

The **EQUALIZER** **SALT**

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COVER RETREAT: PRIVILEGE AND POWER IN PUBLIC INTEREST ADVOCACY

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On the weekend of March 3-5, 1995, nearly one hundred law students, law professors and practitioners gathered together at Boston University's Sargent Camp in Peterborough, New Hampshire to share experiences, political discussion and lots of food and fun at the Eighth Annual Robert M. Cover Memorial Retreat. Following the tradition of past conferences, new friendships blossomed, old bonds were strengthened and everyone left at the end of the weekend rejuvenated and inspired by the tremendous work being carried out by participants throughout the country.

The theme of this year's Retreat was "Privilege and Power in Public Interest Advocacy." Student organizers hoped the theme would encourage participants to step back from the bustle of everyday life and take time to reflect upon their role in public interest advocacy. In particular, the Retreat was structured to initiate a dialogue among the participants about how our clients' privilege and power affects our work and how to

continued on page 2

President's Column . . .

SALT POLICY ON PUBLIC POSITIONS

– Pat Cain
*University of Iowa
College of Law*

The SALT Board meets three times a year. Between Board meetings, SALT is often asked to co-sponsor an event with another organization, to join or to submit an amicus brief in a pending case, and/or to take a public stand in favor of or against a current event, such as a Supreme Court nomination.

In 1992, the SALT Board clarified the organization's policy regarding public positions. The clarification covered both procedural and substantive issues. As a procedural matter, the current rule requires a majority vote of the Board. If the request to SALT must be acted upon before the next regularly scheduled Board meeting (as is often the case with respect to amicus briefs), the President, in consultation with the Committee on Positions, has the authority to poll the Board. Although the formal rule requires a mere majority vote of the Board, in practice SALT's statements on public issues are generally supported by a broad consensus. We have tried to avoid issues of concern that might divide our membership. Thus, for example,

continued on page 3

INSIDE THIS ISSUE . . .

SALT Mid-Winter Board Meeting at AALS	page 5
Congressional Pressure Mounts on Law School Discrimination Policies	page 6
Asian Pacific American Law Faculty Group Formed	page 7
LSAC and Academic Assistance Programs	page 8
First Monday Video Available	page 11
SALT Membership Application	page 11

begin to deconstruct the hierarchical structures, both within and without the public interest legal community, that perpetuate harmful divisions among progressive attorneys and their communities.

On Friday evening, **Stephen Wizner** of Yale Law School opened the Retreat with a poignant remembrance of the life and ideals of Robert Cover, a man who so firmly adhered to his moral convictions that once he taught his classes off-campus so that his students would not cross the picket lines of striking university service workers.



The keynote speaker of the first day, **Cynthia Robbins**, Vice President of Eureka Communities in Washington, D.C., set the tone for the conference with an introspective speech relating to the theme of power and privilege. Ms. Robbins pondered the relative privilege that lawyers have in our society and challenged participants to confront those who attack progressive-minded policies, such as affirmative action. Engaging and captivating the audience even as several carloads of hungry students arrived late, Ms. Robbins warned those assembled to remember our history while struggling to create a better world and to take the risks of devising new strategies to achieve societal equality.

At many points invoking imagery offered by Ms. Robbins, Saturday's first panel of speakers addressed the question, "How can I recognize and work on issues of privilege and power within myself?" and commented on race, class and other issues raised by the theme. The panel included **Anita Josey**, Deputy Director of the Public Defender Service for the District of Columbia, Professor **Uncas McThenia** of Washington and Lee School of Law, **Lucy Reyes**, staff attorney at Jamaica Plain Legal Services Center in Boston, and **Jeannie Tung** of the Asian American Legal

Defense and Education Fund in New York City. After members of the panel spoke, everyone broke into small workshop groups to discuss issues raised by the theme and the panel discussion. To bring closure to the morning, participants reconvened to listen to a volunteer from each workshop group summarize her/his group's discussion. Although many people liked the idea of reconvening, in practice some people found it difficult to briefly relate an hour-long conversation to a roomful of people.

