

# The **EQUALIZER** **SALT**

Volume 1993, Issue 4

Society of American Law Teachers

December 1993

## **SALT TO HONOR NORMAN DORSEN WITH ANNUAL TEACHING AWARD**

— Clare Dalton  
Northeastern University  
School of Law



PROFESSOR NORMAN DORSEN

This year marks SALT's twentieth anniversary. At the SALT Awards Dinner, to be held on January 8, 1994, at the AALS convention in Orlando, Florida, SALT will honor one of its founding fathers and its first President, **Norman Dorsen**, Frederick I. and Grace A. Stokes Professor at New York University Law School.

It was in December of 1972 that a group of law professors met in New York City to discuss the need for an organization of law teachers to advance commonly held goals. By May of 1973 a proposal based on a memoran-

*continued on page 2*

*President's Column . . .*

## **ACCESS TO JUSTICE AND THE CLINTON HEALTH PLAN**

— Sylvia A. Law  
New York University  
School of Law

To its great credit, the new Administration has made health care reform the central issue of national debate. Every day the morning news documents our deep problems of access, quality, costs, inequity and inefficiency and the administration's determination to provide every American "a right to health care that cannot be taken away." We may be on the verge of transformative reforms comparable to the New Deal or the Civil Rights Act of 1964.

Health care is not an issue on which SALT takes public positions. While we have many health law mavens among our membership, SALT has no particular expertise on the new concepts of "managed competition," "health alliances," "accountable health partnerships," or even the old problems of physi-

*continued on page 3*

## **INSIDE THIS ISSUE . . .**

SALT Board Meets in California.....	page 2
1994 Cover Retreat on the Horizon.....	page 4
October Teaching Conference A Huge Success .....	page 5
"Wish I Had Been Here Earlier": A First-Timer's Impressions.....	page 11
SALT President on Short List for NY's Highest Court.....	page 13
The Inclusion of Sexual Orientation in Nondiscrimination Policies: A Survey of American Law Schools.....	page 14
SALT-Minded Events in Orlando.....	page 15



dum written by Norm Dorsen and Tom Emerson had been circulated to some two hundred teachers to test market the idea, generating an enthusiastic response. A more formal "call for members" was issued in September of the same year. This mailing list of three hundred and fifty law professors consisted of those who had earlier signed a statement urging abolition of the House Committee on Internal Security and others whose names were chosen at random (every twenty-fifth name) from the AALS Directory.

The first large organizational meeting was held in New Orleans in December of 1973. Concerned that not enough people knew of the organization, Norm Dorsen and Steve Gillers walked the hotel lobby with signs advertising the meeting. The meeting generated sixty-three new members, and resulted in Norman being chosen as President, a position he held until 1975.

At this same meeting, the organization got its name. David Cavers took the floor to say that the word "American" should be included in the title, and that the group was both more intimate and more scholarly than the word "association" suggested. Norm Dorsen and Steve Gillers guided the ensuing discussion, which produced "The Society of American Law Teachers." Both the title and SALT's first President have served the organization faithfully and well over the last twenty years.

---

*"Norm Dorsen . . . one of SALT's founding fathers . . . providing [us] . . . with a community to support and enhance [our] . . . own commitments and values."*

---

Norm Dorsen's commitment to SALT and the values it represents is just one aspect of a career exemplary in its integration of teaching, scholarship, litigation and activism. He was President of the ACLU for fifteen tur-

bulent years, 1976-1991. As a lawyer, he argued the first case protecting women's rights to abortion choice, served as co-counsel on *Roe v. Wade*, and argued such cases as *Levy v. Louisiana*, *Flast v. Cohen*, and *In Re Gault*. For twenty years he has been the co-director of the Arthur Garfield Hays Civil Liberties Memorial Program, whose alums have included some of SALT's most active members.

