

# **INTERFERENCE IN LAW SCHOOL CLINICS: BIBLIOGRAPHY**

**by**  
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## **I. STATEMENTS AND REPORTS OF ASSOCIATIONS**

### **ASSOCIATION OF AMERICAN LAW SCHOOLS (AALS):**

- 1) Political Interference in Law School Clinical Programs: Report of the AALS Section on Clinical Legal Education, Committee on Political Interference (Elizabeth M. Schneider & James H. Stark (Nov. 1982)) ([AALS 6](#))
- 2) *Report of the AALS Committee on the Future of the In-House Clinic*, 42 J. LEGAL EDUC. 508, 551-60 (1992) ([AALS 5](#))
- 3) Statement of the AALS in Support of Academic Freedom for Clinical Faculty (Jan. 3, 2001) ([AALS 1](#))
- 4) Peter A. Joy & Bridget McCormack, *AALS Issues a Strong Statement in Support Academic Freedom for All Clinical Faculty*, The Newsletter (AALS Section on Clinical Legal Education), No. 2001-1 (Apr. 2001) ([AALS 4](#))
- 5) AALS Political Interference Group of the Section on Clinical Legal Education, *Summary of Survey about Law Clinic Intake Guidelines and Decisionmaking* (2002) ([AALS 9](#))
- 6) Joyce Saltalamachia, *Protecting the Academic Freedom of Law School Clinics*, THE NEWSLETTER (AALS Section on Clinical Legal Education), No. 2003-4 (Nov. 2003) ([AALS 3](#))
- 7) AALS, Executive Comm. Regs., Chapter 4, §§ 4.1-4.3 ([AALS 2](#))

\*FOR SCHOOL-SPECIFIC AALS MATERIALS SEE BELOW

### **AMERICAN BAR ASSOCIATION (ABA):**

- 1) ABA Comm. on Prof'l Ethics, Formal Op. 324 (1970) ([ABA 5](#))
- 2) ABA Comm. on Ethics and Prof'l Responsibility, Informal Op. 1208 (1972) ([ABA 4](#))
- 3) ABA Comm. on Ethics and Prof'l Responsibility, Formal Op. 334 (1974) ([ABA 3](#))
- 4) Council of the ABA Section of Legal Education and Admissions to the Bar, *Statement Regarding Interference in Law School Clinical Activities* (Feb. 1983) (contained in AALS Memo D8283-25: Memo from James P. White, Consultant on Legal Education to the ABA and to Deans of ABA Approved Law Schools (Feb. 21, 1983)) ([ABA 1](#))
- 5) Terry Carter, *Law Clinics Face Critics*, 88-JUL A.B.A. J. 24 (2002) ([ABA 6](#))

- 6) ABA Council Statement, “Interference in Law School Clinical Activities,” in ABA Standards and Rules of Procedure for Approval of Law Schools ([ABA 2](#))
  - 7) ABA Resolution 100A (Feb. 2011) (reaffirming the ABA’s support for the ethical independence of law school clinical programs and courses) ([ABA 7](#))
- \*FOR SCHOOL-SPECIFIC ABA MATERIALS SEE BELOW

## **AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS (AAUP):**

- 1) 1940 Statement of Principles on Academic Freedom and Tenure (with 1970 Interpretive Comments) ([AAUP 1](#))
- \*FOR SCHOOL-SPECIFIC AAUP MATERIALS SEE BELOW

## **II. JOURNAL ARTICLES**

- 1) Jonathan R. Alger, *Legal Watch: Academic Freedom in the ‘Real World’*, 86 ACADEME 119, Mar.-Apr. 2000 ([Journal 1](#))
- 2) Adam Babich, *The Apolitical Law School Clinic*, 11 CLINICAL L. REV. 447 (2005) ([Journal 6](#))
- 3) Adam Babich, *Controversy, Conflicts, and Law School Clinics*, 17 CLINICAL L. REV. 469 (2011) ([Journal 13](#))
- 4) Jonathan L. Entin, *Law School Clinics and the First Amendment*, 61 CASE W. RES. L. REV. 1153 (2011) ([Journal 14](#))
- 5) Peter A. Joy, *Political Interference in Clinical Programs: Lessons from the U.S. Experience*, 8 INT’L J. CLINICAL LEGAL EDUC. 83 (2005) ([Journal 2](#))
- 6) Peter A. Joy, *Government Interference in Law School Clinics and Access to Justice: When Is There a Legal Remedy?*, 61 CASE W. RES. L. REV. 1087 (2011) ([Journal 15](#))
- 7) Peter A. Joy, *Political Interference with Clinical Legal Education: Denying Access to Justice*, 74 TUL. L. REV. 235 (1999) ([Journal 3](#))
- 8) Peter A. Joy & Charles D. Weisselberg, *Access to Justice, Academic Freedom, and Political Interference: A Clinical Program Under Siege*, 4 CLINICAL L. REV. 531 (1998) ([Journal 4](#))
- 9) Robert Kuehn, *Denying Access to Legal Representation: The Attack on the Tulane Environmental Law Clinic*, 4 WASH. U. J.L. & POL’Y 33 (2000) ([Journal 5](#))
- 10) Robert R. Kuehn & Peter A. Joy, *An Ethics Critique of Interference in Law School Clinics*, 71 FORDHAM L. REV. 1971 (2003) ([Journal 7](#))
- 11) Robert R. Kuehn & Peter A. Joy, “Kneecapping” Academic Freedom, ACADEME, Nov/Dec. 2010, at 8 ([Journal 11](#))
- 12) Robert R. Kuehn & Peter A. Joy, *Lawyering in the Academy: The Intersection of Academic Freedom and Professional Responsibility*, 59 J. LEGAL EDUC. 97 (2009) ([Journal 8](#))
- 13) Robert R. Kuehn & Bridget M. McCormack, *Lessons from 40 Years of Interference in Law School Clinics*, 24 GEO. J. LEGAL ETHICS 59 (2010) ([Journal 12](#))
- 14) Elizabeth Schneider, *Political Interference in Law School Clinical Programs: Reflections on Outside Interference and Academic Freedom*, 11 J.C. & U.L. 179 (1984) ([Journal 10](#))

