

The **EQUALIZER** **SALT**

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Society of American Law Teachers

August 1998

PRESIDENTS' COLUMN



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



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

As the Fall Semester gets underway, many of us reflect on the communities in which we do our work. For some of us, our law schools do not always feel like "community", although much lip service is paid to the opportunities for colleagues to engage in dialogue and for collegial sharing of governance within our institutions. We know that the interactions of the students, faculty, administrators, librarians, staff and alumni who compose our institutions are complex and that relationships which are established among the groups and individuals are often fragile. Some things seem to "just happen." Students come and go every three years, increasing the transitive sense of the enterprise. But if we consider the concept of institutional culture, we realize that many traditions and components are more fixed and intractable than transient.

Certain members of this community, such as academic support teachers, legal writing instructors, adjunct faculty and clinical professors, remain undervalued at many schools. Issues related to race, gender, sexual orientation, physical ability, wealth and other identity categories are ignored in ways that foster isolation or are raised in classroom "jokes" and other commentary that interfere with learning.

We are proud that SALT has been a leader in trying to promote dialogue in the legal academy about "-isms in the classroom." Surely the classroom is an important place for such conversations because we, as legal educators, share a responsibility with others to prepare students for participation in society with an

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ENVIRONMENTAL LAW CLINIC MAKES A DIFFERENCE . . . AND A HOST OF ENEMIES

– Christopher Gobert
*Tulane University
School of Law*

Complaints leveled at the Tulane Environmental Law Clinic by Louisiana Governor **Murphy J. "Mike" Foster** and echoed subsequently by a chorus of certain influential area business interests appear to have prompted the Supreme Court of Louisiana, on June 17, 1998, to amend its Rule XX (the so-called 'student practice rule') in several significant respects. The complaints arose seemingly in direct consequence of the clinic's legal representation of St. James Citizens for Jobs and the Environment, a not-for-profit membership organization comprised primarily of lower-income African-American citizens residing in and near the Mississippi River industrial corridor town of Convent, Louisiana.

Together with the Louisiana Environmental Action Network, also a not-for-profit organization long involved in grass-roots environmental education and advocacy, the St. James citizens group has opposed a proposal put forth by multinational petrochemical giant **Shintech, Inc.**, headquartered in Japan, to construct and operate a \$700 million polyvinyl chloride refraction facility on what today is a 3200-acre sugarcane field. The chosen site is located in an area already overburdened with airborne toxic emissions - exceeding some 16 million pounds annually -- an amount 67 times higher even than elsewhere in St. James Parish, 93 times higher than elsewhere in the industrial corridor, 129 times higher than elsewhere in the State of Louisiana, and 658 times higher than elsewhere in the United

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COVER RETREAT INSPIRES COMMITMENT TO PUBLIC INTEREST

— Andy Simons, '98
*Boston College
Law School*

During the weekend of March 6th, approximately 100 law students from nearly 30 law schools nationwide joined practitioners and professors of law in Peterborough, New Hampshire for the Eleventh Annual **Robert M. Cover** Public Interest Retreat, organized this year by several of us at Boston College Law School. Schools represented were American, Boston College, Boston University, Columbia, Duke, Fordham, Franklin Pierce, Georgetown, Harvard, NYU, Southern Methodist, St. Mary's, Temple, Denver, Georgia, Maryland, Mississippi, Texas, Southern California, Valapraiso, William & Mary and Yale.

The Cover Retreat is named in honor of Robert M. Cover, a professor of law at Yale who was both a brilliant scholar and dedicated activist. Before his sudden death over a decade ago, Cover envisioned an annual retreat that would give law students, practitioners and academics an opportunity to share their experiences, aspirations and philosophies. In recognition that 1998 is the 50th anniversary of the Universal Declaration of Human Rights, this year's Retreat, entitled *Defending the Public Interest: Human Rights and Dignity*, focused on the many ways that public interest advocacy advances human rights and promotes human dignity.

The weekend included several panel and small group discussions and an inspirational keynote speech, as well as time for students, practitioners and professors to gather informally to discuss areas of mutual interest. The first panel discussion focused on ways to become involved with public interest advocacy and on the struggle to stay involved. The speakers were: Professor **Francine Sherman** of the Juvenile Rights Advocacy Project at Boston College Law School; **River Ginchild-Abeje** of Legal Services for Prisoners with Children in San Antonio, Texas; **Viviana Patino**, sole practitioner in El Paso, Texas; and **Dan Greenberg** of The Legal Aid Society in New York. For **Teri Dillingham** (BCLS'99), the conference illustrated the enormous need to find ways to get involved with public interest law "despite the financial obstacles". "I am not exactly sure what career decisions I will make in the future," she said, "but I do know that I want to find a way to incorporate public interest work."

A second panel discussed the many ways in which public interest advocacy involves not only protection of human rights in America, but also the inherent dignity of clients. The panelists were **Nan Aron** of the Alliance for Justice in Washington, DC; **Corrin**

Ferber of Ayuda, Inc., a legal clinic in Washington, DC; **Teri Gerstein** of the Florida Immigrant Advocacy Project in Miami; and **Marc Schindler** of the Youth Law Center in Washington, DC. In small group discussions, participants reflected upon the role of lawyers within the global context of human rights as well as about how, on an individual level, public interest advocacy empowers clients, respects their humanity and promotes individual dignity.

