

Message from the Chair

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University of California - Berkley



Dear Colleagues:

It is my great pleasure to describe some of our plans and hopes for the Section this year. The immediate past-Chair of the Section on Clinical Education, Calvin Pang, and his predecessor, Bryan Adamson, were strong leaders. They remain involved in the Section's work, and we are building on their strong efforts.

In January, the Section's Executive Committee held an all-day retreat. We came out of the retreat with great energy and focus. We have some new initiatives for the Section, which I would like to share with you. We will also discuss the work of the Section and these initiatives at a Town Hall meeting during the May Conference. The meeting is set for Monday evening (May 2), from 5:15 to 7:00 p.m. I hope that you will attend and that you will share your thoughts and dreams for the Section and the future of clinical legal education. David Santacrose is leading the planning for the Town Hall meeting.

Issues and Challenges

The retreat was a first but important step in re-evaluating the direction of the Section. We face several significant issues and challenges.

One challenge is how to make the Section's programs and activities meaningful to all clinicians. Clinical legal education is much better established than it was twenty years ago, and the number and types of clinical opportunities have dramatically increased. But if an important purpose of the Section is to promote clinicians' professional development, how do we provide programs that are meaningful to clinicians working in an ever-increasing variety of settings?

Another challenge is reaching and assisting all clinicians. While many clinical faculty are well-integrated in their institutions, many are not. Many clinicians work in relative obscurity. We need to do a better job to

reach all clinicians and bring them within the clinical movement. On a related point, we often talk about integration with the non-clinical community as if clinicians must be mainstreamed with the "standup" faculty. But integration must be in the other direction as well. We must make our work more accessible to non-clinical faculty who want to learn more about clinical teaching, and who want to incorporate clinical methods in their teaching.

A third challenge for the Section is to define its mission in light of the work of CLEA. Years ago, the Section was the only organization that specifically addressed clinical legal education. CLEA is now well established, and we must ask whether there are certain activities in which the Section should take the lead, others in which CLEA should be most prominent, and additional activities in which both may play a significant role. The Section and CLEA have, I believe, a very good relationship. Under the leadership of Calvin Pang (last year's Section chair) and Antoinette Sedillo Lopez (last year's President of CLEA), the Section Executive Committee and the CLEA Board held a joint meeting. We will continue that practice this May. While we are separate organizations (and there are restrictions on what the Section may do in collaboration with another organization), hearing each others' plans and concerns is very beneficial to the Section and to CLEA. We are, and should be, two boats pulling together.

A fourth challenge is to re-energize the work of the Section's committees. The committees were once very active. Some remain so; others are not. We need to ask whether the Section has the right number and structure of its committees. An active group of committees, better focused on the key missions of the Section, can better engage the Section, serve legal education, and provide service opportunities for Section members.

Initiatives

We have identified some next steps and projects for the Section. We hope to have your input in May as we refine these projects and move forward. But here are our first steps.

With respect to professional development, the AALS provides exceptional clinical conferences every May, and the Section has an extended program at the annual meeting each January. These are both well-attended. Yet these programs are very expensive and there are many clinicians who cannot attend because of the cost or the investment in time. In past years, the Section has encouraged and supported regional conferences. We have decided to take a more active role. We would like to see a proliferation of short (perhaps one-day) conferences that are very inexpensive. We hope that these conferences may attract both established clinicians and those who are not now connected to the clinical community. It may also bring in non-clinical teachers who are interested in clinical methods but who cannot spend three or four days at a clinical conference. Karen Tokarz and Christine Cimini are leading the Section's efforts here, and you will hear more about these conferences in May.

In addition, we are seeking to redesign the Section's website. We want it to be an important, no-cost resource for clinical faculty.

Next, one of the areas where the Section can be effective—and CLEA cannot—is within the AALS. The AALS is an important and respected force in legal education. Clinical faculty can and should be more active within the AALS and its committees. Experienced clinicians should lend their voices to all facets of the Association's work. Last year, the Section encouraged clinicians to seek appointment to committees within the AALS. We had little success, but we learned a lot. This year, our Section will increase and coordinate our activities in promoting service on important AALS committees. This is one way in which clinicians can really make a contribution to legal education. Look for more news on this initiative.

Finally, we are preparing for the Town Hall meeting. At the meeting, we will welcome suggestions for future work of the Section. But we also want to use the meeting to gather information and to begin a difficult conversation among ourselves.

Here is a main topic for the meeting: there is tremendous variance in clinicians' status and participation in law school governance. Most clinicians are not tenured or tenure-track faculty, and this affects their participation in law school affairs and the extent to which they are able to exercise academic freedom. Over four years ago, Elliott Milstein, who was then President of the AALS, announced the formation of a committee to explore issues of academic freedom, law school governance, and clinics. You can read Elliot's message at: <http://www.aals.org/pmnov00.html>. The committee was formed but did not make progress, perhaps because there was not clear direction on this issue from the clinical community itself.

We think that it is time for the Section to take on the issue. But we face a real difficulty because we know far too little about clinicians nationwide, what their status may be, and what their programs look like. While we have some information about Section and CLEA members, the data we currently collect provides a very incomplete picture. We have no information about the many clinicians who are not members of either organization. More complete and detailed information is critical: figuring out who we are is essential to deciding where, as a group, we're going. At the Town Hall meeting, we will address ways to learn more about the entire clinical community, and we will talk about some of the difficult issues of status, governance, and academic freedom.

The May Conference

Steve Wizner, the conference planning committee, and the AALS staff have put together an exciting and highly participatory program. It will be a wonderful conference. In addition to the fabulous program, let me highlight a few other events.

We will have a special reception and program for this year's Bellow Scholars. The Bellow Scholars program will follow the Town Hall meeting on Monday evening. This is a very important event in the life of our Section, and I encourage you to attend. The program will be in the evening, but we will provide sustenance for the body as well as the mind.

I also hope that you can attend a very special program that will be held immediately before the opening reception on Saturday. From 5:00 to 6:30 p.m. on Saturday, April 30, there will be a Joint Colloquium by faculty at several new Japanese Law Schools. Their presentation, "Challenges of Clinical Legal Education in Japan: Collaboration of Practitioners and Academics," will provide a unique opportunity to learn about share Japanese experiences in building law school clinics.

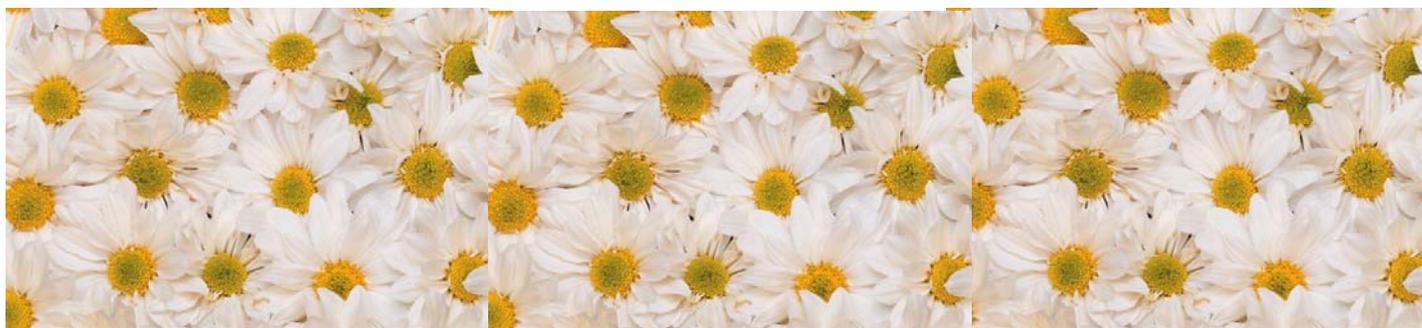
Finally, CLEA's membership meeting and dance will be held on Sunday, May 1.

I really look forward to seeing you in Chicago next month, and in working with you as part of a strong, active, engaged Section.



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Ask Kim

Dear Kim,

How are schools supposed to interpret the revisions to section 302 which now require "substantial opportunities" in live client and real practice settings?

Signed,
Curious

Dear Curious,

I had no idea how to answer this question, so I turned to members of the joint CLEA/Section committee that deals with Standards review for help.

Margaret Barry replied:

“As I understand it, the intent of the change is to strengthen clinical programs by making it clear that offering a limited number of clinic slots to the entire student body is not consistent with the Standards. Schools could argue, and some had, that a clinic program that could accommodate very few students was not inconsistent with the standard. Substantial opportunities is meant to convey that clinic is available to a meaningful number of students. Nothing more specific than that is in the standards.”

Peter Joy added:

“I agree with Margaret that "substantial opportunities" means that a very limited number of slots for live client and real practice settings is not consistent with the Standards.”

For everyone’s information, Standard 302, which is now in effect, reads, in pertinent part:

Standard 302. CURRICULUM.

(a) A law school shall require that each student receive substantial instruction in:

(4) other professional skills generally regarded as necessary for effective and responsible participation in the legal profession; and

(b) A law school shall offer substantial opportunities for:

(1) live-client or other real-life practice experiences, appropriately supervised and designed to encourage reflection by students on their experiences and on the values and responsibilities of the legal profession, and the development of one's ability to assess his or her performance and level of competence;

(2) student participation in pro bono activities; and

(3) small group work through seminars, directed research, small classes, or collaborative work.

It helps to read the Interpretations, which read in relevant part:

Interpretation 302-2: Each law school is encouraged to be creative in developing programs of instruction in professional skills related to the various responsibilities which lawyers are called upon to meet, using the strengths and resources available to the school. Trial and appellate advocacy, alternative methods of dispute resolution, counseling, interviewing, negotiating, problem solving, factual investigation, organization and management of legal work, and drafting are among the areas of instruction in professional skills that fulfill Standard 302 (a)(4). Interpretation 302-3: A school may satisfy the requirement for substantial instruction in professional skills in various ways, including, for example, requiring students to take one or more courses having substantial professional skills components. To be "substantial," instruction in professional skills must engage each student in skills performances that are assessed by the instructor.

Interpretation 302-4 . A law school need not accommodate every student requesting enrollment in a particular professional skills course. Interpretation 302-5: The offering of live-client or real-life experiences may be accomplished through clinics or field placements. A law school need not offer these experiences to every student nor must a law school accommodate every student requesting enrollment in any particular live-client clinic or other real-life practice experience.

Dear Kim,

What's the average in-house clinic slots per student body ratio?

From,

Just the Facts

Dear Just,

Again, I could not think of anyplace to find this information. But, according to Peter Joy,

“I have looked into that question. There is school-by-school data that is available in the ABA-LSAC Official Guide to ABA-Approved Law Schools, which is published each year. The book lists the total number of in-house slots, termed "faculty supervised clinical courses," and the number of those slots filled for each school as well as the total student enrollment for each law school. In an article I wrote last year (The Ethics of Law School Clinic Students as Student-Lawyers, 45 South Texas L. Rev. 815 (2004)), I note that in the 2000-2001 and 201-2002 academic years more than 15,000 students each year took an in-house clinical course. This is approximately 35% of law graduates during each of those two years, if one assumes that most students take only one in-house clinical course. Based on the data provided by the ABA and LSAC, it appears that a law school would have to offer in-house slots to accommodate at least 35% of each graduating class to be "average" when it comes to in-house clinical offerings. Of course, law schools should strive to be better than average when it comes to preparing law students for the practice of law.”

For more information about ABA Standards, there is an article in this newsletter by Margaret Barry about Standard 403. I would urge clinicians to attend the Section Town Hall Meeting scheduled for Monday, May 2 at 5:15pm where clinicians will be encouraged to discuss a range of views related to clinical status and other working conditions issues. Be there or be square!

Feature Articles

Status Matters: A Time to Act

By Margaret Martin Barry

The ABA is now considering changes that will clarify how law schools must treat clinicians. The idea is to establish that the reasonably similar treatment required by Standard 405(c) means something other than patently dissimilar. These proposed changes are receiving intense opposition from a number of law school deans. But the changes are vital to clinicians. This article will briefly discuss what the proposed changes are, what CLEA has done thus far and offer some thoughts on what those of us who are concerned can do.

CURRENT PROPOSALS

The Clinical Legal Education Association (CLEA) recently submitted its statement to the ABA's Council of the Section of Legal Education and Admissions to the Bar in response to its request for comments on proposed changes to Standard 405. The Council creates and implements the standards for review of law schools, subject only to a non-binding vote of the ABA House of Delegates. The Council works through two subcommittees. The working committee of the Section for purposes of accomplishing this work is the Standards Review Committee. Standards Review drafts language for, receives comments on and recommends changes to the Standards. It then makes recommendations to the Council. This is what it did at the Council's meeting last December. The Council considered the recommended changes, made a few adjustments and sent the language out for comment. At present, Standards Review is gathering comments on the proposed changes, and will submit a final proposal to the Council in June. In June, the Council will review, possibly amend and vote on the proposal.

