

**CLEA  
NEWSLETTER**

- Articles on Clinical Education
- Resistance Lawyering articles
- Upcoming CLEA Events
- Upcoming Clinical Events

## Co-Presidents' Message

We are honored to serve as the 2017 Co-Presidents of CLEA. We began our tenure shortly after the adoption of CLEA's new Strategic Plan and were well aware of the demanding but exciting work ahead of us. The Strategic Plan, developed after much discussion and with input from not only CLEA board members but also past presidents, committee chairs, and our membership, challenges our organization to make changes designed to strengthen our core mission.

CLEA's advocacy work has always been, and will continue to be, at the forefront of what we do, but the Strategic Plan ensures that other aspects of CLEA's mission are also carried out successfully. The Strategic Plan highlights the equally important goals of promoting justice and diversity, reinforcing our organization's role as a primary resource on best practices in clinical and experiential education, extending our presence within the legal education community, and maintaining best practices in self-governance.

To carry out the goals of the Strategic Plan, CLEA created three new committees in January 2017, two of which are designed to enhance our advocacy work. The first is the research committee, which has been charged with conducting surveys



**C. Benjie Louis  
(Hofstra)  
CLEA Co-President**



**Beth Schwartz  
(Fordham)  
CLEA Co-President**

to better understand, among other things, the advocacy needs of our members. Based on the results of the surveys, the new advocacy training committee will develop trainings and other means of providing information and resources to members. We also created a new social justice issues committee, which will work closely with the diversity in clinical legal education committee to identify new and effective ways to support social justice issues that are of particular importance to the clinical legal education community.

The communications committee has been particularly busy this year, as it carries out the goal of enhancing CLEA's presence in the legal education community, through improvements to our website and social media platforms. Also on the agenda for the com-



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## Co-Presidents' Message, continued.

munications committee this year are plans to develop a comprehensive public relations strategy for our organization.

The advocacy committee is currently addressing several issues of importance for clinical legal education, including proposed changes to the ABA Standards affecting law school admissions and bar passage requirements, as well as a proposal to eliminate the requirement that upper level courses be taught primarily by full-time faculty.

This past January, CLEA disseminated a “call to action” in advance of a vote by the ABA House of Delegates on proposed modifications to ABA Standard 316, the bar passage standard. The proposal would have required that graduates of accredited law schools who sit for a bar exam achieve a pass rate of 75% or higher within two years of graduation. CLEA urged members to contact their state delegates to urge them to vote “no” and to return the proposal to the Council on Legal Education for a comprehensive study of the impact of the proposed changes on, among other things, diversity and curricular development. The response to the call to action was overwhelming. The House of Delegates declined to adopt the proposal and returned it to the Council for reconsideration.

With respect to law school admissions, the Council recently proposed revisions to ABA Standard 503 that would permit schools to rely on an admission test other than the LSAT, but only after the Council makes a determination that the test is “valid and reliable.”

Finally, the advocacy committee is in the process of drafting a comment in opposition to proposed revisions to ABA Standard 403, intentionally designed to reduce the amount of teaching required by full-time faculty. The proposal would essentially eliminate the requirement that full-time faculty teach anything other than first year courses. Such a change would have a significant impact not only on clinicians but on all faculty.

Thank you for your support of CLEA and its initiatives. Please feel free to contact us with any questions or comments. We hope you will join us for the CLEA membership meeting in Denver, on Saturday May 6th at 7:30 PM, as we celebrate CLEA’s 25th birthday!

### 2017 CLEA Executive Committee

C. Benjie Louis (Hofstra), Co-President

Beth Schwartz (Fordham), Co-President

Jeff Baker (Pepperdine), Vice President

Praveen Kosuri (UPenn), Treasurer

Laura McNally-Levine (Case Western),  
Secretary

Margaret E. Johnson (Baltimore), Immediate  
Past Co-President

Maritza Karmely (Suffolk), Immediate Past Co-  
President

### 2017 CLEA Board of Directors

Caitlin Barry

Rocky Cabagnet

Martina Cartwright

Melanie DeRousse

Anju Gupta

Lindsay Harris

Laila Hlass

D’lorah Hughes

Kendell Kerew

Lisa Martin

Elizabeth McCormick

Tiffany Murphy

Joy Radice

Steven Wright

Joanna Woolman

Executive Committee

### CLEA Membership Meeting

**Saturday, May 6, 2017, 7:30 pm — 9:00 pm**

**Governor’s Square 14, Plaza Building,  
Concourse Level**

**Sheraton Denver Downtown Hotel**

**Come and celebrate CLEA’s 25th birthday!**

### CLEA Board of Directors Meeting

**Monday, May 8, 2017 7:30—8:30 am**

**Director’s Row J, Plaza Building, Lobby Level**

**Sheraton Denver Downtown Hotel**

**CLEA Board of Directors’ Meetings are open to all.**

**CSALE'S Survey of Clinical Legal Education—  
Fill Out Your Sub-Surveys Now!**

The Center for the Study of Applied Legal Education (CSALE) is conducting the 4<sup>th</sup> iteration of its triannual **Survey of Applied Legal Education**. We need your help in advancing clinical legal education by participating in the *Survey*.

The data from the 2016-17 *Survey* is critically important to clinical legal educators, their programs, students, and the people they serve. Over 75% of schools and their clinical faculty have relied on CSALE data in considering law clinic and externship program design, pedagogy, and staffing. Today there are more robust clinical programs serving more clients with more secure faculty due, in no small part, to CSALE's work and the participants in prior *Surveys*.

On March 13th, the final stages of the 2016-17 survey began with a CSALE email inviting everyone who directs a law clinic or field placement course or is otherwise a clinical teacher to fill out one or more of the sub-surveys — the *Phase II Law Clinics and Field Placement Sub-Surveys* and *Phase III Faculty Sub-Survey*.

**Please** fill out your individual sub-surveys as soon as possible and urge your colleagues to do the same. If you have any questions, contact Bob Kuehn at [rkuehn@wustl.edu](mailto:rkuehn@wustl.edu) or David Santacroce at [dasanta@umich.edu](mailto:dasanta@umich.edu).

To learn more about CSALE's work, see a summary of the results of the prior three *Surveys*, or request a free customized data report visit [www.CSALE.org](http://www.CSALE.org).

**Report from CLEA Per Diem Committee**

The Per Diem Committee (Leigh Goodmark, Karla McKanders & Joanna Woolman) is pleased to announce that the Mi Casa Resource Center is the recipient of the 2017 CLEA Per Diem Committee Award. Mi Casa works to advance the economic success of Latino and working families by expanding opportunities for educational, professional and entrepreneurial advancement. The unanimous choice of the Colorado clinicians, Mi Casa has partnered with the Colorado clinics to provide services over many years. We are thrilled to rec-

ognize their work this year. If you'd like to donate online before the conference, you can do so [here](#). Please write "Clea Per Diem Project" in the comments section of the page.

We are also excited to announce that the four co-editors and 29 authors of *LEARNING FROM PRACTICE: A TEXT FOR EXPERIENTIAL LEGAL EDUCATION* (Wortham, Scherr, Maurer, & Brooks, 3rd ed. West Academic 2016) are donating the royalties from the Third Edition to the Per Diem Project. Thanks so much to all of you for

your support of the Project.



Leigh Goodmark  
(Maryland)



Karla McKanders  
(Tennessee)



Joanna Woolman  
(Mitchell Hamline)

**The 2017 CLEA Awards for Outstanding Advocate for Clinical Teachers and Excellence in a Public Interest Case or Project**

The CLEA Board of Directors is thrilled to announce that **Elliott Milstein**, Professor of Law at **American University, Washington College of Law**, is the recipient of the 2017 CLEA Award for Outstanding Advocate for

Clinical Teachers. The CLEA Board is equally thrilled to announce that the **Justice Lab at Temple University Beasley School of Law** is the recipient of the 2017 CLEA Award for Excellence in a Public Interest Case or Pro-

ject.

**Outstanding Advocate for Clinical Teachers:**

Elliott Milstein was one of the founders of modern clinical legal

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education, both generating a movement of clinical teachers that has transformed legal education and creating a new discipline of clinical legal thought. He was a vital and inspirational force in the group of clinicians who advocated successfully for the development of live-client, in-house clinical education and shaped the institutional changes that gave this vision life. This group ensured that the federal funds essential to starting many programs supported that emerging image of what clinical education came to be. They convinced the ABA to include as an accreditation standard faculty status and security of position for clinicians within the legal academy. They secured a promise from the AALS for yearly conferences to create the conditions for building knowledge and creating community among clinical teachers.

