

The **EQUALIZER** **SALT**

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PRESIDENTS' COLUMN



– Stephanie M. Wildman
*University of San Francisco
School of Law*

– Phoebe A. Haddon
*Temple University
School of Law*

In many cultures, Spring is a time of physical and spiritual renewal. We in the legal academy are oddly out of sync with this cultural heritage. We arrive at Spring, usually limping from the hiring battles that have recently ended and looking toward the end of our academic year and the closure of final exams. This disjuncture with the rest of the world makes many of us dispirited.

Trying to capture the feeling of Spring and renewal, we look in this column to the future and new beginnings in the ongoing struggle for inclusion and nondiscrimination in our law schools and our profession. The struggle continues on many fronts, including challenges to admission policies, barriers to the entry to the profession through bar exams and the maintenance of non-discrimination as the standard for the profession and for legal education, most recently subverted by the "Solomon II" amendment.

ADMISSIONS POLICIES

Race-based affirmative action has been outlawed in California, Texas and most recently in the state of Washington. Affirmative action proponents in these states seek other mechanisms for inclusion and continue to struggle politically, as well. But, in other places, many schools are assuming that they no longer can consider race in admissions, even

continued on page 3

LAW PROFESSORS MARCH TO PROTEST CLINIC RESTRICTIONS ON REPRESENTING THE POOR

– Sue Bryant
CUNY School of Law

SALT co-sponsored a march in New Orleans at the January AALS meeting to protest new Louisiana Supreme Court student practice rules which severely restrict students and faculty representation of poor communities. The march, which was organized by the Clinical Legal Education Association, drew over 250 law professors and 50 members of the state chapter of the SCLC. The march ended on the steps of the Louisiana Supreme Court with a rally and a filing of a petition against the changed rules signed by over 900 law professors. The march and the reaction to it by Governor Foster received excellent coverage in local newspapers and on local TV. (Governor Foster complained about "outside lawyers" coming to Louisiana to protest!)

The marchers were protesting new rules that limit students and faculty from representing not-for-profit organizations where more than 50 percent of the members of the group live above the poverty line and from representing organizations with affiliations to national groups. Members of represented groups must now divulge their finances to obtain representation. Obviously, these

continued on page 2

INSIDE THIS ISSUE . . .

SALT Annual Dinner.....	page 4
SALT Board Meets in New Orleans.....	page 5
Cover and Grillo Law Conferences.....	pages 7-10
Shaming "Solomon"	page 11
Talking Points for "Solomon"	page 13
Examining The Bar	page 14
CUNY Conference on Immigration	page 14

continued from page 1 - Law Professors March

rules limit the working poor, low and middle-income families from getting representation on significant life-threatening issues.

The rule changes by the Supreme Court were in response to the Tulane Law School Environmental Clinic's successful representation of a group of citizens who were challenging plans to build a polyvinyl chloride plant in their town of Convent, Louisiana. Convent is a town of 2,676 people, 80 percent of whom are African American and 40 percent of whom live below the poverty line. The Shintech Corporation planned to build a \$700 million dollar facility and planned to dump millions of gallons of waste water daily and 600,000 pounds of toxins into the air annually. After endless work on investigations and filing massive amounts of documents in opposition to the building of the plant, the Tulane students successfully persuaded the EPA to override a state decision favoring Shintech.

The representation provided by the students and faculty in this case would have cost hundreds of thousands of dollars, a legal bill that the residents of Convent could not have afforded. Under the new restricted student practice rules, the students could not have represented the Convent group, which was composed of teachers, bus drivers, household workers and others who lived above the poverty line and who would have been forced to endure another facility pumping toxic waste into their community.

Although the march and other protests have not yet changed the Supreme Court's rules, local activists felt supported in their efforts by the demonstration of national support from SALT members and other law professors who joined the march. At the end of the rally, Reverend Norwood Thomson asked all those who were from New Orleans to hug one of the "outside lawyers" and thank them for coming! Local efforts to change the rule will continue. ■



More than 300 marchers gather in front of the Louisiana Supreme Court to protest the highly restrictive practice rules.



Professor Peter Joy, Washington University (St. Louis) School of Law, speaks to the crowd moments before filing a petition signed by over 900 law professors.

continued from page 1 - Presidents' Column

though *Bakke* remains the law. The SALT Action Campaign's Task Force I on alternative admissions is trying to identify ways of supporting efforts to resist the backsliding on nondiscrimination in this time of litigation and political threats to equality and inclusion. One project undertaken by Task Force I is the development of model standards of admissions that correlate with the ability needed to practice law. During the Annual Meeting of the Association of American Law Schools in New Orleans, representatives of Task Force I and representatives of the Law School Admissions Council met to explore common areas of concern, including clarifying the ways law schools and other decision-makers commonly misuse the LSAT.

Contact **Jane Dolkart** (SMU) and **Theresa Glennon** (Temple), co-chairs of Task Force I: Alternative Admissions, to find out how you can get involved in this important admissions-related work.

BAR EXAMS

SALT is planning a fall conference in San Francisco on September 25, 1999 at Golden Gate University School of Law which will focus on bar examinations. As **Joan Howarth** explains in her article, *Teaching in the Shadow of the Bar*, 31 U.S.F.L.Rev. 927 (1997), most of us minimize the negative impact that state bar examinations have on legal education, the legal profession and access to justice. However, many law schools now face serious challenges to their decisions about what is appropriate for a quality legal education because of bar passage rates and fear of adverse institutional rankings based on bar results. There are a host of other serious issues to address at the conference. Many bar examinations protect the established bar at the expense of consumers of legal services. Disparities in the passage rates for some groups as compared with others in some states are also problematic. The recent bar passage report of the LSAC requires further critical analysis.