CLEA's response to the solicitation specifically addresses proposed changes to Standard

405(c). CLEA had previously submitted statements and testimony regarding 405(c) to the Section's Standards Review Committee in response to a growing concern that the requirement under 405(c) that clinical faculty receive treatment reasonably similar to tenure was being eroded by "common law" interpretations of the requirement.

CLEA encountered references to "common law" interpretations as it pursued concerns about schools having long-term contracts of as short as one year, schools that did not view their "long-term" contracts as presumptively renewable and schools where clinical faculty were being excluded from faculty level, and sometimes committee level, governance.

In an effort to tighten interpretations of 405(c) that were increasingly antithetical to any rational conception of "reasonably similar," the ABA's Standards Review Committee proposed to clarify that long-term contracts would be at least five years in duration and governance would include participation in faculty meetings, committees and other aspects of law school governance. In December, Standards Review asked the Council to approve sending its proposed changes out for comment. In its consideration of that request, the Council amended the language to specify that "participation" would include *voting* on non-personnel issues. This clarification was in response to an amendment offered by Randy Hertz, clinic director at NYU and a member of the Council. The purpose was to avoid "common law" interpretations that would consider participation to be something short of voting. Randy's effort to add "presumptively" to the renewable aspect of long-term contracts was not supported by his colleagues on the Council at that juncture.

The statement that CLEA recently submitted supports the proposed changes that have been circulated by the Council, but argues that the clarifications made by the proposed modifications

of 405(c) must go further. Long-term contracts cannot be deemed reasonably similar to tenure if they are not presumptively renewable. If they can simply be terminated at the end of the contract period, then academic freedom is not protected, nor is stability within clinical programming. CLEA also argues that without the ability to vote, at least on all matters other than non-clinical appointments and promotions, clinical faculty and their programs are not taken as seriously as they should be by colleagues and students.

CLEA's statement is posted to the CLEA website: <http://www.cleaweb.org/>

WHY THIS MATTERS TO CLINICIANS

Why does this all matter so much? If the plethora of law school brochures that I receive touting the wonders of each school's clinical programs are to be taken at their word, clinical programs are highly valued and play an integral role in the schools' academic programming. Furthermore, without tenure, or a reasonably similar version thereof, schools can benefit from the flexibility to revise and renew their programs without being stuck with the "deadwood" that burdens other aspects of the curriculum. In any event, it is far from comfortable to be in the position of arguing for more regulation when university administrators have a visceral reaction to it.

Except that I can't get past a visceral reaction to this form of discrimination within the teaching faculty. On what basis do schools, and the ABA for that matter, feel it is appropriate to discriminate amongst their full-time faculty (and I do include legal writing faculty)? As one colleague put it, we could just as well say that protection of academic freedom should apply to torts teachers but is not necessary for those teaching civil procedure. The message of inferiority, regardless of rosy brochures, is not lost within faculties and amongst students: you are dealing with lesser faculty whose courses and other contributions are not, could not be, as important.

The ABA has reported the benefits of parity for clinical faculty. In the recently published Sur-

vey of Law School Curricula, the result of three years' work by the Section's Curriculum Committee, the following was stated:

“. . . the most pervasive curricular change reported by the respondents [apparently taken from responses to the ABA questionnaire to accredited schools] was the increased commitment to clinical education in both the narrower and broader sense (the narrower sense being "in house" clinics and externships, and the broader sense including also practical, lawyering skills courses).

. . . In response to changes in the ABA accreditation standards, respondents reported that clinical faculty members were, at least, awarded long-term contracts, while other schools have devoted tenured or tenure track positions to clinical education. Respondents reported that the change in status raised the importance and value of the clinical experience, and thus the clinical experience was enhanced." At p. 43.

With this candidly reported by law schools, the reports of virulent opposition to any revision of 405c by law deans challenges credulity. Apparently, it is not overstated. Why has it rallied some deans? The proposed revisions to 405c are no more than an alignment of "common law" interpretations with the language of the Standard – that clinicians be treated in a manner reasonably similar to tenure track faculty. Law schools report the benefit of such an alignment. So, is reported opposition purely anti-regulatory? If so, then the attempt last year to do away with tenure should have had more traction. Is it a sense that if tenure cannot be touched for other faculty, at least it is necessary to fight to preserve flexibility where possible? This motive offers no principled argument for disparate treatment. Is it simply irritation at clinicians for continuing to raise status issues? If so, what else should clinicians do who care about the integrity of clinical programs?

I offer these thoughts on the eve of the May meeting in Chicago with the goal of tweaking your thinking on these issues. What is the rationale for treating clinical faculty differently? Does it hold up? Why? Why not? While discriminate treatment within the law school has costs, equal treat-

ment, especially the demands of participation in law school governance, carries its own distractions from priorities within clinics. How important do you think reasonably similar treatment is? If you conclude that it is important to the role of clinical legal education within the academy, then this is one of those times when you need to make your views known.

What You Can Do

1. Talk with your Dean: the deans as a group are quite vocal about and hostile to the proposed changes. Talk with your Dean about the proposal. If you sense that your dean is inclined to agree with CLEA's position, let CLEA's advocates know. Also, ask your Dean to write to the Council in support of the CLEA proposal, or at least in support of the language reported by the Council. It is very important to have the Council hear from Deans who think that the proposed clarifications are a good idea.

2. Talk with your non-clinical colleagues: find out whether they support the changes, and encourage them to write the Council if they feel strongly enough about the benefits of long-term security.

3. Write a letter to the Council: the Council needs to hear about the successes that come from giving clinicians co-equal status in law schools. If your school provides reasonably similar treatment to its clinical faculty, write the Council and speak about the positive effects of the approach.

4. CLEA will again be hosting its workshop at the ABA Annual Meeting this year. Go to the CLEA program, and, importantly, also attend relevant ABA meetings. The ABA Annual Meeting will be in Chicago, August 4-10.

ABA Standard 405(c) provides as follows:

A law school shall afford to full-time clinical faculty members a form of security of position reasonably similar to tenure, and non-compensatory prerequisites reasonably similar to those provided other full-time faculty mem-

bers. A law school may require these faculty members to meet standards and obligations reasonably similar to those required of other full-time faculty members. However, this Standard does not preclude a limited number of fixed, short-term appointments in a clinical program predominantly staffed by full-time faculty members, or in an experimental program of limited duration.

CLEA statements to the ABA are the work of its Standards Committee whose members include Peter Joy, Jay Pottenger, Jon Dubin, Susan Kay, Paulette Williams, Michael Pinard, Antoinette Sedillo Lopez, Gary Palm, Alex Scherr and Margaret Martin Barry.

The proposed changes are not to Standard 405c, but to its interpretations – specifically, to Interpretations 405-6 and 405-8. The exact changes proposed can be found by going to <http://www.abanet.org/legaled/home.html>

Asylum Granted to Clinic Client

By Alberto Benitez

Colleagues, the asylum application filed by Immigration Clinic client M-D, from Haiti, was granted by the USCIS Asylum Office in Rosslyn, VA. M-D was represented by third-year student Mirta Woodall. Law students Tabitha Oman and Fabiana Esposito provided interpretation and translation services. M-D was an employee of the Aristide government and after his ouster M-D was attacked and her home was burned down. M-D's ten-year old daughter was also granted asylum as a matter of law. M-D and her daughter will be eligible to apply for lawful permanent residence in one year.

COMMUNITY DEVELOPMENT CLINIC AT WILLIAM MITCHELL

William Mitchell College of Law, Saint Paul, Minnesota, offered its students a Community Development Clinic this spring. The clinic is designed for students interested in transactional work, and focuses on the challenges of addressing issues of poverty, neighborhood revitalization, and community economic development using legal skills, reflective thinking, and creative problem-solving. Clinic students this spring are working on three sets of projects: one project is with a citizen group which is drafting its neighborhood plan; the second project is the drafting of reasonable accommodation policies for two housing providers; the third project is policy work with three local non-profits who are working on housing and homelessness issues. This summer, the clinic will focus on legal issues facing young people ages 16 to 22 who are aging out of foster care or are homeless. Students will work on a major policy initiative aimed at addressing problems facing this particular age group, and on related projects. Work will include policy, program and legal research, statutory drafting and strategic planning.

The challenge of the Community Development Clinic is to grapple with the unstructured issues facing a community. Unlike the individual client who appears with a pre-defined legal issue ("I want a divorce" or "I was denied public benefits"), community development clients present legal issues at a stage where it is possible to strategize about solutions that don't involve litigation. Students learn how their skills as analytical thinkers, their knowledge of substantive areas of the law and the legal process in its broadest sense, and their research, writing and oral skills can be used to address issues facing a community.

The classroom component has been a mixture of project work, discussion of the lawyer's role in community economic development, and hands-on work with tools for policy analysis and strategic planning.

William Mitchell's clinic program, ranked nationally, was one of the first to be established at a U.S. law school more than 30 years ago; the community development clinic brings to nine the number of

clinics available to William Mitchell students. This clinic was created and taught by Diane Marie Dube, Resident Adjunct Professor. In addition to being a 20 year lawyer, Diane is completing a Masters of Public Affairs at the Humphrey Institute at the University of Minnesota with a concentration in housing and community development.



Award to Bev Balos

"MINNEAPOLIS, MN - WATCH, an organization dedicated to improving the justice system's response to violence against women and children, will honor University of Minnesota Clinical Law Professor Beverly Balos at a reception on April 28, 2005. Balos participated in drafting Minnesota's Domestic Abuse Act, one of the first statutes in the country concerning domestic violence. She has dedicated her academic and community work to analyzing and developing effective legal remedies for addressing violence against women.

The Sheila Wellstone Gold WATCH Award is given annually to recognize leadership on behalf of women and children who are victims of sexual assault, domestic abuse, or child abuse. Professor Balos is being recognized for her work in the areas of violence against women, domestic violence and feminist jurisprudence. Balos' distinguished career includes more than 20 years at the University of Minnesota Law School, where she teaches courses and clinics on domestic violence; which include criminal prosecution, civil orders for protection, and law and violence against women. She co-authored the casebook *Law and Violence Against Women: Cases and Materials on Systems of Oppression*, and has published numerous articles addressing, for example, sexual harassment, domestic assault, prostitution and legal scholarship for social justice.

WATCH is a volunteer-based, nonprofit organization that monitors cases of domestic violence, sexual assault, and child abuse and neglect in Hennepin County, and strives to improve the justice system's handling of these cases".

Update on N. Dakota Lawsuit

By Laura Rovner

As most of you know, the lawsuit filed by Martin Wishnatsky against the Univ. of North Dakota Law School clinic and me personally was appealed by Wishnatsky late last year to the U.S. Court of Appeals for the Eighth Circuit. Many, many thanks to CLEA, AALS, the Georgetown University Law Center Clinical Program and SALT for submitting amicus briefs in support of us.

The CLEA/SALT/Georgetown brief was written by Steve Goldblatt and graduate fellow Elizabeth Wydra of Georgetown's Appellate Litigation Clinic. The AALS brief was co-authored by Joyce Saltalamachia (AALS) and Peter Joy. Both briefs are now on the CLEA website and can be accessed from the CLEA homepage at www.cleaweb.org <<http://www.cleaweb.org/>> . The briefs are eloquent and forceful defenses of academic freedom and professional responsibility; we believe they will provide the Eighth Circuit with a much fuller picture of the issues at stake in this case.

Additionally, the party briefs may be found on the Eighth Circuit's website at <http://www.ca8.uscourts.gov/tmp/043503.html> (click on the word "Briefs" on the left-hand side of the page).

We remain grateful for the invaluable support of this extraordinary community. Special thanks to Steve Goldblatt, Elizabeth Wydra, Peter Joy, Joyce Saltalamachia, Bob Kuehn and Brad Colbert for their excellent work on these briefs.

REPORT ON THE MARCH 11-13th BEST PRACTICE CONFERENCE: *"Ten Years After ABA Standard 301(a): Seeking Consensus on Improving the Ability of Law Schools to Prepare Graduates . . . to Participate Effectively and Responsibly in the Legal Profession"*

submitted by Mary Lynch and Dveera Segal
(Conference Participants)

For many, it may have been time to kick back for pre-St. Patrick's Day celebrations, but on March 11th through 13th, approximately 30 clinicians from across the country gathered inside the halls of the NY Judicial Institute located at PACE Law School to examine the **"Best Practices of Law Schools for Preparing Students to Practice Law."** Convened by CLEA and hosted beautifully by Professor Vanessa Merton the workshop conference was designed to allow participants to review the latest draft of the Best Practices Document and to take a close look at how we might use it to improve legal education. Clinicians traveled from as far as Wyoming, New Mexico and South Carolina to join with clusters of clinicians from Albany, CUNY, Quinnipiac, and other Northeastern schools to work on this important project.

