

History of Clinical Legal Education

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Outline of Presentation

During lunch I will discuss some of the milestones in the short history of clinical legal education. This aspect of legal education – **clinical** legal education – is a relatively recent phenomenon. Although there were a few, scattered programs earlier, clinical legal education burst into legal education in the 1970s. In 1969, a handful of law schools had a clinic. Today, no law school is without a clinic, with most having several.

As you begin your career in clinical legal education, you are entering a wonderful community of talented, creative, dedicated, and supportive clinical teachers who are driven by common purposes and who share a common history. I think it will be useful to you to be exposed to some of that history for at least three reasons. First, many of the challenges of the past are with us today and facing these challenges with an appreciation of their roots and longevity will help inform your strategies in dealing with them. Second, as you attend clinical conferences and workshops and interact with clinical colleagues both in your home institutions and at other schools, an understanding of the shared origins of clinical education will facilitate communication with them and integration into the community. Finally, at your home institutions, it is likely that you will find yourself in the role of mediator – or at least translator – between the traditional classroom faculty and others in the legal education establishment on the role and principles of clinical legal education.

In the short time I have with you at lunch today, I can touch on only some of the highlights of this short, but rich, history. Although there is not yet a comprehensive history of the clinical legal education movement, I plan to show some excerpts from a film I have produced that tells the early story of clinical legal education through pictures and excerpted oral history interviews. Because the film only covers the early years – to about 1978, I then will conduct a whirlwind tour through some of the milestones since the late 70s, highlights of which are reproduced below in as much detail as space would permit.

Finally, I have listed some resources that I commend to you because of their value in understanding our past, but also because they are valuable for negotiating the present and anticipating our future.

Time Line: Clinical (Movement) Legal Education in the U.S.

- 1776 Apprenticeship system in place for training lawyers
- 1779 William and Mary College, first law faculty 1779-1861; 1920-
- 1784 Founding of the Litchfield law school, Litchfield, Connecticut
- 1817 Harvard Law School founded
- 1860 20 law schools in existence
- 1870 Langell introduced case method of instruction at Harvard
- 1878 ABA organized in Saratoga, NY (August) and created standing Committee on Legal Education and Admissions to the Bar
- 1893 University of Pennsylvania - establishment of "Dispensary" by a law club of U. Penn.
- ABA Section of Legal Education and Admissions to the Bar created
- 1900 Association of American Law Schools (AALS) created to regulate law schools
- 1904 University of Denver - legal aid dispensary begins
- 1913 Harvard - Harvard Legal Aid Bureau opens
- 1917 William V. Rowe, *Legal Clinics and Better Trained Lawyers – A Necessity*, 11 ILL. L. REV. 591 (1917)
- 1921 Elihu Root's Committee on Legal Education (ABA) Report led to Standards for Legal Education
- 1922 ABA Special Conference on Legal Education, Washington, D.C. (February) endorsed the "Root Report" Standards
- 1923 USC - first granted credit for work at LA Legal Aid Foundation, which it helped establish
- ABA approves first 39 law schools
- 1928 USC – John S. Bradway establishes experimental, six-week clinical program
- 1931 Duke - Legal Aid Clinic – John S. Bradway creates 1st full-fledged in-house clinical program

