

# CHICAGO 2005

APRIL 29TH-MAY 3RD



## Events at May Conference

Friday, April 29 through Saturday April 30

CLEA New Clinicians Conference (see p 13)

AALS Directors Conference ( see pp 3-4)

Saturday, April 30

5:00 pm Joint Colloquium by Japanese Law Schools (p 14)

5:30-7:00 Speakers and Working Group Leaders Meeting (p 3)

7pm Reception by Chicago Law Schools

Sunday, May 1

9am AALS Workshop on Clinical Legal Educaiton begins

5:30-7pm AALS Reception

7:00 pm CLEA membership meeting followed by Dance at the Palmer House (pp 14-15)

Monday, May 2

7-9:00 am AALS Section on Clinical Legal Education committee meetings

7:30-9:00am Sargent Shriver National Center on Poverty Law Breakfast (p12)

8:00 am Extern committee meeting (p12)

3:45-5:00 Clinical Scholarship works in Progress (p8-11)

5:15 to 7:00 pm Section on Clinical Legal Education Town Hall Meeting(p7)

7:15 Bellow Scholar Discussion and Presentations(P15)

Tuesday, May 3

7-9:00 am AALS Section on Clinical Legal Education commtitee meetings

noon-2pm AALS Luncheon and Section Awards

Per Diem Project: Collections for Chicago Coalition for the Homeless  
Collecting donations throughout the meeting

# AALS LAW CLINIC DIRECTORS WORKSHOP

**April 29-30, 2005**  
**The Palmer House Hilton**  
**Chicago, IL**

FRIDAY, APRIL 29, 2005

4:00 - 7:00 p.m.  
Registration

5:00 - 6:30 p.m.  
Speakers Review Meeting

6:00 - 7:30 p.m.  
AALS Reception

SATURDAY, APRIL 30, 2005

8:45 - 9:00 a.m.  
Introduction

Stephen Wizner, Yale Law School and Chair, Planning Committee for AALS Workshop on Clinical Legal Education

9:00 - 10:30 a.m.  
Plenary Session  
Managing Without Managing

Speakers:

Robert L. Spangenberg, The Spangenberg Group, Newton, Massachusetts  
Robert A. Solomon, Yale Law School (Director)

Moderator: Jane M. Spinak, Columbia University

10:30 - 10:45 a.m.  
Refreshment Break

10:45 a.m. - 12:00 noon  
Small Group Discussions on Managing  
(see the handout in your workshop materials folder for your small group assignment and its location)

12:00 noon - 1:30 p.m.  
AALS Luncheon

1:30 - 2:30 p.m.  
Plenary Session  
Fundraising

Development Director  
Dean  
Two Clinical Directors  
James Alan Cohen, Fordham  
Neta Ziv, Tel Aviv University, Tel Aviv, Israel  
Martha Mannix, University of Pittsburgh

2:30 - 3:00 p.m.  
Questions and Answers

3:00 - 3:15 p.m.  
Refreshment Break

3:15 - 4:45 p.m.  
Small Group Discussions on Managing

## **AALS WORKSHOP ON CLINICAL LEGAL EDUCATION**

### **Clinical Teaching and Supervision: A Participatory Workshop**

**April 30- May 3, 2005**  
**The Palmer House Hilton**  
**Chicago, Illinois**

SATURDAY, APRIL 30, 2005

3:00. - 7:30 p.m.  
Registration

5:30 - 7:00 p.m.  
Speakers and Working Group Leaders Review Meeting

6:30 - 8:00 p.m.  
Reception Sponsored by the Chicago Law Schools  
University of Chicago Law School  
Chicago-Kent College of Law, Illinois Institute of Technology  
DePaul University College of Law  
John Marshall Law School  
Loyola University School of Law, Chicago  
Northwestern University School of Law

SUNDAY, MAY 1, 2005

9:00 - 9:15 a.m.  
Welcome  
Joyce Saltalamachia, AALS Deputy Director

Introduction: Aspirations for the Workshop  
Stephen Wizner, Yale Law School, Chair, Planning Committee for AALS Workshop on Clinical Legal Education

9:15 - 10:45 a.m.