Taking off from where the first panel ended, the second Saturday panel grappled with the question, "What can we do in our offices and with other organizations to address issues of privilege and power in public interest advocacy?" Speakers on the second panel were **Robin Alexander** of the United Electrical Workers of America, Professor **Frank Deale** of CUNY Law School, **Allan Macurdy** of the N. Neal Pike Institute on Law and Disability at Boston University School of Law, and **Janice Platner**, Executive Director of Gay and Lesbian Advocates and Defenders in Boston. Following the panel, participants again broke into small groups, this time focusing on different practice areas, such as immigration rights/California's Proposition 187, criminal law/death penalty defense, disability and health law, political prisoners, rural legal services/black lung, and education.

Although ground conditions were a bit too icy for most snow sports, conference participants were able to enjoy the mild, sunny weather by hiking or strolling along nature trails in the woods and around the lake. More adventurous souls hit landspeed records while sledding on ice-covered hills, while others battled each other in a heated contest of snow volleyball (imagine playing on a beach in California, substituting the sand with snow and the bathing suits with parkas!).

Saturday's keynote speaker, **Rockwell Chin** of the Commission on Civil Rights in New York City, delivered an eloquent speech, which touched upon his experiences as an Asian American in the legal community as well as the positive power that lawyers can wield to improve our society. In addition, Mr. Chin invoked historical and contemporary examples of prejudice against Chinese Americans to expand the scope of the conference's theme and encourage listeners to work for a future free of such biases.

After partying late into Sunday morning and then rousing by 8:00 a.m., conference atten-

dees ate a hearty breakfast prepared by the wonderful Sargent Camp kitchen staff and then participated in a number of workshops, including a women of color caucus. In one workshop, law student organizers from Boston University, Harvard, Boston College and Columbia passed the torch to a new organizing committee. In another workshop, students talked with **Jackson Chin** of the Center for Immigrants Rights, Inc. in New York City, **Mary Lee Hall** of Farmworkers Legal Services of North Carolina, and Assistant Dean **Ellen Chapnick** of Columbia University School of Law about how to establish relationships with attorneys fighting for positive social change.

Although a nation-wide planning committee was formed a year ago, several representatives withdrew from the collective organizational effort, and the bulk of the organizing fell on students from Boston University, Harvard and Boston College, with significant contributions from the University of Tennessee and Columbia. In order to increase geographic diversity in the future, we recommend that SALT professors become more actively involved in recruiting attendees, targeting specific students and groups. In the past, organizers have funnelled information through law school placement centers, a practice which has proved largely ineffective. Any professor who is willing to be a conduit for information at her or his school should contact Professor **Larry Yackle** at Boston University, and he will pass your name to the new organizing committee. ■



continued from page 1 - President's Column

SALT has declined to make public statements regarding events at an individual law school if SALT members at that school are divided.

In 1992, when we clarified our procedures for deciding whether to take a public position on a particular issue, we also discussed whether we should adopt substantive guidelines regarding the types of issues appropriate for SALT to consider. This discussion focused primarily on the filing of amicus briefs. Here, the Board was split. The specific proposal before the Board was as follows: "As a general matter, SALT will take public positions on issues such as equality, diversity or academic

freedom in situations that affect legal education. 'Affect legal education' may be construed broadly."

Some members of the Board felt that SALT should be viewed as having a natural expertise regarding issues of interest to the legal academy. If SALT were to take positions by joining amicus briefs on more general issues (e.g., sex discrimination in the workplace, prisoners' rights cases), these members felt we might dilute our effectiveness. Furthermore, as a practical matter, absent guidelines, it would be difficult to make principled decisions about which issues are appropriate concerns for SALT.

Other members of the Board favored a much broader standard than the one proposed. As an organization of law professors, SALT has a wealth of expertise in many areas of the law. These Board members felt that if SALT members had identified an important case in the system and had requested SALT support on an amicus brief because they believed that SALT support would be beneficial, then the request was worthy of consideration. SALT's role as an amicus would require some demonstration of interest in the case, and these Board members felt that we should not unduly limit ourselves before the request could be considered.

This latter position was adopted by the Board. Our current rule reads as follows: "As a general matter, SALT will take public positions on issues involving equality, diversity or academic freedom. Priority will be given to issues which affect legal education or to issues which are particularly significant."