We honor Norm for his steadfast commitment to civil liberties and for the multiplicity of ways he has found to express that commitment and further the causes he holds dear. We honor him for the opportunities he has provided for other young lawyers to lead a life as dedicated and as rich as his own. And on January 8th, we will honor him in particular for the role he played in founding this organization and in providing SALT's members with a community to support and enhance their own commitments and values (see page 15 for reservation details). ■

## **SALT BOARD MEETS IN CALIFORNIA**

— Jean C. Love  
University of Iowa  
College of Law

The SALT Board met on October 31st after the Fall 1993 Teaching Conference in Santa Clara. The Board thanked the organizers of the Conference for planning such a successful event. Each of the 1993 teaching conferences was attended by well over 200 law professors. The response has been so enthusiastic that the Board decided to hold one more teaching conference in the fall of 1994 on the same themes. The conference site will be located in the Midwest or in the South to facilitate attendance by those who live in the middle of the country. The 1994 teaching conference will continue to focus on the integration of diversity issues into the core curriculum. It will build on the materials developed during the 1993 teaching conferences.

The Nominating Committee submitted the names of 13 people to fill 10 slots on the Board: Jean Love, Avi Soifer, Haywood

*continued on page 13*



cian reimbursement, hospital quality of care review, or medical malpractice.

SALT is, however, committed to access to justice and, together, we possess a lot of insight about what that means. Some of the most difficult challenges confronting those now drafting the Clintons' health care proposal concern access to justice issues, including civil rights enforcement, access to federal courts, a fair "fair hearing" process for individual claims, and support for health care advocates and lawyers.

---

*"We may be on the verge of transformative reforms comparable to the New Deal or the Civil Rights Act of 1964."*

---

The health statute should, for example, ensure that the states, the regional health purchasing alliances and the various health plans will comply with and enforce federal civil rights laws in a meaningful way. Drawing on their experience with voting rights legislation, the NAACP, the NAACP Legal Defense Fund and the Lawyers Committee for Civil Rights are encouraging the Administration to require that states submit implementation plans for evaluation and approval by the Secretary of HHS prior to the release of federal funds. Alliances and plans have enormous incentives to engage in forms of "redlining" to exclude people on the basis of race, poverty or health care status. The law must provide countervailing protections if the core concept of managed competition is to work fairly and effectively.

Even with pre-clearance, civil rights violations will occur and must be redressable. The bill should include an express provision stating that a policy, practice or other act of the National Health Board, of a state, of a regional health purchasing alliance or of a health plan that adversely impacts eligible persons based on race, gender, sexual orientation, age or disability is actionable.

The need for Congressional recognition that federal courts have a role in enforcing "a right to health care that cannot be taken away" is not limited to civil rights violations.

Since the 1960s, federal judicial enforcement of statutory entitlements has been the core issue in the struggles of vulnerable people. The promises and protections of the federal welfare statutes were mere words on paper until 1968, when, in *King v. Smith*, the Supreme Court held that the federal requirements were legally enforceable and prohibited states from enforcing "man in the house" rules that presumed that boyfriends supported women's children. The due process protections of *Goldberg v. Kelly* were premised on a recognition that federal statutes created legally enforceable entitlements. The protections of the Hill-Burton Act were mere aspirations until the federal courts gave teeth to the requirements that federally-funded hospitals serve the community and provide a "reasonable volume of free and below cost care to persons unable to pay."

In 1970, in *Rosado v. Wyman*, conservative Republican Justice **John Marshall Harlan** held that obscure statutory provisions dealing with complex issues of social policy should be interpreted as sources of meaningful law. Courts should avoid reading statutes to make them "a futile, hollow, even deceptive gesture." Courts should not shrink from a full inquiry into complex statutes and legislative history. Harlan wrote, "Congress, as it frequently does, has voiced its wishes in muted strains and left it to the courts to discern the theme in the cacophony of political understanding . . . . We are most reluctant to assume that Congress has closed the avenue of effective judicial review to those individuals most directly affected by the administration of the program."

In 1992, in *Suter v. Artist M.*, the Reagan/Bush Court has rejected Harlan's concept of the role of the federal courts in giving meaning to Congressional promises and protections for vulnerable people. The current Court has made plain that even something that Congress describes as a "right" is not enforceable in the federal courts unless Congress explicitly says so.

Thus, it is vital that Congress specify what aspects of the "right to health care that cannot be taken away" are enforceable in the federal courts. On the one hand, our history

continued on page 4



tells us that federal court enforcement is vital. On the other hand, the proposed health care program will govern one-seventh of the economy, and it is not reasonable to expect the federal courts to assume jurisdiction of every individual dispute that arises in the health care plan.