15) Stephen Wizner & Robert Solomon, *Law As Politics: A Response to Adam Babich*, 11 CLINICAL L. REV. 473 (2005) ([Journal 9](#))

\*FOR SCHOOL-SPECIFIC JOURNAL ARTICLES SEE BELOW

### ***III. INTERFERENCE BY SCHOOL***

#### **Arizona State University (1994-95)**

Proposed budget rider for university would cease all funding of law school's clinics in response to clinic litigation against state, but rider amended to just prohibit funds for prison lawsuits.

##### **Legislative Materials:**

- 1) Arizona Legislative Rider (1995) ([ASU 1](#))

#### **University of Arkansas (1977)**

Law school faculty successful sue to strike down Arkansas appropriations law that made it unlawful for certain law school faculty members to handle or assist in any lawsuit in state or federal courts.

##### **Case Materials:**

- 1) Atkinson v. Bd. of Trs. of Univ. of Ark., 559 S.W. 2d 473 (Ark. 1977)
  - a) Brief for Appellants (June 13, 1977) ([Arkansas 3](#))
  - b) Brief Amicus Curiae of AALS (Aug. 1, 1977) ([Arkansas 2](#))
  - c) Reply Brief for Appellants (Aug. 4, 1977) ([Arkansas 4](#))
  - d) Supplemental Brief for Appellees (July 20, 1977) ([Arkansas 5](#))
  - e) Decision of the Court (1977) ([Arkansas 1](#))

##### **Additional Material:**

- 1) Attorney General Opinion No. 76-12 (Jan. 19, 1976) ([Arkansas 6](#))

#### **University of Colorado (1981)**

Legislation prohibiting law professors at university from assisting in litigation against governmental unit or political subdivision was reported out of House and Senate Committees but postponed indefinitely.

##### **Legislative Materials:**

- 1) H.R. B. No. 1315 (As introduced Feb. 5, 1981) ([Colorado 1](#))
- 2) H.R. B. No. 1315 (Engrossed Version) ([Colorado 2](#))

#### **University of Connecticut (1972)**

Law school considered process for pre-approving clinic cases but the ABA issues an ethics opinion finding that case-by-case prior approval would violate professional ethics of dean and clinic director.

### **Ethics Opinion:**

- 1) ABA Comm. on Ethics and Prof'l Responsibility, Informal Op. 1208 (1972) ([Connecticut 1](#))

### **University of Idaho (1982)**

Bill prohibiting higher education faculty members and students from participating in lawsuits was passed by Idaho House of Representatives but defeated in Senate.

### **Legislative Materials:**

- 1) H.R. B. No. 800 (Introduced Mar. 8, 1982) ([Idaho 1](#))

### **University of Iowa (1981)**

Bill prohibiting expenditure of funds for representation of clients in litigation against state or any political subdivision was defeated both in committee and in Iowa House of Representatives. Earlier case rejected claim that statute prohibiting public employees from receiving compensation for rendering services against the interest of the state prevented clinical professors from representing plaintiff in civil rights lawsuit against the state.

### **Legislative Materials:**

- 1) H.R. B. No. 374 (Introduced Feb. 12, 1981) ([Iowa 1](#))

### **Additional Material:**

- 1) Triplett v. Azordegan, 421 F. Supp. 998 (N.D. Iowa 1976) ([Iowa 2](#))

### **University of Maryland (1987)**

Governor proposed to condition funds to legal organizations on agreement not to sue state; restriction dropped in favor of agreement that organizations receiving state funds must, prior to filing suit, provide opportunity to resolve dispute without going to court.

