

## LEGAL CLINICS AND THE BETTER TRAINED LAWYER (REDUX)<sup>+</sup>: A HISTORY OF CLINICAL EDUCATION AT NORTHWESTERN

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### I. INTRODUCTION

*Notice posted by Dean Wigmore on the Law School's Bulletin Board, October 4, 1920, to students who had not fulfilled their legal clinic responsibilities:*

Pursuant to the notice on the Board concerning the Legal Clinic, you are requested to show cause to me before Tuesday evening, October 5, why you have not reported for the course in Legal Clinic. Every member of the third year class must now report for assignment whether he takes it in the present semester or in the second semester. Those who have taken it during the summer must also show cause to this effect. If you do not report before Tuesday night, I shall have to refer your case to the next faculty meeting, in the meantime directing your suspension.<sup>1</sup>

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<sup>+</sup> See William V. Rowe, *Legal Clinics and Better Trained Lawyers—A Necessity*, 11 ILL. L. REV. 591 (1917).

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This Essay is dedicated to my wife, Diane Geraghty. Diane and I met in the Clinic and worked together until she left Northwestern to become a law professor at Loyola University of Chicago School of Law, where she now directs Loyola's Childlaw Program. Diane and our four children, all lawyers, have listened patiently throughout the years to many tales of the Clinic. Diane is my support and inspiration.

This Essay is also dedicated to Professor James B. Haddad, my colleague and friend, who died too young. Jim was a scholar, a teacher, a prosecutor, and a defense lawyer, respected by all who knew him. Although I will never be able to match Jim's brilliance and good judgment, I have tried to live up to his standards and to mold a clinical program of which he would be proud.

Finally, this Essay is dedicated to my colleagues, friends, and students at Northwestern and to the deans of the Northwestern University School of Law, beginning with John Henry Wigmore, who have met the challenge of making legal education more meaningful and relevant to our students and to the legal profession.

<sup>1</sup> This notice was posted by Dean Wigmore on the Law School's bulletin board on October 4, 1920. Letter from John H. Wigmore, Dean, Northwestern Univ. Sch. of Law, to Vernon H. Brewster, George Washington Univ. 2 (Dec. 15, 1925) [hereinafter Wigmore Letter] (on file with the Northwestern University Archives, John Henry Wigmore Papers Series 17/20, Box 162, Folder 11).

Clinical education made its formal debut at Northwestern in 1919 when Dean John Henry Wigmore insisted that all students be exposed while in law school to the practical aspects of the practice of law. To facilitate this exposure, he entered a formal written agreement with United Charities of Chicago that allowed thirty law students to participate in the representation of the United Charities' clients.<sup>2</sup> Even before that time—going as far back as 1899—Northwestern's law students had volunteered to staff the offices of Chicago's Legal Aid Society.<sup>3</sup> Dean Wigmore was careful to document the students' work in the clinic course and to demonstrate to faculty and students the value of this work in teaching students practical skills and a sense of professional and social responsibility.<sup>4</sup> He reasoned that law students should be prepared to practice upon graduation, and work in the clinic, Wigmore felt, achieved that goal.<sup>5</sup> Further, to be leaders in the legal profession, Wigmore reasoned, his students needed to be sensitive to the needs of all segments of society, especially those at the bottom of the economic ladder. Work in the clinic exposed students to the legal problems of the poor and the disadvantaged. On this occasion, then, the celebration of the *Northwestern University Law Review's* centennial, it is more than fitting

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<sup>2</sup> The agreement provided in part:

The University agrees to assign to such work as many advanced students as can be accommodated, up to the above limit; to require regular attendance and diligent attention to the work assigned; to withdraw any students designated as unsuitable by the General Superintendent; to assign a member of the Law School Faculty to receive and act on the reports of work done by such students and to advise as to the professional methods and legal proceedings carried on in the attorney's office of the Legal Aid Bureau.

Memorandum of Agreement, Northwestern Univ. to United Charities of Chicago (Sep. 1, 1919) (on file with the Northwestern University Archives, John Henry Wigmore Papers Series 17/20, Box 162, Folder 9).

<sup>3</sup> Wigmore Letter, *supra* note 1, at 2.

<sup>4</sup> See *The Legal Clinic, What It Does for the Law Student*, NW. U. BULL., Dec. 4, 1929, at 1 (on file with the Northwestern University Archives, John Henry Wigmore Papers Series 17/20, Box 162, Folder 7). To illustrate the rigor of the clinical program, Dean Wigmore included in the Bulletin "Some Questions and Answers in Legal Clinic Examination." *Id.* For example, in response to the question, "State the various kinds of legal work that you were called upon to perform at each office or place, and the relative amount of each; and what legal knowledge, experience or instruction you gained from each," one student wrote:

Had to look up the law on many subjects that I had not had in class, and also of course, much that I should have been familiar with. Did a great deal of interviewing, which was new to me and which I suppose every lawyer ought to be able to do systematically. . . . I applied for letters testamentary and made proof of heirship in the Probate Court. Filed suits, applied for writs of restitution, applied for executions, summons, etc., which made me familiar with the workings and offices of the City Hall and County Building. Was sent out to interview defendants who were recalcitrant about paying wages held back due our client, etc. Twice I was permitted to try cases while the Legal Clinic lawyer watched, which I suppose will make me feel at home in [the] courtroom and tend to give me ease before the judge. All in all, although I did not care about going into the work, I must admit that it is a course which every law school having the facilities should make compulsory.

*Id.* at 6.

<sup>5</sup> Dean Wigmore was a member of the Board and Vice President of the Legal Aid Society of Chicago in 1913. See BULL. LEGAL AID SOC'Y CHICAGO, 1913-1914, at 1 (on file with the Northwestern University Archives, John Henry Wigmore Papers Series 17/20, Box 162, Folder 9).

to document the history of the Law School's clinical programs, to recognize the role that the legal clinic has long played in educating members of Northwestern's legal community—students, practitioners, and academics alike—and to describe the contributions that our clinical programs have made to innovations in legal education and to justice reform.

## II. THE EARLY YEARS, 1919–1941

Wigmore's papers, which document the establishment and development of Northwestern's clinical program from 1919 to the 1930s, reveal the Dean's remarkable commitment to teaching social justice by involving students firsthand in cases that reflected the social issues of the day.<sup>6</sup> In reviewing those papers from the 1920s, Dean Wigmore's message is unmistakably clear: legal education must combine theory and practice equally, and teaching students how to practice is best accomplished when students are engaged in representing clients who suffer as a result of the defects in our legal system.

Dean Wigmore's letters also reveal a strong belief that it was necessary to create a cadre of lawyers who would professionally commit themselves full-time to legal aid work. He saw his clinical program—and the alliances it created between Northwestern and legal services providers—as a way of encouraging the bar to “professionalize” the delivery of legal services to the poor. He wrote:

One of the great concerns of legal aid work is to see to it that from now on there shall be constantly available for leadership a group of lawyers of the highest rank. The time will shortly arrive when a career as a legal aid attorney will be sought just as the law student now seeks a clerkship in a large law office, a position with a Trust Company or other institution, or endeavors to make his own way in the world. Only through legal clinics can we insure the permanence in Legal Aid work of the group of men who eventually must take up the task of furthering this great work. The men who have come to Legal Aid work in the past have done so largely by accident. We realize that such a

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<sup>6</sup> One student noted that he was sent by the Legal Aid Bureau to interview clients at the stockyards. He reported:

The best practical experience I think I derived from the work at the Stock Yards District was the getting of a greater insight into life. What I mean by that is coming closely in contact with individuals who have met with great misfortune and learned to appreciate how fortunate I was.

*Id.* at 10; *see also* Letter from Reginald Heber Smith, Att'y, Hale & Dorr, to John H. Wigmore, Dean, Northwestern Univ. Sch. of Law (Sept. 10, 1919) (on file with the Northwestern University Archives, John Henry Wigmore Papers Series 17/20, Box 162, Folder 9). In this letter, Mr. Smith urged Dean Wigmore to distribute and to promote Mr. Smith's “Justice and the Poor.” Mr. Smith wrote, “I believe that through this report we shall be able to secure a much greater support than ever before for the work we are so deeply interested in.” *Id.*

condition is a poor foundation upon which to build the machinery of the next generation in this direction.<sup>7</sup>

Wigmore's first clinical program was essentially an "externship" program with two components: classroom and field work. Students enrolled in the externship program took courses such as "Practice Fundamentals," "Criminal Practice," "Probate Practice," and "Industrial Commission Practice Court."<sup>8</sup> As part of the field work component, students worked in legal aid and public defender offices, where Wigmore required students to complete thirty-five hours of "supervised lawyering."<sup>9</sup> For students who completed their fieldwork by interviewing clients at the Legal Aid Bureau of Chicago, "supervised lawyering" was provided by Bureau staff and private attorneys enlisted by Wigmore. The Law School's own faculty also provided supervision to ensure that all students were equally committed to their duties.<sup>10</sup> To further ensure regular student attendance and high performance in the externship program, Wigmore required that students be graded, although the faculty strongly debated the best way to grade students' performances (exams or a journal-keeping requirement).<sup>11</sup>

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<sup>7</sup> COMM. ON RELATIONS WITH LAW SCHOOLS, NAT'L ASS'N OF LEGAL AID ORGS., DRAFT REPORT 11 (on file with the Northwestern University Archives, John Henry Wigmore Papers Series 17/20, Box 162, Folder 11). The Author believes this report was written by Dean Wigmore.

<sup>8</sup> See Class Listing (on file with the Northwestern University Archives, John Henry Wigmore Papers Series 17/20, Box 162, Folder 7).