Under this guideline, SALT has joined or written amicus briefs in the following cases:

1. *Sweeney v. Prisoners' Legal Services of New York* (New York Court of Appeals). **Eileen Kaufman** (Touro Law School) was primarily responsible for the brief. SALT and the New York Bar Association were the initial amici on the brief and were later joined by The New York State Association of Criminal Defense Lawyers, The New York Lawyers for the Public Interest, Westchester/Putnam Legal Services, The New York State Defenders Association, The Puerto Rican Legal Defense and Education Fund, the National Legal Aid and Defender Association and one hundred and fifty individual legal educators.

The case raised the following legal issue: When a public interest lawyer negotiating for bet-

continued on page 4

ter prison conditions forwards to the head of a prison a list of corrections officers who have been accused by prisoners of using unnecessary force, can a falsely accused officer sue the lawyer for

"... SALT will take public positions on issues involving equality, diversity or academic freedom. Priority will be given to issues which affect legal education or to issues which are particularly significant."

defamation without proving by clear and convincing evidence actual malice on the part of the lawyer?

The appellate division had found actual malice by concluding that the prisoner/client who complained was not credible and that the attorneys used the information provided by that client because it helped prove their claims regarding use of excessive force in the prison. There was no direct evidence that the lawyers knew the claim to be false. The effect of the appellate division opinion was to require lawyers to independently investigate claims made by their clients before using those claims in pre-litigation negotiation. SALT members felt such a ruling might seriously impinge upon the ability of law school clinics to represent clients in public interest litigation, particularly in prison litigation.

On February 14, 1995, the New York Court of Appeals unanimously reversed the appellate division, ruling in favor of SALT's position in the amicus brief.

2. *C.K. et. al. v. Donna Shalala* (U.S. District Court, New Jersey). Kathleen A. Sullivan (Yale) and Lucy A. Williams (Northeastern) participated in the preparation of this brief, which was filed on September 22, 1994. SALT was joined on the brief by the Puerto Rican Legal Defense and Education Fund, Wider Opportunities for Women, and Women and Poverty Project.

The brief is in support of Plaintiff's motion for summary judgment in a case challenging New Jersey's right to amend its AFDC program to exclude after-born children. To implement the program, the state had to obtain a waiver from HHS allowing them to deviate from federal require-

ments. The brief argues that the waiver was improperly given. SALT's participation was sought because the brief traces the legal history of the waiver provision and it was thought that an academic group would carry weight on such a brief.

SALT has also joined amicus briefs in cases involving reproductive rights, race and sex discrimination, and lesbian and gay rights. Some of these cases bear a connection with legal education (e.g., the right of a law school to exclude the military from its placement office on the basis of the military's policy on sexual orientation), but most do not. All have been important cases on which the Board has been nearly unanimous in its support.

The requests for SALT's participation on amicus briefs have increased over the last year, and my guess is that they will continue to do so. At the Board retreat this May, we plan to revisit the question of SALT's amicus participation in important cases. To date, most of our participation has occurred in response to requests from members. Perhaps we ought to develop a more proactive role. Should SALT, for example, develop a mechanism for identifying important cases that might benefit from law professor briefs? SALT could either sponsor the brief and sign it as an organization or coordinate law professors around the country who wish to sign onto a particular brief. Do you as members know of particular cases we ought to be watching? For example, the Supreme Court recently granted cert in *Evans v. Romer*, 882 P.2d 1335 (Colo. 1994)(enjoining enforcement of

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the anti-gay initiative?"*

Amendment 2, the anti-gay initiative passed in Colorado). Should SALT take the lead in a case like this and organize law professors around the country who are interested in participating on a brief in support of the Colorado decision?

I am interested in members' opinions on these questions. If you have ideas or comments, please write to me at University of Iowa College of Law, Iowa City, IA 52242. ■

SALT MID-WINTER BOARD MEETING AT AALS

— Joyce Saltalamachia
New York Law School

Demonstrating a dedication above and beyond the call of duty, 24 members of the SALT Board of Governors met for a breakfast meeting on Friday, January 6 at 7:00 a.m. in New Orleans during the Annual AALS Meeting. The SALT Board meets three times per year, with one of the meetings traditionally held in conjunction with the AALS Annual.

