

# EQUALIZER

VOLUME 1990, ISSUE II

Society of American Law Teachers

April 1990

## OUR TRIBUTE TO RHONDA R. RIVERA

On January 6, 1990, at the Annual Award Banquet, SALT honored Ohio State University law professor Rhonda R. Rivera, a past SALT president, for her extraordinary contributions to the struggles of gays and lesbians. A record number 151 people attended the banquet, ably organized by Jean Love and Pat Cain. The evening was rich in special meaning.

The banquet began with an unscheduled, yet much appreciated presentation by an organizer with the San Francisco Hotel Workers Union. He described his union's efforts to organize the employees at the Parc 55 Hotel and recounted the hotel's resistance to these efforts. SALT, which was assigned to hold its meetings at the hotel, resolved at its earlier board meeting to send a letter to the AALS requesting that, in the future, the AALS not schedule its annual meeting in hotels with labor disputes. The union organizer and sympathetic workers expressed their gratitude to SALT for the opportunity to present their views.

The evening's speakers were Jean Love; Marianne Neal, a former student of Rhonda; Doug Whaley, a close colleague of Rhonda; and Pat Cain. In personal and moving terms, each spoke of his/her deep affection for and admiration of Rhonda, who touched each of their lives in profound ways. Each spoke of Rhonda's unselfishness as a friend and colleague, her zeal for good causes, her solid values and her contributions as a powerful role model. Each speaker em-

phasized Rhonda's ability to integrate her many facets into a life of dedication to social justice.

The evening's tribute confirmed that Rhonda Rivera exemplifies many of the attributes that have propelled SALT into an organization whose effectiveness has increased exponentially in recent years. Rhonda, who, like SALT, combines the best of personal and professional principles, is an outstanding selection to inaugurate the 1900's.

We invite everyone to attend next year's award banquet in Washington, D.C. Any SALT member who would like to nominate someone for next year's award should feel free to contact any member of the Board of Governors.

Dean Rivkind

## SALT HONORS BERKELEY COALITION FOR A DIVERSIFIED FACULTY

SALT's annual panel at the 1990 AALS meeting, held in January in San Francisco, was a special event honoring the Coalition For A Diversified Faculty at Boalt Hall in Berkeley. The panel, entitled "Lessons Our Students Teach Us About Diversity: Berkeley's Coalition For a Diversified Faculty", featured several generations of student members of the coalition, as well as SALT board members Charles Lawrence, Kim Crenshaw and Pat Williams.

The program began with the presentation by SALT president Charles Lawrence of a plaque which stated: "The Society of American Law Teachers recognizes the members of the Coalition for a Diversified Faculty, Berkeley, California; For your persistence, your creativity, your continuing commitment to positive changes within the legal academy; And for the many ways in which you, as law students, have taught us."

Coalition members on the panel were Renee Saucedo, Boalt Hall Student Association (BHSA) president; Nicky Gonzalez Yuen, J.D. and Ph.D. student; Suzanne Murphy, class of '88, an associate with Cooley and Godward in San Francisco; Bari Robinson, class of '79, a practitioner in Oakland, California; Robert



From left to right, Pat Cain, Jean Love, Margaret K. Morris, Chuck Lawrence, Rhonda R. Rivera, Marianne Neal and Doug Whaley.



Westley, J.D. student and former BSHA president, on leave while pursuing his Ph.D. at Yale; and Sarah Kavasharov, class of '79, recently retired from government service in Alaska.

These coalition members responded to questions from SALT board panelists in an interview format. They spoke about progress and intransigence in their long struggle for diversity, noting the important statistical studies authored by Charles Lawrence and Richard Chused. Panelists commented that faculty articulation of the cause of minority underrepresentation was a "lack of qualified candidates", but that coalition members believed that description did not tell the whole story. Generally speaking, faculty members were thought to view diversification as threatening to institutional prestige and to possess little sense of urgency in bringing about change.

Panel members and audience comments addressed the nature of prejudice, the confines of formal equality, and the need to value cultures other than the dominant majoritarian one. In a poignant and vivid description of why diversity is an important institutional goal to ensure educational opportunity for all students, Robert Westley, who is black, described raising his hand to comment in a class discussion of McCleskey v. Kemp. The professor responded, addressing him as "Mr. McCleskey".