<sup>9</sup> *Id.*

<sup>10</sup> One student argued that he should be excused from participation in the Legal Clinic because he had prior law office experience. Elmer Leesman, the faculty Director of the Clinic, responded to the student's petition, writing: "With reference to the enclosed petition, I submit that it lacks disclosure as to experience in interviewing clients, which, I take it, is an important factor in the training afforded by the legal clinic course. For that reason alone, I would deem the petition insufficient." Letter from Elmer Leesman, Professor, Northwestern Univ. Sch. of Law, to Frederick B. Crossley, Northwestern Univ. Sch. of Law (Aug. 2, 1920) (on file at the Northwestern University Archives, John Henry Wigmore Papers Series 17/20, Box 162, Folder 7). The following is a partial report from Mrs. William E. Boyes, Superintendent, Legal Aid Society, to Frederick B. Crossley, Northwestern University School of Law: "Mr. Margolis began Jan. 22 and agreed to come on Monday and Wednesday mornings. He came for a few times and then began to drop in whenever he found it convenient to do so. . . . Mr. Braude came only three times, apparently finding the work without value." Report from Mrs. William E. Boyes, Superintendent, Legal Aid Soc'y, to Frederick B. Crossley, Northwestern Univ. Sch. Of Law (Mar. 19, 1919) (on file at the Northwestern University Archives, John Henry Wigmore Papers Series 17/20, Box 162, Folder 9). Such behavior by students prompted the posting of the following notice: "No student will be permitted to graduate without a passing mark in this course, except, where, by special vote, he has been excused from the course by the Faculty of the Law School." Legal Clinic Notice, 1919-1920 (on file at the Northwestern University Archives, John Henry Wigmore Papers Series 17/20, Box 162, Folder 9).

<sup>11</sup> Students were graded on "Punctuality, Personality, Perseverance, Tact, Relation to Co-Workers, Organization of own work, Initiative, General Interest, Investigation Technique, Good Judgment, and Legal Ability." Legal Clinic Notice, 1919-1920 (on file at Northwestern University Archives, John Henry Wigmore Papers Series 17/20, Box 162, Folder 9). "Legal Ability" accounted for forty percent of the grade with relatively equal weight being given to the other factors. *Id.* Leesman was not in favor of substituting a journal requirement for the examination:

According to Wigmore's papers, some students found the experience worthwhile, while others were concerned that time was being taken away from more important law school studies. Problems surfaced as the law school worked to ensure that students were provided with adequate supervision and feedback. These problems were not unexpected, though, since Dean Wigmore, along with his associates, was pioneering one of the nation's first law school externship programs. He naturally faced challenges as he tried to find the best way to provide meaningful education and meaningful service.

In addition to dealing with the problems of administering the clinical program, Dean Wigmore also had to respond to the skeptics on his own faculty—faculty members who believed that practical training should wait until after graduation. Time in law school, these opponents of clinical education argued, should be spent studying cases and doctrine and preparing students to “think like lawyers.” In particular, these critics felt that a clinical program should not be housed within a law school, in an era when law schools were seeking academic validation by moving away from their reputation as “trade schools.”

Wigmore took these detractors head-on by actively promoting clinical education and by refining his clinical model to include training both in practical skills and in the history and philosophy underlying modern legal practice. He gave students course credit for their work in the clinic in order to ensure that the clinical program was considered “equal” to more traditional curricula. He improved the quality of supervision. He publicized the work that his students did in their clinical placements.<sup>12</sup> He created alliances between his “clinical program” and service providers, including the Legal Aid Committee of the Chicago Bar Association and the John Howard Association (then, the Central Howard Association).<sup>13</sup> He selected addi-

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My mind has been groping for some way of determining what the student carries away with him from this course. The examination questions have been framed by me with a view to reflecting just that. . . . As reflected by the grade to be given in the course, what we should know is not so much what the student actually did (that record we have in the form of his daily reports) but what the student has so made a part of himself that he can apply it when the occasion presents itself.

Letter from Elmer Leesman, Professor, Northwestern Univ. Sch. of Law to John H. Wigmore, Dean, Northwestern Univ. Sch. of Law (Sep. 6, 1927) (on file with the Northwestern University Archives, John Henry Wigmore Papers Series 17/20, Box 162, Folder 8).

<sup>12</sup> Indeed, Wigmore expressed frustration when Harvard Law School received publicity for its clinical program, while Northwestern did not: “It is indeed hard that [Harvard Law School] should get such publicity, when we have long ago instituted a similar activity.” Letter from John H. Wigmore, Dean, Northwestern Univ. Sch. of Law, to C.C. Strickland, Professor, Principal High Sch. (May 3, 1921) (on file with the Northwestern University Archives, John Henry Wigmore Papers Series 17/20, Box 162, Folder 9).

<sup>13</sup> The Central Howard Association organized lawyers to assist indigent prisoners, focusing its efforts primarily on first-time offenders. The association's relationship with Northwestern began in 1922. See Letter from F. Emory Lyon, Superintendent, Cent. Howard Ass'n., to John H. Wigmore, Dean, Northwestern Univ. Sch. of Law (Nov. 9, 1921) (on file with the Northwestern University Archives, John Henry Wigmore Papers Series 17/20, Box 162, Folder 14).

tional projects for the involvement of law students—such as criminal defense work or the representation of victims of industrial accidents—which exposed them to the most pressing social issues of the day.

Dr. F. Emory Lyon, then the superintendent of the Central Howard Association, described the clinic's criminal defense work in one edition of the *Chicago Daily News*:

The chief good which we expect will result from the work of this clinic is in speeding up of hearings . . . . The problem of the delay of justice in Chicago is an old one, but we believe the clinic is making a genuine contribution. This departure will not open an avenue of escape for habitual criminals. In fact it is not likely to be used by this class, as they are "wise" and have their own attorneys. It is for the benefit of foreigners and country boys and girls who are accused of crime, often unjustly. It is aimed to keep this class of cases, which is quite numerous, from the clutches of the harpies which infest the criminal courts and prey upon the ignorant and unfortunate. Many are so ignorant that they do not know they can have an attorney assigned to defend them and they fall victim to some cheap lawyer who offers to defend them for \$10 and does nothing.<sup>14</sup>

The work done by Northwestern's law students for the Central Howard Association was monitored by Dr. Lyon, who gave detailed reports to Dean Wigmore about the students' work and who noted that "the students have been particularly successful in securing the acquittal of a number of defendants whose cases have been investigated by them," adding that "this would indicate that in many of these cases these defendants should not have been arrested or held to the Grand Jury in the first place."<sup>15</sup>

The students assigned to the Criminal Clinic provided their own critiques of Cook County's criminal justice system in the early 1920s. Speaking of a clinic client who had been convicted, one student noted:

[A] remark of the attorney of record in the case un-covered another phase of the Clinic's possible activities. The statement went something like this: "If the fellow had about a thousand dollars this would be a good case to fight—we could have gotten him off (free) easily." . . . But now about the problem as to those with money? This no doubt may be solved in any one of several fashions. Procedure may be changed to meet with modern requirements. Attorneys who persist in extricating clients upon unworthy grounds or tricks may be dealt with in a summary fashion by a "Bar with a conscience." Or it may be that for all prisoners with or without money attorneys paid by the state will be appointed for the defense as well as the prosecution. Surely it is in the interest

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<sup>14</sup> *Criminal Law Clinic Begins Charity Work*, CHI. DAILY NEWS, Jun. 1, 1922, at 14 (on file with the Northwestern University Archives, John Henry Wigmore Papers Series 17/20, Box 162, Folder 14).

<sup>15</sup> Letter from F. Emory Lyon, Superintendent, Cent. Howard Ass'n., to John H. Wigmore, Dean, Northwestern Univ. Sch. of Law (Jun. 3, 1922) (on file with the Northwestern University Archives, John Henry Wigmore Papers Series 17/20, Box 162, Folder 14).

of the state to see to it that the innocent are protected even far more than the guilty are punished.<sup>16</sup>

The Industrial Injuries Clinic, a clinic jointly administered by the Law School and the Legal Aid Bureau, also was active in the 1920s. In its Annual Report, that clinic's director described the work of his students:

Students in the courses on Industrial Law and Labor Law who have taken the Clinic work, have worked with Mr. Carmell and handled actual cases, as well as engaged in investigatory work for commissioners. In this work they have filed all necessary papers, interviewed witnesses, and followed the case through to completion. This plan has operated effectively to put the students into direct contact with clients, as well as attorneys representing the employers.<sup>17</sup>

The report went on to note that the Law School was working with Medical School personnel who would evaluate the Clinic's clients and document the extent of their injuries.<sup>18</sup>

By 1932, Wigmore's fledgling externship program had developed into a comprehensive clinical program, courtesy of outside funds that the Law School had received in 1926 from the James Nelson and Anna Louise Raymond Foundation.<sup>19</sup> Using these funds, the Law School expanded its civil and criminal clinics and renamed its staff the "Raymond Foundation Staff."<sup>20</sup> Wigmore understood how important it was to keep the outside legal community aware of the legal clinic's work; if they were not aware of the clinic's accomplishments, they would be less likely to financially support it. As a result, Wigmore served on Chicago's Legal Aid Committee and on various American Bar Association committees; he also helped to

<sup>16</sup> Harold Hawes, *My Impression of My First Criminal Class 1* (1926) (unpublished student journal entry) (on file with the Northwestern University Archives, John Henry Wigmore Papers Series 17/20, Box 162, Folder 14).

<sup>17</sup> E. F. ALBERTSWORTH, *ANNUAL REPORT BY THE DIRECTOR OF THE INDUSTRIAL INJURIES CLINIC* 1-2 (on file with the Northwestern University Archives, John Henry Wigmore Papers Series 17/20, Box 162, Folder 15).

<sup>18</sup> *Id.* at 2-3.

