. Use stories, paintings, mosaics, quilts or other artistic renderings as points of reference. Many people find relevant analogies to law or lawyering in the arts. Many of us, of course, also use these arts as personal therapy.
8. Collect and "publish" stories. People often feel validated when they see their stories in writing. Sometimes providing people with an opportunity to not only tell their stories, but to have them in written form, can be helpful in community outreach efforts.
9. Recognize the value of personal stories and creative work. When property is an issue (as in the context of will, damages or

divorces), consider whether there may be a way to pass on an intangible through artistic means, preserve a personal history in writing, or share a contested item with photographs.

10. Fairy tales and myths can make excellent cases. Create a file from a simple story and use it in simulated exercises.
11. Make art part of a community development project. A mural, a garden, a recording can be done by and for the benefit of a community.
12. Remember the power of theater. Bring in actors or have students engage in dramatic exercises. A simple dramatic change in a simulation or role play can be effected with life-size photographs of faces on posterboard used as masks.

If this whets your appetite, and you might be interested in sharing or workshopping some ideas, let the concurrent session leaders,

**Antoinette Sedillo Lopez** ([lopez@law.unm.edu](mailto:lopez@law.unm.edu)) and **Marla Mitchell** ([mitchel@cooley.edu](mailto:mitchel@cooley.edu)) know.

Or contact any of the conference committee co-chairs:

**Nancy Cook** ([nancy-cook@postoffice.law.cornell.edu](mailto:nancy-cook@postoffice.law.cornell.edu)), **Mary Jo Eyster** ([meyster@brooklaw.edu](mailto:meyster@brooklaw.edu)), or **Bob Seibel** ([Bob-Seibel@postoffice.law.cornell.edu](mailto:Bob-Seibel@postoffice.law.cornell.edu)).

### **2003 AALS Clinical Workshop— Call for Participants**

Now that many of you have returned from Pittsburgh, it's time to start thinking about next year. The

**2003 Workshop on Clinical Legal Education** will be held **May 14-17, 2003**, in **Vancouver**. The Planning Committee will be meeting in Washington, D.C. on June 18-19, 2002, to plan the content of the workshop, around the theme of "Professionalism in Clinical Legal Education."

Now is the time to give us your proposals for concurrent sessions! We want the workshop to reflect the breadth and diversity of the clinical teaching community, and not just to rely on repeat performances by the reliable but increasingly familiar voices at these conferences. Hence, we are especially eager to include people who have not taken the opportunity to present at conferences before, but who want to share their ideas and insights about teaching around issues of professionalism. We know you have ideas. We know you teach about professionalism. Please read the following Call for Concurrent Session Proposals, and take the time to think about what you do, and why and how others might want to learn about it.

**CALL FOR CONCURRENT SESSION PROPOSALS:** The Planning Committee for the 2003 Workshop on Clinical Legal Education is soliciting proposals for concurrent sessions for the 2003 Workshop, which will take place May 14-17, 2003, in Vancouver. The theme of the workshop is "Professionalism in Clinical Legal Education."

Topics for concurrent sessions should relate to the overall theme of Professionalism in Clinical Legal Education, broadly defined to include issues of professional ethics, professionalism, emerging issues in

legal professionalism (such as multidisciplinary practice, the impact of technology on professional competence, and unbundled legal services), and teaching cultural competence.

Proposals should be in the form of a written (1-2 paragraph) abstract, and should include the topic you wish to address and your preliminary thoughts about how you plan to address it. We are particularly interested in sessions that use innovative methods of presentation. Although we do not expect the sessions to be fully planned at this point in time, try to be as specific as possible about the topic, so that we can avoid overlap on common issues. Please indicate who will serve as the primary coordinator and contact person for the session you propose, and if it is not you, please indicate whether the person you nominate has been contacted and agreed to facilitate the session. Sessions that have an identified facilitator and that fit most closely within the theme of the conference will be given priority. We will also look for continuity and overlap between sessions.

Abstracts can be sent, either by snail mail or email to: **Minna Kotkin**, Brooklyn Law School, 250 Joralemon Street, Brooklyn, New York 11201 [MKOTKIN@pcm.brooklaw.edu](mailto:MKOTKIN@pcm.brooklaw.edu) or **Kate Kruse**, American University, 4801 Massachusetts Ave, NW Washington, D.C. 20016 [kkruise@wcl.american.edu](mailto:kkruise@wcl.american.edu)

### **2<sup>nd</sup> CUA Externship Conference Invitation to Submit Proposals**

On **March 6 - 9, 2003**, **The Catholic University of America Law**

**School** will host the **2<sup>nd</sup> CUA Externship Conference**. Proposals for presentations are now being accepted. The deadline for submission of a proposal is **August 30, 2002**. Possible topics are listed below, but we welcome all proposals related to legal externships. If you are not able to commit to a presentation, please send us your suggestions for topics and speakers, and we will send an invitation to submit a proposal to persons you list.

Proposals should describe, briefly, the topic to be presented, mode of presentation, time needed for presentation, the names and affiliations of each proposed presenter, and a statement whether the presentation could be written up and presented for publication after the Conference.

