



CLEA NEWSLETTER

- CLEA Strategic Plan
- Articles on Clinical Education
- Upcoming CLEA Events
- AALS Annual Meeting Events for Clinicians

Co-Presidents' Message

We have been honored to serve as CLEA's Co-Presidents in 2016. The CLEA committees, including the executive committee, have worked hard this year on several projects to further CLEA's commitment to working on behalf of clinicians. For those of you who are not too familiar with our history and [mission](#), CLEA welcomes all types of clinical teachers regardless of status and serves as a resource for our all our members. We have sought to make CLEA an even stronger voice for all our members by developing a thorough strategic plan that was approved by the CLEA board in November. With the help of Peter Toran, who was an excellent pro bono consultant throughout the year-long process, we ultimately finalized a plan that includes five goals. You can find the full 11-page [plan](#) on the CLEA website (cleaweb.org), but below are some highlights:

- Goal 1: enhancing CLEA's advocacy for clinical legal community. This goal includes creating two additional committees to conduct research and trainings, tracking changes in the legal profession and surveying our membership about outstanding advocacy needs;
- Goal 2: increasing CLEA's presence in the community through website and social media improvements, developing a public relations strategy, and developing communication protocols;



Margaret E. Johnson
(Baltimore)

CLEA Co-President

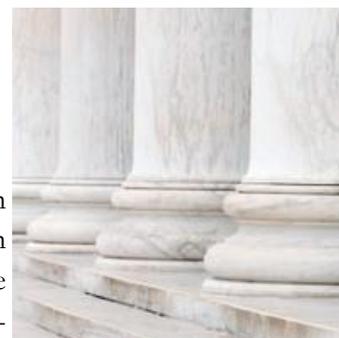


Maritza Karmely
(Suffolk)

CLEA Co-President

- Goal 3: serving as a primary resource on best practices for experiential education by offering to maintain comprehensive resource materials and making presentations at conferences;
- Goal 4: pursuing and promoting justice and diversity as core values of the legal profession by creating a new "Social Justice Issues Committee" and exploring ways to support social justice issues; and
- Goal 5: implementing best practices in board governance and financial management through increased board member engagement in governance, reviewing/evaluating existing by-laws, policies and procedures, and strengthening our training of newly elected CLEA board members.

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Co-Presidents' Message, continued.

Since our last report of CLEA's efforts in the Spring 2016 CLEA newsletter, we have continued to advocate on several important issues affecting clinical legal education. In July, we provided a [letter](#) in support of the California state bar 15 unit experiential education requirement. We also submitted a [comment](#) to the Council in opposition to proposed Standard 316, under which an accredited law school would have to demonstrate that 75% of the members of each graduating class passed the bar within two years of graduation. The advocacy committee currently is

working on a comment responding to the proposed changes to Standards 501 and 503 regarding the use of admission testing in law school admissions.

We are pleased with the work we have done but there still is a lot of work to do. We will continue to work with our terrific new Co-Presidents, Beth Schwartz and Benjie Louis, to implement the strategic plan, continue to advocate for our colleagues, and pursue and promote justice and diversity in the wake of the changing political climate.

CLEA Events at the AALS Annual Meeting:

Board of Directors Meeting

Tuesday, January 3, 2017, 3:00—5:00 pm

UC Hastings College of Law, 100 McAllister Street
(corner of Leavenworth Street), Large Seminar Room,
Community Justice Clinics, 3rd floor, San Francisco, CA

CLEA Events at the AALS Annual Meeting:

Membership Meeting

Tuesday, January 3, 2017, 5:30—6:30 pm

UC Hastings College of Law, 198 McAllister Street
(at the corner of Hyde Street), Classroom A on the
ground floor, San Francisco, CA

Externship Events at the AALS Annual Meeting:

Dinner & Meeting

Wednesday, January 4, 2017

7:00 pm

Amber India Restaurant

25 Yerba Buena Lane, San Francisco, CA
Please [RSVP](#) (to Beth Schwartz & Sue Schechter)

2016 William Pincus Awards

at the AALS Annual Meeting:

Honoring Frank Askin and Tom Geraghty

The award will be presented to the recipients at the
Clinical Section Luncheon on
Thursday, January 5, 2017 from 12:00 pm – 1:30 pm
(Hilton, Plaza A, Lobby Level).

CLEA Strategic Plan - 2016

This has been an exciting year for CLEA. One of our major accomplishments was finalizing CLEA's Strategic Plan. CLEA's Strategic Plan is based on a year-long endeavor to gather information and ideas from both our membership and CLEA's board. As you may recall, we first started this process last fall by surveying our membership to decipher what you saw as CLEA's strengths as well as areas requiring further development.

This strategic plan will be a working document for CLEA and time frames and success measures may be revised as we continue working with it. **The overall goals from the plan are:**

Goal One: CLEA will enhance its advocacy for clinical legal education and the CLEA community, including its responsiveness to ongoing changes in the legal profession and in legal education.

Goal Two: CLEA will enhance its communications with its members and other bodies and organizations regarding its work.

Goal Three: CLEA will serve as a primary resource on best practices for clinical and experiential legal education.

Goal Four: CLEA will pursue and promote justice and diversity as core values of the legal profession.

Goal Five: CLEA will implement best practices in board governance and financial management in support of its mission.

You can view the objectives and timeframes for each goal and the entire plan [here](#).

2016 CLEA Executive Committee

Margaret E. Johnson (Baltimore), Co-President

Maritza Karmely (Suffolk), Co-President

C. Benjie Louis (Hofstra), Co-Vice President

Beth Schwartz (Fordham), Co-Vice President

Laura McNally-Levine (Case Western),
Secretary

Praveen Kosuri (UPenn), Treasurer

Janet T. Jackson (Washburn), Immediate Past
Co- President

Mary Lynch (Albany), Immediate Past Co-
President

2016 CLEA Board of Directors

Tamar Birkhead Martina Cartwright

Melanie DeRousse Anju Gupta

Laila Hlass D'lorah Hughes

Lisa Martin Perry Moriearty

Tiffany Murphy Joy Radice

Joanna Woolman Steven Wright

**2017 CLEA Executive Committee
Election Results**

Jeff Baker (Pepperdine), Vice President

Praveen Kosuri (UPenn), Treasurer

2017 CLEA Board of Directors**Election Results**

Caitlin Barry (Villanova University)

Rocky Cabagnet (Charlotte School of Law)

Martina Cartwright (Thurgood Marshall)

Lindsay Harris (UDC)

D'lorah Hughes (UC Irvine)

Kendall Kerew (Georgia State University)

Elizabeth McCormick (University of Tulsa)

Congratulations to all!

2016 CLEA Elections Committee

Anju Gupta (Co-Chair)

Steve Wright (Co-Chair)

Erma Bonadero

Tiffany Murphy

**Update from CLEA Per Diem Award
Committee**

Since the 2016 AALS Annual Conference on Clinical Legal Education, CLEA's [Per Diem Project](#) donated \$5,433 from 58 known donors and several anonymous ones who gave cash to Baltimore's Public Justice Center.

Update from CLEA Best Practices Committee

Building on Best Practices: Transforming Legal Education in a Changing World, Maranville, Bliss, Kaas and Lopez, Eds., LexisNexis 2015 is available. Free copy until December 31; request [here](#). After 12/31/16, purchase for \$45 from Carolina Academic Press. All royalties go to CLEA. To order, go [here](#). Also available on [SSRN](#).

CLEA Updates on ABA/State Bar Advocacy

This summer, CLEA submitted comments and reports to the ABA and California State Bar.

First, CLEA submitted a [comment](#) regarding ABA's proposed revision for Standard 316, in opposition to which an accredited law school would have to demonstrate that 75% of the members of each graduating class passed the bar within two years of graduation.

Second, In July, we provided a [letter](#) in support of the California state bar 15 unit experiential education requirement.

Finally, CLEA submitted a [report](#) to the ABA regarding CLEA's activities since June 2016.

Janet Jackson and Maritza Karmely attended the ABA Annual Meeting on behalf of CLEA in August 2016.

CLINICAL LEGAL EDUCATION BY THE NUMBERS *A recurring column by Robert Kuehn*

DO LAW SCHOOLS ADEQUATELY PREPARE STUDENTS FOR PRACTICE? SURVEYS SAY . . . NO!



CLINICAL LEGAL
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Under ABA Accreditation Standards, law schools have two educational objectives: prepare their students “for admission to the bar and for effective, ethical, and responsible participation as members of the legal profession.”¹ There has been much concern lately over declining bar passage rates, focusing attention on whether some schools are admitting students who may not be capable of passing the bar exam and whether a school’s program of legal education adequately prepares its graduates for the exam.

In focusing on the bar exam, it’s important not to lose sight of legal education’s primary duty of ensuring that law school prepares students for entry into the legal profession and a successful career. If studies of practicing lawyers and recent law graduates matter, it is clear that law schools are failing, even worse than in preparation for bar admission, to adequately prepare their students for legal practice.