<sup>19</sup> See *Announcement of the School of Law for the Session 1941-42*, NW. U. BULL., Jan. 27, 1941, at 33 (on file with the Northwestern University Archives). The bulletin announced:

In 1926 Mrs. Anna Louise Raymond established the James Nelson and Anna Louise Raymond Foundation by a gift of \$200,000, the income from which, subject to certain annuities, provides a legal clinic for the poor. It was organized under the superintendence of a joint committee of the School of Law, United Charities, and the Chicago Bar Association. . . . The work of the School and that of the Legal Aid Bureau are highly coordinated. Indigent claimants and defendants of every type are represented. The student comes in intimate contact with the routine and problems of office practice and litigation generally. The claims successfully prosecuted aggregate thousands of dollars annually, and the legitimate defenses afforded indigent persons are equally valuable. The Foundation and clinics were the first to be set up on behalf of a law school.

*Id.*

<sup>20</sup> See *University Register, 1930-31*, NW. U. BULL., Dec. 7, 1931, at 418 (on file with the Northwestern University Archives).

convene a major study of Illinois's criminal justice system (the Illinois Crime Survey).<sup>21</sup>

Perhaps because Wigmore promoted the program with such energy and because the creation of a required clinical program ruffled the feathers of traditional academics, Northwestern's clinical program eventually caught the eye of others in legal education.<sup>22</sup> Wigmore's papers contain numerous letters that he received from law school deans and bar association presidents asking for information about Northwestern's clinical program.<sup>23</sup> His papers also contain many notes from legal educators and bar leaders thanking Wigmore for broadening the idea of legal education to include the practical along with the theoretical.

### III. A SLIGHT RETRENCHMENT, 1941–1966

Dean Wigmore's immediate successors, Dean Leon Green and Dean John Ritchie, did not share Dean Wigmore's enthusiasm for clinical education. As a result, from 1941 to 1966, clinical education at Northwestern changed from an active and socially involved program, enthusiastically supported by the Dean, to a program that was marginalized. Indeed, the Raymond Fund was diverted to support faculty research.

Still, a clinical curriculum persisted even in the post-Wigmore years. The course, entitled "Legal Clinic," appeared in Law School catalogues

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<sup>21</sup> ILL. ASS'N FOR CRIMINAL JUSTICE, THE ILLINOIS CRIME SURVEY (John H. Wigmore ed., 1929).

<sup>22</sup> Letter from Edmund H.H. Caddy, Assistant to the Dean, New York Law Sch., to John H. Wigmore, Dean, Northwestern Univ. Sch. of Law (Jan. 4, 1938) (on file with the Northwestern University Archives, John Henry Wigmore Paper Series 17/20, Box 162, Folder 8). Dean Caddy wrote:

While cultural aspects of a legal education are of great importance, they alone do not prepare a man for the practice of law as a servant of his community. It seems to me that the attitude of "looking down one's nose" at the practice of Law is too wide spread among the law schools of the country. As you pointed out the medical schools have the better idea. An internship in a hospital has become an essential part of medical student[']s education. . . . The medical schools and hospitals go a step further than even our Legal Aid Clinics, in that they provide through their clinics a continuing education along specialized lines after the medical student has become a practicing physician. In fact, as you know, any doctor "worth his salt" will strive to devote part of his time every week to the service of some clinic and not expect from it anything more than experience.

*Id.* at 1.

<sup>23</sup> One letter read:

I wanted to ask you to send me something in detail concerning working arrangements between the Northwestern Law School and the Legal Aid Society. I am not certain whether a similar plan could be worked here or not, but I have thought that such experience might be a good substitute for Moot Court or Practice Court.

Letter from E.C. Arnold, Dean, Vanderbilt Univ. Sch. of Law, to John H. Wigmore, Dean, Northwestern Univ. Sch. of Law (Oct. 7, 1930) (on file with the Northwestern University Archives, John Henry Wigmore Papers Series 17/20, Box 162, Folder 8); *see also* Letter from Max Arman, Assoc. Editor, The Brief Case, to John H. Wigmore, Dean, Northwestern Univ. Sch. of Law (Sept. 30, 1930) (on file with the Northwestern University Archives, John Henry Wigmore Paper Series 17/20, Box 162, Folder 8) ("[T]he Legal Clinic in the Northwestern University is ideal from the education standpoint and helpful to the young lawyers who have difficulty finding employment in law offices.").

from 1941 to 1969.<sup>24</sup> It was a required three-credit course (except for members of a legal publications board) that consisted of two hours of class per week in the first semester and “field work during the subsequent semester . . . .”<sup>25</sup> By 1949, though, the number of credits for the Legal Clinic course had been reduced from three hours to one hour.<sup>26</sup>

Beginning in 1963, a movement to bolster the Law School’s clinical program was underway. The *Bulletin* for 1963 noted:

One hundred and fifty years ago there were no American law schools and the aspiring attorney prepared himself by working in the office of an established lawyer, observing the practice of law, and learning through trial and error the arts and skills of the profession. The advantages of such training are preserved today, within a systematic curriculum for post-graduate study, in the practice courses offered throughout the three years of the student’s formal legal education. In these courses, the student actually practices in skills that the practicing attorney is called upon to employ, and he learns through experience and through exercising his own powers, the job of a lawyer.<sup>27</sup>

In 1966, the clinical program at Northwestern consisted of a single course called “Legal Clinic,” which was taught by Henry Kenoe, a devoted graduate of the Law School committed to instilling high ideals of professionalism in his students. Professor Kenoe modeled his course on Dean Wigmore’s first iteration of the clinic. Students were required to attend a weekly lecture on the basics of “poverty law” and a client-intake session or two at the offices of the downtown Legal Aid Bureau. Although the students who interviewed clients at the Bureau did not actually represent the clients,<sup>28</sup> those interviews were conducted under the watchful eye of Professor Kenoe, who then consulted with the students about what advice should be given. Professor Kenoe’s “old school” demeanor was a fixture in the Clinic through the 1970s.

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<sup>24</sup> See, e.g., *Announcement of Courses in the School of Law for the Session 1945–1946*, NW. U. BULL., Jun. 25, 1945, at 18 (on file with the Northwestern University Archives); *Announcement of Courses in the School of Law for the Session 1944–1945*, NW. U. BULL., Feb. 28, 1944, at 18 (on file with the Northwestern University Archives); *Announcement of Courses in the School of Law for the Session 1942–1943*, NW. U. BULL., Feb. 16, 1942, at 25 (on file with the Northwestern University Archives); *Announcement of Courses in the School of Law for the Session 1941–1942*, NW. U. BULL., Jan. 27, 1941, at 21 (on file with the Northwestern University Archives).

<sup>25</sup> See sources cited *supra* note 24. The field work was conducted at the Office of the Legal Aid Bureau and included “consultation with clients, interviews with witnesses, drafting of legal instruments, appearances in court, examination of records of all kinds, assistance in the conduct of trials, and generally all such work as the clerk in a general law office might be expected to perform.” *Id.*

<sup>26</sup> *Announcement of Courses in the School of Law for the Academic Year 1949–1950*, NW. U. BULL., Jan. 24, 1949, at 21 (on file with the Northwestern University Archives).

<sup>27</sup> *The School of Law 1962–1963*, NW. U. BULL., Mar. 5, 1962, at 27–28 (on file with the Northwestern University Archives).

<sup>28</sup> If the case fit the profile of cases being taken on by the Legal Aid Bureau, the Bureau’s lawyers would then take over.

## IV. BUILDING THE “MODERN” LEGAL CLINIC, 1968–PRESENT

*A. A Cooperative Effort Between Students and Faculty*

The modern era of Northwestern’s clinical education began in 1967–1968 when students approached Professors Jack Beckstrom and Tom Eovaldi with the idea of establishing an “in house” clinic at the Law School. Students involved in the clinic would have the opportunity to do more than just interview clients; they would be actively involved in representing them as well. The proposal ignited a lengthy and passionate debate over the clinic’s proper purpose. Was it to provide legal services to the poor or to educate Northwestern’s law students? Given the clinic’s location within the confines of the Law School and the Law School’s educational mission, though, it was clear that legal education had to be the clinic’s primary goal.

The effort to establish a clinic was led by a number of students, including Francis “Skip” Andrew, the members of the Law Students Civil Rights Research Council (“LSCRRC”), all of whom believed that the Law School should be an active provider of legal services to the poor, and me. Professors Beckstrom and Eovaldi, then young faculty members, took the lead in advocating to the faculty and administration that a clinic be established and in obtaining funding for three lawyers from the Council on Legal Education for Professional Responsibility (“CLEPR”), a foundation established with funds from the Ford Foundation.<sup>29</sup> Professor Beckstrom felt so strongly about the importance of establishing an in house clinic that he offered to contribute a portion of his salary when Dean Ritchie expressed skepticism about the clinic’s value and cost.<sup>30</sup> As part of their efforts to launch the clinic, Professors Beckstrom and Eovaldi also identified Gary Laser, then an associate with the law firm of Friedman & Koven and director of a neighborhood legal clinic on Chicago’s North Side, as a candidate for the position of Clinic Director. The Law School administration agreed with their recommendation, and Professor Laser went on to serve as the Clinic’s first director, filling that role from 1970 to 1975. During his tenure, Professor Laser secured support for the Clinic from the Legal Aid Bureau of Chi-

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<sup>29</sup> Letter from Jack Beckstrom, Professor of Law Emeritus, Northwestern Univ. Sch. of Law, to author (June 28, 2005) (on file with author). The Council on Legal Aid for Professional Responsibility (“CLEPR”) was established in 1968. It was responsible for the funding and establishment of law school clinics throughout the country. Headed by William Pincus, CLEPR spent ten years and approximately \$10,000,000 working to support clinical programs. The rationale for CLEPR’s mission to establish law school clinics was to train future leaders of the legal profession to be ethical and socially responsible lawyers. When CLEPR came upon the scene, emphasis on the practical training of law students was at an all-time low. At the same time, funding for legal services was increasing (through the Office of Economic Opportunity’s “War on Poverty”) and law students were becoming increasingly strident in arguing that law schools should be more involved in the training of lawyers for public service and in providing the skills necessary for the representation of indigent clients.