Send your proposal to:

**Professor Sandy Ogilvy  
Columbus School of Law  
The Catholic University of America  
Cardinal Station  
Washington, DC 20064**  
or  
[ogilvy@law.cua.edu](mailto:ogilvy@law.cua.edu)

For more information, please contact Sandy at 202.319.6195 or [ogilvy@law.cua.edu](mailto:ogilvy@law.cua.edu)

Possible topics include, but are not limited to, the following:

1. The use of journals in externships; responding to journals.
2. Designing and using student presentations in an externship seminars.

3. Goals and techniques of placement selection.
4. Teaching goals in an externship seminar.
5. Teaching students to set educational goals.
6. Teaching students how to get good supervision and feedback.
7. Teacher communication with fieldwork supervisors.
8. Grading and course credit for externship fieldwork and seminars.
9. Fostering reflective class discussions.
10. Readings.
11. AV materials for externships.
12. Tutorial supervision of externships.
13. Ethics-students; reporting duties of teachers; review of pertinent rules.
14. International externships.
15. Externships and the school's mission.
16. Service learning as a model for externships.
17. Externships and pro bono programs.
18. Externships as a tool for career planning.
19. Teaching traditional skills-research & writing, litigation, etc.
20. Specialty externships, e.g. judicial externships, prosecution and defense; legislative.
21. Selection and training of fieldwork supervisors.
22. Introduction to adult learning theory.
23. Models for seminars: pre-fieldwork; contemporaneous; post-fieldwork.
24. Lessons from other disciplines, e.g. social work, pharmacy, undergraduate programs.
25. Fostering learning from observation.
26. Teaching invisible skills.
27. Teaching workplace skills.
28. Helping students to learn about balancing professional and personal life.
29. Learning about difference and diversity from externships.
30. Externships and ABA accreditation standards.
31. Evaluation of externship programs.
32. Sessions for teachers new to externships-the basics.
33. Combining externships and live-client clinics.
34. Combining externships and traditional classes.
35. Administration of an externship program, e.g. transfer of externship credits.
36. Learning styles: using individual differences to enhance learning.
37. Encouraging scholarship about externship pedagogy.
38. Creating a Web-based area for sharing externship materials.
39. Interdisciplinary externships.
40. International externships.
41. Ethics and Professionalism.
42. Fieldwork and research papers.
43. "From the Field" Viewpoints of fieldwork supervisors.
44. Use of film in externship seminar.

45. Dealing with problem supervisors.
46. Teaching observation skills.
47. Liability/insurance for off-campus claims.
48. Consortium projects.
49. First chair externship placements.
50. Placements at private firms.
51. Student evaluation of placements.
52. Fieldwork supervisor evaluation of students.
53. ABA standards and site visits.
54. Law firm billing for extern time.
55. Online externships.
56. Conflicts of interest.
57. Care and feeding of fieldwork supervisors.
58. Bias/Harassment in Placements.
59. Site visits.
60. When to intervene in problem placements.

### **ROCKY MOUNTAIN REGIONAL CLINICAL CONFERENCE**

**SAVE THE DATE!!** The **University of New Mexico School of Law** will host the **Rocky Mountain Regional Clinical Conference** on **October 4-6, 2002**. This is the first week-end of the Albuquerque International Balloon Fiesta. Rooms have been reserved at the Holiday Inn Mountain View. Phone (505) 884-2511. Attending the conference means that you will obtain the Rocky Mountain Regional Clinical Conference rate of \$79.00 per night. Shuttles from the hotel to the law school will be provided by the hotel. For more information contact: **Gloria Gomez**

([gomez@law.unm.edu](mailto:gomez@law.unm.edu)) or **Antoinette Sedillo Lopez** ([lopez@law.unm.edu](mailto:lopez@law.unm.edu)) at the University of New Mexico(505) 277-5265.

### **INFORMATION RESOURCES FOR CLINICAL TEACHERS**

The **CLEA Website** is located at: <http://clinic.law.cuny.edu/clea/clea.html>

To get on the **LAWCLINIC Listserv**, send an email to [listserv@law.lib.wuacc.edu](mailto:listserv@law.lib.wuacc.edu) Do not put anything in the subject space. In the body of the message, just put the words "subscribe lawclinic" followed by your first and last name. You will get a return email telling you how to post messages.

For the **Externship Listserv**, send an email to [listserv@lists.cua.edu](mailto:listserv@lists.cua.edu) Again, don't put anything in the subject space and in the body, write "subscribe lextern" <your first name last name>

An **On-Line Directory of Clinical Teachers** is located on the **Gateway to Clinical Legal Education** Website sponsored by the **University of Michigan Law School Clinical Law Programs**. You can search by name, type of clinic, or law school. The address is: [https://cgi2.www.law.umich.edu/\\_GCLE/index.asp](https://cgi2.www.law.umich.edu/_GCLE/index.asp)

## NEWS FROM LAW SCHOOL CLINICAL PROGRAMS

### ALBANY

Albany Law School is thrilled to announce that Clinical Professor **Melissa Breger** will be joining the ALS clinical faculty to direct the Family Violence Unit of the clinic's Domestic Violence project. Melissa comes to Albany with highest recommendations from the University of Michigan clinicians with whom she taught for the last three years while representing children and parents in family court. She is an alum of Michigan Law School. Prior to returning to Michigan, she spent several years working in the family law area in various not for profit capacities in New York City. She did not wear the traditional ALS new colleague hat at the AALS conference arguing that she was still technically a University of Michigan clinician until July. Maybe next year?

