

EQUALIZER

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RHONDA RIVERA TO RECEIVE 1990 SALT AWARD

Rhonda Rivera, a past President of SALT (1984-86), a former Chair of the AALS Section on Women in Legal Education (1979-80), and the Co-Founder of the AALS Section on Gay and Lesbian Legal Issues, will be honored by SALT during the AALS Annual Meeting in San Francisco. She will receive SALT's Annual Award for contributions to legal education. Prior recipients of the Award are: David Cavers (1975); Charles Miller (1976); Thomas Emerson (1977); Rennard Strickland (1978); Ruth Bader Ginsburg (1979); Harry Edwards (1980); Arthur Leff (1981); Charles Black (1982); Herma Hill Kay (1983); Derrick Bell (1984); Clinton Bamberger and CUNY (1985); Barbara Babcock (1986); Howard Lesnick (1987); and University of Wisconsin Law School (1988).

Rhonda is Professor of Law at Ohio State University, where she has been a member of the faculty since 1976. She teaches contracts and commercial law subjects as well as a seminar on sexual privacy law. She has served both as the Associate Dean and Director of Clinical Programs (1983-86) and as the Director of Legal Writing Programs (1983-87).

What makes Rhonda special to us is her extraordinary service to the gay and lesbian community within the legal academy. In fact, she is



SALT Award Recipient Rhonda Rivera

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primarily responsible for the creation of that community. In January 1983, while Rhonda was President-Elect of SALT, she and Joshua Dressler called an ad hoc meeting of law professors attending the AALS Annual Meeting who were concerned about gay and lesbian legal issues. She asked the SALT Board members to spread the word about the meeting and to attend the meeting so that closeted gay and lesbian law professors would have a "safe place" in which to gather. Over thirty people attended the meeting and another thirty sent confidential messages of support. By the end of the meeting, everyone in attendance had signed a petition requesting the AALS to authorize the creation of a new Section on Gay and Lesbian Legal Issues. Officers had been elected, and Rhonda was the first Chairperson of the Section. She nurtured the fledgling Section during its first year of life, planning a splendid program for the 1984 AALS Annual Meeting, establishing a confidential membership list, and recruiting members for the Executive Committee (which meant that she had to ask people to "come out nationally" for the first time in their lives). She complied with all of the AALS' requirements for provisional status, and in 1984, the Section was granted permanent status by the AALS. Today, the Section has over 130 members.

One of Rhonda's goals for the Section was to encourage the AALS to amend its Bylaws to prohibit discrimination against gay and lesbian law professors and students. This year, the Section has proposed such a nondiscrimination policy to the AALS Executive Committee. SALT supports the Section's proposal. That makes the 1990 Annual Meeting a particularly appropriate time to honor Rhonda for all that she has done for gay and lesbian law professors.

As we gather together to honor Rhonda, it is important to realize that her support for gay and lesbian civil rights extends well beyond the narrow confines of the legal academy. She has authored four major law review articles on gay and lesbian legal issues that have been cited in approximately twenty appellate cases, five books, and eighty law review articles. She practices law in Columbus, Ohio, serving primarily

gay and lesbian clients. She has been a member of the Board of Directors for Lambda Legal Defense and Education Fund, Inc. (1980-85) and she was the president of the Stonewall Union (1983-84) in Columbus, Ohio. She was the Chair of the Governor's Advisory Committee on Executive Order 83-64 (regarding nondiscrimination on the basis of sexual orientation) (1983-86). She also has been extremely active in the fight against AIDS. For her courageous efforts to guarantee legal rights for gay and lesbian people, she will receive the ACLU of Ohio's Civil Rights Award in December 1989.

What many of us don't know about Rhonda is that she is an Episcopalian and a deeply religious person. She founded Integrity Central Ohio in 1983. She considered the seminary during a recent sabbatical because, since the age of twelve, she has wanted to be a priest.

What she came to understand, however, is that she already has a ministry as an "open, gay, Christian law teacher." (She hastens to add that she is many other things: she is "white, a democrat, omnivore, TV hater, non-smoker, social drinker, lesbian spouse, boy scout leader, mother, daughter, layreader, compulsive, compassionate, insecure, articulate, cat lover, "high church," bridge player, sedentary-exerciser, hater, preppie-dresser, etc.") What she came to realize is that she already serves an incredibly important function by being a role model and counselor for her gay and lesbian law students. She even came to realize that she has ministered to her colleagues by giving them the opportunity to see her together with Margaret at any law school function attended by spouses.