Starting on Friday afternoon, in coordination with the New York area Clinical Theory Workshop, usually hosted and organized by Stephen Ellmann, the discussions began with a presentation of the latest draft of the Best Practices Document by Roy Stuckey. This was the first of many times that we were all extremely impressed by the effort, care and skillful drafting that has already gone into the creation of this document. Roy summarized the history and purpose of the document and asked for comments and suggestions. The discussion covered many topics, including the extent to which our various institutions are already offering a course of study geared toward producing graduates who are competent to practice law, the nature of specific practice-oriented offerings, the best ways in which the "Best Practices Document" should address the value of faculty scholarship and, more generally, how to maximize the acceptance of the document by non-clinical faculty and deans.

We grappled with the question of how the Best Practices Document should/would be used - as an aspirational statement, as an instrument to advance the discussion of the goals of a legal education or as an evaluative tool that could be used to measure performance. We were all pleased to learn that the Best Practices Document, even in its current draft form, has already been used at several schools as a model in their internal review of their own curricula. We found that all these themes recurred throughout the weekend.

On Friday evening, most of the participants relocated to the suburban campus of Pace Law School, where we were graciously hosted and our discussions continued through the rest of the weekend. Vanessa set the tone and kept us moving forward by developing a focused list of issues which were addressed in the plenary group and by then facilitating our division into small working groups to review designated sections of the Document and make specific drafting suggestions. The group grappled with both the language of the Document itself and the challenge of marketing it beyond clinical education circles. In addition, the working groups began to address various issues, including the following: (a) the educational practice of creating a diverse community for teaching and learning; (b) implementing educational practices that would promote humanistic lawyers, who are acculturated to an identity that includes a sense of purpose and meaning in their work; (c) best practices for creative, quality, classroom teaching; and (d) defining the outcomes a “best practices” legal education can achieve and developing ways to evaluate or measure a school’s progress towards its stated goals. Roy Stuckey, Chair of the Best Practices Committee, assisted all of us as he “floated” through the small group meetings, sharing his expertise and taking notes. We were fortunate to have PACE law students serving as rapporteurs, who compiled the suggested changes to the documents.

Throughout the workshop, Vanessa enriched our work by distributing numerous articles and other resources that she had collected for our benefit. In addition, we enjoyed several presenta-

tions, including Professor Gary Lasar of Chicago-Kent, who described the LADR program (Litigation and Alternative Dispute Resolution) which he has developed at Chicago-Kent, and Dean Emily Spieler of Northeastern Law School, who shared her Deaconal perspective of the anticipated response the Best Practices Document might receive and the challenges we may face in advancing this project. We also heard from a panel of current law students, who shared their views on their own legal education and on the project in which we are engaged. They wished us much success!

In addition to recommending specific changes to language and additions or deletions from the document, the conference group recommended that CLEA should form an implementation committee to develop strategies for encouraging schools to embrace the principles and practices of the best practices project.

Roy Stuckey will integrate the suggestions from the workshop and conference into the document then circulate a revised draft no later than the end of June. The current plan is to have a semi-final document finished by the end of the summer. At that time, we anticipate that CLEA will send the document to a wide range of individuals, groups, institutions and organizations in an effort to obtain endorsements and suggestions for improving the document. Hopefully, the Best Practices document will be ready for final publication by the summer of 2006.

Many thanks to Vanessa Merton and Roy Stuckey for their extensive labors in advancing the Document and the project to its current stage! And many thanks to all the conference participants, who contributed their thoughts and insights in a collegial, supportive environment. We all enjoyed a productive, thought-provoking and community-building weekend.

Opportunity for Giving Feedback on “Guide to Public Interest at Law Schools” at Clinical Conferences

Equal Justice Works is producing an on-line Guide to Public Interest at Law Schools. The Guide will provide law school applicants, and others interested in law schools, an easy to use tool on the depth and breadth of schools' public interest programs and curriculum. This year is the project's pilot year. Sixty law schools are participating and have completed the survey. The pilot version of the Guide will go on-line in late April.

The first official Guide will be launched on Newsweek.com in spring 2006 --after obtaining input from the law school community on the survey, on the on-line presentation of the data, and on how to measure quality in public interest programs and curricula at law schools. Currently, anyone can view the survey and provide feedback. A comment tool can be found at http://www.equaljusticeworks.org/surveys/consumerguide_comment.htm. In addition, once the Guide is on-line in late April, an online tool will be made available for feedback on the presentation of data.

Equal Justice Works is also holding, over the next couple of months, small group discussions with various constituents to get input on the Guide. Groups will be held at the NALP Conference in Chicago (April 20) and at the ABA/NLADA Equal Justice Conference (May 6). Meetings with deans will occur at the ALI Annual Meeting.

In addition, the staff is very interested in hearing from clinicians and will be at the AALS Clinical Conferences in Chicago to meet with clinicians in small groups or individually. If you are interested in meeting with staff members at the clinical conferences, please contact Cindy Adcock at cadcock@equaljusticeworks.org. Also contact Cindy If you want to give feedback to staff but are unable to attend the conferences.

More information about the Guide can be found at <http://www.equaljusticeworks.org/guide.php>.

New Community Clinic at the University of Alabama

The University of Alabama School of Law is adding a new clinic in the fall. The Sustainable Communities Law Clinic will provide legal assistance to individuals and community organizations seeking to improve the economic, cultural, social, or environmental well-being of disadvantaged or underserved communities. This new clinic will be directed by Bob Kuehn and joins the existing Capital Defense, Civil, Criminal Defense, and Elder Law Clinics at the University of Alabama.



Bob Kuehn, Professor of Law and Director of Clinical Programs at the University of Alabama School of Law, has been named co-director of the school's Judicial Externship and Summer Externship Programs.

Bellow Scholar Event In Chicago

Monday, May 2nd - 7:15 PM

Refreshments Served

Featuring Susan Bennett and Tony Alfieri
Hear the about the new Bellow Scholar Projects, from Professors Susan Bennett and Anthony Alfieri. Professor Bennett and her colleagues at Washington College of Law at American University will discuss their project addressing the complex issues of representation of people with limited English proficiency, and how to address the service and pedagogical challenges presented in this context. Professor Alfieri will discuss the University of Miami's interdisciplinary Community Health Rights Education Clinic, and the curricular, clinical practice, research and service aspects of the project.

AMONG US

Seattle University-Ronald A. Peterson Law Clinic

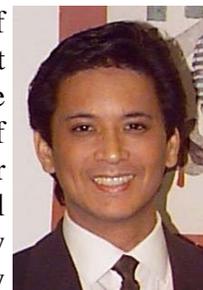
The Ronald A. Peterson Law Clinic welcomes Susan McClellan as Director of our Externship program, effective July 1. Susan is no stranger to Seattle U., having been a Legal Writing Professor here since 1992. Susan has clerked for the Washington State Supreme Court, practiced law in a local private firm, and has written on subjects such as legal writing, teaching and pedagogy, and civil Gideon. Please join us in welcoming Susan into the Clinical Community!

Lewis and Clark is losing one of its long-time Clinicians, Sandra (Sandy) Hansberger September 1. She will be taking over the job of Executive Director for the Campaign for Equal Justice, Oregon's biggest legal services funding source. I believe last year the Campaign raised over \$800,000, mostly from Oregon lawyers and some from foundations. We'll miss her, but this is a tremendous opportunity for her.

George Washington University Law School is pleased to announce that the faculty has appointed Arturo Carrillo Associate Professor of Clinical Law. Arturo was a Visiting Professor for two years while he set up GW's International Human Rights Clinic. Also, at GW, Susan Jones was appointed Interim Associate Dean for Clinical Affairs. Susan will be taking Carol Izumi's place while Carol visits the University of Michigan Law School during the Fall 2005 semester. Carol will be directing Michigan's Mediation Clinic.

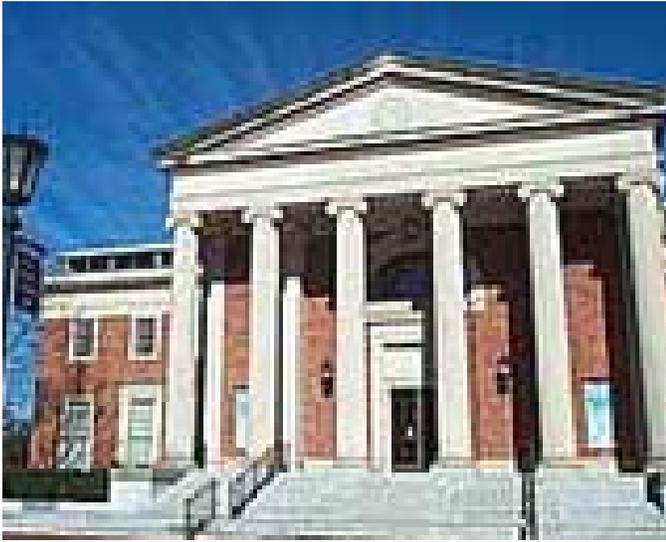
SANTA CLARA UNIVERSITY ANNOUNCES NEW DIRECTOR OF ITS KATHARINE & GEORGE ALEXANDER COMMUNITY LAW CENTER

Santa Clara University School of Law is pleased to announce that Angelo Ancheta has accepted the position as Executive Director of the Katharine & George Alexander Community Law Center, the civil clinical component of the law school. Angelo will begin in May 2005 as Director and as a tenure-track Assistant Professor of Law. His most recent position has been as the Legal Director for The Civil Rights Project at Harvard University, a research and advocacy center focusing on racial discrimination issues. In that capacity, he has published a number of academic articles and monographs and has been a clinical supervisor of both law students and graduate students at the Harvard Law School. He has also been a lecturer at Harvard Law School and at NYU School of Law.



Prior to his time at Harvard, Angelo was a legal services attorney and nonprofit executive director in both Southern and Northern California, where he specialized in immigration, civil rights, and appellate practice. His legal experience includes over three years as a staff attorney at the Santa Clara County Asian Law Alliance, where he became very familiar with many of the legal needs of the low-income and immigrant communities located in the area served by the Katharine & George Alexander Community Law Center.

He also has a number of years of nonprofit management experience, including nearly four years as the Executive Director of the Asian Law Alliance in San Francisco. In all of his positions, he has had significant responsibilities for supervising lawyers, law students and volunteers.



Tamar Birckhead, Clinical Assistant Professor of Law, who teaches in UNC School of Law's Criminal Clinic, has been appointed to the Advisory Board of the North Carolina Juvenile Defender, a newly established position intended to elevate the quality of juvenile defense practice across the state.



We are in the main quite pleased to announce that our much beloved colleague, Ann Moynihan, has been tapped by our Dean to serve as our law school's next Associate Dean for Administration (Fordham). Many of you know Ann's outstanding work on behalf of children and parents through our multidisciplinary clinic and our Center on Child and Family Law. Before joining us, Ann had already become a legendary figure at the Legal Aid Society of New York, where she first started nurturing many outstanding lawyers. If you ever wondered how to bring a claim in the face of apparently insuperable procedural and substantive barriers, just because it was a claim that had justice on its side, you could benefit from a chat with Ann. She is a wonderful lawyer and colleague.



I note that we are pleased "in the main," because as has become rather common as clinical education has matured, a very fine clinician will move on to law school administration. Clinicians are the



folks at the law school who know how to do things and achieve results. I am happy for Ann, who loves a good challenge, and I know this change will benefit Fordham, but as I tell my kids, it is hard to share the things you like best.

Congratulations Ann.



It is with great pleasure that I announce the election of our wonderful and supremely talented colleague, Ian Weinstein, as Chair of the Fordham's Retention, Tenure, and Promotion Committee. I've been a member of the clinical community for over 20 years and for most of that time it was inconceivable that a clinician would occupy such a position. Not only is this an enormous and well-deserved tribute to Ian personally, it is a sign of how far our community has come.



After almost two decades of leading Georgetown Law Center's clinical education and public service programs, Wally Mlyniec will step down from his position as Associate Dean to return to the faculty, where he will teach in the Juvenile Justice Clinic, work with graduate fellows, and write.



To replace him, Law Center Dean Alex Aleinikoff has appointed Georgetown Law Professor Deborah Epstein as Associate Dean for Clinical Education and Public Interest and Community Service Programs, effective July 1, 2005.

