

# SALT EQUALIZER

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## SALT EQUALIZER

The *SALT Equalizer* is a publication of the Society of American Law Teachers.

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## Co-Presidents' Column

*Deborah Waire Post, Touro College, Jacob D. Fuchsberg Law Center, and Margaret Martin Barry, Catholic University of America, Columbus School of Law*

For more than a year, we knew that the day would come when we would cease to be Co-Presidents Elect and become Co-Presidents. Nothing really prepared us for that moment at the Annual Dinner when we stepped up to the podium to praise the amazing work of our predecessors in office and assume full responsibility for the leadership of SALT. Eileen Kaufman and Tayaab Mahmud presided over an eventful period in the organization's history, during which we witnessed the culmination of the process of creating the Dorsen Fund, the receipt of a capacity building grant from the Open Society Institute and the establishment of the SALT office, complete with an Executive Director, Hazel Weiser, and Administrative Assistant, Phyllis Coleman. As Co-Presidents we have already seen the benefits of this change. We can only hope that while we are in office, SALT's capacity will grow, and that when we leave office, the new structure will be firmly in place, providing solid support to the members and the committees that do the work of SALT. If we can achieve this, then we have no doubt that the future of SALT as the organization of activist educators who teach, speak out and work for social justice will be secure.

You don't have to have a platform to become a president of SALT and it is often hard to predict which of the many issues that concern progressives will need urgent attention when

*Co-Presidents continued on page 2*

## Executive Director's Column

*Hazel Weiser*

When I was hired to become SALT's first paid executive director, I was given a charge: Make the organization more visible and consequently, more influential. Some of the best minds in legal education are generating the ideas and analysis at the core of SALT's mission: academic freedom, affirmative action, human and civil rights, peace in the era post-9/11, judicial and government nominations. It's my job to get those ideas out and accessible, and connected to activists, other organizations, and policymakers who can use those ideas to make change. Here's the catch: Many of these best minds only believe they are members of SALT.



*SALT Executive Director Hazel Weiser*

*Executive Director continued on page 4*



## Co-Presidents:

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you agree to take on the job. When we began our discussions of how we would operate as co-presidents and where we would focus our attention during our tenure, we knew that we would have to address the threat to legal education posed by those who oppose the policies promoting the inclusion of under-represented groups in law schools. It turns out that this is a battle that is being waged on several fronts and so we have had to construct a response that is multi-faceted.

When we assumed our offices, there were several projects already in progress that responded to moves that threatened inclusion in the profession. The debate and political controversy over the diversity provisions of the American Bar Association's Standards for Accreditation of Law Schools ended in 2006 with a modest improvement. ABA Standard 212 requires law schools to demonstrate "concrete steps" taken to achieve diversity in enrollment and hiring. No sooner had the revised standard been adopted than it was attacked by members of the U.S. Commission on Civil Rights, led by Vice Chair Abigail Thernstrom. In a letter to Margaret Spellings, Secretary of Education, the members of the CCR suggested that the DOE refuse to recertify the Council of the Section on Legal Education and Admissions to the Bar of the ABA as the accrediting agency for law schools

unless it "disavowed" Standard 212.

In the end, Secretary Spellings stated unequivocally in a letter to the Consultant to the ABA Council that the Council has violated DOE regulations because it has failed to show "effective controls against inconsistent application of Standard 212 and its interpretation." Secretary Spellings informed the ABA that it would have to prove that Standard 212 was being applied "consistently" and imposed detailed reporting requirements on the ABA with regard to application of the Standard. She did this against a contrary recommendation of the National Advisory Committee on Institutional Quality and Integrity, and in spite of the absence of complaints by any law school about inconsistent application of the diversity standard.

Since the apparent goal of the DOE and the CCR is to deter the Council from enforcing the diversity standard in a meaningful way, SALT has also proceeded on a separate track to publicize what we believe to be overreaching by the DOE and the Commission on Civil Rights. We met with members of Congress and congressional staff. One of our goals is to get Congress to hold oversight hearings and take other action that will curb the use of regulatory power to impose an ideological position that is hostile to diversity and policies of inclusion. This is not about consistency in the application of the standard, as the Secretary alleges. It is about the existence of the diversity standard.

DOE further required that the bar passage provisions of the Accreditation Standards be reduced to a bright line so that schools were "on notice" of what was expected. However, a bright line for all schools when state passage rates are so diverse raised many obvious questions about fairness. The SALT Bar Exam Committee took the lead in drafting our statements, and the process and results are reported in Committee Chair Andi Curcio's article in this issue.

The ABA ultimately passed a bright-line standard that was relatively low but nonetheless threatens to have a chilling impact on admissions. The concern many of you have expressed—that the bright-line standard for bar passage will alter the admissions practices of schools that have been committed to educating students who might not have had a chance at obtaining a law school education in the past—underscores our need to do still more work on this issue. Several of the schools at risk are a primary point of entry for non-traditional students. First generation college graduates, first or second generation immigrants, minority students, divorced women returning to the workforce after many years, and single mothers are a few of those who may benefit from a whole file review when their predictors are not in line with the requirements of higher-tier law schools. We think these students deserve a chance to show what they can do, and this will not happen if schools feel compelled to stick to "safe" performance predictors. The community of lawyers, the legal system, and society at large deserve and require the benefit of their participation. Because we believe that a single measure of educational quality is inappropriate, SALT also provided a statement to the ABA Special Committee on Outcome Measures. It is our hope that this new ABA committee will conclude that there are multiple ways to measure the success of a law school program and more particularly, that success cannot be measured indepen-



Co-Presidents Margaret Martin Barry and Deborah Waire Post with former Co-Presidents Eileen Kaufman and Tayyab Mahmud at SALT's Annual Dinner

**Co-Presidents** *continued on page 3*



## Co-Presidents:

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dently of the mission of a school.

Statistics on the declining numbers of African American and Mexican American students in law schools, and sources and materials that discuss diversity, are now available on a website developed for SALT by former member of the Board of Governors Conrad Johnson and the students in his clinic at Columbia Law School. This documentation of the racial disparities in legal education became the basis for SALT's initial foray into the arena of international law. Last fall, Kristen Booth Glen suggested that SALT prepare a "shadow report," a response and criticism of the United States' official report to the United Nations Committee on the Elimination of Racial Discrimination on its progress and compliance with the International Convention on the Elimination of All Forms of Racial Discrimination (CERD). Joan Howarth and Beth Lyon took the lead in drafting the report. Then, in January, Ben Davis, who took over from Raquel Aldana as chair of the Peace Post-9/11 Committee of SALT, strategized with Raquel, Joan, Beth and others of us about presenting the SALT report at the CERD meetings in Geneva, Switzerland. Ben has provided more detail on this and other important work of his committee in his report in this issue.

The final front of this assault on diversity in legal education is the attempt of the American Civil Rights Institute, headed by Ward Connerly, to introduce voter initiatives outlawing "preferences" based on "race, sex, color, ethnicity or national origin." Connerly targeted five states: Nebraska, Oklahoma, Arizona, Colorado, and Missouri. In January, we invited SALT members from those five states to meet during the AALS Annual Meeting. The SALT members who attended this meeting have helped SALT's Affirmative Action Committee disseminate resources and helped to connect the various groups

who are working on the same issue in the different locations. Roberto Corrada and Reginald Oh, the co-chairs of our Affirmative Action Committee (a name that we acknowledge has been redefined negatively), are organizing our efforts in this important fight. Some, like Roberto along with Melissa Hart in Colorado, and John Powell and the Kirwan Institute, have been fully engaged on the issue for some time and they were willing to share information with SALT members and other organizations. Although there is consensus in the civil rights community that public information efforts were not effective in defeating Proposition 209 in Michigan, we believe that it is important for SALT to use its resources, principally the membership of SALT, to try to change the national dialogue on this issue. The Affirmative Action Committee is working on this aspect of the project as well.

At the AALS Annual Meeting, we also met with representatives of legal writing, clinical, and librarian organizations. At this meeting, we sought to explore the areas of shared concern and possible cooperation between these faculty and substantive law faculty. We discussed importance of parity in status, not only as a matter of fairness but because it has an impact on faculty contribution and program integrity. One of our first achievements has been to include links in our current Salary Survey issue, published in March 2008, to the websites where salaries for clinicians, legal writing instructors and librarians can be found. In the future we hope to include even more information.

Elsewhere in this issue you will find descriptions of the SALT events that have been held this year. These are annual or biennial events that express the commitment of SALT and its members to teaching and legal activism. The teaching conference was held in March at the Thelton E. Henderson Center for Social Justice at Boalt Hall, UC-Berkeley. We will leave it to the chair of the Teaching Conference Committee, Patti Falk, to provide

the details, but suffice it to say, many of the 150 participants told us with great enthusiasm how instructive and inspiring the conference was. We join those who attended in thanking Patti and her committee.