The highlight for many attendees was the keynote address by **Peter Cicchino** of the Urban Justice Center in New York City. Cicchino, a 1992 Harvard Law School graduate and former Skadden Fellow, is the founder and director of the Lesbian and Gay Youth Project. Defining human rights as the recognition of the other as a person, Cicchino concentrated on the many ways human rights must shape the practice of public interest law. "Defending the human rights of others is a constituent part of leading a happy life," he told the gathering. For **Jessica Herbster** (BCLS '00), Cicchino's emphasis on public interest work as a necessary ingredient for a satisfying career and a fulfilling life resonated forcefully. "As a first-year student," she said, "it is easy to lose sight of the reasons I came to law school. Being at the Cover Retreat was inspirational because it reaffirmed my interest in public service." ■



SALT BOARD MEETS ON MIAMI BEACH

— Joyce Saltalamachia
New York Law School

The SALT Board held its regular Spring meeting on May 10, 1998 at the outrageously camp art deco Eden Roc Hotel in Miami Beach, Florida. The Board meeting had been scheduled to coincide with the LatCrit Conference, and Board members who had attended the conference were both energized and exhausted from the previous days' events.

Stephanie Wildman welcomed 23 Board members to the meeting and thanked **Lisa Iglesias** and **Frank Valdes** for organizing the Board meeting at the same time that they had been so involved with organizing the LatCrit events. Although Co-President **Pheobe Haddon** was still in Japan, she sent her regards to everyone. Board members then shared brief stories of ways that the CARE March had affected their lives and ways that they had attempted to bring the spirit of the March back to their own institutions.

The selection of **Norm Stein** to be the new SALT Treasurer was confirmed by Board vote. Norm then distributed the Treasurer's report indicating that

we have been spending somewhat more than our revenues, thereby reducing our balance to approximately \$82,000. Most of the spending had occurred in conjunction with the AALS meeting, the CARE March and the Teaching Awards dinner. There was particular discussion of how to avoid losing money on the dinner, and suggestions were made for various fundraising efforts. Dinner Co-Chair **Paula Johnson** reported that she and Co-Chair **Cynthia Bowman** would be considering these suggestions.

There were several project proposals seeking SALT funding. Professor **Dennis Greene** of Oregon submitted a proposal to have SALT help finance a

A BELATED THANK-YOU

None of us will forget the wonderful photo spread of SALT's Care March in San Francisco which appeared in the April 1998 issue of *The Equalizer*. For many of these memorable photos we are indebted to Raul C. Burciaga, a second-year law student at the University of New Mexico.

Thank you, Raul!

video which he is producing to be broadcast over the internet on Martin Luther King Day 1999. There was a discussion about whether this proposal fit within our current Action Campaign media proposal. There was strong feeling on the Board that our limited funds should be best used to support Action Campaign projects and that SALT must decide whether it is a grant-requesting body or a grant-making body. After the Media Task Force met, it recommended that Professor Greene should be supported in his video project with a contribution of \$1000. In this way, it was felt that SALT could continue to support worthy activities while still keeping the body of SALT funds for internal projects.

Also on the agenda was a request from CLEO for \$5000 for its summer school program, but in light of our focus on the Action Campaign, this request was denied. The number of requests from outside individuals and agencies for SALT financial support generated a discussion among Board members about clearer, consistent policy for the future.

A discussion about the possibility of an Executive Director for SALT was also raised. Board members felt that there was certainly enough work for at least a part-time Executive Director, but the issue would be whether to commit SALT funds for such a position. **Howard Glickstein**, **Norm Stein**, **Stephanie Wildman**, **Joyce Saltalamachia** and **Carol Chomsky**

volunteered to be in charge of re-examining the Executive Director position.

The Board also discussed a proposal regarding the **Stuart Filler Fund** and how the proceeds of the fund can best be used. This fund currently has a balance of slightly over \$1000. **Pat Cain** had originally proposed that SALT supplement the fund and provide an annual fellowship for a law student clerkship in public interest law. After discussion, it was suggested that we re-visit the proposal to formulate a scheme with less financial outlay and administrative work. **Michael Rooke-Ley** and **Joyce Saltalamachia** volunteered to work with **Pat Cain** to formulate an alternative proposal.

Jane Dolkart reported on the plans for the October 1998 Teaching Conference to be held at Loyola University Law School in Los Angeles (see pages 5-8 herein). She discussed a possible extra expense in order to provide professional media training for conference participants. The Board authorized the conference committee to spend an additional amount for extra expenses in consultation with the Co-Presidents.

The majority of the Board agenda consisted of meetings of the individual Task Force committees to discuss activities and possible funding needs for the coming year. Task Force One is co-chaired by **Jane Dolkart**, who reported that members are working on a report for the Fall Board meeting on the LSAT, alternative curricula, and an expose of the LSAC which is being drafted by **Harlon Dalton**. This Task Force reported that there will likely be some funding necessary to continue its projects.