Working Group Discussions

Classroom component in clinical legal education - Bring an example of a problem in the classroom.

(see the handout in your workshop materials folder for your Working group assignment and its location)

10:45 - 11:00 a.m.

Refreshment Break

11:00 a.m. - 12:00 noon

Plenary Session - What's the "Learning" in Service Learning: Teaching Students to Learn from Experience

Marie Donovan, Associate Professor, School of Education and Associate Chair, Teacher Education, De Paul University School of Education, Chicago, Illinois

Michelle Geller, M.S.W., Social Worker, Mandel Legal Aid Clinic, University of Chicago Law School, Chicago, Illinois

Lee S. Shulman, President, Carnegie Foundation for the Advancement of Teaching, Palo Alto, California  
Moderator:

Stephen Wizner, Yale Law School

How do we insure that students learn from supervised representation of clients? How do we insure that students learn what they need to learn? How do students develop their own professional identity (formation of lawyers)? How do clients receive good representation from supervised students? What can we learn from other disciplines about clinical teaching? What is learning? What is service? How do we do both well?

Planning Committee Member Responsible:

12:00 noon - 1:45 p.m.

AALS Luncheon

2:00 - 3:30 p.m.

Working Group Discussions

Supervision component: how do we insure that the students are learning what they need to learn through supervision - Bring a problem with your supervision.

(see the handout in your workshop materials folder for your Working group assignment and its location)

3:30 - 3:45 p.m.

Refreshment Break

3:45 - 5:15 p.m.

Plenary Session - A Conversation with Former Students

Tara E. Thompson, Mayer, Brown, Rowe & Maw LLP, Chicago, Illinois

Jaime Escuder

Marcus D. Fruchter, Schopf & Weiss, Chicago, Illinois

Jennifer R. Nagda, Law Clerk to the Honorable James B. Zagel, Northern District of Illinois  
Elizabeth S. Hess, Kirkland & Ellis LLP, Chicago, Illinois

Moderator:  
Isabelle R. Gunning, Southwestern University

Often in analysis we only talk about students in the most abstract terms, failing to include the voices of students in our dialogue regarding supervision ignores the most important participants in the conversation. Former clinic students will offer their insights and reflections upon their experience with their supervisors, their cases and their programs.

5:30 - 7:00 p.m.  
AALS Reception

MONDAY, MAY 2, 2005

7:00 - 9:00 a.m.  
AALS Section on Clinical Legal Education Committee Meetings

9:00 - 10:30 a.m.  
Working Group Discussions

In addition to regularly scheduled interactions, there are times outside of the classroom, where there are teachable moments. Do you let them pass you by or do you do something with them? Student rushes into your office "I just talked to..." Bring an example of an interaction outside of the classroom.

(see the handout in your workshop materials folder for your Working group assignment and its location)

10:30 - 10:45 a.m.  
Refreshment Break

10:45 a.m. - 12:00 noon  
Plenary Session - A Conversation with Clients

Speakers:

Moderator: Judith Phylis Lipton, Case Western Reserve University

Clients tell clinical teachers about their experience with students. How did the clients perceive their relationship with the student? How did they perceive the relationship between the student and the supervisor. Elicit from clients their perceptions of access to justice, not only in personal context but broader context. Are the clients thinking of the larger systemic problems or are they just thinking about getting their son out of jail? What does the client think is justice? Our abstract notion of justice as compared to the client's perception of access to justice. What does the client think of obtaining a lawyer? How were they treated by the lawyer? What did they get from the lawyer? What are their expectations?