---

*"Alliances and plans have enormous incentives to engage in forms of 'redlining' to exclude people on the basis of race, poverty or health care status."*

---

As in the current system, many disputes about health care coverage are not, and should not be, "federal cases." Millions of vital issues arise. A person claims to be eligible for a particular program, yet a health plan refuses to enroll that person. Or a health plan tells an individual that a particular service is not covered, or that it is deemed unnecessary for this individual. Or the service is covered and necessary, but the individual or his or her doctor wants to challenge the amount paid. This list could go on and on.

Current law offers three models for dealing with such disputes. The Medicare program uses a federal administrative system – first within the Department of Health and Human Services, with appeal to administrative law judges and ultimate appeal to federal courts in limited circumstances. The Medicaid program uses a state-administered "fair hearing" process. Private insurance relies on state courts to enforce common law tort and contract remedies. Most states have never provided any effective common law remedies for disputes about health insurance coverage. ERISA has pre-empted the few state laws that do provide effective remedies.

None of these "models" are models. But they are the base from which we must begin to build.

Finally, "a right to health care that cannot be taken away" requires advocates to make the right real. With respect to individual disputes, my sense is that specialized lay advocates would be more effective than lawyers. But who are these people? Who pays them? Who trains them? How can we assure

that they will be loyal to the patient/clients they represent, rather than to the government? With respect to the larger, system-wide issues, who will represent plaintiffs? Providers, if given enforceable rights by the federal statute, have the resources to hire lawyers. But patients do not. Should we beef up legal services to provide representation? Should the health care legislation allow for attorney fees in successful cases?

These are all very difficult issues. The government, whether conservative or liberal, is always happier to be free to pursue its own vision of justice without intervention from ordinary people, their lawyers or the federal courts. At the same time, many SALT members are now grappling with these questions within the Administration. As advocates for vulnerable people, we need to develop new styles of working with an administration that includes many former civil rights and legal services lawyers. Together, we can assure access to justice, as well as access to health care.

On October 31st, the SALT Board of Governors voted to support a committee of people working on these issues, headed by Professor Rand Rosenblatt of Rutgers-Camden School of Law. If you would like to join this Committee or share your thoughts with us, please communicate with either Rand or me. ■

## **1994 COVER RETREAT ON THE HORIZON**

– Stephen Pincus  
Yale Law School

The Seventh Annual SALT Robert M. Cover Public Interest Retreat will be held at Boston University's Sargent Camp in Peterborough, New Hampshire on the weekend of March 4-6, 1994. The theme of this year's conference is "Progressive Lawyering: From Communities to the White House." SALT members are encouraged to attend and to identify and solicit students in their respective schools. As in the past, it is anticipated that individual law schools will subsidize the expenses of students who attend.

For further information about the retreat, please contact me at (203) 432-4800, fax (203) 432-1426. ■



## OCTOBER TEACHING CONFERENCE A HUGE SUCCESS

— Stephanie M. Wildman  
University of San Francisco  
School of Law

SALT hosted a teaching conference entitled "Re-Imagining Traditional Law School Courses: Workshops Integrating Class, Disability, Gender, Race, Sexual Orientation and Other Issues of Social Concern into Teaching and Course Materials" at Santa Clara University School of Law at the end of October. Over 230 professors, representing 80 schools, convened in three plenary sessions and ten subject-matter working groups to discuss methods, risks and benefits of changing our classroom teaching to include these issues.

---

*"Over 230 law professors,  
representing 80 schools . . ."*

---

Special working groups met over the two days in areas of Academic Support, Civil Procedure, Clinical/Lawyering, Contracts, Criminal Law, Environmental Law, Legal Research & Writing, Property, Tax/Trusts & Estates, and Torts. SALT thanks all the coordinators and conveners of these groups [see page 6]. SALT particularly thanks conference coordinators Eric Wright and Nancy Millich (Santa Clara) for a spectacular organizing job and Dean Gerald Uelmen (Santa Clara) for generously hosting the delicious dinner.

In the first plenary session, Barbara Babcock (Stanford) gave what she described as a "post-modern" keynote address, suggesting that we, the listeners, should supply the meaning to the tales she wove. Barbara explained how everything in her life had changed since she had been asked to talk about these issues in the law school curriculum. She began to see these issues everywhere around her, in all that happened, from a flyer by disenchanted law students to reading Wordsworth on the beach. The first plenary

session concluded with a teaching simulation, provided by Holly Maguigan (NYU), Miguel Mendez-Longoria (Stanford), Sylvia Law (NYU) and a "classroom of upset students", all distinguished law professors.