Task Force Two, chaired by **Joan Howarth**, is examining the McCrate report and the effect of the bar exam. **Wendy Brown-Scott** is in charge of the McCrate report portion and **Joan Howarth** has significant experience writing about the bar exam. Task Force Two is considering a meeting of individuals from institutions, plus the LSAC, to address how the bar exam influences all phases of legal education. Task Force Two may have funding requirements, but the Committee will seek funds from outside granting agencies.

Members of Task Force Three met and reported on outside media plans and discussed proposals for sale items such as notecards, a SALT video showing the history of progressive lawyering, and a workbook. **Paula Johnson** reported that the anticipated time for the completion of the video would be 2-3 years, making it appropriate that we provide support for **Dennis Greene's** more immediate video.

The ideas and projects being generated by the Action Campaign demonstrate the necessity for SALT to increase its membership and its funding from outside sources. **Howard Glickstein** and **Joyce Saltalamachia** are co-chairing the Fundraising Committee and will be working with the various Task Force chairs to determine how best to turn these ideas into grant proposals. ■

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appreciation of democratic norms and values fostering equality. But our unfinished work goes beyond what we do in our individual classrooms; we also have much work to do in addressing a more subtle and firmly entrenched bias and inequality that pervades the institutional culture of the law schools in which we labor.

It is time to make this work visible. We need to consider ways we can effect changes in the structure of our law schools to promote equality and respect for others. All law schools establish and support admissions and appointments committees. We need to urge schools to create Committees on Inclusive Community and Diversity. We need to emphasize that discussing race, gender, sexual orientation, wealth and physical ability and identifying the consequences of bias and privilege in our institutional culture is serious work, not an extracurricular or once-a-year activity. This work, aimed at exposing and reducing the hierarchies of power in our own institutions—which we teach about in our classrooms and write about in our journals—should also be recognized as legitimate and important. The way we structure our institutions sends a powerful message to our students and the public about what we really value and who benefits. Building inclusive community, moreover, requires structural support.

We want to recognize two existing avenues of assistance that may not be widely known to faculty which are available to help with this work of building inclusive community—the Resource Corps, established by the Association of American Law Schools, and a video entitled *Teach to the Whole Class: Barriers and Pathways to Learning*, produced by the Gonzaga Institute for Law School Teaching. We are aware of these tools

“... The way we structure our institutions sends a powerful message to our students and the public about what we really value and who benefits.”

from our own work in our law schools and in other law schools which we have visited. We know that many of you have begun or would like to engage in this kind of work. We aim to publicize and praise efforts of faculty, administrators and students who promote such discussions and reflections on the need for structural changes. We urge you to write and tell us about what you and your institution are doing. We will include what we learn from you in future columns of *The Equalizer*.

THE AALS RESOURCE CORPS

The AALS Resource Corps, an initiative of Dean Judith Wegner (North Carolina) when she served as AALS president, was created as a means of providing member schools with access to trained teams of facilitators who could assist schools in promoting group discussion and collegial decision-making about topics of

interest to individual schools. The AALS Executive Committee recognized that a possible use of the facilitators was addressing issues of diversity and planning to attract and retain a more diverse faculty and student body in law schools. The ten initial members of the Resource Corps, selected by Dean Wegner, were drawn from a variety of backgrounds, experience and schools. They undertook intensive training in 1996 (including training drawn from alternative dispute resolution and collaborative problem solving) and were paired as members of complementary two-person teams. The teams, which began their work in the law schools in 1996-97, are constituted as follows: Kate Bartlett (Duke) and Bill Rich (Washburn); Dan Ellis (Washington-St. Louis) and Carrie Menkel-Meadow (Georgetown); Robert Gorman (Pennsylvania) and Nancy Rogers (Ohio State); Joan Howarth (Golden Gate) and Gerald Torres (Texas); Phoebe Haddon (Temple) was paired with Curtis Berger (Columbia), who, it is sad to report, died last month.

Given their work, it may not be surprising that many of the Resource Corps team members are also active SALT members and former and present members of the Board of Governors. The Resource Corps has conducted facilitations at many law schools since its formation, including Duke, Emory, John Marshall, Kentucky, Temple, Tennessee, Pace, Mississippi College and Washington University. An important objective of members of the Resource Corps is to encourage retreat participants to see the value of collaborative work in the exercises they engage in and in the conduct modeled by the facilitation team. They hope to promote its use in the institution's decision-making following the retreat as well as in the participants' classroom teaching. Schools interested in using a team of the Resource Corps should contact Carl Monk, Executive Director of the AALS, at (202)-296-8851.