Each of us, the Co-Presidents, along with Hazel Weiser, SALT's Executive Director, agreed to attend one of SALT's social justice retreats this year. More than any other activity, these retreats focus our attention on the next generation of public interest lawyers because students organize and run these retreats with the support of SALT and law schools in the various regions. In addition to rewarding discussions with the students, lawyers and teachers who attended, Margaret found the wooded, winter setting of the Cover Retreat ideal. It went beyond ideal when a foot of snow fell the night she arrived. Wholly inadequate photos are posted on the SALT website, and articles on each of the retreats are included in this issue.

Several months after we stepped up to the podium at the Annual Dinner in January to take over as Co-Presidents, we think it is fair to say that we now have a better understanding of the weight of the responsibility we have assumed. We also know that we are buoyed by the incredible enthusiasm and commitment of the members of the Board of Governors, the committees who do much of the work of the organization, and the industry, creativity and support provided by Hazel Weiser and Phyllis Coleman in our executive office at Touro Law.

We hope that, as you read through this issue and learn more about the important work SALT has been doing, those of you who are not involved will be inspired to join in the work we do. To learn who to contact to get involved in the work of one or more of SALT's committees, and to learn more about each committee's projects, please visit the committee page on SALT's website: [www.saltlaw.org/committees](http://www.saltlaw.org/committees).



## Executive Director

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But they aren't.

This is what we learned running our first conference registration through the newly-designed [www.saltlaw.org](http://www.saltlaw.org) website. 130 people paid to attend the conference. However, of the 82 people who registered at the regular SALT member rate of \$175, only 67 were truly current SALT members. That means that 15 people, or almost 20% of this category of registrants, believe they are SALT members, when in reality, they have let their memberships lapse—or despite a real sense of affiliation, have never joined.

It's also my job to get you to join SALT.

**Why join SALT?** For those of you who attended the SALT "Teaching for Social Change" conference at the Thelton E. Henderson Center for Social Justice on March 14 and 15, I don't really need to say much. The conference, described further in this issue and on the SALT website, brought together law teachers from around the country. For two days, people discussed the how and why of teaching law school students that practicing law isn't just about amassing money and power. Law can and should be an instrument for social justice, equity, and equality.

Our new website adds another reason for joining SALT. In addition to being able to post events, jobs, and calls for proposals, active membership means access to the online SALT membership directory, publicity for publications, and information about conferences. For junior faculty, membership means an opportunity to have experienced professors from outside your law school reviewing scholarship and service, and guiding the way through the morass of tenure. Watch the SALT website, too, as presenters from the "Teaching for Social Change" conference post their papers and outlines to create a valuable resource for law teachers.

And as SALT becomes more visible and influential, we will be putting together an

experts list to use with the media, elected officials, and other social justice organizations.

**The most basic reason why you should join SALT is our shared values.** With affirmative action under fire

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*SALT means belonging to a group that believes that law school admissions, hiring, and curricula should reflect the great diversity of this country. And as SALT members, we will stop at nothing less. Beyond who is in the academy, we believe that law should assure equity and equality, that law should do more than merely prevent exploitation and inequity, and that it should be administered fairly and justly.*

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at the Department of Education, the U.S. Commission on Civil Rights, and in five states where anti-affirmative action initiatives are being placed on the November 2008 ballot, SALT means belonging to a group that believes that law school admissions, hiring, and curricula should reflect the great diversity of this country. And as SALT

members, we will stop at nothing less. Beyond who is in the academy, we believe that law should assure equity and equality, that law should do more than merely prevent exploitation and inequity, and that it should be administered fairly and justly.

**We have a special offer:** Join SALT at the \$125 level and your membership will extend to the end of the 2008-2009 academic year. Get three free months of being part of SALT as we begin our thirty-sixth year. Looking back, SALT began when the United States was engaged in another unpopular war that appeared to be endless—Vietnam. Women and people of color were just beginning to study law in any real numbers. There were hardly any women professors or professors of color, and less than a handful of tenured ones. Scholarship on gender and race theory was considered "soft" and not worth the effort. Thirty-five years later, it's time to make SALT a permanent organization within the legal academy to support the infusion of social justice into scholarship, curricula, and service.

Either join online at [www.saltlaw.org](http://www.saltlaw.org) or use the membership application/renewal form at the back of this issue. Not sure if your membership is current? Give me a call at 631-650-2310; drop me an email at [hweiser@saltlaw.org](mailto:hweiser@saltlaw.org); or write to me at:

Hazel Weiser, Executive Director  
Society of American Law Teachers — SALT  
Public Advocacy Center, Room 223  
Touro Law Center  
225 Eastview Drive  
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Or you can write to Phyllis Coleman, Administrative Assistant, at the same address, or call her at 631-650-2310, or email her at [pcoleman@saltlaw.org](mailto:pcoleman@saltlaw.org). We have a lot of work to accomplish together.



## SALT Launches Dorsen Fellowship Fund and Announces First Fellow

*Holly Maguigan, New York University School of Law*

SALT's first Norman Dorsen Fellow is Camilla McFarlane, a second-year student at the Catholic University of America, Columbus School of Law (CUA). The fellowship was created by acclaimed New York University law professor Norman Dorsen, who founded SALT in 1973 and was its first president.

The Dorsen Fellowship Program trains and nurtures law students by engaging them in the work of activist scholars within the legal academy.

McFarlane exemplifies Professor Dorsen's vision that the study of law should combine academic excellence, diversity, and a commitment to justice. "I'm extremely humbled by this fellowship," she said. "I represent the many students in the legal community who are passionate about social justice and pressing societal needs."

A student in CUA's Practice Clinic, McFarlane is a member of the CUA Law and

Public Policy program, a staff member of "CommLaw Conspectus: Journal of Communications Law and Policy," and Community Service Coordinator for BLSA (the Black Law Student Association). McFarlane will work closely with SALT Co-President Margaret Martin Barry, CUA Law Professor.

"I am very excited about hiring Ms. McFarlane," said Barry. "In learning from Camilla about her background and goals, I found that she fully met the Dorsen Fund's criteria for mentoring a student who has already exhibited passion and intelligence. Professor Dorsen and the Dorsen Fund President, NYU Law Professor Holly Maguigan, were equally impressed and readily approved the hire."

The Dorsen Fellowship Fund was officially launched on January 5, 2008, at SALT's Annual Dinner. SALT has been working for seven years to build the fund. In 2001,



*Camilla McFarlane*

Dorsen challenged SALT to match his five annual donations, totaling \$60,000, in order to create a fellowship to fund law students working with SALT. It was a magnificent gift.

Camilla McFarlane's talents and accomplishments make her a perfect inaugural Dorsen Fellow. SALT members should look forward to hearing from her. Tax-deductible contributions to the work of the current and future SALT Dorsen Fellows are welcome. Please send checks, payable to the SALT Dorsen Fellowship, to: SALT, Public Advocacy Center, Room 223, Touro Law Center, 225 Eastview Drive, Central Islip, NY 11722. The Fund is organized as a subsidiary of the Society of American Law Teachers. Its Board of Directors includes Margaret Martin Barry, Patricia Cain, Norman Dorsen, José Roberto (Beto) Juárez, Jr., Eileen Kaufman, Holly Maguigan (Board President), Tayyab Mahmud, and Deborah Waire Post.



*Norman and Harriette Dorsen*



## SOCIETY OF AMERICAN LAW TEACHERS Annual Dinner, January 5, 2008

### *Remarks of Norman Dorsen*

Thank you all for the honor you have bestowed on me by establishing a fellowship in my name. I greatly cherish it.

I will speak briefly this evening about the past, present and future of SALT. My main message is that SALT has been a remarkable success. It has exceeded more than my hopes and those of the other founders.

It was Aryeh Neier, then executive director of the ACLU, who conceived of an organization of law teachers that would vigorously promote civil liberties and other liberal values. The year was 1971, the President was Richard Nixon, and the new Chief Justice was Warren Burger, who was leading the Supreme Court in the wrong direction. The civil liberties community badly needed the skills and energy that law professors could bring to bear on public issues. Aryeh consulted me, and I readily agreed to try to organize SALT. At the time I was one of the ACLU's three general counsel and, since early 1961, I had been director of the Arthur Garfield Hays Civil Liberties Program at NYU Law School.

The need for a new organization was not only rooted in the legal issues of the time, but also in the fact that the charter of the Association of American Law Schools disabled it from undertaking the sort of committed and progressive work that was needed. Unfortunately, when we began to create SALT, the AALS was unsympathetic if not hostile to the effort, saying that we would balkanize the law teaching community. Those attitudes are light-years away from the warm relationship that has existed between the AALS and SALT in recent decades, and especially since Carl Monk has led the AALS.

In getting started I called a meeting at the ACLU national office of some sympathetic law professors, most of them with ACLU affiliations. Among those attending were George Alexander, Frank Askin, Barbara Babcock, Ralph Brown, David Chambers, Leroy Clark, Tom Emerson, Nate Gozansky, Charlie Halpern, Howard Lesnick, and Bob Sedler. There was only one African American and one woman. These groups were in very short supply in legal academia in the early 1970s. Happily, among those who soon became involved were Derrick Bell, Ruth Bader Ginsberg, Sylvia Law and Cruz Reynoso. To the best of my recollection, there were no openly gay men or lesbians, but members of these groups were destined to play a leading role in SALT.