The Board meeting was called to order by co-president **Pat Cain**, who first welcomed new members **Carol Chomsky**, **Okianer Dark**, **Margaret Montoya** and, in absentia, **Beverly Moran**. Pat reported that there were 244 ballots cast in this election, the highest number ever, yet only representing less than 30% of our eligible voters. She also stated that she intended to examine our election procedures prior to our next Board meeting.

In light of some of our recent discussions about the interaction between the SALT Board and the general membership, Pat asked Board members to look at the make-up of the Board itself and consider whether certain groups are under-represented. She also asked Board members to consider if the Board should appoint individuals who have been active in projects but not elected to fill vacant Board slots as they occur. **Liz Schneider**, Chair of the Nominations Committee, will be taking suggestions about the future direction of the Board. Pat then distributed proposed SALT committee assignments for 1995-96. There are 10 SALT committees: Awards, Nominations, Memberships and Dues, Cover Panel and Retreat, Public Positions, Newsletter and Communications, Board Retreat, Bias in the Courts, Alliance for Justice Coordination, and Faculty Diversity. Pursuant to the SALT By-laws, the membership of the Nominations Committee, with Liz Schneider as Chair, was officially approved by the Board.

Various committee chairs were present to give reports. Treasurer **Stuart Filler** distributed his report, listing nearly \$100,000 in the treasury. He anticipated equal revenues and expenditures in 1995 and noted that members need to be reminded by letter to pay their dues. Membership Chair **Cynthia Bowman** reported that her Committee is planning to distribute a questionnaire to members in order to determine whether SALT can better

meet the needs and desires of the general membership. **Sylvia Law** reported that our Access to Justice, Discrimination, and Health Care Reform Committee is still prepared to keep pushing on these issues even though the subject of health care is certainly no longer on the Administration's front burner. **Linda Greene** urged that SALT continue its active interest in this topic and suggested that SALT put together comments or a position paper to present to the Judicial Conference. **Nan Aron**, Executive Director of Alliance for Justice, remarked that SALT member **Frank Askin** has updated a list of legislative agenda items originally compiled fifteen years ago.

Phoebe Haddon, Chair of the Awards Committee, reported on a film project that had been prepared for the Award Dinner by **Abby Ginzberg**. This video featured **Trina Grillo**, the 1995 recipient of the SALT Teaching Award, and the building of the Academic Support Program at University of San Francisco School of Law. The Board was pleased to provide \$2,000 of support toward the expenses of this video. [In February, **Jay Folberg**, dean at USF, sent a copy of this extraordinary video to every law school in the country. It is an inspiring statement about the importance of academic support work, and SALT members are encouraged to make every effort to have it shown widely on their campuses. — Ed.]

Editor **Michael Rooke-Ley** spoke of his desire to develop *The Equalizer* into a more effective publication. In light of SALT's recent rapid growth in membership, the need to improve internal communication as discussed at the earlier general membership meeting, and the absence of any executive director or administrator, Michael asked the Board to consider whether *The Equalizer* should become, for example, a more substantive magazine, supplemented by frequent issue-oriented "bulletins" to the membership. Noting SALT's enormous potential - greater than at any other time in SALT's history - to be an influential voice in national debates on education, law and public policy, he encouraged the Board to consider ways in which our voices might better be heard. A new ad hoc committee was established, consisting of Michael, **Howard Glickstein**, **Angela Harris** and **Joyce Saltalamachia**, to study *The Equalizer* and bring a proposal to the next Board meeting.

Nan Aron reported on the national activities involved in the First Monday Conference in October. Nan reminded the group that these con-

continued on page 6

continued from page 5 - Board Meeting at AALS

ferences were designed to bring together progressives in an effort to formulate an agenda for public interest law and a vision for justice in the future. The Alliance has produced a video of the national satellite feed (available to SALT members - see page 11) and plans to utilize the video in future conferences. Ann Shalleck, who had been a member of the SALT Alliance for Justice First Monday Committee, commented that the Alliance was helpful in organizing local events in addition to the national program. Nan asked for the SALT Committee to continue to work with the Alliance on next year's program, yet she questioned whether we should continue to try to have regional programs and/or programs at each school as we had attempted to do in the past. Various members commented that the programs were of uneven quality and success. The prior year's Committee will continue to work with the Alliance to refine the First Monday Conference in October.