12:00 noon - 2:00 p.m.  
AALS Luncheon

2:00 - 3:30 p.m.  
Working Group Discussions

The current state of the legal system and its challenges to our clients needs, expectations and goals (technology, media, ADR, problem solving courts). What should we be teaching our students? How should we be teaching it?

(see the handout in your workshop materials folder for your Working group assignment and its location)

3:30 - 3:45 p.m.

Refreshment Break

3:45 - 5:00 p.m.

Works-in-Progress

Coordinators:

Christine N. Cimini, University of Denver

Elizabeth B. Cooper, Fordham University

Daniel M. Filler, The University of Alabama)

Katherine R. Kruse, University of Nevada, Las Vegas

Michael Pinard, University of Maryland

Co-Leaders: Katherine R. Kruse, University of Nevada, Las Vegas

Michael Pinard, University of Maryland

5:15 - 7:00 p.m.

AALS Section on Clinical Legal Education Town Hall Meeting: Who Are We and Where Are We Going?

A town hall-style meeting with the AALS Clinical Section's membership to discuss the future direction and initiatives of the Section.

TUESDAY, MAY 3, 2005

7:00 - 9:00 a.m.

AALS Section on Clinical Legal Education Committee Meetings

9:00 - 10:30 a.m.

Working Group Discussions

Planning your Presentation: What has emerged from your conversations in your Working group that you would want those attending the conference to consider as they head home?

(see the handout in your workshop materials folder for your Working group assignment and its location)

10:30 - 10:45 a.m.

Refreshment Break

10:45 a.m. - 12:00 noon

Plenary Session - Reports from Working Groups

Moderator: Stephen Wizner, Yale Law School

12:00 noon - 1:45 p.m.

AALS Luncheon

Section on Clinical Legal Education Awards

Five works in progress sessions will be held at the AALS Clinical Conference on Monday, May 1 from 3:45 - 5:00 p.m. We encourage all clinicians to come and support their colleagues' scholarly efforts. In the past, the feedback from colleagues in the clinical community has been tremendously helpful to presenters. This year, there was a high demand, and while we could not fit every presentation in, we have been able to accommodate an interesting and diverse group of presentations.

### **Session 1: Child and Family Issues**

Moderator: Dan Filler, University of Alabama

*Protecting Victims or Respecting Autonomy: How Should Judges Decide When to Vacate Civil Protection Orders?*

Tamara Kuennen, University of Denver, Sturm College of Law

Tamara Kuennen analyzes the challenges judges face when a victim of domestic violence voluntarily seeks to terminate her order of protection in civil court. Given that victims of domestic violence are coerced by batterers, she focuses specifically on how a judge should measure coercion in the vacate posture, and if the judge finds that the victim has been coerced, what factors she/he should consider in reaching a decision about whether to grant the motion to vacate or to continue the order against the victim's will.

*Requiring Attorneys to Report Child Abuse Harms Victims of Domestic Violence and Their Children*

Adrienne Lockie, Rutgers University - Newark

Adrienne Lockie details how mandatory child abuse reporting harms women with children who are fleeing abusive relationships and argues that attorneys should be exempt from mandatory child abuse reporting. She also frames the problem of mandatory reporting within the current legal debate over penalizing battered mothers for exposing their children to domestic violence.

*Foster Children Paying for Foster Care: Unresolved Questions After Keffeler*

Daniel Hatcher, University of Baltimore School of Law

As a part of revenue maximization strategies often developed through contracts with private companies, foster care agencies are engaged in the systemic practice of screening for foster children who are disabled or have deceased parents, applying to manage the children's resulting Social Security benefits, and then using the children's benefits to reimburse state foster care costs rather than for the children's specialized needs. The Supreme Court upheld the practice in *Wash. State Dep't. of Soc. and Health Servs. vs. Guardian. Estate of Keffeler* but left many questions unresolved. This article considers the competing policy concerns between the specialized needs of individual foster children and the fiscal interests of the state agencies, addresses flaws in the Supreme Court's reasoning, and analyzes several possible legal challenges that were not decided in *Keffeler*.