Panelists had also created a display of the stages of the coalition which portrayed their methods and tactics. The display showed the buttons, T-shirts and press releases that had been used over the years. A particularly memorable graphic showed the Boalt faculty twenty years ago, using male and female symbols for each faculty member. Only one person of color (male) and one woman appear in the field of many white male symbols. Twenty years later the field of white symbols has almost doubled, yet there remains one person of color (male) and three females. The visual effect shows the lack of progress towards diversity. Another creative tactic used by the coalition was to hire an airplane which flew over the graduation ceremony carrying a banner advocating the tenuring of more women and minorities.

The students said that they did not enjoy having to do this work, but they felt they had no choice. The dedication of the coalition members was inspiring to everyone in the overflow crowd. SALT applauds the coalition; we have learned much from them.

Stephanie M. Wildman

## **PRESIDENT'S COLUMN: HAS SALT BEEN CO-OPTED?**

My first public statement as the president of SALT was in January at our annual dinner in San Francisco. While not everything I say is worth repeating, my comments that evening involved a challenge that should be high on SALT's agenda.

On the day of the SALT banquet, I attended an AALS luncheon that stirred my sense of irony. As the new president of SALT, I was invited to a pre-luncheon reception of legal education big wigs, sat at a special table during the luncheon and was introduced when other dignitaries were presented to the audience.

Had SALT entered the establishment? Was this the same organization I joined in the early 70's? I remember when the announcement of the formation of SALT crossed my desk. A major motivation for organizing SALT was to create an organization that could deal with issues not on the agenda of the AALS. SALT was to be on the cutting edge. SALT was to be the burr under the saddle of legal education. We in SALT would be the outsiders who would attend AALS meetings and provoke debate and controversy. I was attracted to an organization which would play this role, and I joined SALT to participate in the debate, controversy and change I had hoped it would produce.

Now things have changed. I recently looked at the early SALT literature and noted that some of the roles SALT contemplated for itself now also are being played by the AALS, the ABA and the Law School Admissions Council. SALT has achieved a degree of respectability. The SALT Newsletter used to be sent out in a plain, unmarked envelope. Now it is a self-mailer with its return address there for everyone to see. SALT presidents and presidents-elect are invited to sit with the establishment of legal education. One of our former board members serves as the Executive Director of the AALS and a former president is a member of the AALS Executive Committee. A recent president of the AALS was a former SALT honoree, and SALT members chair various AALS committees.

Have SALT programs been so effective that they have been adopted by the organizations we sought to change, or has so much change occurred that our goals and principles have merged with those of legal education's establishment? Is there still a unique role for SALT to play, or have SALT's special functions been assumed by others? I hope we have not become obsolete. I believe there are many issues affecting legal education and the legal profession that would benefit from the perspective that SALT normally brings to public issues. I have been involved with civil rights issues





Chuck Lawrence passes the gavel to our new president, Howard Glickstein.

since the late 1950's, and I have seen how perspectives have changed over the years and how often it is necessary to keep running if one wishes to be at the forefront of what is happening. And SALT must continue to remain at the forefront.

I suppose we should continue hobnobbing with the establishment of legal education, but we should not become so accustomed to their grace that we cease to disturb them. To paraphrase Frederick Douglass, if you think you can bring about change without agitation, you also must think you can have crops without plowing and rain without thunder and lightning. I hope that in the years ahead, SALT will continue to produce the thunder and lightning. This is our special role as rainmakers, and we must all think of how we can perform that role most effectively.

Howard A. Glickstein

## **PUBLIC INTEREST LAW: AN HISTORICAL FOOTNOTE?**

In the last decade, the percentage of graduates of American law schools who have accepted public interest positions has declined by half. The overwhelming majority of graduates leave their law schools with only a faint sense of their public service responsibilities as practitioners.

The bar is increasingly driven by competitive economic forces that emphasize profitability rather than professionalism. Nationally, only 17% of licensed attorneys participate in formal pro bono programs.

What is common to all of these trends is a deep erosion of professional values. The commitment of members of the legal profession to contribute to social good is being eclipsed by self-interest and desire for financial gain.

