

SALT EQUALIZER

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Solomon Amendment Litigation Update

Kent Greenfield, Boston College Law School

As most readers of the *Equalizer* already know, the United States Court of Appeals for the Third Circuit issued a ruling in *FAIR v. Rumsfeld* last November in favor of SALT, the Forum for Academic and Institutional Rights (FAIR), and their co-plaintiffs, ordering an injunction against further application of the Solomon Amendment. In January, upon petition by the government, the Third Circuit stayed its order to allow the government to file a petition for certiorari in the Supreme Court. The Third Circuit's stay leaves the Solomon Amendment in place at the present time.

The government filed a petition for certiorari in late February, asking the Court to overturn the Third Circuit. The plaintiffs' attorneys filed their response in late March. The Court will likely rule on the petition before current Term ends in June. [Editor's note: As this issue went to press, we learned that the Supreme Court had granted certiorari and will hear *FAIR v. Rumsfeld* sometime in the fall term. For updates, check www.saltlaw.org or www.solomonresponse.org.]

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Co-Presidents' Column

Holly Maguigan, New York University School of Law
Beto Juárez, St. Mary's University School of Law



Greetings!

SALT members look back at a busy spring semester, forward to a summer break and then on to next fall's work. The Public Interest and Social Justice Retreats, bringing together students, practitioners and faculty every spring, continue to inspire the next generation of activist lawyers and law teachers. We give special thanks to Board member

Bob Lancaster for his work on the Norman Amaker Retreat (Indiana), to past Co-President Stephanie Wildman for the Tina Grillo Retreat (California), and to past and current Board members Steven Wizner, Avi Soifer, and Deborah Post for their work on the Robert Cover Retreat (New Hampshire).

SALT joined forces with the Clinical Legal Education Association (CLEA) at the AALS Clinical Workshop in Chicago this year. We are grateful to CLEA for welcoming the SALT Program on "Transforming Legal Education, Act II: Clinicians Take on the Bar Exam," from 5:00 to 6:30 p.m. on Saturday, April 30, 2005. We are grateful, too, that our Committee on Bar Exams and Alternatives to the Bar Exam, led in this project by SALT Co-President-Elect Eileen Kaufman, organized a terrific program whose speakers included Peter Wright,

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SALT EQUALIZER

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| Raleigh Hannah Levine | Editor |
| José Roberto (Beto) Juárez, Jr. | Co-President |
| Holly Maguigan | Co-President |
| Norm Stein | Treasurer |
| Joyce Saltalamachia | Historian |
| Mary Grant | Layout |

To contact the *SALT Equalizer*, write the editor at William Mitchell College of Law, 875 Summit Ave., St. Paul, MN 55105-3076; call (651) 290-7503; or e-mail rlevine@wmitchell.edu. Visit the SALT web site at www.saltlaw.org.

Solomon Update:

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Meanwhile, a district court in Connecticut recently issued an injunction in the case brought by members of the Yale faculty. The decision was consistent with the ruling in the Third Circuit, holding that the First Amendment rights of the faculty were violated by the government's forced inclusion of discriminatory, military recruiters on the law school campus.

SALT members should continue encouraging their institutions and law faculties to join FAIR, as any injunction, when it is issued, is likely to apply most clearly to FAIR members. Information about joining FAIR, materials from the suit (including the government's petition and the plaintiffs' response), and other helpful resources continue to be available on-line at www.solomonresponse.org.

Co-Presidents:

▼ *continued from page 1*

Antoinette Sedillo Lopez, and Board members Joan Howarth and Kris Glen. (For SALT's recent statement on alternatives to the bar exam, go to <http://www.saltlaw.org/barexamalternatives.doc>).