Professor Epstein is currently the director of Georgetown Law's Domestic Violence Clinic and has also designed and co-directed the D.C. Superior Court's Domestic Violence Intake Center. Until September, 2001, she also served as director of Georgetown's Emergency Domestic Relations Project, which provides advocacy services to thousands of victims of abuse each year. Professor Epstein has also advised the Japanese and British governments on domestic violence law and policy and regularly trains judges, advocates, police, and probation officers, prosecutors and other professionals on intimate abuse issues. She serves as Interim Chair of the D.C. Domestic Violence Fatality Review Board, board member of the D.C. Coalition Against Domestic Violence and the D.C. Domestic Violence Coordinating Council, and has served on the Mayor's Commission on Violence Against Women. She has also written extensively in the areas of domestic violence and sexual harassment law.



Gordon Beggs, Clinical Professor of Law, Cleveland-Marshall College of Law, is chairing the School's Employment and Labor Group comprising five faculty members and a scholar in residence. The group offers an E & L concentration drawn from 19 related courses, sponsors a student group cleverly named ELLA (Employment and Labor Law Association), and offers a public lecture series.

New clinician-The University of Minnesota has hired Prentiss Cox as a full time member of the clinical faculty starting fall 2005. Prentiss is currently Managing Attorney at the Minnesota Attorney General's Office Consumer Division. Prentiss brings an expertise in consumer law including telemarketing fraud, predatory lending, equity stripping and other consumer related areas. Prentiss will teach in our Civil Practice Clinic, bringing in more consumer cases and will develop a Consumer Law Clinic. He is a 1990 magna cum laude graduate of the University of Minnesota Law School and clerked for the Honorable P.H. Marshall of the Northern district of Illinois.



I thought you might also like to know that this year at Roger Williams, Andy Horwitz, the Director of Clinical Programs, was the Chair of the Appointments Committee and presided over a very successful hiring

season, and Peter Margulies, the Director of our Disabilities and Families Clinic, was the Chair of our Retention, Promotion, and Tenure Committee. Peter has served in that capacity before.





The Notre Dame Law School is delighted to announce that Michael Jenuwine will join its clinical faculty in the summer of 2005. Mike, who is both an attorney and a forensic clinical psychologist, is currently Clinical Associate Professor of Law and Director of the Mental Health and Disability Clinic at Indiana University Bloomington. Mike will continue his mental health and disability focus through the General Civil division of the Notre Dame Legal Aid Clinic.



ANNOUNCING A CLINIC DIRECTOR AND CLINIC FACULTY AT SYRACUSE UNIVERSITY COLLEGE OF LAW

Syracuse University College of Law Office of Clinical Legal Education is pleased to announce four new clinic faculty members. Mary Helen McNeal, former Chair of the AALS Clinic Section, will join the SUCOL faculty as a full professor and Clinic Director. She will oversee the six in-house clinics as well as directly supervise some of the students enrolled in the clinics. Mary Helen comes to us from the University of Montana where she was a full professor and Clinic Director. Prior to her arrival at University of Montana in 1996, Mary Helen taught at Boston College and University of Maryland Law Schools. She was as a Scholar in Residence at the Center of Social Justice at the University of California at Berkeley in the Spring of 2004, and she is the recipient of the AALS Teacher of the Year Award in 1998. She also worked as law clerk and staff attorney at the Maryland Legal Aid Bureau after graduating from the University of Maryland School of Law and Georgetown University. Mary Helen is also author of law review articles, including, "Toward a Civil Gideon Under the Montana Constitution: Family Law as the Starting Point," forthcoming, *Montana Law Review*, Spring, 2005 and "Unbundling and Law School Clinics: Where's the Pedagogy," *7 Clinical Law Review* 341 (2001).



Keri Gould is delighted to announce St. John's newest clinical hire. VICTORIA BROWN-DOUGLAS will fill the newly created position of Assistant Director of Professional Skills at St. John's. Vicki will work closely with me in the externship and trial advocacy programs. Vicki comes to St. John's as an accomplished trial attorney specializing in criminal defense and family law. Prior to opening her own practice, Vicki was a Manhattan ADA and an Assistant NY State Attorney. Vicki's extensive legal experience and wonderful teaching talent (she has taught in the St. John's trial advocacy programs and served as a coach to one of our external trial teams) makes her an ideal addition to our Professional Skills program. I take special pride in Vicki's move to becoming a clinical professor because she was my (and Doug Colbert's) clinical student at Hofstra in my first clinical position.

The Syracuse COL is also pleased to announce that Suzette Melendez, who, since 2002 has been the acting director of the Children's Rights and Family Law Clinic was hired this year as an assistant professor and Director of the Children's Rights and Family Law Clinic. Suzette comes to us from Legal Services of New Jersey where she was the supervising attorney of the Domestic Violence Representation Project, after working at Legal Aid in Manhattan. Suzette is a graduate of the University of Connecticut Law School and the State University of New York in Binghamton.

Jenny Roberts has been hired also at Syracuse as an assistant professor and director of the Criminal law Clinic. Jenny comes to us from NYU where she was a senior research fellow at NYU Law School's Center for Research in Crime and Justice and where she taught in the Lawyering Program. Jenny worked at the Legal Aid Society for several years after clerking for the Honorable John S. Martin, Jr., of the U.S. District Court for the Southern District of New York. She is a *magna cum laude* graduate of NYU Law School and the recipient there of such honors as Order of the Coif, the Arthur Garfield Hays Civil Liberties Fellowship, and Note and Comment Editor of the NYU Law Review. She is also a *cum laude* graduate of Yale University and author of "Too Little, Too Late: Ineffective Assistance of Counsel, the Duty to Investigate, and Pretrial Discovery in Criminal Cases," which is forthcoming in the Fordham Urban Law Journal, May 2004.



In addition, last spring, Michael Schwartz was hired to direct the Public Interest Law Firm at Syracuse, which now focuses on disability rights litigation and advocacy on behalf of people with disabilities. As a graduate of NYU Law School and Brandeis University, Michael began his legal career as a law clerk to the Judge Broderick of the Southern District of New York, who originally decided the case of Rowley v. Board of Education of Hendrick Hudson School District. Michael then worked at the Manhattan District Attorney's Office, the Civil Rights Division of the U.S. Department of Justice in Washington, D.C., the NYS Attorney General's Office, and the Civil Rights Bureau of the NYS Department of Law. He was also an actor with the National Theater of the Deaf. Currently, Michael is completing his dissertation as a candidate for a Doctor of Philosophy in Cultural Foundations of Education, with a concentration in Disability Studies from the School of Education at Syracuse University. Michael is also co-editor, with Professor Arlene Kanter, of the Legal Developments section of the AAMR Journal, the leading journal in the field of mental retardation. He was recently invited to Norway to present a paper at an international conference sponsored by the Nordic Network of Disability Research



William Wesley Patton, Director of the Whittier Law School Legal Policy Clinic, functioned both as an attorney (*amicus curiae*) and as an expert witness on the effects of open dependency proceedings on abused children in a trial in San Mateo, California in which the judge's written opinion found that the study by the National Center for State Courts on the effects of publicity on abused children is methodologically flawed since it did not even survey parents, children, or psychotherapists.

Announcements

Per Diem Project To Help Coalition For The Homeless

In recent years we have raised per diem contributions from attendees to the clinical conference as a way to give back to host communities and support local social justice efforts. In 2003, we raised \$4,000 for three legal services providers in Vancouver. In 2004, clinicians donated more than \$5,000 for a partnership in San Diego County to meet the housing needs of farmworkers.



CLEA, with the kind help of a local committee of clinicians in Chicago, has selected the Chicago Coalition for the Homeless (CCH) as a worthy recipient of per diem donations this year. CCH “organizes and advocates to prevent and end homelessness” in Chicago. For more information about CCH’s current efforts and past accomplishments, please visit its website: <http://www.chicagohomeless.org/indexnew.asp>

We hope this opportunity to support such an important effort will help to connect us in a meaningful way to the place where we will gather for 4 days in late April/early May, and will be a tangible legacy upon our departure.

As in years past, CLEA Treasurer Suzanne Levitt will process donations, which should be in check form, payable to “CLEA,” with a notation in the memo that the check is for the Per Diem Project.

Please bring your checkbook to Chicago, and note that contributions are NOT restricted to people who attend the conference. In fact, for those of you so inclined, you can send your tax-deductible contribution in advance to:

Suzanne Levitt
Professor of Law
Drake University
Des Moines, Iowa 50311-4505

We are very proud of what we accomplished in Vancouver and San Diego, and hopeful that we can build on the tradition this year in Chicago.

/s/

CLEA Per Diem Project Committee

Other Resources of Interest from the Sargent Shriver National Center on Poverty Law

The FEDERAL PRACTICE MANUAL FOR LEGAL AID ATTORNEYS published in 2004 is the definitive practice manual for attorneys who represent low-income people and use system-reform litigation. Edited by Jeffrey S. Gutman, Professor of Clinical Law and Associate Dean of Academic Affairs at George Washington University Law School, and featuring contributions from over a dozen experienced advocates, this edition includes chapters on all aspects of legal aid federal practice, including preparing for litigation, jurisdiction, drafting and filing the complaint, pretrial and trial practice, class action, and relief.

Representing Immigrant Families, the September-October 2004 issue of CLEARINGHOUSE REVIEW, features articles by immigration specialists from legal aid field programs, poverty law national support centers, and other immigrant advocacy organizations nationwide. Articles address legal issues unique to immigrant families and explain how traditional areas of poverty law particularly affect immigrants, covering employment (rights and barriers, day laborers, and other topics), language access, public benefits and access to emergency health care, farmworkers and guest worker proposals, financial services and tax issues, and more.

Economic Development Strategies for Individuals and Communities, the July-August 2003 issue of CLEARINGHOUSE REVIEW describes strategies that can lead to jobs with livable wages, high-quality skills training, affordable housing, improved work supports, microenterprise development and small business opportunities. Legal aid attorneys, racial justice advocates, academics and other professionals explain why community economic development advocacy can foster economic and racial justice. The articles give practical tips on getting started, basics of representing community-based organizations, possible directions, and legal strategies in core areas such as affordable housing development, asset building, and public transportation equity.

To order these resources, contact Nancy Carey, nancycarey@povertylaw.org or (312) 263-3830, ext. 223. Hard copies of the FEDERAL PRACTICE MANUAL are available for \$50 each; the PDF is available at www.povertylaw.org. *Representing Immigrant Families* costs \$30; and *Economic Development Strategies* is \$35 a copy. Multiple copy discounts are available. The 2002 POVERTY LAW MANUAL FOR THE NEW LAWYER is available at www.povertylaw.org

New Edition Of Annotated Clinic Bibliographies Planned

In December 2005, The Clinical Law Review plans to publish a new edition of the Annotated Bibliography of Clinical Legal Education. The new edition will contain all of the entries from the original volume, published in spring 2001, updated with articles published through July 2005.

The current, online version of the Bibliography, edited by Sandy Ogilvy (Catholic) and available at <http://faculty.cua.edu/ogilvy/Index1.htm>, contains entries with publication dates of 2003 and earlier.

You are encouraged to submit suggestions for inclusion in the planned print volume of pieces published in 2003 and earlier, which you believe should be included but are not, and of pieces that

have been published in 2004 through the cut-off date of late spring 2005. Do not be shy about suggesting your own articles as well as the work of others.

To keep the Bibliography within a manageable length, please confine your suggestions to pieces that have a direct and substantial relation to clinical legal education.

Also, to assist the editor, you are encouraged, but not required, to submit a draft abstract for any piece that you suggest. The editor retains the right to make changes to the draft abstract to conform to length and style considerations of the Bibliography.

Send your suggestions now and throughout the year via an email attachment to Professor Sandy Ogilvy, ogilvy@law.cua.edu. You also may mail them to him at Columbus School of Law, The Catholic University of America, 3600 John McCormack Rd., N.E., Washington, DC 20064.

National Externship Conference To Be Held March 2006

I'm please to announce that the Greater Los Angeles Consortium on Externships (a consortium of externship directors from Loyola, Southwestern, Pepperdine, USC, UCLA and Whittier) will be hosting the next national externship conference in March, 2006. The conference will open at Loyola and close at Southwestern. I'm attaching an informational flyer, and Larry Spain suggested I forward it to you for the AALS Section Clinical Newsletter. We want to start getting the word out as soon as possible so people can beginning planning proposals for presentations. The email flyer has already gone to everyone who attended the last conference at Catholic, and a postcard mailer will go in mid-April to all AALS schools, as well as the LEX-TERN listserv.

STANFORD UNIVERSITY LAW SCHOOL CLINICS

Stanford Law School has named Lawrence C. Marshall as Professor of Law and as the David and Stephanie Mills Director of Clinical Education. Marshall, a longtime professor at the Northwestern University School of Law, was co-founder and Legal Director of Northwestern's renowned Center on Wrongful Convictions. During his years at Northwestern, Marshall and his students worked on more than ten cases involving wrongly convicted death row inmates and was one of the leaders of the campaign to secure commutation of all Illinois death-row inmates in 2003. Marshall takes over as Director of Clinical Education at a time in which Stanford has made a broad commitment to enhancing its clinical programs. According to Marshall, "one of the best-kept secrets in legal education is that clinical education is thriving at Stanford. The seven clinics now in place provide extraordinary clinical opportunities, and I am confident that with the new clinics Stanford will be launching in the next two years, and with the new physical space we are now developing, Stanford will be offer its students a genuinely world-class clinical program."

