

EQUALIZER

SALT

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SALT MEMBERS AND THE THOMAS NOMINATION

In August the SALT Board voted to oppose the confirmation of Judge Clarence Thomas to become an Associate Justice of the United States Supreme Court. Only Derrick Bell, usually of Harvard but currently at NYU, dissented from this decision. His view, subsequently published as an op-ed in the New York Times, was not an endorsement of Thomas. Rather, Derrick argued that confirmation of a person so poorly qualified for the job would underscore that the Court no longer protects individual liberty or equality and would inspire greater political activism.

Before the Hearings began, SALT members were active in educating the Senate Judiciary Committee on the intricacies of natural law. On September 5, nine law professors sent a letter to the Judiciary Committee urging that Thomas be questioned closely because his record "strongly suggests that his views of the Constitution, and in particular his use of natural law to constrict individual liberty, depart from the mainstream of American constitutional rights, including the right to privacy." SALT members involved in



left to right: Drew S. Days 3d of Yale, Christopher Edley Jr. of Harvard and Charles Lawrence of Stanford.

MARY JOE FRUG TO BE HONORED AT SALT DINNER IN SAN ANTONIO



MARY JOE FRUG

On Monday, January 6, 1992, during the AALS Annual Meeting in San Antonio, SALT will give its Annual Teaching Award to the late Mary Joe Frug, Professor of Law at New England School of Law (1981-1991) and Villanova School of Law (1974-1981) and founding member of the Fem-Crits.

The dinner will take place at the Plaza San Antonio Hotel, 555 South Alamo, 7:00-10:00 p.m. Linda Greene is chairing the Awards Committee, and Clare Dalton will serve as moderator. Because we expect that far more people will want to honor Mary Joe than can be accommodated at the dinner, we encourage you to make your reservations now. See reservation form, page 15.

Continued on page 2

this effort included Barbara Babcock of Stanford, Judith Resnik of USC, and myself. The letter argued that, "as a matter of constitutional method, natural law is disturbing when invoked to allow supposedly self-evident moral 'truth' to substitute for the hard work of developing principles drawn from the American constitutional text and precedent." It also detailed Thomas' record of rejecting the right of privacy and endorsing extreme positions on abortion. The *New York Times* published a long feature on natural law relying on the letter, and the opening statements of the Democratic members of the Judiciary Committee seemed to be influenced by it. Another letter opposing Thomas – written and circulated by several law professors, including SALT members Drew Days of Yale and Haywood Burns of CUNY – was signed by hundreds of law professors.

The first panel in opposition to Thomas included two SALT members: Tom Grey and myself. Tom urged Committee members to recognize that under the Constitution they had a responsibility to take an active role in determining whether confirmation would serve the needs of the Court and the country. I focused on reproductive freedom, arguing that Thomas' claims that he had never read the Lehrman article or discussed *Roe v. Wade* were either dishonest or irresponsible.

Charles Lawrence, usually of Stanford but currently of USC, testified for SALT on September 17, with a panel including SALT members Chris Edley and Drew Days. Chuck pointed out that Thomas had served "those who are most powerful in this society, and he has served them well." He asked the Committee to consider "what this history of accommodation has done to Clarence Thomas' character." Drew said he found it difficult to imagine Thomas on a "people's court, dealing with real issues and real people." Chris pointed out that "good character and unimpeached integrity did not prevent *Dred Scott* or *Plessy* or *Lochner*." The issue, he asserted, is not character, but record.

A third panel in opposition to Judge Thomas included SALT members Patricia Williams of Wisconsin and Haywood Burns.

SALT members were also active in the second phase of the Thomas nomination. Within 12 hours

after Professor Anita Hill's charges were made public, several women law professors, including SALT members Judi Resnik, Kate Bartlett of Duke, and Kim Crenshaw, usually of UCLA but currently at UC Irvine, organized a letter of support signed by 130 women law professors. These women and others also organized an *Ad Hoc Committee for Public Education on Sexual Harassment* to help the senators, the press and the American public place the Hill-Thomas conflict in a larger social and legal context. Several male law professors, including former SALT President Norman Dorsen, organized a letter, signed by hundreds, urging the Senate to delay the confirmation vote.

Three days before Anita Hill was scheduled to testify, several SALT members learned that she had no lawyer counseling her. Judi Resnik took the initiative to assure that Hill had the support of good lawyers and law professors. Emma Coleman Jordan, AALS President-elect and past SALT President, knew Hill through their work on commercial law. Jordan and Hill recruited two additional SALT members, Charles Ogletree of Harvard and Susan Deller Ross of Georgetown, to assist Hill in her appearance before the Judiciary Committee.