Our members have continued to fight for affirmative action and for implementation of the victory in *Grutter*. They have co-authored a recent empirical analysis of "The Real Impact of Eliminating Affirmative Action in American Law Schools" in the February 2005 Stanford Law Review. It is also available at www.saltlaw.org/sander_rebuttal_v5_draft.pdf. It will be no surprise to SALT members that some law schools, in response to the rankings in U.S. News and World Report, have raised the minimum LSAT scores required for admission. That move, and its impact on diversity in law schools, will, however, be a

surprise to many outside the academy. To help make this development public and the subject of meaningful debate, please get in touch with SALT member Vernellia Randall (randall@udayton.edu), immediate past Co-President Michael Rooke-Ley (union2757@msn.com), or Board member Jane Dolkart (jdolkart@mail.smu.edu). They are working as an ad hoc subcommittee of our Affirmative Action Committee, whose co-chairs are Margaret Martin Barry (barry@law.edu) and Emily

*"Thanks to you, SALT
is thriving. SALT's
membership is at an all-
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Houh (emily.houh@uc.edu). Conrad Johnson (cjohnson@law.columbia.edu) is the chair of the Law School Admissions subcommittee.

Thanks to the tireless work of Board members Florence Wagman Roisman and Bob Dinerstein (co-chairs of the Judicial Nominations Committee), with outstanding assistance from SALT members and Board members, SALT issued a series of excellent critiques of current judicial nominations. We are all in their debt. Copies of our letters in opposition to the worst of the 2005 nominees are available at www.saltlaw.org/positions.htm#judicial.

Academic freedom issues have dominated much of our work and our thinking these past months. You will remember that a rejected client filed suit against the University of North Dakota Law Clinic and Laura Rovner (then at North Dakota, now on Denver's faculty) after they refused to represent him. He had wanted to bring an action claiming that a statue of Themis (the goddess of justice) on top of the Grand Forks County Courthouse was an unconstitutional "establishment of the pagan religion." Before his request for representation, Martin Wishnatsky had repeatedly publicly criticized Rovner and her students for their representation of clients who challenged the constitutionality of a Ten Commandments monument on city government property. The defendants' motion to dismiss was granted by the district court. CLEA and SALT had filed an amicus brief on behalf of the clinic and Rovner. It was written by Claudia Angelos and her students at the NYU Civil Rights Clinic. Wishnatsky appealed to the Eighth Circuit, and SALT was again amicus, this time represented by Steven H. Goldblatt and students in the Appellate Litigation Clinic at Georgetown. Goldblatt gives credit to Elizabeth Wydra, a second-year graduate fellow "who took primary responsibility for the brief — she went home to California to visit her family [over the winter break] but spent most of the time in front of a computer working on this case." We are very grateful to all our counsel and to Laura Rovner for inviting us to help in this important case. A transcript of the April 13, 2005, oral argument is on the Eighth Circuit website. In a recent message to us, Goldblatt declined to speculate on the outcome of the case, noting that whatever happens, the academic freedom fight is not over:

What is clear is that we need to fight this type of lawsuit . . . wherever it occurs because it is a

real threat to clinical programs and their freedom to take on controversial cases for fear of reprisals like this. It is also a major threat to the person whose name shows up on the caption like Laura Rovner . . . and her colleagues in North Dakota. SALT served a vital role in protecting these collective rights and in supporting a colleague in the district court and on appeal. We will need to do it again, however this case comes out.

The investigation of Ward Churchill by the Board of Regents of the University of Colorado was the subject of an unusual list-wide debate among SALT members. As you know, we ordinarily strive to limit the use of the SALT membership listserv to messages directly related to SALT business, so that you are not inundated with listserv e-mails. We decided to make an exception to this policy because of the intense interest among SALT members in this matter. Many of you have told us that you appreciated the lively and informative conversation on the listserv. The text of SALT's letter opposing the Regents' invasion of Churchill's academic freedom is included in Nancy Erhrenreich's article in this issue, and it is also available at www.saltlaw.org/positions.htm#academic.

In the wake of both the attack on Churchill and the many ongoing attempts to influence the content of classes in universities throughout the country (particularly scrutinized are departments of Middle Eastern Studies), legislation is pending in eight states and being proposed in twelve others that will require "balanced" points of view in classes. Sometimes justified as a protection for students' rights, this legislation could not be more certain to limit the academic freedom of teachers. The framing of the issue is deceptive, as past Co-President Carol Chomsky has noted: "The chal-

lenge to progressives funneled through proposals like the so-called 'academic bill of rights' is real and growing." Board member Deborah Post, chair of SALT's Peace/Post 9-11 Committee, has offered to take the lead for us on this issue. To help with the work against legislative attempts to stifle academic freedom, write to Post directly at deborahp@tourolaw.edu, or to either of us (bjuares@stmarytx.edu or holly.maguigan@nyu.edu).