### CASE WESTERN

#### MAKING A DIFFERENCE

by [Tiffany Buxton, 3L](#) &  
[Professors Louise McKinney and  
Kathy Hessler](#)

This year in the Civil Clinic students performed significant traditional litigation related work, representing clients in federal and state courts, and in administrative hearings. Students had the opportunity to write motions, conduct client interviews, conduct and defend

depositions and negotiate with opposing counsel.

However, what they will remember most is the opportunity they had to have an impact on the community, an impact that goes beyond the provision of basic legal services. The Civil Clinic students chose to do a community project, in addition to their continuing case responsibilities, and they jointly decided what that project would be.

The students designed a project around a problem that was represented in each of their caseloads—consumer fraud. In Cleveland, and around the country, elderly women who own their homes have become targets for contractors and loan providers who offer them money to repair their homes, get all the money up front, and then provide faulty services or no work at all. This can leave clients not only in need of more repairs but also in danger of losing their home when they are unable to make the large mortgage payments.

In response, the students of the civil clinic designed a “how-to” pamphlet entitled “Don’t Lose Your Home: Avoiding Home Repair Scams and Predatory Lending.” The booklet covers the various problems that have been seen by their clients and gives step-by-step instructions to those seeking a reputable contractor. The pamphlet will be distributed through Cleveland’s community centers. The project not only will help those outside of the clinic as a prevention method but it also allowed the students to seek and incorporate advice from their clients within the pamphlet itself.

Through their project work the Civil Clinic students further developed

their lawyering skills and have a more personal understanding of the profession's core values of public service and competence. In the process they have made an important contribution to the Cleveland community. The pamphlet will also serve to educate the administration, students, faculty, and alumni of the school regarding the type of work being done in the clinic.

### **DUKE**

Duke Law School opened its newest clinic in January 2002: **The Children's Education Law Clinic**. The clinic primarily handles special education and school discipline cases in an 11-county region around the home base of Durham, North Carolina. The clinic office is in downtown Durham, a ten-minute drive from the law school, so it has the feel of a community law clinic. Ten students can enroll each semester; they are supervised by the clinic director, **Jane Wettach**, and supervising attorney, **Brenda Berlin**.

Development of the clinic was supported by a \$50,000 planning grant from the Mary Duke Biddle Foundation, a local foundation. Following receipt of that grant, the law school received a \$675,000 grant to support the clinic for four years. (The grant has a declining balance, so that additional funding will be needed in years two, three and four.)

The only other Duke Law School clinic operating with in-house faculty supervision is the **AIDS Legal Assistance Project**, directed by **Carolyn McAllaster**. Plans are afoot

for a Community Economic Development Clinic to start next year.

### **EAST BAY COMMUNITY LAW CENTER**

#### **Berkeley Law Foundation Post-Graduate Grant Recipient Announced**

The East Bay Community Law Center (EBCLC) is delighted to announce the selection of Ms. **Tirien Steinbach** as the recipient of a Post-Graduate Berkeley Law Foundation Grant for her work on the **Suitcase Clinic Legal Services Project**. This year-long grant is made possible through the generous contributions of UC Berkeley's Boalt Hall School of Law (Boalt Hall) alumni to the Berkeley Law Foundation. The grant is designed to fund innovative legal projects serving underrepresented communities.

She will work within EBCLC's Employment and Income Support Unit, providing a wide range of legal services to homeless and low-income people at several homeless drop-in clinics. At these sites, she will supervise law students and volunteer attorneys to provide referrals, advocacy, and direct representation to clients facing a broad range of legal issues. In particular, the project focuses on combating the criminalization of homeless and poor people, and attempts to fill important gaps in services for the low-income client community. The project will provide advocacy and representation for clients in the areas of criminal records expungement and criminal citation defense, for which people do not have a right to counsel and,

therefore, are not eligible for public defender services.

Ms. Steinbach, who is from the Bay Area, received her J.D. from Boalt Hall in 1999. At Boalt Hall, she was active in the public interest and student of color community, where she served as co-president of the Berkeley Law Foundation Student Steering Committee and Vice President of Recruitment for Law Students of African Descent. Additionally, she worked at numerous criminal defense and public interest organizations throughout law school, including the Federal Public Defender, the San Francisco Public Defender, Juvenile Division, the Contra Costa Public Defender, and the Youth Law Center. Upon graduating from Boalt Hall, Ms. Steinbach was a NAPIL Fellow for two years at the California Appellate Project. Through her NAPIL project, she gathered thousands of documents about the California Youth Authority to be used by attorneys as mitigating evidence in appealing death sentences in California.

The East Bay Community Law Center was founded by Boalt students in 1988 with the dual mission of providing high quality legal services to low-income clients in Alameda County and clinical legal education opportunities for law students. EBCLC is now the largest provider of free civil legal assistance to the poor in Alameda County, with services including eviction defense and housing advocacy, employment and income support, HIV/AIDS law, and community economic development. EBCLC's clinical legal education program, which recently was recognized by UC Chancellor Robert

Berdahl as a notable University-Community Partnership Project, exposes law students to the needs of low-income communities and provides them with the skills to make a difference in the lives of real clients. The overall goal of EBCLC's work is to help make the lives of Bay Area community members more healthy, secure, productive, and hopeful.

