

# SALT NEWSLETTER

Volume 1981, Number 1 April, 1981

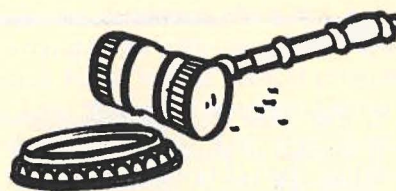
SOCIETY OF AMERICAN LAW TEACHERS

Campus Post Office, University of Santa Clara,  
Santa Clara, California 95053

## President's Column

Because of the urgency of the Legal Service for the Poor issue to which most of this newsletter is dedicated, its format is fundamentally different. Among the changes least likely to offend, is the elimination of my usual column. I write for fear that you would not otherwise notice its absence at all. You should note the annual review of law school faculty salaries at the end of this issue after you peruse the Legal Services information.

George J. Alexander



Dear S.A.L.T. Members and Friends,

As you probably know, the continuity of the Legal Services Corporation is very much in jeopardy. Proposals to eliminate the legal services program are currently being debated in Congress, and the outcome is very much in doubt.

We believe that the Legal Services Corporation has a vital role to play in providing more equal access to our system of justice for low-income and minority people. Clearly, the resolution of the Corporation's status will have an enormous impact on the lives of many millions of people throughout the country. Hence, it is our hope that the legal academic community will provide strong support for the fight to save the legal services program.

This issue of the S.A.L.T. Newsletter contains: a brief article by Ronald Pollack, Dean of the Antioch School of Law that provides background information on the threat to legal services, it also includes a statement that is being circulated to law schools throughout the country. In addition, we are enclosing a request for contributing to the Coalition for Legal Services, Inc., and the *ad hoc* organization that is coordinating lobbying efforts to save the Corporation.

We urge you to do the following. First, sign the enclosed statement and circulate it for signature amongst your colleagues. After it has been signed by your colleagues, return it to the address listed at the bot-

tom of page three. The large number of signatures on that statement will be used to show the strong support that exists for the legal services program.

Second, please give generously to the Coalition for Legal Services, Inc. The work of the Coalition will be extremely difficult and costly, and the effectiveness of its work will depend substantially on the resources made available. Once again, contributions should be sent to the address listed at the bottom of the contribution form on page seven.

Finally, you and your colleagues—any alumni interested in helping—should send letters to, and make personal contact with, your Representatives and Senators. Those letters and contacts should stress your support for the Legal Services Corporation and its important mission.

Through these and other efforts, we hope you can help minimize the threat to the corporation's continued and effective work.

Sincerely,

George J. Alexander  
Barbara A. Babcock  
Derrick A. Bell, Jr.  
Gary Bellow  
Norman Dorsen



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**PRESIDENT PROPOSES THE  
ELIMINATION OF LEGAL SERVICES  
FOR THE POOR**

**by Ronald F. Pollack\***

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**O**n March 5, 1981, the Reagan Administration announced that it intends to eliminate the Legal Services Corporation. Although the Administration's decision can only be implemented if Congress chooses to support the President, it is clear that the legal services program faces its most severe challenge since the Nixon Administration sought to dismantle legal services in 1973. The announced intention by the new Executive, and the election to Congress of many more conservative-oriented members, threatens the continuation of civil legal assistance for the poor.

Since the legal academic community has for many years played an active and supportive role in the legal services movement, this brief article is intended to provide background information about the Legal Services Corporation and the threat to its existence. The article also describes some of the ways that members of the law school community can assist in thwarting the proposed decimation of the legal services program.

**Background About the Program**

The legal services program began in 1965 as part of the Office of Economic Opportunity. During its first nine years, the program experienced modest growth until it reached an approximate annual funding level of \$70 million. Although the overwhelming percentage of legal services work involved landlord-tenant, consumer, family law, and other service cases, occasional class action lawsuits brought the program under heavy political attack.

The attacks against the program were many but were essentially unsuccessful. For example, following a suit brought by California Rural Legal Assistance (CRLA) on behalf of Medicaid recipients that secured an injunction against State medical assistance cutbacks, then Governor Ronald Reagan unsuccessfully tried to close down the CRLA program. A few years thereafter, Howard Phillips—President Nixon's Director of the Office of Economic Opportunity, and currently the Chairman of the National Defeat Legal Services Committee—sought

to dismantle the entire legal services program.