A 2013 study by the National Conference of Bar Examiners (NCBE) analyzed the job activities of newly-licensed lawyers to determine which knowledge domains and professional skills and abilities are most significant to their job.² Acquisition of professional skills and abilities were deemed significantly more important to newly-licensed lawyers than legal knowledge — 25 skills and abilities were deemed more important than the highest

rated knowledge domain.³ The percentages of lawyers using these 25 skills in their work (all rated between 89% to 100%) also were all greater than the percentage using the highest rated knowledge domain (86%). Yet these skills and abilities generally are not developed in traditional doctrinal law classes but in the experiential and first-year legal writing courses that, under the ABA standards, need only account for ten percent of a student’s legal education.

These important skills and abilities are also a small part of the bar exam, which purports to measure competence to begin the practice of law. Although the NCBE study was promoted as the basis for further development of the exam, since the study’s completion the portion of the exam devoted to testing skills remains the same (the 3-hour Multistate Performance Test). The NCBE’s only apparent response to the study’s dramatic finding that professional skills and abilities are what new lawyers need most for competent practice was to add civil procedure (the study’s highest rated knowledge domain) to the Multistate Bar Exam.

A report released this year by Educating Tomorrow’s Lawyers reinforces the disconnect between legal education’s overwhelming focus on legal knowledge and the competencies new lawyers need. A study of more than 24,000 lawyers in 50 states sought to determine the foundations entry-level lawyers need to launch successful

careers in the legal profession. The study found “that characteristics (such as integrity and trustworthiness, conscientiousness, and common sense), as well as professional competencies (such as listening attentively, speaking and writing, and arriving on time), were *far more important* in brand new lawyers than legal skills.”⁴ Yet, again, only in clinical and first-year legal writing courses are there efforts in the law school curriculum to address the “soft skills” so necessary for the success of new lawyers.

These two studies mirror the findings of decades of earlier studies. In a 1978 study, mid-career lawyers rated the importance of 21 types of legal knowledge and skills in their daily work and the role of their law school training in attaining that knowledge or skill.⁵ With the exception of knowledge of statutory law, none of the eight areas of legal knowledge was considered very important for their work. In contrast, six of the methodology and skills areas were deemed of great importance. When then asked to rate their law schools’ role in developing skills, two-thirds said their school had been “not helpful” or “played no role” in their ability to develop essential practice skills like interviewing, counseling clients, and negotiating; more than 40% said law school failed to train them to draft

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legal documents or effectively communicate orally.

A later study of Montana lawyers came to similar conclusions. It asked what level of competence a lawyer should have to perform in a professionally competent manner and what level of competence they observed first-year lawyers to have. The results indicated the need for greater emphasis in law school on the development of professional skills and the importance of character traits to a new lawyer's successful transition to practice.⁶ A 1993 study of Chicago and Missouri lawyers found large gaps between the skills lawyers deemed most important to their practice and the attention law school paid to those skills, especially in the areas of oral and written communication, drafting legal documents, problem solving, negotiation, fact finding, counseling, and litigation.⁷ The lawyers believed that a majority of these practice skills could be learned in law school, if the focus of legal education were changed. A similar study of Minnesota lawyers found most did not believe they were well prepared immediately following law school on nine of seventeen important practice skills.⁸ Like respondents in other studies, those lawyers believed these skills can be effectively taught in law school.

More recent studies have not reflected any improvement in the role of legal education in preparing graduates for practice. The American Bar Foundation's *After the JD* study tracks the careers of a sample of lawyers who passed the bar in 2000. It asked law-

yers three and seven years out of school if "law school prepared me well for my legal career." On this fundamental objective of legal education, law schools failed miserably — 40% of lawyers after three years of practice and 50% after seven years said that law school did not adequately prepare them.⁹ Both groups overwhelmingly agreed that law school was too theoretical and unconcerned with real life practice. In another study of early-career lawyers, only 28% believed that law school prepared them to practice law.¹⁰

Two studies by LexisNexis reinforce this view. In a 2009 survey, 90% of attorneys in private practice and corporate law offices said that law school does not teach the practical skills needed to practice law today.¹¹ A similar study six years later found that legal education has not improved, contrary to the claims of some legal educators and regulators.¹² In the 2015 survey, 95% of hiring partners and senior associates who supervise new attorneys responded that recently graduated students lack key practical skills at the time of hiring.¹³ The lawyers also believe its not a matter that law schools cannot teach these skills but that they simply refuse to do so: "Most attorneys involved with hiring and management of new lawyers agree practical skills can be effectively honed through clinics, internships, clerkships, and experience in actual or simulated application to a case."

Law students who just graduated realize their need for more practical training — 87% say legal education

needs to undergo significant changes to better prepare future attorneys; 97% favor a law school model that incorporates clinical experience.¹⁴ Judges agree. When asked what change would most benefit law schools, judges of all types of court (federal and state, appellate and trial) rated more coursework on practice-oriented skills the highest, far exceeding support for expanding the core curriculum.¹⁵

Fifty years ago the dean of the University of Chicago School of Law stated that the aim of law school "is not to train lawyers, but to educate men [and women] for *becoming* lawyers."¹⁶ If the attitude of the ABA and law school deans has changed since then, it isn't reflected in the readiness of law school graduates for practice when over 90% of lawyers give legal education a failing grade. So while educators worry about declining grades on the bar exam, isn't it also time to fix legal education's longstanding failure to meet its duty to adequately prepare its students "for effective, ethical, and responsible participation as members of the legal profession"?

Notes

¹ABA STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS, Std. 301(a) (2016-17).

²NAT'L CONF. OF BAR EXAMINERS, A STUDY OF THE NEWLY LICENSED LAWYER (2012).

³SUSAN CASE, SUMMARY OF THE NATIONAL CONFERENCE OF BAR EXAMINERS JOB ANALYSIS SURVEY RESULTS (Jan. 2013).

⁴ EDUCATING TOMORROW'S LAWYERS, FOUNDATIONS FOR PRACTICE: THE WHOLE LAWYER AND THE CHARACTER QUOTIENT 3 (2016) (emphasis in original).

⁵ Leonard L. Baird, *A Survey of the Relevance of Legal Training to Law School Graduates*, 29 J. LEGAL EDUC. 264, 273-74 (1978) (also documenting similar findings in prior studies).

⁶ John O. Mudd & John W. LaTrielle, *Professional Competence: A Study of New Lawyers*, 49 MONT. L. REV. 11, 25 (1988).

⁷ Bryant G. Garth & Joanne Martin, *Law Schools and the Construction of Competence*, 43 J. LEGAL EDUC. 469, 498 (1993).

⁸ John Sonsteng & David Camarotto, *Minnesota Lawyers Evaluate Law Schools, Training and Job Satisfaction*, 26 WM. MITCHELL L. REV. 327, 336 (2000).

⁹ Robert L. Nelson, *After the JD: The Future(s) of Lawyering: Young Lawyers Assess the Value of Law School* 7 (Feb. 12, 2011) (on file with author); see also *What Defines Competence? A Debate on the Future of Lawyering*, 22 RESEARCHING L. 1, 7-9 (Spring 2011) (reporting re-

marks of American Bar Foundation Director Robert Nelson).

¹⁰ Grover E. Cleveland, *Swimming Lessons for Baby Sharks: Results from the Swimming Lessons for Baby Sharks/Above the Law Millennial Survey* (Jul. 17, 2015), at <http://abovethelaw.com/career-files/swimming-lessons-for-baby-sharks-results-from-the-swimming-lessons-for-baby-sharksabove-the-law-millennial-survey>.

¹¹ LEXISNEXIS, STATE OF THE LEGAL INDUSTRY SURVEY - COMPLETE SURVEY FINDINGS 7 (2009).

¹² See Letter from American Association of American Law Schools (AALS) Deans Steering Committee to Judges of the New York Court of Appeals (Nov. 8, 2015), available at <http://www.nycourts.gov/rules/Part520-Public-Comments-Received-FINAL.pdf> (arguing against the need to require more professional skills instruction for law graduates); Mark Hansen, *ABA Committee Throws in the Towel on New Bar Pass Standard*, ABA J., Feb. 9, 2014, at http://www.abajournal.com/news/article/aba_committee_throws_in_the_towel

[on new bar pass standard](#) (reporting on ABA's rejection of proposed 15 credit experiential coursework requirement).

¹³ LexisNexis, *White Paper: Hiring Partners Reveal Attorney Readiness for Real World Practice* (2015).

¹⁴ Press Release, Kaplan Test Prep, *Kaplan Bar Review Survey: 63% of Law School Graduates from the Class of 2013 Believe that Law School Education Can Be Condensed to Two Years* (Sept. 10, 2013), available at <http://press.kaptest.com/press-releases/kaplan-bar-review-survey-63-of-law-school-graduates-from-the-class-of-2013-believe-that-law-school-education-can-be-condensed-to-two-years>.