### **Related Articles:**

- 1) Retha Hill, *Md. Moves to Head off Suits by Poor; State to Withhold Legal Aid Funding*, WASHINGTON POST (June 25, 1987) ([Maryland87 1](#))
- 2) Robert Barnes, *Gov. Schaefer Patches Spat with Lawyers; Legal Aid Dispute Ends with Accord*, WASHINGTON POST (July 23, 1987) ([Maryland87 2](#))
- 3) Susan Schmidt & Robert Barnes, *Compromise Seen on Md. Legal Aid; Schaefer to Drop Plan Tying Funds to Suits*, WASHINGTON POST (July 22, 1987) ([Maryland87 3](#))
- 4) *Maryland Cuts off Funds to Legal Groups Aiding the Poor*, N.Y. TIMES, in S.F. CHRON. (July 2, 1987) ([Maryland87 4](#))
- 5) Editorial, *Saved from a Bad Idea*, WASHINGTON POST (July 24, 1987) ([Maryland87 5](#))

### **University of Maryland (2010)**

Legislative rider proposed to condition university funds on report of clinic cases, expenditures and funding, but amended to drop funding conditions and limit extent of required report on clinic cases.

#### **Legislative Materials:**

- 1) Appropriations Provision (as introduced Mar. 23, 2010) ([Maryland 8](#))
- 2) Appropriations Provision (as passed April 6, 2010) ([Maryland 9](#))

#### **Additional Materials:**

- 1) Commentary by CLEA, “Hands Off State’s Law School Clinics” (Mar. 28, 2010) ([Maryland 1](#))
- 2) Letter from Susan Westerberg Prager, Executive Director, AALS, to Chancellor William E. Kirwan and Clifford M. Kendall, Chair, Board of Regents (Mar. 31, 2010) ([Maryland 2](#))
- 3) Letter from SALT to Chancellor William E. Kirwan and Clifford M. Kendall, Chair, Board of Regents (Mar. 31, 2010) ([Maryland 3](#))
- 4) Statement of ABA President Lamm, Re: Proposed Legislation Affecting Funding for University of Maryland School of Law (Apr. 1, 2010) ([Maryland 4](#))
- 5) Letter from Gary Rhoades, General Secretary, AAUP, to Thomas V. “Mike” Miller, Jr., President, Maryland Senate, and Michael Erin Busch, Speaker, Maryland House of Delegates (Apr. 7, 2010) ([Maryland 6](#))

#### **Related Articles:**

- 1) Ian Urbina, *School Law Clinics Face a Backlash*, N.Y. TIMES (Apr. 4, 2010) ([Maryland 5](#))
- 2) Gabriel Nelson, *Law Students’ Role in Farm Pollution Suit Angers Md. Lawmakers, Sparks Nat’l Debate*, N.Y. TIMES (Apr. 8, 2010) ([Maryland 7](#))
- 3) *First, They Get Rid of the Law Clinics*, N.Y. Times (Apr. 12, 2010) ([Maryland 10](#))

### **University of Michigan (2010)**

Prosecutor lists clinic students as prosecution witnesses in an attempt to force students to testify against their client, but ultimately drops case.

#### **Case Materials:**

- 1) Defendant’s Brief in Support of His Motion to Strike Student’s Names from the Prosecution’s Witness List (Mar. 2010) ([Michigan 3](#))

#### **Related Articles:**

- 1) Sandra Svoboda, *Murder Case Curveball: Prosecutor Wants to Question Law Students who Worked on Defense*, METRO TIMES (Detroit) (Mar. 17, 2010) ([Michigan 1](#))
- 2) David Ashenfelter & Joe Swickard, *Man Freed Last Year Won’t Face Retrial in ’00 Drug Killing*, DETROIT FREE PRESS (Mar. 25, 2010) ([Michigan 2](#))

### **University of Mississippi (1969-70)**

Law clinic professors successfully challenge university policy that conditioned their continued employment on ceasing all work with legal services program.

**Case Materials:**

- 1) *Trister v. Univ. of Miss.*, 420 F.2d 499 (5th Cir. 1969) ([Mississippi 4](#))

**Additional Materials:**

- 1) AALS, Report on Investigation of Interference at the University of Mississippi College of Law (Submitted on December 30, 1969) ([Mississippi 2](#))
- 2) AAUP, Report on Investigation of Interference at the University of Mississippi College of Law (AAUP Bulletin, Spring 1970) ([Mississippi 1](#))
- 3) AALS, *Recommendations of the Committee on Academic Freedom and Tenure Concerning the University of Mississippi Matter*, AALS Annual Meeting, 1969 (*reprinted in* Report on Investigation of Interference at the University of Mississippi College of Law (AAUP Bulletin, Spring, 1970)) ([Mississippi 3](#))

**University of North Dakota (2003-06)**

Outspoken critic of the clinic files suit challenging clinic's refusal of representation, which is dismissed by district court but reversed and remanded by court of appeals.