In the face of escalating attacks against the program, Congress sought to insulate the legal services program from partisan politics. In 1974, Congress enacted legislation creating an independent Legal Services Corporation. Pursuant to that legislation, the Corporation came into existence in July 1975 under the control of an eleven-member Board of Directors appointed by the President and confirmed by the Senate. Although the President makes the appointments of Board members, the Corporation is not, and has never been, a federal agency subject to direct Executive control.

The Corporation now funds over 330 programs with 1450 local offices that serve eligible clients throughout the United States. There are also 17 national support centers and over 20 state support projects. Over 5,000 attorneys and 3,500 paralegals are employed in direct advocacy on behalf of the poor. The current budget is \$321.3 million, a significant growth from the approximate \$70 million available when the Corporation began to function in 1975. In its first five years of operation, the Corporation and the Congress accomplished a major short-term objective: the establishment of a program for civil legal assistance in every county in America.

Each of the programs funded is an independent non-profit corporation governed by a board of directors consisting of one-third eligible clients and 60 percent attorneys. The board of directors and staff of each grantee, in consultation with the client community, determine the priority legal needs that are most important to address and the service-delivery approaches that best respond to local circumstances. Although most programs principally employ staff attorneys, a number of programs are utilizing members of the private bar for service delivery.

From the beginning of federally funded legal services, legal services staff have effectively engaged in all forms of advocacy on behalf of clients and client groups, at all levels of the judicial system and in all relevant forums.

including legislative bodies and administrative agencies. Although the Legal Services Corporation Act imposes a few restrictions on case types (such as a prohibition on school desegregation cases) and some restrictions on the activities in which program staff can engage (such as prohibitions on organizing), the current Act does authorize legal services staff to undertake, consistent with the Code of Professional Responsibility, all forms of advocacy at local, state and national levels and in all relevant forums—judicial, administrative and legislative.

### Scope of the Threat

The biggest threat to the legal services program has already been unveiled by the new Administration. The Administration intends to shut down the Legal Services Corporation, and it has no intention of providing any funds to local governments or other entities to offer civil legal assistance for the poor. Although the Administration would permit localities to use "block grant" funds to pay for civil legal services, it refuses to provide any additional funds for that purpose. Hence, it is clear that very few jurisdictions would provide any, let alone adequate, civil legal services for low-income people.

Even if the Corporation is able to secure Congressional support for its continuation, serious efforts will be made to cripple the program. The Corporation expects opponents of effective legal services to do the following.

1. Help bring about the appointment of a Corporation Board that is hostile to the legal services program. There are currently five Board members whose terms are up; the term of the remaining six will end in June. Thus, the new President will have the opportunity to appoint and put in place an entire new Board by early July.

2. Add additional restrictions or total prohibitions on the types of representation (legislative and administrative advocacy), on types of cases (aliens, education, abortion), on attorneys fees, on class actions and the like. Such restrictions would limit the representation available to the poor.

3. Prohibit or restrict suits against local, state and federal governments and governmental entities.

4. Reduce appropriations and/or earmark existing or new funds for specific purposes.

5. Eliminate national support centers or other program components (such as state support, migrant programs, and Native American programs). National support centers have already been targeted for elimination or substantial reduction in funding by the Transition Team report. National centers have been a critical component of the legal services program since its inception and have developed many new areas of poverty law crucial to poor people.

6. Substantially alter or eliminate other support ac-

tivities, such as training, research, manual preparation, and the like.

7. Substantially alter the current delivery system and reallocate current resources to Judicare and other private attorney models of delivery.

8. Increase the role of local and state governments in funding and overseeing legal services delivery.

### Relationship of Legal Services to Law Schools

From its inception, the legal services program developed close ties with law schools and law school faculty. Many of the original national and state support centers were directly affiliated with law schools. Many local programs developed close ties not only through clinical programs but with many law school faculty. The Corporation funds several clinical programs, including Antioch Law School, Tennessee University, and the Legal Services Institute (an experimental program, associated with Harvard and Northeastern Law Schools). The early legal services training programs were affiliated with law schools, and the two directors of training at the Corporation were former law school professors. Hundreds of law school faculty members have participated as trainers in Corporation-sponsored training events.

The early leadership of the Corporation came almost entirely from law schools. Tom Ehrlich, former Dean of Stanford Law School, was its first President; Clinton Bamberger, former Dean of Catholic University Law School, the first Vice-President; and Roger Cramton, former Dean of Cornell Law School, the first Board Chairman. Today many key supports and Corporation staff retain law school affiliation. Thus, law schools and law school faculty have played a significant role in the legal services program, and they have now (as they have in the past) an important role to play in assuring the survival of effective legal services.