### **Session 2: Models for Teaching Lawyering and Justice Issues in Clinics**

Moderator: Christine Cimini, Denver University

*Can You Be a Good Person, a Good Clinician and a Supervisor of Student Prosecutors?*

Mary Lynch, Albany Law School

The history of clinical education in American Law Schools is closely intertwined with the civil rights movement, with the call for providing equal access to our legal justice system, and with the establishment of constitutional rights to preserve and safeguard individual liberty. Long before Professor Abbe Smith wrote "Can You Be a Good Person and a Good Prosecutor?," the clinical community identified itself strongly with the criminal defense community and as suspicious of state and prosecutorial power. Proud as we are to be part of a community which openly celebrates that history and works still towards achievement of those goals, those of us teaching in prosecutions clinics sometimes perceive that such clinics are viewed as a necessary evil instead of an opportunity to incorporate important social justice and good lawyering goals.

As clinical education has integrated into the academy, fiscal and status realities have resulted in the increase of externships, simulation courses and government-linked clinics. There are benefits and costs to this reality. Should clinics continue to consider social justice in development of new clinical programs? Should clinics devote faculty resources to prosecution projects? Can such resource allocation be consistent with social justice goals?

*Doing the "Right" Thing: An Analytical Model Examining the Interplay between Ethical Professional Conduct, Morality, and Justice*

Paul Cain, Northern Illinois University

This work in progress will discuss the often difficult decisions that attorneys and clinical law students must make in balancing their professional ethics, moral beliefs and sense of justice. It will offer an analytical model to help those making these difficult decisions do so in a methodological manner. In addition, it will apply the proposed model to several scenarios derived from legal practice and clinical teaching.

*Structuring the Clinical Experience: Should Clinics be Focused on Substantive Law Areas?*

Meredith Ross, University of Wisconsin

Within the literature on legal pedagogy, there has been a fair amount of controversy about whether in-house, live-client clinics should be organized around client populations, such as the residents of a particular low-income neighborhood, or around specific legal issues, such as family law. For many years, the University of Wisconsin Law School's Frank J. Remington Center's in-house clinical project, the Legal Assistance to Institutionalized Persons Project (LAIP), served a particular client population, Wisconsin prison inmates. In 1998, we divided LAIP into four clinical projects, all of which continue to serve inmates but which now focus on different areas of substantive law. In my paper, I outline both the opportunities and challenges posed by our new substantive law-based approach.

### **Session 3: Civil Law and Civil Litigation: Moving Us Forward**

Moderator: Liz Cooper, Fordham University

*Tort Reform, Products Liability, Innovation, the "Y2K Effect," and Playground Design*

Ben Barton, The University of Tennessee College of Law

Have you ever wondered what the connection is between playground design, product liability law, innovation, and the "Y2K effect?" OK, probably not. But, I have and I've learned that together they actually prove that in many circumstances our much reviled product liability law has encouraged and enhanced (not inhibited) innovation. In many cases the process of redesigning a dangerous product from the ground up has produced not only safer, but substantively superior, products – such as modern playgrounds. Come see why the disappearance of concrete floors and jungle gyms are – according to legal theory – has led to safer and better playgrounds. At a minimum you will enjoy some cool pictures of innovative playgrounds . . .

*Strangled by an Invisible Hand: How Rating Agencies Kill State Predatory Lending Legislation*

David Reiss, Brooklyn Law School

Predatory lending is today's most pressing consumer protection issue and a number of states have recently passed laws to curtail it. These states, however, have been frustrated by actions of the three major rating agencies, Standard & Poors, Moody's and Fitch, which have caused some states to water down predatory lending bills under consideration and caused others to amend and dilute existing laws so that the agencies will continue to rate pools containing loans from states with such laws. States have responded to this pres-

sure out of fear that funds for non-predatory loans will dry up if they don't adhere to the rating agencies' predatory lending law guidelines. This paper critiques the position taken by the rating agencies and explores ways to limit their power to unilaterally impose their will on state legislatures.