## ILLINOIS

Professor **Nina Tarr** will be visiting at **Washington University in St. Louis** for the 2002-2003 academic year. Visiting Assistant Professor **Nekima Levy-Pounds**, currently a fellow at the Lawyers Committee for Civil Rights in D.C., will be teaching in the Civil Litigation Clinic. Associate Clinical Professor **George Bell** will be Acting Director of Clinical Programs for the year and will be director of the Civil Litigation Clinic. He will also be teaching Poverty Law this summer. Associate Clinical Professor **Cyndi Geerdes** will continue as director of the Transactions and Community Economic Development Clinic. Visiting Assistant Professor **Patrick Keenan** will direct the International Human Rights Clinic, and Visiting Assistant Professor **Karla Fischer** will direct a Domestic Violence Clinic.

## NEVADA-LAS VEGAS

**William S. Boyd School of Law,  
UNLV, Thomas & Mack Legal  
Clinic Expands**

We are extremely pleased to announce our latest appointments who will be joining the faculty and in-

house clinics: **Kate Kruse** is coming from University of Wisconsin at Madison, via American University, to co-direct our Juvenile Justice Clinic; and **David Thronson** is coming from New York University to develop, and teach in, an immigration clinic. In addition, **Alberto Benitez** will join the faculty for a brief visit from George Washington during the Spring of 2003 to work with David in developing the immigration clinic. Finally, we hired social worker **Ina Dorman** who has worked for the local school district as a child advocate – particularly for homeless children – for over two decades. She will work with all of the clinics here and will be a field placement supervisor for social work students starting Fall, 2002.

## **NEW MEXICO**

### **Community Lawyering with a Human Face Reflections on human rights teaching in a general practice poverty law clinic**

**Jennifer Moore  
University of New Mexico  
School of Law  
Spring 2002**

*Welcome to our section of Community Lawyering. I'm looking forward to working with each of you this semester. Our clinic will focus on human rights issues, broadly defined, from asylum for refugees (asilo, or asylum, in Spanish), to civil liberties and protections for community members (uhuru, or freedom, in Swahili), to assistance for immigrants (caritas, or compassion, in Latin). I thought we*

*needed a name besides "J. Moore's Section of Community Lawyering" so I came up with the inter-linguistic acronym "ASUHCAR."*

*You may come up with a better name yourselves, but in the meantime, this is meant to help us build a collaborative spirit. We are all colleagues in a collective community lawyering endeavor, based on the common goal of providing dignity-enhancing legal assistance to individuals in partnership with community-based and international organizations.*

The foregoing is an excerpt from the orientation materials that I provided to my students in the UNM Law Clinic this past semester. UNM has several clinics, including Law Practice, Community Lawyering, D.A. Clinic, and the Southwest Indian Law Clinic. Participation in one of the clinics is a requirement for graduation. In this my first semester of clinical law teaching, I elected to teach a section of Community Lawyering, and added a human rights focus.

In the Community Lawyering Clinic, students partner with community-based legal and social service providers, often doing intake in the community site, and then meeting with clients at the UNM Law Clinic. I developed a clinical section that built on the community lawyering model, and added a human rights component. This was not to be a clinic that would take on large-scale international human rights litigation, but one that would explore human rights concerns as they surface in the context of legal service provision here in Albuquerque and for immigrants throughout the United States. For some students,

that would involve conducting research in the area of international human rights and refugee law. For others, it involved discovering linkages between international human rights and domestic civil rights as they arise in representing resident of Albuquerque in immigration, landlord-tenant or family law matters.

In addition to working with a variety of clients through the UNM Clinic in child custody, personal bankruptcy, non-profit incorporation and other cases, my students worked with three organizations, two local and one international. Here in Albuquerque, we partnered with the Catholic Charities VAWA [Violence Against Women Act] Immigration Project and the local office of the American Civil Liberties Union. Via phone and email we worked with the Regional Office of the United Nations High Commissioner for Refugees in Washington, D.C. At Catholic Charities, seven students collectively worked on fifty cases involving battered immigrants petitioning for legal status in the United States. At the ACLU, one student devised a project challenging the legality of a roadblock in Santa Fe in which the state police collaborated with the INS in detaining and deporting nearly twenty undocumented immigrants from Mexico earlier this year. And with UNHCR, three students conducted a variety of semester-long research projects examining the legal status of Palestinians in various Middle Eastern countries, religious persecution under international and U.S. refugee law, and trafficking in women for forced prosecution as a basis for asylum.

The ASUHCAR Clinic, as we called it, operated under some significant constraints as well as advantages. One of the advantages of this community-based approach is that we were able to embrace our clients as fellow members of the community first and foremost, and only secondarily as people with particular legal issues. Another is that we emphasized the kinship between international and domestic law, and between human rights and civil rights. A third strength is that we were able to utilize the expertise of Mirna Torres, the director of the local Catholic Charities VAWA Immigration Project. But there were potential weaknesses as well. For example, throughout the course of one semester my students collectively practiced in nine areas of law, from non-profit incorporation to child custody, all the time supervised by an instructor whose last real lawyer job was as a UNHCR protection officer working with Liberian refugees in West Africa. While concerned about my competence in new areas of law, I benefited from the ready assistance and willing collaboration of my fellow faculty members in the Clinic.

