

# EQUALIZER

SALT

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Society of American Law Teachers

September 1991

## **PRESIDENT'S COLUMN**

### **Teaching Conference at Stanford**

Hold the dates of October 4-5, 1991 for the second SALT Teaching Conference: *Public Interest or Private Gain: The Struggle for the Soul of the Profession*. The conference will be held at Stanford Law School all day Friday and until noon on Saturday. The conference will be similar to our conference held in September, 1990 at NYU that drew about 110 participants and was a rousing success. Although people may attend from around the country, the Stanford conference is aimed particularly at West Coast faculty.

The conference focuses on what law teachers can do at their institutions to facilitate public interest work by students and faculties. It will feature an in-depth case study of a particular law school, summaries of empirical material on changing patterns of law placement, and panel sessions on bringing about curriculum and institutional change. There will be discussion of clinical programs, mandatory pro bono strategies, loan forgiveness and placement efforts, innovative courses and links to practitioners. Attention will be given to problems involving race and gender integration of the mainstream profession at large as compared to work through public interest practice per se. Formats will vary between speeches, panels and small group sessions.

### **Diversity Under Attack**

The attack on affirmative action and diversity has intensified in recent months. The controversy at Georgetown Law School over the release of median LSAT scores of minority and majority students and the lawsuit sponsored by the Washington Legal Foundation to challenge minority scholarships are just two examples. The attacks on "political correctness" are another part of the effort to undermine the advocates of diversity in academia and elsewhere. Oppo-

*Continued on page 2*

## **SOME FACTUAL CORRECTNESS ABOUT POLITICAL CORRECTNESS**

[The following article by SALT Board member Kate Bartlett originally appeared in The Wall Street Journal, Thursday, June 6, 1991.]

Criticizing campus "radicals" for brow-beating the majority into some "politically correct" ideological conformity has become more fashionable than the practice it condemns. But the PC rap is a bum one. PC critics mischaracterize the enemy, exaggerate its presence, and fail to debate or even acknowledge the important substantive issues underlying the controversy. In doing so, they not only obscure, but also help to prove, the insights they themselves do not appear to understand.

The pejorative label "political correctness" represents an effort by PC critics to seize the moral high ground of the First Amendment. They claim that those protesting the continuation of racism and sexism on college campuses are moral ideologues, intolerant censors, Vietnam-protestors-turned-fascists. They also claim that these ideologues have taken over the universities, and that from this place of power they are threatening the quality of academic standards and the integrity of free intellectual inquiry.

Where is this ideological coercion? Where is this threat to open dialogue? I see little evidence of it, even at Duke University, which has been cited in these pages as a hotbed of PC. At Duke, courses on Shakespeare, Milton and other "traditional" liberal arts subjects are not under siege; courses on such subjects as Marxism, women's studies and Afro-American literature are. The average female Duke student shuns the label "feminist." In contrast, no shame appears to attach to association with conservative causes. Outspoken conservative students have their own newspaper, the Duke Review, and an active chapter of the National Association of

*Continued on page 7*



nents of affirmative action and diversity, however, are relying on more than slogans. They are building an intellectual structure to support their positions. In the marketplace of ideas, the aggressive entrepreneurs are marshalled on the right.

I believe we have reached a point where there is a great need to define and redefine the intellectual, legal, and moral underpinnings of affirmative action and diversity. While many of us might appreciate and understand the intellectual foundation of affirmative action and diversity, there is a whole new generation of law students, and perhaps law professors, who are not as familiar with the thinking in this area. They are being exposed to an intense campaign by those who oppose affirmative action and diversity. We have to re-enter the marketplace of ideas vigorously and creatively.

Law professors, through their research and writing, can have a great impact on defining issues and framing debate. Those of you who are seeking topics for research and writing could do no better than choosing an issue relevant to the current debate over diversity and affirmative action.

At the SALT Board meeting on May 18th, we discussed the need for a new burst of intellectual energy to defend and define the principles underlying affirmative action and diversity. I hope that in one way or another -- through your writing, your advocacy, your popular writing, your public service and community activities -- as many of you as possible will devote your energies to the forceful defense of affirmative action and diversity. ■

-- Howard Glickstein

## **CONFESSIONS OF AN AFFIRMATIVE ACTOR**

### **Former Dean Brings Preferential Admissions Out of Closet**

[The following article, reprinted with permission of American Lawyer Media, PC, is written by Monroe Freedman, professor and former dean at Hofstra.]

Georgetown law Dean Judith Areen is not the only law school leader who has engaged in affir-

mative action in admissions. Now that Dean Areen's closet door has been thrown open, I feel compelled to confess my own depravity. As dean of Hofstra University School of Law from 1973 to 1977, I was in charge of admissions. I, too, was an affirmative actor.