---

*" . . . issues surrounding academic  
support programs and  
the need for institutionalizing  
support for gay and lesbian  
members of our communities . . . "*

---

The second plenary session, Strategies for Changing Institutional Culture, included Stephanie Wildman (USF), who spoke about examining institutional structure; Francie Kendall (a diversity consultant, Albany, California), who talked about the work she does in helping institutions change their culture; Paula Lustbader (Puget Sound), who explained the logic and necessity of academic support programs; Janet Halley (Stanford), who addressed institutionalizing gay, lesbian, bi-sexual, and queer perspectives; and Margaret Russell (Santa Clara), who described her institution's co-ordinated first-year curriculum.

The final plenary session returned to some of these themes, particularly issues surrounding academic support programs and the need for institutionalizing support for gay and lesbian members of our communities.

Conference attendees left full of ideas to take back to their classrooms and law schools, ready to try to make some changes. For those wishing to continue the discussion, the AALS Teaching Methods Section panel in January will address "Teaching Perspectives and Values." In addition, *The Equalizer* would like to serve as a forum for continuing dialogue. Simply write to Michael Rooke-Ley at Nova to report what you have done since the Conference to foster more dialogue on these issues, whether it be your response to a specific incident or a matter of broad curricular reform. ■



Our gracious and generous host, Dean Jerry Uelmen; conference organizers Nancy Millich and Eric Wright, whose careful planning, attention to detail and good humor produced this spectacular event.



### **... AND THANKS TO SALT CONFERENCE WORKING GROUP CONVENERS**

#### Academic Support:

Sheila Foster (Boalt), Trina Grillo (USF), Paula Lustbader (Puget Sound), Kristine Knaplund (UCLA), Richard Sakai (Santa Clara), Laurie Zimet (Santa Clara).

#### Civil Procedure:

Laura Dooley (Valparaiso), David Oppenheimer (Golden Gate), Judith Resnik (USC), Margaret Russell (Santa Clara).

#### Clinical/Lawyering:

Jennifer Brown (Emory/Santa Clara), Cookie Ridolfi (Santa Clara), Kandis Scott (Santa Clara).

#### Contracts:

Alison Anderson (UCLA), Elaine Anderson (Golden Gate), Amy Kastely (Hawaii/St. Mary's), Muriel Morisey Spence (Temple).

#### Criminal Law:

Mary Coombs (Miami), Susan Smith (Willamette).

#### Environmental Law:

Casey Jarman (Hawaii/CRLA), Richard Lazarus (Washington - St. Louis), Marc Poirier (Seton Hall).

#### Legal Research & Writing:

Charles Calleros (Arizona State), Nancy Millich (Santa Clara), Richard Neumann (Hofstra), Hazel Weiser (Touro).

#### Property:

June Carbone (Santa Clara), Adrienne Davis (USF).

#### Tax, Trusts & Estates:

Karen Brown (Brooklyn), Deene Goodlaw (Davis/Golden Gate), Mary Louise Fellows (Minnesota), Anne Thomas (NYU).

#### Torts:

Monica Evans (Santa Clara), Lucinda Finley (Buffalo), Phoebe Haddon (Temple), Joan Howarth (Golden Gate), Joan Vogel (Vermont), Stephanie Wildman (USF).



SALT  
Teaching  
Conference  
Santa Clara University  
October, 1993















photos by  
Cookie Ridolfi,  
Artiste  
Extraordinaire



## "WISH I HAD BEEN HERE EARLIER": A FIRST TIMER'S IMPRESSIONS

— Anna M. Han  
Santa Clara University  
School of Law

As a first time attendee at a SALT Teaching Conference, I did not come with any specific expectations. I came to the October Conference because this year's topic was of great interest to me. For four years now, I've been teaching "traditional courses." On my own, I have been trying to sneak race, gender, class, and other similar issues into class discussions. However, I was tired of sneaking and of the varied responses from the students, and I wanted to learn some methodology from more experienced colleagues.