“TEACH TO THE WHOLE CLASS”

The faculty development kit from the Gonzaga Institute for Law School Teaching, *Teach to the Whole Class: Barriers and Pathways to Learning*, was developed by Gerald F. Hess (Gonzaga), Paula Lustbader (Seattle) and Laurie Zimet (UC-Hastings). The kit is aimed at providing a context and tools for discussing the range of concerns related to how we create learning barriers by isolating and offending some students and privileging others by our conduct in the classroom. The kit contains both a video and sample workshop outlines for two-hour, four-hour, or all-day sessions, as well as exercises, overheads, handouts and a comprehensive bibliography. Each of us has used this product and regards it as a valuable resource which should be part of every law school library. The conversations it can provoke among faculty and others who have a chance to watch the video and participate in the sessions are bound to be thought-provoking. Sixty-seven law students from six law schools were filmed responding to questions, such as “What things occurred in the classroom that interfere

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SALT TEACHING CONFERENCE

PROMISES TO BE EXCITING, PROVOCATIVE AND UNPRECEDENTED!

— Jane Dolkart
Southern Methodist
University Law School

Historically, SALT Teaching Conferences have charted new ground by providing pedagogical tools to generate discussions of race, gender, sexuality, class and disability in law school curricula. The conferences have also showcased innovative teaching styles, formats and exercises. This year, we seek to continue providing cutting-edge approaches for law teaching by focusing on ways to take teaching out of the classroom and into the arena of political engagement. We see this conference as an integral part of SALT's activist-oriented, multi-year Action Campaign to reconstruct merit and affirm diversity in legal education. Building on last year's successful teaching conference which explored effective ways to present issues of diversity in a classroom setting, this conference will examine ways in which an action component can be used to further student understanding of issues of diversity and the various power arrangements that support repressive structures in our society.

The SALT Teaching Conference will be held on Friday and Saturday, October 16-17 at Loyola Law School in Los Angeles. In keeping with its theme, the conference will attempt to link an understanding of effective pedagogical possibilities to external power arrangements and community activism. It will explore ways to integrate a political and pedagogical action component into our courses that unites theoretical critique with political engagement. In order to develop effective action projects, the First Plenary will focus on an assessment of the structures of subordination that have diminished the possibility for transformative law teaching and how such structures have impacted law school classrooms. It will then present examples of law professors who have successfully combined activism with scholarship and teaching and explore strategies that have made this possible. The Second Plenary will provide a framework for thinking about the role of social justice projects in law school curricula and will discuss the opportunities and difficulties of integrating social justice projects into traditional law school courses. Following this plenary, law teachers who have integrated social justice projects into their substantive classes will plan a class demonstrating ways to integrate praxis and pedagogy. There will be a number of such demonstrations occurring concurrently in a variety of substantive law areas.

The heart of the Conference will be the small groups organized around subject areas. These groups will meet at various times throughout the conference, following the demonstration sessions. Each small group will first come up with an idea for an activist project feasible for that subject area and then develop a course overview that integrates the project with the rest of the course. Finally, the group will prepare an introduction that a faculty member using the course overview would give during the first class of the semester describing the course overview and explaining why the class is engaging in the activist project. The small groups will be facilitated by two teachers with experience in integrating social activism into course work.

The conference will also interject something altogether unprecedented at a conference of law professors. A public relations firm that has worked with TransAfrica, The Leadership Conference for Civil Rights and the National Organization for Women, among others, will provide training in how to effectively communicate with the world at large through mass media outlets. This training will be especially important in carrying out the work of the SALT Action Campaign given that our effort to provide an effective response to the forces of regression must include effective use of the mass media. In addition to the training, there will be time during the conference for further work on the SALT Action Campaign projects.

The conference promises to be exciting, innovative and thought-provoking. There are over 50 participants confirmed, representing enormous diversity and some of the most thoughtful and innovative teachers among us. The Planning Committee hopes to see you in Los Angeles on October 16-17.

By now you should have received your registration materials. The Conference Committee members are **Sumi Cho**, DePaul University; **Karen Czapanskiy**, University of Maryland; **Jane Dolkart**, Southern Methodist University; **Anthony Farley**, Boston College; **Lisa Ikemoto**, Loyola, Los Angeles; **Amy Kastely**, St. Mary's University; and **Robert Westley**, Tulane University. If you have any questions, please contact one of us. ■

SALT Teaching Conference

Power, Pedagogy & Praxis: Moving The Classroom To Action

October 16 - 17, 1998 • Loyola Law School • Los Angeles, California

INTRODUCTION

The challenges of "teaching to transform" have changed dramatically in the past five years in the era of *Adarand*, the 5th Circuit's *Hopwood* decision, Propositions 187 and 209 in California, the Welfare-to-Work and Defense of Marriage Acts, and *Solomon II*. Progressive law teachers cannot ignore how the intensified regressive cultural climate and shifting power dynamics have impacted our classrooms. Meta-narratives of welfare queens, reverse discrimination, no special rights, political correctness and illegal immigrants permeate classroom discussions, thereby normalizing subordination and too often silencing students who feel hypervisible in such classroom settings. We need to question whether the standard liberal response, to promote and enable this discourse for fear of curbing regressive thought, may represent a moral collapse and political default, one that further dispossesses those students most marginalized by the recent political retrenchments.