In short, members of SALT, along with many other law professors around the country, played an important role in raising and discussing the issues presented by this controversial nomination.

– Sylvia A. Law

PRESIDENT'S COLUMN

This is my last column as President of SALT. It has been a privilege and a source of great satisfaction to serve as President-Elect and then as President of SALT. Of all my "extra-curricular activities", there are few that I value more than my participation in SALT.

SALT has continued as an active and important organization during these past two years. We held two Teaching Conferences, one on the East Coast and one on the West Coast. The replication of the East Coast conference on the West Coast turned out not to be unduly burdensome and had the great benefit of increasing the involvement of our West Coast members. Our Cover Conference continues

to flourish. We are an important presence at the annual AALS meeting, where we hold our annual banquet, the Cover Panel and generally sponsor or co-sponsor another panel. SALT also continues to speak out on important public issues such as judicial nominations, faculty diversity, and major legal issues such as the Johnson Controls case.

What is most noteworthy about SALT's achievements is that we operate without a staff and depend on the voluntary efforts of our members. What we have accomplished is all the more significant when seen in this light. The willingness of law professors to give of themselves to further the goals of SALT has been truly amazing. The spirit of dedication that pervades SALT serves as an inspiration to all of us to remain committed and active in SALT's program.

I want especially to thank each member of the Board. I have enjoyed working with each of you. Another unique feature of SALT is that our Board meetings are actually interesting and fun. I have been a member of the SALT Board since the late 1970's and have looked forward to each of the nearly fifty Board meetings I have attended. While being President of SALT is somewhat burdensome, it has one overriding compensation: as a past President, I remain a member of the SALT Board.

Sylvia Law, one of SALT's founders and a prominent teacher, scholar and public interest lawyer, will assume the Presidency of SALT in January 1992. SALT could not be in better hands. I wish her the best of luck for a successful Presidency. I know she can count on the dedication and commitment of SALT members to assist her in carrying forward the work of SALT.

— Howard A. Glickstein

COVER STUDY GROUP IN SAN ANTONIO

This year's SALT/Cover Study Group on Multiple Communities is scheduled for Saturday, January 4, 1992, 8:15-10:00 p.m., location to be announced. The co-conveners are Carol Weisbrod, Martha Minow, and Judith Resnik. Background readings include: *Reynolds v. U.S.*, 98 U.S. 145 (1978); *Santa Clara Pueblo v. Martinez*, 436 U.S. 49 (1978); and *Mozert v. Hawkins County Board of Education*, 827 F.2d 1058 (6th Cir. 1987). Join us!

— Judith Resnik

TRIBUTE TO TOM EMERSON

Tom Emerson died this summer. We often talk about law teachers as role models. Tom Emerson was one of my teachers. He was quite a role model.

I was at law school at the time of the national hysteria created by Senator Joseph McCarthy. All over the land, there were efforts to impose security and loyalty tests on American citizens. Tom Emerson was an outspoken opponent of Senator McCarthy and his tactics. His critics called him "Tommy the Commie." There was pressure on Yale Law School to dismiss him. Tom, in his own quiet way, steadfastly continued to advocate his views of the First Amendment. He represented to most of his law students a law professor who used his scholarship to influence national policy and who did not hesitate to leave the seclusion of academia to participate in the most controversial national debates. Despite the attacks on him, Tom Emerson continued as a dedicated teacher. You would not know in his classroom that he was the subject of such passionate national debate. He was a warm and caring teacher.

Tom's name was on the initial letter sent out to solicit membership in SALT. It was his name that spurred me to sign up for membership when SALT organized. Tom continued to be active and interested in SALT throughout his life. Only a few years ago, when SALT Board meetings were held in New York, you generally found Tom in attendance. In 1977 he was the recipient of the SALT Teaching Award.

I was out of the country when Tom died and was not aware of his death when I sent out a memorandum to SALT Board members and past officers asking for a vote on what we should do about Clarence Thomas. I received a note back from Ruth Emerson telling me that Tom had died and saying, "but I am sure if Tom were alive he would strongly urge opposition to Clarence Thomas."

Tom Emerson leaves a great legacy. His works on the First Amendment chartered new directions. It was he who argued *Griswold v. Connecticut* before the United States Supreme Court. Legal education has lost one of its giants, and we in SALT are deprived of his wise counsel. The best tribute we can pay to Tom Emerson is to be as steady in upholding our beliefs as he was.