Contact **Joan Howarth** (Golden Gate) or **Lisa Iglesias** (Miami), co-chairs of Task Force II: Social Justice Curriculum and Practice, to participate in the fall conference or to work on other projects related to the bar examination and bar passage.

"SOLOMON II" AMENDMENT

Many of you attended some of the sessions at the AALS Annual meeting concerning the impact of the "Solomon II" amendment, includ-

ing sessions co-sponsored by the AALS Section on Gays and Lesbian Legal issues and SALT. In light of the strong interest reflected by the participation in these sessions and because of the optimistic outlook of Representative **Barney Frank**, one of the principal session speakers, the Section decided to undertake a serious repeal effort. A committee to Repeal the Solomon Amendment has been formed to promote this project, which includes a nationwide letter-writing repeal campaign. The fight to repeal Solomon II fits squarely within SALT's Action Campaign; SALT's Board of Governors has voted to endorse ten General Principles on Access and Amelioration set forth in a pamphlet which is being disseminated widely. Task Force III: Legal and Political Resistance, co-chaired by **Sumi Cho** (De Paul) and **Margaret Montoya** (New Mexico) has produced information and action packets which are available to support those engaged in the campaign. (see page 11 herein). Contact either of them to receive a pamphlet and to join the work of Task Force III.

SALT members continue to be at the forefront of these struggles and welcome the infusion of new energy from your participation. After all, it is Spring. Dedicate yourself to this renewal!

In closing, we send our heartfelt thanks to all of the planners, leaders and participants in the SALT-related activities at the AALS Annual Meeting. This issue of *The Equalizer* is replete with news of the activities, and we hope you'll take the time to read about all of them. In particular, we thank the Annual Teaching Award Dinner co-chairs, **Cynthia Bowman** (Northwestern) and **Paula Johnson** (Syracuse), committee member **Theresa Glennon** (Temple) and treasurer **Norm Stein** (Alabama) for a wonderful evening (see page 4 herein).

SALT continues to host (with Yale Law School) the Robert Cover Retreat for public interest practitioners, law students and faculty. Once again, we are grateful to **Avi Soifer** and **Steve Wizner**, for their extraordinary help. And this year, for the first time, SALT sponsored, in conjunction with Santa Clara and USF, the **Trina Grillo Public Interest Retreat** in California. Several law schools, including Willamette, Denver and U.C. Davis, sent contingents of students. Thanks to **Nancy** and **Eric Wright** (Santa Clara) for a Herculean organizing effort to initiate and institutionalize this conference (see pages 7 - 10 herein).

Don't forget to visit the SALT web page at www.scu.edu/law/salt and take a breath of Spring. ■

SALT ANNUAL DINNER: AN EVENING OF RECOGNITION AND INSPIRATION

– Theresa Glennon
*Temple University
School of Law*

More than 150 people gathered for the SALT annual dinner in New Orleans to honor **Jesse N. Stone, Jr.** and **Anthony G. Amsterdam** and to remember beloved and respected colleagues who departed during the last year. For a few hours, we came together to reflect on our shared mission of justice, equality and opportunity and to be inspired by those who have lived that mission.

The program began with a remembrance of **Marc Feldman, Ralph Brown, Spottswood W. Robinson, III,** and **A. Leon Higginbotham, Jr.** Judge Robinson and Judge Higginbotham were remembered for their long careers dedicated to civil rights as lawyers and judges. Professor Brown was recalled for his efforts in the creation of SALT, and Professor Feldman was remembered by his colleague, **Barbara Bezdek**, as a law teacher committed to preparing “new lawyers to be the most effective, strategic, persistent and inventive anti-poverty lawyers, with the agility, heart and moxie



*Mrs. Stone, Dr. Stone and their daughter,
Shonda Stone-Williams*

to do battle against better-resourced, legally privileged foes.” Professor Bezdek reminded us that we all must carry on their work.

Speakers on behalf of Dr. Jesse Stone, recipient of the 1999 SALT Human Rights Award, spoke

of his long career in civil rights and his tireless mentoring of younger generations of activist lawyers. A member of the first graduating class of Southern University Law Center, Dr. Stone was the first African American to practice law in Shreveport, Louisiana in over fifty years. He dedicated his practice to ending segregation in education and public accommodations and ensuring that African Americans were able to vote. As a criminal defense lawyer, he won the right for African Americans to participate on juries.

Always an educator, he wore many different hats at Southern University, and his remarkable achievements were recalled for us by Chancellor **Bhishma K. Agnihotri** of Southern University. His profound impact on the lives of individual students was highlighted by State Senator **Cleo Fields** of Louisiana, who recalled that Dr. Stone was responsible for his success by believing in him and holding him to the highest standard of conduct. In presenting the award, SALT Board member **Michael Rooke-Ley** recalled the lunch counter sit-ins in Shreveport in the mid-1960’s and how “the lawyer Jesse Stone . . . became our life-line, more than once getting us out of jail, representing us successfully in court, and even taking us into his home when others wouldn’t or couldn’t – all in the face of great personal danger to him and his family.”