On balance, I think the semester provided worthwhile experiences for my students; I know that it did for me. This modest experiment in human rights-based community lawyering poses certain questions and challenges for the UNM Law Clinic. The first of these is whether such a clinic might be offered regularly, given the fact that all of our clinicians are tenured and tenure-track faculty members, and rotate in and out of the Clinic. The second challenge is related to the first, and concerns the need to build

broader-based expertise in human rights and immigration law within the Clinic, so as to insure continuity of service to clients and community organizations. At the UNM Law Clinic we will continue to work on offering students the opportunity to merge a commitment to human rights with concern for community as we address these challenges.

### **NORTH CAROLINA**

The University of North Carolina School of Law announces the launching of its new **Community Development Law Clinic**. The clinic will provide students the opportunity to represent not-for-profit community development organizations whose activities serve to improve the quality of life in economically disadvantaged places. Students will counsel and represent emerging non-profit organizations and will provide legal services in various areas, including incorporation, tax planning and applying for tax exempt status, and will provide an analysis of the "legal health" of such entities. The clinic plans to develop the capacity to serve as general counsel in business-related issues for these organizations including structuring real estate transactions, and forming corporate subsidiaries and private/public partnerships. Students will also counsel and represent small start-up businesses and will provide legal services in business planning, entity formation, licensing, tax planning and drafting contracts. This is a two semester clinic and will be taught by

**Tom Kelley**, Clinical Associate Professor of Law at UNC Law.

### **RUTGERS**

### **RUTGERS CONSTITUTIONAL LITIGATION CLINIC CHALLENGES JUSTICE DEPARTMENT'S SECRET DETENTION OF IMMIGRANTS ARRESTED AFTER 9/11**

Students and faculty of the Rutgers Law School-Newark Constitutional Litigation Clinic have won several rounds in a legal battle with John Ashcroft's Justice Department.

The Clinic filed suit in March on behalf of the ACLU of New Jersey to compel two county jails in New Jersey to disclose the names of several hundred INS detainees who have been held incommunicado in those jails as a result of the 9/11 round-up. The suit is based on a Nineteenth Century state statute which requires all jails and prisons in New Jersey to keep a public log of inmates, as well as other open government statutes. The US intervened as a defendant, and sought to prevent disclosure. The US claimed that the NJ statutes were not applicable to persons placed in those jails by the federal government.

A Hudson County Superior Court trial judge rejected the DOJ's argument, and ordered the names released, subject to a brief stay to allow an appeal. Two days before the documents were to be released, INS Commissioner Ziglar issued an "emergency regulation" (by-passing the proper notice and publication

requirements), attempting to nullify the trial court's order on grounds of "national security." The US attached this edict to its motion papers seeking an extension of the stay and an expedited appeal.

Working around the clock, the Rutgers litigation team prepared several briefs challenging, among other things, the legality of this edict and its ability to pre-empt New Jersey laws that have been in effect for over a century. Following two stay hearings via conference call, the New Jersey Appellate Division granted a temporary stay of the trial judge's order conditional upon the US's not removing any of the inmates without their consent pending the hearing. DOJ lawyers strenuously objected to the condition, but the Court insisted upon it.

Leading the Rutgers' litigation team are Associate Dean **Ronald Chen** and Clinical Professor **Penny Venetis**, supervising a team of four law students. The students working on the case saw the litigation transformed from a straightforward state law matter to one where federalism and international law issues (requested by the court) have entered the discussion. They helped write two outstanding briefs in less than 24 hours, as well as an exceptional brief in 10 days. Oral argument in this matter is scheduled for Monday, May 20th.

Anyone interested in reading the briefs submitted in this matter may do so by visiting the following websites: [http://www.aclu.org/court/nj\\_foia\\_response1.pdf](http://www.aclu.org/court/nj_foia_response1.pdf) (4/19 submission to Appellate Division concerning the INS's failure to implement the court's order)

[http://www.aclu.org/court/nj\\_foia\\_response1.pdf](http://www.aclu.org/court/nj_foia_response1.pdf) (4/19 brief opposing stay of trial court's order turning over documents to ACLU)

<http://www.newark.rutgers.edu/~ronchen/appdivbr.pdf> (appellate division brief)

Anyone interested in learning more about the Rutgers Constitutional Litigation Clinic or other Rutgers Clinics may do so by visiting the following website:

[http://www.rutgers-newark.rutgers.edu/law/clinics\\_constitution.html](http://www.rutgers-newark.rutgers.edu/law/clinics_constitution.html)

## SETON HALL

Seton Hall Law School's faculty has voted -- unanimously, and with the full support of the administration - - to convert its four long-term contract positions for clinical faculty to tenure-track positions. This is the culmination of several years of hard work by the clinical faculty and its supporters within the school, and by the many members of the clinical community who have helped us with guidance and information directed toward improving our status.