This year's teaching conference will focus on ways to integrate a political and pedagogical action component, or praxis, into our courses that unites theoretical critique with political engagement or an action component that proactively responds to repressive structures, that both acknowledges yet fails to concede to existing external power arrangements. In order to develop effective action projects, the conference will first undertake a sober assessment of the many structures of subordination that have diminished the possibility for transformative law teaching, especially in the past five years, such as legislation, court decisions, media and political culture. It will then examine how such structures have impacted law school classrooms and discuss effective strategies which progressive teachers can employ in response to specific challenges.

First Plenary

The First Conference Plenary will focus on an assessment of the threats to progressive law teaching and examples of law professors who have successfully combined activism with scholarship and teaching.

Second Plenary

The Second Plenary will focus on the opportunities and difficulties of integrating social justice projects into traditional law school courses. Speakers will provide a framework for thinking about the role of social justice projects in law school curricula.

Third Plenary

This plenary will interject something new and exciting into the conference. Any effort to provide an effective response to the forces of regression must include use of the mass media. A public relations firm will provide training in how to effectively communicate with the world at large through mass media outlets.

Discussion Groups and Demonstrations

The work of the discussion groups is to focus conference participants on reasons for faculty doing activist work with students, as well as methods for doing so. Groups will be convened in subject areas taught in first-year and in upper-level courses. Conference participants will be assigned to discussion groups according to their subject matter preferences.

Discussion group meetings will occur three times during the conference. At the first meeting, participants will brainstorm ideas for activist projects feasible for the subject area in which group participants teach. By the end of the first meeting or the beginning of the second meeting, the group will come to a decision about a project.

The second task of each discussion group is developing a course overview that integrates the activist project with the rest of the course agenda for a semester. A course overview is less detailed than a syllabus, but it provides sufficient information about the scope of the course to be the basis for developing the syllabus.

The discussion group's third task is to prepare a 5-to-

10 minute introduction that a faculty member using the course overview would give during the first class of the semester. The introduction should both describe the course overview and explain why the class is engaging in the activist project.

During the third session, when several discussion groups meet together, each group will present its introduction to the other discussion groups. Members of the other groups will act as students in the class and give the faculty member feedback in role about the course overview. During the discussion, participants should attempt to understand why the particular activist project was chosen, how the course overview relates to the project, and whether the activist project, in light of the course overview, is likely to help law students develop habits of mind and practice desirable for progressive lawyers.

Before the discussion group sessions, there will be several concurrent demonstrations of ways to integrate social justice projects into all kinds of courses.

SALT Action Campaign

There will be time during the conference for further work on the SALT Action Campaign projects. The conference will conclude with a plenary summarizing what has been learned from the conference and articulating future-oriented conclusions that will help to structure efforts towards classroom/community activism.

Confirmed Speakers and Facilitators include:

Jody Armour	Dennis Greene	Guadalupe Luna
Margalynne Armstrong	Phoebe Haddon	Jane Larson
Elvia Arriola	Joel Handler	Nell Newton
Robert Benson	Grover Hankins	Maria Ontiveros
Cynthia Bowman	Bill Hing	Bernita Regan
Enrique Carrasco	Marina Hsieh	Raul Sanchez
Karen Czapanskiy	Sharon Hom	Winona Tanaka
Linda Eads	Sherrilyn Ifill	Stephanie Wildman
Cecilia Espinoza	Paula Johnson	Eric Wright
Eileen Gauna	Deseree Kennedy	
Placido Gomez	Christine Littleton	

CONFERENCE PROGRAM

Thursday, October 15th

6:00 PM: Dinner for conference speakers and facilitators

Friday, October 16th

8:00 - 8:55 Registration, Continental Breakfast
9:00 Welcome to Loyola Law School
9:05 Theory and Structure of Conference
9:15 - 11:15 Plenary I: Power, Subordination and Transformative Law Teaching

Objective:

To undertake an assessment of the external threats to progressive law teaching in the form of national and state legislation, court decisions, political culture and media consolidation. To surface the current big and little murders occurring at law schools with alarming frequency with respect to hiring, promotion and tenuring trends; conservative cops to overthrow deans; bold challenges by students to the authority of transgressive teachers, particularly professors of color, women and gay, lesbian, bisexual and transgendered faculty; the entrenchment of the ideology of meritocracy as a rationale to exclude; the reemergence of the objective v. advocacy scholarship distinction; the coincidental timing of the entrance of outsider academics to law teaching and the call for increased standards for tenure and discussions to abolish tenure. To examine critically the role of intellectuals in an era of neo-segregation.