**Case Materials:**

- 1) District Court:
  - a) Amended Complaint (Jan. 5, 2005) ([ND 8](#))
  - b) Defendants' Motion for Judgment on the Pleadings (Apr. 29, 2004) ([ND 9](#))
  - c) Brief of AALS as Amici Curiae in Support of Defendant (Apr. 28, 2004) ([ND 10](#))
  - d) Brief of CLEA & SALT as Amici Curiae in Support of Defendant's Motion for Judgment on the Pleadings (May, 2004) ([ND 11](#))
  - e) Order Granting Judgment on the Pleadings (July 29, 2004) ([ND 12](#))
  - f) Memorandum Opinion and Order Denying Plaintiff's Motion to Alter or Amend the Judgment: *Wishnatsky v. Rovner*, 2004 WL 2236415 (D.N.D. 2004) ([ND 13](#))
- 2) Court of Appeals:
  - a) Brief for Appellant (Nov. 22, 2004) ([ND 14](#))
  - b) Brief of Appellee (Dec. 2004) ([ND 15](#))
  - c) Brief of Amicus Curiae AALS in Support of Appellee and Seeking Affirmance (Dec. 29, 2004) ([ND 16](#))
  - d) Brief of Amici Curiae CLEA, SALT, & the Georgetown University Law Center Clinical Program in Support of Appellee (Dec. 2004) ([ND 17](#))
  - e) Reply Brief for Appellant (Jan. 10, 2005) ([ND 18](#))
  - f) Decision Reversing and Remanding: *Wishnatsky v. Rovner*, 433 F.3d 608 (8th Cir. 2006) ([ND 20](#))
  - g) Petition for Rehearing or Rehearing En Banc (Jan. 2006) ([ND 19](#))
  - h) Judgment Denying Rehearing and Rehearing En Banc (Mar. 23, 2006) ([ND 22](#))
  - i) Stipulation of Dismissal (Dec. 27, 2006) ([ND 21](#))

**Additional Materials:**

- 1) Memorandum Re: Your Request for Information, from Candace M. Zierdt, Interim Dean, to Representative Jim Kasper (Jan. 31, 2003) ([ND 1](#))



- 2) Submission of Clinical Legal Education Association (CLEA) to the North Dakota Attorney General (Sept. 15, 2003) ([ND 2](#))
- 3) Letter from Carl Monk, AALS, to Attorney General Wayne Stenehjem, Re: Attorney General's Opinion (Sept. 16, 2003) ([ND 3](#))
- 4) Letter Opinion 2003-L-42, from Wayne Stenehjem, Attorney General, to the Honorable Jim Kasper (Sept. 26, 2003) ([ND 4](#))
- 5) Letter from Candace M. Zierdt, Interim Dean, to Carl C. Monk, Executive Vice President and Executive Director of AALS (Mar. 24, 2004) ([ND 5](#))
- 6) Letter from Paul A. LeBel, Dean, University of North Dakota, School of Law, to Carl C. Monk, Executive Director, AALS (Oct. 19, 2004) ([ND 6](#))
- 7) Letter from Carl C. Monk, Executive Director, AALS, to Paul A. LeBel, Dean, University of North Dakota, School of Law (Oct. 27, 2004) ([ND 7](#))

### **University of Oregon (1981-93)**

Attacks by timber industry result in attorney general opinion, effort to depose law school officials, and proposed bill to withdraw state funding of law school, ultimately resulting in environmental clinic moving out of school and reorganizing as a nonprofit public interest legal organization.

#### **Case Materials:**

- 1) Idaho Wildlife Federation v. M. Rupert Cutler (D. Id. 1981)
- 2) Thomas v. Peterson (D. Id. 1982)
  - a) Memo of AALS as Amicus Curiae with Respect to Plaintiffs' Motion to Strike (Jan. 1983) ([Oregon 9](#))

#### **Additional Materials:**

- 1) Resolution of Law School Faculty to Dean Bell and President Olum (Oct. 28, 1981) ([Oregon 1](#))
- 2) Oregon Department of Justice, Opinion OP-5498 (July 11, 1983) ([Oregon 2](#))
- 3) Report of the Ad Hoc Study Committee for the Environmental Law Clinic at the University of Oregon School of Law (Nov. 30, 1988) ([Oregon 3](#))
- 4) Letter from Charles R. Lawrence, III, President, SALT, to Dr. Paul Olum, President, Univ. of Oregon (May 24, 1988) ([Oregon 10](#))

#### **Related Articles:**

- 1) Katherine Bishop, *Oregon Law Clinic Battles the Timber Industry*, N.Y. TIMES (Aug. 5, 1988) ([Oregon 4](#))
- 2) *Student Suits Defended*, N.Y. TIMES (Dec. 16, 1988) ([Oregon 6](#))
- 3) Bill Bishop, *Ethics Complaint Dismissed by Bar*, THE REGISTER GUARD (May 22, 1990) ([Oregon 7](#))
- 4) Alan Pittman, *UO Environmental Law Clinic*, WHAT'S HAPPENING (Sept. 2, 1993) ([Oregon 5](#))

### **University of Pittsburgh (2001-02)**

State budget rider prohibiting use of funds to support environmental clinic and attacks from business interests and politicians result in university efforts to restrict clinic, though university later backs off.