*Imposing Client Context Onto the Unwelcomeness Conundrum*  
Margaret Moore Johnson,

I explore the potential for using case theory to challenge and ultimately undermine the requirement that a sexual harassment plaintiff establish that the offensive conduct was "unwelcome." By creating, with the client, case theories that affirmatively present the client's reality about sex, gender, work, power - their lives - perhaps we can alter the perceptions of judge and jury, counter biased notions about women and sex that are embedded in our culture, help maintain or reclaim the client's dignity during the litigation process, and positively impact the law's treatment of these plaintiffs. The focus on context and relational reasoning inherent in sexual harassment law confers both risks and potential opportunities for using case theory to achieve these goals.

#### **Session 4: Criminal Law Issues**

Moderator: Michael Pinard, University of Maryland

*Little Girl Lost: Secondary Victimization of Teenaged Girls: the Las Vegas Metro and the Use of Material Witness Hold"*

Geneva Brown, UNLV Boyd School of Law

The Las Vegas Metro Police Department combats prostitution that is rampant in the city by attempting to prosecute who they perceive as the source of prostitution: the pimp. The material witness holds are available to the prosecutor as a coercive tool to force already frightened girls into cooperating with Metro. Geneva Brown asserts that the coercive tactics of the police department give rise to a secondary victimization that the girls must suffer. As a potential solution, she argues that Las Vegas Metro should adhere to standards that the United Nations Commission of Human Rights has drafted regarding the trafficking of women and children.

*Proportionality in Criminal Sentencing: Who, What, When, Where, How, and Most Importantly Why*  
Donna Lee, CUNY Law School

Donna Lee asserts that the United States Supreme Court's recent decisions in *Ewing v. California* and *Lockyer v. Andrade* highlight the ad hoc, subjective nature of its eighth amendment analysis in non-capital criminal cases. The broad principle forbidding 'grossly disproportionate' sentences begs many questions: Who are the stakeholders and what exactly is at stake with proportionate sentencing? When (at what point and in what process), where (in the legislative, executive, or judicial branch), and how should proportionality be measured? Given the Court's anemic application of proportionality principles, the fundamental question is why -- what is the underlying justification for, or value served by proportionality in criminal sentencing?

*How the Recent Supreme Court Case of Crawford v. Washington will Impact Domestic Violence Prosecutions*

Josephine Ross, Michigan State University College of Law

On March 8, 2004, the Supreme Court decided *Crawford v. Washington*, a case dealing with the Sixth Amendment right to confront witnesses that has changed confrontation clause jurisprudence. Josephine Ross asserts that although *Crawford* did not involve a domestic violence prosecution and did not concern introduction of an “excited utterance,” its largest impact will be in that area of criminal law. She then considers whether *Crawford*, correctly interpreted, threatens “no-drop” policies and changes the ways in which domestic violence is prosecuted in criminal courts.

### **Session 5: Lawyers and Client Communities**

Moderator: Kate Kruse, University of Nevada Las Vegas

#### *The Democratic Roots of Collaborative Lawyering*

Ascanio Piomelli, Univ. of Calif. Hastings College of the Law

To date, collaborative or rebellious lawyering (an approach that urges lawyers to partner with clients and communities to jointly solve problems) has primarily been linked with postmodern social theory. Prof. Piomelli argues that it is more helpfully understood as growing out of participatory democratic theories of John Dewey, the New Left and Civil Rights Movement, and advocates of “strong democracy.” Placing collaborative lawyering in such a context invites a dialogue with ideas about civic engagement, deliberative democracy, and community organizing as training in the arts of democracy.