---

*"... I was tired of sneaking ..."*

---

The Conference began with an eloquent keynote speech by Professor Barbara Babcock of Stanford. I sat there thinking, if this is an indication of things to come, I should have been here three years ago. Perhaps the only thing which impressed me more than the keynote speech by Professor Babcock was the magnificent weather that the two conference organizers, Eric Wright and Nancy Millich, were able to arrange. That's real clout!

After the first plenary session, where a simulation of a client interview was engagingly and humorously enacted by the participants, we broke into small group discussions. During the simulation, I had already learned my first lesson. Watching the students, I was so convinced by Miguel Mendez-Longoria's role as the insensitive male interviewer, I was ready to shake him and say, "Why aren't you listening to her?" When the characters stepped out of their roles, and I realized that the lesson was how a teacher should not handle such a class, I laughed at my own instinctive reaction to the situation. I don't know if I would have handled it much differently from the teacher in the situation.

During the small section discussions, several interesting issues were presented, and in my discussions with other participants, I learned that these themes were consistently raised in other sections as well.

## Methods

The main reason that I had not attended a SALT Conference before was that I was new to teaching and for a number of years now I have been taking on new courses. Therefore, I was always busy trying to grasp the substance of the subject matter and was too insecure to deviate from the "text." This concern was expressed by a number of new teachers.

---

*"... I was new to teaching  
and ... too insecure to deviate  
from the "text" ..."*

---

We shared the same questions. How do we raise the issues? How do we handle the responses when we get them? And if we do introduce the issues, how do we do it so that the issues will not be marginalized? What was most satisfying was that my more experienced session leaders, such as Professors Anderson, Kastely, Sanger and Spence, had ready answers. Their concrete suggestions and examples made me wish again that I had attended an earlier Conference.

## Insecurity

Although the Conference provided many of the skills necessary to teach, there were those who expressed the sentiment that their own positions made teaching these issues more difficult. While that thought was disturbing, I can certainly identify with the sentiment. Interestingly, the degree of reluctance to introduce diversity issues seems to rise in proportion to the various characteristics possessed by the person presenting the issues. For example, there is a greater reluctance

*continued on page 12*



tance by a woman of color than by a white woman to introduce issues of race and gender. I suspect that the difficulty would increase if that woman of color were also a lesbian. There is the fear that when a person who contributes to diversity introduces the issue, student perception is that it is that person's own agenda and, therefore, the material is treated as irrelevant or, at best, marginal. Yet the willingness of the professor to introduce these issues increases when there is institutional support for such teaching, when there is a critical mass of students who identify with issues of race, gender, class, sexual orientation, etc., and when the professor is tenured.

---

*"For those who do not have senior faculty members who share these interests, SALT is a forum where they can meet others with like attitudes and share their concerns."*

---

How to achieve institutional support, the critical masses of students and tenure are questions which are probably best left to the next SALT Conference. However, it is clear that, without institutional support, the very professors who would most likely raise these issues - women, teachers of color, gays and lesbians - are probably the ones who are also most reluctant for fear that doing so will undermine their legitimacy as "real" teachers. Here, the value of SALT is apparent. For those who do not have senior faculty members who share these interests, SALT is a forum where they can meet others with like attitudes and share their concerns.

This tension between the desire to address the issues and the vulnerability that may be felt by an individual teacher was again expressed during the closing moments of the Conference when the issue of how to include gay and lesbian law students was discussed. It seems that we are all constantly

walking a tight rope between wanting to address these very important issues and creating a safe learning environment for our students, on the one hand, and the feeling of personal vulnerability and perhaps sacrificing personal privacy on the other. At least one member expressed the sentiment that "Life is too short. Take a chance!" I agree.

I did not walk away from the Conference with all the answers, but I was overjoyed to learn that my problems and questions were shared by so many and that we are all making progress towards a methodology to introduce these issues. In time, as more and more law professors become secure in their positions, I hope that these issues will become less controversial. I await the day when a SALT Conference presents the topic "Introduction of Race, Gender, Class, Sexual Orientation and Other Social Concerns into the Class: A Traditional Approach." ■



IN LIGHT OF THE  
ENORMOUS SUCCESS  
OF THE 1993 SALT  
TEACHING CONFERENCES AT  
SANTA CLARA UNIVERSITY  
& NEW YORK UNIVERSITY,  
WE ARE PLANNING A  
THIRD CONFERENCE  
FOR THE FALL OF 1994  
IN THE MID-WEST OR SOUTH.  
WATCH FOR DETAILS!