¹⁵ Richard A. Posner & Albert H. Yoon, *What Judges Think of the Quality of Legal Representation*, 63 STAN. L. REV. 317, 339 (2011).

¹⁶ Richard E. Dunn, *Legal Education and the Attitudes of Practicing Attorneys*, 22 J. LEGAL EDUC., 220 n. 5 (1969) (emphasis in original) (quoting Dean Phil C. Neal).

The Clinical Law Review will hold its next Clinical Writers' Workshop on Saturday, September 23, 2017 at NYU Law School.

The Workshop provides an opportunity for clinical teachers who are writing about any subject (clinical pedagogy, substantive law, interdisciplinary analysis, empirical work, etc.) to meet with other clinicians writing on related topics to discuss their works-in-progress and brainstorm ideas for further development of their articles. **By June 30, 2017, all applicants must submit a mini-draft or prospectus, 3-5 pages in length, of the article they intend to present at the workshop. Full drafts of the articles will be due by September 1, 2017.** Applicants for travel and lodging scholarships will be required to submit, with their 3-5 page prospectus that is due by June 30, a proposed budget for travel and lodging and a brief statement of why the scholarship would be helpful in supporting their attendance at this conference. Comments and suggestions should be sent to [Randy Hertz](#).

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Developing a Cross-Clinical Re-Entry Project

By Jennifer Oliva and Valena Beety



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It is undisputed that the United States is the highest-incarcerating country in the world. Often overlooked, however, is the simple fact that the overwhelming majority of people currently incarcerated in America will be released and return to our communities. To help ensure those individuals' successful integration into community life, the WVU College of Law Clinical Program is developing a multi-phase, cross-clinical, interdisciplinary initiative that provides holistic legal services to returning citizens. In this article, we hope to share ideas regarding the establishment of holistic legal and social re-entry services, student engagement that expands their cross-cultural competencies, and the development of a deeper understanding of the critical interconnection between the social issues and legal needs faced by reentering citizens. Our Re-Entry Project aspires to challenge prevailing "us v. them" mentalities, promote multidisciplinary, intra-clinical and holistic client services, and locate the current carceral system's non-legal penalties and hidden communities.

An "Us v. Them" Mentality

According to the Bureau of Justice Statistics, United States' prisons and jails incarcerate 2.3 million people. Nationally, more than 95% of today's prison population will be released and returned to the community. In fact, over 10,000 ex-prisoners are released from state and federal facilities every week. Statistics demonstrate that 30% of ex-offenders are re-arrested within

the first six months of their release. Worse, two out of three ex-offenders return to prison within three years of their release. Accordingly, revocations are the fastest growing category of prison admissions in America.

Given the fluidity between institutionalization and community living and the disproportionately astronomical rates of incarceration experienced by particular communities, any ongoing "us v. them" mindset is sorely misplaced. Nonetheless, an us v. them mentality is frequently apparent between our law school students and formerly incarcerated clients. This dichotomy may be due, in part, to the fact that ex-offenders are barred from obtaining a law license in many states, and, as a result, relatively few law students have practical experience with convictions or imprisonment. Working on behalf of returning citizens, therefore, provokes students to grapple with cultural myths that conjure the image of a "criminal" and the power of one-dimensional labels. Students also develop cultural competencies by engaging with individuals whom they often view as inherently different, regardless of the accuracy of such distinction.

Multidisciplinary, Intra-Clinic, Holistic Services

The need for access to holistic legal and social services is paramount for returning citizens. Our Re-Entry Project provides our legal clinics with a valuable opportunity to work with students specializing in other disciplines, generally, and with social work and public health students, specifically. A

holistic approach demands that law students analyze and address the needs of the client as a whole person with complex and interrelated issues and problems. In other words, the Re-entry Project requires students to adopt a multidisciplinary approach to their lawyering skills and acknowledge that their clients' problems rarely fit into neatly-defined doctrinal legal silos, such as a "torts" or "contracts." While we acknowledge that our students cannot solve all of our client's problems, we are confident that they often can do more within the bounds of the law for our clients than they initially imagine, particularly when they work collaboratively with experts in extra-legal fields.

Our Re-Entry Project is also intra-clinical, aggregating the unique skills and perspectives of our administrative, transactional, and criminal and civil litigation legal clinics. Our cross-collaborations provide students with a realistic perspective on the myriad obstacles—civil and criminal—returning citizens face. They also empower students with a deeper appreciation for the breadth and scope of services they can provide to returning citizens when they work with their colleagues across clinical specialties.

To introduce our students to re-entry issues, we hosted a simulated "Re-Entry Game" conducted by volunteers from the U.S. Attorney's Office, Bureau of Prisons, and Federal Probation.

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The purpose of the Re-Entry Game is to ensure that students gain appreciation for at least some of the numerous, basic obstacles returning citizens' face upon release from prison, such as: obtaining a driver's license, gaining employment with a criminal record, securing affordable, permanent housing, attaining access to health care, procuring transportation, earning the right to visit one's children, and enrolling in education and vocational training programs. Mirroring national statistics, the Re-Entry Game returns roughly two of three of the student participants back to prison.

Our Project aims to assist people both while incarcerated and during their release period in three stages. Our Stage 1 programs include pre-release legal education and assistance that seek to prepare offenders for their eventual release. Our Stage 2 programs take place during ex-offenders' supervised release period and strive to connect ex-offenders with needed legal and social services. Finally, our Stage 3 programs attempt to assist ex-offenders in permanently reintegrating into their communities by obtaining sustainable employment and developing entrepreneurship skills. Throughout these stages, our students frequent the local federal

prisons and halfway house and interact with Assistant U.S. Attorneys, BOP officers and caseworkers, federal probation and parole, the federal courts, as well as social workers, health care providers, and other re-entry service providers and advocates.

Non-Legal Penalties and Hidden Communities

Finally, our Re-Entry Project challenges our students to recognize non-legal penalties imposed by the penal system, and identify communities that are punished and then ignored by the system. Working with returning citizens requires students to confront the social stigma their clients face, grapple with the deep causal connection between incarceration, mental illness, and developmental disability, and contend with similar causal connections between military institutionalism, post-traumatic stress, and veteran incarceration. We aim to ensure that our students appreciate structural injustice and our role as attorneys in the face of that injustice, while developing a holistic understanding regarding the significant obstacles our reentering neighbors face when attempting to successfully reintegrate into community life.

In developing and implementing this project, we seek to serve our clients, our students, and our communi-

ty. By challenging the "us v. them" mentality, promoting intra-clinical and inter-disciplinary holistic client services, and recognizing the many non-legal penalties attendant to incarceration, we hope to prepare our students to be thoughtful, informed, and innovative legal advocates. If there is one thing we have learned together thus far, it is that complex problems demand complex, collaborative solutions.

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Value-Added: Utilizing the MSW Perspective by Dana M. Malkus

Regardless of practice area, we all must face the reality that our own perspectives and skill sets—while valuable—bring with them certain limits that impact both our teaching and our lawyering. Adding other perspectives and skill sets to our practice settings is one way to move beyond these limits.

In this brief article, I provide reflections on the challenges and rewards of adding a Masters of Social Work practicum student ("MSW student") to our transactional clinic team. The following description provides an overview of three ways the MSW student added value to the Entrepreneur-

ship and Community Development Clinic at St. Louis University School of Law ("ECD Clinic") and highlights some practical lessons I learned that may be useful for those trying a similar initiative in their own transactional clinics.

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The ECD Clinic provides transactional legal services to entrepreneurs, nonprofits, community groups, and small businesses. ECD Clinic clients seek to positively impact the St. Louis community in a variety of ways, including neighborhood revitalization, job creation, producing and preserving affordable housing, offering needed goods and services, and working to generate solutions to common community problems. Under the guidance and supervision of full-time faculty members, law students provide transactional legal services to ECD Clinic clients on a wide range of matters to enable clients to achieve their goals and advance their missions.

Last year, the ECD Clinic engaged in a pilot initiative to add a MSW student (whose focus was Communities and Organizations) to our team. The MSW student spent approximately 20 hours each week in the ECD Clinic over the course of one semester. While the law students provided legal assistance, the MSW student provided consultation to ECD Clinic clients on issues such as strategic planning, board development, human resources (including volunteer management), financial sustainability, fundraising, capacity building, and program development. The MSW student also helped connect ECD Clinic clients with community resources, worked to strengthen ECD Clinic community partner relationships, and made suggestions related to evaluating the ECD Clinic's effectiveness. The MSW student played an important role in the ECD Clinic's work during the pilot semester, and the ECD Clinic hopes to offer the practicum opportunity again in the future.