While advocating nationally, Elliott also built a clinical program at American University, Washington College of Law that demonstrated to legal academia that clinicians are essential to a basic legal education. He became dean and then president of the university. The only clinician to have served as president of the AALS, he used his presidency to emphasize the legal academy's role in securing access to justice. As a teacher of teachers in every setting possible, he helped clinicians here and around the world learn the craft of clinical legal education. In his scholarship, most notably as co-author of *TRANSFORMING THE EDUCATION OF LAWYERS: THE THEORY AND PRACTICE OF CLINICAL EDUCATION*, he continues to impart his knowledge and wisdom to us all. Elliott binds the clinical community together with respect, affection, and humor. He seems every day to

wake up, and every night to go to sleep, thinking about how to shape the education of new lawyers around reflective practice and social justice.

**Excellence in a Public Interest Case or Project:**

The [Justice Lab](#), a clinic at Temple University Beasley School of Law, led an investigation and subsequent advocacy campaign that pushed Philadelphia to end its decades-long practice of suing, and garnishing the wages of, working poor parents following a child's incarceration in juvenile detention facilities. The team responsible for this victory includes Justice Lab Director and Clinical Professor of Law, [Colleen Shanahan](#), and three students, Kelsey Grimes, Wesley Stephenson, and Sela Cowger.

The project began in January 2016 after a Justice Lab client, the Youth Sentencing and Reentry Project, brought the issue to Professor Shanahan's attention. The Justice Lab team, led by the students, spent the spring semester of 2016 investigating and researching the legal and practical aspects of Philadelphia's juvenile justice costs collection regime. By April of 2016, the team was meeting with city leaders to report their findings and call for an end to the practice. Their report, [Double Punishment](#), was released in November of 2016. In response, and less than three months later, the city of Philadelphia announced it would stop the practice of collecting juvenile costs from parents and the Commonwealth of Pennsylvania is now reviewing every county's practice of juvenile cost collection.

The Justice Lab's work on the juvenile justice costs issue is a remarkable example of the extraordinary social change

that is possible when students in clinical education programs partner with community groups. It is also a testament to the power of clinical education and clinical teachers. Supervised by a thoughtful, hard-working clinician, this project not only made permanent changes to a system fraught with racism, targeting, and disproportionate impact, it also taught students that they can effect meaningful change with thoughtful, deliberate, client- and community-centered advocacy.

The project has been covered by [NBC Nightly News](#), the [Washington Post](#) (twice), and the [Philadelphia Inquirer](#).

Both awards will be presented at the AALS luncheon at the Clinical Conference on Monday, May 8th.

The CLEA Board acknowledges with gratitude the efforts of the CLEA Awards Committee:



Anju Gupta  
Co-Chair  
(Rutgers)



Perry Moricarty  
Co-Chair  
(Minnesota)



Kele Stewart  
(Miami)



Jane Stoevers  
(Irvine)

## CLINICAL LEGAL EDUCATION BY THE NUMBERS *A recurring column by Robert Kuehn*

***A CLINICAL EXPERIENCE FOR ALL STUDENTS:***

### ***IT'S NOT A QUESTION OF COST***



Unlike the education and licensing requirements for other professions, legal education and admission to the bar in the United States lack a mandated clinical experience in law school.<sup>1</sup> American Bar Association Accreditation Standard 303(b) simply requires that a school provide “substantial opportunities” for its students to participate in law clinics or field placements (what are termed “clinical” courses) where they gain lawyering experiences from advising or representing clients. Under this permissive standard, only one quarter of schools ensure that each student can graduate with clinical training; five provide no opportunities to enroll in any law clinic; one provides positions in clinical courses for only 10% of its students.<sup>2</sup>

Although lawyers agree that students need the training that comes from clinical courses, many legal educators and officials question the feasibility, particularly the cost, of ensuring that every student graduates with a clinical experience. However, the experiences of a growing number of schools and ABA data demonstrate that clinical education can be provided to all J.D. students without additional costs to students.

Many schools have economically provided clinical experiences to all their students for years. The City University of New York requires that each student take a twelve-to-sixteen credit law clinic or externship, with 2015 non-resident tuition

the third lowest outside Puerto Rico. Students at the University of the District of Columbia must enroll in two seven-credit clinics but pay the lowest tuition outside Puerto Rico. When Washington and Lee revised its curriculum to require twenty experiential course credits that include at least one law clinic or externship, it doubled the number of positions available to students in clinics. The school’s later review found that its new curriculum, even with the additional law clinic positions, “is not more expensive to run than the prior third year curriculum, nor the current first or second year curricula (indeed, it is less expensive).”<sup>3</sup>

As of the end of the last academic year, thirty-four additional schools required each J.D. student to successfully complete a law clinic or externship prior to graduation; another nineteen guaranteed the opportunity to take a clinic or externship if the student wished.<sup>4</sup> I recently published the results of a study comparing the reported tuition of schools that mandate or guarantee a clinical experience with the tuition of the remaining ABA accredited law schools — *Universal Clinical Legal Education: Necessary and Feasible*.<sup>5</sup> Using a regression model and controlling for public-private status, *U.S. News* ranking, and cost of living in the area, there is *no* statistically significant difference between schools with a clinical *mandate* and those without.<sup>6</sup> Likewise, there is *no* statis-

tically significant difference between the tuition charged by schools that *guarantee* a clinical experience and those that do not. In addition, there is *no* statistically significant difference in the tuition charged by the fifty-six schools that mandate *or* guarantee a clinical experience with the schools that do not. Substituting a discounted tuition estimate for the published tuition amount did not change the results—there were *no* statistically significant differences in the discount tuition charged between private schools requiring or guaranteeing a clinical experience and those that did not.<sup>7</sup>

There also is no evidence that schools adopting a requirement or guarantee subsequently raise their tuition at rates higher than average. Between Washington & Lee’s adoption of its new skills and clinical experience requirement and the second year of its implementation, its tuition increased at approximately the same rate as the median increase for all private law schools, even with the school’s doubling of law clinic positions.<sup>8</sup>

Similarly, the tuition patterns of the twenty-five schools that adopted a clinical requirement or guarantee between 2010 and 2014 show no evidence that these schools raised their tuition as a result of the new educational opportunities.

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**A CLINICAL EXPERIENCE FOR ALL STUDENTS:  
IT'S NOT A QUESTION OF COST,  
continued**

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Law schools on average raised tuition 19.7% between 2010 and 2015; schools with a new clinical experience requirement or guarantee only raised tuition an average of 16.6%.<sup>9</sup>

In addition to being financially feasible to adopt, the overwhelming majority of schools could provide a clinical experience today for every student without the necessity of *any* additional faculty, clinic or externship, or position in existing clinical courses. Based on 2015 ABA data certified by each law school's dean, after appropriate and thorough inquiry, as "true, accurate, complete and not misleading,"<sup>10</sup> 171 schools (84%) reported they had enough existing capacity in their clinical courses to provide every graduate with a law clinic or externship experience, yet only 56 (27%) required or guaranteed that training.<sup>11</sup>

Again reviewing 2015 tuition, the 171 schools who report existing clinical course capacity for all graduating students charged *less* in tuition, on average, than schools that did not have sufficient available slots, though the difference is not statistically significant.<sup>12</sup> All the data, therefore, on the relationship between clinical courses and tuition indicate that the schools that would need to create additional positions in law clinic or externship courses to provide a clinical experience to all their students need not raise tuition to provide this opportunity.

The failure to ensure that each law school graduate has clinical training can no longer be justified, if it ever could have, on the basis of cost. In-

stead, the failure lies with the lack of commitment by those who oversee legal education and admission to the bar to changing the status quo. So while the failure of legal education to provide clinical training for all students can be blamed on a four-letter word, that word is not "cost" but "will"—the lack of will by deans, faculties, and legal education and bar officials to ensure all students receive this much-needed training.

**Notes**

<sup>1</sup> Robert R. Kuehn, *Pricing Clinical Legal Education*, 92 DENV. U. L. REV. 1, App. A (2014) (documenting clinical requirements for various professional schools), available at [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2318042](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2318042).

<sup>2</sup> AM BAR ASS'N, 2015 STANDARD 509 INFORMATION REPORTS AND COMPILATION—ALL SCHOOLS DATA, available at <http://www.abarequireddisclosures.org> (comparing data on law school enrollment, number of seats available in law clinics, and number of field placement positions filled).

<sup>3</sup> Email from James Moliterno, Professor, Washington & Lee School of Law, to Jon Streeter, Chair, Task Force on Admission Regulation Reform, California State Bar (May 30, 2013) (on file with author).

<sup>4</sup> Robert R. Kuehn, *Required or Guaranteed Clinical Experience* (May 2016) (identifying law schools that had adopted a clinical requirement or guarantee), at <https://perma.cc/4BAY-6LHQ>.

<sup>5</sup> Robert R. Kuehn, *Universal Clinical Legal Education: Necessary and Feasible*, 53 WASH. U. J.L. & POL'Y (forthcoming 2017), available at [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2942888](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2942888).

