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Daniel Greenberg

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DANIEL GREENBERG*

One of the favorite questions of law professors—usually preceded by a flurry of student responses devoid of common sense to a question whose answer is obvious—is, "What would you have said before you came to law school?" It embodies the reality that one pays a price for thinking like a lawyer. After only a few months in law school one is irrevocably changed. I suspect that this is as true for faculty and administrators as it is for students. This Article, then, is an attempt to portray the New Mexico Conference through the eyes of someone untutored in the historical debates which preceded it; at the time of the conference, I had been a clinician for two weeks.[1]

The conference began with a keynote address by the Honorable Rosalie Wahl of the Supreme Court of Minnesota, who was serving as the Chair of the ABA Section of Legal Education and Admissions to the Bar. Her message was clear and passionate: never lose your heart as you teach how to litigate with the mind. It was an eloquent exhortation to caring and commitment, to *pro bono publico*, to working with the poor. It called upon us to reject materialism as the only motivating force in human relationships and reminded us that clinicians were a major repository for the values of idealism. Judge Wahl urged us to cherish that tradition.

The speech was inspirational, yet I wondered about its purpose. Surely this was preaching to the converted. The clinicians I knew had come to teaching out of anti-poverty and public interest careers. We were part of a generation of activists impressed by the role of the courts in addressing the profound social issues of racism, poverty and inequality. For most of us lawyering was a means to an end, intimately connected to the ideals which Judge Wahl extolled. I simply assumed that those at the conference did not have to be reminded that clinical education involved the teaching of these values. I was wrong.

There followed presentations remarkably devoid of reference to how we would promote the theme of those remarks. They dealt almost exclusively with clinical teaching as a methodology of education. Time and again we were told to see ourselves as the heirs of Langdell, teaching communication, writing, and negotiation skills differently, but rigorously, to future lawyers. Clinical education was praised for its ability to teach contextually, raising issues of ethics and cost-benefit analysis otherwise ignored by traditional courses. We also congratulated

*Director of Clinical Programs at Harvard Law School.

1. Not that I was without knowledge of clinics. Since 1971 I had been an anti-poverty lawyer with MFY Legal Services on the lower east side of Manhattan. The office's strategic location, coupled with its rich twenty-five year history, made it a placement for students from virtually every law school in New York City.

ourselves for being on the cutting edge of the use of technology. At least two sessions were devoted exclusively to the use of computers in breaking decision making into its smallest identifiable parts. But little of what was said acknowledged that Judge Wahl's vision was essential to our methodology.

Indeed, to the extent that speakers mentioned the progressive component of clinical work at all it was predominantly in a negative context. Several presenters explicitly castigated clinicians for creating the tension between ourselves and those who taught doctrinal courses. We were accused of denigrating other ways of teaching by arrogantly claiming that only we taught professional skills. Most significantly, we were charged with being mired in the rhetoric, values, and ideology of the sixties. By focussing our courses on poverty clients we were dooming ourselves to continued marginalization. If we persisted in perpetuating these divisions, we were warned, we would never be given the credibility we lacked. Overwhelmingly this theme—which may be characterized as an exhortation to acceptability through assimilation—came to dominate the conference.

Some portions of the argument are unassailable. For example, it is hard to deny the importance of the case method in learning law. In reality, however, virtually no clinician has done so. Similarly, arrogance is certainly not conducive to collegiality. But one can hardly maintain that within the law school environment, clinicians demonstrate a disproportionate share of that trait. No, if the message of the conference was simply that we should behave more civilly, the discussion would be over.

The much more subtle theme—perhaps unconscious—was a classic embodiment of blaming the victim. The analogy which comes to mind is: "Jews are responsible for anti-Semitism; if they didn't insist on their separateness there'd be no discrimination." So, too, if clinical education were to become only a method of teaching, divorced from its roots as a means of bringing resources and legal services to those who have been historically without them, then greater acceptability might well follow.

To be sure, no one suggested that law schools should totally abandon legal services clinics. Presumably, the presenters would argue that they were speaking about nuances, differences in the degree of emphasis. But that is precisely the issue. Much in the law is only a matter of degree. Where you draw the line is often the only meaningful part of the discussion, for the next steps are obvious. In resource starved institutions, the temptation to bring their one or two clinicians into more traditional roles will be great. Our tools of simulation, computers and inter-active video will become commonplace and the school will marvel at the fact that these machines can control feedback to students so well. Ultimately, there will be a move to eliminate the clumsy, non-replicable, costly component of clients altogether. Perhaps at that point we may regain control of the process we began, or perhaps not.

