Prepared by the AALS Section on Clinical Legal Education Membership, Outreach, and Training Committee in consultation with the AALS Section on Clinical Legal Education Executive Committee
AALS Section on Clinical Legal Education
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Updated Spring 2023

The Committees gratefully acknowledge the work of Michael Vastine, Tifani Sadek, and Courtney Beer, who led the 2023 revision. The Committees also thank individuals who contributed to prior versions of this Desk Reference: Alicia Alvarez, Amy G. Applegate, Sabrina Balgamwalla, Cynthia Batt, Marisa Cianciarulo, Katy Ramsey, David Santacroce, and Hans Sinha.

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Welcome to the Clinical Law Community

Who is a Clinician?

On its website, http://www.aals.org/, the AALS defines itself as “a 501(c)(3) nonprofit association of 176 member and 19 fee-paid law schools” with a mission “to uphold and advance excellence in legal education.” Further, the AALS self-identifies as “the learned society for the more than 9,000 law faculty at its member schools.” The Section on Clinical Legal Education (“Section”) is one of approximately one hundred sections in the AALS. These include sections about substantive legal areas (e.g., commercial and related consumer law, and family and juvenile law) and personal identity (e.g., new law professors, and sexual orientation and gender identity issues). The Section is one of the largest and most active sections in the AALS.

Acknowledgments
Clinicians are typically full-time legal educators who teach and/or supervise law students in an experiential learning process, usually involving live-client representation, designed to help students develop the skills necessary for the actual day-to-day practice of law as well as critical, analytical, and reflective thinking. Most clinicians teach and/or supervise in either in-house, live-client clinics in law schools, or in externships (also known as field placement programs). Law schools identify clinical law teachers in different ways, and clinicians will have different titles, rights, responsibilities, and rewards depending on the school and each clinician’s track and level within the track. Clinicians may be designated as tenured or tenure-track faculty, clinical faculty, contract faculty, lecturer in law, adjunct faculty, or some other system of administrative titles (e.g. “Director,” “Practitioner-in-Residence, “Professor of Practice”) adopted by a particular institution. We are providing this Desk Reference for the benefit of all legal educators, regardless of classification, to increase understanding of the teaching and/or supervision in law school experiential learning processes.

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2 It is difficult and beyond the scope of this Desk Reference to provide a universally accepted definition of “clinician.” In some law schools, clinicians may also teach simulation and non-clinical courses. Many clinicians teach and/or supervise law students in work that advances social justice or the public interest; similarly, many clinicians work in programs that have as one goal the provision of legal services to under-represented people, a goal that coincidentally dovetails with law school pro bono programs. For more information about law school pro bono programs, see the website of the AALS Section on Pro-Bono and Public Service Opportunities on the list of sections at [http://www.aals.org/services/sections/](http://www.aals.org/services/sections/). Although most clinical programs provide representation to those who are unable to pay, not all clinics serve clients who are otherwise un- or under-represented, and there are a wide variety of clinical experiences, including field placements (e.g., legislative clinics or judicial clerkships) with no traditional “client”. In considering clinical legal education, it may also be helpful to consider the term “applied legal education” “experiential learning” as equally apt verbiage. According to the Center for the Study of Applied Legal Education (CSALE), in applied legal education, legal educators “facilitate a reflective and experiential learning process without the economic and efficiency pressures of the workplace, and to help students understand how the law works in action while providing sorely needed pro bono representation to the poor.” See “What is Applied Legal Education?” sidebar at [http://www.csale.org](http://www.csale.org).
Resources Every Clinician Should Know: Some Essentials

Clinical teachers’ rights, responsibilities, and compensation vary widely by law school. As a clinician, you should understand these issues and how they affect you, both inside and outside of your home institution. You can learn more about historic policies and current events, and stay in touch with the clinical community in a number of ways:

- As a member of the AALS Section on Clinical Legal Education, you will have access to an extensive online File Library of resource materials for clinical legal education through the Section’s web page at https://www.aals.org/sections/list/clinical-legal-education/.

- As a member of the AALS Section on Clinical Legal Education, you will also receive important news and updates from the Section’s Chair over the Section’s AALS Announcement Listserv (these are e-mails that will be sent to you from the Section Chair via SECTCE.annc@lists.aals.org).