## TULANE

**Seann Riley**, a student in the Tulane Criminal Law Clinic has been awarded a **Prettyman Fellowship** at Georgetown Law School. In addition, Seann has been recognized university-wide for his outstanding clinical and public interest work at Tulane Law School. At graduation, Seann will receive **Tulane University's Service and Leadership Award**.

Tulane Law Clinic is excited to announce its new **Domestic Violence Clinic**. The Domestic Violence Clinic is designed to meet a broad range of victims' needs moving far beyond emergency assistance to include representation in family law, housing, employment, consumer credit and criminal matters. The Tulane Domestic Violence Clinic will complement its "whole client" approach in two unique ways. First, the DV Clinic will be a multi-disciplinary collaboration combining the strength of Tulane Law School with the expertise of the Tulane School of Social Work, which is consistently ranked among the top twenty schools of social work in the United States. Under the supervision of a law professor and a social work field instructor, student-attorneys and social work interns will work together to provide legal and support services to victims. Second, the DV Clinic will represent an intra-clinic collaboration as the Civil and Criminal Law Clinics work together to represent victims who defend themselves and/or who have been coerced into criminal conduct as a result of intimate violence.

The Louisiana Supreme Court recently appointed the Tulane Law Clinic to three criminal cases slated for oral argument before the Court. Criminal Clinic student **Suzanne Levert's** oral argument was singled out for special praise by members of the Court.

Professor **David R. Katner**, Director of the Tulane Juvenile Law

Clinic and **Felix Dreyfous**, Teaching Fellow in Juvenile Law, recently published "A Defense Perspective of Treatment Programs for Juvenile Sex Offenders" in WEST'S CRIMINAL LAW BULLETIN (July-August 2001) and co-authored chapter 14, *Legal Issues*, in RECOGNITION OF CHILD ABUSE FOR THE MANDATED REPORTER (GW Medical Publishing, Inc., 3<sup>rd</sup> ed. 2002); and principal author, National Association of Counsel for Children: Recommendations and Standards of Practice for the Legal Representation of Children in Abuse and Neglect Cases.

The Tulane Law Clinic congratulates **Hans P. Sinha**. Hans has been a clinical fellow in the Criminal Law Clinic and served this year as the clinic's Deputy Director. This fall, Hans will leave Tulane to become a Clinical Professor and the Director of the Prosecutor Externship Program at the University of Mississippi Law School as part of the school's new Center for Justice and the Rule of Law. While we will sorely miss Hans we are excited for him about his new position.

Meanwhile, the **Tulane Environmental Law Clinic** has survived and prospered under Louisiana's controversial changes to the student practice rule. For a Q & A called "How the Tulane Environmental Law Clinic Survived the Shintech Controversy and Rule XX Revisions", please visit the Clinic's newly revised web page at <http://www.tulane.edu/~telc.>> Also, the Environmental Law Clinic has expanded the federal citizen enforcement component of

its docket and is currently prosecuting a major enforcement action for the Concerned Citizens of New Sarpy against Orion Refining Corp. Student attorney **Jay Johnson**, assisted by Clinic Deputy Director **Elizabeth Teel**, scored a major victory on April 1, 2002, persuading the state district court to vacate a Louisiana water quality certification that risked mercury contamination of the Little Lake ecosystem.

### **VILLANOVA**

In 2001-2002 Villanova University School of Law began the **Farmworker Legal Aid Clinic**, in which law students provide a range of civil legal services to Pennsylvania farmworkers.

### **WAYNE STATE**

Wayne State University Law School's Civil Rights Litigation Clinic won a significant victory in a jury trial in the U.S. District Court for the E.D. Michigan. The Clinic accepts referrals for the federal court's pro bono panel. Our client is a disabled prisoner in the Michigan prison system who was transferred to a Virginia facility that failed to accommodate his needs for an accessible shower, toilet, programs and other facilities, and where he was injured. The Clinic sued under Title II of the Americans with Disabilities Act (ADA), the Rehabilitation Act (RA), the 8th Amendment, and the Michigan Persons with Disabilities Civil Rights Act. We reached trial after two years of fighting off

motions to dismiss and for summary judgment on a variety of complex and novel legal issues, including lack of exhaustion of administrative remedies and 11th amendment immunity. Ultimately, in a decision that's certain to remain contested, the judge ruled that no administrative remedies were available because both the Michigan and Virginia Departments of Corrections told our client that he needed to file his grievances with the other facility. The judge also ruled that our client could go to trial on his ADA claim to the extent it stated an 8th amendment (due process) claim of denial of basic life necessities. At trial, three law students -- **Vanessa Fluker**, **Melissa Carr**, and **Dan Damman**, under the supervision of **Erica Eisinger** -- tried the case for two days. The jury returned a verdict in our client's favor on all three claims and awarded \$30,400 in compensatory damages (the amount we had asked for) on the RA and ADA claims and \$76,000 in punitive damages on the 8th amendment claim. During a settlement conference, the attorney for the defendants had stated that out of the last 20 cases he tried, he'd won 17. During the wait for the jury verdict, our client remembered those words and said, "But he didn't have Wayne State on the other side!" The Defendants will file post-verdict motions, and certainly an appeal to the 6th Circuit and, perhaps, even to the U.S. Supreme Court on the exhaustion and immunity issues. But we feel fairly optimistic that a sufficient portion of the verdict will

be upheld. What a debut trial experience for these Wayne law students and what a debut performance for our newest live-client clinic!