Burns, Phoebe Haddon, Gerald Torres, Steve Wizner, Lisa Ikemoto, Marnie Mahoney, Homer LaRue, Ann Shalleck, Juan Perea, and Riva Siegel. The election will take place in November, and results will be published in the January 1994 edition of *The Equalizer*.

The Membership Committee will publish a SALT Directory during 1993-94, including the names of adjunct professor members, whom SALT has been actively recruiting.

The Board decided that any SALT member may request funds to hire temporary staff to support Board-approved projects. Requests for such funds should be sent to the President, who will seek immediate Board approval.

Sylvia Law will be stepping down as President of SALT, effective January, 1994. The Board expressed its appreciation to Sylvia for her wonderful leadership during the past two years. Sylvia submitted a proposal for a new project which she would like to co-chair during the next two years: "Access to Justice and the Clinton Health Plan." The Board approved the project and encourages SALT members who have an interest in working on the project to contact Sylvia directly [see President's Column, page 1]. ■

## **SALT PRESIDENT ON SHORT LIST FOR NY's HIGHEST COURT**

Outgoing SALT President Sylvia A. Law is one of seven people recommended to Governor Mario M. Cuomo by the Commission on Judicial Nominations to serve on the New York Court of Appeals, the state's highest court.

Sylvia's hometown newspaper, the *Woodstock Times*, summarized her extraordinary career under the banner headline "Giving Lawyers a Good Name":

... Law has led, by any measure, a remarkable legal career, excelling in both academic and professional endeavors. She has been a professor of law at New York University since 1973, where she co-directs the Arthur Garfield Hays Civil Liberties Program.

She has been a visiting professor at Harvard and CUNY law schools and lectured at the universities of Florida, Illinois, California and The London School of Economics ...

Law has published five books and more than 30 law review articles, primarily in the fields of health and medicine, women's rights, abortion and poverty law.

Shortly after her graduation from law school, Law became co-counsel for plaintiffs in *Goldberg v. Kelly*, which revolutionized the manner in which government agencies treat people on public assistance. As a result of her client's victory, it became established for the first time that the Constitution requires a hearing to be held before welfare benefits can be terminated.

Since then, Law has been involved in major constitutional litigation and has left her mark primarily in the field of women's rights. She has frequently written briefs submitted to the Supreme Court, representing organizations of law professors, health associations and women's organizations. In the two landmark abortion cases of 1989 and 1992, *Webster v. Reproductive Health Services* and *Planned Parenthood v. Casey*, in which the Bush Justice Department asked the court to overrule *Roe v. Wade*, Law was lead counsel for an organization of 300 American historians opposing the government's position. In *People v. Adams*, a 1992 case before the Supreme Court, Law was lead counsel for the National Organization for Women and three other women's rights groups who opposed mandatory HIV testing.

In other cases in state and federal courts, Law has argued against an Iowa regulation denying Medicaid to disabled children, against a New York City policy permitting the opening of mail of long-term hospital residents, against the federal law excluding abortion from Medicaid, and against an Indianapolis ordinance which prohibited sexually-explicit material that degraded women (representing the Feminist Anti-Censorship Task Force).

Yes, Sylvia "has led, by any measure, a remarkable legal career." We are very, very proud of her. ■



# THE INCLUSION OF SEXUAL ORIENTATION IN NONDISCRIMINATION POLICIES: A SURVEY OF AMERICAN LAW SCHOOLS

- Pat Cain  
*University of Iowa  
College of Law*

Professor Gene Schultz of St. Louis University School of Law published an article last year in *Law and Sexuality* which reports on the results of three annual surveys conducted by the AALS Section on Gay and Lesbian Legal Issues. The surveys reveal that, as of 1990, many schools did not have policies addressing sexual orientation discrimination either with respect to faculty and students or with respect to placement office activities. Presumably that situation is changing as a result of the 1990 amendment to AALS Bylaw 6-4, which added "sexual orientation" to the AALS nondiscrimination rules. Because Professor Schultz's article contains useful information about law school compliance with Bylaw 6-4 and because SALT supports nondiscrimination on the basis of sexual orientation, the SALT Board is sending a reprint of the article to every law school dean. A copy is also being sent to every gay and lesbian student organization.