- The Clinical Law Teachers discussion group, also known as the “Clinic Listserv” is another wonderful and current source of information. To enroll, follow the instructions at: http://lists.washlaw.edu/mailman/listinfo/lawclinic. Once enrolled, you will receive messages from members of the clinical community, and you may send out messages over lawclinic@lists.washlaw.edu. Note that you may elect to receive the listserv email batched into a daily digest, if you prefer.

- Any changes or updates to the information provided in this Desk Reference typically will be found in the Clinical Section’s on-line resource library and occasionally will be provided via the AALS Announcement Listserv or the Clinic Listserv.

- The Clinical Legal Education Association (“CLEA”) is an alternative and complementary organization of experiential law teachers which “exists to advocate for clinical legal
education as fundamental to the education of lawyers,” and is an excellent source for information. For access to this information, visit CLEA’s website at www.cleaweb.org.

- For those teaching or otherwise interested in externships, there is a dedicated externship listserv. To join the Externship Listserv, send an e-mail to listserv@lists.cua.edu, leaving the subject line blank and putting “Subscribe LEXTERN” in the body of the e-mail. Additionally, LexternWeb, is a web portal site for faculty and administrators of legal externship programs, https://www.externweb.org. Finally, the Clinical Section has a Committee on Externships.

- Clinicians interested in “blogging” may wish to visit the Best Practices Blog, www.bestpracticeslegaled.com. Its mission is to provide a comprehensive repository of information and an opportunity for dialogue on the current movements in legal education triggered by the publications of Best Practices for Legal Education and the Carnegie Report (see the references to these and other resources at pp. 15-16 below). Another great blog is the Clinical Law Prof Blog, available online at http://lawprofessors.typepad.com/clinic_prof/. The Clinical Law Prof Blog hosts a Facebook group as well.

- Other essential reading includes Glossary for Experiential Education, a resource by the AALS Clinical Section, https://www.aals.org/wp-content/uploads/2017/05/AALS-policy-Vocabulary-list-FINAL.pdf.

Although this Desk Reference is provided by the AALS Section on Clinical Legal Education, the Section gratefully acknowledges the use of information provided in the CLEA Handbook for New Clinical Teachers (“CLEA Handbook”). This Desk Reference is intended to complement the CLEA Handbook, which is available at https://www.cleaweb.org/resources/Documents/CLEA%20NCC%20Handbook.2019.FINAL.pdf. The CLEA Handbook includes information about clinical course design (e.g., learning outcomes and objectives, the classroom component, practice, and reflection). CLEA Handbook, at 15-18.
The ABA and ABA Standards and Interpretations Relating to Clinicians

The Council of the Section of Legal Education and Admissions to the Bar ("Council") of the American Bar Association ("ABA") is recognized by the U.S. Department of Education as the accrediting agency for law schools in the United States. Clinicians have served on the Council, which establishes Standards and Interpretations that govern the accreditation of American law schools. These Standards include provisions that govern the content of the curriculum and the responsibilities and perquisites of law school faculty. Consequently, the ABA has several committees that affect clinical teaching and clinicians. These include the Standards Review Committee and the Accreditation Committee.

The Standards Review Committee is charged with reviewing proposed changes in or additions to ABA Standards, Interpretations, Rules, Policies, Procedures, and Criteria. The Council refers proposed changes to the Standards Review Committee for its review and recommendations. A clinician usually serves on the Standards Review Committee. Proposed changes to standards are typically posted on this page, including links to matters that are currently or recently the subject of “notice and comment” periods. https://www.americanbar.org/groups/legal_education/committees/standards_review/

Finally, the Accreditation Committee is charged with the administration of the ABA accreditation process, including review of site evaluation reports, progress reports, and fact-finding reports for J.D. and other law-related programs. Clinicians have also served on this committee. In addition, clinicians routinely serve on individual accreditation teams that visit specific schools.3