Interdisciplinary Perspective and Team Development

The MSW student brought an important interdisciplinary perspective to the ECD Clinic and helped law students better see the full range of non-legal issues clients faced. She helped both the law students and me see particular client issues from other perspectives. I noticed this to be especially helpful in supervision meetings with the MSW student and the law student. The MSW student was often able to offer ideas that neither the law student nor I had thought of. Moreover, the MSW student used her research skills and social work perspective to make recommendations around the ECD Clinic's engagement with entrepreneurship as a tool for returning citizens. This research formed the basis of a relationship with a community partner that is also interested in this issue, and that community partner and I currently are working toward a more formal collaboration.

In largely informal ways, the MSW student also helped to reinforce law students' conception of lawyers as members of teams. Having her physically present in the ECD Clinic space helped the law students see themselves as members of a team. This was not always easy for the law students or the MSW student to navigate. It required practicing and implementing good communication skills and sometimes extensive discussions about the "right" direction.

Client-Centered Counseling

By working alongside the law students, the MSW student helped the law students adopt strategies for explaining complicated concepts in a

simplified and client-focused manner. She also helped students develop strategies to understand issues from the client's perspective and encouraged the law students to think more about what might be motivating particular clients and the barriers particular clients might face.

The MSW student developed and used tools, such as infographics, to help ECD Clinic clients better understand topics such as board development and building organizational capacity. She helped both the law students and me see new possibilities for explaining complicated concepts to ECD Clinic clients. This experience led me to adopt the use of certain visual tools for client interviewing and counseling purposes.

Sometimes, a client comes to us with a firmly cemented conviction that the best way to accomplish his or her goal is to start a new nonprofit organization. Often, starting a new organization is not the best way forward. In working with a particularly challenging client with this conviction, the MSW student was able to help the law student better understand some of the underlying desires and assumptions motivating the client's choice and the client's angry response to any suggestion that alternatives be considered. Together, the law student and MSW student brainstormed potential approaches for this client.

Value-Added Representation

While law students worked with clients on incorporation, recognition of tax-exempt status, compliance issues, and contract drafting and review, the MSW student worked with those same

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clients on issues such as strategic planning, board development, human resources (including volunteer management), financial sustainability, fundraising, capacity building, and program development. For example, the MSW student helped a new nonprofit with crafting a mission statement and basic strategic plan, worked with an established nonprofit on board development strategies, and helped an established nonprofit develop certain policies related to providing emergency shelter services.

The MSW student and student lawyer were able to work closely together to help clients move forward in more holistic and efficient ways than what typically occurs when we refer clients to outside community resources.

Some Practical Considerations

In reflecting on the pilot experience, the three most immediate practical lessons I learned are as follows: First, the particular MSW student with whom I agreed to work during the pilot initiative had only one semester available to devote to this practicum.

After going through the pilot experience, I wish that she had been able to devote two semesters to the practicum. Given the investment of time and the learning curve for this type of practicum, two semesters makes more sense.

Second, due to space limitations, the MSW student worked in the same workroom as the law students. While I initially thought this might be a problem due to space concerns, it turned out to be a great arrangement. The law students and the MSW student learned a lot from each other simply by working in the same physical space. If I do this again, I will plan to use this same arrangement.

Third, the pilot experience highlighted the importance of understanding the programmatic and logistical requirements of the MSW student's program. Fortunately, my clinic had a MSW social worker on staff (who was primarily associated with a different clinic), and that MSW social worker agreed to serve as the field supervisor for my MSW student since I do not

have the required MSW credentials. Good communication among the field supervisor, the MSW student, the practicum faculty supervisor, and me was critical.

Overall, this pilot project was a benefit to ECD Clinic clients and students. While it did require an investment of time and resources, I would do it again if given the opportunity.

Dana M. Malkus

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Can the billable hour have a place in law school clinics?

by Rebecca Nieman

As a clinical professor and former legal services attorney, I am passionate about serving underrepresented populations, as well as advancing social justice lawyering. However, there is a stark reality out there for us clinicians, and that is the fact that 75% of our law students will go into private practice.¹ Further, the numbers of those private practitioners who will be solo attorneys or work in firms with 2-5 associates, make up 63% of that private practice group.² Additionally,

9% of licensed attorneys work for the public defender, the government or for legal services organizations (combined).³

Why are these numbers important? They reinforce the fact that an overwhelming majority of clinical students will end up in private practice, government or legal services work, thus needing law office management skills that go above and beyond the advocacy and substantive law they are learning in the clinic. One of those skills is

to comprehend and master the ever-lamented, but necessary practice of billing hours. It is true that certain clinics are more conducive to learning the practice of billing time, thus making it an easier "sell" both to students and the appropriate administrators that may have a say in to how a particular clinic operates. For example, I operate a community economic development clinic, which because of the transac-

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tional nature of the work aligns more readily with the use of billable hours. Other clinics, such as criminal defense or immigration clinics may not traditionally use a typical billable hour in real practice. The truth is, whether working for the government or legal services organizations, tracking of time is required, though an actual client may not be traditionally billed. An example of this is when I worked at the Legal Aid Society of San Diego, Inc. There, I was still required to track my hours and account for the type of work handled in a given day, which was tied to the federal and state requirements for receiving grants.

Generally speaking, most clinics have students track their weekly field-work hours.⁴ This may be as simple as signing in when they arrive to complete their work hours each day, or perhaps submitting a hand-written or electronically prepared list of the hours logged for that week in the clinic. I used to require the handwritten, weekly submissions. However, I began to realize that since students were already required to keep track of their hours, why not use that requirement to teach them a practical skill that most will utilize during their legal careers? Around the same time I was considering this, many clinics began moving toward an online or “cloud” case management service to track and manage client files. Admittedly, some have found this a difficult transition (myself included!), and only use that case management system in a limited capacity. Regardless, the system was present and operational in the clinic.

Consequently, since students were already tracking their work hours, and

a case management system was in place,⁵ I decided to combine the two and require students to keep track of their hours using the case management system. Currently in my clinic, students are required to track their time working on client matters using the industry standard billable time allotment.⁶ For example, a student conducting research in preparation of drafting an independent contractor agreement, may bill the following:

Client: Jane Doe

Matter #: 05678

Date: 11/3/16

Time: .8 hours

Description: Conducted research as to relevant clauses to include in independent contractor agreement. Used Westlaw, Lexis, CEB OnLAW secondary sources.⁷

At the end of the week, the student submits a print out, easily created from the case management system, demonstrating the total hours worked in the clinic for the week, the breakdown by client, as well as how much time was billed to each task for each client. This allows the supervisor to ensure students are on track to complete their client work in a timely manner, evaluate whether the amount of time taken on a given project is reasonable, and it allows the students to practice inputting billable hours.

To further round out this method, I implemented a monthly invoice requirement, where students print out an invoice for each of their clients, that demonstrates the total hours billed and the total amount of money owed by a particular client to the firm.

As an aside, we never charge our cli-

ents, and this invoice is meant for internal use only. During the students' weekly meeting with me, we review the invoice. First, we review the individual descriptions of what was completed and have a thorough discussion as to the reasonableness of the billing. This allows for a robust discussion on the ethics of billing, and the intricacies of why even though a first year attorney may take 5 hours to draft a letter to the client, industry standard may allow for a billable rate of .3 hours for that same letter, thus charging a client for one's “learning curve” may not be an ethical practice, or a way to retain clients overall. Finally, the most eye opening experience for the students is when they are able to tangibly see how much they could reasonably charge a client in the real world for their work. What is even more impressionable is that a billable rate of \$100/hour is used, well under market rate, which helps demonstrate to the students that even charging a lower billable hour will not necessarily undermine your ability to make a livable wage.

Some argue the added work is onerous and takes away from client work. I would disagree. It is actually a best practice to require students to record their client work hours, not only to ensure they are working the required number of hours in order to obtain course units, but also to evaluate the timeliness of work being accomplished for a client, and most importantly to teach students the much needed practical lawyering skills, which include the business side of lawyering. Additionally, inputting billable hours into a case management system is no more diffi-

**Can the billable hour have a place in law school clinics?
continued**

cult than hand-writing those same hours. Most case management systems are so efficient, an invoice can be created with two or three clicks of a button within the system,⁸ thus avoiding the concern that too much time is pulled from client work.

As so many of us are public interest attorneys both at heart and in previous practice, it can be difficult to remember that our “clients” are also our students, and teaching them fundamental lawyering skills that include law office management skills, is essential to ensure they are well-rounded members of our profession.

Notes

¹ American Bar Association, Lawyer Demographics Year 2016, http://www.americanbar.org/content/dam/aba/administrative/market_research/

[lawyer-demographics-tables-2016.pdf](#); See Michael Grinthal, *Power with: Practice Models for Social Justice Lawyering*, 15 U. PA. J.L. & SOC. CHANGE 25 (2011).