Law schools have accommodated rather than

challenged these trends. Students who enter law schools with public service aspirations find them subverted rather than supported by the educational experience. Placement activities at many schools seem more important than academic programs. Debt burdens and astronomical starting salaries in the private sector preclude fulltime public interest work for many graduates.

SALT is sponsoring a conference for legal educators to examine these issues. The conference will focus on analyzing the forces that are eroding professional values and identifying strategies for change within the legal academy. Particular emphasis will be placed on how law teachers experience these phenomena as individuals and how they can contribute to change.

The conference will occur on September 14-15, 1990 at NYU School of Law. For a more detailed description and registration form, see pages 4-5 herein.

Please plan to attend this important conference by returning your registration form to Stuart Filler as soon as possible. For further information, contact me at Loyola - Chicago, at (312) 266-0753.

Henry Rose

## **THE COVER CONFERENCE: A STUDENT'S PERSPECTIVE**

The weekend of March 9-11 marked the Third Annual Robert Cover Memorial Public Interest Law Conference. More than 100 law students and 30 practitioners from all over the United States converged on Boston University's Sargent Camp, located near the peaceful colonial hamlet of Petersborough, New Hampshire.

The purpose of the conference was to bring students and lawyers together in a retreat environment to discuss and reflect upon public law issues and the nature of public law careers.

The participants were acutely aware of the diminishing resources available to provide representation in areas such as poverty law, civil rights, women's issues, gay and lesbian rights and environmental law. Nonetheless, they came away with a plethora of new ideas and a renewed commitment to the value of public service.

The conference opened Friday evening with an initial focus on the current status of public interest issues and the limited resources available to meet all the needs. While the last ten years have seen a dramatic reduction of government assistance, complex issues – involving, for example, AIDS, the environment and immigration – have reached crisis proportions. Following



# **SOCIETY OF AMERICAN LAW TEACHERS 1990 CONFERENCE FOR LEGAL EDUCATORS**

## Private Gain or Public Interest: The Struggle For the Soul of American Legal Education

September, 14-15, 1990  
New York University School of Law

Both the practicing bar and the legal academy are experiencing a crisis in professional values. The work of lawyers is increasingly driven by economic forces that undercut the traditional commitment of the profession to public service. Law schools are not effectively imparting to students a strong sense of their public service responsibilities as practitioners. A declining number of law school graduates do public interest work, on either a full-time or pro bono basis. It is apparent that the primary mission of American law schools in 1990 is to prepare students to serve affluent persons and business interests.

SALT is sponsoring a conference for legal educators to examine these phenomena and to explore strategies for change. The conference will be held at NYU Law School on September 14-15, 1990. The design for the conference includes presentations by knowledgeable speakers and opportunities for conferees to share their experiences and ideas in small group meetings and in social settings. The conference schedule is printed on the facing page. For additional information, contact Henry Rose (Loyola-Chicago) at 312-266-0573.

The conference planning committee includes:

Charles Calleros (ASU)  
David Chambers (Michigan)  
Paula Galowitz (NYU)  
Howard Glickstein (Touro)  
Phoebe Haddon (Temple)  
Sylvia Law (NYU)

Howard Lesnick (Penn.)  
Judith Lhamon (Yale)  
Henry Rose (Loyola - Chicago)  
Marjorie Shultz (Berkeley)  
Gerry Singen (Harvard)  
Nadine Taub (Rutgers)

### **SALT**

**The Society of American Law Teachers (SALT) is an organization  
of law teachers interested in improving legal education  
and strengthening the capacity of legal education  
and the legal profession to serve social needs.**

The conference is supported by New York University School of Law.