**Legislative Materials:**

- 1) University of Pittsburgh Budget Rider (June 22, 2001) ([Pitt 6](#))

**Additional Materials:**

- 1) Robert Kuehn et al., *The Lack of Leadership at Pitt Regarding Law Clinic Controversy is Disappointing*, PITTSBURGH POST-GAZETTE (Dec. 9, 2001) ([Pitt 2](#))
- 2) Report of the Tenure and Academic Freedom Committee on the Environmental Law Clinic (Jan. 28, 2002) ([Pitt 1](#))
- 3) Robert Kuehn et al., *A Welcome Reversal*, PITTSBURGH POST-GAZETTE (Apr. 11, 2002) ([Pitt 3](#))

**Related Articles:**

- 1) Don Hopey, *Law Clinic at Pitt Feeling Pressure, Controversy Swirls over Environmental Clients*, PITTSBURGH POST-GAZETTE, October 17, 2001 ([Pitt 4](#))
- 2) Elizabeth Amon, *School Law Clinics Spark Hostility*, NATIONAL L.J., April 1, 2002 ([Pitt 5](#))

**Rutgers University – Newark (1989)**

State officials unsuccessfully use conflict of interest statute to challenge ability of law clinics at university to bring suits against the state and its political subdivisions.

**Case Materials:**

- 1) In re Executive Comm'n On Ethical Standards Re: Appearance of Rutgers Attorneys
  - a) Brief of Amicus Curiae AALS ([Rutgers89 1](#))
  - b) Brief of Amicus Curiae AAUP ([Rutgers89 2](#))
  - c) Brief of Amicus Curiae SALT ([Rutgers89 3](#))
  - d) Decision of the Court: In re Executive Comm'n On Ethical Standards Re: Appearance of Rutgers Attorneys, 561 A.2d 542 (N.J. 1989) ([Rutgers89 4](#))

**Related Articles:**

- 1) Carter, Michelle D., *Rutgers Law Professors May Continue Representation before State Agencies in the Exercise of the University's Clinical Education Program*, 22 RUTGERS L.J. 231 (1990-91) ([Rutgers89 5](#))

**Rutgers University – Newark (1998)**

Clinic successfully defeats claim that use of university resources to pursue litigation on behalf of non-profit public interest organization was improper donation of state funds under N.J. Constitution.

**Case Materials:**

- 1) N.J. Dept. of Env'tl. Prot. v. City of Bayonne
  - a) Transcript of Motion (N.J. Super. Ct. Ch. Div., Hudson County, June 11, 1998) ([Rutgers98 1](#))



## **Rutgers University – Newark (2008- )**

Defeated clinic opponent seeks to force university to provide access to internal clinic documents through the state's Open Public Records Act.

### **Case Materials:**

- 1) Sussex Commons Assoc. v. Rutgers, the State University:
  - a) Complaint (September 22, 2006) ([Rutgers08 3](#))
  - b) Brief in Support of Plaintiffs Application for an Order to Show Cause (Sept. 22, 2006) ([Rutgers08 4](#))
  - c) Defendant Rutgers University's Brief in Opposition to the Order to Show Cause (Oct. 17, 2006) ([Rutgers08 5](#))
  - d) Brief of Amici Curiae Citizens for Responsible Development at Ross' Corner, Coalition to Protect Our Land, Lakes and Watersheds, and Weissman and Mintz, LLC (Mar. 25, 2008) ([Rutgers08 6](#))
  - e) Brief of Amicus Curiae CLEA (May 1, 2008) ([Rutgers08 8](#))
  - f) Brief of Amici Curiae Chelsea (May 2, 2008) ([Rutgers08 7](#))
  - g) Rutgers' Brief in Response to Briefs of the Amici Curiae (May 22, 2008) ([Rutgers08 9](#))
  - h) Decision of the Court and Order Denying Plaintiff's Motion to Compel Documents (N.J. Super. Ct., Oct. 7, 2008) ([Rutgers08 10](#))

#### Appellate Court:

- a) Brief of Plaintiffs/Appellants (Mar. 23, 2009) ([Rutgers08 11](#))
- b) Brief of Amicus Curiae AALS (May 21, 2009) ([Rutgers08 12](#))
- c) Brief of Amici Curiae CLEA, SALT & AAUP (May 26, 2009) ([Rutgers08 13](#))
- d) Brief Amicus Curiae Submitted on Behalf of Rutgers Law School/Newark Clinical Program (May 2009) ([Rutgers08 14](#))
- e) Decision of the Court: Sussex Commons Assoc. v. Rutgers, 6 A.3d 983 (N.J. Super. Ct. App. Div. 2010) ([Rutgers08 15](#))