² *Id.*

³ *Id.*

⁴ I use the term fieldwork to denote time students spend working on their assigned case work in the clinic, not time used for preparing for the seminar component of the clinical experience.

⁵ In the Community Economic Development Clinic at Thomas Jefferson School of Law, CLIO is the case management system being used.

⁶ Industry standard is 6 minutes = .1 hour.

⁷ Actual student billable entry from my clinic.

⁸ As mentioned previously, I am referring to CLIO as its method for generating invoices.

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Good News : Moves, Honors & Promotions



Vivek Krishnamurty (Harvard) was promoted to the position of Lecturer on Law and Assistant Director of the Cyberlaw Clinic. He was previously a Clinical Instructor in the Clinic.



Anita Sinha (American) formerly a Practitioner-in-Residence in our Immigrant Justice Clinic, has been promoted to Assistant Professor of Law and Director of the International Human Rights Law Clinic.



Julie Dahlstrom, director of **Boston University** School of Law’s Human Trafficking Clinic, was named among the 2016 “Top Women of the Law” by Mass Lawyers Weekly.

Maureen Armour (SMU Law) received the Willis M. Tate Award, which is given by the SMU Students’ Association and honors an outstanding faculty member who has been involved in student life.



Brittany Stringfellow Otey Director of the **Pepperdine** Legal Aid Clinic, was promoted to Associate Professor of Law.



Michele Gilman and **Dan Hatcher** and fellow **Michelle Ewert** (all **Baltimore**), from the Saul Ewing Civil Advocacy Clinic, were honored with the Pro Bono Partnership Award by the Maryland Volunteer Lawyers Service.





Texas A&M School of Law's Clinical & Experiential Learning Program welcomed **Luz E. Herrera** as the new associate dean for experiential education.

Anna Crowe (Harvard), was promoted to the position of Clinical Instructor with the International Human Rights Clinic. Previously she was a Clinical Fellow.



Frank Askin (Rutgers) ACLU of New Jersey, Light of Liberty Award, March 2016; Rutgers University Distinguished Service Medal, April 2016; Society of American Law Teachers (SALT), Great Teacher Award, January 2017; AALS Clinical Section, William Pincus Award for Outstanding Service and Commitment to Clinical Education, January 2017.



Denise Roy and Carolyn Grose (both Mitchell Hamline) have new roles. Denise has taken over as Externship Director and Carolyn is the new Director of Skills Integration.



Richard Peterson, Director of the **Pepperdine** Special Education Clinic, was promoted to Associate Professor of Law.



Ragini Shah, who directed the Clinical Programs at **Suffolk Law**, returned to full-time clinical teaching and **Kim McLaurin** will now serve as Associate Dean for Experiential Education and Director of Clinical Programs, and **Sarah Boonin** is the new Associate Director of Clinical Programs.



The National Association of Women Lawyers awarded its M. Ashley Dickerson Diversity Award to **Sheri Lynn Johnson (Cornell)**.



Michael Millemann (Maryland) received an award from The Maryland State Bar Association's Section of Criminal Law and Practice that honored his five decades of accomplishments in the criminal law field.

Llezzlie Green Coleman (American), who co-directs the Civil Advocacy Clinic, has been promoted to Associate Professor of Law.



Hina Shah (Golden Gate) received the 2016 Dignity Rising Champion award presented by the California Domestic Workers Coalition. She also received the 2016 Legal Advocate Award presented by the Center for Workers' Rights (Sacramento).



Komal Vaidya has joined the **University of Baltimore's** Community Development Clinic as its Clinical Fellow. Komal previously taught at the University of Denver and the University of Illinois. **Renee Hatcher**, Komal's predecessor, is leaving UB's Clinical Program to join **John Marshall** as the Director of the Business Enterprise Law Clinic.



In recognition of having published over 15 scholarly articles or essays since 2004 and their qualitative impact, in June 2016, Professor **Bryan Adamson** was given the **Seattle University** Provost's Award for Excellence in Research, Scholarship and Creative Endeavors.





Daniel Nagin, Vice Dean for Experiential and Clinical Education, Clinical Professor of Law, and Faculty Director of Legal Services Center (**Harvard**) received the Boston Bar Association's John G. Brooks Legal Services Award in recognition of his professional legal services and his outstanding work on behalf of indigent clients in greater Boston.

Eduardo R.C. Capulong (Montana)



was appointed the inaugural Associate Dean of Clinical and Experiential Education.



Charles Auffant (Rutgers)

Hispanic Bar Association of New Jersey, Legacy Award, June 2016

Lori Rogde (Texas A&M) has stepped into the role of Director of Clinics and Programs.



Robert C. Holmes (Rutgers)

Clement A. Price Human Dignity Award (May 2016)

Friends of Farmworkers honored **Beth Lyon (Cornell)** and **Sarah Paoletti (Penn)** at its annual dinner. **Beth**



Lyon was also appointed Assistant Director of Clinical, Advocacy and Skills Programs at **Cornell**.



Dan Devoy (Golden Gate)

was awarded the Distinguished Service Medal by the National Guard Association of California in recognition of outstanding efforts, professionalism, and dedication to provide legal services on behalf of military veterans in Northern California.

Adam Shlahet (Fordham)

was appointed as Director of the Trial Advocacy Program. Last year Shlahet received the first Edward D. Ohlbaum Award from the Center for Excellence in Advocacy.



Nancy Kelly, Co-Managing Attorney of the **Harvard** Immigration and Refugee Clinic at Greater Boston Legal Services, was honored as a Top Woman of the Law by Massachusetts Lawyers Weekly.



Elliott Shavin (SMU Law) received from the State Bar of Texas Individual Rights and Responsibilities Section, Patrick Wiseman Award for Civil Rights, given in recognition of his distinguished civil rights work.

Celestina Contreras (Texas A&M)

has stepped into the role of Interim Family Law & Benefits Clinic Director.



Stellar Magazine included **Sharon Hickey (Cornell)** in their List of 100 Amazing, Inspiring and Awesome Irish Women.



Sara del Nido Budish was promoted from Clinical Fellow to Clinical Instructor and Lecturer on Law with the **Harvard** Negotiation and Mediation Clinical Program.

The **Cornell Law** faculty voted to promote **Elizabeth**

Brundige to Associate Clinical Professor of Law.



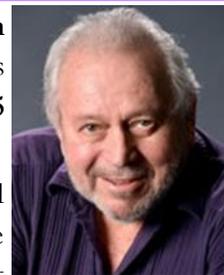
Emily Broad Leib (Harvard) was ranked number one on 2016's list of Most Innovative Women in Food & Drink. The list, released

by *Fortune* and *Food & Wine*, highlights "women who had the most transformative impact in the last year on what we eat and drink."



The AALS Section on Clinical Legal Education is pleased to announce that Professor **Frank Askin (Rutgers)** and Professor **Tom Geraghty (Northwestern)** are the co-recipients of the 2017 Pincus Award. **The award will be presented at the Clinical Section's luncheon on Thursday, January 5 at the AALS Annual Meeting in San Francisco.**

In his 50 years of teaching at Rutgers, **Frank Askin** has been a trailblazer for clinical legal education, creating the first impact litigation civil rights clinic and fighting against political interference with law school clinics. He has been an advocate for minority students who sought more relevant teaching at his school, and at the same time was a leader in establishing the role of the clinical teachers who came after him at Rutgers. Through his work in and outside of the clinic, Frank has done much to advance civil rights and civil liberties, pursuing cases in the clinic and serving as general counsel and a board member for the (national) American Civil Liberties Union. His resume lists 34 cases that have had a significant impact on civil rights law ranging from housing to voting rights and criminal procedure. Frank has a long list of publications that include books, law review articles, and op-ed pieces that address these issues. He also helped to organize and give voice to progressive members of the legal academy by helping to found the Society of American Law Teachers (SALT), and last year he was the recipient of SALT's Great Teacher Award. Frank's other awards include the New Jersey Lifetime Achievement Award and NAACP Freedom Fighter Award. Frank retired in June, taking Emeritus status at Rutgers.



In his 45 years of clinical teaching at Northwestern, **Tom Geraghty** has built from the ground up and championed the clinical program at Northwestern University Law School, notably working with Bill Pincus in the early stages. Tom developed Northwestern's Bluhm Legal Clinic from a faculty of 5 to its current 40 faculty members who teach 170 students per semester. Tom's work demonstrates an intense commitment to criminal and juvenile justice advocacy and reform. For example, the work of Tom and his students resulted in the exoneration of three men who had been wrongly convicted, two of whom had been sentenced to death. He is considered a leader in juvenile law and has had a significant impact as an advocate for juvenile justice reform. His leadership and efforts led to a MacArthur Award for Creative and Effective Institutions for the clinic's juvenile justice reform work. Tom has also worked to establish clinical legal education and to advance criminal justice reform, access to justice, and civil legal aid in multiple countries in Africa and Asia. He has been a long supporter of the National Institute of Trial Advocacy by serving as a Board member, drafting training curricula, and using his expertise to create the trial advocacy program at Northwestern. Tom has been an active member of the AALS Clinical and Africa Sections, and served on the AALS Accreditation Committee. He has also been active in the ABA, serving on several accreditation site teams and on the ABA Litigation Section's Task Force on Training the Advocate. Tom's resume lists 31 publications, including books, articles and a number of the case files used by NITA. Tom has received national and international recognition for his contributions; the list of awards recognizing these contributions is quite long. Importantly, as a testament to the regard of his students, Tom has received the Dean's Teaching Award on the recommendation of students six times. While Tom plans to continue his clinical teaching and public interest work, this year he steps down as Associate Dean for Clinical Education, a position he has held since 1981.