## CONFERENCE SCHEDULE

Friday, September 14, 1990

AM Welcome: Dean John Sexton (NYU)

Keynote Speakers Marjorie Shultz (Berkeley)

Description of the Problem - David Chambers (Michigan)

Discussion of the Problem as Experienced at One School: Faculty and students from Brooklyn Law School will discuss how they experience the problem (Panel information, organized by Elizabeth Schneider)

Small Group Discussions

PM Panel Presentation - How Curriculum Contributes to the Problem and Proposals for Change

Howard Lesnick (Pennsylvania) - Moderator

Gerald Lopez (Stanford)

Homer LaRue (Maryland)

Lucie White (UCLA)

Small Group Discussion

Saturday, September 15, 1990

AM Panel Presentation - Initiatives that Address the Problem

Gerry Singsen (Harvard) - Moderator

Ivan Bodensteiner (Valparaiso)

Jane Aiken (ASU)

NALP representative

Small Group Discussions

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### REGISTRATION FORM

FEES:

SALT Members - \$85

Non-SALT Members - \$100

Registration and New  
SALT Membership - \$110

NAME \_\_\_\_\_ SCHOOL OR ORGANIZATION \_\_\_\_\_

ADDRESS \_\_\_\_\_ TELEPHONE \_\_\_\_\_

Make checks payable to: SALT.

After receipt of registration form and fee, additional materials concerning conference, housing, and travel will be sent.

Send Registration Form and Fee to: Stuart Filler, University of Bridgeport School of Law, 303 University Ave., Bridgeport, CT, 06601 (203-576-4442).

Sandra Babcock's opening remarks, participants heard from Barbara Phillips, who described the nature of her "bread-and-butter" practice which facilitates her continued involvement in civil rights; Robin Alexander, who represents the United Electrical Worker's Union, which has retained a great deal of the original structure and purpose of the early unions; and Henry Schwarzschild, who elaborated on his death penalty work. These speakers helped set the tone and direction for the remainder of the conference.

Next morning's seminars centered around topical areas of public interest law. For example, environmental hazards are impacting disproportionately on poor people. Stuck with the least desirable and most dangerous jobs, the poor are more likely to suffer from occupational exposure to hazardous substances. Also, hazardous waste dumps and toxic waste incinerators are often located near low income, rural communities. In California, this convergence of poverty and environmental dangers is being addressed jointly by California Rural Legal Assistance and the Natural Resources Defense Council.

Another seminar addressed the various ways in which AIDS legislation impacts upon certain segments of society. For instance, prisoners' access to health care has been diminished, and legal residents applying for citizenship will be deported if they test HIV positive. (How ironic in light of the fact that the United States is primarily responsible for the epidemic!)

The program for Saturday afternoon addressed how students can find public interest jobs and what law schools can do to generate student enthusiasm and to create tangible job opportunities. A panel of placement directors from Yale, Brooklyn and NYU law schools acknowledged that, given a general lack of interest, very few students are placed in public interest jobs. Law school placement offices continue to focus their primary attention on conventional law firms, although it was suggested that they could at least require firms to post their pro bono policies. In addition, a work-study student might be hired to gather and disseminate information to the law school community. Public interest groups have job openings whenever funds are available, i.e. at any time during the year. Someone needs to be aware of these jobs and actively inform students, rather than just posting a flier, often long out-dated, on a bulletin board. The National Association of Public Interest Lawyers (NAPIL) provides outstanding, current literature to member law schools.

Another suggestion was to provide stipends for public interest summer internships. New York University Law School provides seventy \$3,000 stipends every summer. Obviously, law students need to pay their

bills, so even if they desire to spend the summer working in the public interest, the lack of financial support may preclude this option.

A loan forgiveness program is another method used to encourage students to work in the public interest. Enormous educational debts often make it impossible to take such jobs because of the low pay. A loan forgiveness program can be set up in a variety of ways. [Editor's note: See me for details. M.B.]

Law schools may also consider curriculum reform. In property courses, for example, more time could be spent on landlord/tenant issues and debtor's rights. A poverty law class could be required in the first year in conjunction with an upper division pro bono requirement. A public interest committee made up of students, faculty and administrators could sponsor fora and symposia to raise awareness. One school is planning to cancel classes for a day and require students to attend a mandatory session on community issues. Another participant recommended environmental law clinics because much of the work is at the administrative law level, permitting students to get more involved.

One should not expect the law school administrators to be completely responsible for developing programs and sparking interest. Students need to be an organizing force as well, and a level of cooperative effort is the optimal approach.

Although the conference lasted for less than 48 hours, the participants were generally pleased with the outcome. Minority representation was much better this year than in years past, although, geographically speaking, only four students from west of the Mississippi were in attendance. In the future, additional funds need to be raised to cover substantial travel costs for prospective attendees.