Finally, Pat reported that the next Board meeting will be a retreat, May 12-14, at the Green Gulch Conference Center just north of San Francisco. Organized by Stephanie Wildman, the retreat format will allow the Board to give full consideration and discussion to issues raised during the membership meeting and presented throughout the year. As always, members are invited to send comments about SALT or its activities to any officer or member of the Board. ■



CONGRESSIONAL PRESSURE MOUNTS ON LAW SCHOOL DISCRIMINATION POLICIES

— Arthur S. Leonard
New York Law School

Last year, the Congress overwhelming approved an amendment offered by Rep. Gerald Solomon (R.-N.Y.) to the Defense Department appropriations bill, banning the use of any money appropriated under that bill for schools that have policies barring military access to their campuses. Solomon became interested in the subject when a New York state court ordered the law school at the State University of New York at Buffalo (in his congressional district) to bar military recruiters in

response to a human rights complaint filed by lesbian and gay law students at Buffalo. When the administration of Governor Mario Cuomo decided not to appeal the ruling and instead required the entire State University system to comply with it, Solomon introduced his amendment in Congress.

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In response to its passage, some law schools that had previously enforced their non-discrimination policies against the Defense Department have begun to make exceptions and allow military recruiters to use placement office facilities. Other schools that had been considering adopting non-discrimination policies have backed down in the face of the Solomon Amendment. The Association of American Law Schools, which adopted a regulation several years ago requiring member schools to exclude discriminatory employers from their placement facilities, established a special Task Force to advise its executive committee on how to deal with the new environment created by the Solomon Amendment. I am a member of the Task Force, which will be meeting this month to assess the situation after the Defense Department issues its regulations interpreting the amendment.

Similar amendments to Defense appropriations bills were enacted beginning in the 1970s. They have traditionally been interpreted in such a way that law schools would escape their consequences. The Defense Department has normally applied the funding ban only to the specific unit of a university that is barring the military, and since law schools have not been Defense funding recipients, they were not affected. Secondly, these earlier enactments gave the Defense Department authority to override the funding ban in the national interest, thus continuing to fund vital research projects regardless of non-discrimination policies that were keeping military recruiters out. Current indications are that the Defense Department may not preserve these customary interpretations in their new regulations; thus, if the law school bars military recruiters, the physics department, for example, may lose its Defense

research money.

The situation is complicated further by a new bill introduced by Rep. Solomon on January 9, 1995. H.R. 142 would prohibit *any* Federal grant or contract from being awarded to an educational institution that does not allow the Defense Department to have access to students on campus for recruiting purposes. While certain academic departments in some major research universities could be hard hit by a cut-off of Defense Department money, Solomon's new proposal goes beyond Defense money to embrace all federal financing, which may hit even the independent law schools, some of whose students benefit from various federal student aid programs. In light of the ease with which Solomon's amendment became part of the Defense appropriations bill in the last, Democratic-majority session, the portents are not good for preventing this year's harsher version from being enacted. ■



ASIAN PACIFIC AMERICAN LAW FACULTY GROUP FORMED

— Margaret Y.K. Woo
*Northeastern University
School of Law*

Twenty-three Asian Pacific American law faculty members met over dinner at the AALS conference in New Orleans this January, the largest attendance ever. This dinner is a continuation of the first conference of Asian Pacific American law faculty, which was hosted this fall by Boston College School of Law and Northeastern University School of Law with the financial support of SALT. Conference organizers **Alfred Yen** (Boston College), **Margaret Woo** (Northeastern University), **Karl Okamoto** (Rutgers University, Camden) and **Pat Chew** (University of Pittsburgh) expressed satisfaction that the conference was the beginning of a continuing effort by Asian and Pacific American legal academics to work together and develop support amongst themselves.