## HONORS, AWARDS & NEWS

**Richard Boswell (Hastings)** received the **Faculty Public Interest Award** by the Hastings Public Interest Law Foundation in May 2002.

**Kenneth Gallant (U of Arkansas at Little Rock)** made a presentation, "Defense before the ICC [International Criminal Court]: the Role of the Defense according to the Statute, and Ideas about the proposed ICC Bar Association" on May 10, 2002 at a conference, "The International Criminal Court: Some Debates and Suggestions", organized by The Arab Center for the Independence of the Judiciary and the Legal Profession in Cairo, Egypt.

**Kenneth Gallant (U of Arkansas at Little Rock)** is Chair of a Task Force preparing for a conference in Montreal, Canada, June 13-15, 2002, on the Creation of an International Criminal Bar for the International Criminal Court.

**Joe Kennedy (University of North Carolina)** has been invited to present his article, *Making the Crime Fit the Punishment*, at the **2002 Stanford/Yale Junior Faculty Forum**. Each year, the Forum invites blind submissions from scholars in their first seven

years of law teaching, and a panel of experts selects the best article in each area. Kennedy's article was selected as the best entry in the area of Criminal Law and will be published by Emory Law Journal this Fall.

**Beth Lyon (Villanova)** recently received an award from the U.S. Department of Justice for her **"Outstanding Contribution" to the Board of Immigration Appeals Pro Bono Project**.

**Kate Mahern (Creighton)** received the **Bob Spire Award for Outstanding Community Service** from the Omaha Bar Association on Law Day, May 1st.

**Suellyn Scarnecchia (Michigan)** has been named **Dean** at the **University of New Mexico School of Law** and will assume the position January 1, 2003.

## BOOKS & PUBLICATIONS

**Richard Boswell (Hastings)**, Karen Musalo and Jennifer Moore, REFUGEE LAW AND POLICY: AN INTERNATIONAL AND COMPARATIVE APPROACH (2<sup>nd</sup> Edition, 2002).

**Richard Boswell (Hastings)** and Illona Bray, STUDENT AND TOURIST VISAS (2001).

**Richard Boswell (Hastings)**, SELECTED STATUTORY MATERIALS ON IMMIGRATION AND NATIONALITY LAW (2002)

**Richard Boswell (Hastings)**  
*Calamity of the Patriot*, Network  
NATIONAL NETWORK FOR IMMIGRANT  
AND REFUGEE RIGHTS at 8 (Spring,  
2002)

**David Chavkin (American),**  
CLINICAL EDUCATION: A TEXTBOOK FOR  
LAW SCHOOL CLINICAL PROGRAMS  
(Anderson Publishing 2002) [For  
review copies, contact Alyssa Jaeger  
at Anderson Publishing 800-582-  
7295 ext. 5254 or by email at  
[lawschool@andersonpublishing.co  
m](mailto:lawschool@andersonpublishing.com)

**Joe Kennedy (North Carolina),**  
Jean Carey and Nicholas Herman,  
LEGAL COUNSELING AND NEGOTIATION:  
A PRACTICAL APPROACH (Lexis/Nexis).

**Beth Lyon (Villanova),**  
*Organization of American States in*  
MANUAL OF HUMAN RIGHTS COMPLAINT  
MECHANISMS AVAILABLE TO REFUGEES  
AND INTERNALLY DISPLACED PERSONS  
(Fitzpatrick, ed., with Rottman)  
(2002).

**Michele Pistone (Villanova), A**  
*Times Sensitive Response to*  
*Professor Aleinikoff's Detaining*  
*Plenary Power*, 16 **GEO. IMMIGR.**  
**L.J.** 391 (2002)

**Josephine Ross (Boston College),**  
*The Sexualization of Difference: A*  
*Comparison of Mixed-Race and*  
*Same-Gender Marriage*, **HARV.**  
**C.R.-C.L. L. REV.** (forthcoming,  
Spring 2002)

**Stella L. Smetanka (Pittsburgh),**  
*The Multi-State Performance Test: A*  
*Measure of Law Schools'*

*Competence to Prepare Lawyers*, 62  
**U. PITT. L. REV.** 747 (2001)

**Deborah Weissman (North  
Carolina),** *Gender Based Violence*  
*as Judicial Anomaly: Between "The*  
*Truly National and The Truly*  
*Local."*? 42 B.C. L. J. 1081 (2001)  
and

**Deborah Weissman (North  
Carolina),** *Law as Largess: Shifting*  
*Paradigms for Law for the Poor* ,  
**WM. & MARY L. REV.** (forthcoming)

**CLINICAL LEGAL EDUCATION IN  
AUSTRALIA** (The Guide to Clinical  
Legal Education courses in  
Australia) 2001/2002 is  
available from Kingsford Legal  
Centre 11 Rainbow Street Kingsford  
Sydney NSW Australia 2032 or by  
email: [legal@unsw.edu.au](mailto:legal@unsw.edu.au) The  
Guide lists all clinical courses in  
Australian universities and  
describes the objectives  
and content of the courses. It is  
free.