3 Law schools are subject to site inspections by the ABA every seven years to ensure compliance with ABA Standards. ABA accreditation and site visits have been important to the improvement of faculty status for clinicians at many law schools, and the ABA is often looking for clinicians willing to serve on site visit teams. We encourage clinicians to volunteer to serve on accreditation teams. To volunteer,
The ABA Section of Legal Education and Admissions to the Bar continues to increase the information on its website, [https://www.americanbar.org/groups/legal_education.html](https://www.americanbar.org/groups/legal_education.html). In addition, it is important for every clinician to be familiar with the ABA Standards and Interpretations, which are accessible in their entirety at [http://www.americanbar.org/groups/legal_education/resources/standards.html](http://www.americanbar.org/groups/legal_education/resources/standards.html). The ABA Standards are reviewed and revised regularly. In September 2008, the Council of the Section of the Legal Education and Admissions to the Bar began a comprehensive review of the Standards, culminating in a revised set of standards that went into effect in summer 2014. Over the course of this lengthy review process, the AALS, CLEA, and many other entities and individuals offered comments to the proposed changes. An archive of the 2008-2014 Comprehensive Review is available on the ABA website at: [http://www.americanbar.org/groups/legal_education/committees/standards_review/comp_review_archive.html](http://www.americanbar.org/groups/legal_education/committees/standards_review/comp_review_archive.html).

Some of the revisions reflect the growing importance of experiential education. Whereas experiential education was encouraged under earlier ABA standards, ABA Standard 303(a)(3) now states that law schools shall require each student to complete “one or more experiential course(s) totaling at least six credit hours.” Standard 303(a) specifically defines an experiential course as “a simulation course, law clinic, or a field placement.” ABA Standard 303(a)(3)(i)-(iv) details the specific curricular standards for these programs. States can, and have, gone farther. For example, in 2015, the AALS Clinical Section “applaud[ed] the decision of the California Bar to “require applicants to have completed 15 credits of experiential education,” citing this step as “a significant opportunity to improve the overall competency of new admittees.”

Clinicians should also consult ABA Standard 304(b), pertaining to course design requirements for law clinic courses; those who teach in field placement (“externship”) courses should be familiar with Standard 304(c), outlining the structural requirements for these courses. Interpretation 304-1 specifies that simulations, law clinics,
and field placements “must also comply with the requirements set out in Standard 303(a)(3).”

The Managing Director of the ABA Section of Legal Education and Admissions to the Bar issued a guidance memo specifically on Standards 303(a)(3), 303(b), and 304, which is available at http://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/governancedocuments/2015_standards_303_304_experiential_course_requirement_.pdf.

The revisions to the Standards governing field placement programs also removed Interpretation 305-2, which prohibited paid externships. Each law school is now free to establish its own policy on awarding credit for work at placements that pay students. Although a minority of schools now allow some form of paid externships, many clinicians support maintaining this prohibition, noting that paid externships would fundamentally transform the dynamics of the field placement and undermine externship pedagogy.

ABA Standard 405 (Professional Environment), and related Interpretations 405-6 through 405-9, address security of position and faculty governance issues for clinical law faculty. During the Comprehensive Review, proposed changes to Standard 405 were the subject of considerable discussion and debate. Had the changes been implemented, they would have adversely affected, among other things, the quality of legal education and security of position for law faculty, including clinical law faculty. Key aspects of Standard 405 include the following:

- Standard 405(c) states that law schools “shall afford to full-time clinical faculty members a form of security of position reasonably similar to tenure, and non-compensatory perquisites reasonably similar to those provided other full-time faculty members....”
- Interpretation 405-6 clarifies that a form of security of position “reasonably similar to tenure” includes a separate clinical tenure track or a program of renewable long-term contracts, which is further defined as “at least a five-year contract that is presumptively renewable” or some “other arrangement sufficient to ensure academic freedom.”
- Note the different security of position provision for legal writing faculty in ABA Standard 405(d), which provides
that, “A law school shall afford legal writing teachers such security of position and other rights and privileges of faculty membership as may be necessary to (1) attract and retain a faculty that is well qualified to provide legal writing instruction as required by Standard 302(a)(2), and (2) safeguard academic freedom.”

For an excellent discussion of the background, history, and development of the ABA Standards, see Peter A. Joy & Robert Kuehn, The Evolution of ABA Standards for Clinical Faculty, 75 Tenn. L. Rev. 183 (2008).