Proposed Topics and Panelists:

The Regressive Cultural Climate And Its Impact On Legal Education - TBA

The Student Perspective, The Experience Of Legal Education: Repression And Resistance - Karin Gustafson

The Role Of Activist Scholar; The Ways In Which External Forces Impact On Law Teaching And How To Create Opportunities For Activist Teaching - Joel Handler

11:30 - 12:30 Breakout Groups on Praxis: Responding to Meta-Structures with Action Campaign Projects. Box Lunch Provided

Objective:

To develop a long-term, coordinated and proactive response to structural forces of regression through the SALT Action Campaign's various projects. The project groups will identify long-term, (3-5 years) needs and goals in the following areas:

Critiquing The LSAT
Devising Progressive Admissions
Providing Consumer Information (Alternatives To U.S. News)
Developing A SALT Alternative Report To McCrate
Examining The Bar Exam
Organizing Political Action: Developing A Student-Faculty Network
Faculty Network
Developing Multi-Media Materials
Coordinating Litigation And Legislation

12:45 - 2:30 Plenary II: Weaving Praxis and Pedagogy

Objective:

To discuss the integration of social justice projects into traditional law school classes. How can a teacher engage students in progressive projects as a part of substantive law school courses? What are the opportunities for progressive teaching created by such projects and what are the risks? How might praxis-oriented law school courses challenge the usual detachment of legal edu-

cation from community well-being and the usual non-resistance of lawyers to systems of power? Three different experiences with the inclusion of social justice projects in traditional law school classes will be described and discussed.

2:45 - 4:00 Concurrent Demonstrations

Law teachers who have integrated social justice projects into their substantive classes will present a class demonstration in several substantive law areas.

4:15 - 5:30 Small Group Discussion #1
 Integrating Activist Projects into Teaching

Objective:

To model a successful curriculum in a subject area that includes a student/faculty activist project as an integral component of the course. Plan one class integrating the substantive area with the project.

Breakouts by Subject Area:

Constitutional Law, Torts, Contracts, Property, Civil Procedure, Criminal Law, Environmental Law, Employment Discrimination, Feminist Jurisprudence, Immigration, International Law, Professional Responsibility, Family Law.

5:45 Reception

6:30 - 8:30 Buffet Dinner and Meetings of Action Campaign Projects

Objective:

To continue the first discussion on Action Campaign Projects and to articulate a short-term, (1-2 years) goal, plan and division of labor for achieving this goal.

Saturday, October 17

8:30 - 9:15 Keynote Speech
"The Activist Lawyer Working Within a Progressive Political Context"

9:30 - 11:00 Small Group Discussion #2
 Continue Planning Activist Project and Curriculum

11:15 - 1:15 Small Group Discussion #3. Several groups will be combined to present their curriculum and class to each other. (Box lunch provided)

1:30 - 4:00 Plenary III: Bringing Our Message to the Media

Objective:

To provide training in how to effectively communicate our messages in the mass media. Presented by an experienced public relations firm.

4:15 - 5:30 Closing Plenary and Summation: Meta-Framing: How Does it All Come Together?

Objective:

To articulate future-oriented conclusions from the plenaries and small-group discussions that will help to structure individual and collaborative efforts towards developing a power-sensitive teaching method that embraces student community activism. To identify the personal and collective commitments necessary to carry out such an agenda. To summarize how law school activists can teach to transform and transform to teach. To provide synthesis of conference themes and conclusions about negotiating power, praxis pedagogy and the Action Campaign.

SALT Teaching Conference

Power, Pedagogy & Praxis: Moving the Classroom to Action
October 16-17, 1998 • Loyola Law School • Los Angeles, California

REGISTRATION FORM

Name _____
School _____
Address _____
City _____ State _____ Zip _____
Phone _____ Fax _____
Email _____

Small Group Topic choice (*mark two choices in order of preference*):

Civil Procedure Law _____ International Law _____ Constitutional Law _____
Feminist Jurisprudence _____ Contracts _____ Immigration Law _____
Criminal Law _____ Torts _____ Environmental Law _____ Family Law _____
Employment Discrimination Law _____ Professional Responsibility _____
Property _____

Registration Fees

Postmarked by October 2

Postmarked after October 2

SALT Members	\$125	\$150
Non-members	\$150	\$175
Registration Plus Membership	\$160	\$185

Registration includes two breakfasts, two lunches, one reception and a buffet dinner. Please make check **payable to "Loyola Law School-SALT"** and **mail to:** Lisa Ikemoto, Loyola Law School, 919 Albany St., Los Angeles, CA 90015. Call (213) 736-1164 with any registration questions

HOTEL INFORMATION

Hotel accommodations are available at the following hotels. Please call your preferred hotel directly to make reservations. Mention the Society of American Law Teachers when making your reservation. **Make your reservations by the deadlines mentioned below. Due to a citywide convention, there is little or no other available hotel space.**

♦ L.A. Marriott Downtown (1.4 miles from Loyola)	\$100/single or double	213/617-1133 (until Sept.24) or 800/228-9290
♦ Omni Los Angeles (0.8 miles from Loyola)	\$129/deluxe double (2 bathrooms, 2 closets)	213/612-3900 (until Oct.2) or 800/THE-OMNI
♦ Inter-Continental Los Angeles	\$145/single or double	800/442-5251 (until Sept. 24)

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States as a whole.