INDIVIDUAL CLINIC UPDATES

Community Law Clinic Under the leadership of director Peter Reid and attorneys Peggy Stevenson and Danielle Jones, the Stanford Community Law Clinic, located in East Palo Alto, has enjoyed success in many areas of community-based-representation, including the following examples:

Disability Law. The Clinic had a major win in a Social Security Disability case this term. After the Social Security Administration had already denied benefits twice to its client, students worked closely with health experts to develop and obtain the necessary evidence of disability. After much witness and client preparation and many hours spent on the brief, the students were a little disappointed that the Administrative Law Judge was so impressed with the brief that he took essentially no testimony and ruled at the beginning of the hearing that the client met a standard disability listing. The clients were so appreciative that the client's husband recited, with great seriousness and dignity, two poems for the Clinic, after the hearing.

Community Development. The Clinic assisted in helping low income mobile home park residents replace the current owners of the park with a non-profit corporation. The current owners had substantially increased rents while abandoning responsibility for maintenance and services. A Clinic student drafted the agreement between the homeowners and the new buyers aimed at assuring that the new owners will maintain the property and keep rents affordable. She also has helped secure a \$ 350,000 grant from the County to help keep rents low.

Unpaid Wages. Clinic student helped two day-workers win court judgments of approximately \$ 5,000 each for unpaid wages for landscaping work they did. When the employer failed to pay the judgments, the student placed liens on the employer's property. Students in the clinic have now prepared and received an order to garnish the debtor's wages.

Restaurant Worker Project. During the past two semesters students have been active in offering outreach and education to low-wage restaurant workers in the community. Students initiated this project in response to what they identified as a pervasive problem in the area: repeated violations of both wage and hour laws and health and safety laws in the restaurant industry.

Criminal Prosecution Clinic.

During the fall 2004 term, six third-year students took part in the prosecution clinic directed by Professor George Fisher. They worked together with deputy district attorneys in the Santa Clara District Attorney's Office in prosecuting a range of felony cases, including theft crimes, insurance fraud, drug distribution offenses, and failure to register as sex offenders. Students prepared written memos in opposition to defense motions and prepared and delivered oral arguments before the Santa Clara County Superior

Court. Several cases required students to prepare witnesses—usually San Jose police officers—and to conduct full-scale evidentiary hearings involving witness examinations, physical evidence, and closing argument.

Many of the most important components of the clinic took place out of court. Students met regularly to discuss each other's performances before the court and to offer constructive feedback. More importantly, they challenged each other to defend the ethical basis of their actions as prosecutors. In the course of the term, all of the students made judgments that affected the lives and liberty of defendants. By constantly challenging each other and examining the rationales of their actions as prosecutors, students sharpened their sense of the responsibility prosecutors bear and of the ethical norms that should guide their conduct.

Cyberlaw Clinic

The Cyberlaw Clinic, directed by Jennifer Granick, provides legal representation to private litigants and other clients in matters involving the public interests issues relating to technological development . Its projects include work on fair use, free speech, privacy, and the intersection of innovation and intellectual property. During this past year, Cyberlaw Clinic students have worked on cases before the Supreme Court of the United States, a number of Circuit Courts of Appeals, and many federal district courts. Students have also worked with the coalition of organizations promoting the Public Domain Enhancement Act.

The Cyberlaw Clinic at Stanford Law School provides direct legal representation to private litigants and other clients in matters involving the public interest and technological development, including security, privacy, free speech, scientific innovation and technology, as well as policy analysis and public information campaigns. Illustrative litigation includes representing a company that distributes peer-to-peer file sharing software in a lawsuit filed by the recording industry; protecting the rights of Internet publishers to speak anonymously on-line; and protecting speech interests against claims of intellectual property infringement.

In September, 2004, the Clinic won a landmark free speech ruling on behalf of two Swarthmore college students in *Online Privacy Group et al. v. Diebold et al.* The students had published internal memos that showed that the company knew its voting machines did not work properly and were hiding this fact from county elections officials around the country. Diebold got the notices taken off line using the Digital Millennium Copyright Act (DMCA). The San Francisco federal court held that copyright owners will be penalized for using the Digital to essentially get a prior restraint against speech that the owner knows is not copyright infringing. This was the first ruling interpreting section 512(f) of the notice and takedown provisions of the DMCA.

In July 2004, the Clinic also received a favorable ruling by the Ninth Circuit Court of Appeals affirming the District Court decision in *MGM v. Grokster* which ruled that distributors of peer-to-peer file-sharing programs that use certain decentralized network designs may not be held contributorily or vicariously liable for copyright infringements by users. CIS is co-counsel for Grokster with attorneys at the San Francisco firm of Keker & Van Nest. The case is now pending before the US Supreme Court with arguments heard on March 29, 2005.

In March of 2004, Clinic won an important ruling by a Court in the District of Colorado which denied the government's motion to dismiss the *Golan v. Ashcroft* litigation. That litigation challenges Congress's "restoration" of copyrights to works that have passed into the public domain. The government moved to dismiss on the basis of the Supreme Court's ruling in *Eldred v. Ashcroft*, but the Court rejected the government's motion, and, while striking an *Eldred*-related claim, refused to dismiss the other 3 counts of the complaint based on the Copyright Clause, the First Amendment, and Due Process. The ruling has allowed Plaintiffs to present the Court with facts concerning the severe harm associated with the so-called "restored" copyrights. The case has now proceeded through discovery, and summary judgment motions are pending. Trial is scheduled to commence in June 2005.

More recently, the Clinic negotiated a favorable settlement on behalf of an author in a case involving the intellectual property rights related to the play "Peter Pan." The Clinic also recently submitted amicus briefs on behalf of the ACLU and the AARP in the *Brand X Internet Services v. FCC* case (pending before the US Supreme Court) which will review the FCC's determination that cable Internet access is an "information service" rather than a telecommunications service. The Clinic has also appealed a District Court's dismissal of the *Kahle v. Ashcroft* case, which challenges the constitutionality of the Copyright Renewal Act and the Copyright Term Extension Act and asks the Court for a declaratory judgment that copyright restrictions on so-called "orphaned works" — works whose copyright has not expired but which are no longer available — violate the constitution.

Environmental Law Clinic

The Stanford Environmental Law Clinic, led by Debbie Sivas, continues to press important, cutting-edge natural resource conservation issues in both state and federal court. In January 2005, two Clinic students argued in federal district court that the U.S. Environmental Protection Agency has illegally exempted the discharge of pollutants by shipping vessels from the regulatory and permitting requirements of the Clean Water Act. Culminating more than six years of administrative proceedings and prior federal litigation, this case has the potential to revolutionize national practices and policies around vessel discharges by forcing the shipping and port industry to take bold new steps to protect coastal estuaries. Gravely concerned about the federal government's lack of initiative in this area, several Great Lakes states filed an amicus brief in support of the Clinic's arguments.

Earlier in the academic year, the Environmental Law Clinic won a major victory in its struggle to protect the highly imperiled desert tortoise from the devastating impacts of thousands of off-road vehicles on federal public lands in the Mojave Desert. In securing increased protections for this particular species, the Clinic also convinced the federal court to override the U.S. Fish and Wildlife Service's long-standing erroneous regulatory interpretation of the Endangered Species Act, which has routinely permitted federal approval for activities that continue to impair the recovery of a listed species to healthy population levels. Clinic attorneys and students successfully argued that the federal authorizing agency must determine not only whether the activity in question will physically harm and jeopardize the survival of the species, but also whether the potential destruction of critical habitat will impede the species' long-term conservation and eventual removal from the endangered species list. This case was the first in the Ninth Circuit, which has jurisdiction over the vast majority of federal public lands in the west, to adopt such a comprehensive view of the statute's habitat protections and to strike down the Fish and Wildlife Service's contrary regulations.

Immigrants' Rights Clinic

On March 8, the Law School celebrated the launch of its seventh clinic—the Immigrant's Rights Clinic, directed by newly-appointed Associate Professor Jayashri Sriktantiah. Before coming to Stanford, Sriktantiah served as associate legal director of the American Civil Liberties Union of Northern California, where she focused on protecting civil liberties and civil rights in the post-September 11 environment. Among her cases was a race discrimination lawsuit on behalf of a Bangladeshi-American prohibited from flying because of his ethnicity and a class-action lawsuit against the Transportation Security Administration on behalf of innocent passengers who were repeatedly stopped, questioned, and harassed in connection with the government's secret "no fly" list.

Students in the Immigrants' Rights Clinic are working to secure rights for local immigrant survivors of domestic violence under the Violence Against Women Act and are representing immigrants who face deportation proceedings because of very old or minor criminal convictions.

Students are also busy looking into prison conditions for immigrant detainees in Northern California, writing know-your-rights brochures for immigrants who need welfare, and organizing a March summit meeting for the Bay Area Immigrants' Rights Coalition.

Supreme Court Litigation Clinic

The Supreme Court Litigation Clinic, under the leadership of Professor Pam Karlan and lecturers Thomas Goldstein and Amy Howe, has enjoyed unprecedented success in securing grants of certiorari on behalf of its clients. Of the first four petitions filed by the Clinic, all four were granted by the Supreme Court of the United States. The Clinic also works on *amicus* briefs in Supreme Court cases. The following are some examples of cases upon which the Clinic has worked:

Smith v. City of Jackson, argued in November, in which the Clinic is representing Azel Smith and group of other police department employees over the age of 40 who allege that the police department's salary plan violates the Age Discrimination in Employment Act (ADEA). The case presents the question whether the federal Age Discrimination in Employment Act reaches disparate impact claims.

Rousey v. Jacoway, argued in November, in which the Clinic is representing a debtor who filed for bankruptcy. The case presents the question whether a debtor can retain funds in an Individual Retirement Account in a bankruptcy proceeding.

Spector v. Norwegian Cruise Line, argued in February, in which the Clinic is representing disabled individuals who allege that they were the victims of unlawful discrimination by Norwegian Cruise Lines. The case presents the question whether the public accommodations provisions of the Americans with Disabilities Act cover foreign-flagged cruise ships.

In *Gonzalez v. Crosby*, to be argued in April, the clinic is representing *amicus curiae* Abu Ali Abdur'Rahman. The case presents the question whether habeas petitioners can use Federal Rule of Civil Procedure 60(b) to reopen the judgment in a habeas proceeding.

In *Tum v. Barbour Foods*, to be argued next Term, the clinic is representing the petitioners. The case presents the question whether certain time spent during the process of receiving safety equipment is compensable under the Fair Labor Standards Act.

In *City of Evanston v. Franklin*, the clinic filed a brief in opposition to the petition for certiorari. The case concerns the constitutionality of the city's decision to fire an employee for asserting his privilege against self-incrimination. On March 28, 2005, the Supreme Court denied certiorari in the case.

Join Shriver Center for Breakfast on Monday May 2!

If you will be at the AALS Workshop on Clinical Legal Education in Chicago, the Sargent Shriver National Center on Poverty Law invites you to breakfast on Monday, May 2nd. Our office is just a short walk from the Palmer House, at 50 E. Washington St., Suite 500. We'd like to get to know our clinician colleagues better and we think we'd benefit from knowing more about the work you do. The Shriver Center offers resources are of value to many clinical programs, e.g. 2004 FEDERAL PRACTICE MANUAL FOR LEGAL AID ATTORNEYS and 2002 POVERTY LAW MANUAL FOR THE NEW LAWYER.

The Shriver Center publishes CLEARINGHOUSE REVIEW: JOURNAL OF POVERTY LAW AND POLICY, the national journal for the civil legal aid community, and maintains a Poverty Law Library containing documents in thousands of cases; the more recent of these are searchable on our web site (www.povertylaw.org). The Center's advocacy team, through impact litigation and legislative and policy advocacy, works to advance model state responses to federal developments that affect low-income clients.

Other Resources of Interest from the Sargent Shriver National Center on Poverty Law

The FEDERAL PRACTICE MANUAL FOR LEGAL AID ATTORNEYS published in 2004 is the definitive practice manual for attorneys who represent low-income people and use system-reform litigation. Edited by Jeffrey S. Gutman, Professor of Clinical Law and Associate Dean of Academic Affairs at George Washington University Law School, and featuring contributions from over a dozen experienced advocates, this edition includes chapters on all aspects of legal aid federal practice, including preparing for litigation, jurisdiction, drafting and filing the complaint, pretrial and trial practice, class action, and relief.