Dr Stone’s daughter accepted the award on his behalf. She told us how proud she was of his life’s work and accomplishments and remarked that, despite his battle with Parkinson’s disease, he understood that he was being honored “[b]ecause a whole lot of people think I’m a pretty good guy.”

Tony Amsterdam was awarded the 1999 SALT Teaching Award for his reform of legal education and his unstinting dedication to ending the death penalty in the United States. Professor Amsterdam designed innovative lawyering programs at Stanford and New York University, and two of his former students, **Stephanie Wildman** and **Kim Hawkins**, noted the life-changing effect of their contact with him as students and later as colleagues. Another colleague, **Peggy Davis**, noted that it was hard not to be overwhelmed by his extraordinary skill, bottomless energy, and the relentless work ethic he brought to his roles as law teacher and advocate. **John Blume**, a colleague in post-conviction death penalty work, described the

key role that Professor Amsterdam plays in defining the legal strategies of death penalty foes, and his critical and detailed comments and reworking of the many briefs he reviews. Blume boasted that he framed a recent brief that had finally met Professor Amsterdam's high standard and was returned with no corrections.

Professor Amsterdam's own comments in



*Peggy Davis, Kim Hawkins and
Tony Amsterdam*

accepting the award made clear his commitment to working as part of a community and to the causes he has so ably championed. In accepting the award, Professor Amsterdam noted that the many references to his work ethic, if made by his wife, would have read as an indictment, but he accepted that, from SALT, they were high praise. He noted how important he considered SALT and its members to be in supporting the work of lawyering for social justice, and he encouraged those gathered to keep faith with their commitments.

The evening was both serious and fun. Those gathered shared the pleasures of good food, wine and conversation and came together to thank and be encouraged by the remarkable and dedicated lives of those we honored and remembered. We are grateful to **Paula Johnson**, **Cynthia Bowman** and **Norm Stein** for their hard work in organizing the dinner. Our thanks also to Stephanie Wildman and Phoebe Haddon, our emcees and consultants, and to our speakers and honorees who shared their thoughts and work with all of us. ■

SALT BOARD MEETS IN NEW ORLEANS

– Joyce Saltalamachia
New York Law School

Traditionally, the SALT Board meeting that is held in conjunction with the AALS annual meeting has the highest attendance of any of the three Board meetings each year. This is so in spite of the fact that this January meeting is always held in the early hours of the morning in order to give Board members the opportunity to attend to their AALS activities. Our last meeting was no exception, with 36 past, present and future Board members attending the meeting held on January 8, 1999 at 7 a.m. In spite of the early hour, but because of the presence of ample amounts of coffee, Board members quickly got to the task of reporting on and planning for future SALT activities.

The meeting began with Co-President **Phoebe Haddon** welcoming the new Presidents-Elect, **Carol Chomsky** and **Margaret Montoya**, and new SALT Board members **Joan Howarth**, **Marina Hsieh** and **Margalynne Armstrong**. Phoebe also thanked those who were rotating off the Board: **Jane Dolkart**, **Eric Yamamoto**, **Anthony Farley**, **Nadine Taub** and **Leslie Espinoza**.

Since the SALT Action Plan Task Forces have been established, there has been a certain amount of change in the organization of SALT Committees. In addition to the previously established committees, there is now a special SALT Action Committee that includes all Task Force Chairs, and SALT Board members are expected to participate in individual Task Forces along with their other committee obligations. Given that we now have more activities than ever being organized by SALT, Phoebe encouraged members to use e-mail communication to act as an extension of the limited time we have for Board meetings.

The Task Force Chairs then reported on plans for activities during the AALS meeting as well as plans for the future year. Jane Dolkart reported that Task Force I would be meeting at AALS with LSAC representatives **Leo Romero**, **Phil Sheldon** and **Rennard Strickland**. The purpose of the meeting was to learn about what LSAC projects are currently being undertaken and to

continued on page 6

continued from page 5 - SALT Board Meets

identify possible common goals. Margaret Montoya reported that she had been speaking with LSAC representatives about possible funding for SALT projects. Since Task Force I is concerned with the law school admissions process, **Theresa Glennon** asked for sample school admissions policies so that the Task Force can compile some illustrations of how schools deal with affirmative action issues.

Joan Howarth reported that Task Forces II and III intended to have a presence at the AALS meeting and that Task Force members would be attending all the many programs at AALS that dealt with issues of concern for these Task Forces. Given the retention/bar pass concerns of Task Force II, the ideal way to make changes is to target states for reform. Task Force II hopes to identify jurisdictions on which to concentrate but feels that, in bar issues in particular, we as law professors need more basic education about how to proceed. In many ways, we are marginalized as law professors in the bar exam process, yet we can be effective and central forces in trying to bring progressive measures to our own schools' admissions arenas. As a preliminary way to gather information about retention and bar passages, the SALT Board authorized \$6,000 for a conference in September.

Margaret Montoya reported for Task Force III and distributed a pamphlet that had been designed by this Task Force to inform the community about the Solomon Amendment. The SALT Board formally adopted the principles outlined in the pamphlet and authorized additional funds for printing more pamphlets. Margaret pointed out that the Task Force will look to funding future printings of the brochures from individual schools, since these schools will be benefiting from the brochures which we are distributing to them.

Treasurer Norm Stein reported that we have \$92,000 in the bank and that we seem to have broken even on the Los Angeles conference, thanks to Loyola Law School's generous subsidy. As always, our main income is from membership dues and donations and our main expenses are for *The Equalizer* and various SALT conferences.