— Howard A. Glickstein

SALT WORKSHOP ON POLITICAL CORRECTNESS

AALS Annual Meeting

Friday, January 3, 1992

Plan to come early to the AALS Annual Meeting in San Antonio. The meeting formally begins on Saturday morning, January 4, but SALT will sponsor a workshop on Friday, January 3 at 4:30 p.m. Specific details, including the exact location of the workshop, will be mailed to all SALT members shortly. The current title of the workshop is "Political Correctness: Questions for Law Teachers." Pat Cain, University of Iowa, will moderate.

For years SALT has voiced its support for diversity in the legal academy. Prior SALT workshops have focused on how we as law teachers might "unsilence" the women, racial minorities, and gay and lesbian students in our classrooms.

Those of us who have wrestled with the problem of how to give voice to the previously silenced now face new challenges. We are subject to attack from the right (e.g., the "anti-p.c. movement") as well as from the left (e.g., those who call us racist, sexist, and homophobic when we use "politically incorrect" words or express "politically incorrect" views).

This workshop will provide a forum for law teachers to discuss these problems. Topics for discussion thus far include (1) how to discuss various types of discrimination in the classroom, (2) problems with language and name-calling, (3) first amendment considerations for law teachers who try to control speech in their classrooms, and (4) responding to students who complain about having to take morally repugnant positions in required brief writing assignments (e.g., the NYU problem from last year). If you have particular topics that you would like to see addressed at this workshop, please call me at the University of Iowa College of Law.

- Pat Cain

THE FIFTH ANNUAL ROBERT COVER PUBLIC INTEREST RETREAT **Shifting The Balance: Pursuing Public Interest In Legal Education And Practice**

Planning is underway for the Fifth Annual Robert Cover Memorial Public Interest Retreat, set to take place March 6 - 8, 1992, at Boston University's Sargent Camp in the New Hampshire woods. For those unfamiliar with the retreat, it is a rare opportunity for law students, teachers, and practitioners who are committed to public interest work to gather and feel that sense of community that comes from a shared commitment. Last year's retreat attracted over 90 law students from 35 law schools all across the country, as well as a wide variety of teachers and practitioners. Those attending took part in lively discussions focusing on the role of minorities in the practice of public interest law. This year's retreat will address the issue of political effectiveness in public interest law teaching and practice.

The idea for the Retreat comes from a proposal Professor Cover drafted shortly before his death calling for "a national law student conference for social change." His proposal was generated from conversations he had with Professor Milner Ball (University of Georgia) and Professor Aviam Soifer (Boston University) on an island off the coast of Georgia. In Professor Cover's words:

[C]areers in public service work seem more exciting and worthwhile when there is a sense of movement - of common effort and common commitment. That sense was present when [the Office of Economic Opportunity's] Legal Services Organizations were first formed in the late 1960s and early 1970s. It was present in the legal work of the civil rights movement. It is not widespread today.

Professor Cover proposed a small conference of law students, practitioners and law teachers with several purposes in mind. First, it would provide the opportunity for students from around the country to meet others who share their concerns. Second, students would interact with lawyers, legal academics and other professionals who would provide practical guidance and serve as role models for a variety of possible public service careers. Finally, Cover believed the conference should provide a forum for thinking about reform of le-

Continued on page 13

SALT CONFERENCE AT STANFORD A GREAT SUCCESS

Nearly 100 professors, administrators and students joined together October 4-5, 1991, at Stanford for SALT's 1991 Teaching Conference: "Private Gain or Public Interest? The Struggle for the Soul of American Legal Education." The conference drew participants from 41 schools in 18



states. They examined current law school environments for teaching about poverty and public interest issues, heard about innovative courses, explored management, administrative and clinical approaches to changing their schools and received an inspiring message of support and encouragement from ABA President Sandy D'Alemberte.

The conference design repeated many of the features of SALT's 1990 Teaching Conference on the same topic at NYU, but employed many new speakers before the west coast audience. In addition, the workshop sessions that followed each plenary were used more for planning and sharing than for the reflective opportunities they provided at NYU. As a result, the Stanford conference concluded with an exciting agenda of possible SALT actions. The SALT Board met at the conclusion of the conference, considered these proposals and made tentative plans to implement some of them.

After welcoming encouragement from Stanford Dean Paul Brest, Marjorie Shultz (Boalt) challenged the participants to focus on generativity in their own work and in their work with students in order to avoid stagnation. Referring to Erik Erikson, she noted that satisfaction and meaning in adult life arises from remaining creative and developing the ability to give back what



one has learned, to pass on what one is, as a self. Students need generativity from their teachers with regard to public interest concerns. They need to learn that the work can be satisfying for itself, chosen because it is personally meaningful rather than out of guilt about poverty or an inchoate desire to "do good."