Representing Immigrant Families, the September-October 2004 issue of CLEARINGHOUSE REVIEW, features articles by immigration specialists from legal aid field programs, poverty law national support centers, and other immigrant advocacy organizations nationwide. Articles address legal issues unique to immigrant families and explain how traditional areas of poverty law particularly affect immigrants, covering employment (rights and barriers, day laborers, and other topics), language access, public benefits and access to emergency health care, farmworkers and guest worker proposals, financial services and tax issues, and more.

Economic Development Strategies for Individuals and Communities, the July-August 2003 issue of CLEARINGHOUSE REVIEW describes strategies that can lead to jobs with livable wages, high-quality skills training, affordable housing, improved work supports, microenterprise development and small business opportunities. Legal aid attorneys, racial justice advocates, academics and other professionals explain why community economic development advocacy can foster economic and racial justice. The articles give practical tips on getting started, basics of representing community-based organizations, possible directions, and legal strategies in core areas such as affordable housing development, asset building, and public transportation equity.

To order these resources, contact Nancy Carey, nancycarey@povertylaw.org or (312) 263-3830, ext. 223. Hard copies of the FEDERAL PRACTICE MANUAL are available for \$50 each; the PDF is available at www.povertylaw.org. *Representing Immigrant Families* costs \$30; and *Economic Development Strategies* is \$35 a copy. Multiple copy discounts are available. The 2002 POVERTY LAW MANUAL FOR THE NEW LAWYER is available at www.povertylaw.org

Let's talk! Drop by on **Monday May 2, 7:30 - 9 a.m., 50 E. Washington St., 5th Floor**. Besides a light breakfast we'll offer you a sample issue of CLEARINGHOUSE REVIEW and an opportunity to win 5 copies of the FEDERAL PRACTICE MANUAL shipped to your clinic. Please RSVP by April 27 to Mae English, at maeenglish@povertylaw.org

Youth and Education Advocacy Clinic

Under the directorship of Associate Professor Bill Koski, students and attorneys at the Youth and Education Advocacy Clinic participate in a wide variety of educational rights and reform work, including direct representation of youth and families in special education and school discipline matters, community outreach and education, school reform litigation, and policy research and advocacy.

The Clinic recently settled a closely-watched civil rights lawsuit involving the Berkeley Unified School District. African American and Latino students who filed a federal class action lawsuit, *Smith v. Berkeley Unified School District*, in August 2004 for being wrongfully expelled from Berkeley High School will be allowed to return to classes. The students alleged that they were denied their constitutional right to a formal hearing before being excluded from school for various disciplinary reasons. As part of the settlement in the case, the Berkeley School District has committed to respect the constitutional rights of students, and to reduce the disproportionate impact of its policies on students of color. Once the district court approves the settlement, the affected students will be reinstated to school and will receive tutoring and other services to compensate for the time they were wrongfully excluded.

In another recent victory, two students in the Clinic were able to help get an eight-year-old with Asperger's Syndrome back into school nearly five months after he was kicked out of his third-grade classroom. Because of behavioral difficulties directly related to his Asperger's, the child Brian had been acting out in his classroom, and was not being supported with special education services required by law. Instead of addressing the disability, the School District chose to seek a *Honig* injunction (a civil restraining order) against him in district court, a measure usually reserved for older students who are considered an imminent danger to themselves or others, in order to prevent the child returning to school. Through the efforts of Clinic students, the District agreed to a settlement under which the School District will pay for the child to attend a private school specializing in the education of kids with Asperger's and other autism-related disabilities, until he is ready to transition back into a general education classroom.



Save the Date

**Externships 3:
Learning From Practice
A National Externship Conference**

***March 24 & 25, 2006
Los Angeles, CA***

**Friday, March 24: Loyola Law School/Los Angeles
Sat., March 25: Southwestern University School of Law**

***Hosted by
GLACE***

The Greater Los Angeles Consortium on Externships: a consortium of law school externship program directors from Loyola, Pepperdine, Southwestern, UCLA, USC and Whittier

in association with

The Catholic University of America Columbus School of Law

Call for presentations and papers in September, 2005
For conference information and updates, see <http://events.lls.edu/externships/> or
www.swlaw.edu/externconference

Northwestern University School of Law will host the first . . .

NATIONAL CONFERENCE ON TEACHING CONTRACT DRAFTING JULY 20-21, 2005

After many years of being eclipsed by the many law school courses on litigation skills, the teaching of contract drafting and other transactional skills is on the verge of flourishing.

Contract drafting courses and law school transactional clinics are spreading. New teaching techniques are being developed. Students are beginning to see a transactional skills education as critical to their career development. And employers are increasingly interested in having transactional skills taught.

So it's time to get together and talk about how we teach contract drafting, how we can do it better, and how we can get it taught in more places in the curriculum. Here's when and where it will be:

July 20 – 21, 2005
Northwestern University School of Law
Chicago, Illinois

Among the speakers will be Stephen Armstrong, Robin Boyle, Thomas P. Brown, Scott J. Burnham, Charles M. Fox, Eric Goldman, Susan Irion, George Kuney, Christina Kunz, Richard K. Neumann, Jr., Helene Shapo, and Tina Stark. The conference is sponsored by Northwestern Law School.

If you are new to teaching contract drafting, this conference will help you improve your teaching skills. If you have a lot of experience teaching contract drafting, this conference will raise provocative issues and put you in touch with others in the field. If you teach transactional courses and want to add a focus on drafting, this conference will show you how. If you are a legal writing teacher and want to branch out into contract drafting, this conference will give you the background to do it.

The Contract Drafting Conference will immediately precede the July 21-23 conference of the Association of Legal Writing Directors, and it will be easy to attend both of them. Both conferences will occur at Northwestern Law, and they will share the same conference hotel. If you are an ALWD member and attend both conferences, you will get a discount on the registration fee for each conference. If you are not an ALWD member, you can attend the Contract Drafting conference and then attend the first day of the ALWD conference, for a small additional fee.

Northwestern Law and the conference hotel are in a great neighborhood, steps from the lakefront and the North Michigan Avenue shopping district, and a short ride from Chicago's great museums. The city's beaches, jogging and cycling paths, and parks stretch north and south of the law school. At the nearby Navy Pier amusement park, Chicago hosts a huge fireworks display twice a week. In the evenings, you will be free to join fun conference activities or explore the city on your own.

If you teach Legal Writing or Contracts, you will soon receive a conference schedule and registration materials by regular mail. Or you can request them from Judith Rosenbaum at j-rosenbaum2@law.northwestern.edu.

The Drafting Conference organizing committee members are Susan Irion (Northwestern), Richard K. Neumann, Jr (Hofstra), Judith Rosenbaum (Northwestern), and Tina Stark (Fordham).

MIDWEST CLINICAL CONFERENCE -- SAVE THE DATE

The **2005 Midwest Clinical Conference** will be held on **October 7-8** at **Washburn University School of Law** in Topeka, Kansas. Conference events will include a visit to the newly opened and very impressive *Brown v. Board Of Education of Topeka* National Historic site. We are busily planning the conference's presentations and events. Conference topics tentatively will include:

1. Teaching Cross Cultural Understanding: The Importance of Communicating with Our Clients and Conveying Our Clients' Stories to the Court.

2. Story-telling as an Advocacy Skill: Keeping the Client in the Story.

3. Clinical education: A Means to Achieving Social and Economic Justice.

We intend to have all these topics tie into the legacy of *Brown v. Board of Ed.* Anyone who is interested in providing input, helping with planning, or serving on a discussion panel should contact John Francis at john.francis@washburn.edu. New(er) clinicians are encouraged to participate. Watch for future announcements about details of the conference plans.

Looking down the road beyond this year's conference, Notre Dame plans to host the Midwest Conference in 2006 and Drake plans to host in 2007.

COMING INTO COMMUNITY A Workshop on Clinical Legal Education June 16-18, 2005

hosted by-Roger Williams University
School of Law

What: This two day workshop will focus on models of legal education that bring law students, law faculty, and law school educational and service programs into the local community. Participants will observe existing programs in the particular contexts of Rhode Island's urban, statewide and environmental communities and actively engage in interdisciplinary, network-building exercises. These experiences will serve as the catalyst for dis-

cussions about goals, methodologies, and challenges. Throughout the conference, participants will have the opportunity to develop models and strategies for their home schools and communities.

Where: The workshop will be held in multiple locations in Rhode Island. The Roger Williams University School of Law in Bristol will serve as the base for participants, but a number of workshop sessions will take place at community-based sites and at the law school's Providence clinic offices. Transportation to and from campus will be provided.

Who: The workshop is designed for: teachers in clinical legal education programs, including non-lawyer faculty; law faculty whose courses include significant community-based clinical components; and public service program administrators with teaching or program development responsibilities.

When: June 16-18, 2005. The workshop opens with a reception and dinner on the evening of Thursday, June 16, with a keynote address by Doug Ammar, director of the Georgia Justice Project in Atlanta. A full program of events takes place in Providence on Friday, June 17 and in Bristol on Saturday, June 18. Time will be set aside after the workshop for reflection and planning for future events and programs.

Registration, Housing and Transportation: The cost for this two-day workshop is \$125.00. The fee includes: opening reception and dinner at the law school on Thursday; Friday dinner at a restaurant in Providence's Federal Hill District; continental breakfast and full lunch on Friday and Saturday; transportation to and from workshop events; and all workshop materials. Checks should be made out to Roger Williams University.

Housing is available to registrants at the Bay Point Inn in Bristol at the cost of \$85.00 per night. Reservations should be made by calling the Inn directly at 401/683-3600. Rooms are guaranteed through May 16, 2005. Other housing options are available in Bristol; be aware that June is tourist season, and arrangements should be made early. If you would like more information about accommodations, contact the events office at 401/254-4652.

Transportation: Roger Williams University is located in Bristol, Rhode Island, approximately 20 miles south of Providence. Approximate distances from various northeast cities include:

| | | | |
|--------------|-----------|----------|-----------|
| Albany | 175 miles | Hartford | 125 miles |
| Philadelphia | 275 miles | | |
| Boston | 50 miles | New York | 175 miles |
| Portland, ME | 150 miles | | |

TF Green Airport in Providence is serviced by many carriers, including US Air, Delta, Northwest, Southwest and United. Cab fare from the airport to Bristol is quite expensive, and it is recommended that air travelers instead consider car rental. Providence is also readily accessible by bus service and rail service. For more information on options, contact the events office at 401/254-4652.

Program Details: Thursday, June 16: Registration opens at 5:00 at the Roger Williams law school in Bristol. The law school hosts a reception beginning at 6:00, and Dean David Logan will welcome participants. Dinner immediately follows the reception at 7:30. Keynote speaker Doug Ammar will describe his work with the Georgia Justice Project, a community-based non-profit that is a combination criminal defense firm and landscaping business. Lawyers and social workers at GJP provide wraparound services for clients, many of whom receive lifetime representation. Students from Georgia State University's law school clinic are engaged in the work of GJP.

Friday, June 17: The day starts at 8:00 a.m. with continental breakfast at the law school. The registration desk also opens at that time. At 9:00, participants will be transported via trolley to the law school's downtown Providence clinical offices.

For the morning session, participants have a choice of three breakout groups, in-house litigation, externship, and public service. Each breakout is designed around these themes: building relationships with local courts and the bar; making and maintaining connections; teaching critical analysis of the systems and players we work with; the value of modeling; and the politics and risks associated with critique.

Lunch at noon is at the John Hope Settlement House, where the Local Coordinating Council

will be conducting its monthly case rounds session. The Local Coordinating Council, or LCC, consists of family service providers from all over Rhode Island who come together to work on common issues. At this meeting, a member of the LCC presents a family situation that poses particular challenges. Along with LCC members, workshop participants are invited to join in brainstorming possible responses to the challenges raised. A short discussion in small groups follows.

After lunch, participants move down the street to the Casey Family Services Center. After Casey professionals and Roger Williams law students describe partnership work between Casey and the law school, small groups will discuss community needs as the genesis for lawyers' and law school clinics' work.

The last session of the day looks at the law school as community citizen. The context for discussion is racial justice. Four task forces, consisting of lawyers, social activists and workshop participants meet to discuss how law schools and law students can become players in promoting racial justice in immigration, housing, criminal justice and education.

Dinner is in Providence's historic arts and entertainment district. There will be time after dinner to wander the downtown and waterfront areas.

Saturday, June 18: Saturday's program takes place at the law school, on the Roger Williams University campus in Bristol. Continental breakfast at 8:00 is followed by a plenary presentation on immigration lawyering in communities. This session highlights the importance of thinking globally while acting locally.