As co-President-elect of SALT, I have mailed the following letter to all law school deans to accompany the reprint. If any of you as SALT members would like to see how your school fares in the survey, check the tabulation at Appendix B of the article. The article is published at 2 *Law & Sexuality* 131 - or ask your dean for a copy.

## Text of Letter to Deans from Pat Cain

The Society of American Law Teachers (SALT) has a strong record of commitment to diversity in legal education. In the past, the SALT Board of Governors has surveyed individual law schools regarding the hiring and retention of female and minority professors. When the report was published, SALT sent a copy to each law school dean.

SALT has never done a separate survey re-

garding the "climate" for lesbians and gay men in the legal academy, but it has worked closely with the AALS Section on Gay and Lesbian Legal Issues to improve that "climate," and the AALS Section has completed several such surveys on its own. In 1990, the AALS House of Representatives voted to add "sexual orientation" to the antidiscrimination rules contained in AALS Bylaw 6-4.

Last year, Professor Gene Schultz reported on the AALS Section's surveys and on the history of the amendment to Bylaw 6-4 in Tulane's new journal, *Law and Sexuality*. The SALT Board of Governors thought the information contained in his article might be beneficial to law school deans and thus authorized me to send a copy to the dean of every American law school. Your copy is enclosed. I am also sending a copy to the gay and lesbian student organization at your school (assuming there is one).

The AALS Executive Committee recently instructed the AALS representative on each AALS-ABA site team to report on the school's compliance with AALS Bylaw 6-4. Thus, schools should be prepared to report to their site teams regarding compliance. As Professor Schultz points out in his article, however, many inspection reports omit this information. Apparently such omissions continue to occur. Thus, there is no complete record as to the degree of compliance with Bylaw 6-4 by all AALS member schools.

The surveys conducted by the AALS Section on Gay and Lesbian Legal Issues provide the most complete record available regarding law schools' compliance with the "sexual orientation" clause of the AALS nondiscrimination Bylaw. The last survey was completed in 1990 and thus the information is somewhat outdated. Nonetheless, the enclosed article should give you valuable information about where your school stands in relation to others. The summary of the surveys at Appendix B should be particularly helpful.

I realize that the information for your school may be stated incorrectly in Appendix B. A few mistakes appear to have occurred because the survey questionnaires sometimes were answered by persons who did not have the most recent relevant information. And, of course, some schools have changed their policies since 1990. Although SALT is not responsible for the collection of the data in this article, we do sometimes rely on the information contained in Appendix B when we receive inquiries about the "climate" for gay and lesbian persons at particular law schools. Thus, if you feel the information about your school ought to be updated or corrected, please feel free to contact me directly with the new information. ■



## SALT-MINDED EVENTS IN ORLANDO

### Board Meeting

Friday, January 7, 1994, 7:30 am to 9:30 am, over breakfast. Location to be announced.

### Robert Cover Memorial Study Group

Friday, January 7, 1994, 8:30 pm. The program is entitled "Professionalism and the Bleached-Out Self", led by Sanford Levinson and addressing issues of professionalism and self-identity. Location to be announced.

### Section on Law and Community

Saturday, January 8, 1994, 10:30 am to 12:15 pm. Moderated by Steve Wizner (Yale), with panelists Steve Schwartz (Center for Public Representation), Harlon Dalton (Yale), Sylvia Law (NYU) and Dr. George Silver (Professor Emeritus of Public Health, Yale). Examining the tensions and contradictions that arise in analyzing resource allocation in medical care by alternatively targeting particular classes of patients or medical problems (e.g., HIV, abortion, maternal and child health, mental health), or applying an across-the-board equality principle.

### Section on Poverty Law

Saturday, January 8, 1994, 10:30 am to 12:15 pm. "Teaching about Poverty and Class in Traditional Courses: the Campaign Continues."

### Annual Teaching Award Dinner

Saturday, January 8, 1994, 7:00 pm cash bar, 7:30 to 9:30 dinner. Hilton at Walt Disney World, 1751 Hotel Plaza Boulevard, North Ballroom, Lobby level. Honoring Professor Norman Dorsen. Please make reservations immediately to guarantee a seat by calling Professor Stuart Filler at (203) 576-4442, and then sending a check for forty dollars (\$40) to him at Quinnipiac College School of Law, 600 University Avenue, Bridgeport, Connecticut 06604-5651. Indicate preference for vegetarian or seafood.