Governance Issues

How a law school is governed is an important issue for all faculty, not only clinicians. Faculty governance is typically the ability to vote on issues such as personnel, curriculum, and educational policy. Although some law schools place clinicians on a unitary tenure track with privileges and responsibilities equal to non-clinicians, in other schools there is a disparity in treatment of clinical faculty as compared to tenured or tenure-track faculty. Differences include job security, voting rights, compensation and perquisites (e.g., travel and research funds, relief from teaching and supervising, and possibility for sabbatical), course load, and service and scholarship requirements as they relate to retention and promotion. At some institutions, the differences can be substantial, but in others they are much less so. Many law schools now provide long-term, presumptively renewable contracts for clinical faculty that differ little from “tenure” in many ways, and there is a definite trend for law schools to provide clinical faculty with increasingly comprehensive voting rights. The most common limitation on governance even at law schools with close-to-equal treatment is non-involvement in appointment, promotion, and tenure of non-clinical faculty (and sometimes of clinical faculty as well). Unfortunately, some law schools continue to marginalize clinical faculty. The clinical community has long recognized the need to address disparities in status of clinicians.

You may find it helpful to know how clinicians are treated at the law schools or clinical programs that your school perceives as peer schools or programs. For comparative information, you may review
the data compiled by the Center for the Study of Applied Legal Education (CSALE), located at www.CSALE.org.

Additionally, there is a great deal of information about clinical programs in the Association of American Law Schools Section on Clinical Legal Education’s Task Force on the Status of Clinicians and the Legal Academy, Report and Recommendations on the Status of Clinical Faculty in the Legal Academy (March 2010), available in the “Taskforce on the Status of Clinicians” file library on the Clinical Section Community Website, and also at this link: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1628117.

Academic Freedom

On January 3, 2001, the Executive Committee of the AALS affirmed the importance of, and AALS support for, academic freedom for clinical law faculty members. Although the AALS has not provided a precise definition of what limits there may be to that freedom, it has written amicus briefs on multiple occasions in support of clinical programs when external attacks on law schools arose because of cases litigated by their clinics.

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4 The AALS stated:

The Association of American Law Schools has embraced from its very beginning the principle that law professors at member schools must enjoy the benefit of academic freedom to pursue effectively their teaching and research obligations. Bylaw 6-6(d) provides, “A faculty member shall have academic freedom and tenure in accordance with the principles of the American Association of University Professors.” For many years the Association has fully supported the principle that academic freedom applies equally to clinical law faculty and all other law faculty. The broad scope of Bylaw 6-6(d) is also made explicit by Executive Committee Regulation 3.7(a), which provides that the principles of academic freedom apply to all "engaged in teaching or scholarship, including work in a clinical or research and writing program at a member school" without regard to whether the position is eligible for a grant of tenure.

The resolve of the Association has been reflected in the public positions that it has taken in support of clinics at member schools that have been the subject of external pressure. The Association reaffirms that academic freedom is critical to achieving the objectives of clinical legal education and that the principle of academic freedom applies equally to clinical law faculty.

Some believe that academic freedom for clinical faculty means the ability "to select cases without intrusion from outside the law school as well as intrusion from within the law school when faculty or deans are prompted to intrude into case selection decisions by clinical faculty."⁵ “Provided the cases serve the pedagogical goals of the particular clinical course, and provided that the clinical faculty comply with applicable ethical obligations, clinical faculty are as free to make case selection decisions without intrusion as non-clinical faculty are to choose textbooks for their courses.”⁶

Any improper interference with case selection by clinical law faculty should be reported to the AALS Executive Director, who will refer the matter to the Department of Academic Freedom, Tenure & Governance within the American Association of University Professors (“AAUP”). Improper interference may also be directly reported to the AAUP at academicfreedom@aaup.org.

The AALS Section on Clinical Legal Education and Other Important Organizations

The Section is viewed by many clinicians as their official voice in the AALS.⁷ In existence since 1973, the Section advocates for the interests of clinicians and clinical education;⁸ responds to the

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⁶ Id. (footnotes omitted).

⁷ The Section should not be confused with the AALS Committee on Clinical Legal Education. That committee includes clinicians, as well as non-clinical faculty, and it makes recommendations to the AALS Executive Committee.

⁸ Although the Section advocates on behalf of clinicians within and outside the AALS, it is not authorized to take stands in the name of the AALS. However, the Section “may communicate a position taken in accordance with Chapter 1.5(b) to others within and outside AALS with a disclaimer that states that the position is that of the Section only and not necessarily that of AALS.” AALS Executive Committee Regulation 1.5(c), at https://www.aals.org/about/handbook/executive-committee-regulations.
needs of the clinical community; provides opportunities and resources to assist with clinicians’ professional development as teachers and scholars; provides important information to the clinical law community; addresses policy issues relevant to clinical law teachers; promotes diversity; presents, sponsors, and/or co-sponsors programs at the AALS Annual Meeting each January; proposes the programs and assists with the planning of the AALS Conference on Clinical Legal Education each year (typically in May); presents one-day workshops for clinical directors every other year at the clinical conference; sponsors awards for outstanding clinicians; provides financial support for regional conferences in clinical legal education; and publishes a newsletter.  