#### Supreme Court

- a) Petition for Certification and Appendix of Defendants-Petitioners Rutgers University (Nov. 2010) ([Rutgers08 16](#))
- b) Brief of Plaintiffs/Appellants (Dec. 13, 2010) ([Rutgers08 17](#))
- c) Brief of Amicus Curiae AALS (Dec. 20, 2010) ([Rutgers08 19](#))
- d) Brief of Amici Curiae CLEA, SALT & AAUP in Support of Petition for Certification (Dec. 21, 2010) ([Rutgers08 20](#))
- e) Brief Amicus Curiae Rutgers Clinics in Support of Petition for Certification ([Rutgers08 18](#))
- d) Decision of the Court: [Insert when issued]

### **Related Articles:**

- 1) Mary Pat Gallagher, *Suit Tests if Rutgers Law Clinics' Files are Subject to Disclosure under OPRA*, NEW JERSEY L.J. (May 5, 2008) ([Rutgers08 2](#))
- 2) Peter Schmidt, *Open-Records Dispute Court Complicate Work of Public Law-School Clinics*, CHRON. HIGHER EDUC. (June 8, 2009, 2010) ([Rutgers08 25](#))
- 3) Mary Pat Gallagher, *Appeals Court Weighs Public Access to Rutgers Law Clinic Records*, NEW JERSEY L.J. (Apr. 13, 2010) ([Rutgers08 1](#))

- 4) Mary Pat Gallagher, *Rutgers Law School Clinics Held to Be Public Agencies, So Subject to OPRA*, NEW JERSEY L.J. (Oct. 25, 2010) ([Rutgers08 22](#))
- 5) Peter Schmidt, *N.J. Court Says Public Law-School Clinics Aren't Immune from Open-Records Law*, Chron. Higher Educ. (Oct. 26, 2010) ([Rutgers08 21](#))
- 6) John J. Farmer Jr. & Frank Askin, *It's Deja Vu All Over Again for Rutgers' Legal Clinics*, New Jersey L.J. (Nov. 22, 2010) ([Rutgers08 23](#))
- 7) Jennifer Dearborn, *Ready, Aim, Fire: Employing Open Records Acts as Another Weapon Against Public Law School Clinics*, 39 RUTGERS L. REC. 16 (2011-12) ([Rutgers08 24](#))

### **University of Tennessee (1981)**

Board of trustees forces clinic to separate from local legal aid office and directs that no suits of significance shall be brought by legal clinic against the state.

#### **University Documents:**

- 1) Memorandum from Beauchamp E. Brogan, General Counsel, to President Edward J. Boling and Chancellor Jack E. Reese, Re: UT Legal Clinic, College of Law (Mar. 27, 1981) ([Tenn 1](#))
- 2) Letter from William M. Leech, Jr., Attorney General, to Robert Kastenmeier, Chairman, Sub-Committee on Civil Liberties and Administration of Justice, Re: Legal Services Corporation (Apr. 2, 1981) ([Tenn 2](#))
- 3) Memorandum from Clinic Advisory Committee to Faculty of the College of Law, Re: Review of Clinic Operations (May 22, 1981) ([Tenn 5](#))
- 4) Memo from Jerry Black to Dr. Donald Eastman, Re: Consequences of Prohibiting the University of Tennessee Legal Clinic from Representing Clients in Actions Against the State of Tennessee (July 20, 1981) ([Tenn 6](#))
- 5) Letter from Chancellor Jack E. Reese to President Edward J. Boling (July 27, 1981) ([Tenn 3](#))
- 6) Letter in Response from President Edward J. Boling to Chancellor Jack E. Reese (July 30, 1981) ([Tenn 4](#))
- 7) Proposal Concerning UT Legal Clinic (Aug. 11, 1981) ([Tenn 7](#))
- 8) Memorandum from Dick Wirtz to Dean Rivkin and Marilyn Yarbrough, Re: Clinic Suits Against the State: Documentation on the 1981 Dispute (Jan. 3, 1989) ([Tenn 8](#))

#### **Related Articles:**

- 1) Julia P. Hardin, *Polishing the Lamp of Justice: A History of Legal Education at the University of Tennessee, 1890-1990*, 57 TENN. L. REV. 145 (1989-1990) ([Tenn 10](#))
- 2) Douglas A. Blaze, *Déjà Vu All Over Again: Reflections on Fifty Years of Clinical Education*, 64 TENN. L. REV. 939 (1997) ([Tenn 9](#))

### **Tulane University (1993-94)**

Governor threatens to cut financial support to university, deny state financial assistance to state residents who attend the university, and prohibit university's medical students from practicing in state's hospitals; La. Supreme Court rejects ethics complaint against clinic.