Marge urged teachers to teach values, to resist the idea that "passionate idealism" is something one outgrows. She proposed that teachers offer a counter to the "market" message that cynically equates financial gain with personal fulfillment. As part of this effort, consider modelling for students by sharing information with them about your own issues (a bulletin board, your office door) and your own pro bono work. In the end, to



help students you should grow into your own power and responsibility, rather than growing "up" to acceptance.

David Chambers (Michigan) drew on his research

to demonstrate the power of the "market" to frustrate a teacher's message. David has studied the declining patterns of public interest employment at many law schools during the past decade. With the current recession, larger numbers



of students are considering public interest employment, but the funding for legal services, public defenders and other poverty-related work hasn't increased, so the only effect is greater competition for the limited number of jobs. Meanwhile, tuition continues to rise rapidly, total student debt now often exceeds \$70,000, and the gap between private and public interest employment is very large.

Probably as a result of these factors, David's recently completed study found, for the first time, a direct correlation between job choice and debt. In the past, students pursued their desires to do public interest work regardless of their debt; today, however, high debt is driving some public interest students into private firms. For teachers who seek to pursue social justice by encouraging, supporting and informing students who will go on to public interest jobs, these trends are profoundly troubling. The strategy seems to be failing, unless pro bono work and long-deferred public interest jobs are found to be sufficiently important to continue doing the work.

David concluded with a personal moral question: For those who care about social justice, and are teachers in order to influence social justice, is there sufficient justification in today's market to continue teaching?

Drawing on these themes, six folk from Santa Clara described their efforts to develop and maintain learning about the public interest at their medium-sized Jesuit school located in California. Eric Wright, who had organized the pan-

el, began by noting the University's strong commitment to service. About 75% of the law school faculty has some public interest experience.

Richard Berg described the Public Interest Program which he has led since 1979. Each student must take a core course in poverty law (Wright) or public interest practice (Berg), must participate in program activities, must take at least 14 hours of public interest classes from a list of about 50 offerings and must spend at least 75 hours in a public interest placement (summers count). The school also has a Public Interest Law Foundation, a loan forgiveness program, and many informal activities. Dean Uelmen (who was at the conference) allocates law firm interview fees to summer internships (ten \$2,000 internships were heavily competed for last year). Despite these efforts, Berg ended on a low note. For the 18 years he has been teaching, only 5% to 10% of the students will really make a commitment (although a larger number show some interest). Today, the students are mostly white women; few minority students enroll. And the public interest practitioners whom the students see are demoralized; they convey no feeling that they can make things happen in the world.

Margaret Russell, who just began teaching at Santa Clara last year, urged a continued emphasis on public interest work despite the depress-



ing impact of some demoralized public interest lawyers. She suggested that the presence of faculty members with public interest backgrounds isn't enough. Instead, faculty members need to reposition themselves and be more explicit about negative tendencies expressed in the substantive and procedural law. A concern for justice must not be silenced by the teacher's anxiety about student response. She noted that this is particularly difficult for new teachers who are



women or people of color because such teachers are often pressured to be "neutral." An important opportunity to promote access to justice lies in first-year courses. For example, Russell uses the "very complex" Cover, Resnik, and Fiss civil procedure text book, which contains great materials on justice issues and supports a view of lawyering that includes more than litigation.

The Santa Clara panel concluded with presentations from three students. They encouraged incorporation of public interest issues into regular courses (despite the many public interest histories, one student's entire first-year exposure to social justice topics was a one-time mention by two professors), specialty courses on public interest and live-client clinical experiences. An Asian Law Alliance externship, with a professor providing on-campus supervision, sounded excellent. But, overall, the students were concerned about debt, a lack of information about jobs and the need for more programs.

Eric Wright offered one additional comment. Having to prepare for their presentation at the conference made everyone involved at Santa Clara think in new and constructive ways about the school's public interest efforts. It was mentioned that Liz Schneider and the group who presented Brooklyn Law School's public interest activities to last year's conference at NYU had had a similar experience. Perhaps every school's public interest faculty and students would benefit by a similar self-assessment.

The Friday afternoon panel examined specific

curricular innovation at three schools. Moderator Peter Gabel (New College of California) began the discussion by noting that students arrive in law school with a diffuse sense that they will learn about justice in society, but that the traditional first-year program rapidly drives such vague thoughts from their heads, substituting a detached, technical approach disconnected from deeper values regarding the role of lawyers in society.

Alison Anderson, chair of the public interest committee at UCLA, reported several curricular developments there. The full-year legal research and writing course for first-year students (taught by non-tenure teachers with four-year contracts) is being modified to use poverty law topics. This year the focus is on housing, and includes personally examining and writing about slum housing in order to keep students in touch with reality. The hope is that such exposure helps to prepare the students for relevant pro bono work. In addition, students have identified the absence of any mention of social justice in their regular first-year courses as a serious problem.