#### *Preserving the Future by Exposing the Past*

Brenda Haskins, University of Wisconsin-Madison

Family ties to land are deep and long. In order to tell the story and save the land for future generations, students must learn to research titles. Due to changes in technology and fewer attorneys at real estate closings, title searching is becoming a lost art. Brenda Haskins explores the importance of this lost art by comparing and contrasting the experiences of three families with land-related legal problems. The three families include a latino family in Texas, an African American family in North Carolina and a Native American family in Wisconsin. All three have been affected by fractionated ownership of property and the lack of access to the legal system for an adequate remedy.

#### *Deaf Patients and Their Doctors: A Persistent Qualitative State, Or Can We Get An Article Out Now?*

Michael Schwartz, Syracuse University

Michael Schwartz, fluent in American Sign Language, talked with 15 deaf patients about their experiences in the medical setting as the basis for his PhD dissertation research. Now he would like to derive some lessons for lawyers. He hopes to benefit from a discussion about converting sociological material to a law-based approach that would inform judges and lawyers about the legal needs and perspectives of the deaf community.

**The Extern Committee will be holding its annual meeting at the May conference**, the date and time to be announced, i.e. depending upon room and time slot assignment. We are also hopeful that one of the small working groups will be formed of externship clinicians. If you can, please include a note about this in the newsletter. Maybe something like:

Extern clinicians.

There will be two particular things of interest for externship clinicians at the May conference in Chicago.

First, there will be a meeting of the Externship Committee on Monday morning at 8:00 am. Look for the room assignment. Several topics will be on the agenda, including: 1) Meet and greet: learn who else is creating and supervising externship clinical programs.

1) Facilitating materials "swap": Please think about what you have to share and what you may wish to see of others' written materials. Bring copies, if convenient, or bring one version that we will arrange to have copied.

2) Do you want mentoring? Informal discussion of types of externship program may lead you to the right person to consult.

3) Leadership transition: chairpersonship of this committee has rotated successfully, bringing more of us into opportunities to help guide our group. Please consider whether you are interested or have recommendations for discussion of new chair/co-chairs for the externship committee.

4) Discussion about special topics or issues from an externship clinical point of view pertaining to the Town Hall ("Who Are Wee and Where Are We Going" meeting on Monday evening.

Second, we are hopeful that one of the small working groups at the conference will be formed of externship clinicians. Any one interested in participating in this small group, should look for it at the conference.

## **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 2<sup>nd</sup>. 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](http://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.

## **CLEA EVENTS**

**I know that many folks are starting to make their plans for the Professional Development Conference in Chicago this spring**, and I hope that you all will find ways to go to what promises to be a great workshop. As President of CLEA, I wanted to let you know of the two big CLEA events this spring:

**NEW CLINICIANS CONFERENCE:** April 29 - 30

CLEA's New Clinicians Conference Committee has already announced its plans for the conference, which will happen on Friday, April 29 and Saturday, April 30. All you new clinicians, keep those dates open, and keep an eye out on the listserv and in the Section Newsletter for details on location and registration.

**MAY DAY MEMBERSHIP MEETING AND DANCE**

On Sunday, May 1, we will have our annual membership meeting, from which we'll segue into May Day dancing. The membership meeting starts at 7:00 p.m. at the Palmer House Hotel. Highlights include:

- updates on this year's critical work on ABA Standard 405, the rules relating to clinician status and participation in the governance of law schools.
- a report on the Best Practices Project, including information on Pace Law School's recent and highly successful Best Practices Conference.
- announcements of this year's winners of the CLEA awards for Outstanding Advocate for Clinical Teachers, for Excellence in a Public Interest Case or Project, and for Outstanding Student(s) in clinical programs across the country.
- a recognition and honoring of the recipient of this year's Per Diem Project funds.
- announcement and performances of this year's CLEA Creative Award-winning efforts.

From this, we'll bridge straight to our May Day CLEA dance. This year, we've planned a rock and roll band to keep us hopping for as long as our ever-young legs can hold us up . . . or for three hours, whichever comes sooner!