## POSITION ANNOUNCEMENTS

### NOTRE DAME

#### Immigration Law Fellowship

A Notre Dame Legal Aid  
Clinic Immigration Law Fellowship  
has been created to provide  
immigration services to the  
Hispanic community in St. Joseph  
and Elkhart County, through the  
Notre Dame Legal Aid Clinic. The  
Fellowship will provide the

opportunity for a talented and committed attorney to gain valuable experience in the field of immigration law. The Fellow will be responsible for supervising first year clinical students in the interviewing and assisting of clients with family immigration matters as well as preparing them for and supervising them during administrative and court hearings. The fellow will also be responsible for community presentations on immigration matters.

### **Eligibility Requirements**

- J.D. degree from an ABA accredited law school;
- Admission into a State Bar, or, admission pending;
- Previous immigration experience (either through immigration clinic experience or work experience);
- Ability to communicate effectively in Spanish, both orally and in writing;
- A demonstrated commitment to immigration law and issues facing members of the Hispanic community.
- Third year law students are encouraged to apply, as are recently licensed immigration law practitioners.

### **Financial Support**

Salary of \$40,000, with benefits.

### **Timeline**

Applications must be submitted by **June 15, 2002**. Start date is August 1, 2002. Fellowship is for a one-year term, renewable for a second-year with the mutual consent of all parties. Fellowship is dependent upon

Clinic's receipt of grant, which has been applied for.

To apply, submit resume, cover letter and three references to:

Barbara M. Szweda  
The Notre Dame Legal Aid Clinic  
725 Howard Street  
South Bend, Indiana 46617  
Phone: (574) 631\_7795  
Fax: (574) 631\_6725

## **OHIO NORTHERN**

### **Assistant Director/ Staff Attorney**

The Ohio Northern University College of Law is seeking to appoint an Assistant Director of Law Clinic/ Staff Attorney of the Lima Legal Clinic to begin in the summer of 2002. Candidates must hold at least a J.D., be experienced in related areas, and be licensed to practice in Ohio or eligible to seek admission by motion. A detailed job description will be provided upon request. Candidates should submit an introductory letter, resume, transcripts, and names of three references with addresses and telephone numbers to: Professor Sherry Young; Chair, Personnel Committee; Ohio Northern University College of Law; 525 S. Main Street; Ada, Ohio 45810. Ohio Northern University is an affirmative action/equal opportunity employer. Women and minority candidates are encouraged to apply. Applications should be submitted no later than **June 1, 2002** to receive full consideration

but will be accepted until the position is filled.

### **TEMPLE**

#### **Director of Trial Advocacy Programs**

Temple University's James E. Beasley School of Law is looking to hire a Director for its Trial Advocacy Programs. The Director is responsible for the supervision and management of the basic, integrated, and advanced trial advocacy tracks in which approximately 400 students and 50 adjunct faculty participate each year. Additional responsibilities include student advising and mentoring, faculty supervision and review, the assurance of quality control, teaching, and membership on Temple's mock trial coaching team. The Director will report to Professor Edward D. Ohlbaum, Director of Trial Advocacy and Clinical Legal Education. Salary and benefits are competitive. Trial and trial advocacy or clinical teaching experience are essential. Interested applicants should contact:

Edward D. Ohlbaum  
Professor of Law and Director of  
Trial Advocacy and Clinical Legal  
Education  
Temple Law School  
1719 N. Broad Street  
Philadelphia, PA 19122  
[ohlbaum@vm.temple.edu](mailto:ohlbaum@vm.temple.edu)  
215-204-1856  
215-204-5423 (Fax)

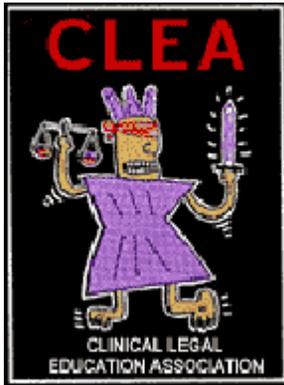
### **ROGER WILLIAMS**

#### **Tenure-Track Clinical**

The Roger Williams University School of Law in Bristol, Rhode Island, is seeking applicants for a permanent tenure-track faculty position, starting in August 2003, to teach in its in-house clinical program. The program currently includes a Criminal Defense Clinic and a Disability Law Clinic, and we anticipate that the person selected will direct, supervise, and teach a third in-house clinic that will begin its operation in the Fall semester. Subject matter is flexible.

Applicants should possess significant practice experience and an academic record that demonstrates a strong potential for both teaching and scholarship. In furtherance of the School of Law's commitment to a diverse faculty, applications from members of under-represented groups are strongly encouraged. Inquiries should be directed to Professor Andrew Horwitz, Director of Clinical Programs, Roger Williams University School of Law, 10 Metacom Avenue, Bristol, RI 02809. Professor Horwitz can also be reached by e-mail at [ahorwitz@rwu.edu](mailto:ahorwitz@rwu.edu) or by telephone at (401) 276-4880.





CLEA has new tenth anniversary T-shirts. Sales in Pittsburgh were brisk, but we have a variety of sizes and colors remaining. We have also ordered new Adult small and additional adult medium shirts and they will be available in about a month.

To buy a CLEA shirt, send a check or money order (payable to CLEA) and the bottom of this form with your name and

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