Because the effects of such chronically high concentrations of toxic emissions are presently borne disproportionately by African-Americans, and because these high toxic levels would be appreciably exacerbated were Shintech permitted as proposed to add to them some 52 tons of vinyl chloride emissions each year, Title VI of the federal Civil Rights Act and President Clinton's 1994 Executive Order No. 12898 (regarding environmental justice) present pivotal issues in the regulatory analysis. Pursuant to these mandates, and so prompted by the St. James citizens group (whose request was articulated and presented by Tulane stu-

"... How the Shintech controversy ultimately is resolved likely will have profound policy and regulatory implications nationwide.

And, thus, the Governor's and business leaders' wrath was incurred and would be conveyed to Louisiana's highest court."

dent attorneys), the federal Environmental Protection Agency agreed to review, and then determined to require reopening of, the air pollution discharge permit drawn by the Louisiana Department of Environmental Quality for issuance to Shintech. The request for review was a matter of first impression at EPA; moreover, EPA's revocation of the permit was without precedent. Currently EPA's scientific methodology and protocol for evaluating this and similar proposals for pollutive development in minority and low-income communities are under review at the highest agency advisory levels. How the Shintech controversy ultimately is resolved likely will have profound policy and regulatory implications nationwide.

And, thus, the Governor's and business leaders' wrath was incurred and would be conveyed to Louisiana's highest court. At the request of the New Orleans Chamber of Commerce and the New Orleans Business Council, an investigation of the law school teaching clinics at Loyola, Southern and Tulane universities ensued (there being no clinical program at L.S.U.). Detailed questionnaires were furnished for completion by the three schools under investigation, and a thorough examination of clinic facilities and interviews of law school clinical directors, staff and students were conducted by Louisiana Supreme Court personnel. The AALS, SALT and the Clinical Legal

Education Association each contributed written submissions setting forth associational opposition to any change in Louisiana's student practice rule, as did various individual legal academicians, clinicians and various public interest organizations. The matter of Rule XX's amendment then lay rather quietly under advisement for a number of months before formal action was finally taken.

Without affording the clinics or affected clientele any prior notice of the revision's substance or any opportunity to comment on its practical effect, the Supreme Court amended Rule XX in the following especially critical respects. First, whereas under former Rule XX students were authorized to appear in legal proceedings on behalf of "any indigent person or community organization" (and had done so for a decade or more without a single ethical infraction found to have been committed), Rule XX now restricts such student appearances to those on behalf of "any indigent person or **indigent community organization that is not affiliated with a national organization.**" [Boldface provided in the Supreme Court's Order to designate amendatory language.] Second, whereas the determination of indigency has long been left to the considered discretion of the various clinics (indigency has always been equated with inability otherwise to afford legal representation), Rule XX as amended now specifically ties clinic client eligibility to the federal Legal Services guidelines. In practical effect, this new restriction quite simply deprives the working poor of student legal representation: poverty income for one person is \$10,063; for a family of two, about \$13,000. A minimum wage job, accordingly, disqualifies a prospective clinic client.

New Section 5 added further restrictions:

... Any indigent community organization that wishes to obtain representation pursuant to this rule must certify in writing to the inability to pay for legal services. The written certification shall be subject to public inspection.

Law school clinical program staff and student practitioners who appear in a representative capacity pursuant to this rule may represent any indigent community organization that is not affiliated with a national organization provided at least 75% of the organization's members are eligible for legal assistance pursuant to the Legal Services Corporation guidelines. The indigent community organization shall also provide financial information to clinic staff which shows that the organization lacks, and has no practical means of obtaining, funds to retain private counsel.

The new restrictions effectively disqualify community groups from representation by student attorneys. Indeed, probably none of the approximately 170 or so organizations served in the past by the clinics at Loyola and Tulane would fit within the new criteria.

continued on page 10

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Henceforth, such organizations as the Southern Christian Leadership Council, the Vietnamese-American Voters Association, All Congregations Together, Mothers Against Drunk Driving, ACORN, the Latin American Apostolate, the St. Thomas More Catholic Lawyers Association and the League of Women Voters are left under the new rule to fend for themselves in the high-priced open market of private lawyers. (And this, ironically, despite Rule 6.1 of the Louisiana State Bar Association's Rules of Professional Conduct: "A lawyer should render public interest legal service.") These new restrictions also disserve the clinics' primary pedagogic purpose, severely limiting as they do meaningful student participation in complex cases.

An entirely new Section 10 also was added:

Lawyer staff persons of law school clinical programs and certified student practitioners shall adhere to the Rules of Professional Conduct, including the rules prohibiting solicitation of cases or clients. In addition, no supervising lawyer or student practitioner shall appear in a representative capacity pursuant to this rule if any clinical program supervising lawyer, staffperson, or student practitioner initiated in-person contact, or contact by mail, telephone or other communications medium, with an indigent person or indigent community organization for the purpose of representing the contacted person or organization . . . or . . . provided legal assistance in forming, creating, or incorporating the organization.

New Section 10 would plainly constrain clinical attorneys in ways incomparable in the private bar for reasons not remotely apparent.