In turning now to SALT's present, let me recall the purposes of SALT as stated at the outset:

1. To encourage developments in legal education that will make curriculum, programs and forms of instruction, including professional responsibility, more responsive to social needs.
2. To make studies and, where appropriate, issue public statements, participate in litigation, and give testimony on matters of professional concern.
3. To evaluate and in proper cases express opinions on judicial appointments and appointments to other governmental positions bearing on the administration of justice.
4. To combat violations of academic freedom.
5. To encourage fair recruitment of minorities—blacks, Latinos and women—on law faculties and student bodies.
6. To monitor, to the extent feasible, various institutions of the legal profession.

With only minor modifications and additions, these purposes animate SALT to the present day. SALT has continued to participate in national debates, to file court briefs on substantive and procedural issues, to offer legislative testimony, and to issue public policy reports.

What has changed over the years is the breadth and depth of SALT's program. There are now teaching and public interest workshops, social justice retreats, prestigious human rights and teaching awards, an annual salary survey that discloses (unfortunately only



*Norman Dorsen, founder and first president of SALT, launches the Dorsen Fellowship Fund*

*Norman Dorsen continued on page 7*



## Remarks of Norman Dorsen

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in part) the wide gulf between compensation at different law schools, and the informative *Equalizer*.

With a membership of 900, and under the leadership of its presidents and boards of governors, SALT's achievements have made notable contributions to the law and to society.

But the future will be even brighter. As SALT addresses the many issues that will arise, we should be proud of its special place among public interest law groups. Most of the other groups are larger than SALT; almost all are richer. But SALT has unique strengths—a membership of highly trained and sophisticated law teachers who are specialists in all aspects of law and law-related public policy. By using its human and other assets energetically and wisely, and continuing to capitalize on its relationships with practicing lawyers, policy leaders and government officials, SALT's influence should continue to grow. SALT's greatest days lie ahead.

But SALT will have challenges—to maintain and increase its membership, to spot and address the issues of laws and of public policy that will best advance its objectives, to take maximum advantage of its new executive director and her assistant. If SALT so proceeds, it will continue to exceed the standards of even the most demanding of its founders.

*[Editor's note: For a full, unedited version of Dorsen's remarks, please visit [www.saltlaw.org/files/uploads/Comments by Norman Dorsen.pdf](http://www.saltlaw.org/files/uploads/Comments%20by%20Norman%20Dorsen.pdf).]*

## SALT's 2008 Annual Dinner: A Joyous and Magical Reunion

*Eileen Kaufman, Touro College, Jacob D. Fuchsberg Law Center*

SALT's 2008 Annual Dinner was a joyous and magical event, as it is every year—a wonderful reunion of SALT colleagues and friends. But the 2008 dinner was unique in a number of ways.

For the first time in SALT's history, the dinner was a sold-out affair, with people clamoring for last-minute tickets. 220 SALT members and supporters crammed into the Golden Unicorn Restaurant in NYC's Chinatown and enjoyed a sumptuous Chinese banquet. The record crowd was undoubtedly a reflection of the love and admiration felt for this year's marvelous honorees. It was also a reflection of the hard work of the Dinner Committee members, SALT Co-Presidents Deborah Waire Post and Margaret Martin Barry (Committee Co-Chairs), and Jane Dolkart, Raquel Aldana, Natsu Saito, Howard Glickstein, Joyce Saltalamachia and Norman Stein.

Another first celebrated at the dinner was the hiring of SALT's first Executive Director, Hazel Weiser, and Administrative Assistant, Phyllis Coleman, who both contributed immeasurably to the evening's success. We were also pleased to be able to introduce and publicly thank Fred Epstein, a consultant for Open Society Institute (OSI), whose invaluable assistance helped us procure the capacity-building grant that enabled us to hire professional staff.

To add to the evening's excitement, SALT also formally launched its long-anticipated Norman Dorsen Fellowship program. Holly Maguigan and Anthony Romero introduced Norman Dorsen, SALT's founding director, whose inspiration prompted us to seek the OSI grant and whose generosity permitted SALT to create the Dorsen Fellowship program. (For more about the launching of the Dorsen Fellowship Fund, see Holly Maguigan's article in this issue.)



*Fred Epstein*

*Annual Dinner continued on page 8*



*Beto Juárez and Holly Maguigan*



## Annual Dinner

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SALT also used the occasion to announce special service awards, another first for SALT. These awards went to four people who have made extraordinary contributions to SALT and who are leaving their formal positions within SALT: Richard Chused, SALT's webmaster extraordinaire; Joyce Saltalamachia, SALT's historian and the keeper of SALT's institutional memory; Conrad Johnson, creator of the affirmative action website entitled "A Disturbing Trend in Law School Diversity"; and Norman Stein, SALT's treasurer for more than a decade.

My Co-President Tayyab Mahmud and I also presented a "Rule of Law Award" to the Pakistani judges of the Supreme Court and High Courts of Pakistan for risking their liberty and careers, and in some cases, their lives, to uphold the rule of law. Justice Asif Saeed Kahn Khosa, one of the judges who refused to take the oath of office required by Pakistan's military regime in November 2007, accepted the award in a statement printed in the dinner journal.

The highlight of the evening, as always, was the celebration of the achievements of this year's award winners. Jennifer Harbury and Sister Dianna Ortiz received the M.



Richard Chused, Norman Stein, Tayyab Mahmud, Eileen Kaufman, Joyce Saltalamachia and Conrad Johnson

Shanara Gilbert Human Rights Award for their tireless work to expose the horror of torture, and Professor Fran Ansley from the University of Tennessee College of Law received the 2008 Great Teacher Award.

While the rest of the evening was a typically raucous SALT celebration, the room became absolutely still when Jennifer Harbury and Sister Ortiz talked about their personal ordeals and their determination to speak out against torture. Jennifer Harbury is best known for her courage in bringing to light the connections between the CIA and the death squads in Guatemala as she sought information about her missing husband, Efrain Bamaca Velasquez. In 2005, Jennifer published *Truth, Torture, and the Ameri-*

*can Way*, a book that documents how the CIA uses torture. She concludes, "Our use of violence and repression can only sow seeds of hatred and trauma, which in the end will produce only greater violence against us." Sister Dianna Ortiz is a Catholic nun who survived brutal torture by security forces in Guatemala and vowed to devote her life to end the practice of torture. Sister Dianna helped to found and is the director of Torture Abolition and Survivors' Support Coalition, whose mission is to empower survivors of torture, and organize and speak out against torture around the world.

SALT's most prestigious award is our Great Teacher Award. Fran Ansley, the 2008 recipient of this award, was introduced by Dean Rifkin. Fran's reputation as a teacher, scholar, and activist is legendary. Fran is a teacher who lives her ideas and puts her beliefs into practice. Over the years, she has engaged her students in a wide range of social justice projects including labor organizing; helping miners with black lung disease; and educating Latino immigrants about changes in the law. As one of the many dinner journal ads congratulating Fran stated: "Her richly layered contributions to legal education, to legal theory, and to the betterment of us all make her an ideal recipient of the SALT Great Teacher Award."



Deborah Waire Post, Jennifer Harbury, Margaret Martin Barry, and Sister Dianna Ortiz

Annual Dinner continued on page 9





Fran Ansley

## Annual Dinner

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The evening's festivities ended with a passing of the torch from Tayyab and me to SALT's incoming Co-Presidents Deborah Waire Post and Margaret Martin Barry. Tayyab's emotional tribute to me is completely matched by my feelings for him. When the two of us started as Co-Presidents two years ago, we barely knew each other and I had no idea of what working with him so closely would be like. We described ourselves as Butch Cassidy and the Sundance Kid jumping off that ledge into who knows what. Two years later, there is no doubt that there is no one with whom I would rather have jumped off that cliff than Tayyab Mahmud, whom I adore. Thank you Tayyab, and congratulations to Deborah and Margaret. SALT is in the best of hands.

## SALT's Next Annual Dinner: January 9, 2009, in San Diego

*Ruben Garcia, California Western School of Law, and Jane Dolkart*

The SALT Dinner Committee has chosen a time and place for the 2009 Annual Dinner in San Diego, California. The dinner will be held at the Prado, in beautiful Balboa Park, on Friday, January 9, 2009. Balboa Park is San Diego's "Central Park," just five minutes from downtown. The Prado is a public facility that is catered by the outstanding Prado Restaurant right next door. The menu will feature California fare with special San Diego accents, including seafood, chicken and vegetarian options. The dinner will feature an outdoor reception (weather permitting) and plenty of wine and conviviality into the night.

SALT will continue the tradition of using the dinner to honor some of the most admired members of the progressive legal movement. The "Great Teacher" Award has been awarded to a number of luminaries in the academy, including deans, judges, clinical professors, and entire law schools. The M. Shanara Gilbert Human Rights Award has been presented to members of Congress, human rights lawyers, and nonlawyer activists. Please look for the announcements of the nominees in your e-mail and on the SALT website.