There are, of course, all kinds of affirmative action, or preferential treatment, in university admissions. The traditional kind does not appear to trouble anyone. Those who inveigh against the political correctness of affirmative action for disadvantaged minorities have never voyaged against long-standing preferential treatment for the scions of rich contributors, alumni or others with the right connections.

I remember receiving a letter from the son of a member of the university's board of trustees. He wrote to endorse the candidacy of a prep school and college chum who, he acknowledged, had a poor academic record and equally poor Law School Admission test score. But the candidate should nevertheless be admitted to the law school, my correspondent assured me, because "he is very well-connected." (The reference, of course, was not to the linkage of the candidate's hip bone, thigh bone and knee bone.)

What struck me at the time was the recommender's matter-of-factness, his candor about the candidate's lack of qualifications, his unadorned reference to "connections" and his certitude that he had said everything necessary to assure the candidate's admission to law school. (The candidate was truly unqualified and, therefore, not admitted.)

Another traditional way of overcoming lack of academic credentials is to buy one's way into a school. Frequently, there is a designated number or percentage (dare I say quota?) of seats that will be awarded in exchange for a contribution of adequate size. I have even heard deans discuss (only partly in jest) the desirability of publicly auctioning off a set number of admissions each year. That way, we could achieve higher revenues than by the current less-competitive method of seats for dollars.

Actually, the exchange of admissions for contributions has merit. The additional money paid in by those who can afford it creates scholarship slots for others who could not otherwise attend law school and enables most students to pay the scheduled tuition.

pre-law advisers) the preferential treatment I was giving.

### **Cop Quota?**

One group that benefitted was police officers. They received special consideration in part because of the insight they offered about the actual operation of the law. I remember my genuine pleasure when one of the preferentially admitted detectives put me down in a criminal procedure class. "That might make sense to the Supreme Court or to a law professor," he caustically responded to a position I had taken, "but that makes no sense at all on the street." And he proceeded -- to the enlightenment of me and the class -- to explain why.

Another group that benefitted from my affirmative-action policy consisted of those who had demonstrated -- with deeds, not just words -- a commitment to helping others. Illustrative was the young man who had volunteered time throughout college to working in a shelter for homeless people; another was the woman who had spent years after college working for minimal pay on a death-penalty project. The legal profession needs people like them as much as it needs people who dedicate themselves single-mindedly to achieving high test scores.

I once discussed this policy at a conference at which law school professors were trying to figure out why students lose their idealism during three years of law school. My point was that those who are admitted, principally on statistical data, don't have any idealism to lose. The rote assertions on admissions applications about a burning desire to serve humanity are rarely backed up by any real service during college.

When I explained my policy of giving weight to a demonstrated commitment to helping others, one professor strongly objected. If such a policy were adopted generally, he said, college students would be falling all over each other to help disadvantaged humanity.

My response was: Worse things have happened--and, indeed, are happening. To maximize their grade point averages, for example, college students are avoiding intellectually challenging subjects and taking gut courses whenever possible.

And yes, I also gave preferential treatment to members of disadvantaged minorities. Part of the rationale for that was similar to my reason for applying affirmative action to police officers. I wanted a mix

of students who could contribute to each other's understanding of the total society that is served (and sometimes disserved) by the administration of justice. Just as a police officer can relate legal rules to the practicalities of law enforcement on the street, minority group members can relate legal rules to the way those rules work, in fact rather than theory, in minority communities.

### **Uphill Battlers**

Another reason for giving preference to members of disadvantaged minority groups is that a candidate who has overcome adversity to qualify for admission to law school has demonstrated a quality that deserves recognition.

I once received a letter from an irate man who was an immigrant from Greece and whose son had been denied admission. If I was so interested in people who had overcome hardship, he wrote, why had I not admitted his son, who was the first in his family to go beyond high school? Being a lawyer meant so much to this young man that he had taken the LSAT despite a recent, serious accident that had left him with one arm in a sling, his jaw wired shut and in considerable pain. My response to the angry father was that I had known none of those facts until his letter. Having learned them, I rescinded the denial and admitted his son.

Neither that young man, incidentally, nor the police officers and the minorities sat around feeling embarrassed and inferior because some of them had been given preferential treatment. Like the children of wealthy contributors and alumni, they somehow managed to cope with their good fortune as readily as some of them had coped with adversity.

Hosea Martin, the black vice president of United Way of San Francisco wrote an article in the April 25 issue of *The Wall Street Journal* in which he addressed the sympathetic concern of those opposed to affirmative action. No, he wrote, he did not have "gnawing doubts about my qualifications for the jobs I held."