<sup>6</sup> See results discussed *id.* at pp. 9-10. Public/private status, U.S. News law school ranking, and the cost of living in the school's location do have a statistically significant relationship with the tuition schools charge.

<sup>7</sup> See Kuehn, *supra* note 1, at 38 (explaining how discount tuition was estimated and finding that using the discounted tuition amount instead of the school's reported tuition tended to show *inverse* relationships between the increased availability of experiential courses and the discount tuition amount).

<sup>8</sup> Kuehn, *supra* note 5, at 10.

<sup>9</sup> ABA 2015 Standard 509 Information Reports and Compilation, *supra* note 2 (reporting 2015 tuition but excluding University of Massachusetts because it was not ABA accredited until after 2010); see also ABA 2010 509 Information Reports, LSAC, <http://www.lsac.org/lisacresources/publications/official-guide-archives> (showing median tuition increase for the twenty-five schools was lower than increase for all law schools—18.9% vs. 19.6%).

<sup>10</sup> Dean's Signature Page, ABA Questionnaires - Annual Questionnaire, AM. BAR ASS'N., at [http://www.americanbar.org/groups/legal\\_education/resources/questionnaire.html](http://www.americanbar.org/groups/legal_education/resources/questionnaire.html).

**A CLINICAL EXPERIENCE FOR ALL STUDENTS:  
IT'S NOT A QUESTION OF COST,  
continued**

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<sup>11</sup> ABA 2015 Standard 509 Information Reports and Compilation, *supra* note 2 (identifying schools where the sum of the “# of seats available in law clinics” plus “# of field place positions filed” divided by “J.D. Enrollment - First-Year Total” is 1.0 or greater).

<sup>12</sup> Kuehn, *supra* note 5, at 12.

**Robert Kuehn**

is Associate Dean of

Clinical Education & Professor of Law  
at Washington University School of Law.

He can be reached at [rkuehn@wulaw.wustl.edu](mailto:rkuehn@wulaw.wustl.edu).



**DISPELLING THE MYTH THAT LAW STUDENTS CAN CLOSE THE JUSTICE GAP**

**by John P. Gross**

The idea that law students can help our nation address the unmet civil legal needs of low-income Americans, often referred to as the “justice gap,” seems to be gaining in popularity. The New York State Court of Appeals imposed a fifty-hour pro bono requirement on applicants to the state bar effective January 1, 2015.<sup>1</sup> The purpose of this requirement, according to Chief Judge of the State of New York Jonathan Lippman, is “to meet the growing civil legal needs of low income populations while allowing prospective attorneys to build valuable skills and embrace our profession’s core value of service to others.”<sup>2</sup> The State Bar of California Task Force on Admissions Regulation Reform has proposed a similar requirement.<sup>3</sup> Recently, in her remarks at the American Law Institute’s 93rd Annual Meeting, Supreme Court Justice Sonia Sotomayor endorsed the idea of a pro bono requirement for law students.<sup>4</sup>

The idea of a Supreme Court Justice endorsing the participation of law students in pro bono work is nothing new. Over four decades ago, in *Argersinger*

*v. Hamlin*, when the Supreme Court extended the right to counsel in criminal cases to misdemeanors, the Court was keenly aware that the decision would take an additional toll on the already heavily burdened legal profession.<sup>5</sup> In his concurring opinion to *Argersinger*, Justice Brennan proposed that law students might be able to ease this burden. He noted that most states permit some form of student practice and that most law schools have “clinical programs in which faculty supervised students aid clients in a variety of civil and criminal matters.”<sup>6</sup> Justice Brennan concluded that it is reasonable to expect law students to make “a significant contribution” to the representation of clients who are unable to afford legal counsel on their own.<sup>7</sup>

As a former public defender and as a clinical faculty member, I appreciate the desire to make law students aware of the justice gap and to encourage them to perform pro bono work for low-income clients. That being said, the idea that law students can make a “significant” contribution to closing

the existing justice gap overestimates the number of law students currently enrolled in our nation’s law schools and underestimates the volume of low-income Americans in need of legal services.

The American Bar Association’s Standing Committee on Legal Aid and Indigent Defense recently funded a study of the Missouri State Public Defender (MSPD) with the goal of creating realistic workload standards.<sup>8</sup> The resulting workload standards were compared to the actual time Missouri public defenders spent on specific types of cases. Not surprisingly, the differences were striking. For example, the study estimated that an attorney would need 11.7 hours to adequately represent someone charged with a misdemeanor, but public defenders reported only spending an average of 2.3 hours on their misdemeanor cases.<sup>9</sup>

Based on the attorney workload standards developed as part of the study, MSPD estimated that it would need to hire 270 additional lawyers in

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order to provide clients with adequate representation. If we assume that the 270 newly hired attorneys would work forty hours a week, that would yield an additional 10,800 hours of work per week, or 540,000 hours of annual work (assuming that each new attorney works fifty weeks per year).

Given this grave deficit in the availability of representation for low-income clients, it is clear that even under perfect circumstances, law student work would be inadequate to close Missouri's justice gap. By way of illustration, Missouri is home to four ABA-accredited law schools that collectively graduated 700 Juris Doctor candidates in 2015.<sup>10</sup> If all of these students worked in the Missouri Public Defender's Office prior to graduation, they would each have to work around 771 hours per week over nineteen weeks (assuming a work week of forty hours) to approximate the number of hours that 270 full-time staff attorneys could work in a year. Since a typical law school semester is only fifteen or sixteen weeks long, even if every third year law student in Missouri in 2015 spent their last semester in law school working full time at MSPD, their best efforts would still fall shy of MSPD's estimated shortfall. Keep in mind that these estimates are what would be required from law schools to alleviate the shortage in state funding only to the Missouri Public Defender's Office, an office that is responsible for providing constitutionally-required representation to indigent criminal defendants.

Although the need for legal service continues to grow, law schools are

often criticized for producing too many lawyers. The number of students enrolling in law school, however, continues to decline. In 2015, there were 37,058 1L matriculants in ABA-accredited law schools,<sup>11</sup> the lowest number since 1973.<sup>12</sup> Graduating students also face declining job prospects. Only 62.4% of law graduates in 2015 found long term, full time employment that required a Juris Doctorate.<sup>13</sup> Another 10.9% found full-time, long-term employment in what the ABA defines as "J.D. Advantage" positions, which do not require bar passage or an active law license or involve the actual practice of law.<sup>14</sup> That same year, almost 10% of law students reported they were unemployed.<sup>15</sup> Considering the size of the justice gap, one has to wonder whether law schools are producing too many lawyers or whether states are failing to adequately fund legal services to low-income litigants.

It is time we put to rest, once and for all, the myth that law students can play a significant role in closing the justice gap. In order to close the justice gap, states need to adequately fund the indigent defense delivery systems in place for low-income defendants in criminal matters and significantly increase the funding of legal services to low-income litigants in civil proceedings. Law students cannot close the justice gap, but lawyers can if states take an active role in providing funding to legal services for low-income populations.

#### Notes

<sup>1</sup> N.Y. COMP. CODES R. & REGS. tit. 22, § 520.16 (2017).

<sup>2</sup> JONATHAN LIPPMAN, CHIEF JUDGE OF THE STATE OF N.Y., THE STATE OF THE JUDICIARY 2013 12 (2013).

<sup>3</sup> THE STATE BAR OF CAL., TASK FORCE ON ADMISSIONS REGULATION REFORM: PHASE I FINAL REPORT (2013).

<sup>4</sup> Sonia Sotomayor, Assoc. Justice of the U.S. Supreme Court, Remarks at the American Law Institute's 93<sup>rd</sup> Annual Meeting (May 16, 2016), *available at* <https://www.ali.org/annual-meeting-2016/videos/> [<https://perma.cc/QPN4-PE2E>].

<sup>5</sup> 407 U.S. 25, 44 (1972) (Burger, J., concurring).

<sup>6</sup> *Id.* (Brennan, J., concurring).

<sup>7</sup> *Id.*

<sup>8</sup> *See generally* RUBINBROWN LLP, THE MISSOURI PROJECT: A STUDY OF THE MISSOURI PUBLIC DEFENDER SYSTEM AND ATTORNEY WORKLOAD STANDARDS (2014).

<sup>9</sup> *See id.* at 21.