We hope that you will join us for a wonderful night of good food and good company on January 9. We'll see you in San Diego!

## 2008 Cover Workshop: Humanizing the Consequences of Recent Immigration Law and Policy Initiatives

*Camille Nelson, Saint Louis University School of Law, and Nancy Cook, Roger Williams University School of Law*

This year's Cover Workshop was a tremendous event. Going past our allotted time on a cold January night, the panelists and audience members were heated in their discussion of this year's theme, "Humanizing the Consequences of Recent Immigration Law and Policy Initiatives: Raids, Detentions and the Need to Protect Human Rights." Not only did the topic prove timely, but it generated a wonderful and lively dialogue involving many different constituencies. We are particularly grateful to the panelists, including the SALT Board's own Steven Bender, Raquel Aldana and Ruben Garcia. Together with Leticia Secundo, Sameer Ashar and Bill Ong Hing, they engaged in a dynamic conversation that covered a view of San Diego's local immigration enforcement and emergency response in the wake of the terrible fires; an analysis, grounded in property law, of the attacks on undocumented immigrants; an exploration of the San Francisco identity card ordinance; and a discussion of community organizing in response to immigration raids in New York. Additionally, this rich dialogue included information about the practicalities of organizing victims and protecting immigrant workers. It was certainly a robust exchange, during which connections were made and coalitions formed and strengthened.

We are grateful to all of the panelists and participants for making this another successful and productive workshop.



## Membership/SALT REPS Committee Asks: Are You *Really* a Member of SALT?

Adele M. Morrison, Northern Illinois University College of Law

Some of you reading this only *think* that you are members of SALT.

How can I say that it is all in your mind? Because while you were busy with all those things that keep everyone busy, your membership may have lapsed. Now, I know you are thinking, "But I get the *Equalizer*, and I go to events; I must be a member." The problem is that technically (and we are all into technicalities), if your dues are not up-to-date, you cannot be counted as an actual member. And yes, you do want to be counted as a member. SALT needs you to be counted! When SALT steps up to address the issues important to us all, we need the backing of each and every one of you. When speaking truth to power, we need to be able to say legitimately that there are hundreds, no thousands, who agree and whose voices join in. This is one of those times when "the more, the merrier" is actually true. So: REJOIN TODAY! BE A MEMBER OF SALT! Turn to [www.saltlaw.org](http://www.saltlaw.org) or send in the membership renewal form included in this issue.

The Membership/REPS Committee, in conjunction with the Co-Presidents and crack staff, has been busy working to develop short- and long-range plans to recruit, retain and nurture members and REPS. As the committee name indicates, the first step was to join together Membership and the SALT REPS project into one committee. This reflects the importance of the REPS operationalizing the membership plan, and—since REPS are members and members are REPS—ensures process efficiency. In other words, it just made sense.

The staff has been extra busy designing and implementing the foundations that will make the membership/REPS plans work. They have needed to create current workable lists of members that include accurate information, and have been working with the new website to enter data and ensure that

the online processes work exactly as they should. The Committee, in the meantime, has been rolling along with the next steps, which include working to connect with those most active in SALT, to ensure that

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they are as up-to-date as they should be, and developing ways to bring in new members and bring back lapsed members. We have also been working to get members involved in the important work of SALT's substantive committees.

On the SALT REPS front, you may recall that the first goal is to have at least one

representative in every ABA-approved law school. We have added several REPS over the last few months and now have 90 representatives in 77 schools. If you want to volunteer to represent your school, please e-mail me at [amorrison@niu.edu](mailto:amorrison@niu.edu). The website has a link to the list of REPS (go to [www.saltlaw.org/representatives](http://www.saltlaw.org/representatives)). As you will see there, some schools have more than one representative, so if you want to be the second or third rep from your school, please do not hesitate to join up. A special appeal goes out to schools without REPS. SALT needs you!

As we work on ways to make it easier for you to maintain your membership and stay actively involved in SALT, we urge you to stay connected by reading e-mails, visiting the website and attending SALT events. It is you, our members, who have made SALT what it is today, and it is only with you that we will continue and expand our work. SALT truly is "a COMMUNITY of progressive law teachers working for justice, diversity and academic excellence." It is members who make up this community and members who make this work happen.



## Affirmative Action Committee Tracks Anti-Affirmative Action Initiatives

Roberto Corrada, University of Denver, Sturm College of Law, and Reginald Oh, Cleveland-Marshall College of Law

The Affirmative Action Committee has been quite busy, as affirmative action attacks will be front and center in the November elections this year. As many know, Ward Connerly and his minions have filed anti-affirmative action initiatives in five states to create an anti-affirmative action Super Tuesday. Connerly has been able to get anti-affirmative action initiatives passed in three states so far: California, Washington, and Michigan. His campaigns are masked as civil rights initiatives that aim to eliminate discrimination. Connerly has filed initiatives in five other states: Arizona, Colorado, Missouri, Nebraska and Oklahoma, with a promise to eventually hit all twenty-two or so of the states that allow initiatives. Fortunately, his campaign has already suffered some setbacks, mostly related to the collection of signatures required to get his proposition on the ballot. Recently, Connerly's Oklahoma initiative failed to garner the required 138,970 valid signatures needed to get on the ballot. In Colorado, Connerly filed 128,044 signatures, well in excess of the required 76,000, but was dealt a blow when the Secretary of State, using statistical sampling techniques, found only some 86,000 to be valid. Legal efforts are underway in Colorado to challenge enough signatures to cause the initiative to be withdrawn. In Missouri, the Secretary of State modified the Connerly initiative to make it less deceptive, but lost a legal challenge. However, as a result of the legal delay, Connerly had only until May 4 to gather the required 304,000 valid signatures (which must be from particular precincts). In Nebraska, popular and political resistance to Connerly has delayed his progress, and in both Arizona and Colorado, there are continuing efforts to draft alternative initiatives for the ballot that would help both to clarify the issue for voters and to preserve some modicum of affirmative action in

those states.

In addition to tracking the initiatives in each state and keeping abreast of developments, the Committee has subdivided into three subcommittees aimed at aiding to preserve affirmative action in the short and long terms. These subcommittees and their members are:

- The Op Ed Subcommittee, which is developing Op Eds for publication in media in initiative states: Deborah Waire Post, Emily Houh, Eric Miller, and Michael Rooke-Ley.
- The Messaging/Framing Subcommittee, which is looking into how best to frame

issues and develop messages related to affirmative action: Reggie Oh, Margaret Martin Barry, Neil Gotanda, and Conrad Johnson.

- The Symposia Subcommittee, which will create a speakers' bureau and run symposia in initiative states: Ngai Pindell and Peter Joy.

Please join us if you have any interest or expertise; there's a lot of good work to be done. For more information, contact either of the Affirmative Action Committee Co-Chairs, Roberto Corrada ([rcorrada@law.du.edu](mailto:rcorrada@law.du.edu)), or Reggie Oh ([Reginald.Oh@csuohio.edu](mailto:Reginald.Oh@csuohio.edu)).

## Peace Post-9/11 Committee Works to Ensure Compliance with CERD

Benjamin Davis, University of Toledo College of Law

The United States has ratified several international human rights treaties protecting individuals subject to U.S. jurisdiction, including the International Covenant on Civil and Political Rights (ICCPR), the Genocide Convention, the Refugee Protocol, the Convention on the Elimination of All Forms of Racial Discrimination (CERD), and the Convention Against Torture (CAT). Three of these treaties—the ICCPR, the CERD and the CAT—are monitored through a self-reporting and evaluation process: Every five years or so, committees of experts receive self-evaluative reports from States Parties, hold hearings with government officials, and issue reports called "Concluding Observations and Recommendations" that comment on compliance with the treaty it monitors.

As the latest US-CERD reporting process approached, Howard University Law Professor Lisa Crooms, our own Deborah Waire Post, and CUNY Law Professor Cathy Albisa proposed that SALT introduce into the process the issue of the U.S. government's actions regarding affirmative action in legal education. SALT's Joan Howarth jumped into action and generated an excellent report on an extremely tight deadline. With guidance from Lisa, Cathy, and Professor Connie de la Vega, Committee member Beth Lyon added a brief international law analysis to the report and submitted it through Lisa to the U.S. Human Rights Network, which incorporated SALT's statement into its 600-page "shadow" (non-governmental) report and submitted it to the United Nations Committee on the Elimination of Racial Discrimination.

Beth Lyon attended a post-reporting meeting at the Department of State to alert the U.S. government that we had added this issue to the mix and to circulate our report individually to the various officials, including those from the Department of Education, who were

*Peace Post-9/11 Committee continued on page 12*



## Post-Katrina Committee Gathers Curricular Responses to Hurricane Katrina

Nancy Cook, Roger Williams University School of Law

In May 2007, SALT's Post-Katrina Committee set out to collect information on curricular offerings related to hurricane relief and support efforts. That work has been ongoing. At the SALT Teaching Conference in March, several types of curricular responses to the continuing crisis in the Mississippi Gulf Coast were highlighted. In addition to offering a variety of course designs and ideas that can be incorporated into existing classes, the presenters provided a map for the development of course offerings and course components.