Mr. Martin did realize that "somewhere there was someone who could do my job better than I could, but I also knew that every person in the room would have to say the same thing if he or she were strictly honest." That is, "every single one of us ... had been hired for reasons beyond our being able to do the job." Indeed, some co-

*Continued on page 4*

# EQUALIZER

September 6, 1991

Please note the printing error in the September 1991 issue. The first lines on page 3 should read as follows:

The difference between me and the other deans was that I announced publicly (for example, in admissions materials and at meetings of college pre-law advisers) the preferential treatment I was giving.



workers held their jobs in part because they were "well-connected" to the old-boy network. "Come on," Mr. Martin quipped, "are you trying to tell me that Dan Quayle was the best that George Bush could find?"

But how can anyone advocate disregarding objective indicators of merit, like grade point averages and LSAT scores? I turned down the Greek-American candidate, presumably, as "unqualified" based on his GPA and LSAT score, and then found him "qualified" on less objective grounds.

As one who played a significant part in developing and writing the LSAT in the mid-1950's and who served for years on the Law School Admission Test Council, let me tell you about those objective criteria.

### **LSAT Failings**

First, the LSAT is not designed to predict how good a lawyer the candidate will be, or even how well the candidate will do in three years of law school. The modest purpose of the LSAT is to predict grades in the first year of law school. How well does it achieve that goal? Not very well at all. (Here you can bear with me for a paragraph of LSAT jargon or simply skip down to the following paragraph, where the English begins again.)

When the predictive value of the LSAT is maximized by combining it with the predictive value of the GPA, the correlation coefficient ranges from 0.31 to 0.67, with a median of 0.50. To determine the percentage of variation in first-year grades that is accounted for by variation in predictor values, you square the coefficient. For example, 0.50 squared equals 0.25.

What that reveals -- or conceals -- is that the best we can do, on average, is to predict how 25 percent of the candidates will fare in their first year of law school. That is not very impressive, but it gets worse.

First, we do know which 25 percent we are predicting accurately. Second, we are left with 75 percent of the candidates whose performance will be inconsistent with the predictions of the statistical criteria.

Moreover, the best predictions are achieved at those schools where candidates have the widest variation in LSAT scores and GPAs. At a school like Georgetown, where there is a substantial amount of self-selection in the applicant group,

the range of LSAT scores and GPAs is relatively narrow, and the predictors are therefore less accurate than at many of the other 166 law schools that use these criteria. At some schools, the maximum coefficient is as low as 0.31, which means that 90 percent of the candidates will perform either better or worse than predicted.

In addition, the best prediction tends to be at the extremes -- very low LSAT scores combined with very low GPAs, and very high LSAT scores combined with very high GPAs. When you reject all the candidates at the very bottom of the scale and accept all those at the very top, you are left with a substantial pool in the middle whose statistical qualifications are indistinguishable for practical purposes. Indeed, the chances of accurately predicting law school performance within this group is about the same as the chances of drawing to an inside straight.

In short, the objective criteria of LSAT scores and grade point averages are of minimal usefulness in predicting performance in the first year of law school -- and virtually useless in predicting success in practice. Despite the cries of outrage and indignation over affirmative action, therefore, the use of criteria other than LSAT scores and GPAs does not violate merit selection in any realistic sense.

On the contrary, in dealing with a pool of qualified candidates that is several times larger than its entering class, a law school should take into account such factors as a candidate's ability to contribute from personal experience to an informed discussion of legal issues, a candidate's demonstrated commitment to service to the disadvantaged, and a candidate's success in prevailing against adversity.

Worse things have happened. ■

### **SALT BOARD CONSIDERS THE BIGGER PICTURE**

SALT is alive and well and has an important role to play in legal education. That was but one of the conclusions to come from the day-long retreat of the Board of Governors held at the University of San Francisco on May 19, 1991. The retreat, first discussed at the June 1990 Board meeting, was designed to help the Board plan for future SALT activities and programs by providing a vehicle so that SALT's mission and policies could be better defined. Time allotted to regular Board meetings is filled with new and continuing business, and there is rarely an opportunity to consider long-range policies. In recent years, SALT's increased visibility has led to many requests for support, time and

funding; in addition, many of SALT's primary goals, such as public interest lawyering and diversity in law school teaching and admissions, have come under attack from certain segments both within and outside the legal academy. The retreat offered a welcome chance for introspection and self-scrutiny.

The first part of the retreat focused on identifying SALT's strengths and how these strengths contributed to the mission of the organization.