Please come to celebrate with Rhonda and to meet Margaret at the SALT Awards Dinner on Saturday, January 6, from 6:30 - 9 pm. The dinner is scheduled early so that it will not conflict with the concert by Sweet Honey in the Rock at 9:30 p.m. To make reservations for the dinner, call Stuart Filler, University of Bridgeport, at (203) 576-4442. The cost of the dinner will be approximately \$40, payable at the door. The dinner is currently scheduled to take place at the Barcelona II Room of the Park 55 Hotel,

across the street from the Hilton Convention site.

Robert Cover Memorial Activities

On the weekend of March 10, 1990, SALT will hold its annual Cover Memorial Student Retreat on public interest law in Petersborough, New Hampshire. Yale Law Professor Steve Wizner will organize the conference. If any SALT members are interested in helping with the conference, please contact SALT Governor Judith Resnik c/o Harvard Law School.

SALT will also sponsor its annual Cover Study Group at the AALS meeting in San Francisco. The study group will be led this year by Professors Wizner and Dennis Curtis. It is currently scheduled for Thursday night, January 4, 1990, 8-10 pm., in the Barcelona I Room of the Park 55 Hotel.

FROM: Letters to the Princetonian, December 17, 1962.

The Parent Problem Robert Cover

To the Chairman:

Our hallowed university presumes, in certain instances, to stand "in loco parentis," in the place of our parents. It appears that we Princeton "men" are as yet unable to make certain ethical and moral decisions on our own. We may not decide whether or not we shall go to church, drive a car, or cheat on tests.

Our parent tells us to go to church. But, if there is one precept about which practically every religion agrees, it is that consideration for and sensitivity to one's fellow man is of the utmost importance.

Our parent, through the honor system, has set up a standard of intellectual integrity to which we must adhere. Yet, the intellect is not an end in itself. It is a tool for living in

the world of men. Indeed, modern psychology and religion agree, if on no other point, on the assumption that an individual's personality is a sensitive phenomenon, delicately balanced and subject to easy bruising.

Now, isn't it fine that our foster parent is supporting such valuable things as religion and intellect? Isn't it a shame that our new parent refuses to recognize the consequences of religious and intellectual findings when applied to Princeton's social life? Religion teaches us consideration for our fellow man; psychology teaches us that the adolescent is extremely sensitive to peer group rejection. Moreover, anthropology and sociology have taught us that man can devise and has devised a variety of social systems which can either minimize or maximize the stresses on the individual.

Yet, we persist in a social system, the club system, which in 1962 rejected two individuals out of a group of more than 700 who bickered. [Editor's note: applied for eating club membership] Apply the findings of psychology to this case.

Finally, apply the philosophy upon which the American tradition is based, the philosophy which states uncompromisingly the worth of the individual in a pluralistic society. Could we not, with all our academic knowledge of social structure, devise a better way to choose the people with whom we will eat our meals and share our parties?

But our mother remains silent. She recognizes the right of mere boys who are presumably incapable of deciding whether or not they may drive a car or go to church to pass judgment on their peers and to trample upon the sensitivities of individuals.

Yale Law School Proposal for A Post-Graduate Internship Program By Robert Cover, 1985

I. The Need

The vast majority of graduates of the elite law schools of this nation seek and find employment in the large corporate law firms of our major cities. Most of the lawyers serve honorably among the leaders of the profession. But they serve predominantly in a rather narrow band of the spectrum of legal jobs. The jobs they do fill are critical ones in the transactions that characterize a mature capitalist, industrial, economy both internally within the private sector and in that sector's relation to government taxation, regulation, and promotion. As important as these roles in business transactions may be, the vast majority of these attorneys seldom or never experience the dimensions of lawyering that are the bed-rock, self-justifying core of the profession. That core in law is the needs of the individual client whose life, liberty, or private property is at risk through the acts of the state or through the threatening acts of private persons or organizations. When a lawyer represents such a client he does that which is as necessary to our social existence as the physician's role is to our physical well-being.