<sup>10</sup> University of Missouri School of Law awarded 130 Juris Doctor degrees in 2015 according to ABA-required disclosures. UNIV. OF MO., STANDARD 509 INFORMATION REPORT (2015), *available at* <http://www.abarequireddisclosures.org/> [<https://perma.cc/UAL5-6M3Z>]. Washington University School of Law awarded 229 Juris Doctor degrees in 2015 according to ABA-required disclosures. WASHINGTON UNIV. IN ST. LOUIS, STANDARD 509 INFORMATION REPORT (2015). University of Missouri-Kansas City School of Law awarded 141 Juris Doctor degrees in

*Continued on p. 9*

2015 according to ABA-Required disclosures. UNIV. OF MO.-KAN. CITY, STANDARD 509 INFORMATION REPORT (2015). Saint Louis University School of Law awarded 200 Juris Doctor degrees in 2015 according to ABA-required disclosures. SAINT LOUIS UNIV., STANDARD 509 INFORMATION REPORT (2015).

<sup>11</sup> AM. BAR ASS'N SECTION OF LEGAL EDUC. & ADMISSION TO THE BAR, 2015 FALL 1L DATA, available at [\[legal\\\_education/resources/statistics.html\]\(http://www.americanbar.org/groups/legal\_education/resources/statistics.html\) \[<https://perma.cc/773A-FW8F>\].](http://www.americanbar.org/groups/</a></p></div><div data-bbox=)

<sup>12</sup> AM. BAR ASS'N SECTION OF LEGAL EDUC. & ADMISSION TO THE BAR, ENROLLMENT AND DEGREES AWARDED 1963-2012.

<sup>13</sup> AM. BAR ASS'N SECTION OF LEGAL EDUC. & ADMISSION TO THE BAR, 2015 LAW GRADUATE EMPLOYMENT DATA.

<sup>14</sup> See *id.*

<sup>15</sup> See *id.*



**John P. Gross**

is Assistant Professor of Clinical Legal Education &

Director of the Criminal Defense Clinic at

The University of Alabama School of Law. He can be reached at [jgross@law.ua.edu](mailto:jgross@law.ua.edu).

John published a longer version of this essay, available [here](#).

### **The Long Game by Carolyn Grose**

I have been bargaining against reality ever since November 8th at about 8:30pm Central Time. Surely, Michigan and Pennsylvania and Wisconsin would right themselves in the final moments? No? Okay, well surely there will be recounts that will prove election rigging and avert disaster? No? Okay, well the “faithless electors” will come through in December to align the electoral college numbers with the popular vote? No?? Well then, Russian hacking? Come on! Really, he’s going to be the President? Really, he’s going to be the President.

But I continued to bargain. Yes, he’s President, but he hasn’t accomplished anything that can’t be undone, right? Watch what he does, not what he says. The Courts are blocking all the long term stuff while Congress and the FBI work to get rid of him. I even made a foolish, foolish bet with a student that he wouldn’t last the full first 100 days. Needless to say, she’s looking forward to a nice expensive lunch on me.

Gorsuch has been seated on the Court. ICE agents feel a new “freedom to deport.” [https://www.nytimes.com/2017/02/25/us/ice-immigrant-deportations-trump.html?\\_r=0](https://www.nytimes.com/2017/02/25/us/ice-immigrant-deportations-trump.html?_r=0). Trump has bombed Syria and Afghanistan, and has moved warships to the Korean Peninsula. The lasting effects of any one of these actions is devastating. And that’s just off the top of my head this morning. Here are some of the other things Trump’s presidency has “accomplished”:

- **a level of nepotism never before seen in any branch of our Government.** I’m referring of course to Trump’s two closest and most powerful advisers, Ivanka Trump [Kushner] and Jared Kushner.
- **a new freedom to lie to the Senate, the FBI, the media with no real consequences.** I’m referring not only to the usual suspects here — Attorney General Jeff Sessions, fired National Security Adviser Michael Flynn, Press Secretary Sean Spicer, Senior Adviser Kellyanne Conway —

but also to our current EPA chief, Scott Pruitt, who stated in sworn written testimony that he had never used a private email server to perform government business. That has since been proven to be false. And also to our current Education Secretary, Betsy DeVos who swore in her confirmation hearings that she had never been involved in her family foundation, which fights against LGBTQ rights. In fact, she had been listed as Vice President of the foundation’s board for 17 years. And also Health and Human Services Secretary Tom Price and Treasury Secretary Steven Mnuchin, both of whom made sworn statements in their confirmation hearings that have since been shown to be false. <http://www.motherjones.com/politics/2017/03/trump-cabinet-members-lied-under-oath>

*Continued on p. 10*

## The Long Game, continued

- **the abandonment of governance free from major conflicts of interest.** Here, I'm referring not only to Trump's own refusal to disclose — let alone divest himself of — his family's financial holdings; and not only to his refusal to release his tax returns; and not only to his senior advisers' ongoing involvement with the Trump family business while advising the President; but also to the conflicts of interest embedded in the relationship Trump has with the likes of Carl Icahn, whose position in the administration raises “‘alarming’ questions about potential conflicts of interest with his stakes in the biofuels and pharmaceutical industries.” <http://fortune.com/2017/03/27/carl-icahn-trump-conflict-of-interest/>
- **an unprecedented lack of transparency in the Executive Branch.** I'm referring here to a wide range of actions taken by the new administration — from the President's “war on the media” and the Press Secretary's barring of select media outlets from the White House Press Room; to the failure to fill hundreds of Executive Branch positions that require Senate confirmation; to the announcement last week that the White House would no longer release its visitor logs. The effect, if not aim, of all of these actions is to insulate the Oval Office and the Executive Branch from public scrutiny and critique; while allowing members of Trump's increasingly small inner circle essentially free reign over policy and practice.

The time for bargaining is over. I have

to accept that this man is president and that his administration has already done and will continue to do lasting, if not permanent damage not only to individual Americans and those who love them; but also to our very system of government and collective understanding of what it means to be an American.

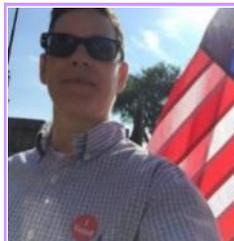
For me, government transparency and accountability are the two hallmarks of our Democracy. Without three equally strong and trustworthy branches of government working together in good faith, openly and with public scrutiny, I believe that our Democracy will wither and eventually die. And who knows what will replace it.

I no longer believe that any person or institution can keep this train from leaving the station; but I am still bargaining on the train's eventual derailment. The Resistance has the passion and determination to hold our leaders — Democrats and Republican, Federal, State and Local — accountable for their collusion in or resistance to the destruction the Trump train is doing to our country.

We have to keep paying attention. Even when we lose on the big things, we have to keep yelling about them. And we have to keep pointing out what seem to be small things, even as the rest of the world moves on to scream about warships and MO-ABs. We cannot lose our appetite for truth and accountability; we cannot stop demanding both; and we cannot stop believing that our resistance matters. We all know what Margaret Mead has to say on the matter.

CLINICAL LEGAL  
EDUCATION  
ASSOCIATION

*Never doubt that a small group of thoughtful, committed citizens can change the world; indeed, it's the only thing that ever has.*



**Carolyn Gross**

is Professor of  
Law  
& Director of  
Skills  
Integration at

Mitchell Hamline School of Law.

She can be reached at  
[carolyn.grose@mitchellhamline.edu](mailto:carolyn.grose@mitchellhamline.edu)  
[u.](#)

Carolyn published this [post](#) on  
April 17, 2017, on the [Pay  
Attention](#) blog.

**The Clinical Law Review will hold its next Clinical Writers' Workshop on Saturday, September 23, 2017 at NYU Law School.**

The Workshop provides an opportunity for clinical teachers who are writing about any subject (clinical pedagogy, substantive law, interdisciplinary analysis, empirical work, etc.) to meet with other clinicians writing on related topics to discuss their works-in-progress and brainstorm ideas for further development of their articles. By **June 30**, all applicants will need to submit a 3-5 page mini-draft or prospectus. Full drafts of the articles will be due by **September 1, 2017**. Applicants for travel and lodging scholarships will be asked to submit a proposed budget for travel and lodging and a brief statement of why the scholarship would be helpful by **June 30**. Comments and suggestions should be sent to [Randy Hertz](#). [Workshop info](#)

## Immigration Makes America Great by Jeremiah Ho



For the past 34 years, I have lived as a first-generation American immigrant. On my own terms, I can recall the seminal moments along the path to citizenship: arriving at age six with visa status along with my family at LAX and seeing for the first time a person with blonde hair; at age 10 printing my name on my green card in such large capital block letters that the immigration officer wouldn't stop teasing me; and finally, at age 17, noticing the size and layout of the INS clerk's cubical where I would be sworn into citizenship moments later—a small, unassuming, and transactional space that looked more or less like a bank teller's booth.