### **Why a Society of American Law Teachers?**

First and foremost, SALT is an organization of law professors. In fact, because the AALS is an alliance of law schools, SALT is the *only* organization for law professors. SALT is able to speak out on behalf of individual law professors without institutional conflicts.

SALT has long been identified as a force for progressive change. The early organizers recognized a need for a group that looked beyond institutional loyalties and focused on legal education in general. As SALT has matured, it has concentrated on looking at all facets of legal education from a critical perspective. SALT has developed the reputation of asking hard questions while critically examining legal scholarship, academic standards, and the needs of the profession beyond traditional boundaries.

A large part of the retreat concerned the current attack from the right over so-called "political correctness." As an early supporter of diversity in legal education, SALT recognizes that this support must continue and must deepen intellectually in order to counter the current critique. The irony is that, in recent years, women and minorities have become more established in the law school hierarchy. The challenge to our organization is to find ways to acknowledge and exercise the increased power that women and minorities have acquired in law schools while dispelling the current myth that the power balance has completely shifted in our direction.

SALT has long been committed to increased legal services and to providing opportunities in public interest law. Recent programs, such as the annual Cover Public Interest Law Conference and the Public Interest Law Symposium held last year, have served to strengthen SALT's commitment. SALT also has recently joined in advocating mandatory *pro bono* requirements in law schools.

SALT has always had a strong teaching mission, as exemplified by its annual teaching award. Early SALT programs concentrated on teaching methods and guidance for new teachers, but arguably the AALS now adequately covers this field. However, the Board members at the retreat agreed that SALT should continue to provide a forum for progressive teaching ideas and should continue to play a role in classroom instruction. One of the reasons for SALT's success is that the individuals involved have managed to build progressive coalitions by bringing diverse groups together. There was a consensus that SALT should now focus on its potential to be a grassroots organization through regional meetings and conferences. For the first time, SALT is in the unique position of being relatively prosperous and must learn to take a pro-active stance in spending money. We must learn to target groups to support rather than wait for requests to come to us.

### **Plans For The Future**

After these strengths and goals were identified, Board members broke into subgroups in order to make specific recommendations for future actions.

1. **Membership** - - the Board decided to make increased outreach efforts to law schools and adopted the goal of having at least one SALT member at each law school. Although there are nearly 600 SALT members nationwide, 51 law schools have not a single member (see table herein). We will also contact new law professors and sponsor a SALT reception at the AALS New Law Professors Meeting in order to solicit new members. In addition, we will make it easier for members to renew by having an annual dues solicitation with a return envelope included.

There was a general concern that SALT members were not provided with enough avenues for participation in the organization. It was recommended that members be invited to participate on SALT Board committees and that members be invited to attend SALT Board meetings. As a way to broaden the range of representation on the SALT Board, it was suggested that we limit the number of terms for Board members. The discussion on this suggestion will continue at the next Board meeting.

Finally, the idea of regional conferences will be inaugurated with a midwest conference to be held in the coming year at the University of Iowa. We will look at the results of this conference to

*Continued on page 6*



see if additional regional meetings are desirable.

**2. SALT's Relationship to Legal Education and Public Interest Law** -- One of two recurring themes in the past year has been our desire to publicize our positions and activities more broadly in the media through press releases, op-ed pieces and other scholarly and popular writings. To achieve this end, the Board decided to create a standing committee on communications in order to provide media channels for our members. Another continuing concern has been the proliferation of groups wanting SALT support for lawsuits and other causes. Frequently this support extends far beyond our natural concerns for legal education and First Amendment rights. In order to study these requests more fully, the Board will create a standing committee on public positions to evaluate all such requests and make recommendations to the full Board.

The Board recognized that there may be a conflict between SALT's long-standing support of clinical legal education and its current support of mandatory *pro bono* in law schools. In order to study this possible conflict, the Board created an ad hoc committee on public interest law to write a report on the tensions between clinical legal education and proposals for mandatory *pro bono* programs. This report will be presented to the Board at its October meeting.

**3. SALT's Opposition to Political Correctness Critique** -- SALT will take a role in actively countering charges that left-wing forces have created an atmosphere of political correctness on campuses. SALT members will be encouraged to devote their scholarship to issues of diversity and to write and speak out on all attacks which threaten the gains that we have made. Our Midwest Regional Conference will focus on ways to refute the political correctness criticism, and our program at the AALS annual meeting in January, 1992 will also center on countering arguments of political correctness in the classroom.

**4. SALT's Finances** -- With our increased membership, SALT is now enjoying a rare period of solvency. We have made small grants to several groups which have requested funds, but now we should be actively targeting groups and issues that we wish to support. A suggestion was made that SALT could start giving some research grants to members who are interested in doing quantitative studies, developing bibliographies

and the like. More attention will be given to these suggestions at the next Board meeting.