The Section is one of the largest AALS sections in terms of membership. The size and activity of the Section is reflected in the growth of the annual clinical conference. Clinical conference attendance has gone from 20 to 184 in the 1980s to several hundred today, making the clinical conference by far the largest conference the AALS sponsors (apart from the AALS Annual Meeting). The Section was honored to receive one of the first Section of the Year awards from the AALS in 2017. It tied with Women In Legal Education and was honored to share recognition with that great Section.

The Section is led by an Executive Committee whose members are elected in staggered terms by the membership of the Section. The Nominations Committee calls for nominations from the membership, and recommends a slate at the Section business meeting each January at the AALS Annual Meeting. The members of the Section vote on the slate recommended by the Nominations Committee and/or nominations from the floor. The current officers of the Section’s Executive Committee are listed on the Section’s AALS website page: from www.aals.org, click on “Sections,” and then click on “Clinical Legal Education”.

There are numerous standing committees as well as special committees in the Section, designed to advance our profession.

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9 The AALS has sponsored a yearly conference or workshop for clinicians since 1977.
10 Standing committees authorized by the Section’s by-laws are the Executive Committee, Nominating Committee, Annual Meeting Program Committee, Membership, Outreach, and Training Committee, Awards Committee, Communications Committee, and Committee on Lawyering in the Public Interest (Bellow Scholars). As of March 2023, the Section’s special committees include:
Annual membership in the Section is inexpensive (currently $15). The Section encourages and needs all clinicians to get involved in Section activities. Currently, you can join or renew your membership in the Section on the AALS website. Schools can also pay dues via a group dues form. For additional information, please contact the Section’s Treasurer.

CLEA is also an important organization for clinicians. According to its mission statement on its website, CLEA seeks to foster excellent teaching and scholarship by clinical educators; integrate clinical teaching and extend its methods into the legal education program of every law school; reform legal education so as to prepare law students for excellent and reflective law practice; advance regulation of legal education that insures the continued vitality of clinical education in law schools; and pursue and promote justice and diversity as core values of the legal profession. Among its other activities, CLEA is a joint publisher of the Clinical Law Review (along with New York University School of Law and the AALS). CLEA also offers a bi-annual New Clinicians Conference during odd numbered years and immediately preceding the AALS Clinical Section Annual Conference.

Three other organizations have played an important role in the development of the clinical legal education movement. First, the Council on Legal Education for Professional Responsibility (“CLEPR”) gave law schools funding in the 1960s and 1970s that provided the incentive and means to develop clinical legal education programs. Second, the Society of American Law Teachers (“SALT”), website at http://www.saltlaw.org/, is a community of progressive law teachers known for its teaching

ADR; Clinicians of Color; Externships; Interdisciplinary Committee; International Clinical Education; Membership, Training, and Outreach; Nominations; Policy; Scholarship; Teaching Methodologies; Technology; and Transactional Law Clinics. Section resources include the Newsletter, Clinical Scholarship Peer Network, as well as information and guidance relating to ABA standards, in-house clinics, and status, salary, tenure, and promotion.

11 CLEA also sponsors and supports conferences, sponsors new initiatives addressing legal education, provides training to new clinicians (the New Clinicians Conference every other May at the AALS Conference on Clinical Legal Education), publishes a newsletter and job forum, maintains a website and chat site, provides awards to clinical faculty and students, and takes public positions on issues of interest and importance to clinicians. Annual membership in CLEA, which includes a subscription to the Clinical Law Review, is also reasonably priced. See CLEA Handbook or go to www.cleaweb.org.
conferences and positions on important issues including diversity, academic freedom, and the rule of law. SALT addresses many issues of importance to clinical faculty, and many clinicians are also members of SALT. Third, the clinical movement that has developed in the United States over the past 30 to 40 years is now part of a global legal education movement. According to its website, http://www.gaje.org/, the Global Alliance for Justice Education ("GAJE") works to advance clinical education of law students and “other forms of socially relevant legal education, which includes education of practicing lawyers, judges, non-governmental organizations and the lay public.” GAJE hosts worldwide educational conferences to advance its mission of collaboration.