It is characteristic of medical training that all doctors experience—at least for their years of internship and residency—the self-justifying core work of their profession. They experience the world of the very ill and come to sense the critical role they, themselves, play in that world. The hospital staff training is a powerful, cohesive, socializing force in the medical profession. It understandably leads to confidence and pride in the dedication and centrality of physicians. (Perhaps to excess).

When young elite lawyers go through a similar process of professional socialization, they do so not in the analog of teaching hospitals where they would meet the most critical legal needs, but in the first years of their service as associates in large firms. There they are well paid. They work exceedingly hard

and come to develop the professional elan and confidence of the corporate firm. However, the result has been that the legal internship process has—within the elite ranks—been privatized. The large firms train lawyers but they naturally do so in terms of the personnel needs of the large firms themselves. These firms bid sufficiently high to oust most competitors from the internship market. Most small firms and public agencies neither can pay interns wages competitive with the large firms nor can they expend comparable resources on training and supervision.

This proposal presents a serious non-profit sector alternative to the large firm for the training of your lawyers. It is designated to serve the functions that are now being served by the first two years of service as an associate in major firms. But, it is designed to serve those functions in a way which will enhance career mobility, not only to the benefit of young lawyers, but also to the benefit of the public and non-profit sectors of our society and to the benefit of the smallest firms in the private sector as well. The program will:

1. Provide suitably supervised professional experience with respect to complex and important cases.
2. Provide increasing personal responsibility for such cases with experience.
3. Provide a case load which exposes interns to the kinds of cases in which the life, liberty, or critical personal interests of clients are at stake.
4. Provide a set of feedback mechanisms through case conferences and periodic personal performance evaluations.
5. Integrate academic interests with case responsibilities through the participation of law school faculty.
6. Create a recognized avenue for gaining experience necessary to compete in the highly competitive market for public interest law jobs.
7. Provide the experience necessary to permit young lawyers to create small firms with an economically viable mix of private and public interest clients.

8. Develop techniques for the sophisticated integration of social science methods in litigation.

II. The Nature of the Proposed Internship Program

Representation of clients takes place in many different contexts and it is the purpose of the internship program to train the new lawyer in the best methods of practice in a variety of such professional settings. Each Intern would rotate through four practice situations.

Rotation 1: High volume client service. In many public sector and smaller private sector offices, a large volume of relatively small cases are handled. While elite lawyers have generally been disproportionately absent from such kinds of practice, it is a very important form of practice from the perspective of legal services delivery systems--whether public or private. In part, because most large prestigious firms do not have such a practice, the analysis of the forms of practice and the communication and training of personnel for such practices has been radically underdeveloped. Most new lawyers in such practice situations are told, in effect, to sink or swim. Demoralization and resignation to essentially bureaucratic standards are common. Turnover among promising lawyers who do try such a practice is very high. It would be the function of the internship program to expose the new lawyer to the rewards and frustrations of that work. But the program would also--and more importantly--be one place in which the intern could be trained to think in terms of a systems analysis of such practices.

Rotation 2: Social Science Methods. A litigation practice requires development of methods for securing information, ascertaining its reliability and communicating to and convincing others of its truth or probability. These functions are increasingly influenced by and dependant upon scientific and social scientific methods. Law schools provide only a very general introduction to such methods and most lawyers who do develop expertise are self-taught. Even the very largest and best firms have a limited capacity to structure such inquiries except in a small

number of specialty areas. A patent specialist may have some engineering knowledge and an antitrust department or specialist firm will have lawyers who can competently put together economic data relevant to such staples of antitrust litigation as market share or market definition.

The second rotation of the clinical internship would be one in which the intern would participate in cases involving a very significant component of technical empirical methods drawn from the social sciences. The lawyer would learn how to usefully define and develop the questions open to empirical resolution; how to use experts in formulating inquiries and in processing data; how to communicate the technical methods and results to concerned persons including decision makers who are not trained in social science.