While the majority of the retreat concentrated on concrete policies and programs, an overriding

Our records indicate not a single SALT member at the following 51 schools. If you know any "SALT-minded" faculty members at these schools, please encourage them to join.

Akron	U. of Missouri-
Arkansas,	Columbia
Fayetteville	William Mitchell
Arkansas,	Montana
Little Rock	North Carolina
Baylor	Central
BYU	Notre Dame
Campbell	Ohio Northern
Capital	Pepperdine
Catholic (Puerto Rico)	Regent
Detroit College	Richmond
Duquesne	St. John's
George Mason	St. Thomas
George Washington	U. of San Diego
Golden Gate	South Carolina
Gonzaga	South Dakota
Hamline	South Texas
Idaho	Southern
Illinois Institute	Southern Illinois
Chicago-Kent	Stetson
Inter-American	Texas Tech
J.A.G.	Toledo
Kansas	Utah
Lewis & Clark	Vanderbilt
LSU	Villanova
McGeorge	Virginia
Marquette	Wake Forest
Mississippi College	Yeshiva

theme was one of appreciation that an organization such as SALT exists and of rededication to the mission for which it was established and the goals which have emerged since time.

--Joyce Saltalamachia

Scholars speaks freely. At Duke, academic traditionalists head almost all departments and hold almost all chaired professorships. Duke has only one female dean; all other top leadership positions are held by white men.

If Duke is typical, what accounts for the perception that university radicals have taken over? "Surplus visibility," answers Daphne Patai of the University of Massachusetts at Amherst. Certain voices are being heard in the university more often, more loudly, and more insistently than in the past. Given what we are accustomed to hearing from these voices -- silence -- the noise is deafening. As Ms. Patai observes, when members of groups we do not expect to hear from begin to speak, their voices appear too loud, out of place, inappropriate, excessive.

Surplus visibility exemplifies a larger phenomenon PC critics have been unwilling to understand: the privilege of those who have power to say what needs defending and what does not. In any social organization, the views of the dominant tend to be taken for granted as objective and neutral. Challenges to these views -- like those we are now hearing in the universities -- appear to seek special favors for the "less qualified," or some compromising of academic standards.

This phenomenon helps to explain why some demands pressed at universities are viewed as "political" or "special pleadings," while others are not. Some PC critics dismiss as interest-group politics requests that authors such as Toni Morrison or Mary Wollstonecraft be included in the curriculum; others malign courses in feminist theory or black studies as a "Balkanization" of the curriculum.

In contrast, assignments of writings by Nathaniel Hawthorne or T.S. Eliot draw no notice and require no defense; neither does the "basic" political philosophy course that begins with Aristotle and ends with John Rawls. The difference is not that the standard "Western civilization" courses are apolitical. In fact, it is precisely the alignment of these courses with particular points of view -- the dominant ones in our society -- that makes them appear neutral. This is not to argue that such courses should be abolished, but nobody should pretend that only feminist and minority-studies courses have political content.

PC critics attack as ideologically coercive, condescending and petty the insistence by some "blacks" and "Indians" that they be called "African-Americans" or "Native Americans." Yet they take

for granted their own titles of "Professor," "Doctor" or "Judge" as a matter of simple civility. Most, perhaps all, titles and labels convey substantive political messages about power and self-definition. But those that conform to existing lines of authority are taken as neutral signs of respect, while those that implicitly encroach upon that authority stand out as shamelessly political and arrogant.

It is clear that some PC critics are using a double standard to judge those who do not respect their authority. These critics invoke important principles of academic freedom to shield themselves from criticism of classroom remarks that some students find racist or sexist. Yet they appear to acknowledge no reciprocal freedom on the part of students to resist classroom humiliation; and it is that resistance that is now labeled a "politically correct" effort at censorship.

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*We are not trying to stifle debate. We are trying to begin one -- a difficult one that challenges perspectives that are taken for granted in the university and in society.*

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Most of us who have been labeled "PC" are not seeking special favors. We are not trying to stifle debate. We are trying to begin one -- a difficult one that challenges perspectives that are taken for granted in the university and in society. If our critics were true to the free-speech principles they profess, they would be engaging in that debate. All too often, they have chosen personal denunciation and caricature instead.

There is room, and a great need, for a genuine debate in our universities about academic quality and diversity. PC critics have diverted the debate by the distracting assertion, backed by only a few isolated anecdotes, that traditional voices are being silenced.