More than 40 Asian Pacific American law faculty attended the fall conference from as far away as California and Hawaii. For many of the attendees, the conference represented a "homecoming," as well as a statement attesting to the

increasing force of Asian Pacific Americans in the legal academy. As Karl Okamoto noted, "We came together to question critically the meaning of the label 'Asian Pacific American Law Professor' and, despite the problems of such a denomination, came away more sure of its value."

Indeed, a number of projects and committees came out of the fall conference. An e-mail net-



work, established by **Maggie Chon** (Syracuse University School of Law), has helped to connect electronically Asian Pacific American law faculty around the country. Several working groups have begun to function, representing the different facets of law professors' responsibilities (community, academy, scholarship). Most importantly, plans are in the works for yearly conferences to further discussions of issues as difficult as the Asian Pacific American identity, the role of this identity in the academy and in legal scholarship, and the interrelation of this identity with that of other minority groups.

Certainly, the dinner at Nola's confirmed participants' commitment to the burgeoning group. At the dinner, members reaffirmed friendships and discussed plans for the next conference. Importantly, members voted decisively to change the location of next year's conference originally scheduled to be held at the campus of University of San Diego, in order to respect the boycott now in place against Proposition 187. Instead, the 1995 conference will be held from September 28 to September 30 at the John Marshall School of Law in Chicago. Anyone interested in obtaining information about the conference should contact conference organizers **Dorothy Li** (John Marshall School of Law), **Cynthia Lee** (University of San Diego School of Law) and **Bob Chang** (California Western School of Law). ■

LSAC AND ACADEMIC ASSISTANCE PROGRAMS

— Okianer Christian Dark*
University of Richmond
School of Law

Dear Toni, Maya & Ashanti:

I am so afraid that I might not make it in law school. I think I am prepared, but I am not certain. There are so few minority students in my classes. That puts more pressure on me. Is the school waiting for me to fail? Some of my white classmates probably feel that I do not have a right to be in law school.

The law school has an Academic Assistance program with tutors for some of the first-year classes. I think I'll participate. Girl, I need all the help I can get!

Students tutoring other students — sounds good, and it's less threatening. Many of the tutors are second- and third-year minority students — sounds even better. At least there is one place for me to go in this law school for help and support.

Academic assistance programs are met with varying reactions from all segments of the law school community. The reactions range from unabated joy and positive enthusiasm to dread and outright resistance to such an effort. The purposes of this article are two-fold: first, to provide you with an overview of the Law School Admission Council's (LSAC) involvement in the academic assistance program effort; and, second, to inspire some of you to consider seriously establishing such a program at your law school or investing more resources in an existing program.¹

Where to begin? As Kent Lollis, Associate Executive Director and Assistant to the President for Minority Affairs of the LSAC, wrote in *The Equalizer* one year ago, LSAC's involvement with academic assistance efforts began shortly after the Access 2000 Conference.² The goal of that conference was "to review the history of minority access to the legal profession and to initiate plans for the future to further that goal."³ The need to encourage and promote diversity in the legal profession was linked, in part, to "the need for law schools to develop programs to give all law students an equal chance to succeed in law school."⁴ A workgroup of LSAC's Minority Affairs Committee (MAC) was established to assist in the development and implementation of the projects focused on academic assistance programs.

From the beginning of this effort, discussions about academic assistance programs were

not limited to the development of programs to help students merely survive. Some programmatic efforts are viewed only as remedial programs. Such programs may be instituted by a law school concerned about an unacceptably high failure rate or a disproportionate percentage of minority students experiencing academic difficulties. In such a program, the emphasis may be on fundamental learning skill development, such as improving students' reading and writing skills and developing effective study skills. In short, the goal of these programs is academic survival.

Academic assistance programs could also be designed to assist students in achieving academic excellence. This enhancement model provides continuing support to participating students regardless of their levels of performance. These programs support academic skill development while emphasizing substantive legal analysis and may provide more comprehensive academic services, including assistance in preparing for law review and moot court competitions and in securing summer clerkships.⁵

These program goals — academic survival and academic excellence — are not mutually exclusive, and a program could be designed to accomplish both goals. Most importantly, we recognize that the goals of academic assistance programs may vary and, thus, so might the structures of those programs.