On the subject of conferences, **Steve Wizner** reported that plans for the Cover Retreat in New Hampshire were proceeding as usual and asked for the usual appropriation of \$6,000 to handle the expenses for this retreat. Eric Wright reported that a west coast retreat in memory of **Trina Grillo** has moved forward with a student committee. The dates

planned are March 19-21 at the Marin Headlands Institute in California. The attendance will focus on the western part of the U.S., although Carol Chomsky requested that the mid-west also be included in this conference as it generally gets left out between east and west coasts. The Board then authorized \$4,000 for the West Coast Grillo Retreat as well as the requested \$6,000 for the annual Cover Retreat.

While in a money-spending mood, Co-Presidents **Stephanie Wildman** and **Phoebe Haddon** discussed the question of honoraria for the Board officers of Treasurer, Historian and Equalizer Editor. They requested \$1,000 each for the Editor and the Historian and a \$500 honorarium for the Treasurer. Phoebe and Stephanie reported that these officers hadn't asked for any honorari and have said that they didn't want it, but the Co-Presidents believed that it should be done to institutionalize these positions and reward the amount of work done. The Board then approved the honoraria for these Board officers.

After our successful Fall membership drive, SALT membership now stands at between 700-800 paid members. Because we have regularly been getting requests from outside sources for our large membership list, it was suggested that the Board discuss at a later date a possible policy regarding when our membership list will be made available.

Future projects for SALT include a Teaching Conference in 2000, chaired by **Amy Kastely** and **Robert Westley**. It was suggested that we think about holding this conference in New Mexico, in which case Margaret Montoya will join the Conference Planning Committee. **Ann Shalleck** discussed the First Monday Program and mentioned some ideas for the program theme. There will be a future e-mail discussion on theme suggestions. At the urging of **Sue Bryant**, **Lisa Ikemoto** and **Sharon Hom**, the Public Positions Committee will study the proposed ABA Standard changes that affect clinical offerings. Sharon Hom also reminded Board members about the CUNY Immigration Conference that will be held on April 9-10, 1999, and which is being co-sponsored by SALT.

Phoebe adjourned the meeting by announcing that the next Board meeting would be held in Chicago on Sunday, May 30 after the Law and Society meeting and would extend to Monday, May 31. While this will not be a full-blown retreat, it will be a longer-than-usual meeting. ■

ROBERT COVER AND TRINA GRILLO PUBLIC INTEREST LAW CONFERENCES INSPIRE STUDENTS FROM NEW HAMPSHIRE TO CALIFORNIA

RETREAT INTO PUBLIC INTEREST LAW

– Amy Wax, student
Boston College
Law School

When the students organizing this year's Cover Conference discussed the theme, "Embracing the Edge: Public Interest Law at the Abyss," each one imagined something different. Some thought of public interest law as being on the cutting edge, while others concluded that the "edge" was the millennium. Still others thought the "edge" might be where lawyers join community organizers and other non-legal professions. We decided that it was not necessary to reach an agreement. In fact, we thought that one of the advantages of the theme was that it was vague - that way, each person who attended the conference could incorporate their own interpretation of the theme into their view of public interest law.

The Twelfth Annual Robert M. Cover Public Interest Retreat took place at Boston University's Sargent Camp, in Peterborough, New Hampshire during the weekend of March 5-7, 1999. Approximately 120 practitioners, law students and faculty attended the retreat, named in honor of the former Yale law professor who had envisioned the conference. The retreat included two panels followed by workshops which addressed different public interest issues. A constant thread throughout the conference was that lawyers need to work in conjunction with communities when trying to achieve their goals. Eileen Gauna of Southwestern University School of Law, emphasized the importance of belonging to an inter-connected web, rather than a pyramid, during her keynote speech Saturday night. Students and lawyers alike were reminded to look beyond the legal profession, by listening to and learning from grass-roots, non-lawyer activists who are working toward the same goals.

The panels consisted of practitioners from varied fields of law and each gave his or her own view of how to embrace the edge of public interest law. We were told to use "boring, mundane legal

theories" and then we were instructed to use "creative lawyering" to achieve desired objectives. We were told to use the courts to pressure public officials, to not be afraid to experiment, and to stoke the fire to make the world a more just place. Fire was a common theme, perhaps as a result of the snow storm. Linda Kilb of the Disability Rights Education and Defense Fund, who was attending her tenth Cover Conference, used the metaphor of



*Innocent-looking Cover conferees conspire
to revolutionize the practice of law.*

maintaining a pilot light which was there to keep us motivated, explaining that hers was kept ignited each year by the retreat. Although panelists sometimes disagreed about how to get there, the final goal of being a motivated attorney who works toward improving the world was shared by all.

Each panel was followed by a workshop session, in which people met in smaller groups to talk. The first was relatively unstructured and varied group to group. Some groups talked about how to succeed in public interest and how to procure jobs, while others talked about the public interest support given by law schools and how to increase, and in some cases, create that support. The second workshop session was divided by practice interest. Practitioners, professors and students of each designated field were given the

continued on page 8

continued from page 7 - Retreat Into Public Interest Law

opportunity to discuss the challenges that must be overcome with others who were interested and had experience in that same field.