The conference concluded on Sunday morning with closing remarks from Milner Ball of the University of Georgia. His cryptic, serious yet inspiring comments implored us all to dance in the face of death. As the conferees scattered, there was a feeling that death could not extinguish the spirit of public service; participants left with an empowered commitment to continue work for peace, justice and equality.

Jim Odenkirk, law student,  
Arizona State University

## THE LAW SCHOOL AND THE SOCORRO SOCIETY

[At the invitation of Howard Glickstein, the following article was submitted by Eleanor Eisenberg, Execu-



tive Director of Socorro Society]

The Socorro Society is a new, non-profit membership organization devoted to enhancing and expanding the provision of legal services to the poor and to others with limited access to our system of justice. The Society asks attorneys and others to commit to either 20 or 50 hours per year of pro bono time. We are also particularly concerned with future generations of lawyers.

Contrary to portrayals of young people as greedy and uncaring, students entering law school do so with an interest in using the law for some public good and do not see the practice of law as merely a business. Somehow, along the way, their interest is lost, and most students neither maintain their idealism nor pursue careers in the public interest.

For many students, their accumulating student loan debts are a deterrent. Similarly, because public interest organizations are so poorly funded, there are either no jobs or the jobs pay so poorly that a new lawyer could not afford to both pay off loans and eat. Finally, while some law schools are adopting policies requiring pro bono participation as a condition of graduation and most law schools have clinical programs which at least expose students to real people (usually the poor, elderly, disabled or immigrant populations) with real problems, few law schools stress either the obligations to represent the unpopular cause and the unrepresented or the professional considerations and canons calling upon attorneys to serve pro bono. Even fewer law schools have regular courses in poverty law, disability law, welfare law, etc.

The Socorro Society is anxious to work with law schools to help promote pro bono – to support and encourage student idealism and to harness the energies of law students for the benefit of the poor now and in the future. Because of the dearth of public interest jobs and because students often cannot afford to work in those that are available, pro bono activity will be a most appropriate vehicle through which law students and young lawyers can use the law for public good.

What can law students do? Law students are working on issues of loan forgiveness, stipends for summer employment in public interest and development of public interest job placements. Because the emphasis has been on public interest jobs rather than development of pro bono, little influence has been exerted on the law school curriculum and on the private bar. These are areas in which law students can be effective.

In providing direct services, students have traditionally volunteered through non-profit assistance programs or have provided services through clinical pro-

grams. This effort can be expanded. Students can work with members of the private bar who are engaged in pro bono activities, particularly on impact/law reform cases, and by their actions encourage others to become involved. Students can work to expand the clinical programs and work with the community legal assistance programs which face demands all over the country that cannot be met due to limited resources.

Students can influence law schools to include more substantive law courses in the area of poverty law, elder law, immigration law, etc. and to stress in all courses the professional responsibility, ethics, and even joy of doing pro bono work. Ties between legal assistance programs and law schools should be strengthened.

Unfortunately, it is almost as difficult for a student seeking a job to ask about pro bono as it has been for a woman to ask about maternity leave. Students should ask firm recruiters on campus about the firm's pro bono policies. Schools should require firms to disclose their policies. The Socorro Society is beginning a campaign to enroll firms which adopt certain standards of pro bono commitment, and law schools and students will be informed as to which firms participate.

Socorro Society chapters on campuses will be an appropriate vehicle through which students can work. For further information, please call me at (415) 626-8047 or write c/o Socorro Society, 345 California Street, San Francisco, California 94104-2675.

Eleanor Eisenberg

## EDITOR'S NOTE

Charles Calleros is a tough act to follow. We are all grateful for his outstanding editorial work during the past four years, and I am indebted to Charles for his generous assistance as I learn these ropes.

SALT's work has provided me support and inspiration over the past decade, especially when I found myself asking "what's the point?" at the end of another semester. Handling the editorial responsibilities is my way of saying thank you to all of you who have kept the flame of social justice burning brighter than a thousand points of light.

I solicit your suggestions and submissions. Call me at Nova: (305) 760-5742.

Michael Burns

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## **SALT Newsletter**

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