Nadine Taub (Rutgers-Newark) attended the NYU conference last year and was inspired to change her first-year elective on social welfare law by adding a clinical component. The course, which considers the history and content of public assistance law and policy, had been a large class, but Nadine limited it to 20 students last spring. This allowed her to give the students the concrete, practical experience of interviewing clients, developing facts, and researching regulations, but not actually handling hearings. The course didn't work perfectly, she felt, but will be



better this spring. Nadine concluded by encouraging others to take the risk and try a similar modification in one of their courses.



Students Maya Harris and Susan Beaulieu concluded the panel by describing the Lawyering for Social Change specialization at Stanford. Developed by Jerry Lopez, about 40 students a year enroll in the specialty sequence and take two core courses in their second semester: "Lawyering Process for Social Change" and "Subordinated Peoples." These offerings consider basic questions: what visions of legal practice inform our work and what do we know about the people we work for?

In their final two years, the 20 to 25 students who stick with the specialty select from a large variety of courses in the general curriculum that are interdisciplinary, involve simulations and often include live client experiences. Some students pursue an even more intensive "research" track. Maya's experience involved non-lawyer advocacy and self-help concerns – finding ways that individuals can express themselves in dealing with legal problems. In her immigration clinical, Susan had to do something more than just repre-



sentation. She worked with paralegals to develop a counselling manual and used role playing to get at the more subtle areas of learning.

The discussion following the panel elicited several additional points. Alison suggested that the lesson of the UCLA experience is that change comes through the initiative of autonomous faculty members who try new things. As long as no one else's turf is invaded, experimentation will be allowed. Then, if the experiment works, replicable elements can be offered to others. Nadine suggested that if students are given the opportunity of active rather than passive participation in their education, they will take it and grow.

At Stanford, the specialty curriculum has not directly altered the other first-year courses, but some specialty students did develop a reader of excellent materials that can be read by all first



years to provide some social and lawyering theory and critical perspective. Peter Gabel noted that a group at New College is currently looking through all first-year courses to identify issues that are taught "neutrally" but actually contain important implicit political messages.

The Saturday morning panel, moderated by Charles Calleros (Arizona State), looked at other parts of the law school endeavor as areas for public interest change. Judith Bernstein-Baker described the mandatory pro bono program at Pennsylvania. Students are required to provide 35 hours of service during each of their last two years in school. The program costs about \$110,000 per year, is administered by two full-time staff members, and has strong support from the local bar, the dean and the bulk of the faculty. What the program does is get the students into the community; it breaks down their ivory tower isolation. The 400 available placements (including conservative legal foundations) are computer listed; students select and

perform. Two new courses – death penalty and immigration – have resulted from the program.

Homer LaRue and Theresa Glennon described Maryland's Legal Theory and Practice Program. During their second and third semesters, all students are required to take a class with a poverty law focus and to have a related clinical experience working with a private lawyer who ultimately handles the trial (so far there have always been more practitioners than needed). Among the courses already taught in this fashion have been professional responsibility, property, civil procedure, torts, criminal law and constitutional law. Five tenure-track faculty teach the courses and supervise the clinical work. They have varied visions of the Program's effect. Some see it as demonstrating to students that lawyers have a role in fighting poverty; others are more focussed on the development of responsible professional identities, in which clients are empowered. They are exploring and writing about what they are learning.

Mary Viviano, Director of the Public Interest Clearinghouse (PIC), which is housed at Hastings College of the Law in San Francisco, outlined PIC's work with students at four Bay Area schools. PIC helps students find connections during school that will lead them to public interest jobs upon graduation. It works with legal services programs throughout the state by lobbying on public interest issues, running a placement service and developing the Legal Aid/net computer bulletin board that is now used nationally by le-



gal services advocates. PIC also runs the public interest law program for the four schools, helping students find summer and permanent jobs, working on loan forgiveness and urging faculty members to get involved in placement. Mary

concluded by reporting on PIC's Academic Project, which attempted to get faculty involved in working with advocates on cases, providing training, writing on social policy issues and offering advice over the phone. Ultimately, the project was terminated because there seemed to be too many barriers in the way of faculty member participation.



Finally, Gerry Singsen (Harvard) talked about a few of the processes by which individual law schools or the system of legal education might change toward more concern about poverty. At Harvard, the internal process involved a thorough examination of the relationship between every aspect of the law school endeavor and concerns about the public interest. Proposals were developed from admissions strategy, through curricular and clinical offerings, to loan forgiveness and the role of the alumni association. The Public Interest Advisory Committee report led to many changes within the school (copies are available from Gerry).