The one-sidedness of the PC critique mocks this assertion. It also demonstrates a central paradox of the whole PC problem: The more established the status quo, the less defense it requires, and the more easily challenges to it can be made to appear self-serving and tyrannical. The PC charge is a smoke screen. The fact that it packs rhetorical punch demonstrates that there has been far less change in who controls the university, and in what we take for granted there, than many would have us believe. ■



## KEEPING THE SPIRIT ALIVE: The Robert Cover Retreat

This is the tale of the most recent Robert M. Cover Memorial Public Interest Retreat. Last March I attended the fourth annual edition of this event. I would like to share my experience of the Retreat with you.

This is really the story of two confessions. My first confession: The Retreat had come and gone in its first, second and third years without much interest on my part. The fourth Retreat was different primarily because I was elected to the SALT Board in 1990. SALT sponsors and subsidizes the Retreat. SALT identifies the Retreat as one of its major annual projects. As one of the newest members of the Board, I felt an obligation to learn more about the organization by learning more about its projects.

What I did know about the Retreat was that it is held each year at a rustic camp in New Hampshire -- in the winter. My Arizona blood had thickened somewhat because I was visiting at Boston College. Nevertheless, I couldn't help but think, "Why not Jamaica?" I later discovered the answer to the question of location. Boston University owns the camp and accommodates the Retreat at a very reasonable price.

Legend has it (I am only in my fourth year of teaching so everything still seems like legend to me) that Robert Cover originally conceived of the Retreat as a place where persons committed to public interest law could gather, exchange ideas, encourage each other and hone their aspirations. His vision was of a Retreat that would both nurture public interest law's present and provide for its future. Law professors, practitioners and law students would come together to carry out this goal. Noble and worthy causes aside, the Retreat was also rumored to be a whole lot of fun.

As if being on the SALT Board, being in Boston and liking to have fun were not enough, I had another reason to attend the 1991 Retreat. This year the organizers had consciously embarked on dangerous but crucially important territory. The theme of the retreat was "Breaking Down the Barriers: Minorities in Public Interest Law." In a self-challenge, participants in public interest law were going to examine ways in which outsiders -- African-Americans, Hispanics, Asians, Native Americans, the disabled, women, gays, lesbians -- have been and are excluded from the power structures of the very organizations dedicated to representing outsider interests.

It is crucial but painful to examine ourselves and how our socialization can distort even the best of our intentions. As Charles Lawrence reminds us, we are all products of our racist and sexist society. For those who are outsiders, the examination is almost impossible if the setting is not "safe." What makes a safe setting? Numbers are a good beginning. To be the only Latina, the only African-American male, the only lesbian in the group is isolating and threatening. The question of who would be the participants at the Retreat was of considerable importance. Would "the excluded" be excluded? How would the organizers include "the excluded"?

The organizers of the Retreat -- Steve Wizner, Jackie Hamilton, Avi Soifer, Judy Resnik, to name a few -- were committed to true diversity. They worked to establish a Retreat network by tapping into a variety of existing networks for outsider groups. There was a conscious decision to fund travel for students with diverse backgrounds. Importantly, there was a commitment to invite more than one minority student from the same school. The organizers worked hard for geographical diversity.

The same networking efforts were used to include diverse practice viewpoints. There were practitioners who headed agencies. There were also practitioners who did day-to-day, staff litigation. In these hard times of funding cuts and an increasingly conservative judiciary, many of the practitioners remarked how important it was to them to have their work recognized through an invitation to the Retreat. Likewise, the organizers reached out to law professors. In particular, they encouraged me to attend.

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*I was amazed at the realism and optimism that suffused our discussions... We seemed to lose our intellectual pretense in the woods.*

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The students and practitioners represented a kind of diversity that is difficult to capture with statistics. Numbers don't tell near enough. Take, for example, my three women cabinmates at the Retreat. One is a lesbian activist, another is hearing-impaired and an activist for the disabled, and the third is a single mother. How else to describe the four of us? Two are Hispanic, two are white; one from California, one from Colorado, one from Texas and one from Arizona. One is a public defender, one does "in the trenches" liti-

gation for MALDEF, one is a law professor, and one does policy/legislative work. None of us fit neatly into categories.