- 1933 Jerome Frank, *Why Not a Clinical Lawyer School*, 81 U. PA. L. REV. 907 (1933)
- 1947 University of Tennessee - 2nd law school with ongoing, in-house clinical program
- 1950s About 25 law schools offered programs based on a legal aid clinic model
- 1959-1965 The National Council on Legal Clinics (NCLC) funded by Ford Foundation. During the six years of its existence, NCLC made grants totaling some \$500,000 to nineteen law schools for clinical programs
- 1968 Ford Foundation announces a commitment of \$12M over a ten year period to “incorporate clinical education as an integral part of the curriculum of the country’s law schools”
- Council on Legal Education for Professional Responsibility (CLEPR) created in spring 1968; Bill Pincus became President and full-time executive head of CLEPR. Ford Foundation provided funding for an initial five-year period and a promise of support for a second five-year period
- 1969 January, CLEPR announces first 9 grants to Duke University, the Center for Law and Social Policy in Washington, D.C., the Consortium of Universities of the Washington Metropolitan Area, Harvard University, Northwestern University, Rutgers University, the University of South Carolina, the University of Utah and the University of Wisconsin
- 1970 Credit-bearing clinical programs grew from 25 to 80 in CLEPR’s first two years
- 1972 Antioch Law School established as clinical law school (1972-1988)
- 1973 1969-1973 CLEPR makes more than 100 grants to law schools to encourage them to provide lawyer-client experience for their students under law school supervision for credit. 5/6 or 151 ABA-accredited law schools have invested substantial resources of their own to start clinical programs, to continue those programs started with CLEPR grants, or to expand clinical programs in various ways, and 42 of the 51 American jurisdictions have promulgated student practice rules
- AALS creates Section on Clinical Legal Education; Morton P. Cohen, then at Wayne State, was the first chairperson of the section
- ABA adopts Standards for the Approval of Law Schools (1st version of current Standards)
- 1974 Legal Services Corporation established by Congress
- 1977 David A. Binder & Susan C. Price publish *LEGAL INTERVIEWING & COUNSELING: A*

- CLIENT-CENTERED APPROACH (West Pub. Co.)
- 1978 Federal Funding for clinical programs (Title IX of Higher Education Act of 1965) begins. Congress approves \$1M for FY 1978
- Gary Bellow & Bea Moulton publish THE LAWYERING PROCESS: MATERIALS FOR CLINICAL INSTRUCTION IN ADVOCACY (West Pub. Co.)
- 1979 80% - 90% of the ABA approved law schools in the country which engage in some form of clinical training
- October 24-27, CLEPR National Conference on Perspectives on American Legal Education, Key Biscayne, Florida
- 1980 Termination of CLEPR after Ford Foundation declined to renew grant
- June 15 –21, AALS Conference on Clinical Teaching, Big Sky, Montana (70 attendees)
- 1985 First Midwest Clinical Teachers Conference
- 1992 MacCrate Report published by ABA
- Clinical Legal Education Association (CLEA) incorporated
- 1993 ABA Standard 301 (Aug. 1993) - law schools required to maintain an educational program “designed to prepare their graduates to participate effectively in the legal profession”
- 1994 Clinical Law Review publishes first issue
- 1996 ABA Standard 302; 405(c) and Interpretation 405-8 (August 1996)
- 1997 Federal (Title IX) funding for clinical programs ends
- 2004 AALS Conference on Clinical Legal Education, May 1- 4, San Diego, CA

Resources:

GARY BELLOW & BEA MOULTON, *THE LAWYERING PROCESS: MATERIALS FOR CLINICAL INSTRUCTION IN ADVOCACY* (West Pub. Co. 1978)

AALS/ABA GUIDELINES FOR CLINICAL LEGAL EDUCATION (1980)

Report of the Committee on the Future of the In-House Clinic, 42 J. LEGAL EDUC. 508 (1992)

Online Bibliography of Clinical Legal Education –
<http://faculty.cua.edu/ogilvy/Index1.htm>

Listservs

LAWCLINIC (for all clinical faculty) To subscribe, send a message that says "subscribe" in the body of the message to LawClinic-request@lists.washlaw.edu.

lawclinicdir (for clinic directors, deans, or administrators) To subscribe, send a message that says "subscribe" in the body of the message to LawClinicDir-request@lists.washlaw.edu

Lextern (for externship faculty and administrators) To subscribe, send a message that says "subscribe lextern <your firstname> <your lastname>" in the body of the message to Listserv@lists.cua.edu

Websites

CLEA – <http://cleaweb.org/>

LexternWeb – <http://www.law.cua.edu/lexternWeb/index.htm>

ABA Section of Legal Education and Admissions to the Bar
<http://www.abanet.org/legaled/home.html>