### Section on Teaching Methods

Sunday, January 9, 1994, 8:30 am to 10:15 am. "Legal Education and Legal Consciousness: Practical Approaches to Bringing Values and Perspectives Back Into the Law School Classroom." Panelists include Catherine Wells (USC), Pat Cain (Iowa), Kim Crenshaw (UCLA), Duncan Kennedy (Harvard), Robert Granfield (sociologist, Denver) and Stephanie Wildman (San Francisco). ■

## SOCIETY OF AMERICAN LAW TEACHERS MEMBERSHIP APPLICATION (OR RENEWAL)

- ☐ Enroll/renew me as a regular member. I enclose \$50.00 (\$35.00 for those earning less than \$30,000 per year).  
☐ Enroll/renew me as a contributing member. I enclose \$100.00.  
☐ Enroll/renew me as a sustaining member. I enclose \$300.00.

Name \_\_\_\_\_ School \_\_\_\_\_

Address \_\_\_\_\_

Zip Code \_\_\_\_\_

Make check payable to: Society of American Law Teachers

Mail to: Professor Stuart Filler  
Quinnipiac College School of Law  
600 University Avenue  
Bridgeport, Connecticut 06604-5651



## SOCIETY OF AMERICAN LAW TEACHERS

### PRESIDENT

Sylvia A. Law (NYU)

### PRESIDENTS-ELECT

Patricia A. Cain (Iowa)

Jean Love (Iowa)

### PAST PRESIDENTS

Norman Dorsen (NYU)

Howard Lesnick (Pennsylvania)

David L. Chambers (Michigan)

George J. Alexander (Santa Clara)

Wendy W. Williams (Georgetown)

Rhonda R. Rivera (Ohio State)

Emma Coleman Jordan (Georgetown)

Charles R. Lawrence III (Georgetown)

Howard A. Glickstein (Touro)

### PAST VICE PRESIDENTS

Anthony G. Amsterdam (NYU)

Derrick A. Bell, Jr. (NYU)

Gary Bellow (Harvard)

Ralph S. Brown, Jr. (Yale)

Thomas Emerson (Yale)

### TREASURER

Stuart Filler (Quinnipiac)

### EDITOR

Michael M. Rooke-Ley (Nova)

### HISTORIAN

Joyce Saltalamachia (New York)

### BOARD OF GOVERNORS

Katherine Bartlett (Duke)

Cynthia Bowman (Northwestern)

Haywood Burns (CUNY)

Patricia A. Cain (Iowa)

Paulette M. Caldwell (NYU)

Charles R. Calleros (Arizona State)

Martha Chamallas (Iowa)

Richard H. Chused (Georgetown)

Jerome Culp (Duke)

Clare Dalton (Northeastern)

Harlon L. Dalton (Yale)

Leslie Espinoza (Boston College)

Stuart Filler (Quinnipiac)

Howard A. Glickstein (Touro)

Linda Greene (Wisconsin)

Phoebe A. Haddon (Temple)

Angela P. Harris (Berkeley)

Sylvia A. Law (NYU)

Arthur Leonard (New York)

Jean Love (Iowa)

Holly Maguigan (NYU)

Michael Olivas (Houston)

Margaret Radin (Stanford)

Judith Resnik (USC)

Dean Rivkin (Tennessee)

Michael M. Rooke-Ley (Nova)

Joyce Saltalamachia (New York)

Judy Scales-Trent (Buffalo)

Elizabeth Schneider (Brooklyn)

Aviam Soifer (Boston College)

Nadine Taub (Rutgers-Newark)

Gerald Torres (Texas)

Stephanie Wildman (San Francisco)

Patricia J. Williams (Columbia)

Zipporah Wiseman (Texas)

Steve Wizner (Yale)

### *The SALT Equalizer*

Professor Michael M. Rooke-Ley, Editor  
Shepard Broad Law Center  
Nova University  
3305 College Avenue  
Fort Lauderdale, Florida 33314

NON-PROFIT ORG.  
U.S. POSTAGE  
**PAID**  
FT. LAUD., FL  
PERMIT #886