### What Law School Faculty and Deans Can Do

Law school faculty and deans can help the legal services community in several important ways.

First, faculty and deans are urged to join in the signing of a statement in support of the legal services program. (A copy of that statement is circulated together with this article.) That statement will be used to demonstrate to Congress and the public that there is substantial support from the academic community for the continuation of the Legal Services Corporation. Faculty members and deans are encouraged to circulate that statement to their colleagues and should return it to:

The Coalition for Legal Services  
 Florence Roisman, Acting Executive Director  
 1625 K Street, N.W.  
 Suite 908  
 Washington, D.C. 20006

Second, faculty and deans are urged to make contributions to the Coalition for Legal Services, at the address set forth hereinabove, so that active lobbying work can be undertaken in support of the Corporation's continued existence. The Coalition for Legal Services is an ad hoc corporation organized by legal services attorneys, staff, clients, and supporters for the purpose of fighting the proposed cutbacks and/or restrictions in legal services work. It is hoped that the academic community will provide generous support to the Coalition so that an effective lobbying effort can be sustained.

Third, faculty and deans are encouraged to send letters to, and make personal visitations with, their Representatives and Senators. Such communications and visits should stress the importance of legal services to the low-income client community. Where feasible, letter writing campaigns from the law school—including faculty, administrators, students and influential alumni members—should be established indicating the law community's support for the Legal Services Corporation.

Fourth, faculty and deans can establish a legal services support group within each law school. People willing to serve as law school coordinators for such groups should indicate their willingness to do so in correspondence to the Coalition for Legal Services. The Coalition will get back in touch with people who write, and will probably ask for some follow-up help in contacting the lobbying area Representatives and Senators.



*\*Ronald F. Pollack is the dean of the Antioch University School of Law. Prior to his assumption of decanal responsibilities, he was the founder and director of a public interest law firm, served as a senior attorney at the Center on Social Welfare Policy and Law, and was a Research Fellow for the Legal Services Corporation's Research Institute.*

### BOARD OF GOVERNORS ELECTIONS

The fall, 1980 elections to the SALT Board of Governors again produced a mixture of "old standbys" and "new blood." Three new board members and seven incumbents were elected to three year terms. The new board members are Isiah Baker of Howard, John Baker of Indiana-Bloomington, and Grace Blumberg of UCLA. The reelected incumbents are Elizabeth Bartholet of Harvard, Paul Brest of Stanford, Ronald Kennedy of Northwestern, Michael Meltsner of Columbia, Beatrice Moulton, now with the Legal Services Corporation, Herbert Semmel of Antioch, and Wendy Williams of Georgetown.

There are 30 members of the Board of Governors, of whom 10 are women and 5 are minorities. Each year 10 members of the Board are elected for three year terms.

### JUDGE HARRY EDWARDS HONORED AT ANNUAL MEETING

The 1980 SALT Awardee, Judge Harry Edwards of the United States Court of Appeals for the District of Columbia, was honored at the SALT Annual Meeting held in San Antonio on January 4, 1981. The SALT Award "seeks to identify teachers who are successful innovators or who have otherwise made a significant con-

tribution to the development or reform of legal, governmental or social institutions, whether through teaching, writing or public service related to their academic careers." Judge Edwards, who prior to his appointment to the Court was a member of the law faculties at Michigan and Harvard and had a long career of public service, fully meets all of these criteria. His citation read:

*How small is the move from podium to bench. We will all remain your students, informed and inspired in the years to come, as we have been in the years just past.*

At the Award dinner, tributes were presented by Professor Andria Knapp of Pittsburgh, who was Judge Edwards' research assistant while a student at Harvard, Professor Yale Kamisal, a colleague at Michigan, and Dean Derrick Bell of Oregon. The principal speaker was professor Betsy Levin of Duke, who was completing her tenure as the first General Counsel of the Department of Education.

The 1979 SALT Awardee was Ruth Bader Ginsburg, Judge Edwards' colleague on the Court of Appeals and formerly a member of the Columbia law faculty. Prior SALT Awardees are Rennard Strickland of Tulsa, Tom Emerson of Yale, Charles Miller of Tennessee, and David Cavers of Harvard.