There are many implementation issues that should be considered in developing an effective academic assistance program. Set out below are three significant challenges facing the establishment of or the continuing viability of these programs.

1. The stigma problem: The typical argument is that these programs make students of color feel badly or suggest that they are inferior in some way. There is much debate and discussion about what opponents of these programs mean by stigma and where it comes from. Some believe that stigma is generated or exacerbated by the programs themselves; some say "stigma" is related to the social policy decisions that underlie law school affirmative action recruitment and retention efforts; and others say stigma is merely a reflection of racism in the society. Rather than permit the "stigma" argument to foreclose the possibility of having an academic assistance program, consider the following responses. First, there should be discussion in the law school community or at least among participants in the academic assistance pro-

gram (faculty, staff and students) about this issue. LSAC is currently developing a video on stigma that may assist you in having these discussions.⁶ Second, consider making some aspects of the program available to non-program participants. For example, a walk-in clinic sponsored by the academic assistance program could be made available to all students who have questions ranging from specific issues concerning their class work to general aspects of the study of law.⁷ Third, give special attention to the selection of a name for the program. For example, naming the program either the Dean's Tutorial Society or Academic Success Program rather than Academic Support can convey a more positive institutional view of the program.

2. The resource problem: In this time of ever shrinking and stressed law school budgets, the question as to how to handle the costs associated with these programs and how (or whether) to commit other resources within the law school must be addressed. This important issue is addressed in LSAC's Introduction to Academic Assistance Programs, as well as in our Technical Assistance Manual. All LSAC projects emphasize that there are a range of configurations with concomitant resource commitments for such programs, e.g., a one-week summer program, a six- to eight-week summer program, or a full-year program. There are a number of ways to develop fairly effective academic assistance programs. One needs to consider one's program goals in tandem with the resource question.

3. The law school culture: "[T]he notion of 'fairness' that permeates the law school is that academic competition is based upon the unarticulated premise that students enter law school with comparable skills and thus achievement within the

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institution occurs on a 'level playing field.'"⁸ A culture based on merit and "tough law."⁹ A culture without any handholding or spoonfeeding. In such a culture, academic assistance just isn't fair! But recognition should be given to the fact that "some students reach the beginning of their legal education with excellent abilities that have not been fully

developed, due to inadequate prior education, while others entering may have received prior education of the highest caliber, provided at costs well beyond the means of many minority students."¹⁰ The law school curricula generally does not account for "the disparate educational backgrounds that exist among entering students."¹¹ Therefore, academic assistance "arguably brings greater balance to the law school playing fields."¹² Academic assistance isn't a cocoon for the law student; rather, it serves as support. "While it is recognized that schools cannot entirely shield students from internalized feelings of stigma, schools that formally recognize and embrace affirmative action values will have taken a major step toward establishing an environment in which academic assistance program stigma is minimized. Further, in such an environment, program participants will more likely perceive that support program benefits far outweigh any stigma that may attach."¹³

The first completed LSAC project was the publication of An Introduction to Academic Assistance Programs,¹⁴ which provides a general discussion of principal components and implementation issues that should be considered for effective summer and school year academic assistance programs.

LSAC has sponsored two comprehensive academic assistance workshops. The first workshop was held in Boulder, Colorado (1992) and the other in Williamsburg, Virginia (1993). These conferences and the accompanying materials were designed to provide detailed assistance to schools planning to establish or enhance existing programs. The faculty for those workshops were drawn from law schools with effective programs. Approximately seventy law school representatives (faculty and academic assistance professionals) attended each conference.

As a follow-up on these workshops, LSAC provided technical and design assistance to law schools for nearly two years.¹⁵ In some cases, LSAC provided technical assistance to law schools who did not send representatives to either workshop.

The soon-to-be-published *Technical Assistance Manual – A Practical Guide for Law School Academic Assistance Programs* is primarily directed at law school faculty and staff who work with an academic assistance program. This publication will focus on the practical aspects of establishing and maintaining an effective academic assistance pro-

continued on page 10

gram. It will also include the survey results of all academic assistance programs in the United States and Canada.