Nevertheless, I would like to give you some of the overall numbers for the Retreat, which may tell you a little about the feel of the Retreat. They also demonstrate the hard work of the organizers:

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<u>STUDENTS</u>	<u>Total</u>	<u>Female</u>	<u>Male</u>
African-Americans	40	29	11
Hispanics	16	11	5
Asians	2	2	0
Native Americans	1	1	0
Whites	31	20	11
 TOTAL STUDENTS	 90		
Total Students of Color	59		
Total Women Students	63		

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<u>PRACTITIONERS</u>	<u>Total</u>	<u>Female</u>	<u>Male</u>
African-Americans	10	5	5
Hispanics	9	4	5
Asians	3	3	0
Native Americans	3	2	1
Whites	17	4	13
 TOTAL PRACTITIONERS	 42		
Total Practitioners of Color	25		
Total Women Practitioners	18		

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The two and one-half day Retreat program was designed to provide lots of time for unstructured as well as structured discussion. I was amazed at the realism and optimism that suffused our discussions. With pleasure -- and some trepidation -- I heard about the profound influence law teachers have on their students, both while in law school and into practice. I continually wondered at the students' energy and enthusiasm. I was able to observe the dedication and wry sense of humor of the practitioners.

I bonded with my cabinmates. There is nothing like trying to light a woodstove on a freezing morning for developing friendship. There was no TV or telephone; we rediscovered the art of conversation. We discussed our work, our lives, our loves. Do we choose or fall into our careers, geographical locations, sexuality? There was a real interest in each others' work. We were able to see the connection between the work we each did and the work which others did.

Something else very special happened. It is hard to describe. There were moments when "it" -- the problems and ideas with which I grapple daily -- seemed to all come together for me and to make sense. We seemed to lose our intellectual pretense in the woods. Sitting around the dining table or curled up in our cabin, we were able to speak with heartfelt sincerity and much less defensiveness about the sensitive issues that haunt all of us. For example, in the car ride back, two students, one from the east coast, one from the west coast, one a white woman and one a Hispanic man, talked about affirmative action with me -- a Hispanic woman law professor who straddles both coasts. We shared our experiences, worries about stigma, concerns about power and confusion about assimilation.

SALT is an organization of people who teach law; it is not an organization of institutions. I now know much more about this organization of teachers and scholars, about SALT's spirit. SALT sponsors many broad-based and important research projects, conferences, and other endeavors. As an organization, it has also kept its qualitative, human touch. I felt that touch at the Robert Cover Retreat.

Now to my second confession. I have to admit that I wrote this story in an undisguised attempt to encourage, inspire, and convince all of you to attend the next Retreat.

-- Leslie Espinoza

## **SALT To Honor MARY JOE FRUG**

The Society of American Law Teachers (SALT) will give its annual Teaching Award this year to Mary Joe Frug, former Professor of Law at the New England School of Law and founding member of the Fem-Crits, an organization of regional groups of women law teachers committed to the exploration of feminist theory and its application to law.

Mary Joe Frug received her B.A. from Wellesley College, her J.D. from the National Law Center of George Washington University, and her LL.M. from New York University. She began her legal career as a pioneer in poverty law practice in Washington D.C. and New York. She was a Reginald Heber Smith Fellow associated with Neighborhood Legal Services in Washington, D.C. and with Mobilization for Youth Legal Services in

*Continued on page 10*



New York between 1968 and 1971; a Ford Fellow in Urban Law at NYU between 1971 and 1972, and an Associate in Law at Columbia Law School from 1972 to 1974.

Her first full-time professorship was at Villanova Law School, where she served from 1974 to 1981, during which time she taught the first Women and the Law course to be offered at that institution. From 1981 to 1991 she held the position of Professor of Law at New England School of Law, where her teaching and research interests included contracts, family law, women and the law, and post-modern and feminist theory. Her energy and commitment to the law school community involved her at every level in the life of the school. Much of Mary Joe Frug's scholarly work in this period grew directly out of her teaching and specifically addressed questions of pedagogy. Her best known article, published in 1985 in the American University Law Review, is "Re-Reading Contracts: A Feminist Analysis of a Contracts Casebook," and her Women and the Law course materials will soon be published by Foundation Press.

In this same decade, Mary Joe Frug was deeply engaged with the Conference of Critical Legal Studies, the Fem-Crits, and a wide range of feminist and public interest efforts at both the local and the national level. She was a core planner of and participant in Critical Legal Studies Conferences and Summer Camps throughout the 1980's. In particular, she was one of four organizers of the 1985 Critical Legal Studies Feminist Conference at Pine Manor, and, in preparation for that conference, founded the first regional Fem-Crit group, on which subsequent groups have been modeled.

In the Spring of 1991, Mary Joe Frug was a Fellow at the Bunting Institute of Radcliffe College, working to complete a project she defined as a "post-modern feminist legal manifesto." She was brutally stabbed to death on April 4 as she walked within blocks of her home in Cambridge, Massachusetts.

SALT honors Mary Joe Frug as a leader in the development and application of feminist legal theory, a builder of community, a dedicated and skilled educator, and a strong and caring woman. At the intellectual level, she brought power and persistence to some of the most difficult issues of our time. At the political level, she brought passion and humor to the struggle to improve the position of women in society. As a teacher, she not only served her students, but many women and men around the country whom she considered her colleagues. To everything she did she brought insight, patience, and a spirit at once challenging and generous.