But those moments of legal transformation punctuate all the other important days of being an immigrant, which in my heart are the days that compliment and give any true meaning to my naturalization papers, my driver's license, my passport, my voter ID registration, my Social Security card—all the documents and papers I've carried with me as proof of my American permanence. What happened on those other days are the days of my immigration: like spending the night of my first Halloween trying to make that holiday my own by reciting "Trick or treat" without knowing where the phrase came from or what it meant but only aware of its candy-lottery effect; or how an In-N-Out double-double cheeseburger always tasted more satisfying on hot Los Angeles afternoons while I sat parked behind the wheels of my Dodge Plymouth, my first car at sixteen, which had windows you had to roll down, a tri-

angular dent on the front bumper, and a busted air conditioning unit; or slow dancing with my high school prom date in our last month of senior year and wondering if she could tell exactly how different I was from the other boys; or witnessing my first journal article being published during law school and keeping to myself the secret that it was my coming out essay; or that quiet July afternoon just weeks before I started teaching at the University of Massachusetts when I arrived in Rhode Island, where I currently call home—the farthest on this planet from central Taiwan that anyone in my family, past or present, has ever traveled to live.

Future generations in my family will talk about us in the way that some people brag about how they have ancestors from the Mayflower. I am lucky to have that distinction—to be that Mayflower generation for my family—and to embody the last real connection to the Old World, while embracing my present one.

Immigration is part of human rights at home. President Trump's order last week, suspending U.S. refugee entry for "nationals of countries of particular concern," which applies to citizens of seven specifically-named Muslim-majority countries, contradicts the spirit and concept of immigration in the U.S. It is also a contradiction that we as a country have seen before.

In 1882, the U.S. passed the [Chinese Exclusion Act](#), which was the first law to prevent a particular ethnic group from immigrating to the U.S. As a result, until the 1940s, persons of

Asian descent were barred from becoming naturalized citizens in this country. In addition, responding to Japan's attack on Pearl Harbor, the U.S. government, via presidential executive order, authorized the mass incarceration of Japanese-Americans, including U.S.-born citizens, on a claim of national security. On a personal note, the race-track in my hometown of Arcadia, California—the famous Santa Anita Race Track—had once been converted during WWII into the largest assembly center for Japanese Americans on their way to those internment camps. And had Congress never dismantled the Chinese Exclusion Act, my post here and now would not be possible.

In 2011 and 2012, Congress apologized for the Chinese Exclusion Act. Decades after WWII, a Congressional commission deemed the Japanese-American internment an injustice that was prompted by "racial prejudice, war hysteria, and the failure of political leadership." In 1988, the Civil Liberties Act was passed to give monetary reparations and apologies to surviving Japanese-Americans who had been interned. We have traversed so far, and yet this present state of events seems to prove otherwise. We have made these missteps before. Why do we succumb to fear so easily? Last week's executive order may harm our interests abroad by allowing terrorist groups to propagate the false impression that U.S. is at war with the Muslim world.

*Continued on p. 12*

## Immigration Makes America Great, continued

In addition, a lesson from 19th-century Chinese history reminds us that in a time of globalization and exchange, nationalistic hubris that motivates a desire for isolationist behavior will eventually harm a society. It is well known that one of the downfalls of the Ching dynasty was the psychological unwillingness of Chinese rulers to see past their own national and cultural pride in order to acknowledge the potentials of foreign powers. Their narrowmindedness crept into policy and rule, which kept the Chinese from advancing into the 20th Century politically and economically until only the decades of recent

memory. Immigration and travel is what makes the U.S. strong and a leader in the world because the pluralism and diversity we gather from other countries keeps us current and on the cutting edge. It's what has always helped to make America great.

We need real immigration reform that is in step with the spirit and tradition of the American experience and asylum. The executive order banning immigration and travel of individuals from certain countries in the Middle East harbors inconsistency from that spirit and tradition. We need to move beyond singling out individuals for their religion or national origin. We

must not allow ourselves as a society to live in the dangerous space between pride and fear.

### Jeremiah Ho

is Assistant  
Professor of Law  
at  
University of  
Massachusetts  
School of Law.



He can be reached at  
[jho@umassd.edu](mailto:jho@umassd.edu).

Jeremiah published this [post](#) on February 5, 2017, on the [Human Rights at Home Blog](#).

## Teaching the Muslim Ban through Multimedia in a Transactional Clinic by Priya Baskaran

As a Transactional Clinical Professor in Appalachia, you may be surprised to learn I recently included this topic in my seminar. I believe it is our duty as lawyers to think critically about the world and systems around us. We may not be experts in immigration or water rights or policing, but attorneys should bear witness and parse through emotional reactions to unpack (or issue spot) legitimate concerns. All lawyers must be engaged in justice and my students, who advocate for economic opportunity, are no different.

My learning goals for exploring the “Muslim Ban” are:

- Connect troubling current events with the law
- Explore the justice implications and human consequences of these events

- Explore our impact as lawyers and the importance of bearing witness (“showing up”)
- Connect these concepts to our clients, their communities, and their realities to engender empathy for all families and individuals at risk.

I always use multimedia as a means to ease into politically sensitive topics. My students find multimedia to be a refreshing addition to standard legal reading assignments (statutes, cases, regulations, and even the occasional executive order). Additionally, multimedia forces students to think about laws in action rather than in a vacuum. The voice over the radio or facial expression on film is far more persuasive, often telling a personal and compelling story. Even those who disagree will at least be forced to listen (literally).

For this assignment, I used two podcasts along with the text of the executive order. The premise is exploring how contracts (Powers of Attorney, Guardianship Agreements) could provide some security or protection to families who are separated. In order to discuss the contracts, we needed to understand the situation causing the separation.

We start by discussing the groups targeted by the Executive Order. We explore the colloquial use of “Muslim Ban” despite the word Muslim not appearing in the text. We discuss the underlying national security justifications. I explain that this will serve as our benchmark when considering the collateral consequences and tensions with our understanding of “justice.”

I use the multimedia to illustrate these human collateral consequences.

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The first podcast is an episode of This American Life, titled "[Taking Names](#)." It chronicles the story of Kirk Johnson, who worked for USAID during the reconstruction of Fallujah, Iraq. Kirk began a list of Iraqis marked for retaliation based on their cooperation with the U.S. Military and other U.S. agencies. It is a heartbreaking portrait of the families and individuals seeking asylum. The podcast also outlines the rigorous, existing vetting mechanisms for refugees. Using a slightly dated podcast also reinforces that the plight of refugees, the vetting process, and national security concerns are not new. I do this because a large percentage of the state supported the current administration. To make sure students listen, I must make it clear that this is a longstanding problem exacerbated by the "Muslim Ban." We then begin discussing the justice implications of the ban. Are these refugees a threat? When comparing the national security concerns with the existing process and human consequences, do we understand the tensions, problems, and subsequent outrage?

For my students, I must also reinforce that transactional lawyers are not

exempt from these larger justice conversations. We may not be immigration lawyers, but can still contribute. The second podcast is an interview with fellow [Clinical Professor Sarah Sherman-Stokes](#) and helps my students understand our role in justice. Sarah is one of the stellar Clinicians at Boston University and works in the Immigrant Rights Clinic. Sarah discusses her experience in being a lawyer and law professor at Logan. My students were particularly moved by Sarah's retelling of bringing Entrepreneurship Clinic Students to the airport. She uses the phrase "show up" and reiterates how our legal training, even as students, gives us the skills to interview, fact gather, and be of use. The full podcast is available [here](#).

I conclude the class by discussing ways my Clinic can help communities, families, and individuals prepare for these circumstances through our transactional skills. We discuss how basic contracts like Guardianship Agreements and Powers of Attorney can help families plan for disasters. We discuss the importance of educating the public, helping them understand the guardianship hearings and

family law system. Can we collaborate with the family law clinic to create a teach-in or general self-help or legal advocacy tools for families? We discuss who in our communities could benefit from this – individuals seeking in-patient treatment, individuals fearing arrest, etc. We revisit that parents seeking to protect their children exist in all communities. We have the skills to help them understand their rights and even draft basic agreements to protect their loved ones. We must remember - we are in a position of power in a time of great uncertainty.

### [Priya Baskaran](#)

is Associate Professor of Law & Director, Entrepreneurship and Innovation Law Clinic at

West Virginia University College of Law. She can be reached at [priya.baskaran@mail.wvu.edu](mailto:priya.baskaran@mail.wvu.edu).

Priya published this [post](#) on February 7, 2017, on the [Clinical Law Prof Blog](#).



### **What is a "Fact"? A "Story"?**

*by*

**Ruth Anne Robbins**

In Washington D.C., on the GWU campus, there is a statue of a hippopotamus. A nearby sign explains that the statue was placed there because hippos once could be found in the Potomac. George and Martha Washington liked watching them from their Mount Vernon porch. They were also a favorite of children visiting the estate. George Washington even had a

false set of teeth made of hippopotamus ivory.