Please hold these dates and times, and plan to join us for a spring-time celebration of our shared work and shared passion for change and growth.

## **CLEA NEW CLINICIANS CONFERENCE**

**The Clinical Legal Education Association (CLEA)** traditionally holds a New Clinicians Conference every two years. As has become custom, this conference takes place right before the AALS Clinical Workshop and at the same time as the Clinical Directors Workshop. This year's New Clinicians Conference will take

place on April 29 - 30, 2005 in Chicago Illinois. CLEA's New Clinicians Conference is designed for newer clinicians as a fun and informative introduction to clinical teaching and the clinical community. The conference will cover pedagogical matters, supervision issues, introduction to the history of the clinical

movement, and much more! Experienced clinicians from around the country will be leading sessions and small groups, adding important networking opportunities to the substantive coverage. Past evaluations of this conference have stated: "The program overall was terrific. Many thanks to the organizers." And "GREAT EXPERIENCE! I am on the road to greater reflection in my work." and "Fantastic!" Often, attendees have been teaching for a year or two when they attend this conference, but some former attendees had been teaching even longer. For more information see CLEA's website at [www.cleaweb.org](http://www.cleaweb.org) or contact the 2005 New Clinicians Conference Planning Chair Kim Diana Connolly at [connolly@law.sc.edu](mailto:connolly@law.sc.edu) or 803/777-6880.

## JOINT COLLOQUIUM BY JAPANESE LAW SCHOOLS

Challenges of Clinical Legal Education in Japan:  
Collaboration of Practitioners and Academics  
Panel Presentation at the Clinical Workshop  
Peter A. Joy (Washington University in St. Louis) &  
Charles D. Weisselberg (Boalt Hall)

A Joint Colloquium by Japanese Law Schools will present a session entitled “Challenges of Clinical Legal Education in Japan: Collaboration of Practitioners and Academics,” on the first day of the 2005 Clinical Workshop, Saturday, April 30, at 5:00 p.m. in the conference hotel at a room to be announced. The session will commence after the Directors’ Conference the CLEA New Clinicians’ Conference, and will end prior to the reception by Chicago area law schools. This session provides an excellent opportunity to share Japanese experiences in developing clinical law programs with clinical faculty attending the May Workshop.

In April of 2004, Japan embarked on a new law school system modeled after U.S. law schools. Prior to 2004, there were no professional law schools in Japan. Instead, Japanese legal education was provided at academic undergraduate faculties of law much like the academic study of history, economics, or other subjects. At the inception of the new law school system, major Japanese law schools embarked on clinical legal education in their official curricula or in the form of pilot programs. The objectives of this panel, among others, are: (1) to address the positioning of law school in the on-going judicial system reform in Japan, (2) to explore potentials of clinical legal education in the collaboration of practitioners and academics, and (3) to exchange views with participants as to Japanese endeavors to run clinical law programs in various settings of their respective law schools. Through the panel presentation and discussion with participants, the Japanese faculty from different law schools would like to identify common values of clinical legal education that are relevant to professional legal training in Japan and other countries. The panel presentation consists of the following: Professor Takao Suami, Waseda University Law School, “Clinical Legal Education and the Foundation of Japanese Law School in the Context of the Judicial System Reform”; Professor Shigeo Miyagawa, Waseda University Law School, “Bridging Doctrine and Practice: Pilot Program of Waseda Refugee Law Clinic”; Professor Lawrence Repeta, Omiya Law School, “Legal Services and Legal Education by the All-Day Clinic at Omiya Law School”; Professor Katsumasa Hirabayashi, Kokugakuin University Law School, “Shibuya Public Law Center's Approach to Clinical Legal Education: The Collaboration of the Tokyo Bar Association with Four Law Schools in the Tokyo Metropolitan Area”; Professor Nobuo Kojima, Waseda University Law School, “An Experiment of Civil Law Clinic at Waseda Law School”; and Professor Takashi Takano, Waseda University Law School, “Client-oriented Legal Education: Challenges of Waseda Criminal Law Clinic.” Each presentation will be about ten minutes long, and there will be time for questions and answers and participation by those attending. If you are interested in the developments of clinical legal education in countries around the world, and particularly the new legal education system and judicial reform in Japan, this is a session that should not be missed.