-- The Awards Committee

## **NATIONAL PUBLIC INTEREST LAW CONFERENCE AND CAREER FAIR**

Law students will get a taste of the flavorful history of public interest law when legendary constitutional rights lawyer Arthur Kinoy takes the lectern at the Seventh Annual National Public Interest Law Conference October 26-27 at the George Washington University Law Center in Washington, D.C.

Kinoy, an exuberant speaker whose appearance will be a conference highlight, has dedicated his career to defending unpopular causes and protecting constitutional rights. Kinoy defended artists in the McCarthy hearings, played a key role in the overturning by the Supreme Court of the convictions of the Chicago Seven protesters at the 1968 Democratic National Convention, and acted as legal counsel to Montgomery bus boycotters.

Kinoy will by no means be the only major player in public interest law to speak at the conference. NAPIL also is proud to welcome John A. Powell, national litigation director for the ACLU; John Kramer, dean of Tulane Law School and developer of the pro bono graduation requirement there; Michael Pertschuk, executive director of the Advocacy Institute; and Gerry Singen, director of the Inter-University Consortium on Poverty Law at Harvard.

These and other speakers will be discussing such issues as the use of lobbying and grassroots campaigns to effect social change, the need for diversity in the legal education community, and the prospects for progressive changes in law school curricula.

The conference will include a panel of minority role models who will address the barriers they have faced and discuss how they have overcome them. Students will have a chance to discuss the additional pressures minorities face, both in their family lives and in law school and the legal profession.

The conference also will feature workshops on advocating and implementing loan repayment assistance programs on the school, state, and national levels, the funding and development of summer and post-graduate fellowship programs, and basic organizing techniques.

Describing her experience at the 1990 NAPIL Conference, Lois Schwartz, public interest coordinator at Boalt Hall School of Law (UC-Berkeley),

said, "The program dramatically cut through the sense of isolation experienced by those of us who want to pursue public interest work. I left the conference feeling empowered and inspired, and that feeling has stayed with me in the months following."

While in DC, law students also will have a chance to advance their public interest careers. The National Public Interest Law Career Fair, co-sponsored by NAPIL and the National Association for Law Placement, will be held Friday, Oct. 25, at the Georgetown Conference Center.

The career fair will provide students with opportunities to meet with employers both informally and through individual interviews. Leading attorneys in a variety of fields will share perspectives and advise students on what they should be doing while in law school to prepare themselves for careers in public interest law.

More than 1,200 employers, lawyers, and students participated in last year's career fair, which is the only national gathering of this kind. NAPIL encourages both students and lawyers interested in any field of public interest law to attend the career fair and conference. For registration materials and further information, write Caroline Durham at NAPIL, 1118 22nd Street NW, Third Floor, Washington DC 20037, or call 202-466-3686.

-- NAPIL Staff

## **MEMBERS: GET INVOLVED**

The SALT Board is eagerly soliciting membership involvement in various ways:

### **Committees**

If you have interest in the work of a particular committee, please contact the committee chair and offer whatever time and energy you have available.

**Faculty Diversity** - Richard Chused (Michigan)

**Clinical Education** - Dean Rivkin (Maryland)

**Cover Panel and Retreat** - Judith Resnik (USC) and  
Aviam Soifer (Boston U.)

**Awards** - Linda Greene (Wisconsin)

**Finance** - Elizabeth Schneider (Brooklyn)

**Membership** - Martha Chamallas (Iowa)

**Nominations to the Board** - Paulette Caldwell (N.Y.U.)

**Newsletter** - Michael Burns (Nova)

**AALS January Panel** - Pat Cain (Iowa)

**West Coast Teaching Conference** -

Gerry Singen (Howard) and  
Marjorie Schultz (Berkeley)

### **Regional Conferences**

Regional conferences are a practical way to think globally and act locally, as well as to dispel the conventional wisdom which promotes the Northeast and the California coast as the sole centers of human progress. SALT's first regional conference is currently being planned at the University of Iowa by Jean Love, Pat Cain and Martha Chamallas. How about a conference in your region?

### **The Equalizer**

Letters to The Equalizer can be an effective way to express the diversity of views held by SALT members on the many issues of legal education and social justice with which we grapple. Write to me here at Nova, and I will do my best to get your ideas in print. Also, please circulate your copy of The Equalizer to interested colleagues and/or make copies of particular articles for distribution. Help spread the word.

-Michael Burns



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## **SALT Newsletter**

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