## SALT SPONSORED PANEL ON TENURE STANDARDS AT AALS ANNUAL MEETING

SALT sponsored a panel discussion on "Tenure Standards and the Channeling of Legal Scholarship: Constructive or Improverishing?" at the Annual Meeting of the AALS in San Antonio on January 5, 1981. The panel discussion, which was well attended, and quite provocative, was moderated by SALT President George Alexander. The panelists, Arthur Leff, Yale, Stewart Macaulay, Wisconsin, Carrie Menkel-Meadow, UCLA and Jan Vetter, Berkeley addressed themselves to the following concerns: "One goal of the tenure system is the enhancement of the quality of legal scholarship. Many critics (within law schools and without), concerned that legal scholarship is too often excessively narrow and arid, have asked whether the administration of tenure review discourages young law teachers from undertaking scholarship which might remedy that failing." The discussion focused on the achievements of the tenure system at insuring quality of research endeavor, with rigorous review, particularly at times of political unrest or attack and the disadvantages of the tenure system which forces young scholars to produce scholarship in traditional modes and on traditional topics. The question of how unconventional scholarship, if it could be defined, could be evaluated was addressed by each of the panelists. Many questions from the floor focused on such issues as the "channeling" of scholarship and research topics by the major schools, institutional differences in tenure review procedures, including participation by junior faculty members, the kinds of subjects we would pursue if there was no channeling of legal scholarship and, perhaps most importantly, what the function of the tenure system is and who it best serves. Because the discussion was so lively and well attended SALT hopes to sponsor similar discussions at its own conference in the near future.

Carrie Menkel-Meadow

## CLINICAL PANEL AT A.A.L.S. ANNUAL MEETING

On Monday afternoon, January 5, 1981, at the A.A.L.S. Annual Meeting in San Antonio, the Society of American Law Teachers sponsored a panel on faculty status issues of persons teaching clinical programs. Former Dean Robert B. McKay of New York University School of Law discussed the faculty status issues contained in the newly published "Report of the Association of American Law Schools—American Bar Association

Committee on Guidelines for Clinical Legal Education". Dean McKay served as the Chair of the Committee.

To begin, Dean McKay stressed that the Report was intended as **Guidelines** for law schools and not **Standards** for either A.B.A. or A.A.L.S. accreditation purposes. he said that the growth of clinical education in the last ten years has been so great and likely to continue in the near future that the Report may need to be reconsidered in the not too distant future before any thought of accreditation standards might be considered.

The other two members of the panel, Stacy Caplow of Brooklyn Law School and Jonathan Hyman of Rutgers at Newark Law School, reported on studies they had made of status of clinical law teachers. Professor Caplow had conducted a survey of the current status of clinical teachers at law schools and summarized her findings. She had prepared a report of her findings that is available by contacting her at Brooklyn Law School.

Professor Hyman reported on faculty status issues of clinical professors in other areas of education, specifically fine arts departments and medical schools. If you desire further information about the treatment of clinical professors in other disciplines, please contact Professor Hyman at Rutgers-Newark.

The panel was planned by the Clinical Education Committee of the Society of American Law Teachers. The Committee hopes to remain active and in another part of this newsletter there is a request that you make suggestions for future activities for the Committee's consideration.

Stuart J. Filler

## SALT CLINIC COMMITTEE

The SALT Committee that arranged the discussion of the ABA/AALS Guidelines on Clinical Education at San Antonio is now considering next steps. The first issue is whether such a committee should be established as a permanent part of SALT, to make recommendations to the directors regarding matters of clinical education, to run programs and so on. If so, what form should such a committee have: small or large, elected or appointed, clinicians or other teachers or both? If you have any suggestions on the matter, please write or call the current committee's chair:

Prof. Jonathan Hyman  
Rutgers School of Law  
15 Washington Street  
Newark, New Jersey 07102  
(201) 648-5687