Rotation 3: Transaction Planning. The staple of most large firms is transaction planning and it is something which is taught and learned almost exclusively in such firms. Law schools have been repeatedly and correctly criticized for their failure to teach planning well. While courses in estate planning and corporate finance now do something in this area, it is still a vast wasteland among law schools. In part because training in planning takes place within the large firms, it is something which other lawyers learn the hard way or don't learn at all. Planning is not, however, something which is the province of large economic actors alone. Many small non-profit enterprises have very substantial planning needs. Moreover, the possibilities of large scale cooperation between for profit actors, i.e., investors, and non-profit organizations is very substantial, especially under existing tax structures. In the third rotation the intern would work on such "deals." Possibilities abound. Small, low income, producer and consumer cooperatives often need planning assistance. Major projects for home and institutional medical care for highly vulnerable populations--e.g., the homeless mentally ill--might be developed with a mix of private and public investment. Where such for-profit potential may be realized, we will find, of course, a substantial involvement of ordinary, for-profit law

firms. However, it is often the case that the public side of such "deals" is underrepresented, leaving the planning needs of the public end of the cooperative enterprise less fully satisfied than those of the private investors. It would be the task of the new program to fill that gap and to train lawyers to fill that gap.

Rotation 4: Public Agency Assessment and Planning.

Each year the program would enter into a cooperative arrangement with a significant federal, state, municipal, or occasionally private non-profit agency. The arrangement would put the internship program's personnel and material resources at the service of the agency for purposes of program assessment and reform. The purpose of the cooperation would not be to substitute for or influence the choice of goals made by the public agency or by its political mandate. Rather, the arrangement would be one for better implementation of the extant objectives. The educational objective of the rotation would be to train lawyers in certain critical skills. First, they would be trained in assessment of institutions and personnel. This is a skill that is often useful in public and private practice. The law frequently deals with change in organizations. Whether such an organization is a business firm in financial trouble or a prison with persistent difficulties of control or discipline, there are common issues of assessing both the documentary record and the action in the field. There are also common problems of planning interventions such as personnel changes. Even when there are not crises, there are common difficulties in making changes in the most constructive manner possible. Learning to cooperate with the personnel of client organizations--to intervene with a constructive force that does not operate to the detriment of a going concern is an important skill.

[ed.- The following excerpt does not represent the latest draft report of the A.A.L.S. Special Committee. It is reprinted here solely as a discussion piece for the study group.]

Excerpt of A.A.L.S. Draft Report of the Special Committee on the Ethical and Professional Responsibilities of Law Professors:

I. Responsibilities to Students

As teachers, scholars, counselors, mentors, and friends, law professors can profoundly influence students' attitudes concerning professional competence and responsibility. Because of their inevitable function as role models, professors should be guided by the most sensitive ethical and professional standards.

Law professors should constantly aspire to excellence in teaching. They should achieve mastery of the doctrines and theories of their subjects and explore and employ the most effective pedagogical methods for enabling students to become competent professionals. The objectives and requirements of the course, including applicable attendance rules, should be clearly stated. Classes should be met as scheduled or, when extreme circumstances make this impracticable, classes should be rescheduled at a time convenient for students or alternative means of instruction should be provided.

Law professors have an obligation to treat students with civility and respect and to attempt to foster a stimulating and productive learning environment. In such a milieu, students, as well as teachers, are entitled to exercise the fundamental right of intellectual freedom. While honest exchanges of views about the nature of law and appropriate legal principles may reveal the political views of both student and teacher, a professor should not use the classroom to indoctrinate students concerning his or her political or social agenda. Similarly, if a professor in private consulting has given advice concerning a legal issue which might color the position he or she takes on that question in class, that fact should be disclosed in a course taught by the professor in which the issue is considered.

SALT Archives and Historian

SALT has established the SALT Archives, a project to collect all SALT historical material in one spot, organize it, and make it accessible to all members. President Chuck Lawrence has appointed Joyce Saltalamachia of New York Law School to act as SALT historian and to establish the Archives.