<sup>30</sup> Once the Clinic was established in 1969, however, Dean Ritchie tolerated its existence.

ago, which agreed to provide one lawyer for the Clinic's staff. Professor Laser left Chicago in 1975 to teach at Boston College, but he later returned to the city to become the Director of the Chicago-Kent Legal Clinic, a position that he holds today.

From the start, Northwestern's in house clinic was unusual because it permitted first-year students to enroll, believing, as it did, that students should be acculturated to ethical and professional responsibility issues from the outset of their legal education. When Professor Jonathan Hyman, a housing law specialist who taught in the Clinic, told attendees at a CLEPR-sponsored conference that Northwestern permitted first-year students to enroll in its clinic, he reported that "[t]he discussion . . . was tinged with pessimism" as several of the legal academics in attendance argued that the first-year program should be kept "sacrosanct."<sup>31</sup> Indeed, Northwestern faculty soon decided to allow only second- and third-year law students to participate in the Clinic—although this decision was not prompted by a fear of intruding upon the "sacrosanct" first-year curriculum. Rather, the Clinic could not meet student demand if first-year students were allowed to enroll.

There was also debate about how best to convey the lessons of the "lawyering process"—a debate, summarized as the "simulation v. live client" debate. In his introduction to the Clinic's 1973 newsletter, Professor Hyman summarized the conflict and what avenue the Clinic ultimately chose. He wrote:

There appear to be two models for using clinical practice in law school, particularly in the first year. One . . . is to use the facts of Clinic cases as a starting point for discussion, legal research and simulations of interviews and trials. The other is to let these activities grow out of actual work on the clinic case, i.e. not "playing games." I prefer the latter model, and my colleagues at the Clinic share that view. Simulations are important, particularly for something as complex as trial practice, but I think they are most useful if they are continually reflected against work on actual cases, which, because it involves real people and real consequences, engages a person's character in a way simulations alone cannot.<sup>32</sup>

Today, and as will be described below, Northwestern's Clinic has opted for a model that stresses the importance of both "live client" and simulation-based instruction.

The Clinic's first cases included representation of clients in divorce cases<sup>33</sup> (Professor Beckstrom was then a family law specialist), defense of

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<sup>31</sup> NEWS & NOTES (Northwestern Legal Assistance Clinic, Chicago, Ill.), Dec. 1973, at 2.

<sup>32</sup> *Id.* at 3.

<sup>33</sup> A student piece in the first Clinic newsletter observed:

Could it be that Divorce courts only heighten and exacerbate the bitterness? After trying to confront the problems at the pre-trial stage, does the system opt for a safe, routine prove-up and thereby cover up the real problems by imposing its own coldness and name-calling on the situation? Is it any wonder that the parties wind up shouting in post-decree court after they have been

evictions (a project led by Professor Hyman), defense of juvenile and misdemeanor cases (led by Professor Laser, Professor Hyman, and me), and consumer cases (supervised by Professor Eovaldi). In 1973, the Clinic's caseload was 30% family law, 29% criminal, 10% housing, 10% consumer, 8% small claims, 2% juvenile, and 1.5% "representation of community organizations"; the rest were classified as "miscellaneous."<sup>34</sup> The Clinic began with approximately twenty students, nearly all of whom represented plaintiffs in divorce cases, interviewed potential clients, drafted pleadings, and filed papers. Students also represented clients in the first hearings on emergency child support and orders of protection as well as in the "prove-up" or trial of the case. Once a client was accepted by the Clinic, students and professor represented those clients all the way through post-decree proceedings.

During the years that the Clinic was first established, the issue of adequate housing in Chicago's poor neighborhoods was on the front burner. Indeed, Reverend Dr. Martin Luther King, Jr. had made the city's housing crisis the focus of his Chicago campaign in 1967–1968. The demand for even the most dilapidated of housing was so great that landlords could charge exorbitant rents for apartments that did not comply with the building code. Clinic faculty and students, including William Wilen, now the Director of Housing Law at the Sargent Shriver National Center on Poverty Law, were active in representing the individuals, tenants' unions, and community groups which sought to rectify this situation.<sup>35</sup> And in housing court, the Clinic represented clients in eviction proceedings, often by raising the warranty of habitability defense to claims for back rent.<sup>36</sup>

The experience of representing individuals and clients in housing cases brought many of the Clinic's students and lawyers into contact with various community organizations, many of which began during the summer of community organizing led by Dr. King. A few of the students who estab-

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forced to blandly swear that "he was bad and I was good"? Perhaps they come to believe that was the case.

*Id.* at 9.

<sup>34</sup> *Id.* at 4. The 1973 Clinic newsletter noted that that:

The miscellaneous category includes some of the Clinic's most interesting cases: two federal police misconduct suits; two insurance misrepresentation defenses; five criminal appeals; an assortment of cases taken from the Dwight Correctional Center; three employment discrimination cases; appeal from denial of unemployment compensation; a case challenging a juvenile record keeping system in Illinois; the development of a police misconduct litigation manual; representation before the parole board of an acquitted robbery defendant charged with technical violations of parole after his acquittal; representation of a community organization in the sale of one of its buildings to satisfy outstanding debts; obtaining state licensing for a community health center.

*Id.*

<sup>35</sup> In fact, after graduation, Wilen won a significant victory in a case that established a tenant's right to claim that rent could be reduced by a landlord's failure to maintain habitability. *See S. Austin Realty Ass'n v. Sombright*, 361 N.E.2d 795 (Ill. App. Ct. 1977).

<sup>36</sup> *See Jack Spring, Inc. v. Little*, 280 N.E.2d 208 (Ill. 1972) (establishing an implied warranty of habitability in landlord-tenant disputes).

lished contact with these organizations while in law school went on to work in the community after graduation. Some joined legal services offices,<sup>37</sup> while others, including Skip Andrew ('68) and Flint Taylor ('72), formed "The People's Law Office," first located at Halsted and Webster on the city's North Side. Initially, their work for the People's Law Office focused on the range of poverty law work typically done by legal aid offices. But in working in what was then one of Chicago's poorer communities, they increasingly came into contact with young people who were facing prosecution in Cook County's juvenile and criminal courts. Contact with these young people led to interactions with organizations of young people, including such groups as the Black Panther Party and Rising Up Angry, an organization of "working class" youth. The People's Law Office also established a working relationship with a housing reform group in west Lincoln Park, Neighborhood Commons.

Through its ongoing relationship with Skip Andrew and Flint Taylor, the Clinic began to take cases referred by these organizations and thus became increasingly involved in Chicago's housing reform movement and in the representation of young people in Chicago's juvenile and criminal courts. The latter activity became even more of a focus of the Clinic's representation after the riots following Dr. King's assassination and after the 1968 Democratic Convention.

The Clinic's faculty and students during these early days were greatly influenced by the civil rights movement. This was a time during which leaders of the movement as well as community groups sought the assistance of lawyers for help in a variety of matters ranging from the incorporation of organizations, obtaining not-for-profit status for organizations, and helping members of organizations with a variety of legal problems. Students also became involved in the representation of individuals and organizations identified with the "counter-culture" movement. In one case, the Clinic successfully challenged the Chicago Board of Education's policy forbidding student newspapers.<sup>38</sup> Faculty and students also spent a great deal of time between the years 1969 and 1975 talking about such issues as what lawyers should be doing to support social change, how best to allocate Clinic resources, and whether representation of individual clients made sense if one could spend time on cases which could effect change for many. This was a time when government-funded legal services organizations were still free to bring class actions against government agencies. It was also during this time that the Clinic was fortunate to attract John Elson (from the Mandel Clinic of the University of Chicago), and Steven Lubet and Robert Burns from the Legal Assistance Foundation of Chicago. All three were

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<sup>37</sup> For example, Robert Boruchowitz is the Public Defender of King County, Washington, and Wendy Meltzer is Director of Illinois Citizens for Better Care. Patrick McIntyre is a legal services lawyer in Seattle. Jane Lawrence Gunn has led the San Bernadino Public Defender's office.

<sup>38</sup> See *Fujishima v. Bd. of Educ.*, 460 F.2d 1355 (7th Cir. 1972).

outstanding lawyers with experience in the legal services movement and expertise in education law (Elson) and general poverty law practice (Lubet and Burns).

*B. The Clinic's Role in Trial Advocacy and Legal Writing*

During the Clinic's first years, faculty members also were involved in teaching trial advocacy and legal writing. Before the Clinic's establishment, Professor Abraham Goldstein and, later, Professor Jon Waltz taught the Law School's trial advocacy program classes; they were held on Saturdays and were, for the most part, presented in lecture format. In 1972, the American Bar Association—led by a group of trial lawyers that included Robert Keeton, Prentice Marshall, and A. Leo Levin—formed an organization called the National Institute for Trial Advocacy (“NITA”). NITA was formed in response to a perception on the part of the public and the organized bar that law students and lawyers were not being adequately trained to perform in court. As a result, the public was not being well served. By teaching trial advocacy training in a lecture format, students and lawyers simply were not being provided with the opportunity to “learn by doing.”

In the summer of 1972, NITA held its first trial training institute at the University of Colorado. This four-week course allowed participants to perform the tasks of trial lawyers, including jury selection, opening statements, direct and cross-examinations, and closing arguments. The session culminated in a mock jury trial after which each student was thoroughly critiqued by NITA faculty. Several Northwestern Law School clinicians—including John Hyman and me—attended this conference, thus laying the foundation for the Law School's now highly respected trial advocacy training program and for the teaching methodology for the Law School's other simulation-based programs: negotiation, mediation, and legal ethics.