As you have likely guessed, that sign offers readers what we might call mendacities, misrepresentations, falsehoods, alternative facts, untruths, lies, or bulls\*\*t. To end any suspense, there really is a statue, the [sign](#) really does say most of these things, and George Washington really did have a

false set of [teeth](#) made of hippo ivory. But the Washingtons never saw hippos frolicking in the Potomac and no one would have children anywhere near the Potomac if there were. To see hippopotami in the Potomac, someone would have had travel to Sub-Saharan Africa, capture a pod of hippos (they are social creatures) without being attacked

*Continued on p. 14*

## What is a “Fact”? A “Story”?, continued

(they are very dangerous, killing 3,000 people each year), carry them across land to seafaring boats, make the trek across the Atlantic, and then to the Potomac—all while keeping the animals’ skin moist at all times. The hippos might freeze in the winter if not recaptured and quartered somewhere warmer. [Hippos](#) are also very large, weighing in at 1.5 tons or more.

Nevertheless, these facts and falsehoods hang together as a story. When did you begin to question that story? When you began to question, did you then question the entirety of the facts or were you willing to believe any of the information as fact? As lawyers, you know that stories are composed of facts, but if asked for a definition of a fact or of a story, can you provide one?

More importantly, we want the next generation of lawyers to fully appreciate the answers to those questions. With the decentralization of information, I find that I need to be more deliberate in my approach to teaching different categories of facts: **actual facts** such as the sun rising in the east on our planet; **verifiable facts**, such as the natural habitat of hipopotami; and **debatable facts**, such as whether this sentence should have used “whether or not” instead of “whether.” I also spend a significant amount of time distinguishing facts from **characterizations**, which are essentially the opinions or judgments of the writer. Someone’s “lovely summer-preview week in April” is someone else’s “torturous week in April” if that second someone suffers from summer Seasonal Affect Disorder. And, now, sadly, I am spending more time teaching the difference between

facts and **misrepresentations** or **falsehoods**, such as a statement that this blog post focuses primarily on hipopotami (a misrepresentation) or on cat memes (a falsehood).

For several years, I have also spent several class hours on the importance of story structure as the delivery vehicle for facts and story strategy as a driving force in persuasion. A story involves characters, a setting, and hurdles or challenges that a particular character or characters must overcome to reach a desired goal. Implicit in that definition is the passage of time, i.e. a beginning, middle, and end. It is easy to see how legal matters exist as stories. The nub is in the teaching of the re-telling, from the client’s perspective, using description and detail—that is, facts—rather than characterizations.

Facts must be presented as a narrative rather than as a list if the author wants the audience to interact with those facts and remember them. Facts by themselves don’t persuade. Stories persuade. That’s not my opinion, but has been demonstrated by science across a variety of fields. We think, act, make decisions in story. As those of us studying and writing on applied legal storytelling know, former Oceanographer at the Department of Energy, [Kendall Haven](#), has published books to help professionals digest the vast amount of science out there. For yourself, take the simple but germinal test in the study conducted in 1944 by [Drs. Fritz Heider and Marianne Simmel](#). Look at the video and see if you can answer a few of the questions. If you can, you have demonstrated that you think in story. To demonstrate this to my students, before

showing the video I divide the class in thirds and assign each group a client to represent. After showing the video twice I ask each group to tell a story from that client’s perspective.

Contrary to what we may call our lawyer’s sense of justice when the verifiable facts disprove falsehoods, citing just the facts by themselves may actually backfire—here’s a great [Harvard Business Review article](#) with links to the original studies that will help explain why. In law, there are several studies of jurors that demonstrate the power of story, but only a handful of studies testing legal audiences. In a 2010 [article](#) Ken Chestek wrote about a study that used carefully constructed briefs to study the preferences of judges, court staff attorneys, newer attorneys serving as law clerks, appellate attorneys, and law professors. From the data, he concluded that stories are more persuasive to decision makers than syllogistic reasoning by itself. Attorneys and judges with more than five years of practice overwhelmingly chose a storied version of an advocacy document over a straight-up law/application version. Only the attorneys newly out of law school deviated from this pattern—begging the question, are we doing something in law school that skews this number so much from what judges and seasoned attorneys believe to be effective lawyering?

Assuming you are on board that our students should graduate knowing what facts are and knowing that representing clients means being able to appreciate and tell their clients’ stories, the last question to answer is the curricular locale for teaching these things.

*Continued on p. 15*

**What is a “Fact”? A “Story”?, continued**

Historically, the clinic and externship programs at law schools have been celebrated for focusing students on facts and narrative in a capstone experience. I am a true believer that those programs will continue to be the locales in which students will most strongly make the connections between legal and narrative reasoning. But we do students a stronger service if they enter the capstone experiences with a strong foundation. The case-book authors can include more story so that teaching professors can reinforce the ideas of facts and narrative. The skills professors of the trial advocacy and practicum courses include some training, but the first and heavy lift most appropriately belongs in the

required first-year legal research, analysis & communication course series. Gone are the days when we can teach those courses by indulging in the pedagogy of a legal document’s traditional text-based sections or on a singular paradigm for organizing legal reasoning. In 2017 we must focus on making students client-ready. Written and verbal communication in law occurs in a variety of mediums, to a variety of audiences, and in a variety of different rhetorical situations. The connecting universals across law and legal communications will always include law, facts, and story.

**\*Thank you to Courtney Knight, Class of 2017, Rutgers Law School, for the story idea.**

**Ruth Anne Robbins**

is Distinguished Clinical Professor of Law at Rutgers Law School.



She can be reached at [ruthanne@camden.rutgers.edu](mailto:ruthanne@camden.rutgers.edu).

She published this [post](#) on January 26, 2017, on the [Best Practices for Legal Education](#) Blog.

**Good News : Moves, Honors & Promotions**



**Lisa Jordan (Tulane)** Deputy Director, Tulane Environmental Law Clinic, was appointed to Professor of Practice.



**Deborah Chopp (Michigan), Pediatric Advocacy Clinic**, was promoted to full Clinical Professor of Law.



**Michael Pinard (Maryland)** BLSA Professor of the Year, 2016-2017



**Frank Askin (Rutgers)** SALT Great Teacher’s Award, January 2017; AALS Clinical Section, William Pincus Award, January 2017.



**Kim McLaurin** was appointed as Suffolk’s first ever Associate Dean of Experiential Educations this past summer and also assumed the role of Director of Clinical Programs. Kim continues to direct the Juvenile Defenders Clinic.



**Elizabeth B. Cooper (Fordham)** received the 2017 Public Service Faculty Member of the Year Award.



**Elizabeth Keyes (Baltimore)** was promoted to Associate Professor with tenure.



Professor **Sarah Sherman-Stokes**, a clinical instructor in **Boston University** School of Law’s Immigrants’ Rights Clinic, is the recipient of the BU Law’s Outstanding Faculty Achievement in *pro bono* and Public Service Award.



Professor **Brenda Smith (American)** recently won the Pauline Ruyle Moore Faculty Scholarship Award for her publication, *Boys, Rape, and Masculinity: Reclaiming Boys’ Narratives of Sexual Violence in Custody*, 93 N.C. L. Rev. 1559 (2015).

**Good News : Moves, Honors & Promotions**



**Anjum Gupta (Rutgers)**, Director and founder of the Immigrant Rights Clinic, was granted tenure and promoted to Full Professor of Law. Anju was also awarded a Presidential Fellowship for Teaching Excellence with a stipend to assist her teaching efforts in the upcoming year.

**Liz Hubertz** has been promoted to Assistant Director of the *Interdisciplinary Environmental Clinic* at **Washington University** School of Law.



Professor **Alejandra Gonza (Univ. Washington)** was recently honored with the Innocence Advocate award by the Innocence Project Northwest. The award recognizes this year's champions of justice.



Professor **Bill Koski**, director of **Stanford's** Youth and Education Law Project, was recently recognized with the annual Roland Volunteer Service Prize for his work engaging SLS students in social justice and improving educational opportunities for disadvantaged youth. [Press release](#)

**Maritza Karmely (Suffolk)** After receiving tenure last year, Maritza was recently promoted to full Clinical Professor of Law effective this coming July.



**Michael Millemann (Maryland)** 2016 Robert Heeny Memorial Award, Maryland Bar Association (“for exemplifying the highest professional standards and achievement during a distinguished career”).



**West Virginia** College of Law faculty has granted tenure as well as promotion to the rank of full professor to our clinical colleague (and all-around super star), **Valena Beety**, effective July 1, 2017.



**Komal Vaidya** has joined the **University of Baltimore's** Community Development Clinic as its Clinical Fellow. Komal brings valuable experience from the



**University of Denver** and the **University of Illinois**. We also congratulate Komal's predecessor **Renee Hatcher**, who is leaving to join **John Marshall** as the Director of the Business Enterprise Law Clinic.