Professor Saltalamachia comes to her role as SALT Historian with good credentials. She is currently the Library Director and Associate Professor of Law at New York Law School, where she has been since 1982. Prior to that, she was Public Services Librarian at Golden Gate Law School Library. She earned her B.A. in Russian History and her M.L.S. from the University of California at Berkeley. She received her law degree from Golden Gate Law School in 1976. Before going to law school, Professor Saltalamachia worked in several different libraries and archives around the country. One of her more interesting jobs was as the archivist at the Institute of the Great Plains in Lawton, Oklahoma. Aside from her SALT activities, she is also on the editorial board of Human Rights, the magazine published by the Section of Individual Rights and Responsibilities of the American Bar As-

sociation, and she serves on the ABA Standing Committee for Gavel Awards. She is a member of the Committee on Legal Education and Admissions to the Bar of the New York State Bar Association and has chaired several committees of the American Association of Law Libraries.

Until now, SALT has not endeavored to keep all of SALT's publications, position papers, or even newsletters in a single location. Consequently, members interested in seeing old documents have been compelled to call around the country in an effort to find materials. Once the archives are fully stocked, members will be able to call Professor Saltalamachia to get copies of any SALT documents.

The Archives project is already underway. Norman Dorsen, a founding member and President of SALT, has contributed his files relating to the founding of SALT. These files go back to 1972, when the first organizational discussions began. They include correspondence regarding the establishment of SALT (the original name was Association of Law Teachers) and questionnaires sent to law professors regarding the desirability of such a new organization. These fascinating documents tell a great deal about SALT's dynamic roots.



SALT Historian Joyce Saltalamachia

Professor Saltalamachia now needs copies of SALT documents from the late 70's and early 80's. If you have any materials that may be helpful to the Archives, please send them to: Prof. Joyce Saltalamachia; SALT Historian; New York Law School Library; 57 Worth St.; New York, N.Y. 10013.

SALT Board Meets

The SALT Board of Governors met at Georgetown Law School September 9, 1989. Among other things, it resolved to sponsor Berkeley law students in a special panel at the A.A.L.S. meeting, and it began planning a public interest law conference.

Specifically, on January 4, 1990, 4-6 pm, SALT will sponsor a panel featuring the Berkeley Coalition for a Diversified Faculty. The panel will highlight the activities of student organizations throughout the nation that have pressed for diversity in law school faculties. This panel will be followed by a buffet dinner from 6-8 pm, followed by the Cover Study Group. Both the panel and the cover study group will take place in the Barcelona I Room of the Park 55 Hotel.

Preliminary Board plans call for a SALT conference on public interest law at N.Y.U. on September 14-15, 1990. It will include a plenary ses-

sion with keynote speaker, small-group discussion of the keynote speech, and topical workshops.

The Board will meet next at the A.A.L.S. meeting, January 5, 1990, 7:00 am., in the Barcelona II Room of the Park 55 Hotel.

SALT Clearinghouse

CUMBERLAND LAW REVIEW--ANNUAL PRIZE FOR CIVIL RIGHTS COMMENTARY

The Cumberland Law Review proudly announces its second annual prize for civil rights commentary. For this year's competition, we seek lead articles and commentary for our volume 20, issue 3, set for publication in May 1990.

Two thousand dollars (\$2,000) will be awarded to the author of the article or commentary that best analyzes a civil rights topic. Second place, third place, and honorable mention will receive five hundred dollars (\$500), three hundred dollars (\$300), and two hundred dollars (\$200), respectively. The winning articles or commentaries will be selected by the Cumberland Law Review Editorial Board in conjunction with an eminent scholar panel.

Applicants should address some aspect of civil rights--analyzing current law or providing a historical

perspective. Manuscripts should be typed on letter-size paper (8" x 11"), double-spaced; commentary may take a less restrictive essay form with minimal footnoting. Submissions should be postmarked by January 1, 1990, and sent to the above address.

The Cumberland Law Review writing competition is open to professors and practicing attorneys (including persons working in governmental civil rights positions); however, an article written by a student or by anyone not fitting one of the above categories is ineligible for the contest. By entering the contest, completing and returning an entry form, the author agrees to assign all publication rights in the entry to the Cumberland Law Review and certifies that the work has not been submitted to any other publications.

For further information, write or call John Gathings, Jr., Editor in Chief (205) 870-2437 or Ginger Busby, Article Editor (205) 870-2571.

SALT EDITOR

Charles Calleros will be leaving his post as editor of this newsletter. Anyone interested in assuming the editorship or helping in any way with the newsletter should contact SALT President-elect Howard Glickstein at Touro College Law Center.

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