In 1973, a separate trial advocacy course taught by clinical faculty was established. This class met during the week and grew so popular that clinical faculty could no longer meet the demand for enrollment while still adequately supervising students on cases. In order to meet demand for the trial advocacy classes, the Law School sought trial lawyers as adjunct professors to help teach the course under the leadership and supervision of clinical faculty. The present trial advocacy curriculum, managed by Professor Lubet, is the result of this early development.<sup>39</sup>

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<sup>39</sup> Since then, Professors Lubet and Burns have taken the NITA “learning by doing” teaching methodology and have created one of the nation's leading trial advocacy programs. Steve Lubet has written one of the leading textbooks on trial advocacy, *see* STEVEN LUBET, *MODERN TRIAL ADVOCACY: ANALYSIS AND PRACTICE* (3d ed. 2004), and has assembled a group of Chicago's leading trial lawyers to help teach his course (*Introduction to Trial Advocacy*), which now enrolls more than 120 students each year. Bob Burns has integrated simulation-based teaching into both his evidence and ethics courses, utilizing NITA case file and teaching materials. *See* ROBERT P. BURNS, STEVEN LUBET & JAMES H. SECKINGER, *PROBLEMS AND MATERIALS IN EVIDENCE AND TRIAL ADVOCACY* (4th ed. 2004); *see also* ROBERT P. BURNS, THOMAS F. GERAGHTY & STEVEN LUBET, *EXERCISES AND MATERIALS ON*

The Clinic and CLEPR also played a role in establishing Northwestern's current legal writing program. In the early 1970s, CLEPR awarded the Law School a grant to hire four full-time legal writing instructors. Until that time, the Law School's legal writing program was supervised by two members of the regular faculty who relied upon senior law students to read the first-year students' papers and to hold weekly meetings at which the students' work was discussed. Clinic faculty knew that CLEPR was interested in introducing a more clinical approach to the teaching of any course focused on practical, legal skills and so sought CLEPR funding to support full-time legal writing instructors. One of these instructors would be a resident in the Clinic and would teach legal writing for Clinic students. That instructor would craft legal writing assignments based on cases on which the students were working, thus introducing another dose of reality into the Clinic students' legal educations. Now, the Law School boasts a legal writing program staffed by thirteen full-time legal writing instructors. First led by Helene Shapo, who has authored one of the leading texts on legal writing,<sup>40</sup> the program is now headed by Judith Rosenbaum.

In its ongoing efforts to provide students with as much practical experience as possible, the Clinic also took full advantage of Illinois Supreme Court Rule 711. Adopted in 1969, Rule 711 allows third-year law students to practice law, and the Clinic required all of its eligible students to apply for a license.<sup>41</sup> The enactment of Rule 711 created considerable excitement and enthusiasm among law students; it also generated concern from members of the organized bar who worried that students might take business from them. These concerns were alleviated by the Rule's requirement that student licenses be available only to students working for law school clinics, legal aid providers, and government agencies.<sup>42</sup> Some Northwestern faculty members worried that the enactment of Rule 711—combined with the fact that students could receive class credit for their work in the clinic—would divert student attention from traditional courses. This concern was

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ETHICS AND PROFESSIONAL RESPONSIBILITY (4th ed. 2004). The Evidence and Ethics courses enroll over one hundred students per year. Bob Burns has also written one of the leading treatises on the philosophy of the American trial. *See* ROBERT P. BURNS, *A THEORY OF THE TRIAL* (1999).

<sup>40</sup> HELENE S. SHAPO, MARILYN R. WALTER & ELIZABETH FAJANS, *WRITING AND ANALYSIS IN THE LAW* (4th rev. ed. 2003).

<sup>41</sup> ILL. SUP. CT. R. 711. Illinois Supreme Court Rule 711 was enacted in 1969 in support of the efforts of law schools to create meaningful clinical programs and in support of efforts to expand the capacities of legal services providers.

<sup>42</sup> Illinois Supreme Court Rule 711 sets forth the requirements for student certification:

(a) Eligibility. A student in a law school approved by the American Bar Association may be certified by the dean of the school . . . if he/she satisfies the following requirements:

(1) He/She must have received credit for work representing at least three-fifths of the total hourly credits required for graduation from the law school.

(2) He/She must be a student in good academic standing, and be eligible under the school's criteria to undertake the activities authorized herein.

ILL. SUP. CT. R. 711.

addressed by limiting the number of credit hours available for clinic instruction; students could only earn three to four credit hours per semester in their second and third years.

### C. *Evaluation of the Clinical Program*

In 1979, Joseph Cecil, a Ph.D. candidate in psychology at Northwestern University, formally evaluated the Clinic's effect on its students' career choices as a part of a research project supervised by the Division of Methodology and Evaluation Research of Northwestern University's Department of Psychology. Cecil surveyed graduates of the clinical program to determine the impact of clinical legal education on their acquisition of practical skills, on their choice of what area of law to practice, and on their appreciation of ethical issues inherent in the practice of law. According to the study, while clinical education did not necessarily influence a student's decision on what area of law to practice or by itself heighten a student's ethical awareness, it found "a strong causal relationship . . . between clinical legal training and the ratings of satisfaction with law school education in certain skills thought to be important to the practice of law."<sup>43</sup>

### D. *Clinical Faculty: Method of Supervision and Status*

As the Clinic's enrollment and the size of its faculty grew through the early 1970s, questions arose regarding the status of the Clinic's faculty. Should lawyers supervising students in the Clinic be viewed as staff attorneys or should they have faculty status? If given faculty status, should that status be the same as other members of the faculty or should a separate "non-tenure-track" status be created for them? Of course, this discussion was driven by funding considerations; much of the funding for the Clinic had come from grants and gifts, making the employment of clinical teachers to some degree contingent on continuing support from non-University sources.<sup>44</sup> The debate over the proper status of clinical faculty also was spurred by the unavoidable fact that because clinical supervisors had client-related responsibilities—as well as the obligation to supervise students in court—they were not likely to have the time to produce the kind of scholarship expected of nonclinical teachers.

Along with other faculty members, James Rahl, dean of the Law School starting in 1975, opposed the creation of a "second class" of law school faculty—the clinicians. To avoid this outcome, the Faculty voted to

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<sup>43</sup> Joe Shelby Cecil, *The Impact of Clinical Education on Skills Training, Career Choice, and Appreciation of Ethical Issues in the Practice of Law* 92 (1979) (unpublished Ph.D. dissertation, Northwestern University) (on file with Northwestern University Library).

<sup>44</sup> As noted above, the clinic had been established through outside funding from CLEPR, community foundations, and Chicago's Legal Aid Bureau. The Law School contributed space (the basement of Thorne Hall auditorium), telephones, supplies, and some secretarial support. *See supra* note 29 and accompanying text.

give many members of the Clinic's faculty—Diane Geraghty, John Elson, Jonathan Hyman, Steven Lubet, and me—tenure-track positions. They also adopted specific rules regarding the promotion and tenure of clinical teachers.<sup>45</sup> Subsequent to this, Cynthia Bowman and Robert Burns were added as tenure-track clinical faculty. Lawrence Marshall, the former director of Northwestern's Center on Wrongful Convictions, came to Northwestern as a tenure-track professor but as his interest in clinical teaching grew, he became an additional tenured member of the clinical faculty until his departure for Stanford Law School in 2005.<sup>46</sup> In addition, Professor Hyman left Northwestern in 1977 to join the faculty at Rutgers, where he still teaches today, but the other aforementioned clinicians remain tenured faculty members today. Over the years, they were joined by clinical fellows—young lawyers interested in clinical teaching, a career in public interest law, or both, who came to Northwestern's Clinic through the "Clinical Fellowship Program" the Law School designed in the early 1980s.<sup>47</sup> More recently, the Clinic has established a "clinical professorship" track that allows professors to be promoted from the rank of "assistant" to "full" clinical professor.

All Northwestern Clinic faculty teach using the "colleague model" of supervision. Under this model of supervision, students experience the kind of "team" relationships they will have in practice; by observing their supervising faculty members, they can also learn how to best interact with clients, plan for representation, and deal with the many stresses and strains experienced by lawyers who represent clients. The "colleague model" of supervision requires faculty to keep their legal knowledge current and their practical skills sharp. This ensures a high level of supervision and adds a layer of credibility to the faculty member's evaluations of student work. As a result of the demands that the colleague model of supervision places on clinicians, though, relatively little time is left for the type of research and writing done by the nonclinical faculty at any law school. This can create tension between clinical faculty and "regular" or "research" faculty, academics who judge the performance of their colleagues by the quality of their scholarship. This tension plays out most frequently in the question of what employment relationship should exist between clinical faculty and the

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<sup>45</sup> NORTHWESTERN UNIV. SCH. OF LAW, LAW SCHOOL PROMOTION AND TENURE STANDARDS AND PROCEDURES (1998); NORTHWESTERN UNIV. SCH. OF LAW, PROCEDURE FOR AD HOC COMMITTEES FOR PROMOTION AND TENURE OF CLINICAL TEACHERS (1973); NORTHWESTERN UNIV. SCH. OF LAW, STANDARDS AND PROCEDURES FOR THE NORTHWESTERN UNIVERSITY SCHOOL OF LAW NON-TENURE TRACK CLINICAL APPOINTMENTS IN THE BLUHM LEGAL CLINIC (1999).

<sup>46</sup> Larry Marshall now heads the clinical program at Stanford Law School.

<sup>47</sup> Many of these fellows have since gone on to become law professors elsewhere. They include Annette Appell (University of Nevada, Las Vegas), Alberto Benitez (George Washington University), Bruce Boyer (Loyola University of Chicago), Cathryn S. Crawford (Northwestern University School of Law), Steve Drizin (Northwestern University School of Law), Kenneth Katkin (Salmon P. Chase College of Law), John Lore (Villanova University School of Law), Julie Nice (University of Denver Sturm College of Law), and Zelda Harris (University of Arizona James E. Rogers College of Law).