We must be clear that this scenario is not an exaggeration of a slippery slope argument, resulting in unrealistic future specters. Dean Frank Walwer of Tulsa Law School reminded us vividly in the conference's closing session that clinics are expensive. If we pursue the path of assimilation, we may awaken one day to find ourselves truly welcomed into the mainstream of the law school. If so, however, the price that is paid will, once again, be borne by the poor.

I suggest a different model, consistent with the analogy of clinical education as a minority group within the larger law school community. We should reject assimilation as a means of achieving legitimacy. Instead we should, with renewed vigor, strive for pluralism: the assertion of one's right to be accepted with respect for one's uniqueness. By this theory, far from distancing ourselves from the values of public interest law, we should be embracing them as never before.[2]

A pragmatic result of this principled decision might be that we could influence a greater number of students to enter public interest careers. An objective need for such influence is documented in the Chambers Report.[3]—a detailed analysis of placement statistics from the University of Michigan Law School. The report is alarming: in the last several years, 85-91% of Michigan graduates entered private practice in large firms. The figures from 1965-1976 ranged between 59-70%. Harvard's experience shows similar trends.

Dean Bollinger asks in his transmittal letter with the report that other schools share with him any ideas which would "encourage students to consider work in government, legal services, public defenders, or small firms." How ironic it would be in the face of this trend for clinicians to recommend that their schools cut back on or dismantle the public interest emphasis of clinical programs. If even we abandon these values how can we lament that students do so, too?

Clinicians should provide the leadership in addressing the issues raised in the Chambers Report in a number of ways. First, clinical methods should, of course, be integrated into traditional courses. When doing so, however, we should urge our curriculum committees to use material which contains explicit anti-poverty or public interest components. For example, one speaker at the conference described how students at his school were introduced to clinical methods. A writing program on a contracts issue in their very first term led to a role playing negotiation in the second semester. This admirable program could be made even stronger, however, by making the contract problem one involving housing conditions rather than the building of a swimming pool.

Yale's two clinics for the homeless can serve as models. One provides direct service to people in shelters. The other uses tax and business experts at the school to supervise students who arrange for the purchase and management of housing for the homeless. Neither comes at the expense of the other. Importantly, even when clinical methodology is merged into a corporate setting, the *pro bono* commitment remains explicit.

Second, we should seek greater resources for those students who choose public interest employment. Stanford, Harvard, N.Y.U. and other schools now provide loan forgiveness programs to those in low paying jobs. Summer employment grants and paying for bar review courses and admission fees are other concrete ways in which support must be given.

Third, clinical offices should work closely with the admissions office, placement director, dean of students, and the faculty, in creating a palpable public

2. It has been argued persuasively that clinical education, from its inception, has been too interested in the psychological rather than political aspects of the lawyering process. *See*, Simon, *Homo Psychologicus: Notes on a New Legal Formalism*, 32 STAN. L. REV. 487 (1980).

3. Report by David Chambers, Sue Eklund and Nancy Krieger to Dean Lee Bollinger, (Nov. 24, 1987) (Unpublished memorandum).

interest environment in their schools. It is difficult for a student to turn down an early, lucrative offer from a large firm for the insecurity of hoping to find a low paying public interest job. Unfortunately, law schools often inadvertently contribute to this unidimensional corporate climate. We must better mobilize and coordinate those faculty and administrators who can facilitate a student's entry into the public interest world. Clinicians have a rich resource of networks and we should offer these and other services to our schools.

Finally, we must remember who we are, and why we chose to be lawyers. If we surrender our values and our vision in the quest for added legitimacy, literature provides us with two alternatives. Either we will not succeed, finding that we bartered our birthright for a mess of potage. Or, perhaps more disturbing, we will succeed and find that better funding and recognition are a Midas touch.

At the end, these reflections are meant to raise with those clinicians who urge assimilation the ultimate question of what they hope to accomplish in their work. And before complex answers are formed, look back to the days when you were a practitioner contemplating what your goals would be as a clinician. What had you hoped to accomplish then? In short, "What would you have said before you came to law school?"