Mid-morning consists of several breakout sessions, each focusing on alliances with other disciplines. The sessions are divided by subject area and include medical-legal collaboratives, educational partnerships, and community organizing alliances.

At lunch, participants are invited to brainstorm with colleagues about how faculty and students in non-clinical courses can connect with neighborhoods and communities. Among the “specialty area” tables are tax, commercial law, criminal law, mediation and family law.

After lunch, participants enjoy a field trip to the Bay-side of campus. The afternoon session focuses on the environment as community. Themes of the afternoon program include: sensitivity to environmental context; collaborations with other colleges, universities and law schools; clinical components of joint degree programs; and making experiences relevant to law student and undergraduate student collectives.

For More Information: Contact Nancy Cook at ncook@rwu.edu or 401/276-4880.

Registration Form: Mail to: James Westgate, Assistant Administrator,
Roger Williams Univ., School of Law, Clinical Law Programs, 150 Washington St., Providence, RI
02903.

Name _____

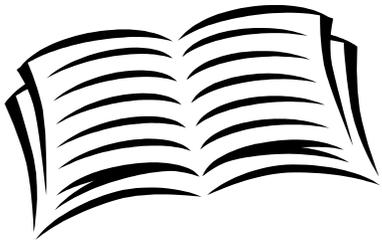
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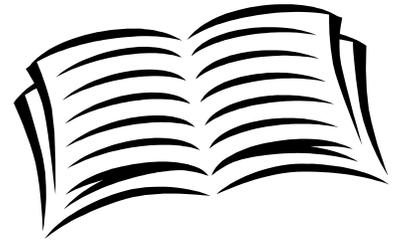
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Publications



Tom Kelley, Clinical Professor of Law, UNC School of Law's Community Development Law Clinic: Re-discovering Vulgar Charity: A Historical Analysis of America's Tangled Nonprofit Law, forthcoming 73 Fordham L. Rev.

Deborah Weissman, Professor of Law, Director of Clinical and Externship Programs (teaches in Civil Clinic and Human Rights Policy Clinic): The Political Economy of Violence: Towards an Understanding of the Gender Murders in Ciudad Juárez, forthcoming 30 NC J. of Int'l Law and Comm. Reg.

Professor Raven Lidman has written "Proyeccion Social en la Facultad de Derecho de La Universidad de Seattle de Los Estados Unidos" ("Social Justice Outreach in the Seattle University Law School"), in *Proyeccion Social del Derecho y Clinicas Juridicas en las Universidades de America del Siglo XXI* (Social Justice Outreach by Law School Clinics in the Universities of the Americas in the 21st Century), Antonio Pena Jumpa, ed., Coleccion Onati: Derecho y Sociedad, (Law and Society), 2005. This article is part of a volume which collects a selection of the edited papers presented at a conference I participated in during the summer of 2003. The conference focused on the social justice outreach models used by various law schools in the western hemisphere. The emphasis was primarily on Latin America with a few examples from the United States.

Peggy Maisel (Florida International), *Lessons from the World Conference Against Racism: South Africa as a case study*, 81 OR. L. REV. 739 (2002).

Kathleen Connolly Butler, *Shared Responsibility: The Duty to Legal Externs*, 106 W. VA L. REV. 51 (2003).

Naomi Cahn (George Washington), *Perfect substitutes or the real thing?*, 52 DUKE L.J. 1077(2003).

Robert R. Kuehn, *Interference in environmental representation*, 33 ENVTL. L. REP. NEWS & ANALYSIS 10598 (2003).

Batt, Cynthia. *Learning to lawyer: context, clients, and clinics*. 12 Temp. Pol. & Civ. Rts. L. Rev. 259-263 (2003).

Wahl, Rosalie. *Lest we forget: celebrating thirty years of clinical legal education at William Mitchell College of Law*. 30 Wm. Mitchell L. Rev. 5-8 (2003).

Juergens, Ann. *Rosalie Wahl's vision for legal education: clinics at the heart*. 30 Wm. Mitchell L. Rev. 9-34 (2003).

Joy, Peter A. *The law school clinic as a model ethical law office*. 30 Wm. Mitchell L. Rev. 35-50 (2003).

Haydock, Roger S. *Clinical reflections: looking ahead toward the past*. 30 Wm. Mitchell L. Rev. 51-56 (2003).

Tarr, Nina W. *In support of a unitary tenure system for law faculty: an essay*. 30 Wm. Mitchell L. Rev. 57-72 (2003).

Janus, Eric S. *Clinical teaching at William Mitchell College of Law: values, pedagogy, and perspective*. 30 Wm. Mitchell L. Rev. 73-86 (2003).

McCaffrey, Angela. *The healing presence of clients in law school*. 30 Wm. Mitchell L. Rev. 87-99 (2003).

Knapp, Peter B. *From the clinic to the classroom: or what I would have learned if I had been paying more attention to my students and their clients*. 30 Wm. Mitchell L. Rev. 101-108 (2003).

Bennett, Julie E. and Sharon H. Fischlowitz. *Risks and rewards of law student volunteer service: a supervisor's perspective*. 30 Wm. Mitchell L. Rev. 109-114 (2003).

Serra, Theresa M. *Practical experience gained through law school internships*. 80 U. Det. Mercy L. Rev. 533-534 (2003).

Land, April. *Dead to rights: a father's struggle to secure mental health service for his son*. 10 Geo. J. on Poverty L. & Pol'y 279-343 (2003).

Shalleck, Ann. *Feminist inquiry and action: introduction to a symposium on Confronting Domestic Violence and Achieving Gender Equality: Evaluating Battered Women & Feminist Lawmaking by Elizabeth Schneider*. 11 Am. U. J. Gender Soc. Pol'y & L. 237-250 (2003).

- Murphy, Jane C. Engaging with the state: the growing reliance on lawyers and judges to protect battered women. 11 *Am. U. J. Gender Soc. Pol'y & L.* 499-521 (2003).
- Dunlap, Justine A. The "pitiless double abuse" of battered mothers. 11 *Am. U. J. Gender Soc. Pol'y & L.* 523-531 (2003).
- Meier, Joan S. Domestic violence, child custody, and child protection: understanding judicial resistance and imagining the solutions. 11 *Am. U. J. Gender Soc. Pol'y & L.* 657-731 (2003).
- Kohn, Laurie S. Barriers to reliable credibility assessments: domestic violence victim-witnesses. 11 *Am. U. J. Gender Soc. Pol'y & L.* 733-748 (2003).
- Leah Wortham (Catholic), *The Lawyering Process: my thanks for the book and the movie*, 10 *CLINICAL L. REV.* 399 (2003).
- Jane H. Aiken (Wash. U.), *Leveling the playing field: Federal Rules of Evidence 412 & 415: Evidence class as a platform for larger (more important) lessons*. 21 *QLR* 927 (2003).
- Paul Bergman (UCLA), *Teaching evidence the "reel" way*, 21 *QLR* 973 (2003).
- Lynn E. Cunningham (GWU), *A structural analysis of housing subsidy delivery systems: public housing authorities' part in solving the housing crisis*. 13 *J. AFFORDABLE HOUSING & COMMUN. DEV. L.* 95 (2003).
- Joseph B. Tulman (UDC), *Disability and delinquency: how failures to identify, accommodate, and serve youth with education-related disabilities leads to their disproportionate representation in the delinquency system*. 3 *WHITTIER J. CHILD & FAM. ADVOC.* 3 (2003).
- Boswell, Richard A. Racism and U.S. immigration law: prospects for reform after "9/11?" 7 *J. Gender Race & Just.* 315-356 (2003).
- Bloch, Frank S., Jeffrey S. Lubbers and Paul R. Verkuil. Developing a full and fair evidentiary record in a nonadversary setting: two proposals for improving Social Security disability adjudications. 25 *Cardozo L. Rev.* 1-63 (2003).
- Perlin, Michael L. "Life is in mirrors, death disappears": giving life to Atkins. 33 *N.M. L. Rev.* 315 (2003).
Chai Rachel Feldblum, *The Art of Legislative Lawyering and the Six Circles Theory of Advocacy*, 34 *McGeorge L. Rev.* 785 (2003).
- Scherr, Alexander. Daubert & danger: the "fit" of expert predictions in civil commitments. 55 *Hastings L.J.* 1-90 (2003).
- Perlin, Michael L. "She breaks just like a little girl": neonaticide, the insanity defense, and the irrelevance of "ordinary common sense". 10 *Wm. & Mary J. Women & L.* 1-31 (2003).
- Wu, Frank H. The arrangements of race. (Reviewing Stephen L. Carter, *The Emperor of Ocean Park*.) 101 *Mich. L. Rev.* 2209-2226 (2003).

Bowman, Cynthia Grant. Theories of domestic violence in the African context. 11 Am. U. J. Gender Soc. Pol'y & L. 847-863 (2003).

Copelon, Rhonda. International human rights dimensions of intimate violence: another strand in the dialectic of feminist lawmaking. 11 Am. U. J. Gender Soc. Pol'y & L. 865-876 (2003).

Smith, Brenda V. Battering, forgiveness, and redemption. 11 Am. U. J. Gender Soc. Pol'y & L. 921-962 (2003).

Schneider, Elizabeth M. Afterword: the perils and pleasures of activist scholarship. 11 Am. U. J. Gender Soc. Pol'y & L. 965-967 (2003).

Carbone, June and Naomi Cahn. Which ties bind? Redefining the parent-child relationship in an age of genetic certainty. 11 Wm. & Mary Bill Rts. J. 1011-1070 (2003).

Phyllis Goldfarb, *Creating a new tango: re-imagining gender*, 9 CARDOZO WOMEN'S L.J. 443 (2003).

Kathleen Connolly Butler, *Shared responsibility: the duty to legal externs*, 106 W. VA. L. REV. 51 (2003).

Cookie Ridolfi (Santa Clara) and Marjorie K. Allard. Book review. (Reviewing Gisli H. Gudjonsson, *The Psychology of Interrogations and Confessions: A Handbook*.) 43 Santa Clara L. Rev. 1485 (2003).

Peter A Joy (Washington U.) and Kevin C. McMunigal, *Teaching ethics in evidence*, 21 QLR 961-972 (2003).

Bryant, Susan and Elliott S. Milstein. Reflections upon the 25th anniversary of The Lawyering Process: an introduction to the Symposium. 10 Clinical L. Rev. 1-31 (2003).

Moulton, Bea. Looking back at The Lawyering Process. 10 Clinical L. Rev. 33-74 (2003).

Charn, Jeanne. Service and learning: reflections on three decades of The Lawyering Process at Harvard Law School. 10 Clinical L. Rev. 75-114 (2003).

Bastress, Robert M. and Joseph D. Harbaugh. Taking the lawyer's craft into virtual space: computer-mediated interviewing, counseling, and negotiating. 10 Clinical L. Rev. 115-156 (2003).

Berger, Marilyn J. Berger, Ronald H. Clark and John B. Mitchell. Letters and postcards we wished we had sent to Gary Bellow and Bea Moulton. 10 Clinical L. Rev. 157-189 (2003).

Binder, David A. and Paul Bergman. Taking lawyering skills training seriously. 10 Clinical L. Rev. 191-220 (2003).

Bloch, Frank S., Susan L. Brooks, Alex J. Hurder and Susan L. Kay. Filling in the 'larger puzzle': clinical scholarship in the wake of The Lawyering Process. 10 Clinical L. Rev. 221-243 (2003).

Chavkin, David F. Spinning straw into gold: exploring the legacy of Bellow and Moulton. 10 Clinical L. Rev. 245-280 (2003).

Garvey, Leslie Espinoza. The race card: dealing with domestic violence in the courts. 11 Am. U. J. Gender Soc. Pol'y & L. 287-307 (2003).

Cahn, Naomi R. Battered women, child maltreatment, prison, and poverty: issues for theory and practice. 11 Am. U. J. Gender Soc. Pol'y & L. 355-366 (2003).

Maguigan, Holly. Wading into Professor Schneider's "murky middle ground" between acceptance and rejection of criminal justice responses to domestic violence. 11 Am. U. J. Gender Soc. Pol'y & L. 427-445 (2003).

Czapanskiy, Karen Syma. Domestic violence and the Maryland family violence option. 11 Am. U. J. Gender Soc. Pol'y & L. 447-464 (2003).

Epstein, Deborah, Margaret E. Bell and Lisa A. Goodman. Transforming aggressive prosecution policies: prioritizing victims' long-term safety in the prosecution of domestic violence cases. 11 Am. U. J. Gender Soc. Pol'y & L. 465-498 (2003).

Alexander Scherr & Hillary Farber. *Popular Culture as a Lens on Legal Professionalism*, 55 S.C. L. Rev. 351 (2003).

Deborah J. Cantrell & Arthur Liman, *Teaching Practical Wisdom*, 55 S.C. L. Rev. 391 (2003).