On a national level, the Ford Foundation has funded the Interuniversity Consortium on Poverty Law to explore methods by which law schools can become more involved in teaching and research about poverty and can connect that work with advocacy. One part of the Consortium effort is a discussion group formed from people in schools who are trying new approaches. The other is an information and networking venture, which publishes the newsletter CONSORTING, surveying courses on poverty and seeking to encourage exchanges among academics and between academics and advocates. Gerry concluded by suggesting that the time was right for SALT to go beyond the discussion and networking levels and to adopt a leadership agenda for change.



Throughout the conference, ABA President Sandy D'Alemberte took copious notes and asked probing questions. When he addressed the participants, he began by recalling the history of legal education which led to high student-teacher ratios and little connection between legal education and the profession for which it is required preparation. Encouraged by the SALT conference's call for "soul" in legal education, Sandy criticized a tradition we call "higher education" but in which few of the great practitioners are teachers or researchers. One result he sees is that new lawyers, bar leaders and law teachers all complain that "the law is no longer a profession."

Recalling his time as Dean at Florida State University School of Law, Sandy noted his mistakes



(e.g., reorganizing admissions to place more emphasis on placement into large firms) and some successes that happened on his watch (he claimed no credit): more money for public interest programs, pro bono award winners on campus as the subjects of a seminar, and mandatory

student pro bono. One innovation he mentioned: he began sending third-year students the admissions essays they wrote in which they professed a great desire to do public interest work. He asked them if they were still interested and offered faculty help in pursuing their goals.

In conclusion, Sandy noted that the time was right for change. The ABA has a Task Force on Law Schools and the Legal Profession: Bridging the Gap. Bob MacCrate's draft report is out and should be commented on by SALT. There is also a new Coordinating Committee on Legal Education, which will be pursuing useful change and implementing the MacCrate recommendations. And he urged individual professors to pursue change within their schools, sometimes through



faculty committees and sometimes when there is a change of deans. While he thought changes in accreditation standards were a slow process, and that a large fund to support changes (like Ford's support for clinical education in the early '70s) was unlikely, he suggested that changes in the bar exam were more possible. One possible change was introducing poverty law questions to the test. Another, more fundamental possibility would be to give the exam after the first or second year, opening up the remainder of law school for more practical, substantive and satisfying study.

RECOMMENDATIONS

The conference closed with a final plenary session, during which proposals for SALT action were reported from the six workshop groups

that had been meeting throughout the conference. Among the workshop reporters were Deborah Maranville, Martha Chamallas, George Alexander, Bea Moulton, Sylvia Law and Gerry Singsen.

None of these proposals was voted upon, but some seemed strongly supported. A few of the recommendations are listed below:

1. Compile sample teaching packages that can be used to insert social justice concerns into specific parts of the mainstream law school curriculum, with a special focus on the first year. Each package might contain suggested readings, suggestions for simulations, a teacher's guide and ideas about how the material would fit into each course.
2. Coordinate sharing of ideas about teaching public interest topics, particularly in the first year, focusing on teaching methods as well as on substance.
3. Develop a teaching conference for next year in which methods for teaching about public interest topics in at least three first-year courses are the subject of the conference. For each course (e.g., civil procedure, property, criminal law, family law, torts, contracts), have several panels of teachers discuss their approaches, share their materials and demonstrate their techniques. Replicate successful conferences on the opposite coast.
4. Create a clearinghouse that gathers materials and ideas already in use, catalogs them and makes them available. Obtain and make available readers like the one prepared by Stanford students.
5. Review the most popular case books for first-year courses and develop critiques of their treatments of race, class, gender and other issues related to social justice. Develop materials that will counter these deficiencies. The model for this project is work by feminist theorists.
6. Encourage public interest faculty to engage in discussions with their colleagues about their public interest teaching experiences, and don't limit the discussions to public interest faculty. Packets of materials might be developed to assist such conversations.
7. Develop initiatives that can be adopted by schools to help students work on job creation.
8. Encourage schools to give recognition to public interest work, including recognition at graduation, newspaper coverage and faculty mention.
9. Assist students to gather together and determine what they think their school should be doing, and encourage them to take leadership in encouraging change.
10. Encourage pro bono programs (preferably mandatory) on campus, and insist that the placement office gather and publicize information about the pro bono policies and practices of firms conducting interviews.
11. Comment on draft report of the ABA Task Force on Law Schools and the Legal Profession: Bridging the Gap.
12. Begin working with bar examiners to consider changes such as testing for poverty law/pro bono proficiency. Consider giving the bar exam after the first or second, rather than the third year of law school.
13. Take a leadership role regarding externships within the ABA accreditation process. Encourage clinical instruction and live client service as important elements in a curriculum, but don't encourage schools to have only externships since that supports an ivory tower model for the academics. Link this effort with legal services advocates and access to justice interests within the ABA.