On January 1, 2017, **Laila Hlass**, Clinical Associate Professor of Law and Director of the Immigrants' Rights Clinic at **Boston University** School of Law will be joining **Tulane** Law School as the new Director of Experiential Learning where she will oversee Tulane's extensive externship programs.

Jon Bauer (UConn Law School) received the Constance Baker Motley Award For Excellence in Business or Law from the Connecticut Commission on Human Rights and Opportunities as part of its "2016 Civil Rights Leaders and Legends Awards" ceremony at the Connecticut State Capitol on November 17th.





Fatma Marouf has joined **Texas A & M** as a tenured faculty member to launch the Immigrant Rights Clinic this spring.



Cornell Law faculty voted to renew **Angela Cornell's** appointment as a Clinical Professor of Law.

Hugh McClean (Baltimore) was honored by the American Legion, Department of Maryland, with a Certificate of Appreciation for outstanding service and assistance to the Baltimore City District Court's Veterans Treatment Docket.




Carol Liebman has become Director of Clinical Education at **Columbia Law School**. **Suzanne Goldberg**, Herbert and Doris Wechsler Clinical Professor of Law and Director, Center for Gender and Sexuality Law has been tapped by the University to be **Columbia's** Executive Vice President for University Life.



Allison Korn (formerly Baltimore) is now the Clinical Director, Resnick Program for Food Law and Policy at **UCLA Law**.



Retiring Clinicians & New Clinicians



Peter Jaszi (American), who founded the Glushko-Samuels Intellectual Property Law Clinic, is retiring. Recently, he delivered "Cultural Practice and Copyright Justice: Confessions of a Semi-Reconstructed Auteurist."

Sally Curran (Cornell) joined the Clinical Program as an Adjunct Professor of Law, to direct the LGBT Practicum. Sally is the Executive Director of the Volunteer Lawyers Project of Onondaga County, Inc., in Syracuse, New York.



Harvard's Center for Health Law and Policy Innovation (CHLPI) welcomed **Caitlin McCormick-Brault** as Associate Director and Clinical Instructor in the Health Law and Policy Clinic (HLPC) in August 2016.



Bob Probasco, local tax attorney and CPA, was recently hired to direct **Texas A&M's** Low Income Tax Clinic.

Priya Baskaran joined the **West Virginia University**



College of Law faculty in July of 2016 and directs the Entrepreneurship and Innovation Law Clinic. The Clinic provides transactional legal services to West Virginia based nonprofits, community organizations, small businesses, and individual entrepreneurs.



Amy Emerson (Cornell) joined the Clinical Program as an Adjunct Clinical Professor of Law, to direct the new Legal Research Clinic. Amy is an Associate Director of the Cornell Law Library.

Ana Pottratz Acosta joined **Mitchell Hamline School of Law** in 2016 as Clinical Instructor teaching the Health Law Clinic and overseeing the Medical-Legal Partnership between the law school and United Family Medicine, a Federally Qualified Healthcare (FQHC) facility in St. Paul, MN.



Boston University School of Law welcomes **Andy Sellars** as director of the Technology and Cyberlaw Clinic. The clinic is part of a unique collaboration with MIT in which BU Law students advise MIT students.

University of Baltimore Law welcomes **Shanta Trivedi** as Clinical Fellow in the Bronfein Family Law Clinic.



Dan Kempland joins **Washington University School of Law** as a Supervising Attorney in our Low Income Taxpayer Clinic. Prior, Dan worked in commercial litigation.





Jessica Fjeld (Harvard) is a new Clinical Instructor in the Cyberlaw Clinic. Previously, she was an associate at Skadden and worked with WGBH Educational Foundation. She graduated from Columbia University and Columbia Law School and has an MFA in Poetry from the University of Massachusetts.

Natalie Netzel (Mitchell Hamline) is the new staff attorney for the Child Protection Program. She is a graduate of Mitchell Hamline School of Law and is currently clerking for the Honorable Denise Reilly at the Minnesota Court of Appeals.



Sally Helpie has joined the **SMU Dedman School of Law** to direct the Small Business and Trademark Clinic. Sally has been practicing entertainment law and litigation for 30 years.



Madalyn Wasilczuk (Cornell) joined the Death Penalty Clinic as a Clinical Teaching Fellow. Prior to joining the faculty, Madalyn was an Assistant Defender at The Defender Association of Philadelphia.

Jennifer Oliva joined **West Virginia University** in August 2016 as the inaugural Director of the Veterans Advocacy Clinic and Associate Professor of Law and Public Health, with a joint appointment in the College of Law and the School of Public Health.



Boston University School of Law welcomes **Gerard O'Connor** as director of its Entrepreneurship & Intellectual Property Clinic. The clinic is in its second year, and provides students of both BU and MIT with opportunities to work together on business and intellectual property issues.



Harvard's Center for Health Law and Policy Innovation welcomed **Phil Waters** as a Clinical Fellow in the Health Law and Policy Clinic in October 2016.



American University Washington College of Law welcomed five new practitioners-in-residence for the 2016-2017 academic year: **Hillary Brill** (Glushko-Samuelson Intellectual Property Law Clinic), **Jonathan Grossberg** (Janet R. Spragens Federal Tax Clinic), **Jean Han** (Women and the Law Clinic), **Sherizaan Minwalla** (International Human Rights Law Clinic), and **Andrea Parra** (Immigrant Justice Clinic).

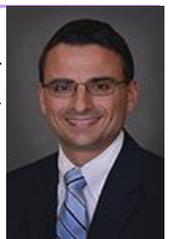


The **Harvard Law School Food Law & Policy Clinic (FLPC)** welcomed **Lee Miller** as a Clinical Fellow in August 2016.



The **University of Maryland Francis King Carey School of Law** recently welcomed **Anne Hurley '06** as Managing Director of the Clinical Law Program. Prior to joining the Clinic, she was Project Director at the Long Term Care Assistance Project at Maryland Legal Aid.

Tore Gianino joins the clinical faculty of **Washington University School of Law** as Assistant Director of our Entrepreneurship and Intellectual Property Clinic. Tore previously practiced with the law firm of Armstrong Teasdale where he prepared and prosecuted patents before the U.S. Patent and Trademark Office and European Patent Office.



Columbia welcomes **Sarah Knuckey** and **Elora Mukherjee**. Sara teaches the Human Rights Clinic and is Co-Director of the Human Rights Institute. Elora directs the new immigration clinic.





Rachel Krol is a new Clinical Instructor and Lecturer on Law in the **Harvard** Negotiation and Mediation Program. She previously taught negotiation at The Wharton School and led interactive negotiation and leadership workshops designed specifically for young women through her company, Connect More Consulting.

Briana Beltran (Cornell) joined the Farmworker Legal Assistance Clinic as a Clinical Teaching Fellow. Prior to joining the faculty, Briana was an attorney with Southern Migrant Legal Services, A Project of Texas RioGrande Legal Aid, Inc.

Margaret Ambrose (Cornell) joined the Legal Research Clinic as a Clinical Research Assistant. Margaret is an Access & Research Services Librarian in the Cornell Law Library.



Amany Ragab Hacking joins the clinical faculty of **Washington University** School of Law as Director of our Government Lawyering Externship, which places students in U.S. Attorney's Offices in Missouri and Illinois. Amany joins us after serving nine years as the supervisor of externships at St. Louis University School of Law.

William Palin (Harvard) is a new Access to Justice and Technology Fellow. He has extensive experience in law and technology: he taught a course at Suffolk Law School on technology and the legal profession and guest lectured at MIT and Yale Law School on technology and access to justice.



Toiya Taylor is a new Clinical Instructor at the **Harvard** Legal Aid Bureau. She began her career as a Law Clerk for the Massachusetts Probate and Family Court and has extensive experience in representing parents and/or children in care and protection, guardianship, child support, child custody, DYS revocation and delinquency matters.



Crisanne Hazen (Harvard) is the new Assistant Director of the Child Advocacy Program. She comes from the Legal Advocates for Child and Youth, a program of the Law Foundation of Silicon Valley.