Leonard A. Sandler and Peter Blanck, "The Quest To Make Accessibility A Corporate Article of Faith at Microsoft: Case Study of Corporate Culture and Human Resource Dimensions" *Journal of Behavioral Sciences and the Law*, Volume 23 Number 1 2005, (Behav. Sci. Law 23: 39-64 (2005)

Professor Bryan Adamson has written an article which examines the *Grutter v. Bollinger* decision on law schools and affirmative action policies, and explores how the application of standard of review concepts shape outcomes on appellate review. His article can be found at 13 *Temple Pol. & Civ. Rights L. Rev.* 2 (Spring 2004).

Dinerstein, Robert, Stephen Ellmann, Isabelle Gunning and Ann Shalleck. Legal interviewing and counseling: an introduction. 10 *Clinical L. Rev.* 281-309 (2003).

DiPippa, John M. A. and Martha M. Peters. The Lawyering Process: an example of metacognition at its best. 10 *Clinical L. Rev.* 311-325 (2003).

Meltsner, Michael. Celebrating The Lawyering Process. 10 *Clinical L. Rev.* 327-347 (2003).

Neumann, Richard K., Jr. and Stefan H. Krieger. Empirical inquiry twenty-five years after The Lawyering Process. 10 *Clinical L. Rev.* 349-397 (2003).

Job Opportunities

POSITION ANNOUNCEMENT CLINICAL DIRECTOR THE UNIVERSITY OF MONTANA SCHOOL OF LAW

The **University of Montana School of Law** invites applications for a tenure-track position as **Clinical Director** beginning in the 2006-2007 academic year. The Clinical Director devotes approximately two-thirds time to supervision of students in an internal clinic or in one or more of our hybrid externships and approximately one-third time directing the overall clinical program. All third-year law students are required to enroll in a clinic, with approximately 20% fulfilling that requirement in one of our three in-house clinics and 80% fulfilling that requirement in one of our 14 external placements. The Clinical Director engages in the full range of faculty activities, including scholarship and service.

The successful candidate will be expected to be admitted to the State Bar of Montana within one-year of employment.

More information about this position, including a full position description and the hiring criteria, should be posted by April 1, 2005, on our Website: www.umt.edu/law. Applicants should submit a cover letter specifically addressing how their experience qualifies them to direct the clinical program. Applicants should also include a current resume, and the names, addresses and telephone numbers of three references. Application materials should be sent to Professor John Horwich, Chair, Faculty Appointments Committee, The University of Montana School of Law, 32 Campus Drive, Missoula, MT 59801-6552. For more information, please contact Professor Horwich at 606/243-2366 or john.horwich@umontana.edu.

We are hoping to meet with interested candidates during the AALS Clinical Conference in Chicago, April 30 - May 3, 2005. Applications will be reviewed beginning April 1, 2005, and the applica-

tion period will remain open until the position is filled.

The University of Montana is an equal opportunity/affirmative action employer and encourages applications from qualified women, minorities, Vietnam era veterans, and persons with disabilities.

Denver—Clinic Director

It is with great sadness that I announce my resignation as Director of Clinical Programs at the University of Denver Sturm College of Law (DU). It has been a wonderful experience to work with my spectacular clinic colleagues and I will sorely miss them, my faculty colleagues, the majestic mountains and the weather. I am leaving for personal reasons and will be returning to New York, where I will be the Assistant Dean for Professional Skills and a Clinical Lecturer at Hofstra Law School.

The search for clinical director will take place during the Fall, 2005 Appointments process, but we thought that it was not too early to start trying to entice some of you to apply for the position. The Director is responsible for all aspects of administration, supervision and long range planning for the clinical program. The clinical program has evolved over the years and now includes the Student Law Office, made up of civil, criminal defense, civil rights and disabilities, tax and mediation clinics, as well as the affiliated programs, such as our Environmental Law Clinical Partnership and the Internship program. The position is tenure track and all clinicians are either tenured or tenure track. We are lucky to have some remarkable clinicians on our faculty: Christine Cimini, Laura Rovner, Tammy Kuennen, Wadine Gehrke, Jerry Borison, Howard Rosenberg, Jeff Hartje and Bob Yegge, and it is truly a group of people who work well together. The clinic is staffed by a clinic administrator and two staff, and is well funded due to the generosity of the law school and our alumni.

POSITION ANNOUNCEMENT

Law Clinic Director—Duke

There is much support for the clinical program in the law school as evidenced by the tenure status for the positions. This translates into friendships and collaborative working relationship between clinicians and doctrinal faculty. DU has always been seen as an integral part of the public interest community in the Denver metropolitan area and we have good working relationships with community groups and other legal service providers. Every year there is a well attended (over 500 people) alumni dinner in which half of the proceeds go to support the work of the clinical program.

And then there is Denver...a wonderful place to live, with spectacular weather, 300 plus sunny days/year, and easy access to skiing and hiking. Why am I leaving???

The “official” announcement of a search will be in the late summer, 2005, but I invite you to contact me or any of the other clinicians at DU to express your interest and for us to answer your questions. Assistant Professor Marcia Levy, Director of Clinical Programs, University of Denver Sturm College of Law, mlevy@law.du.edu; 303-871-6230.

Duke Law School expects to offer a new Low-Income Taxpayer Clinic beginning in the fall semester 2005 and we are looking to hire a Director for this clinic as soon as possible. Attached please find an announcement of this opening. If you know of anyone who might be interested, please pass this on.

Duke University School of Law is seeking a full-time Director for its new Low-Income Taxpayer Advocacy Clinic (the “Clinic”). The Clinic is an educational and service program of the Law School funded in part through a grant from the IRS. During the school year, the Director will supervise Duke Law School students enrolled in the Clinic in connection with the representation of low-income taxpayers in federal and/or state tax controversies. When the Law School is not in session, the Director will be primarily responsible for ensuring that all client matters are properly handled.

In addition to supervising students enrolled in the Clinic and overseeing all the Clinic’s cases, the Director will be responsible for designing and teaching the classroom component of the Clinic. This component will provide substantive law and skills training to enrolled students. Other responsibilities include, without limitation, participation in fundraising to support the Clinic.

The ideal candidate will have experience handling federal and/or state tax controversies, a commitment to providing legal services to the poor and a strong interest in clinical teaching. A demonstrated success in fundraising is a plus. At a minimum, candidates must be admitted to practice in North Carolina and have been licensed for at least two years by August 1, 2005.

Duke Law School is an equal opportunity employer, women and people of color are strongly encouraged to apply. Salary is DOE, with excellent benefits.

To apply, please send a cover letter and a copy of your resume to:

Ms. Sandra Pettiford
Clinic Administrator
Duke Law School
201 W. Main Street, Suite 202D
Durham, NC 27701

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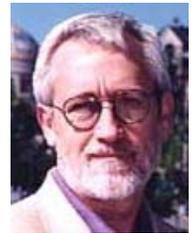
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In-House Clinic

Chairs Vacant

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Just a reminder, when sending articles to the newsletter, it is great when you are able to include a picture of the person whom the article is about. The photo needs to be in jpg form for us to open it. We try to access some of the school's websites for the photos. But some do not have photos and some are not accessible to outside sources. Thank you for your help.

**CONTINUING SURVEY OF CLINICIANS
WHO HAVE CONSULTED OR TAUGHT IN A FOREIGN
COUNTRY**

This is part of an ongoing project to identify clinical teachers in any country who have experience as consultants on legal education or as teachers in any capacity in countries other than their own (including their own schools' semester abroad or foreign summer programs). The compilation of the results of this survey over the years is on the University of South Carolina Law School's web site. To access it, go to [then click on clinics and look for the compilation.](#)

If you have consulted or taught in other countries, or have confirmed plans to do so, please fill out this form (or report the information in any format) and send it to:

Roy Stuckey
USC School of Law
Columbia, SC 29208 USA
803/777-2278; FAX 803/777-3401

email:

If you want to report more than one international teaching or consulting experience, please complete multiple copies of the survey or write on the back of this form. Please write legibly to help me avoid spelling errors.

Your Name: _____ School _____

Country: _____ City _____

Foreign Institution/s: _____

Inclusive Dates: _____

Source of Funding (circle as many as apply): sabbatical; other funds from your school;

CEELI/AFLI; Soros; Ford; USAID; foreign school; foreign government; Fulbright;

other: _____

Brief Description of Purpose (including any subjects taught): _____

Membership and Dues Information

AALS Clinical Section membership and CLEA membership are all processed through the Section's Treasurer and Database Coordinator, currently David Santacroce from the University of Michigan Law School, with the assistance of staff, currently Cindy Kelley from Michigan. Confidentiality, dissemination and use of Section membership data is governed by the Section's Data Collection and Dissemination Policy.

The Section and CLEA each require the completion of a separate membership form. **Checks for dues *must* also be separate – checks combining Section and CLEA dues will be returned, delaying active member status.** All checks and membership forms should be sent to the address at the very bottom of this page.

AALS Section Membership: You can fill out your AALS Membership form on-line at http://cgi2.www.law.umich.edu/_GCLE/Index.asp and mail your check in separately, or you can complete the form on the following page and mail it in with your check payable to the AALS. Membership is \$15 per year.

CLEA Membership: To join CLEA, you can download and print the membership form at http://cgi2.www.law.umich.edu/_GCLE/Index.asp, complete it and mail it in with your check payable to CLEA. Membership is \$40 a year.

To update or change any portion of your current membership information, please review your current listing in the directory and email changes to Cindy Kelley.

Forms and checks for both the Section and CLEA should be sent to:

**AALS / CLEA Dues
c/o Cindy Kelley
University of Michigan Law School
625 South State Street
Room 996 Legal Research Building
Ann Arbor, MI 48109-1215**

AALS SECTION ON CLINICAL LEGAL EDUCATION

2005 or 2006 Membership Application / Renewal Form

This form is available via internet at:
http://cgi2.www.law.umich.edu/_GCLE/Index.asp

The AALS Section on Clinical Legal Education is accepting new memberships, renewing memberships, and updating information in its database. Like your taxes, your dues are due April 15th of each year. To ensure the clinical community's continued growth and enhancement, it is vital that you complete *all* fields on this form (even if you are not becoming a member). Confidential data is never released in individual identifiable format according to the Section's data collection and dissemination policy. The policy is viewable at , where you can also check your membership and dues status by searching for yourself in the interactive clinicians directory. Please allow three to four weeks from mailing for your membership information to be updated on the web.

Please check the lines that apply below:

- I would like to become a new member of the AALS Section on Clinical Legal Education for \$15.00.
- Please pay my 2005 membership for the AALS Section on Clinical Legal Education for \$15.00.
- Please pay my 2006 membership for the AALS Section on Clinical Legal Education for \$15.00.
- Please change/update my profile below.

Last Name: _____ Suffix: _____

First and Middle Names: _____

Ms./Mrs./Mr./Dr.: _____ Title: _____

University: _____

Law School Name: _____

Law School Street Address: _____

Building/Suite/Box #: _____

City: _____ State: _____ Zipcode: _____

Country (if other than US): _____

University URL: _____

Law School URL: _____

Email address: _____

Office Phone (voice): _____ Extension: _____

Office Fax Number: _____ Year graduated from Law School: _____

Years full-time teaching: _____ Years part-time teaching: _____

What is your employment/tenure status in the Law School: _____

Decimal fraction working full-time in legal education: _____

(please continue on reverse side)

Decimal fraction that salary is supported by hard money: _____

Base salary (exclusive of summer research grants): _____

Number of months employment is supported by base salary: _____

Name of first clinical course frequently taught: _____

Type: _____ in-house _____ externship _____ simulation _____ other

Name of second clinical course frequently taught: _____

Type: _____ in-house _____ externship _____ simulation _____ other

Name of third clinical course frequently taught: _____

Type: _____ in-house _____ externship _____ simulation _____

other

Name of fourth clinical course frequently taught: _____

Type: _____ in-house _____ externship _____ simulation _____

other

Average supervision ratio in in-house clinic (if applicable): _____

Average supervision ratio in externship clinic (if applicable): _____

Name of first non-clinical course frequently taught (if any): _____

Name of second non-clinical course frequently taught (if any): _____

Name of third non-clinical course frequently taught (if any): _____

Are you the overall Director of Clinical Programs at your school? _____

Is scholarship a requirement of your job? _____

Race/ethnicity with which you identify: _____

Gender with which you identify: _____

Would you like to be notified of activities of interest to:

women clinicians? Yes: _____ No: _____

lesbian/gay/bisexual/transgender clinicians? Yes: _____ No: _____

clinicians of color? Yes: _____ No: _____

Are you willing to receive AALS mailings via email, whenever possible?

Yes: _____ No: _____

Mail this form, with a check for \$15.00 payable to AALS (if dues are owed), to:

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