**Sarah Boonin**, who leads **Suffolk's** Health Law Clinic, assumed the role of Associate Director of Clinical Programs in July. Sarah was also recently promoted to full Clinical Professor of Law effective July 2017.

**Michigan Law** bids a fond farewell to **Anne Choike** and **Kate**



**Mitchell**, the first graduates of the three-year Michigan Clinical Fellows Program, both of whom are moving on to direct clinics at other law schools.



**Nicole Appleberry (Michigan)**, [Low Income Tax Payer Clinic](#) director, was promoted to full Clinical Professor of Law.



**Brooklyn Law School** is delighted to report that Prof. **Jodi Balsam**, the Director of Externships, was voted a five-year long-term contract by the faculty.



**Becki Kondkar (Tulane)**, Director, Domestic Violence Clinic, was promoted to Senior Professor of Practice.



**Lucia Blacksher Ranier (Tulane)**, Director, Civil Litigation Clinic, was renewed to Professor of Practice.



**Univ. of Washington School of Law** hired **Jennifer Fan**, who directs the Entrepreneurial Law Clinic, on a unitary tenure-track line as an Assistant Professor of Law.



This fall **Michigan Law** will welcome **Matt Andres** from **Illinois College of Law**. Matt will direct our in-house, full service [Veterans Law Clinic](#).



Professor **Brenda Williams (Univ. of Washington – Tribal Public Defense Clinic)** was appointed as Associate Dean for Students, Equity and Engagement.



The AALS Section on Clinical Legal Education is pleased to announce that **Chi Adanna Mgbako**, Clinical Professor of Law and Director, Leitner International Human Rights Clinic at **Fordham University School of Law**, has been named as this year's recipient of the clinical section's M. Shanara Gilbert Award. **The award will be presented to Chi during a luncheon at the Clinical Legal Education Conference in Denver on Sunday, May 7, 2017.**



Named in honor of clinician Shanara Gilbert, the award is given to a recent entrant with ten or fewer years of experience in the clinical legal education community who has demonstrated some or all of the following qualities: (1) a commitment to teaching and achieving social justice, particularly in the areas of race and the criminal justice system; (2) an interest in international clinical legal education; (3) a passion for providing legal services and access to justice to individuals and groups most in need; (4) service to the cause of clinical legal education or to the AALS Section on Clinical Legal Education; and (5) an interest in the beauty of nature (desirable, but not required).

The nomination materials detailing Chi's many accomplishments note that Chi's work focuses primarily on criminal justice reform (including in the areas of race and policing in the United States and prison reform and sex workers' rights in Africa), women's rights and gender justice, and access to justice. Chi has focused much of her human rights teaching and advocacy on criminal justice reform as it affects people of color in the United States and Africa. Her nominators observed that Chi prepares students to be strategic, reflective, and creative social justice advocates by immersing them in human rights practice through professional-level projects around the world.

She has designed and directed over 40 human rights clinical projects in partnership with over 30 grassroots justice NGOs, international organizations, and foreign law schools in Botswana, Cambodia, Ethiopia, India, Japan, Kenya, Lebanon, Liberia, Mauritius, Mexico, Malawi, Namibia, Nigeria, Sierra Leone, South Africa, Turkey, the United States, and Zimbabwe.

Chi also developed an innovative mobile legal aid program in Malawi in partnership with the Malawi-based Center for Human Rights Education Advice and Assistance. Her clinic and the Center operated two mobile legal aid clinics in three rural villages in Malawi that had never before had access to legal services.

Chi has also had a longstanding commitment to legal education, serving as a mentor to students and clinical teaching fellows. She has also served as an informal mentor to many individuals who are interested in preparing for and entering the field of clinical legal education.

Please join in recognizing Chi on her outstanding contributions. We look forward to celebrating her work together at the conference in Denver.

Remembrances



**Tamar Meekins (Howard)**  
1961—2017  
[Obituary](#)



**Shelly Darling (Alabama)**  
1983—2017  
[Obituary](#)  
[Alabama Law Statement](#)



**Elizabeth Whipple (Alabama)**  
1976-2017  
[Alabama Law Statement](#);  
[Media report](#)

**Clinton Bamberger (Maryland)**

1926-2017  
[Obituary](#);  
[Media report](#)



New Clinicians

**Jonathan Feldman (Cornell)** joined the Legal Research Clinic as a Clinical Teaching Fellow. Jonathan is a Senior Attorney at the Empire Justice Center in Rochester, New York.



**University of Baltimore's** Bronfein Family Law Clinic welcomes **Shanta Trivedi** as its Clinical Fellow. Shanta comes to the clinic from the Brooklyn Defender Services, Family Defense Practice where she was a Staff Attorney representing clients in child welfare and custody proceedings.



**Vanessa Hernandez** joined **Suffolk's** clinical programs as a Clinical Fellow in the Juvenile Defenders Clinic. Vanessa comes to us from the Committee for Public Counsel Services, where she represented juveniles in delinquency matters.



**Yan Cao (Harvard)** is a new Clinical Fellow at the Legal Services Center's Project on Predatory Student Lending. Previously, Yan was a staff attorney and fellow at Brooklyn Legal Services where she provided assistance to low-income student loan borrowers.



**Jennifer Merrigan** and **Joseph Perkovich** (not pictured) join the clinical faculty of **Washington University School of Law** as Co-Directors of our new Post-Conviction Relief Clinical Practicum. Jenny and Joe are principal attorneys with the public interest law firm of Phillips Black where they (and now WashU law students) provide pro-bono, post-conviction representation to prisoners sentenced to death or life without parole.



**Stanford** welcomes **Isaac Cheng** as a Clinical Supervising Attorney and Lecturer in Law for the Environmental Law Clinic. Before joining Stanford, Isaac worked as an Assistant Attorney General in the Environmental Protection Bureau of the New York State Attorney General's office where he prosecuted violations of state and federal environmental laws.



**Mason Kortz (Harvard)** is a new Clinical Fellow at the Cyberlaw Clinic. Mason has worked as a data manager for the Scripps Institution of Oceanography, a legal fellow in the Technology for Liberty Project at the American Civil Liberties Union of Massachusetts, and a clerk in the District of Massachusetts.



**Boston University School of Law** welcomes Assistant Director of the Entrepreneurship & IP Clinic, **Samuel Taylor**. Sam will work with clinic director Jerry O'Connor to instruct students and expand the clinic's reach in advising MIT and BU student entrepreneurs and innovators.  
[Press release](#)



**Loletta Darden** joined **Suffolk's** clinical faculty in August as a Visiting Assistant Clinical Professor in the Intellectual Property and Entrepreneurship Clinic. We are thrilled to announce that Loletta accepted a permanent position as Assistant Clinical Professor effective July 2017. Loletta is a graduate of Suffolk Law with years of experience in private IP practice.





**Cindy Zapata** is a new Clinical Instructor at the **Harvard** Immigration and Refugee Clinic. She was previously a litigation associate at Hughes Hubbard and Reed LLP, where she engaged in a wide variety of immigration related cases.

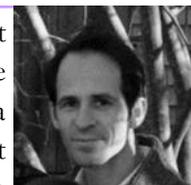
**Chris Hinckley** joins the clinical faculty of **Washington University School of Law** as Co-Director of our Prosecution Clinic. Chris also serves as the Chief Warrant Officer in the St. Louis City Circuit Attorney's Office.



**Lisa Brown** joined **Suffolk's** clinical faculty in July as a Clinical Fellow in the Health Law Clinic. Lisa comes to Suffolk from Hudson Valley Legal Services, where she specialized in disability law. Lisa is a graduate of Washington University School of Law in St. Louis.



**Jason Corral** is a new Staff Attorney at the **Harvard** Immigration and Refugee Clinic. Previously, he served as a member of the immigration team at Greater Boston Legal Services and as the KIND (Kids In Need of Defense) fellow in Boston.



### Good News: Books & Publications



**Sabrina Balgamwalla (Univ. North Dakota)**, *Trafficking in Narratives: Conceptualizing and Recasting Victims, Offenders, and Rescuers in the War on Human Trafficking*, 94 Denver U. L.R. 1 (2016); *Jobs Looking for People, People Looking for Their Rights: Protecting Immigrant Workers in North Dakota*, 91 N.D. L. Rev. 483 (2015).

**Margaret Johnson (Baltimore)**, Commentary: *Oncale v. Sundowner Offshore Svcs.*, in FEMINIST JUDGMENTS: REWRITTEN OPINIONS OF THE UNITED STATES SUPREME COURT (Cambridge Univ. 2016)



**Amanda Frost (American)**, *The Atlantic: The Overlooked Pathways to Legal Status*, (June 19, 2016); *Can the Government Deport Immigrants Using Information it Encouraged them to Provide?*, 2 ADMIN. L. REV. ACCORD 97 (2017); and (with Jennifer Daskal) *President Trump and the Rule of Law*, *The Hill*, op-ed, Feb. 7, 2017.