The courses and course components described included:

- A "mini-clinic" in which students received intensive classroom instruction during winter intersession. They then provided on-site legal assistance in New Orleans through connections with the Student Hurricane network while under the supervision of full-time faculty members.
- A project component of a housing clinic in which students provided legal assistance to Gulf Coast residents who had been victimized by predatory lending practices in the wake of the storms.
- A one-credit seminar focused on the racial impact of the hurricanes, which included a collaborative project with African American artists adversely affected by the hurricanes.
- A component to an Animal Law seminar that incorporated specific situational issues arising out of the Katrina disaster into weekly discussions about doctrine and practice, and culminated in an animal rescue effort.

These and other ideas will be posted on the SALT website. The Committee welcomes ideas on curricular offerings developed in response to the 2005 hurricanes or more generally related to crisis response. For more information, contact Committee Chair Nancy Cook at [ncook@rwu.edu](mailto:ncook@rwu.edu).

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### Peace Post-9/11 Committee

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involved in the U.S. reporting process.

The author of this article, Benjamin Davis, then traveled to Geneva to participate as a SALT representative with the U.S. Human Rights Network (USHRN)-led non-governmental organization effort at the CERD meetings in February. The USHRN brought together a very diverse group of U.S. civil society organizations with specific concerns about U.S. compliance with its CERD obligations. (A list of USHRN member organizations is available at [www.ushrnetwork.org/about\\_us/members](http://www.ushrnetwork.org/about_us/members).) The task for the week was to provide information to the CERD members and the CERD Rapporteur to help influence their reaction to the U.S. periodic report and ultimately influence the Concluding Observations of the CERD on the U.S. periodic report.

It appeared that this meeting was a crystallizing moment for coordination by a wide group of domestic activists—Western Shoshones, Hawaiian Islanders, Katrina vic-

tims, Human Rights Watch, ACLU, Amnesty, and so many others—in finding a way to address U.S. compliance (or non-compliance) with its international obligations under the Treaty. Davis liaised with members of the CERD and provided copies of the SALT shadow report together with the one-page "A Disturbing Trend in Law School Diversity" document (available at [www.saltlaw.org/affirmative-action](http://www.saltlaw.org/affirmative-action)). For the USHRN response to the U.S. answers to the CERD Rapporteur's questions about U.S. compliance, SALT also submitted text drawing attention to the persistent barriers to inclusion of racial minorities in the legal profession in the United States, and pointing out that instead of addressing the racial imbalance in the legal profession, the United States government, through the Department of Education and, ironically, the Civil Rights Commission, is using its control over accreditation of law schools to undermine efforts to establish greater racial diversity in legal education and in the legal profession.

The CERD Concluding Observations (available at [www.ushrnetwork.org/files/ushrn/images/linkfiles/CO\\_USA\\_adopted-](http://www.ushrnetwork.org/files/ushrn/images/linkfiles/CO_USA_adopted-1%20.doc)

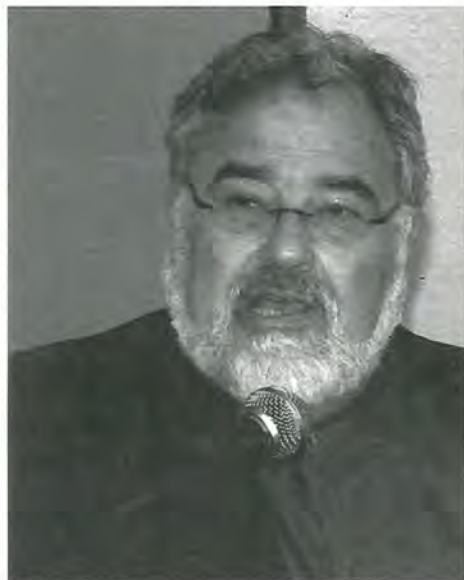
[1%20.doc](http://www.ushrnetwork.org/files/ushrn/images/linkfiles/CO_USA_adopted-1%20.doc)) reflect SALT's intervention, noting the Committee's concern that recent U.S. Supreme Court cases, along with voter referenda that prohibit states from adopting race-based affirmative action measures, have limited the permissible use of special measures as a tool to eliminate persistent disparities in the enjoyment of human rights and fundamental freedoms, and to ensure the adequate development and protection of members of racial, ethnic and national minorities. The combination of SALT's shadow reporting on key topics and participation in the meetings that brought together the U.S. human rights community was a significant aspect of making the CERD self-reporting and evaluation process work as well as it did. SALT influenced the development of the CERD's Concluding Observations on the U.S. periodic report, and SALT can in turn use those Observations in our efforts to promote diversity and equal opportunity and to defend affirmative action. In addition, we are now poised to participate in the next cycle of CERD periodic reporting as well as to help shape the U.S. approach to Durban II.



## 2008 SALT Teaching Conference: Stimulating, Moving, Inspiring, and Record-Breaking!

Patricia J. Falk, Cleveland-Marshall College of Law

On March 14 and 15, 2008, some 150 professors of law, education, psychology, linguistics, and nursing, practicing attorneys, and grassroots organizers converged on UC-Berkeley's Boalt Hall to discuss the theme of



George Lakoff

"Teaching for Social Change." The biennial SALT Teaching Conference, co-sponsored by Boalt Hall's Thelton E. Henderson Center

for Social Justice, set a new record for attendance. Participants' evaluations said the conference was stimulating, moving, and inspiring.

The opening plenary, "Liberation, Hope, and Teaching for Social Change," featured an awe-inspiring and dynamic line-up of speakers: Eva Paterson, the Honorable Cruz Reynoso, Howard Pinderhughes, and George Lakoff. Eva Paterson, President of Equal Justice Society, began her remarks by asking audience members to close their eyes and imagine the world as they wished it—a place where everyone has enough to eat, where we live in harmony with the environment, where it does not matter whom we love, where skin color is irrelevant, where everyone receives a quality education. "Now, open your eyes," instructed Ms. Paterson, "and think about our world and that ideal place of your dreams." Thus began the discussion of how to move from our present world to our ideal.

Linda Darling-Hammond gave the Friday lunch keynote address and provided



Linda Darling-Hammond

a sobering and realistic appraisal of the educational system in the United States. The Saturday lunch keynote was a conversation with Charles Lawrence and Mari Matsuda about their careers as law teachers and how they inspire their colleagues and students to be catalysts for social change and justice. When Mari was asked what might be a first step in teaching for social justice, she replied, "Join SALT."

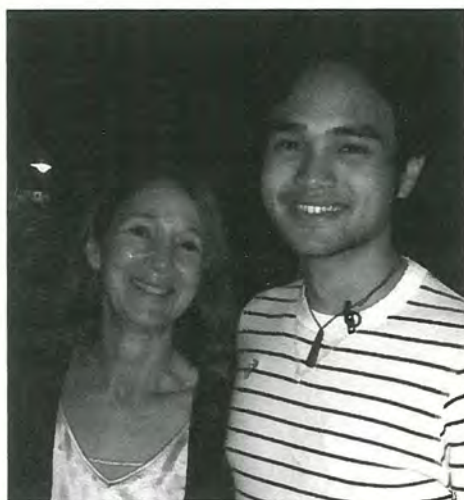
On Friday evening, Lori Bannai and Avi Soifer organized an incredibly moving tribute to Professor Chris Iijima, a person deeply committed to teaching for social change who died in an untimely fashion. Chris's wife, Jane Dickson, and son, Alan, traveled to Berkeley for the event; his other son, Christopher, was unable to attend. The tribute included footage of Chris's musical career and an interview with him not long before he died. Mari Matsuda gave a deeply



Luz Herrera and Cruz Reynoso

*Teaching Conference continued on page 14*





Chris Iijima's wife and son, Jane Dickson and Alan Iijima

## Teaching Conference

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touching and inspiring address, asking and answering the question of why Chris inspired so many people in his short life. Eric Yamamoto, Chris's son Alan, Michele Anglade, Michael Perlin, and Mark Levin

also spoke about knowing and loving Chris over the years.

The conference's initial "Call for Papers," drafted with a host of suggestions from Angela Onwuachi Willig, elicited more than 70 responses, many of which included fully organized panel presentations. The challenge for conference organizers was to find a place for all the proposals; Reggie Oh masterfully wove the various components into a cohesive whole. One attendee remarked that "there were too many interesting concurrent sessions to attend; it was so hard to choose." The topics ranged from "Teaching Whiteness, Teaching Race" to "Teaching Slavery" to "Teaching about Injustices" to "Teaching for Social Change" in the first-year and upper-level curricula. The program also included those whose teaching had led them outside the classroom: Jennifer Elrod, the Director of the Marshall-Brennan Constitutional Literacy Project, spoke about educating law students to become teachers.



Paulette Caldwell and Neil Gotanda

Others spoke of the global dimension of teaching for social change—how to reach a broader audience and the pitfalls of such an approach.