While the panels and the workshops were informative and inspirational, what sets the Cover Retreat apart from other conferences is the opportunity to talk to people one-on-one in a relaxed setting. The camp is located on Halfmoon Pond, in a wooded area. When we arrived on Friday, the



Winter in New Hampshire never stops public interest-minded law students from having fun.

pond was frozen and most of the trails through the woods were iced over. However, by Saturday afternoon several inches of snow had covered the entire camp and lured people outside for walks during the break between the workshops and dinner. There was ample time to talk to people and find out about their connection to the public interest field during the breaks, at meals and during the parties which took place each night. People also used this time to get away from law for a while, by joining and observing the improvisational theater game Freeze-Frame, playing basketball in the snow, dancing salsa or catching up with friends they had not seen in a while.

The retreat served as a way to step back from our lives to see how far we, as public interest-minded lawyers and law students, have come and what problems remain to be solved. It was inspirational for lawyers and professors to see that there are students who believe in their work and want to pursue it themselves, and it was inspirational for students to see that there are lawyers who have succeeded in dedicating their lives toward bettering the world. It was a way for people who sometimes may feel that they are working in isolation, to join others from across the country who share similar priorities and realize that a community exists for them. ■

PUBLIC INTEREST LAW BY THE GOLDEN GATE

— Eva Raczkowski Coleman, student
Santa Clara University
School of Law

On Friday evening, March 19, in the beautiful Pacific coast setting of the Marin Headlands Institute in the Golden Gate National Recreation Area, **Eva Jefferson Paterson**, Executive Director of the Lawyers' Committee for Civil Rights of the San Francisco Bay Area, gave the welcoming keynote address for the first annual **Trina Grillo** Public Interest Law Retreat. She remembered Professor Grillo and called on Trina Grillo's spirit to invigorate us during the retreat and in the work that needs to be done in the public interest. She also urged the one hundred public interest law students, attorneys and faculty members present to think strategically and to gain inspiration by "connecting with our spiritual side."

With Trina Grillo's father looking on, Professor **Stephanie Wildman**, co-president of



Professor Nancy Wright put it all together - public interest law "by the Bay".

SALT and visiting at the Santa Clara University School of Law, remembered Trina Grillo as a warm, energetic, committed and caring person who was on the cutting edge of legal education and justice. She told us to "shine a light into the darkness and continue the work" for social justice as the best way to honor Trina's memory.

SALT, Santa Clara University School of Law and the University of San Francisco School of Law generously provided financial support for the retreat. Professors **Nancy** and **Eric Wright** of Santa Clara and Professor **Stephanie Wildman** were the principal visionaries and organizers of the retreat. They had the logistical support of Santa Clara students **Heather C. Dal Cielo**, **Eva Raczkowski Coleman**, **Cheryl Ganapol** and **Kimberly**

Stevens. The retreat committee benefitted from the valuable guidance of attorneys **Gary Blasi, Derek Haskew, Cynthia Rice, Margaret Russell** and **Edward Steinman.** Dean **Nell Jessup Newton** of the University of Denver College of Law attended and provided support so that several students from the university could attend with her. Willamette University College of Law supported the largest contingent of students at the retreat. Many other law schools were also represented,



Willamette University College of Law sent the largest contingent of students, four of whom were able to arise for breakfast looking vaguely awake.

including Santa Clara, Golden Gate, UC-Berkeley, Pepperdine, San Joaquin, Southern California, McGeorge, Minnesota, Santa Barbara and UC-Davis.

The theme of the conference, "Forging an Alliance among Students, Faculty and Practitioners", echoed throughout the many presentations and discussions. The retreat included three panel discussions as well as two inspiring keynote addresses. After each panel discussion the group broke into smaller groups to talk about various topics, including civil rights, families and children, homelessness and poverty law, HIV advocacy, immigration and labor law. Each group included practitioners and law students, thus creating richer conversation and exchange of ideas.

Professor Gary Blasi of UCLA was the moderator of a discussion about creative strategies for advocating in the public interest. Along with Professor Blasi, **Bernida Reagan, Michael Adams** and **Martha Jiminez** talked with the participants about their work and how they define success. As executive director of the East Bay Community Law Center, Reagan reminded the participants of the continuing and growing need for attorneys working in the public interest because there is now only one attorney for every three hundred poor people while there is one attorney for every eleven people in the general population. She said that an open mind is the key to success. Michael Adams, associate director for the Lesbian and Gay Rights Project

and the AIDS Project of the American Civil Liberties Union Foundation, suggested that success in public interest service can be measured in many ways depending on the client's needs and desires. The session leaders also encouraged the practitioners and student to listen to their clients, empower their clients, maintain flexibility and creativity, and work as part of a team representing a variety of specialties.

According to Martha Jiminez, managing attorney of Public Advocates and Executive Director of the Latino Coalition for a Healthy California, success on behalf of the public interest can be found by "getting there ahead of the game and identifying what will be the wedge issues and where you can go to build the community." She gave participants her three strategies: empower your community, co-opt and cooperate with the establishment and court your adversaries. Professor Gary Blasi augmented the discussion by reminding everyone that collaboration is key and that "the media has huge effects."