**William Berman and Jamie Langowski (Suffolk)** and former Fellow Regina Holloway, "*Transcending Prejudice: Gender Identity and Expression-Based Discrimination in the Metro Boston Rental Housing Market*,"

which will be published in the *Yale Journal of Law and Feminism*.

[Regional](#) and [National](#) Media



**Lindsay Harris (UDC)** published *The One-Year Bar to Asylum in the Age of the Immigration Court Backlog*, and

**Jennifer Lee Koh (Western State)** published *Crimmigration and the Void for Vagueness Doctrine*, both in the Volume 2016 *Wisconsin Law Review*.



**Robert Kuehn (Washington Univ.—St. Louis)**,

*Universal Clinical Legal Education: Necessary and Feasible*, 53 WASH. U. J.L. POL'Y (forthcoming 2017). [SSRN](#)

**Renee Hatcher and Jaime Lee (Baltimore)**,

*Building Community, Still Thirsty for Justice: Supporting Community Development Efforts in Baltimore*, in the recent edition of the *ABA Journal of Affordable Housing and Community Development Law* (Vol. 25-1 2016).



## Good News: Books & Publications

**Mary A. Lynch (Albany) & Leigh Goodmark (Maryland)**, Commentary: Keep women's safety



at forefront, Albany Times Union, March 25, 2017



**Jon C. Dubin (Rutgers)**, SOCIAL SECURITY DISABILITY LAW AND PROCEDURE IN FEDERAL COURT (2017 EDITION; CO-AUTHORED WITH CAROLYN A. KUBITSCHKEK, THOMSON REUTERS PUBLISHING CO.); SUPPLEMENT FOR SOCIAL SECURITY LAW, POLICY & PRACTICE: CASES AND MATERIALS (CO-AUTH. W/ FRANK S. BLOCH, WEST ACADEMIC PUBLISHING) (FORTHCOMING 2017)



**Claire Donohue (American)**, *Article 32 Hearings: A Map For Grand Jury Reform*, 59 HOW. L.J. 469, 480–82 (2016).



**Jennifer Fan's (Univ. Washington)** recent article, *Regulating Unicorns: Disclosure and the New Private Economy*, 57 Boston College Law Review 583 (2016) was selected by the editors of the Securities Law Review 2017 to be published in the anthology.



**Karen Pita Loor (Boston University)**, [A Study on Immigrant Activism, Secure Communities, and Rawlsian Civil Disobedience](#), in Marquette Law



Review (exploring immigration acts of protest during the Obama presidency through John Rawls' theory of civil disobedience).

**Sarah Boonin (Suffolk)**, "[Ten Years Too Long — Reforming Social Security's Marriage Duration Requirement in Cases of Domestic Violence](#)," was published this past summer in the Harvard Journal of Law and Gender.



**Brenda Smith (American)**, *Stories of Teaching Race, Gender, and Class: A Narrative*, 51 Wash. U. J. L. & Pol'y 11 (2016); *Commentary, Dothard v. Rawlson*, 433 U.S. 321 (1977), in *Feminist Judgments: Rewritten Opinions of the United States Supreme Court* (Berger, Crawford, & Stanchi, eds., Cambridge U. Press 2016).



**Colin Starger (Baltimore)**, [New Wine in Old Wineskins: Metaphor and Legal Research](#), 92 Notre Dame L. Rev. Online 1 (2016) (with Amy Sloan) and [Constitutional Law and Rhetoric](#), 18 U. Pa. J. Const. L. 1347 (2016).



**Michele Gilman (Baltimore)**, [Why the Supreme Court Matters for Workers](#), in The Conversation, an editorial which raises some of the themes in her recently published article [En-Gendering Economic Inequality](#), 32.1 Columbia J. of L. & Gender 1 (2016); [Wyman v. James: Privacy as a Luxury Not for the Poor](#), THE POVERTY LAW CANON (Ezra Rosser & Marie Failing, eds. Univ. of Michigan Press 2016).



**Peter Joy (Washington Univ. - St. Louis)**, [When Does Monitoring Defendants and Their Lawyers Cross the Line?](#), 31 CRIM. JUST. 48 (Winter 2017); *ABA Standard 405(c): Two Steps Forward and One Step Back for Legal Education*, 66 J. LEGAL EDUC. 606 (2017); [Australian Best Practices – A Comparison with the United Kingdom and the United States](#), in BEST PRACTICES IN CLINICAL LEGAL EDUCATION 219 (ANU Press, 2017).



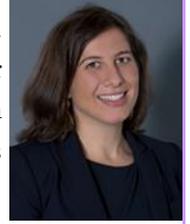
**Jeena Shah (Rutgers)** *Rebellious Lanyering in Big Case Clinics*, 23 CLIN. L. REV. 775 (2017).





**Frank Askin (Rutgers)**  
 “*Floridians Can Help Put a Stop to Denying Ex-Felons the Right to Vote*,” [Miami Herald](#), March 22, 2017.

**Laila Hlass (Tulane)**, *Minor Protections: Best Practices for Representing Immigrant Children*, 47 N. M. L. Rev. (forthcoming 2017), and co-author of book chapter “Experiential Learning through Popular Multi-Media,” in *Teaching Law with Popular Culture* (Christine Corcos ed., Carolina Academic Press forthcoming).



**Dan Hatcher (Baltimore)**, [The Poverty Industry: The Exploitation of America’s Most Vulnerable Citizens](#), which explores how “States and their agencies are partnering with private companies to form a vast poverty industry”). The book has received national media attention, including The Atlantic, The Guardian, CSPAN Book TV, and several NPR interviews.

**Liz Hubertz (Washington Univ. - St. Louis)**, [Loving the Sinner: Evangelical Colleges and Their LGB Students](#), 35 QUINNIAC L. REV. 147 (2017)



**Renée Hutchins (Maryland)**  
 DEVELOPING PROFESSIONAL SKILLS: CRIMINAL PROCEDURE (West Academic) (2016); *Racial Profiling—The Law, the Policy, and the Practice* in A. Davis, Ed., POLICING THE BLACK MAN: ARREST, PROSECUTION AND IMPRISONMENT (Pantheon) (July 11, 2017)

**Anna Crowe (Harvard)**, “[All the regard due to their sex](#)”: [Women in the Geneva Conventions of 1949](#)



**Anita Sinha (American)**, [Stealing Labor. ColorLines \(Sept. 5, 2016\)](#); *Arbitrary Detention? The Immigration Detention Bed Quota*, 12 Duke J. Const'l Law & Pub. Pol'y 77 (2017).



**Maritza Karmely (Suffolk)**’s latest article “[Presumption Law in Action: Why States Should not be Seduced into Adopting a Joint Custody Presumption](#)” was published this past spring in the Notre Dame Journal of Law, Ethics & Public Policy.

**Rob Rubinson (Baltimore)** published *Of Grids and Gatekeepers, The Socioeconomics of Mediation*, 17 Cardozo J. Disp. Resol. 873 (2016).



**Zina Makar (Baltimore)** published an editorial in the New York Times entitled [Bail Reform Begins with the Bench](#).

**Robert Dinerstein (American)** co-authored (with Esmé Grant Grewal and Jonathan Martinis) *Emerging International Trends and Practices in Guardianship Practice for People with Disabilities*, 22 ILSA J. Int'l & Comp. L. 435 (2015-2016).



### 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 winter edition. Please [email](#) any member of the CLEA Newsletter committee. We welcome your ideas and feedback.

### CLEA POSTS [CLINICAL JOBS](#)

FOR MORE CLINICAL NEWS, FOLLOW CLINICAL LEGAL EDUCATION ASSOCIATION ON [FACEBOOK](#) AND [TWITTER](#)

### 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 Membership Meeting**, Saturday, May 6, 2017, 7:30—9:00 pm, Governor's Square 14, Plaza Building, Concourse Level. Come celebrate CLEA's 25th Anniversary!
- **CLEA Board of Directors Meeting**, Monday, May 8, 2017, 7:30—8:30 am, Director's Row J, Plaza Building, Lobby Level. CLEA's board meetings are open to all.
- **CLEA New Clinicians Conference**, Saturday, May 6, 2017, 8:00 am—5:00 pm, at the Colorado Bar (short walk from conference hotel).
- **Externship Committee Meetings**, Sunday, May 7, and Tuesday, May 9, 7:00-8:30 am, Location TBA.
- **Externship Dinner**, Monday, May 8, 2017 at 8:00 pm, at [Earls](#). [RSVP](#) to Kendall Kerew.
- **Applied Legal Storytelling Conference** (co-sponsored by CLEA), American University Washington College of Law, July 10-13, 2017.

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

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