— Gerry Singsen

SALT MEMBERSHIP

SALT currently has 612 members, representing 139 law schools and a handful of public interest organizations. We extend our congratulations to those schools where SALT membership is particularly strong:

Touro (19)	Rutgers-Newark (13)
Santa Clara (17)	UCLA (13)
Georgetown (17)	Maryland (12)
NYU (16)	CUNY (12)
Harvard (16)	Iowa (10)

Our updated and (hopefully) corrected records indicate not a single SALT member at the following schools. If you know any "SALT-minded" faculty members at these schools, please encourage them to join.

Akron	North Carolina Central
Arkansas-Fayetteville	Notre Dame
Arkansas-Little Rock	Ohio Northern
Baylor	Pepperdine
Brigham Young	Regent
Campbell	Richmond
Cumberland	St. John's
Detroit College	San Diego
Duquesne	South Dakota
Florida State	South Texas
George Mason	Southern
George Washington	Southern Illinois
Hamline	Texas Tech
Idaho	Toledo
Inter American	Utah
J.A.G.	Vanderbilt
Marquette	Villanova
McGeorge	Virginia
Mississippi College	Wake Forest
Missouri-Columbia	Washington State
William Mitchell	Yeshiva

JUSTICE MISSION CONFERENCE

The conference on the Justice Mission of American Law Schools, held at Cleveland-Marshall College of Law in late October, was dedicated to the memory of former NYU Dean, Robert McKay. The conference brought together an exciting mix of approximately 120 law faculty to consider the question of the direction American law schools ought to take in pursuit of a mission to advance the quality of justice through teaching, research and advocacy activities. A fascinating element was the extent to which the conference attracted people reflecting a wide spectrum of the academic subdisciplines of law and methodology.

The common thread was commitment to the idea that law schools and law faculty are obligated to understand the nature of social justice and to seek ways to advance conditions of justice.

The participants did not debate whether there was such a responsibility but focused on defining that responsibility, most often in the context of challenging injustice and describing ways in which they were attempting to advance the justice mission. This conception obviously begins the dialogue at a point beyond what many law faculty would accept.

As law faculty, we are rapidly losing the ability to speak with each other as a collective group possessing a shared vocabulary. Our law schools risk becoming compartments of intolerance doing little more than advocating special interests, unable or unwilling to engage in productive dialogue. George Stigler once described the *debate* between liberals and conservatives as a non-debate, concluding that neither camp was interested in an actual exchange of ideas and values. Jacques Ellul has warned us of the growing tendency of Western society to create specialized technical groups with their own jargon having meaning only within their own closed universes of discourse. This blocks their ability to communicate with others.

Increasingly in the American law schools, ideological non-debates are alienating many of our colleagues. Legitimate and important special interest movements such as law and economics, feminism and race-based scholarship, "critical"

scholarship and teaching, and law and literature often fail to communicate with natural allies.

There is a need to create coherent intellectual and political movements to attract a core of similarly interested people to a common agenda and to use powerful ideas to attack an unjust and unresponsive system. Eric Hoffer aptly described the important role played by "fault finding" advocates of ideas. This has been done in the law schools. Many law faculty are now prepared to listen. We must begin to construct bridges and create strategies that build upon the newly formed consciousness.

American law faculty must direct their efforts toward creating a new agenda and definition for law schools. Doing this requires that we understand the law school as an institution, including its obligations to the legal profession and to society. We also must understand that while our areas of individual preference within which we seek to rectify injustice are important, others have equally compelling concerns.

Law faculty must identify cross-cutting themes that enable them to work together. Our individual strategies and preferences should come to be understood as part of a larger and more coherent framework or principles and shared values. If all faculty members do is politicize law schools to advance their individual preferences, they will have destroyed the utility and legitimacy of the institution. This is why the themes of active justice and rectification of injustice are so critical. They allow the dialogue to emerge and provide a frame of reference to examine what we do and evaluate what we ought to do.

In order to make them available to all faculty, the presentation from the October conference will be collected in the fortieth anniversary issue of the Cleveland State Law Review due to be published next summer. And for those interested in moving the "justice mission" dialogue to another level, I propose that we hold an unofficial conference in conjunction with the first day of the 1993 AALS meeting. Anyone interested in participating in such a process should contact me.