SALT's recently hired Executive Director, Hazel Weiser, was instrumental in garnering the sponsorship of four law schools (Cleve-

*Teaching Conference continued on page 15*



Chuck Lawrence and Mari Matsuda



## Teaching Conference

▼ *continued from page 14*

land-Marshall, Denver, Santa Clara, and the University of San Francisco), along with California Newsreel, The Recorder, and Aspen Publishers, for the conference, which helped defray some of the conference expenses, especially the food. Hazel played a pivotal role in helping to organize the conference, as did former SALT Co-President Tayyab Mahmud, current Co-Presidents Deborah Waire Post and Margaret Martin Barry, and Diane Chin and Jennifer Navarro of Berkeley.

If you would like to learn more about the conference, please visit SALT's website, where you will find the final conference program, a bio-bibliography of Chris Iijima, and a listing of books and articles organized around the theme of "Teaching for Social Change." In addition, conference organizers have requested that participants make their materials available on the conference webpage for those who could not attend.

## Junior Faculty Development Committee Presents the Sixth Annual Faculty Development Workshop

*Ruben Garcia, California Western School of Law*

The Junior Faculty Development Committee is training its sights on the Sixth Annual Faculty Development Workshop at LatCrit XIII, in Seattle this fall. The FDW program starts October 2 at 9:00 a.m. and ends at noon on Friday, October 3. The Workshop has been a spectacular success and has seen a marked increase in attendees each year. The 13th LatCrit Conference begins immediately after the FDW and continues through Sunday, October 5.

LatCrit ([www.latcrit.org](http://www.latcrit.org)) is an active partner with SALT in the presentation of this workshop, as there are many SALT members who are also active LatCrit participants. LatCrit is a multiracial, diverse group of scholars committed to "outsider jurisprudence," on a number of different identity points.

The FDW will focus on how to develop scholarship, teaching and service from progressive perspectives and still make it through the tenure process. The definition of "junior" is malleable, but generally includes

all tenure-track professors, newer clinicians and legal writing professors, those approaching the AALS faculty recruitment conference and teaching job market, and even those who are "suddenly senior" (e.g., newly tenured). The workshop will also draw on the wisdom of those who passed through the junior faculty stage some years ago.

The Junior Faculty Development Committee encourages all faculty not yet tenured, and those who are seeking employment in the academy, to consider attending the FDW, and the entire LatCrit conference as well. Already-tenured, experienced clinical and legal writing faculty and "suddenly senior" SALT members should encourage their junior colleagues to attend the workshop and the rest of the LatCrit XIII Conference, and, of course, to join SALT as soon as possible. Keep your eyes on [www.saltlaw.org](http://www.saltlaw.org) throughout the summer for more information.

We hope to see you in Seattle!



*Patti Falk, Hazel Weiser, Margaret Martin Barry, and Deborah Waire Post*



## Bar Exam Committee Works to Develop Alternative Assessment Methods

*Andi Curcio, Georgia State University College of Law*

The SALT Bar Exam Committee operates under the premise that current bar exams are invalid measures of who will be a competent lawyer and stand as artificial barriers to diversifying the profession. The Committee works against measures that potentially will increase the exam's



*Liz Ryan Cole*

negative impact on diversifying the profession, and works with others to develop alternative assessment methods that ultimately may be adopted in lieu of the existing bar exam. In the past six months, our members have been very active on both fronts.

Under the leadership of Liz Ryan Cole, the Committee organized and sponsored a workshop at the SALT Teaching Conference on alternative assessment methods. This excellent session focused both on alternative ways to assess classroom and clinical teaching, and on ways to begin empirically validating these alternative assessments. Liz currently is taking the lead once again, developing a poster presentation on alternative assessments for the upcoming AALS Clinical Law Faculty Conference.

The Bar Exam Committee also was very active in its opposition to the proposed changes to ABA Standard 301-6. The proposed changes to Standard 301-6 sought to develop a bright-line rule for law school accreditation based upon bar passage rates. The Bar Exam Committee submitted numerous statements opposing the proposed changes and suggesting alternatives. Eileen Kaufman did a great job presenting the Committee's issues and suggestions during ABA public hearings. The text of the Committee's statements is available on the SALT

website. Due to the work of SALT and numerous other individuals and organizations, although the ABA did ultimately adopt a bright-line rule, the final version of Standard 301-6 is significantly less onerous than the original version in terms of its potential impact upon schools that serve large minority populations. One outgrowth of the opposition to the original proposed revisions to Standard 301-6 is that the ABA developed an Outcome Measures Committee, which is charged with the responsibility of "examining whether and how we can use output measures, other than bar passage and job placement rates, in the accreditation process." The Bar Exam Committee has submitted statements and other materials to this ABA committee.

## Academic Freedom Committee Recommends "Best Practices" to Combat Pressure to Conform

*Natsu Saito, Georgia State University College of Law*

Throughout higher education, there is increasing political and financial pressure on administrators to restrict the ability of teachers and scholars to present perspectives critical of the status quo.

In response, SALT's Academic Freedom Committee is proceeding on two fronts. First, we would like to compile information about situations in which professors are encountering pressure to conform their teaching, scholarship, or clinical work to particular political perspectives. We hope to identify and address the patterns we see emerging, to publicize the nature and frequency of incidents threatening academic freedom,

and, possibly, to intervene when requested to do so in appropriate individual cases.

Second, to address these problems in a systematic way, we are in the process of developing a "best practices" manual for professors and administrators. We have received many suggestions for issues to be addressed, including:

- substantive rights of faculty to make curricular decisions;
- parameters of academic freedom in clinical and litigation settings;
- indemnification policies pertaining to academic activity;
- the rights of non-tenured faculty;

- the many forms that political retaliation may take;
- how to shield faculty from undue outside political pressure; and
- the academic freedoms of individuals versus those of institutions.

We urge SALT members to contact Committee Chair Natsu Saito ([nsaito@gsu.edu](mailto:nsaito@gsu.edu)) or any of the other Committee members (Robin Barnes, Steve Bender, Nancy Ehrenreich, Holly Maguigan, Camille Nelson, and Florence Roisman) with issues that need to be addressed directly or through incorporation into our best practices manual.



## 2008 Lobby Day: Law Students Urge the Repeal of "Don't Ask, Don't Tell"

Jackie Gardina, Vermont Law School

On March 7, 2008, as part of Servicemembers Legal Defense Network's Lobby Day, more than 100 students and faculty representing sixteen law schools converged on Congress to lobby for the repeal of "Don't Ask, Don't Tell." The students, along with more than 150 of their fellow activists, visited every congressional office to educate



Jackie Gardina

Congress members and their legislative staff about the devastating effect of the current statute and to advocate for the passage of the Military Readiness Enhancement Act, H.R. 1246. That Act, which repeals the statute codifying "Don't Ask, Don't Tell," has 141 co-sponsors in the House and will be introduced in the Senate later this year. After urging Congress to lift the ban, participants gathered on the West Lawn of the Capitol for a rally that featured, among others, bill cosponsors Shelley Berkley (D-NV) and Eleanor Holmes Norton (D-DC), Maj. Gen. Vance Coleman, USA (Ret.), and Vermont Law School professor Jackie Gardina, the author of this article, a member of SALT, and an SLDN Board member.

SALT was instrumental in doubling the number of students involved in this year's efforts. Hazel Weiser, SALT's Executive Director, alerted members about the opportunity to participate in the event, and Jane Dolkart, Chair of SALT's LGBT Committee, organized efforts to encourage schools to become more

actively involved. Participating law schools included American University, Boston College, Brooklyn, Columbia, Fordham, Georgetown, George Washington, Hofstra,

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*The "Don't Ask, Don't Tell" law has its most direct impact on young Americans. . . . The law students who recently participated in lobbying were articulate advocates who clearly and convincingly argued that this law is obsolete and needs to be overturned.*

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New York University, Seton Hall, Touro, University of Virginia, University of Denver, Vermont Law School, Washington University, and Yale. In addition, Touro Law Center, which hosts SALT's homebase, developed a lesson plan to teach students how to engage in effective lobbying, centered on the repeal of the "Don't Ask, Don't Tell" law.

The students' involvement did not go unnoticed by those closest to the fight. Tom Carpenter, a veteran and SLDN Board member, commented on the necessary infusion of youth into the process. "The 'Don't Ask, Don't Tell' law has its most direct impact on young Americans. The enthusiastic involvement of students, particularly law students, is essential to SLDN's lobbying efforts on

Capitol Hill and in home districts. The law students who recently participated in lobbying were articulate advocates who clearly and convincingly argued that this law is obsolete and needs to be overturned," he said.

Many students reported being deeply affected by the experience. Linda Serret, a third-year student at Vermont Law School, reported that participating in Lobby Day "was the most meaningful thing I have done in law school." Another student, struck by the apparent disconnect between Congress members' support for military and their lack of support for H.R. 1246's passage, stated, "I was surprised to see that in all the offices we visited on Lobby Day, there were military insignia on the walls. I found it offensive, to me as an American and especially to the former Marine who was with us and discharged under the statute, to portray an image of patriotism but not live up to what it suggests."