Santa Clara Professor Margaret Russell moderated a discussion on creative strategies for practicing public interest law in a private firm setting. **Samuel Paz**, specializing in civil litigation of consumer rights, civil rights and in selected criminal defense cases, told the attendees that he and his partners began their work as part of their own community organizations and churches. He estimated that it takes approximately four years of practice to develop a client base, to become a decent lawyer and to start getting the pay-off from one's work. **Dennis Riordan**, who is in private



Inspiring conference speakers included Cynthia Rice, Justice Cruz Reynoso and Luke Cole.

practice in San Francisco, told the participants that "public perception makes the difference" and to remember "the eternal possibility of human redemption." **Carol Oh Basile**, who set up the Neighborhood Legal Center in the Koreatown area

continued on page 10

continued from page 9 - Public Interest Law by Golden Gate

of Los Angeles, and **Arthur Goldberg**, founder of and practicing in the Working People's Law Center in Los Angeles, inspired the audience by simulating



Professor Gary Blasi and Eric (conference organizer "extraordinaire") Wright.

networking and sharing at the conference as they have done in their practices. They said that the mass of people at the retreat fosters the sharing and encouragement needed.

Santa Clara Professor Edward Steinman moderated a panel discussing creative strategies for funding new public interest positions and organizations. **Amanda Hawes** of the Alexander Law Firm in San Jose, **Ellen Barry**, director and managing attorney of Legal Services for Prisoners with Children, and **Luke Cole**, general counsel for the Center on Race, Poverty and the Environment of the California Rural Legal Assistance Foundation, also served as panel members for this discussion. The discussion centered on how to fund a job that you will love. Luke Cole reviewed his seven steps to sat-



Break-out groups took advantage of one of the most scenic spots on the planet.

isfying self-employment. Mandy Hawes encouraged us "to learn what the law is there for and not

to rely on government funding. Ellen Barry and Ed Steinman reviewed possible funding sources and reminded the attendees that "a lot of work is done at the legislative level."

Justice Cruz Reynoso, vice chair of the United States Commission on Civil Rights, gave the **Ralph Abascal** keynote address. In their introductions of Justice Reynoso, Luke Cole and **Cynthia Rice**, Director of Litigation, Advocacy and Training at California Rural Legal Assistance, remembered Ralph Abascal as an icon, as one of the most accessible, personable and approachable legal scholars, legal aid lawyers and Supreme Court lawyers, and as a lawyer with a holistic vision. Justice Reynoso was described as a person



These Santa Clara students deserve to be smiling, having organized with great success the first annual Trina Grillo Public Interest Law Retreat.

who "embodies the humility and commitment to justice of Ralph Abascal" and as "the quiet giant of the California legal community." Justice Reynoso fulfilled the high expectations set by these introductions in his address. He wondered how there can be outrage at doing what's right and encouraged the participants that "we have a duty as legislators and educators to ensure that young people – and sometimes not so young people – who come to law school not lose their enthusiasm." He further inspired the audience by saying that "to have good things happen, we have to persuade lots of good people who aren't involved but who have justice in their hearts" and that the key to success is to help people help themselves. In an emotional thank you to Justice Reynoso, Ralph Abascal's brother, **Manuel Reynoso**, told everyone to "think of yourself as becoming a guiding light" in the spirit of Ralph Abascal and Justice Reynoso.

The retreat ended on a sunny Sunday afternoon. The participants left the retreat with the knowledge that, though there is much yet to be done, there are guides and mentors available and willing and that, with creativity, success is realistic and achievable. The retreat provided a revival for determination, created new connections and seeded new ideas. ■

SHAMING "SOLOMON": RESISTING THE RETURN TO DE JURE DISCRIMINATION

– Francisco Valdes
*University of Miami
School of Law*

On October 23, 1998, the federal government issued new regulations on the "Solomon II" amendment. That law, which threatens to deny some forms of federal financial aid to students enrolled at schools that prohibit on-campus military recruitment, seeks to coerce the re-introduction of the concept and practice of de jure discrimination into the nation's law school campuses. That law also seeks to prod schools into a no-win situation: choosing between our profession's commitment to nondiscrimination and to educational access. Solomon II is a destructive federal intervention in legal education because it attempts to push schools nationwide into a false and invidious choice between students who need financial aid to obtain a legal education and students who need nondiscrimination protection to make good use of their legal education. Although these groups of students overlap, this crude legislation contrives conflict between class and sexual orientation that invites on-campus acrimony.

In response, SALT and other groups within our profession have sought ways to minimize the detrimental effects of this coercive legislation until such time as we are able to overturn or repeal it. At this year's Robert Cover Study Group during the annual AALS meeting in New Orleans, we focused on Solomon II to become more aware of the substantive legal issues implicated by this legislation. SALT also recently released a pamphlet on Solomon II and its effects; we have copies that we can send to you upon request (Please contact me at Miami; my email address is fvaldes@law.miami.edu). At its last meeting the SALT Board of Governors also endorsed the Ten General Principles on Solomon II issued by the AALS Section on Gay and Lesbian Legal Issues and formed a Task Force to work with interested persons and groups on resistance and repeal efforts.

The most comprehensive set of materials

currently available on the subject is two reports issued by the AALS Section on Gay and Lesbian Legal Issues ("Section"). The Original Report is dated September 15, 1998 and the Supplemental Report is dated December 15, 1998. In addition, the latest (Spring 1999) Newsletter of the Section provides updated details. You can download extra copies of the Section reports and Newsletter from the Section Website, which is located at www.cwsl.edu/aalsqueer.

At the present, the most urgent project is the letter-writing campaign aimed at legislative repeal, which is discussed below. At the same time, however, we must remain vigilant so that Solomon II does not occasion a generalized backsliding on nondiscrimination principles and practices in legal education. This update, therefore, focuses on these two immediate priorities. If you have not already received copies of the Section reports and/or the Spring 1999 Section Newsletter, please download copies of these documents from the Section Website to be more fully informed and to make your timely contribution to resistance and repeal more effective.