University.<sup>48</sup> If both clinical and nonclinical faculty perform valuable teaching functions, why shouldn't clinical faculty be accorded the same tenure-track positions as nonclinical faculty?

As noted before, Northwestern first addressed this problem by appointing its clinical faculty to regular tenure-track positions starting in 1976. However, with the expansion of the Clinic that began in the late 1980s and continues today, more and more funding for faculty positions came from grants and gifts. Grants often required that clinical faculty not only be responsible for educating their students—the main reason why the clinical faculty were given tenure-track positions in the first place—but they often asked that the grant-funded faculty members also meet the grant-giving organization's underlying set of objectives. Further, because many of these grants were short-term, the Law School had to exercise caution in making long-term commitments to the clinicians who were hired to take these positions. Over time, tension arose between the Law School's need to attract and to retain highly qualified clinical faculty and the Law School's need not to overcommit its budget by hiring faculty members with uncertain long-term funding prospects. In retrospect, these tensions were an understandable consequence of the attempt to build programs in exciting and important new areas and to provide the clinical program and its faculty with the degree of stability necessary to establish a first-rate educational program. Even today, the Law School continues to work toward the goal of balancing the objectives of creating and maintaining educational and cutting-edge clinical programs with the need to attract and to retain outstanding clinical faculty.

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<sup>48</sup> There has been a longstanding debate within the legal education community about the appropriate conditions of employment for law school clinical teachers. The ABA's Standards for Approval of Law Schools require that law schools provide full-time clinical faculty with "security of position reasonably similar to tenure, and non-compensatory prerequisites reasonably similar to those provided other full-time faculty members." SECTION OF LEGAL EDUC. AND ADMISSIONS TO THE BAR, ABA, STANDARD RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS 405(c) (2005), *available at* <http://www.abanet.org/legaled/standards/chapter4.html>. As this Essay is being written, the ABA Section on Legal Education and Admission to the Bar has proposed an interpretation of Rule 405(c) that would require law schools to provide renewable five-year contracts to clinicians. The American Law Deans Association has opposed the ABA's promulgation of this interpretation, arguing that "the specific terms of employment most law schools offer [to full-time clinicians] are already sufficient to secure excellent clinical faculty." *See* Letter from Saul Levmore, Dean, University of Chicago Law School, to the American Law Deans Association (Apr. 29, 2005) (on file with author). Professor John Elson of Northwestern's law faculty replied:

Dean Levmore's call on behalf of ALDA for abolition of ABA Standard 405(c) relies on faulty history, economics and pedagogy. Its basic justification that 405(c) is unnecessary to secure excellent clinical faculty ignores the historical circumstances that led to 405(c)'s adoption. In adopting this Standard, the ABA realized that clinical teaching had come to play a significant role in the preparation of law students for practice and that clinical teachers could not become an effective presence in legal education unless a significant number of them were assured some security in their jobs and a significant role in law school governance.

Letter from John S. Elson, Professor of Law, Northwestern Univ. Sch. of Law, to the ABA Section on Legal Educ. and Admission to the Bar (May 3, 2005) (on file with author).

## V. THE CLINIC TODAY: ORGANIZATION AND CHALLENGES

The Clinic's reputation has grown steadily in recent years. In particular, this growth is the result of its long-standing work in children's law—work which led to the establishment of the Children & Family Justice Center in 1992—and in criminal justice—which culminated in the creation of the Center on Wrongful Convictions. Much of this growth has been made possible by a \$7 million gift that the Law School received in 2000 from Neil Bluhm, a member of the Class of 1962, for whom the Bluhm Legal Clinic is now named.

The Clinic has also struggled with several fundamental questions about the best way for it to operate: What is the “right” size for the Clinic? How should it be funded? How should employment relationships between the clinical faculty and the law school be structured? Would the “center-based” organization of the Clinic remain a viable way of organizing student and faculty activity?<sup>49</sup> Would it be wise for the Law School to commit to long-term funding for a particular kind of clinical work (say, for example, the representation of children) when new ideas for clinical concentrations might appear on the horizon (as did the representation of children in 1989)?<sup>50</sup>

As the Clinic's reputation has grown, more and more law students have been attracted to the program.<sup>51</sup> Given the increasing size of the incoming law school classes—200 students in 2000 and 240 students in 2005—

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<sup>49</sup> The clinic today is organized into five separate centers: the Children and Family Justice Center, the Center on Wrongful Convictions, the Small Business Opportunity Center, the Center for International Human Rights, and the Investor Protection Center.

<sup>50</sup> In 1994, then-Dean Bennett appointed a “Clinic Evaluation Committee” to “provide a top to bottom review of all aspects relating to Clinical Education at Northwestern.” See CLINIC EVALUATION COMMITTEE, NORTHWESTERN UNIV. SCH. OF LAW, REPORT OF THE COMMITTEE (1994). The Clinic Evaluation Committee reviewed all aspects of the clinical program (“live client,” simulation, and externships). The Committee also reviewed the funding structure of the Clinic. At that time, the Clinic consisted of five tenured or tenure-track faculty, seven non-tenure-track faculty, along with support personnel. Two of the issues under consideration were whether the Law School should continue to rely so heavily on grant funds to support its clinical program and whether expansion based upon the availability of grant funds was desirable. Interestingly, this evaluation also examined the following questions: (1) do only bad students take the clinic?, *id.* at 22 (finding that clinic students in 1994–1995 had slightly lower grade point averages than students as whole), (2) is clinic grading a problem?, *id.* at 24 (stating that there was no “clinic problem”), (3) do students take too many courses in the clinic?, *id.* at 26 (finding that students infrequently took too many hours of clinic), and (4) does the clinic confer long-run value?, *id.* at 29 (noting that the long-term educational value was “quite high”). The Committee recommended that in order to meet student demand for the Clinic, “the Dean of the law school [should] make every effort to fund five Clinical Fellows under a system of five year renewable contracts.” *Id.* at 35. As of the date of this Essay, this recommendation has not been adopted, although all clinical faculty have the titles of “assistant,” “associate,” or “clinical professor.”

<sup>51</sup> In 2000, the Clinic enrolled 75 students. In the fall of 2005, the clinic enrolled 125 students, Introduction to Trial Advocacy (taught by Professor Lubet) enrolled 115 students, and the combined Ethics/Evidence course (taught by Professor Burns) enrolled 100. That same year, 45 students were enrolled in externships, 30 students were enrolled in Mediation courses, and 120 were enrolled in Negotiations courses.

student demand for spaces in the Clinic has grown even more pronounced. In response to these opportunities and pressures, the clinical program now employs twenty-five clinical faculty whose duties are primarily to supervise students on cases; four clinical faculty who teach courses in trial advocacy, negotiation, and mediation; and three faculty who manage externships.

The increasing demand for clinical experience prompted the Clinic's faculty to look outside the Law School for funding that would help expand the Clinic's capacity. Title IX of the Higher Education Act of 1965<sup>52</sup> provided grants to law school clinical programs to expand existing programs. Under John Elson's leadership, Northwestern obtained a series of grants to support the supervision of students representing children and families in special education cases. The Clinic also secured funding to support the representation of Social Security disability claimants, children in juvenile court, and criminal defendants. The Clinic's experience in a wide range of legal representation during the 1970s and 1980s gave its faculty standing to participate in a number of initiatives in support of justice reform, including a study with the Chicago Council of Lawyers of the Cook County Public Defender's Office<sup>53</sup> and a far-reaching law suit that challenged the methods of providing special education services to children in the Chicago Public School System.<sup>54</sup>

#### *A. The Children and Family Justice Center*

During the 1980s, the Clinic's faculty became increasingly involved in reforming Cook County's Juvenile Court, calling for the increased professionalization of judges, public defenders, prosecutors, and probation officers. The consensus at the time was that the Juvenile Court of Cook County was a "backwater" to which those who had failed in their assignments in other courts were sent. With funding from the John D. and Catherine T. MacArthur Foundation, which was interested in establishing a project that would focus the community's attention on reinvigorating the court by 1999, in time for the court's 100th anniversary, the Law School hired Bernardine Dohrn to establish the Children and Family Justice Center ("CFJC"), a teaching and policy research center housed within the Clinic. It was the first such "center" established within the Clinic and was premised on the idea that reform in the juvenile justice system could be achieved using the experiences of those who had actually practiced before the court. The new center also would provide Northwestern's students and faculty with opportunities to learn more about the representation of children and to play a role in the reform of an important community institution.

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<sup>52</sup> See 20 U.S.C. § 1138(a) (2000).

<sup>53</sup> See Malcolm C. Rich, Thomas F. Geraghty, Keith Davis, Peter M. Manikas, Irene Nelson & Marvin J. Schwarz, *A Study of the Office of the Cook County Public Defender* (1987) (unpublished study, on file with author).

<sup>54</sup> See *Corey H. v. Bd. of Educ.*, 995 F. Supp. 900 (N.D. Ill. 1998).

This model for organizing (and for funding) the clinical program worked well. The Clinic was able to attract, train, and retain leaders in the juvenile justice and child-protection fields. Students benefited from the supervision they received from these members of the clinical faculty and could see that they were making a difference for their individual clients and that they were supporting system-wide reform through their state-of-the-art representation.<sup>55</sup> The CFJC's reputation grew as the Center initiated training programs for children's advocates—e.g., organized conferences for local juvenile court judges, prosecutors and defenders; and published studies on access to counsel. Through the CFJC, the Law School hosted the first two meetings of the American Bar Association's National Juvenile Defender Summit, now the most important yearly national gathering of juvenile defense attorneys.