Ron Hochbaum (Cornell) joined the Farmworker Legal Assistance Clinic as a part time Clinical Teaching Fellow directing the clinic's spring break service trip. Ron is a Supervising Attorney and Intern Program Coordinator at the Homeless Action Center in Berkeley.

Lisa Fitzgerald is a new Clinical Fellow at the **Harvard** Legal Aid Bureau (HLAB). She is also an alumna of HLAB and as a student participated in a number of Student Practice Organizations including the Harvard Mediation Program and the Harvard Immigration Project.



Fola Adeleke (Harvard) is a new Clinical Advocacy Fellow in the International Human Rights Clinic. He is a South African-trained lawyer who specializes in international economic law and human rights, corporate transparency, open government and accountability within the extractives industry.



CLEA POSTS [CLINICAL JOB OPPORTUNITIES](#)



Adriel Borshansky is **Harvard** Negotiation and Mediation Clinic's new Clinical Fellow, working on special research and writing projects within the clinic and student practice organizations. He holds a Masters in Theological Studies from Harvard Divinity School (HDS) and was a co-founder of the HDS's Racial Justice and Healing Initiative.



Caleb Smith is **Harvard's** Federal Tax Clinic's new Clinical Fellow. He is a graduate of the Lewis and Clark Law School and as a student worked extensively with low-income taxpayers both at the school's legal clinic and in the community.



Rebecca Agule (Harvard) is a new Clinical Advocacy Fellow in the International Human Rights Clinic and an alumna of the Clinic. She specializes in the impact of conflict and violence upon individuals, communities, and the environment.



Juan Pablo Calderón-Meza (Harvard) is a new Clinical Advocacy Fellow in the International Human Rights Clinic. He is a Colombian attorney whose practice specializes in international law and human rights advocacy and litigation.



Salma Waheedi (Harvard) is a new Clinical Advocacy Fellow in the International Human Rights Clinic. She specializes in international human rights law, Islamic law, gender justice, family law, comparative constitutional law, and refugee and asylum law.

Yee Htun (Harvard) is a new Clinical Advocacy Fellow in the International Human Rights Clinic. She is also the Director of the Myanmar Program for Justice Trust, a legal non-profit that partners with lawyers and activists to strengthen communities fighting for justice and human rights.



Jonathan Feldman (Cornell) joined the Legal Research Clinic as a Clinical Teaching Fellow. Jonathan is a Senior Attorney at the Empire Justice Center in Rochester, New York.

Good News: Books & Publications

Wendy A. Bach (Tennessee) *Poor Support/Rich Support: (Re)viewing the American Social Welfare State*, forthcoming, FLORIDA TAX REVIEW, Spring 2016; Wendy A. Bach and **Lucy Jewel (Tennessee)**, *Forward ClassCrits 8: New Spaces for Collaboration and Contemplation*, 5 TN JOURNAL OF RACE AND SOCIAL JUSTICE vii (2016).



Peter Joy (Washington Univ.—St. Louis), *Lanymers Serving as Judges, Prosecutors, and Defense Lanymers at the Same Time: Legal Ethics and Municipal Courts*, 51 WASH. U. J.L. & POL'Y 23 (2016); *Monroe Freedman's Influence on Legal Education*, 45 HOFSTRA LAW REVIEW 649 (2016); *Different Rules for Prosecutors*, 31 CRIMINAL JUSTICE 48 (Fall 2016); *Racial Discrimination and Jury Selection*, 31 CRIMINAL JUSTICE 43 (Summer 2016).



Jane Murphy (Baltimore), *Moving Family Dispute Resolution from the Court System to the Community*, 75 MD. L. REV. ENDNOTES 11 (2016)(co-authored with Jana Singer).



Beth Stephens (Rutgers), *Making Remedies Work: Envisioning a Treaty-Based System of Effective Remedies*, in BUILDING A TREATY ON BUSINESS AND HUMAN RIGHTS: CONTEXT AND CONTOURS (SURYA DEVA & DAVID BILCHITZ, EDs., FORTHCOMING 2016)



Zina Makar (Baltimore), *New York Times*, [Bail Reform Begins with the Bench](#)



Sabrineh Ardalan (Harvard), *Constructive or Counterproductive? Benefits and Challenges of Integrating Mental Health Professionals into Asylum Representation* (August 30, 2016). *Georgetown Immigration Law Journal*, Vol. 30, No. 1. [SSRN](#)



Ascanio Piomelli (UC Hastings), *Rebellious Heroes*, 23 CLINICAL L. REV. 283 (2016).



Good News: Books & Publications



Emily Broad Leib (Harvard), [“FLPC Director Testifies in Front of House Agriculture Committee”](#) (May 2016); *Huffington Post*, [“Smarter Strategies to Reduce School Food Waste”](#) (August 2016) *New York Times*, [“Eliminate Laws that Cause Healthy Food to Go to Waste”](#) (September 2016)

Anjum Gupta (Rutgers),

Dead Silent: Heuristics, Silent Motives, and Asylum, 48 COLUM. HUM. RTS. L. REV. 1 (2016) (lead article);



ETHICAL PROBLEMS IN THE PRACTICE OF LAW: MODEL RULES, STATE VARIATIONS, AND PRACTICE QUESTIONS (WOLTERS KLUWER 2015-2016) (CO-AUTHORED WITH LISA G. LERMAN AND PHILIP G. SCHRAG)



Rob Rubinson (Baltimore), *Of Grids and Gatekeepers, The Socioeconomics of Mediation*, 17 CARDOZO J. DISP. RESOL. 873 (2016).

Chris Jenks (SMU),

Sexual Assault as a Law of War Violation & U.S. Service Members' Duty to Report, 69 Stan. L. Rev. Online 1 (2016); *A Rose by Any Other Name: How the United States Charges Its Service Members for Violating the Laws of War in Military Justice in the Modern Age* (Cambridge University Press 2016); *Reimagining the Wheel: Detention – and Release – of Non-State Actors Under the Geneva Conventions in Detention of Non-State Actors Engaged in Hostilities: The Future Law* (Oxford University Press 2016); *Detention under the Law of Armed Conflict in Routledge Handbook of the Law of Armed Conflict* (Routledge 2016).

Jon C. Dubin (Rutgers), *A Modest, Albeit Heavily Tested Social Security Disability Reform Proposal: Streamlining the Adjudicative Process By Eliminating Reconsideration and Enhancing Initial Stage Development*, 23 GEO. J. OF POVERTY. L. & POL'Y 203 (2016) (lead article); SOCIAL SECURITY LAW, POLICY AND PRACTICE: CASES AND MATERIALS (CO-AUTHORED WITH FRANK S. BLOCH) (WEST ACADEMIC PUBLISHING CO.) (2016); TEACHER'S MANUAL TO SOCIAL SECURITY LAW, POLICY AND PRACTICE : CASES AND MATERIALS (CO-AUTHORED WITH FRANK S. BLOCH) (WEST ACADEMIC PUBLISHING CO.) (2016); SOCIAL SECURITY DISABILITY LAW AND PROCEDURE IN FEDERAL COURT (2016 EDITION; CO-AUTHORED WITH CAROLYN A. KUBITSCHKE, THOMSON REUTERS PUBLISHING CO.).



Leigh Goodmark (Maryland),

[Jailing Rape and Domestic Violence Victims is an Abuse of Prosecutors' Power](#), FEMINISTING.COM, August 11, 2016; [Sentencing Reforms Should Not Omit Domestic Violence](#), THE CONVERSATION, May 7, 2016; Heather Douglas and Leigh Goodmark, [Police perpetrators of domestic violence](#), THE CONVERSATION (Australia), November 2, 2015; [Parent-Partners and Intimate Partner Violence](#), CONCURRING OPINIONS, October 27, 2015; [Mandatory domestic violence prosecution may traumatize victims](#), BALTIMORE SUN, October 18, 2015; [Why giving abusers longer sentences won't stop America's domestic violence epidemic](#), FUSION.NET, October 3, 2015; Heather Douglas & Leigh Goodmark, [Beware the unintended consequences of police-worn body cameras](#), THE CONVERSATION (Australia), September 29, 2015.



Karen Tokarz (Washington Univ. - St. Louis):

New Directions in Public Policy, Clinical Education & Dispute Resolution (Introduction), 51 WASH. U. J.L. & POL'Y 1 (2016).

Brian K. Krumm (Tennessee), A TRANSACTIONAL MATTER: A GUIDE TO BUSINESS



LAWYERING, Thompson Reuters (2016); *University Technology Transfer - Profit Centers or Black Holes: Moving Toward a More Productive University Innovation Ecosystem Policy*, 14 NW. J. TECH. & INTELL. PROP. 171 (2016).

**Laura Cohen (Rutgers),**

The Critical Role of Post-Disposition Representation in Addressing the Needs of Incarcerated Youth, 48 JOHN MARSHALL L. REV. ____ (2016) (with Sandra Simkins; lead article).