LSAC has also created a directory of academic assistance professionals in the United States and Canada with the hope of facilitating discussions among academic assistance professionals about their programs.

LSAC supported the Advanced Academic Assistance Conference which was held at the University of California at Los Angeles in June 1994. The conference focused on the training of teaching assistants and professionalism issues confronting academic assistance professionals.

LSAC has also surveyed the participants who attended the Boulder and Williamsburg Academic Assistance Workshops to determine whether the participants made any changes in their programs as a result of these workshops. LSAC used the results in this survey to identify future programming efforts. As a consequence, another Academic Assistance Training Workshop will be held at the University of San Diego, in San Diego, California, June 6-10, 1995.

The topics that will be covered in this workshop include implementation issues, such as program goals, staffing costs, stigma problems and program structure. Also, LSAC has planned the conference so that there will be generous discussion of learning theory, program evaluation, innovative teaching methods and disability issues. The conference is formatted to provide participants with ample time to process plenary presentations by using small groups and concurrent sessions.

We are attempting to keep down the cost of the conference by utilizing low-cost (or no-cost) campus facilities, charging no registration fees, and providing all accommodations. Any day now, LSAC will mail information to the law school deans, admissions professionals and academic support professionals. If you want to be included in this mailing, please contact Kent Lollis at (215) 968-1338.

LSAC takes the position that academic assistance programs can make a positive difference for the students and the law school. There are many benefits that a student or an institution can derive from such a program but consider at least this one benefit that a minority law student obtained from an academic assistance program. You may recall the diary entry of that frightened

first-year student at the beginning of this article. Let's read her diary entry two years later:

Dear Toni, Maya and Ashanti:

Being a tutor for the Minority Student Program is challenging. I wasn't certain that I would be able to help someone else with Property just because I performed well on the exam. But the other day, I had a marvelous experience. One of the students in my tutorial group and I were working on future interests. This student just couldn't get it. We struggled over one concept for an hour and a half. I must have explained one point thirty times. Finally, it occurred to me that I should convert the concept into an algebraic equation. It worked! I saw recognition and understanding in her eyes. She was so excited that she quickly explained the concept to me, and then the connections began to happen everywhere . . . wow, such satisfaction.

This experience has been great! I wonder if I can be a law professor? Time to sign off.

— Okianer

You can never fully determine the value of an effective academic assistance program! But, you will have value. ■

* Professor Dark is visiting at Willamette University College of Law, Salem, Oregon. She is on leave from the University of Richmond School of Law in Richmond, Virginia. Currently, she is Chair of the Minority Affairs Committee of the Law School Admission Council. This article is based on a speech that she delivered at the Law School Deans' Breakfast at the 1995 ABA Mid-Year Meeting in Miami, Florida.

- 1 One kind of investment could be further professional development of law school personnel involved in these programs. You could send representatives from your law school to the 1995 LSAC Conference on Academic Assistance Programs, to be held at the University of San Diego in San Diego, California, from June 6 to June 10, 1995.
- 2 The Access 2000 Conference was held in Washington, D.C. in 1988. The conference was co-sponsored by the American Bar Association, the Association of American Law Schools, and the LSAC.
- 3 Law School Admission Council, *An Introduction to Academic Assistance Programs*, i (1992).
- 4 *Id.*
- 5 *Id.*, at 4.
- 6 The stigma video should be available in early 1996.
- 7 David Leonard, *Personal and Institutional Benefits of Offering Tutorial Services to Students Experiencing Academic Difficulty*, 37 J. LEGAL EDUC. 91, 92 n.4 (1987).
- 8 *An Introduction to Academic Assistance Programs*, supra note 3, at 5.
- 9 See B.A. Glesner, *Fear and Loathing In The Law Schools*, 23 CONNECTICUT L. REV. 627, 644 (1991).
- 10 *An Introduction to Academic Assistance Programs*, supra note 3, at 5.
- 11 *Id.*
- 12 *Id.*
- 13 *Id.*
- 14 *Id.* You can write LSAC for a full copy of this publication.
- 15 Dr. Lawrence D. Salmony was the LSAC consultant who not only provided technical assistance to the law schools but was involved in several early LSAC projects on academic assistance.

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