But faculty and students who want to be actively involved in repealing this discriminatory statute do not need to travel to Washington, D.C. to do so. According to SLDN Legislative Affairs Director Sharon Alexander, "one of the most effective ways of advocating for repeal of 'Don't Ask, Don't Tell' is meeting face-to-face with your Member of Congress in their district office. We elect our Congressional representatives to represent us, so it's critical we discuss with them our support for repeal!" For resources on scheduling an in-person meeting with your Member of Congress, go to [sldn.convio.net/lobby-in-district](http://sldn.convio.net/lobby-in-district). For additional information, contact SLDN Policy Advocate Julie Kruse at [jak@sldn.org](mailto:jak@sldn.org) or at 202-328-3244, extension 120.



## 2008 Norman Amaker Public Interest Law and Social Justice Retreat: "Re-Commitment to Social Change: Where You Were, Where You Are, Where You Are Going"

Robyn Kane, Assistant Public Guardian, Cook County Public Guardian's Office, Chicago, Illinois

I love camp. Or rather, I love the idea of camp in general. As a kid, camp for me was about more than spending my summers away from home. It was about being part of a community filled with people "like me": people who had common interests and common experiences. It was my love of the idea of "camp" that sent me to the Norman Amaker Public Interest and Social Justice Law Retreat for the first time in 2007. In the midst of a cold winter at the start of my final year in law school at Washington University in St. Louis, an email came my way from a professor (a member of SALT) who thought I might be interested in the experience. The email caught my eye: The retreat offered a place where students who had a commitment to and passion for social justice and public interest law careers could come together, share experiences, and learn from each other. All I could think was: "Where do I sign up? It's like camp for law students!"

Last year, as a 3L on the brink of graduation, I had no job. Sure, I had an idea of where I wanted to work; I had gone on interviews. But I hadn't yet secured what most of my friends working for big firms had: the promise of a paycheck and the knowledge of where they'd be for at least the next three to five years. At last year's retreat, I was able to meet with students with my passion for social justice, as well as with practitioners and professors with the same passion. I left Indiana last year reinvigorated and hopeful that my lack of employment would not deflate my dreams of a public interest career in child advocacy. By September 2007, I was indeed employed, as an assistant public guardian. The "dream job" was mine. In November, a friend I met at last year's retreat asked me if I'd come this year, this time as a resource for students. It didn't take me long to agree. I could get away from my job for a

weekend and at the same time, experience the community that so invigorated me last year.

This year's retreat, held February 22 to 24, did not disappoint. While Friday evening was a relaxing, informal night of getting to know one another and catching up with friends, Saturday morning started a series of panels intended to guide everyone on their re-commitment to social justice.

The morning began with a panel on disability law, featuring a clinical law professor, an attorney whose practice revolves around giving his clients access to social security, and a student who would be entering the field after graduation. We heard the professor speak of a client with a multitude of problems he'd helped years ago, and how he realized that although his client was disabled, he could help her gain independence—the real reason she had come to him in the first place. The important take-away was that clients may come with a set agenda, but sometimes you have to chisel away at other issues to get the major issue resolved. After the disability panel, we heard from



Neil Williams

Norman's involvement in the civil rights movement of the 1960s, working with the NAACP, and how his commitment to social justice shaped his entire career as a practitioner and professor of law.

After Neil's inspirational words we then focused on a very timely topic: election law. As a practitioner, I don't encounter election law on a daily basis in my work, but election

law has guided the way our country is run and where we are headed in the world today.

I was intrigued by the experiences of many of the panelists who were formerly with the Civil Rights Division of the Department of Justice, and by how working for the government

caused them to branch out and continue their careers, making sure people are able to exercise their right to vote and stressing the importance of voting in general to get one's voice and opinion heard. Especially heading toward November, when the Democrats will have selected either the first female or the first person of color as their party's presidential nominee, giving people the access and ability to make choices for our country's future is vital.

Over lunch, we heard from Ken Falk, the legal director at the ACLU of Indiana, who encouraged the students to follow their passion wherever it may take them. Ken spoke of being from New York and moving to Muncie, Indiana, after law school, because that's where he was able to get a job doing public interest work. His message was incredibly important. As a student, I sent my resume to a number of different places solely based on the opportunities offered, not necessarily because of their locales. While I ended up in Chicago (where I'm originally from), I did entertain the idea of packing up and moving somewhere I didn't really know, because I wanted to do child advocacy work that badly. It's a tough choice to make, but Ken's idea of following one's passion really resonated with me.



Bob Lancaster

*Amaker Retreat  
continued on page 19*



## Amaker Retreat:

▼ continued from page 18



Emily Benfer and Florence Wagman Roisman

During the second half of the day, panels on careers in international law, and on partnerships between the medical and legal fields, were just as

engaging as the ones the morning sessions had brought. The idea of a medical-legal partnership was particularly interesting to me, since I work with a population of people who rely on medical cards provided by public assistance in order to access health care.

To close the evening, we heard from Emily Benfer, another Amaker Retreat “alum” who spoke not about how she’s helped people through her legal career, but about how people with whom she has worked have helped her find meaning and guide her post-law school work, first as an Equal Justice Works Fellow and then at the Washington Legal Center for the Homeless. She referred to her clients as her “heroes” and added that everyone at the retreat was also a “hero” to her, because our commitment to social justice and social change would make a difference to the communities and people we serve. I haven’t done Emily’s speech enough justice here, but suffice it to say, it was a truly inspiring finish to an inspiring weekend. As I did last year, I left invigorated — but this time, it was because I was able to share some of my knowledge with others and at the same time, be reminded of why the work I do every day is important. To those in the Midwest, please encourage your students to attend next year’s retreat. While I attended as a 3L, I wish I had known about the retreat when I was a 1L. The experience could do wonders for someone’s future career, especially if they are committed to social justice and public interest work.

## 2008 Robert M. Cover Public Interest Law and Social Justice Retreat: “Snow and Tell”

Allison Silva, Student, University of Connecticut School of Law, and Irina Knopp, Student, Fordham Law School

Tucked away in cabins in snowy Peterborough, New Hampshire, 103 law students, practitioners, and professors hailing from 25 schools from Florida to Maine gathered at the 21st Annual Robert M. Cover Public Interest Law and Social Justice Retreat. UConn Law School had the honor of hosting this year’s retreat, from February 29–March 2 at the Sargent Center, and succeeded in bringing a delegation of fourteen students and two professors. As UConn Law student and retreat organizer Ben Smilowitz explained, “It’s



Cover Retreat organizer Ben Smilowitz

easy to forget our sense of purpose when we are bogged down with mountains of law school work.

Ultimately, the people that gathered might be our closest long-term allies, fighting uphill battles for social justice. The retreat provides a solid foundation of community and support.”

The Cover Retreat was started by SALT in 1987, in memory of celebrated Yale law professor Robert M. Cover, 1942–1986. As an undergraduate at Princeton, and then as a law student at Columbia, Cover was an active proponent of civil rights. He served a three-week jail term in Albany, Georgia, in the early 1960s, as a result of his involvement with the Student Non-Violent Coordinating Committee and its voting rights campaign.

In his third year at Columbia Law, Cover was asked to join the faculty; he moved to Yale Law in 1972. There, he taught courses in American legal history, law and American slavery, constitutional law, civil procedure,

and federal courts and federal jurisdiction. His book, *Justice Accused: Antislavery and the Judicial Process*, received Harvard Law School’s prestigious Ames Prize for significant books in law. Before his untimely death at the age of 42, he envisioned an annual retreat at which law students, public interest practitioners and academics could share their experiences and aspirations.

Cover’s colleagues, attorney Danny Greenberg, Yale Law professor Stephen Wizner, and Hawai’i Law’s Dean Avi Soifer, ultimately made his vision a reality. At the retreat, they spoke movingly of Cover’s dedication and brilliance. The brief biography they gave emphasized his ambition and sense of urgency. He did not wait until graduation to begin his work; he started as a student. Cover was known for not yielding to the status quo; likewise, the Cover Retreat preaches, embraces and encourages alternative approaches to public interest lawyering and scholarship.

This year, students at the retreat spoke about the public interest work in which they are currently engaged, during the panel titled: “The Coolest Stuff Around—Law Students Show and Tell.” New England

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Steve Wizner and Danny Greenberg



## Cover Retreat:

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School of Law students talked about starting the Judicial Language Project in 2005. This project aims to identify language in judicial opinions that inappropriately implies that a victim of violence was in some way responsible for the violence. Students in Georgetown University's Street Law Clinic teach public high school students the distinctions between civil and criminal law, and conduct a mock trial program. At the University of Maine, students involved in the Maine Patent Program support economic development by helping Maine inventors and small businesses understand how to identify and protect their intellectual property.

Some of the workshops dealt with an issue that has reemerged at the forefront of mainstream political, social and economic discussions: race. Professor Anthony Farley of Albany Law School facilitated discussions about critical race theory, racism, and the law. Students related their in-class experiences to the theory, which addressed the intersection between race and class. Farley proposed that punishment be eliminated and prisons abolished. His introduction of iconoclastic ideas sparked the kind of immensely stimulating philosophical discussions that are often conspicuously absent from law school classrooms.