The CFJC's representation of clients also influenced local and national juvenile justice law and policy. One of the first highly publicized cases in which the CFJC played a key role was the "Baby Richard" case.<sup>56</sup> This case involved a child who had been in foster care for four years but whose natural father claimed that he was not given notice before his parental rights were terminated. As a result, the father claimed that his parental rights had been violated. In August of 1993, the Illinois Appellate Court issued an opinion that affirmed the termination of the natural father's parental rights on the grounds that it was in the child's so-called best interests to be freed for adoption and placed in a comfortable, suburban home.

The Clinic's attorneys were concerned that the court had disregarded a well-established and consistent body of constitutional law governing parent-child relationships. They also were concerned at the prospect that, following this decision, any child might be permanently removed from fit parents simply because a judge believed that the child might be better off raised in a different environment. As a result, the Clinic became involved in the case, supporting established procedures that required that a parent be found unfit before his or her parental rights were terminated. Initially, the Clinic appeared as an amicus, but as the oral argument before the Illinois Supreme Court approached, Bruce Boyer, a clinical fellow at Northwestern, agreed to act as co-counsel for the father. In the end, Mr. Boyer assumed responsibility for the father's defense before the Illinois Supreme Court as it reviewed—and ultimately reversed—the appellate court decision.

Beyond the Baby Richard case, the CFJC has been involved in a number of cases before the Cook County Juvenile Court in which it has raised issues concerning the admissibility of confessions and the competence of

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<sup>55</sup> See, e.g., *Brown v. Sternes*, 304 F.3d 677 (7th Cir. 2002) (establishing that failure of defense counsel to discover mental health history of a client constituted ineffective assistance of counsel).

<sup>56</sup> *In re* Petition of Doe, 627 N.E.2d 648 (Ill. App. Ct. 1993), *rev'd*, 638 N.E.2d 181 (Ill. 1994).

children to stand trial.<sup>57</sup> The CFJC's work began with a focus on the representation of children in jeopardy of being transferred to criminal court. This work enabled the Center to concentrate on cases which challenged the notion that children are different from adults.<sup>58</sup> Throughout the 1980s and into the mid-1990s, state legislatures increasingly enacted legislation that required that children charged with serious crimes (and oftentimes with not-so-serious crimes) be tried as adults, a movement that stemmed from the unfounded perception that society was being endangered by "super-predator" children. Because the campaign to incarcerate increasing numbers of children challenged the underlying and important concept of juvenile court as a catalyst for rehabilitation, the CFJC took on many high-profile cases in an attempt to provide the best representation and to tell the stories of the children involved.<sup>59</sup> The involvement of clinical faculty and students in these cases provided the CFJC with a knowledge and a skill base from which to reach out to other groups and individuals doing similar types of work in other jurisdictions. As a result, the CFJC now plays a role in providing information to children's advocates in Chicago, throughout the United States,<sup>60</sup> and around the world.<sup>61</sup>

### B. *The Center on Wrongful Convictions*

While the Clinic had been involved in the representation of clients in death penalty cases prior to 1999,<sup>62</sup> the representation of defendants in

<sup>57</sup> Example of cases that have raised these issues are *A.M. v. Butler*, 360 F.3d 787 (7th Cir. 2004) (stating that an eleven-year-old was not properly advised before making a confession), and *Hardaway v. Young*, 302 F.3d 757 (7th Cir. 2002) (holding that state court did not err in admitting juvenile's confession although procedures in obtaining confession left much to be desired). See also *In re Christopher K.*, 810 N.E.2d 145 (Ill. App. Ct. 2004) (establishing that after denial of State's motion for discretionary transfer, State could not proceed in petition for extended juvenile jurisdiction).

<sup>58</sup> See, e.g., *In re M.W.*, 731 N.E.2d 358 (2000) (affirming Juvenile Court's decision that confession was involuntary); see also *In re Christopher K.*, 810 N.E.2d 145.

<sup>59</sup> One such case was *Hardaway v. Young*, the facts of which are described in the state and federal court opinions. See *People v. Hardaway*, 718 N.E.2d 682 (Ill. App. Ct. 1999), *rev'd sub nom.* *Hardaway v. Young*, 302 F.3d 757 (7th Cir. 2002).

<sup>60</sup> Most recently, Bernardine Dohrn, Steven Drizin, and Lauren Adams played a lead role in drafting briefs in the juvenile death penalty case, *Roper v. Simmons*, 125 S. Ct. 1183 (2005). In this case, the Supreme Court of the United States affirmed the notion of distinct and important developmental differences between children and adults. In addition, the Court referenced and relied upon international human rights standards regarding the juvenile death penalty. The opinion in *Roper* is but the latest project in which CFJC faculty have collaborated with other academics and lawyers to advance justice for children.

<sup>61</sup> Clinical faculty has been involved in children's rights projects in Africa in cooperation with the American Bar Association. In 2000, clinic faculty and students with African counterparts organized a conference on children's rights in Dar es Salaam, Tanzania. The work with children's advocates in Africa has continued with the work of students who have participated in the Law School's International Team Project and in the Law School's senior research program.

<sup>62</sup> See *People v. Orange*, 659 N.E.2d 935 (Ill. 1995) (granting new sentencing hearing); *People v. Titone*, 600 N.E.2d 1160 (Ill. 1992) (granting relief on post-conviction petition alleging extortion by trial

criminal cases provided a framework for the 1999 establishment of the Clinic's Center on Wrongful Convictions. Based upon his experiences representing Rolando Cruz,<sup>63</sup> a man who had been wrongfully convicted and sentenced to death in 1985, Professor Larry Marshall organized a conference that was held at Northwestern in 1998.

As conceived and implemented by Professor Marshall, the purpose of the conference—which was entitled the “National Conference on Wrongful Convictions and the Death Penalty”—was to focus attention on the all-too-frequent phenomenon of wrongful convictions in capital cases. The conference also was intended as a means of provoking further discussion on whether the death penalty should continue to be employed. Over 400 lawyers, scholars, journalists, and law students attended the conference. It was the largest, and some say most influential, conference ever held at the Law School. Following this conference, the Center on Wrongful Convictions (“CWC”) was founded.<sup>64</sup>

From 1998 to 2003, Professor Marshall led a remarkable campaign whose purpose was to convince Illinois's then-Governor George Ryan to commute the death sentences of all the state's condemned prisoners to life in prison. Northwestern's Medill School of Journalism, through Professor David Protes, also was involved in this initiative and, even more specifically, in the freeing of Anthony Porter, a man whose proven wrongful conviction Governor Ryan credited for changing his mind about the death penalty.<sup>65</sup> The CWC's campaign led to the commutations of the sentences of all death row inmates in 2003—commutations which were announced by Governor Ryan to an overflow crowd in the Law School's Lincoln Hall—and the pardon of four inmates. Following the commutations and pardons, the Governor's Commission on Capital Punishment—a group of distinguished lawyers, prosecutors, judges, and community members—adopted a

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judge); see also *People v. Kinkead*, 695 N.E.2d 1255 (Ill. 1998) (vacating plea and death sentence of defendant who pled guilty and sought the death penalty while under the influence of psychotropic medication).

<sup>63</sup> See *People v. Cruz*, 643 N.E.2d 636 (Ill. 1994).

<sup>64</sup> See Center on Wrongful Convictions, <http://www.law.northwestern.edu/cwc/> (last visited September 20, 2005) (containing an updated description of the center's activities including representation of clients and statistics regarding wrongful convictions); see also GOVERNOR'S COMM'N ON CAPITAL PUNISHMENT, REPORT OF THE COMMISSION ON CAPITAL PUNISHMENT (2002), available at <http://www.idoc.state.il.us/ccp/>.

<sup>65</sup> See John Bacon, Anita Manning & Kevin Johnson, *It Took 17 Years, but Ex-Inmate Finally Cleared*, USA TODAY, Sept. 17, 1999, at 3A; Douglas Holt & Steve Mills, *Unshackled And Ecstatic: Anthony Porter, Sentenced to Death for Two Slayings, Experiences an Emotional Day Now that Another Man Has Implicated Himself in the Crime*, CHI. TRIB., Feb. 5, 1999, at 1; Mike Robinson, *Death-Row Inmate Is Freed After Class Takes His Case*, BOSTON GLOBE, Feb. 6, 1999, at A3.

series of recommendations designed to reduce the number of wrongful convictions, many of which were adopted by the Illinois legislature in 2004.<sup>66</sup>

The CWC's work has continued in full force since 2003, now under the leadership of Executive Director Rob Warden and Legal Director Steven Drizin. CWC faculty members continue to represent with great success clients who claim they were wrongfully convicted,<sup>67</sup> and the Center continues to press for reforms that will lessen the possibility of wrongful convictions. Such measures include the videotaping of all police interrogations, employment of identification procedures that will avoid the suggestibility inherent in pretrial identifications, improved training of prosecutors and defense counsel, and pretrial hearings to determine the reliability of "jail-house snitch" testimony.<sup>68</sup> And, of course, the work of the CWC continues to involve students in investigations, the preparation of pleadings and briefs, and in hearings on innocence claims. Through their work in this center, students learn why wrongful convictions occur, what steps should be taken to prevent wrongful convictions, and the impact of wrongful convictions on the lives of defendants and their families.

### C. *The Small Business Opportunity Center*

In 2000, the Bluhm Legal Clinic's Small Business Opportunity Center ("SBOC") was created under the leadership of Thomas Morsch. Formerly, Morsch had been a litigation partner at what is now Chicago's Sidley Austin Brown & Wood LLP, where he was also a leader in the organized bar's efforts to promote pro bono services by individual lawyers and law firms. The SBOC's work has involved the representation of start-up companies in their efforts to incorporate and to obtain necessary permits for their operations, and, in the case of not-for-profit entities, to secure tax exemptions. The SBOC also has forged a partnership with Northwestern University's Kellogg School of Management; under the joint school arrangement, law and business students enroll in Professor Morsch's course in entrepreneurship law and work on SBOC cases together. This program has made available clinical learning opportunities for law students interested in business law and transactional law.