Becky Jacobs (Tennessee),

Cultivating Purposeful Curiosity in a Clinical Setting: Extrapolating from Case to Social Justice in the Community, 21 CLINICAL LAW REVIEW (2015); *Mandatory ADR Notice Requirements: Gender Themes and Intentionality in Policy Discourse*, forthcoming, HARVARD NEGOTIATION LAW REVIEW Fall 2016; *The Role of Law in Reducing Barriers to Citizen Participation in Community-Based Natural Resource Management Models*, forthcoming in XIVÈME COLLOQUE INT'L SUR LE DROIT ET LA GOUVERNANCE DE LA SOCIÉTÉ DE L'INFORMATION – CITIZEN PARTICIPATION AND COLLABORATION IN PROMOTING OPEN GOVERNMENT PROCEEDINGS.



Dan Hatcher (Baltimore), published his book,



[The Poverty Industry: The Exploitation of America's Most Vulnerable Citizens.](#)

Mary Spector (SMU),

Collection Texas-Style: An Analysis of Consumer Collection Practices in and out of the Courts, 67 HASTINGS L.J. 1427 (2016).

**Sandra Simkins (Rutgers),**

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**Joy Radice (Tennessee) ,**

Samuel Estreicher and Joy Radice, Eds., *BEYOND ELITE LAW: ACCESS TO CIVIL JUSTICE IN AMERICA*, (Cambridge University Press, April 2016); Joy Radice, *Publicly Funded Legal Services Organizations*, in *BEYOND ELITE LAW: ACCESS TO CIVIL JUSTICE IN AMERICA*, (eds. Sam Estreicher and Joy Radice, Cambridge University Press, April 2016); *The Emergency-Room Law School Clinic*, in *BEYOND ELITE LAW: ACCESS TO CIVIL JUSTICE IN AMERICA* (with Randy Hertz), (eds. Sam Estreicher and Joy Radice, Cambridge Press, April 2016); *The Reintegrative State*, 66 EMORY L. J. ____ (forthcoming 2017).

**Sandy Freund (Rutgers)**

Obstacles in Defending a Trust Fund Recovery Penalty Case, 18 Journal of Tax Practice and Procedure __ (April/ May 2016).

**Jeena Shah (Rutgers),**

Channeling Rebellious Lawyering in Constitutional Rights and International Human Rights Clinics, 23 CLINICAL L. REV. ____ (forthcoming 2016).

**Renee Hatcher and Jaime Lee (Baltimore),**

[Building Community, Still Thirsty for Justice: Supporting Community Development Efforts in Baltimore](#), in the recent edition of the ABA Journal of Affordable Housing and Community Development Law (Vol. 25-1 2016).

**Margaret Johnson (Baltimore),**

[Commentary: Oncale v. Sundowner Offshore Svcs.](#), in *FEMINIST JUDGMENTS: REWRITTEN OPINIONS OF THE UNITED STATES SUPREME COURT* (Cambridge Univ. 2016).



Good News: Books & Publications

Michele Gilman (Baltimore),

[Why the Supreme Court Matters for Workers](#), THE CONVERSATION; En-Gendering Economic Inequality, 32.1 COLUMBIA J. OF L. & GENDER 1 (2016); [Wyman v. James: Privacy as a Luxury Not for the Poor](#), THE POVERTY LAW CANON (Ezra Rosser & Marie Failing, eds. Univ. of Michigan Press 2016).



Bryan Adamson (Seattle University),

“Thugs,” “Crooks,” and “Rebellious Negroes”: Racist and Racialized Media Coverage of Michael Brown and the Ferguson Demonstrations, forthcoming in Volume 32 Harvard J. On Racial & Ethnic Justice; Reconsidering Pretrial Media Publicity, Racialized Crime News, Grand Juries And Tamir Rice is forthcoming in Volume 8 of the Alabama Civil Rights & Civil Liberties Law Review.



Larry Jones (SMU),

Cyber-Security, the IRS and You: How to Stay Up-to-Date with Changing Technologies in the Journal of Tax Practice & Procedure.

Ruth Ann Robbins (Rutgers),

Beyond #TheNew10—The Case for a Citizens Currency Advisory Committee, 69 RUTGERS U. L. REV. ____ (with Genevieve Blake Tung, forthcoming 2016).



Michael Pinard (Maryland),

[Policing black Baltimore](#), Baltimore Sun



Colin Starger (Baltimore)

[New Wine in Old Wineskins: Metaphor and Legal Research](#) , 92 Notre Dame L. Rev. Online 1 (2016) (with **Amy Sloan (Baltimore)**); and [Constitutional Law and Rhetoric](#) , 18 U. Pa. J. Const. L. 1347 (2016).



CALL FOR ARTICLES:

Professor Barbara A. Babb, Director of the University of Baltimore School of Law Sayra and Neil Meyerhoff Center for Families, Children and the Courts (CFCC) and Editor-in-Chief of the *Family Court Review (FCR)*, invites CLEA members to submit articles for publication in *FCR*, the leading interdisciplinary academic and research journal for family law professionals.

Published in cooperation with the Center for Children, Families and the Law of the Maurice A. Deane School of Law at Hofstra University, *FCR* is the quarterly journal of the Association of Family and Conciliation Courts. (AFCC). (<http://www.afccnet.org/Publications/Family-Court-Review/Submit-an-article>) or contact Professor Babb at bbabb@ubalt.edu or 410-837-5661.

EIGHTH ANNUAL FAMILY LAW WRITING COMPETITION:

Submit an entry to the competition by February 1, 2017. For more information, please go to <http://law.ubalt.edu/centers/cfcc/news/Family%20Law%20Writing%20Competition.pdf>

INTERESTED IN SUBMITTING YOUR WRITING TO THE CLEA NEWSLETTER?

CLEA is looking for short articles on clinical teaching, social justice, and other creative writing that more closely resemble what you might read in a bar journal instead of a law review (fewer pages, fewer endnotes). CLEA is now soliciting submissions for our spring edition. Please [email](#) any member of the CLEA Newsletter committee. We welcome your ideas and feedback.

What is CLEA?

Most clinical teachers are members of the AALS Clinical Legal Education Section. But in 1992, several clinicians realized that there were important activities that could not be performed by AALS Section members, at least not without the cumbersome approval process of the AALS Executive Committee. CLEA was formed as a separate organization to permit clinical legal educators to act swiftly and independently, and to open membership to persons who were not eligible to join the Section. CLEA does not compete with the AALS Section but augments it, and CLEA continues to urge clinical teachers to belong to both entities.

CLEA is currently engaged in activities such as:

Advocating for excellence in legal education with the ABA Council on Legal Education and its committees (such as the Standards Review Committee). Indeed, this advocacy has become one of CLEA's primary endeavors – whether supporting job security and governance rights for clinical and other skills teachers or seeking ABA support for curriculum reform. CLEA advocacy has made a difference. It has never been more important than it is now, when ABA support for our work preparing students for the practice of law is at risk of erosion.

CLEA supports individual schools and clinicians facing political interference or threats to academic freedom of clinics.

CLEA works with AALS and NYU to publish the peer reviewed Clinical Law Review (which comes free with a CLEA membership).

CLEA sponsors the bi-annual New Clinical Teachers conference and co-sponsors numerous other conferences.

CLEA authors amicus briefs on topics important to legal education.

CLEA commissioned the writing and publishing of the 2007 book, *Best Practices for Legal Education* (Roy Stuckey et al), which, along with the Carnegie Report, "Educating Lawyers," is prompting a major re-evaluation of legal education.

CLEA sponsors awards for students, clinical teachers, and for clinical programs.



Advocating for clinical
legal education
as fundamental to a
lawyer's education.

CLEA Newsletter Committee



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Upcoming Events

- **CLEA Board Meeting**, Tuesday, January 3, 2017, 3:00-5:00 pm, Large Seminar Room in the Community Justice Clinics, 3rd floor, UC Hastings College of Law, 100 McAllister Street, at the corner of Leavenworth Street, San Francisco, CA
- **CLEA Membership Meeting**, Tuesday, January 3, 2017, 5:30 pm—6:30 pm, Classroom A on the ground floor, UC Hastings College of Law, 198 McAllister Street, at the corner of Hyde Street, San Francisco, CA
- **Externship Dinner**, Wednesday, January 4, 2016, 7:00 pm at [Amber India Restaurant](#), 25 Yerba Buena Lane, San Francisco, CA (8-minute walk from Hilton); [RSVP](#) by Monday, January 2, 2017.
- **40th Annual AALS Conference on Clinical Legal Education**, May 6-9, 2017, at the Sheraton Denver Downtown Hotel in Denver, Colorado. Registration and further information [here](#).



EDITOR
[Tanya Asim Cooper](#)
(Pepperdine)