These Section reports and Newsletter can help you hold your school accountable on implementation and amelioration. During Cover Study Group discussion, we heard wildly varying reports from schools on how the military has sought to implement the statute at different schools and disturbing reports from several schools which indicate a less than focused effort at amelioration. The Supplemental Report provides detailed information about implementation and amelioration, showing you how and why schools should tailor "entry" and "access" very carefully, while also providing ideas about proactive amelioration. Please use this information to educate your institution and campus community and to help our profession collectively to resist the military's tendency to demand more than the law requires.

Most urgently, please use the Supplemental Report and the Section Newsletter of Spring 1999 to mobilize a letter-writing repeal effort at your school and within your community; please reach out to faculty, students, friends and family. To facilitate this priority-one project, this update is accompanied by a set of "Talking Points" that also

continued on page 12

continued from page 11 - Shaming "Solomon"

provide you with the means of obtaining the mailing address of your Representative and Senators. Please take a few moments to help make a difference by supporting the letter-writing repeal effort that SALT and other groups have undertaken.

The SALT Task Force, in conjunction with the Section, has undertaken this repeal effort with the support and advice of Representative Barney Frank, who joined us at the AALS annual meeting in New Orleans for this purpose. Even

*"Representative [Barney] Frank . . .
will lead the repeal effort based on
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*If we take the time to act
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while we resist the possibility of generalized backsliding by holding the line on implementation and spotlighting amelioration, we also must prioritize this letter-writing repeal effort for the reasons outlined below. So, don't limit yourself just to writing your letter, or just to nudging your immediate colleagues; letters from voters are needed, and to succeed we need people of conscience to act now all over the country!

To be effective, the letters must be short, but personalized and substantive. According to Representative Frank, legislators tend to discount canned letters or mass letters and petitions because they indicate that the letter writer/signer is not really a motivated voter on that particular issue. The "Talking Points" that accompany this update are intended to help you write a short but personalized and substantive letter. Please note that the Talking Points also provide information so that you easily can access your Representative's and Senators' addresses.

The letter-writing campaign must be con-

ducted THIS semester because Congress next votes on the appropriations bill that contains the Solomon amendment during the summer. Representative Frank told us that he thought we stood a good chance of repeal if we generate a substantial number of personalized letters prior to the end of this semester. He will lead the repeal effort based on our letter-writing campaign. If we take the time to act now, we may return after the summer to a new and Solomon-less academic year! What a victory that would be!!

Please note that the Section also has established a Solomon Task Force, which is co-chaired by Dan Barnett of Boston College and which is seeking volunteers to help conduct various local and national activities relating to the repeal effort. Please contact Dan for more information at daniel.barnett@bc.edu. The Section Task Force and SALT Task Force are collaborating on various projects, including the compilation of information from schools all over the country about implementation and amelioration, while at the same time prioritizing for this semester the repeal effort. To help SALT and the Section to compile this information in a timely and comprehensive manner, we have developed the Solomon Questionnaire, which is our main information-gathering device at the moment. SALT members should have received the Questionnaire by now, and we ask that you – or the responsible person at your law school – complete and return it before April 30, 1999.

In sum, please: (1) use the accompanying Talking Points to help you write a personalized and substantive repeal letter; (2) download from the Section Website copies of the reports and Newsletter to become fully informed on access and amelioration pending repeal; (3) complete and return the Solomon Questionnaire and (4) contact Dan Barnett at the Section Task Force to volunteer your aid in this nationwide effort. Thanks for devoting some of your scarce time. Together, perhaps, we will succeed in restoring nondiscrimination as the ideal in legal education. We hope that our next update will be able to report that happy conclusion. ■

TALKING POINTS FOR "SOLOMON II" REPEAL LETTERS*

– Francisco Valdes
University of Miami
School of Law

Addresses: Find the names and addresses of your Representatives and Senators, by going to:
<http://www.hrc.org/congress/house/house.html>
<http://www.hrc.org/congress/senate/senate.html>

Introduction:

- I am a registered voter in xxx District/State and am deeply concerned/very concerned/outraged/frustrated/angry/resentful about Congress' actions in imposing the Solomon Amendments on law schools.

Basis of Objection (Choose one or more):

- The military's discrimination against gays and lesbians is wrong/outrageous/unwise/unfair/immoral/unconscionable.
- Policy toward gays and lesbians is a legitimate subject of public discussion. The Solomon Amendment punishes schools, particularly law schools, for taking a position on this issue. This punishment is inconsistent with ideas of free speech and open discussion and preemptively silences public and institutional dissent on an issue of discrimination.
- By cutting off the affected Department of Education funds, Congress is punishing innocent students because Congress disagrees with the institution's policy of facilitating or not facilitating military recruitment on campus. It is not fair to use students as pawns in this policy difference.
- The Solomon Amendment uses the power of the government to force schools to participate in military recruiting.
- Congress is micro-managing the placement offices of schools and engaging in intrusive government regulation. The law is an egregious violation of institutions' rights to govern themselves.
- The effect of the law is to cause division within the student communities of educational institutions by generating anxiety among students who need federal funds to attend school and pain among students who chose to attend a school committed to a policy of nondiscrimination based on sexual orientation.
- The law is unduly burdensome because it prevents schools from following their own institutional non-discrimination policies, or local/state antidiscrimination laws, while yielding negligible benefit to the military or the public interest.
- I am ashamed that my government holds a gun to the head of schools to prohibit them from acting on their conscience. Please remove this unwarranted government intrusion.