By its express terms, the Supreme Court amendment of Rule XX took effect July 1, 1998. Of the Court's eight justices, three (Marcus, Victory and Traylor, JJ.) concurred specially, writing:

We vote for the changes to Rule XX made by the Court, although we are concerned that the Court has not gone far enough to insure that organizations represented by the student law clinics are truly indigent. Thus, we favored the elimination of representation of organizations altogether, leaving only indigent individuals as clients for the clinics, as our rule originally intended. Nonetheless, with the assurance from the Court that this issue will be revisited if specific complaints are received by the Court, we are willing at this time to vote for the rule

The amended rule was met immediately with a spate of criticism and expressions of disbelief in local and national media. AALS president Carl Monk, for instance, was reported referring to the amendment as "draconian". Certainly Louisiana's amended student

practice rule is more restrictive than that in any other state. Talk soon circulated of an AALS boycott of New Orleans, where next January's annual meeting is scheduled to be held. We believe, however, that this would be counterproductive to persuading the Louisiana Supreme Court to change the new rule.

Citing "serious policy and constitutional problems with the amendments" and detailing likely, if not inevitable, consequences of the rule change which the Court may not have anticipated or intended, Deans **Sherman** of Tulane and **Makdisi** of Loyola jointly wrote the Court, on June 26, 1998, formally requesting reconsideration and an interim stay. Responding just four days later, the Supreme Court yet again amended Section 5 by substituting "inspection by the Supreme Court of Louisiana" for "public inspection" of the required organizational certification of indigency and by substituting "51%" for the "75%" organizational membership indigency requirement. The first of these modifications should serve at least to shield clinic clients from invasive publicity of personal financial status, but the requirement, even as so modified, remains unjustified in light of historical clinical screening practices. The second modification, by contrast, is of no practical significance whatsoever.

In addition, implementation of new Section 10 was ordered suspended "pending further order of the Court", and the deans were provided 30 days in which to submit additional comments with respect to the suspended section. Notably, Justice Johnson wrote separately to state that she "would suspend all amendments to Rule XX, subject to further Court Order." In all other respects, however, the amendment was left in full force and effect, and so remains today, although few doubt that the last word is yet to be spoken.

As the dust now temporarily settles, Louisiana has instituted a rule effectively eliminating representation of citizen organizations, including environmental and community organizations seeking compliance with environmental law. And this, of course, is just the relief the clinics' critics sought.

* * * *

NOTE: If you are interested in responding to the Louisiana Supreme Court's amendment to the student practice rule, there will be a joint SALT-AALS Minority Section discussion at SALT's October teaching conference in Los Angeles. There, interested parties will explore possibilities for resistance at the annual AALS meeting in New Orleans. For more information, or if you would like to work on this project but cannot attend the teaching conference, contact **Jack Chin** (Cincinnati), **Sumi Cho** (DePaul), **Lisa Ikemoto** (Loyola, LA), **Margaret Montoya** (New Mexico), **Robert Westley** (Tulane) or **Cliff Rechtschaffen** (Golden Gate). ■

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with your ability to learn? What things occurred in the classroom that enhanced your learning?" The project authors edited sixteen hours of tape to produce this 34-minute video.

The video was shown in January 1998 to the AALS Teaching Methods Section. Recently Stephanie traveled to the University of Tennessee College of Law and used the kit to conduct a faculty workshop at the invitation of the Committee on Community (chaired by former SALT Board member Dean Rivkin). The Committee has engaged in the discussion of difficult issues, such as the relation of minority alums to the law school community and the legal education experience for minority students. Dialogue has to be the beginning of solving the problem of exclusion. We offer kudos to Tennessee for engaging in this kind of work. [To reach the Institute, call (509) 328-4220 ext. 3740; fax (509) 324-5840; email ilst@lawschool.gonzag.edu.]

Before we close, we want to encourage you to mark your calendars and to be sure to attend the following SALT-sponsored events that will occur in the months ahead. First, the SALT Teaching Conference, described on pages 5-8 herein, will be held at Loyola Law School in Los Angeles on October 16-17, 1998. On Sunday, October 18 there will be a meeting of the Board of Governors of SALT. During the 1999 AALS Annual Meeting, please join us for the Cover Study Group on January 7 and the annual Awards Banquet on January 9. In the meantime, we look forward to hearing from you as we all strive to be change agents in the legal academy. ■

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NYU School of Law
- Eric Yamamoto
University of Hawaii
School of Law
Law School

SALT has no paid staff. *The Equalizer* demonstrates that we manage to do a tremendous amount of exciting work. SALT works through its members and its Board. Board membership is a serious responsibility, a great honor and fun. The Board's strength is its diversity: gender, race, sexual orientation, linguistic skills, geography, mathematical ability, age (. . . and U.S. News and World Report ranking!). All Board members have demonstrated track records of energetic work and a capacity for collegial relationships. The Board meets three times a year: during the annual AALS meeting in January and in the Spring and the Fall, generally in conjunction with a teaching or action conference. Most law schools are able to finance travel expenses for Board members, and we minimize costs by sharing rooms, cabs and meals. SALT can provide some reimbursement for Board members from schools that cannot help. If you would like to nominate a colleague, or yourself, please contact one of us. The Board will approve a slate of nominees at its Fall meeting on Oct. 18, 1998. ■

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