## **Two New Bellow Scholars To Discuss Projects at May Conference on Monday, May 2 at 7:15 pm**

The Clinical Section announced two new Bellow Scholar projects at the January AALS Annual Meeting in San Francisco. The Bellow Scholar Program was established by the Clinical Section in 2001 to honor the work of Gary Bellow, a legendary legal services lawyer and one of the founders of the modern clinical legal education movement. The program is designed to recognize innovative projects in the clinical community that work to improve the quality of justice and to offer those projects to the clinical community for discussion, feedback and critique. This year's Bellow Scholars Projects are the:

1. Services to Clients Having Limited English Proficiency (LEP) Project of the Washington College of Law at American University, under the direction of Clinic Director and Professor Susan Bennett; and
2. Community Health Rights Education Clinic at the University of Miami School of Law, led by Professor Anthony Alfieri.

The LEP project is a collaborative endeavor of many clinicians, clinical staff and students at Washington College of Law. The goal of the project is to embark on a discussion and exploration of how to best serve clients with limited English proficiency. This group recognized that despite resources devoted to translation and interpretation for these clients, many of their choices were random and they were missing opportunities to integrate clients with limited English proficiency into their clinic classes and teaching. A query to the clinic listserv elicited few responses, suggesting that perhaps others are struggling with similar issues. The goals of the LEP project are to begin a national conversation on how we set standards for interpretation and translation, how we might develop a relevant pedagogy related to these issues and materials implementing this pedagogy, and how best to develop an administrative structure for providing enhanced services to clients with limited English proficiency. This Bellow Scholar project promises to be very exciting, and one with enormous benefits for the clinical community and the students and clients we serve.

Under the leadership of Professor Anthony Alfieri, the Community Health Rights Education Clinic at the University of Miami operates under the auspices of Miami's Center for Ethics and Public Service. It is a multidisciplinary project jointly sponsored by the Schools of Law, Nursing, and Medicine, and involves a team-taught course on medical-legal advocacy for students in the various schools. The goals of this project are to develop a teaching and curricular model for medical-legal education and training, to establish a clinical practice delivery model for medical-legal care, to conduct research on the community's medical-legal needs, and to provide education, advocacy training, and legal representation to underserved populations. This is another very exciting model that has enormous potential to be replicated in other communities.

Participate in a discussion about these two exciting projects at this year's clinical conference in Chicago. The event will be held on Monday, May 2<sup>nd</sup>, at 7:15 PM. (Room to be announced.) This should be a lively discussion, and an opportunity to hear more about these projects and to offer your critique, reactions, and suggestions.

See you there.

Thanks to the Lawyering in the Public Interest Committee, Mary Helen McNeal (Montana), Jean Charn (Harvard), Jeff Selbin (East Bay Community Law Center/Boalt Hall) and Dean Rivkin (Tennessee) for their work in selecting the Bellow Scholars.

The AALS Clinical Section **committee on regional conferences** plans to hold an open meeting at the upcoming conference. The committee is designed to provide some new low-cost ways to further professional development and get people to connect to others in the clinical community. Some issues we are thinking about include: how to financially support regional conferences; how to make it easier for hosts to plan regional conferences; and what programmatic support we could offer regional conference sponsors (such as a model one-day program that we could offer as a potential "conference in a box"). If you either have experience with regional conferences and would be willing to share your expertise or if you have an interest in working on these issues, please look for the meeting announcement in the conference program. We hope many of you will join us.