**These points were prepared by a committee from Boston College Law School.*

EXAMINING THE BAR

– Joan Howarth
*Golden Gate University
School of Law*

POP QUIZ ON THE BAR EXAM

1. As gatekeeper for the profession, is the bar exam slamming the door on the right people? (In answering, consider the persistent racial disparities in bar passage, including, for example, the LSAC Bar Passage Study data that 22% of African American ABA law school graduates have never passed the bar.)
2. How much of your school's curriculum is shaped by the bar? (In your answer, consider what courses are considered to be core and which peripheral and assess the extent to which the bar shapes those priorities.)
3. Are the subjects tested the most important?
4. Are the testing methods the most fair?
5. Is the bar exam doing a good job of protecting people who need lawyers?
6. Why couldn't students who pass a law school clinic be exempt from the bar's performance test?
7. What are progressive strategies for preparing our students for the bar?
8. Why isn't Title VII on the Bar?
9. Why not test subject knowledge after the first year, getting it out of the way, and leaving performance and professional responsibility tests for after law school?
10. How will racial disparities in bar passage be changed?
11. How much of your school's admission policies are shaped by the bar? (In your answer, consider the similarities and links between the LSAT and the bar exam and assess the extent to which each functions to justify the other.)

ANSWERS

SALT activists across the country are working on SALT's Action Campaign to examine the bar exam to get the answers to these questions and many more. As the foremost barrier for entry into our profession, the bar exam is a natural and important component of SALT's ongoing campaign to redefine and restore merit.

SALT's campaign to examine the bar has articulated three ambitious five-year goals: (1) to celebrate significant reforms of bar exams in sev-

eral jurisdictions; (2) to provide resources to and embolden bar exam activists nationally; and (3) to establish SALT as a national leader, in linking our progressive values and insights about legal education to the values and insights of activists in the practicing bar and beyond.

To educate ourselves, jump start greater progressive engagement with bar exam issues, and move toward those goals, SALT is planning a conference on Re-examining the Bar Exam to be held September 24-25, 1999 at Golden Gate University School of Law in San Francisco. This conference will link people with expertise on bar exam issues from psychometricians to curriculum innovators -with activists and potential activists for bar exam reform. Participants will include minority bar leaders, law professors, consumers rights activists, progressive law school administrators and leaders of community organizations committed to equal access to justice. We expect that the Re-examining the Bar Exam Conference will be an exciting catalyst for organizing efforts in several jurisdictions and for a higher profile of criticism of bar examinations throughout legal education and the legal profession.

For more information on this project, contact Sumi Cho, Joan Howarth, Lisa Iglesias, Amy Kastely, Eileen Kaufman, Margeret Montoya, Madeleine Plasencia or Judith Reed. ■



CUNY HOSTS SUCCESSFUL CONFERENCE ON "INTEGRATING IMMIGRANT PERSPECTIVES"

– Holly Maguigan
*New York University
School of Law*

SALT and the City University of New York School of Law Immigrant Initiatives (CLII) co-sponsored a timely and innovative conference on immigration law April 9-10, 1999. Hosted by CUNY, and funded by The Emma Lazarus Fund of the Open Society Institute, the meeting served two related purposes. Its organizers encouraged

law teachers, scholars and activists to integrate immigrant perspectives throughout the law school curriculum, in addition they pushed for law schools to work to meet the legal needs of immigrants.

The conference, *Enriching Legal Education for the 21st Century: Integrating Immigrant Perspectives Throughout the Curriculum & Connecting with Immigrant Communities*, provided much more than exhortation. Through plenaries, small-group working sessions, teaching demonstrations and descriptions of ongoing projects, participants were offered the opportunity to explore models for teaching and service that were tailored to varying institutional resources and a range of community needs.

After an opening plenary where SALT members **Juan Perea**, **Bill Ong Hing** and **Anna Shavers** described the impact of shifting global demographics on the future of legal education in this country, participants went to work. Concurrent sessions on basic and advanced immigration law guaranteed that all participants had the necessary grounding. In small group sessions, teachers, students, scholars and activists explored methods for making visible the immigrants' issues often hidden in traditional approaches to criminal, family, health, commercial, labor, constitutional and international law.

SALT Board member **Sharon Hom** and a group of CUNY first-year students demonstrated the introduction of immigrant perspectives in a large classroom setting and set the stage for the small groups' design of teaching modules for specific doctrinal and clinical subject areas. Participants worked with materials and videotapes which were produced for the conference and designed for use as teaching aids.

The bridge to activist involvement, and collaborative efforts between law schools and immigrant communities, was provided by the showcasing of current projects and a discussion, led by SALT member **Fran Ansley**, of ways of combining classroom instruction with service. The final small group sessions were devoted to innovative ways to connect the teaching of specific subject areas to activism and service.

Participants left with concrete lessons and a plan for incorporating immigrant perspectives after a closing plenary led by SALT members **Richard Boswell**, **Dan Kanstroom**, **Anna Shavers**, and **Pamela Goldberg**. Inspiration to carry on with the plan was provided throughout the conference by wonderful music and food. Lunches were catered by CUNY's Cuba Student Delegation and Asian Pacific American Law Student Association, and a Brazilian feast was held at a local restaurant. ■

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3305 College Avenue
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Professor Michael M. Rooke-Ley, Editor

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