## Correspondence:

- 1) Letter from Kai David Midboe, Secretary, Louisiana Department of Environment Quality, to Hon. Pascal F. Calogero, Jr., Louisiana Supreme Court (Oct. 15, 1993) ([Tul93 1](#))
- 2) Letter from Hon. Pascal F. Calogero, Jr., Louisiana Supreme Court, to Kai David Midboe, Secretary, Louisiana Department of Environmental Quality (Nov. 18, 1993) ([Tul93 2](#))

## Related Articles:

- 1) Michael Dehncke, *Life in Louisiana*, DICTA FROM THE BENCH (Tulane University) (Oct. 25, 1993) ([Tul93 5](#))
- 2) Josh Landis, *State and Industries Pressure Environmental Law Clinic*, HULLABALOO (Tulane University) (Nov. 19, 1993) ([Tul93 7](#))
- 3) Bob Anderson, *High Court Rejects Midboe Request on Law Clinic Restraints*, BATON ROUGE ADVOCATE (Feb. 4, 1994) ([Tul93 6](#))
- 4) Marcia Coyle, *Government v. Students in \$700M Plant Case*, NAT'L L.J., Sept. 8, 1997 ([Tul93 4](#))
- 5) Susan Hansen, *Backlash on the Bayou*, AMERICAN LAWYER, Jan.-Feb. 1998 ([Tul93 3](#))

## **Tulane University (1998-2001)**

In response to request from business interests, Louisiana Supreme Court imposes student practice rule restrictions on client income, ban on contact with potential clients, and prohibition on student appearing in representative capacity before legislature. Federal court upholds the restrictions.

## Court Rules:

- 1) La. Sup. Ct. R. XX (June 1998) ([Tul98 1](#))
- 2) La. Sup. Ct. R. XX (As amended Mar. 1999) ([Tul98 2](#))

## Case Materials:

- 1) S. Christian Leadership Conference v. Supreme Court of State of Louisiana  
District Court:
  - a) Plaintiffs' Complaint ([Tul98 21](#))
  - b) Amicus Curiae Brief of CLEA in Support of Plaintiffs' Opposition to Defendant's Motion to Dismiss ([Tul98 22](#))
  - c) Plaintiffs' Brief in Opposition to Motion to Dismiss ([Tul98 23](#))
  - d) Decision of the District Court: S. Christian Leadership Conference v. Supreme Court of State of Louisiana, 61 F. Supp. 2d 499 (E.D. La. 1999) ([Tul98 24](#))

### Appellate Court:

- a) Appellants' Brief ([Tul98 25](#))
- b) Appellants' Reply Brief ([Tul98 26](#))
- c) Motion for Leave to File Brief of AALS, AAUP, and CLEA, as *Amici Curiae*, Supporting Reversal ([Tul98 31](#))
- d) Brief for Amici Curiae, AALS, AAUP, and CLEA (Jan. 2000) ([Tul98 27](#))
- e) Reply of AALS, AAUP, and CLEA to Response of Appellee to Requests for *Amicus* Status (Jan. 2000) ([Tul98 32](#))

- f) Decision of the Court of Appeals: S. Christian Leadership Conference v. Supreme Court of State of Louisiana, 252 F.3d 781 (5th Cir. 2001) ([Tul98 28](#))

### **Additional Materials:**

- 1) Submission of CLEA to the Louisiana Supreme Court in Response to Amending Student Practice Rule (Dec. 5, 1997) ([Tul98 5](#))
- 2) Submission of AALS to the Supreme Court of the State of Louisiana Concerning the Review of the Supreme Court's Student Practice Rule (Dec. 17, 1997) (*reprinted in* 4 CLINICAL L. REV. 539 (1998)) ([Tul98 3](#))
- 3) Letter from Professor Robert Percival et al. to Chief Justice Pascal Calogero, Louisiana Supreme Court (Dec. 22, 1997) ([Tul98 6](#))
- 4) Press Release, University of Maryland School of Law, Environmental Law Professors Defend Tulane Environmental Law Clinic (Dec. 22, 1997) ([Tul98 7](#))
- 5) News Release, Association of American Law Schools Seeks Support for Academic Freedom of Law School Clinic Faculty: Files Brief Arguing that Proposed Rule Change Would Harm Law Students and Citizens (Dec. 23, 1997) ([Tul98 4](#))
- 6) Letter from the SALT to Chief Justice Pascal Calogero, Louisiana Supreme Court (Dec. 23, 1997) ([Tul98 8](#))
- 7) H.R. Con. Res. 90, Reg. Sess. (La. 1998) (Proposed but never passed) ([Tul98 14](#))
- 8) Letter from Dean Edward F. Sherman, Tulane Law School, to Dean White, Consultant on Legal Education to the ABA (Jan. 2, 1998) ([Tul98 9](#))
- 9) Letter from AALS to Chief Justice Pascal Calogero, Louisiana Supreme Court (Apr. 3, 1998) ([Tul98 12](#))
- 10) Letter from Dean Edward F. Sherman, Tulane Law School, to Dean James P. White, Consultant on Legal Education to the ABA (July 23, 1998) ([Tul98 10](#))
- 11) Letter from AALS to President, Louisiana State Bar Association (Dec. 9, 1998) ([Tul98 11](#))
- 12) Letter from AALS to Governor Mike Foster (Aug. 21, 1998) ([Tul98 13](#))
- 13) Brennan Center for Justice, *Comments on Proposed Fifth Circuit Rule 46.4.2* (changes to the student practice rule) ([Tul98 29](#))