- David Bonhizer

Cover Retreat - continued from page 4

gal institutions and legal education and for the formulation of strategies for legal change.

We invite representatives from the public interest community at your law school to participate in the Retreat. Consistent with Professor Cover's vision, the students who attend should be committed to public interest work and be willing to share their experiences, aspirations and philosophy with others. This year's conference will be informally structured in the tradition of previous retreats. There will be constructive interaction in a variety of small discussion groups, larger forums and social events.

We urge all SALT members to seek funding from their schools to cover the cost of transportation and minimal room and board expenses (\$100 per person) for one or two students. Many students who have attended the retreat in past years have found it to be a pivotal event in their law school careers, helping them to carry on their commitment to public interest practice in the face of strong pressure to move in other directions. For more information, please feel free to contact either of us.

Jacki Hamilton
Yale law student
(203) 782-1162

Lynette Williams
Florida law student
(904) 335-9898

We need to have a full deposit from you by February 14, 1992, in order to reserve your place at the Camp. If you are having serious problems raising adequate funding, you may deposit half your fees by that date, and pay the balance when you arrive at the Camp. Depending on our success in obtaining outside funding, we may be able to subsidize the costs of room and board for some students. As in the past, minority students are particularly encouraged to attend.

[Ed. - SALT members: Please contact your dean, student organizations, and prospective student participants as soon as possible to insure that funding is available, student interest is high, and your school is represented. See registration form on next page.]

Preliminary Registration Information Form

**The Fifth Annual Robert Cover
Memorial Public Interest Retreat**

March 6 - 8, 1992

Boston University Sargent Camp

NAME: _____

LAW SCHOOL: _____

ADDRESS: _____

TELEPHONE: _____

Will your school contribute to the cost beyond paying for its student attendees? _____

If so, how much? _____

Please check off which workshop topics you would find most interesting or helpful:

- | | |
|---|---|
| <input type="checkbox"/> Environmental | <input type="checkbox"/> Labor |
| <input type="checkbox"/> Civil Rights | <input type="checkbox"/> Legal Services |
| <input type="checkbox"/> Criminal Defense | <input type="checkbox"/> Legislative/Lobbying |
| <input type="checkbox"/> Criminal Prosecution | <input type="checkbox"/> Organizing at Law Schools and Beyond |
| <input type="checkbox"/> International/
Human Rights | <input type="checkbox"/> Women's Rights |
| | <input type="checkbox"/> Other |

(Discussion of the above topics could cover the practice of law in these areas as well as student activities or programs that have been organized to deal with the issues.)

PLEASE RETURN THIS FORM BY FEBRUARY 14, 1992 to:

Steve Wizner
Yale Legal Services Organization
401-A Yale Station
New Haven, Connecticut 06520
Telephone: 203-432-4800
Fax: 203-432-1426

For Law Professors Who Are Not Yet Members of SALT,
Please contact Stuart Filler, University of Bridgeport School of Law
303 University Avenue, Bridgeport, Conn. 06601 • 203-576-4442

HELP THE STANDING COMMITTEE ON PUBLIC POSITIONS: TELL US WHAT MEMBERS THINK

At its May retreat, the SALT Board of Governors agreed to appoint a Standing Committee on Public Positions to examine the role of SALT in public controversies. It has been the policy of SALT to limit its stance on public matters to issues involving legal education and to judicial appointments. The Board of Governors thought that this policy should be re-examined and, if changed, that criteria should be established to determine when SALT should take public positions.

The committee members are Leslie Espinoza (Arizona), Charles Lawrence (Visiting USC), Elizabeth Schneider (Visiting Harvard), Gerald Torres (Visiting Harvard), and Stephanie Wildman (USF), chair. Please take a moment to tell the committee your thoughts and send them to me, Stephanie Wildman, at University of San Francisco School of Law, 2130 Fulton Street, San Francisco, CA 94117.

1. Should SALT retain its posture on public positions, commenting on matters involving legal education or judicial appointments?

Yes No

2. If you believe that a change is in order, how would you articulate those circumstances in which SALT should take public positions?

ANNUAL TEACHING AWARDS DINNER RESERVATION FORM

(Must be received by December 26, 1991 to insure seats)

- ☐ I want to reserve _____ tickets at \$38 per ticket for the 1992 SALT Awards Dinner.

Name _____

Address _____

Phone _____

- ☐ I have enclosed a check in the amount of \$ _____ ☐ I will pay at the door.

SEND TO: SALT c/o Professor Stuart Filler
University of Bridgeport School of Law
303 University Avenue, Bridgeport, CT 06601

Phone Reservations may be made with Professor Filler at (203) 576-4442.

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SALT Newsletter

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