Benefits of Section Membership

Community

The clinical legal community is a warm, vibrant, and active community. We share information and ideas, and communicate frequently, most often over the Section’s AALS Announcement Listserv, the Clinic Listserv, and at clinical law conferences where we meet to enhance our professional development and collegial relationships. The Section especially encourages clinicians to attend the annual AALS Conference on Clinical Legal Education (typically each May), and the AALS Annual Meeting each January. There are also regional clinical conferences, which are generally less expensive and closer to home.12 Connecting with the clinical legal community is an excellent way to identify your peer group, make lasting professional relationships and friendships in the clinical legal community, and learn and share ideas in clinical teaching and supervision, service, and scholarship. The Section also provides information about and referrals to programs of interest outside the legal academy.

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12 These meetings are frequently catalogued by CLEA, at https://www.cleaweb.org/Conferences-Events-&-Meetings.
Access to Information and Assistance

As a member of the Section, and as part of the clinical legal community, you will have access to advocates in times of need and to information to improve your situation and/or advocate more effectively for yourself. In 2010 and 2011, the Section created for its members the “Clinical Section Community Website,” an online resource library with materials such as clinical teaching materials (syllabi and materials for teaching specific competencies and values); materials from prior clinical conferences, workshops, or other meetings; materials provided by the Section’s various Committees and resource groups; mentoring information; current and past Newsletters; the Section’s bylaws; and information about ABA developments. The Clinical Section Community Website is accessible at https://www.aals.org/sections/list/clinical-legal-education/.

The Section has prepared a Clinic Interference Bibliography, which is an organized compilation of all the briefs, court orders, correspondence, articles, and other materials collected by the Section’s former Political Interference Group in the numerous instances in which clinics have been subjected to attack for taking on particular cases or causes. Further, requests for assistance of all kinds over the Clinic Listserv usually result in multiple helpful e-mails and suggestions (as well as moments of humor).

Finally, access to the CSALE data, available at www.CSALE.org, is a concrete way to evaluate the way your law school treats clinicians and to support arguments for change.

Mentoring and Scholarship Support

Another particularly helpful benefit to membership in the Section is the opportunity to receive guidance and mentoring from more experienced clinicians, as well as peers at a similar career stage. Annually, the Section’s Membership, Outreach, and Training Committee organizes and assigns mentoring “crews” (typically of 5-6 colleagues who then meet informally throughout the academic year) for interested participants, and upon request will help connect a clinician who seeks individual support with a clinician who can
help from our community. Likewise, clinicians seeking feedback on scholarship can be matched with a colleague via the Section’s Clinical Scholarship Peer Network. Interested clinicians may contact the Section’s Scholarship Committee co-chairs for referral; an application to request a mentor or volunteer to serve as a mentor is also available in the “Clinical Mentoring Program” file library on the Clinical Section Community Website, which may be accessed from the File Library on the Section’s AALS website page (https://connect.aals.org/cle).
Other Helpful Resources for Clinicians

Association of American Law Schools Section on Clinical Legal Education’s Task Force on the Status of Clinicians and the Legal Academy, Report and Recommendations on the Status of Clinical Faculty in the Legal Academy (March 2010), available in the “Taskforce on the Status of Clinicians” file library on the Clinical Section Community Website.


The database compiled by the Center for the Study of Applied Legal Education (CSALE), located at www.CSALE.org.

J.P. Ogilvy & Harriet Katz, Externship Bibliography: Selected bibliography of over 100 books and articles relating to the design, critique, and pedagogy of legal externships (as of November 2016), available at: https://www.lexternweb.org/research.

Clinical Law Review, available through membership with CLEA; go to www.cleaweb.org. Copies may also be purchased through the AALS.


Online Annotated Bibliography of Clinical Legal Education, available at: https://scholarship.law.edu/scholar/442/.


Acknowledgments

Our thanks to the many clinicians in our community who contributed, directly or indirectly, provided information, or reviewed and commented on this Clinicians’ Desk Reference. There are too many of you to identify by name. The Section is grateful for your help, but we take all responsibility for any errors or omissions in this document. Any correspondence about the Desk Reference should be directed to a member of the Section’s Executive Committee.