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<sup>66</sup> See Center on Wrongful Convictions, <http://www.law.northwestern.edu/cwc/> (last visited September 20, 2005). Examples of the recent work done by the Center on Wrongful Convictions include the exonerations of Randy Steidl, Michael Evans, Dana Holland, and Rolando Cruz.

<sup>67</sup> See *Steidl v. Walls*, 267 F. Supp. 2d 919 (C.D. Ill. 2003).

<sup>68</sup> See Center on Wrongful Convictions, <http://www.law.northwestern.edu/depts/clinic/wrongful/documents/GCCPStatus.htm> (last visited September 20, 2005) (describing recommendations made by the Ryan Commission for a chart indicating which recommendations of the Ryan Commission have been enacted into law).

#### D. *The Center for International Human Rights*

In 1998, the Law School created a third center within the Bluhm Legal Clinic, the Center for International Human Rights headed by Douglas Cassel. Under Professor Cassel's leadership, the Center for International Human Rights has become a source of knowledge about human rights issues throughout the world. As an expert on human rights in Central and South America, Professor Cassel has publicized human rights abuses and encouraged complainants to take their cases before the Inter-American Court on Human Rights. Professor Cassel's scholarship and his engagement with the press on important human rights issues<sup>69</sup> has created a foundation from which the Center can grow so that, in the future, students and faculty can be directly involved in the representation of clients who assert human rights violations, as well as in significant human rights policy debates. Most recently, the Center for International Human Rights has begun to take steps in that direction by initiating a clinical program which has involved students in raising human rights issues arising out of the confinement of prisoners at the Guantanamo Naval Base in Cuba.<sup>70</sup>

#### E. *Investor Protection Center*

In 2005, the Bluhm Legal Clinic established an Investor Protection Center, which is funded by the National Association of Securities Dealers. This initiative was led by Professor Sam Tenenbaum ('73), with support from David Ruder, former chairman of the SEC and current William W. Gurley Memorial Professor of Law. An experienced securities litigation specialist, Professor Tenenbaum joined the clinical faculty in 2004. While a student at Northwestern, Professor Tenenbaum worked in the Clinic (and tried a murder case with me), and served as editor-in-chief of the *Law Review*. Students and faculty in this new clinical program will represent small investors in arbitration of claims against securities dealers.

#### F. *John S. Elson: Civil Justice Reform*

Not all of the good work and fine educational experiences provided by the Clinic can be traced to faculty working in the Centers. The clinical program has also been privileged to have a "one-man center" in the form of Professor John Elson. Over the last thirty years, Professor Elson and the

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<sup>69</sup> Professor Cassel is a frequent contributor to National Public Radio's *World View*. See, e.g., *World View: Commentaries on International Human Rights* (Chicago Public Radio 1994–present), reprinted in CHI. DAILY L. BULL., 1995–present. He has also authored twenty-two op-ed pieces for the *Chicago Tribune*. See, e.g. Doug Cassel, Op-Ed, *Do unto Others . . . : America Fights International Covenants Against Torture*, CHI. TRIB., Sept. 1, 2002, at C1; Doug Cassel, Op-Ed., *Inhuman: In a Post-9/11 World, Does America Still Stand Tall on Rights?*, CHI. TRIB., Nov. 28, 2004, at C1; Doug Cassel, Op-Ed., *War from 30,000 Feet: The Irresponsible Nation*, CHI. TRIB., Mar. 23, 2003, at C1.

<sup>70</sup> See, e.g., *Al Odah v. United States*, 321 F.3d 1134 (D.C. Cir. 2003).

students in his civil litigation clinic have helped eliminate a wide variety of unfair and illegal government and professional practices.

For example, in a twelve-year class action against the Chicago and State Boards of Education, Elson and his students obtained both precedent-setting recognition of a substantive due process right to education of school-aged pretrial detainees in the Cook County Jail and systemic reforms, which transformed the jail's school into one of the most effective educational programs for pretrial detainees in the country.<sup>71</sup> In another federal class action against these same defendants, now in its thirteenth year, Elson and his students won a ruling which found pervasive violations of the federal right of Chicago public school students with disabilities to be educated in the "least restrictive environment."<sup>72</sup> Elson and his students are now enforcing a comprehensive consent decree that fundamentally transforms both the way Chicago goes about educating students with disabilities and the way the State enforces the rights of such students to an appropriate education.<sup>73</sup>

In the area of matrimonial law practice, Elson and his students were instrumental in drafting, lobbying for, and defending the constitutionality of legislation that eased the way for poorer spouses to require wealthier spouses to pay their attorneys' fees.<sup>74</sup> Elson and his students also obtained rulings in both trial and appellate courts that recognized the especially heavy fiduciary duties that matrimonial attorneys must satisfy when they sue their clients for fees.<sup>75</sup> Elson's most controversial and contentious battles in the matrimonial field were waged over the course of a decade in both federal and state court, and in the Illinois Attorney Registration and Disciplinary Commission where he ultimately succeeded in gaining recognition of a cause of action for damages for clients whose attorneys had subjected them to sexual coercion. He also succeeded in gaining recognition of a meaningful disciplinary sanction against attorneys who engage in this form of unprofessional conduct.<sup>76</sup>

Finally, Elson and his students have litigated several cases in federal courts, three of which Elson himself argued before the United States Supreme Court, that delineated legal rights in several important areas of civil rights law, including the right to damages for procedural due process violations,<sup>77</sup> the right to counsel of defendants accused of misdemeanors,<sup>78</sup> the

<sup>71</sup> See *Donnell C. v. Ill. State Bd. of Educ.*, 829 F. Supp. 1016 (N.D. Ill. 1993).

<sup>72</sup> The "Least Restrictive Environment" provision of the Individuals with Disabilities Education Act, 20 U.S.C. § 1412(a)(5)(A) (2000), requires that "[t]o the maximum extent appropriate, children with disabilities . . . are educated with children who are not disabled . . ." See *Corey H. v. Bd. of Educ.*, 995 F. Supp. 900, 907-18 (N.D. Ill. 1998).

<sup>73</sup> See *Reid L. v. Ill. State Bd. of Educ.*, 289 F.3d 1009, 1012-17 (7th Cir. 2002).

<sup>74</sup> See *Kaufman v. Edgar*, 704 N.E.2d 756 (Ill. App. Ct. 1998).

<sup>75</sup> See *In re Pagano*, 607 N.E.2d 1242 (Ill. 1992).

<sup>76</sup> See *In re Rinella*, 677 N.E.2d 909 (Ill. 1997); *Doe v. Roe*, 681 N.E.2d 640 (Ill. App. Ct. 1997); *Suppressed v. Suppressed*, 565 N.E.2d 101 (Ill. App. Ct. 1990).

<sup>77</sup> *Carey v. Phipus*, 435 U.S. 247 (1978).

rights of prisoners to hearings before being committed to segregation,<sup>79</sup> and the rights of plaintiffs to pursue damage suits against court clerks after being wrongfully arrested and imprisoned.<sup>80</sup>

Most recently, John Elson has concentrated on the litigation of complex civil cases referred to the Clinic by the Legal Assistance Foundation of Chicago.

## VI. CONCLUSION

Today, more than seventy-five years after Dean Wigmore conceived of the first clinic course, the Bluhm Legal Clinic has evolved into a teaching institution and a public interest law office. Students work on behalf of individual clients and, in so doing, not only learn basic lawyering skills but also gain the knowledge needed to engage in significant legal and policy debates. This brings meaning and excitement to our faculty, students, and alumni.

Members of the clinical faculty work together on all aspects of the program, supporting each other in their teaching, in their scholarship, in their representation of clients, and in their policy and justice reform work. This collaboration is made possible by the *esprit de corps* that exists among Northwestern's faculty, a feeling aided by the fact that the clinical faculty genuinely believe they are engaged in a common enterprise and the fact that those teaching in the Clinic and in "clinical education"—e.g., professors of evidence, trial advocacy, legal ethics, and criminal law—are all housed in such close proximity to one another. When students and faculty are preparing a case for trial, they can take advantage of the expertise of an evidence teacher whose office is just down the hall. When ethical issues arise during the course of the representation of a client, clinic students and faculty can turn to members of the clinical faculty who are leading experts in legal ethics. Faculty who have taught or who are teaching criminal law, criminal procedure, and civil procedure are always available to provide guidance in client representation. Those faculty members who are both associated with the Clinic and who teach doctrinal courses benefit from this collaboration because they are able to draw from real-practice experience when inside the classroom.

What does the future hold for Northwestern's clinical program? Our program's history demonstrates that even the most ambitious beginnings—even the one sponsored by John Henry Wigmore—can be quickly forgotten if a concerted effort is not made to keep legal education relevant to the needs of the legal profession. Dean Wigmore was the complete legal educator—a scholar, a teacher focused on education for professional responsibility, and an activist within the legal profession. He believed in a kind of

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<sup>78</sup> *Scott v. Illinois*, 440 U.S. 367 (1979).

<sup>79</sup> *Hughes v. Rowe*, 449 U.S. 5 (1980).

<sup>80</sup> *Murray v. City of Chicago*, 634 F.2d 365, 366 (7th Cir. 1980).

legal clinic that combined theory and practice in order to serve the community. The history of our clinical program since the late 1960s has, we hope, been the embodiment of that ideal. We have created educationally valuable and socially constructive programs which motivate students to serve their clients and their communities. And through our engagement with the social justice community, we have advocated for changes that we hope will stand the test of time. The phenomenon of students and faculty working together to learn and to serve has the potential to produce even more meaningful educational and societal benefits—benefits that we hope will continue for the next one hundred years.