**Median Salaries of Full-Time Law Teachers of 85 Schools**  
**(Nine month salaries excluding fringe benefits)**

SCHOOL	BASE	SCHOOL	BASE
North Carolina, U. of	47,030	Cleveland State	35,410
Illinois, U. of	46,532	Drake	35,300
California, Berkeley	46,500	SUNY, Buffalo	35,264
George Washington	46,500	Duquesne	35,000
Virginia	44,800	Mississippi	34,250
Texas	44,500	Texas Tech	34,125
Minnesota	43,575	New York	34,000
Rutgers, Newark	43,549	Detroit	34,000
Washington, U. of	43,350	Delaware	33,891
California, Hastings	43,103	New Mexico	33,800
Louisiana State	42,354	Southern Illinois	33,629
Arizona, U. of	42,210	Puget Sound	33,600
John Marshall	42,000	North Dakota	33,548
Albany	42,000	Cumberland	33,500
Indiana, Bloomington	41,700	Marquette	33,200
Cornell	41,500	Baltimore	33,000
Cincinnati	41,299	Oregon	32,775
Hofstra	41,166	Northern Illinois	32,740
Golden Gate	40,975	Detroit, U. of	32,500
California, Davis	40,900	Wake Forest	32,450
Northeastern	40,810	Willamette	32,400
Emory	40,500	Montana	32,680
Rutgers, Camden	40,477	South Dakota	30,886
Connecticut	40,100	Antioch	29,550
William Mitchell	40,000	Akron	29,525
Wayne State	39,734	Puerto Rico, U. of	29,244
Boston College	39,650	Memphis State	29,150
Arizona State	39,083	Idaho	29,016
Wisconsin	39,000	Inter-American	26,280
St. John's	38,981	Judge Advocate General	25,400
Thomas M. Cooley	38,921		
Ohio State	38,340		
Georgia	38,272		
Vanderbilt	38,250		
Iowa	38,000		
Santa Clara	38,000		
Missouri, Columbia	37,500		
Pace	37,200		
Maryland	37,000		
St. Louis	36,900		
Missouri, Kansas City	36,650		
Southern Methodist	36,631		
Southwestern	36,500		
Alabama	36,378		
Case Western	36,250		
San Diego	36,232		
Howard	36,000		
West Virginia	35,649		



\*

These figures were taken from information furnished by schools to the A.B.A. They obviously make no allowance for differences in living costs, age of the faculty or other factors important to the uniqueness of each school. Each listed school gave us permission to publish its data. We are very grateful for their cooperation.

**CONTRIBUTION**

I hereby enclose \_\_\_\_\_ and/or pledge \_\_\_\_\_ to the Coalition for Legal Services, Inc. so that the Coalition can undertake lobbying efforts to ensure the effective continuity of the Legal Services Corporation.

**NAME:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

**PHONE:** \_\_\_\_\_

**LAW SCHOOL:** \_\_\_\_\_

Contributions, together with this contribution statement sheet, should be sent to:

**The Coalition for Legal Services, Florence Roisman  
(Acting Executive Director) 1625 K Street, N.W. Suite 908,  
Washington, D.C. 20006.**

**SOCIETY OF AMERICAN LAW TEACHERS  
MEMBERSHIP APPLICATION**

- \_\_\_\_\_ Enroll me as a regular member. I enclose \$25.00 (\$15.00 for those earning less than \$15,000 per year.)
- \_\_\_\_\_ Enroll me as a contributing member. I enclose \$50.00
- \_\_\_\_\_ Enroll me as a sustaining member. I enclose \$100.00

Send me a copy of **Looking at Law School.**

Make Check payable to: Society of American Law Teachers

Mail, with this tear-off, to: George J. Alexander  
Society of American Law Teachers  
Campus Post Office  
University of Santa Clara  
Santa Clara, California 95053

**NAME** \_\_\_\_\_

**SCHOOL** \_\_\_\_\_

**ADDRESS** \_\_\_\_\_

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

STATEMENT IN SUPPORT OF LEGAL SERVICES

We strongly support the authorization of the Legal Services Corporation Act and enlarged funding for the Legal Services Corporation.

The current appropriation of \$321.3 million enables the Corporation to provide on the average only two lawyers for every 10,000 poor people. Plainly this amount is inadequate. Substantial increased funding is essential if we are to make progress toward meeting the goal of equal justice under law.

We think it important that the legal services program continue in essentially its current form. The full range of advocacy—in judicial, administrative, and legislative forums—must be available to lawyers for poor people as it is available to lawyers for everyone else.

NAME \_\_\_\_\_

LAW SCHOOL \_\_\_\_\_

ADDRESS & TEL. NO. \_\_\_\_\_

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CLINICAL PART OF ABA ANNUAL MEETING

The American Bar Association, August 1, 1981, is holding a 2 1/2 day Clinical Meeting at the Marriott Hotel... (faded text)

SALT CLINIC COMMITTEE

The SALT Clinic Committee will sponsor the... (faded text)

1234 Main Street  
City, State, Zip  
Phone: ( ) 123-4567



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