### **Related Articles:**

- 1) Adam Glaser, *The Implications of Changes to Louisiana's Law Clinic Student Practice Rule*, 12 GEO. J. LEGAL ETHICS 751 (1999) ([Tul98 16](#))
- 2) Kerryann B. Hamill, *Strict Student Practice Rules Impose Substantial Burden on Disadvantaged Groups Seeking Environmental Justice*, 7 U. BALT. J. ENVTL. L. 1 (1999) ([Tul98 17](#))
- 3) Jennifer L. Jung, *Federal Legislative and State Judicial Restrictions on the Representation of Indigent Communities in Public Interest and Law School Clinic Practice in Louisiana*, 28 CAP. U.L. REV. 873 (2000) ([Tul98 18](#))
- 4) Frances M. Nicastro, *Southern Christian: A Call for Extra-Constitutional Remedies, Legal Clinical Education, and Social Justice*, 15 NOTRE DAME J.L. ETHICS & PUB. POL'Y 333 (2001) ([Tul98 30](#))
- 5) Giancarlo Panagia, *A Man, His Dream, and His Final Banishment: A Marxian Interpretation of Amended Louisiana Student Practice Rule*, 17 J. ENVTL. L. & LITIG. 1 (2002) ([Tul98 19](#))

- 6) Alison A. Bradley, Recent Developments, *Rigid Justice is the Greatest Injustice: The Fifth Circuit Disregards Political and Economic Realities in Southern Christian Leadership Conference v. Supreme Court*, 76 TUL. L. REV. 1173 (2002) ([Tul98 20](#))

### **Tulane University (2010)**

Bill prohibiting law school clinics at university that receives state money from suing or defending a suit against a government agency or seeking monetary damages from an individual or business is defeated in Louisiana Senate committee.

### **Legislative Materials:**

- 1) Senate Bill No. 549 (Mar. 19, 2010) ([Tul10 1](#))

### **Additional Materials:**

- 1) Letter from Brian Bromberger, Dean, Loyola School of Law, and Stephen M. Griffin, Interim Dean, Tulane School of Law, to Members of the Louisiana State Senate (Apr. 22, 2010) ([Tul10 7](#))
- 2) Letter from Raquel Aldana and Steven Bender, Co-Presidents, SALT, to Stephen M. Griffin, Interim Dean, Tulane University School of Law (Apr. 30, 2010) ([Tul10 6](#))
- 3) Letter from Susan Westerberg Prager, Executive Director, AALS, to Senator Ann Duplessis, Committee on Commerce, Consumer Protection & International Affairs (May 10, 2010) ([Tul10 2](#))
- 4) Letter from Robert R. Kuehn et al., CLEA, to Senator Ann Duplessis, Chair, Louisiana Senate Commerce, Consumer Protection, and International Affairs Committee, Re: Senate Bill 549 (May 10, 2010) ([Tul10 5](#))
- 5) Statement of Carolyn B. Lamm, President, ABA, Re: Louisiana Senate Bill 549 to Restrict Law School Clinic Activities (May 12, 2010) ([Tul10 3](#))
- 6) Letter from Gary Rhoades, General Secretary, AAUP, to Senator Ann Duplessis, Chair, Commerce, Consumer Protection, and International Affairs Committee (May 14, 2010) ([Tul10 4](#))

### **Related Articles:**

- 1) Sonia Smith, *Bill Aimed at Limiting La. Law Clinics Dies*, BLOOMBERG BUSINESSWEEK (Apr. 26, 2010) ([Tul10 8](#))
- 2) Stephen Griffin & Brian Bromberger, *Legislation Would Handcuff Law Clinics: A Guest Column by Stephen Griffin and Brian Bromberger*, NOLA.COM (Apr. 30, 2010) ([Tul10 9](#))
- 3) Karen Sloan, *Battleground Over Law School Clinics Moves to Louisiana*, NATIONAL L.J. (May 3, 2010) ([Tul10 11](#))
- 4) Katherine Mangan, *Louisiana Bill Would 'Cripple' Law-School Clinics*, Deans Say, CHRONICLE OF HIGHER EDUCATION (May 11, 2010) ([Tul10 10](#))
- 5) Adam Babich & Brandon David Sousa, *Protecting Public Participation*, ENVTL. FORUM, May/June 2011, at 22 ([Tul10 13](#))
- 6) Adam Babich, *Can Preemption Protect Public Participation?*, 61 CASE W. RES. L. REV. 1109 (2011) ([Tul10 12](#))

### **Widener University (1999)**

University proposal that clinic director undertake review process before accepting litigation results in Pennsylvania ethics opinion stating that lawyer must not be impeded by employer in choosing how to represent client.

#### **Ethics Opinion:**

- 1) Pennsylvania Bar Association Committee on Legal Ethics and Professional Responsibility, Informal Op. 99 (Mar. 25, 1999) ([Widener 1](#))