SALT Co-President Margaret Martin Barry of Catholic University's Columbus School of Law facilitated a discussion titled, "Domestic Violence: What Lawyers Can Do," which brought together a diverse group of students, each with different levels of understanding and experience with domestic violence. Students were inspired and motivated to hear about the different ways law schools across the country are tackling domestic violence. "Lawyering for the Poor—Legal Services and Immigration Work," hosted by Professor Stephen Wizner of Yale Law School, provided a great opportunity to explore the different

ways students at other law schools are working the issues of immigrants' rights.

The schedule boasted more than fifteen workshops, three panels, and eight round-table meals, and still allowed ample time for networking, outdoor recreation, and fun. Retreat attendees were treated to the Sargent Center's excellent cuisine, which ranged

*Student participants left [the Cover Retreat] with an understanding that using their future law degrees to pursue social activism on behalf of the public interest is not only possible, but it can be fulfilling and sustainable. Most importantly, students realized that the best time to begin working for the public interest is now.*

from grilled salmon to seitan. Students and faculty alike took advantage of cross-country skiing, snowshoeing, and a rousing round of snow-tubing. During the evening, attendees gathered around the fireplace to roast marshmallows, enjoy a nightcap (or two), and engage in deep conversation, light-hearted laughter, and even some karaoke and dance.

Ezekiel Callanan, a 3L at the University of Maine School of Law, was especially impressed by the balance of work and play at the retreat. "While I expected the vast array

of seminars and workshops that were legal in nature, and geared towards my future in public interest law, it was the genuine FUN . . . that came as a very pleasant surprise. The social aspect of the retreat cannot be overstated as it worked to fuel productive discussion of legal issues throughout my time in the New Hampshire woods. And we got to play in the beautiful snow!!"

A special thanks goes to this year's organizer, Ben Smilowitz from UConn Law, for incredible organization and dedication to the cause. The Cover Retreat provided a unique atmosphere conducive to open discourse and accessibility to lecturers, which allowed everyone to engage actively with one another. Mary Beth McLean of North Carolina Central University School of Law remarked, "The retreat attendees and speakers shared experiences and encouragement that were invaluable." As New England School of Law student Rebecca Merrill summed it up, "You have a lot of fun, make new friends and professional contacts, and leave with a renewed sense of purpose and a hunger for knowledge."

Student participants left with an understanding that using their future law degrees to pursue social activism on behalf of the public interest is not only possible, but it can be fulfilling and sustainable. Most importantly, students realized that the best time to



Maine ACLU's Zach Heiden and National ACLU's Ben Wizner join snow-tubing students



## 2008 Trina Grillo Public Interest and Social Justice Law Retreat: “Communities Building Social Justice”

*Ngai Pindell, William S. Boyd School of Law, University of Nevada-Las Vegas*

The William S. Boyd School of Law at UNLV hosted the 10th Annual Trina Grillo Public Interest and Social Justice Law Retreat on March 7 and 8. The theme of the conference was “Communities Building Social Justice,” and it focused on developing public interest infrastructure in communities like Las Vegas, Nevada, where relatively few public interest organizations exist.

The conference began informally on Friday evening with a cocktail reception and conversations among local practitioners, conference speakers, and students. Approximately 60 students attended the conference from the University of Denver, Santa Clara, the University of San Francisco, Seattle University, the University of Southern California, and UNLV.

The Saturday morning plenary, “Models for Social Justice—Framing Your Mission,” opened the formal conference discussions by inviting attendees to think broadly about

public interest models. Professor Bill Hing (UC-Davis) spoke about the effectiveness and importance of community lawyering and used his experiences with the Immigration Legal Resource Center as an example of how successful and fulfilling such an approach can be. Professor Leticia Saucedo (UNLV) talked about several different forms of public interest and the importance of remaining open to opportunities for social change throughout one’s career. She emphasized the opportunities for social change within her own diversity of work experiences, including large firm practice, the Mexican American Legal Defense and Education Fund, and law teaching. Professor Deborah Kenn (Syracuse University) offered a transactional perspective to the panel, discussing her community development clinic’s participation within a university-wide initiative at Syracuse University to engage the surrounding community.

During the discussion session of this

plenary, panelists and attendees engaged in a spirited debate about the usefulness of the existing pro bono model of delivering legal services to poorer communities. While all acknowledged the present necessity of pro bono programs to address the legal needs of underserved communities, some noted that focusing too much on these programs inhibits the development of other legal services options that could also provide important benefits.

The plenary discussion introduced broad themes that were followed up in more detail in three concurrent panels. In the first panel, “Private Pro and Low Bono—Advocating for the Public Interest in Private Practice,” Professor Robert Correales (UNLV) emphasized that students can better use their time in law school to participate in projects that have personal meaning and community benefit. He noted that professors and students could

**Grillo Retreat**  
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*Grillo Retreat attendees*



## Grillo Retreat:

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do a better job of using law school writing requirements and similar projects to create work products with a practical application. He cited his own examples of working with students to draft bills for the legislature on workers compensation and fleeing felon statutes for law school credit. Professor Scott Cummings (UCLA) told the story of a Los Angeles private public interest law firm, Hadsell and Stormer, that specializes in plaintiff-side civil rights litigation. Luz Herrera discussed a model of public interest legal services she has practiced for several years. In this model, she charges clients a sliding scale fee for legal services rather than relying on grant funding or on pro bono lawyering.

During the second concurrent panel, "Navigating Challenges and Growing Your Model," panelists continued the conference theme of developing public interest resources in communities. Jim Preis discussed his work in growing the Mental Health Advocacy Project in Los Angeles. Professor Pam Mohr (UNLV) discussed founding the Alliance for Children's Rights in Los Angeles. Rhina Ramos discussed her work with organizing immigrant laborers in New York and with the Bay Area Parent Leadership Action



*Participants brainstorm about nonprofit law practice*

Network in California.

The third concurrent panel, "Getting Involved with Existing Social Justice Projects," focused on existing programs in Southern Nevada. Gary Peck, the Executive Director of the ACLU of Nevada, talked about his organization's litigation work and other ongoing projects. Kimberly Abbott, the director of the Clark County Legal Services Pro Bono Project, discussed opportunities for lawyers to get involved with local pro bono efforts and the limitations the program faces. Bill Losch talked about the work of the newly-created Clark County Chapter of the Urban League.

After a Career Strategies lunch where students got the chance to talk about public interest employment opportunities and chal-

lenges with conference panelists and local practitioners, we held the second plenary session, titled "How to Create Your Own Shop and Fund It." Cynthia Asher, Career Services Director at UNLV, explained how graduating students pursuing public interest work can qualify for loan forgiveness under new federal provisions. Mike Pawlak discussed the growing scarcity of public resources to fund community-based projects he has observed in his work in the Clark County Community Development office. Ericka Hines and Luz Herrera outlined the topics for their next concurrent panels. Hines, from Equal Justice Works, outlined the top strategies for establishing a successful nonprofit organization. Herrera laid a similar roadmap for how to

**Grillo Retreat**  
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*Panelist Jim Preis with students*



## Grillo Retreat:

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set up a successful law practice.

The two concurrent panels that followed (facilitated by Hines and Herrera) offered students an interactive, in-depth tutorial on the practical challenges of setting up a nonprofit or solo law practice. Students began both sessions by listing their questions about setting up their own organizations. Questions included how to get clients, how to balance family and work, and how to create a budget. Students then worked in small groups or brainstormed collectively for solutions. The conference ended with

Joan Howarth (UNLV) sharing personal and professional anecdotes about Trina Grillo's life, followed by a closing reception.

UNLV enjoyed hosting students from the consortium of schools established to support this conference. The consortium schools include those named above, whose students attended this conference, along with UCLA, Oregon, Golden Gate, and Stanford.

Continuing the tradition of rotating host schools, Stanford Law School will host the next Trina Grillo retreat in the spring of 2009. The date has not been determined yet, so please watch for future announcements on the SALT website.

## About SALT

Since 1973, the Society of American Law Teachers (SALT) has been an independent organization of law teachers, law deans, law librarians, and other legal educational professionals working to enhance the quality of legal education, make the legal profession more inclusive, and extend legal representation to under-served individuals and communities. SALT has been at the forefront of national debates about legal education and legal institutions. SALT challenges faculty, staff, and students to promote the profession's core values of equality and justice, and to oppose illegal and inequitable practices. You can learn more about SALT at [www.saltlaw.org](http://www.saltlaw.org). Please join us by registering to become a member online or with the membership application included below.

## Society of American Law Teachers

### Membership Application (or Renewal)

You can register to become a member online and pay by credit card by going to [www.saltlaw.org](http://www.saltlaw.org), or you can complete and mail in this form, together with a check or credit card information.

#### Enroll me/renew my membership:

- ☐ I enclose \$125 (for those earning \$125,000 or more per year)
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