Save the Date (1): October 6, 2005, San Juan Puerto Rico. At the beginning of the 10th Annual LatCrit Conference (October 6-10, 2005), we co-sponsor the third Annual LatCrit-SALT Faculty Development Workshop, a one-day event by SALT and LatCrit designed to support progressive junior faculty in the teaching, scholarship and service aspects of professional success. The workshop meets the day before the Annual LatCrit Conference in plenary sessions that track these three areas of concern. Through the workshop, we seek to foster scholarship in critical outsider jurisprudence, including LatCrit theory, among new and junior faculty, and to cultivate a core group of "next generation" scholars interested in the continuation of this and similar projects over the years. LatCrit and SALT are collaborating to expand this workshop into a more comprehensive year-round program featuring a series of events tailored for new faculty. For registration information, visit personal.law.miami.edu/~fvaldes/latcrit/latcrit/LC10.htm. To help with this workshop or with our long-term faculty development goals, please write to Board members Frank Rudy Cooper (fcooper@suffolk.edu) or Camille Nelson (nelsonca@slu.edu).

Save the Date (2): SALT's Annual Awards Dinner, during the annual AALS meeting in New Orleans, will be January 7, 2006. The dinner committee's co-chairs, Co-Presidents-Elect Eileen

Kaufman and Tayyab Mahmud, extend their warmest welcome to you all. They thank the many SALT members who responded to their request for nominations for the 2006 Teaching Award as well as the M. Shanara Gilbert Human Rights award. Your participation in these choices is crucial. The names of the awardees will be announced in the early fall.

SALT does an amazing number of things on an incredibly small budget. We thank all of you who have renewed your membership dues, which provide the bulk of our budget. And for those of you who haven't done so yet, take a moment now to mail your membership check, or to ask your school to send the check to us. You'll find a renewal form inside the back cover of this issue of the *Equalizer* and at www.saltlaw.org (click the tab for "Join SALT").

Not everyone is able to contribute to SALT's work with time. We want to remind you of two opportunities to contribute in other ways to SALT's work. Founding SALT President Norman Dorsen made a generous contribution to SALT to support the Dorsen Fellowship, which funds a law student to assist the Co-Presidents in carrying out SALT's work. The gift is conditioned on SALT's raising \$12,000 in matching funds each year. The Stuart & Ellen Filler Fund supports the work of law students doing public interest work in the summer.

Thanks to you, SALT is thriving. SALT's membership is at an all-time high, and there are SALT members at almost every law school in the United States. As you can see from this issue of the *Equalizer*, SALT continues to be engaged in a broad range of important work. Your generous donations of time, money, and energy make that work possible. We are grateful to you for your contributions to SALT's work, and we look forward to working with you in the future.

Warmest wishes,
Holly and Beto

SALT Takes a Strong Stand Against Bush Political and Judicial Nominees

Florence Wagman Roisman, Indiana University School of Law – Indianapolis

SALT and its members have been playing an active role in crucial efforts to preserve the integrity and quality of the federal justice system. For the first time ever, SALT took a position with respect to an Executive Branch nomination, opposing the selection of Alberto Gonzales to be Attorney General of the United States. And SALT opposed the confirmation of seven highly controversial persons named by President Bush to serve on federal courts of appeals. The SALT letters regarding these nominees are on SALT's website (www.saltlaw.org); we encourage SALT members to use these letters as the basis for their own communications to their Senators regarding these nominees.

The Gonzales Nomination.

Although SALT never before had taken a position on an Executive Branch nomination, the Board decided, at its January meeting, that Alberto Gonzales's role in the torture of persons detained by the United States was so egregious as to require opposition to his appointment. With the generosity, talent, and expedition typical of SALT members, Denise Fort and Jenny Moore, of the University of New Mexico, and Eleanor Stein, a visiting professor at Albany, drafted an opposition to the Gonzales nomination. As approved by the Board and sent to the Senate Judiciary Committee, SALT's letter decried Mr. Gonzales's having "flouted legal requirements . . . with respect to a subject that implicates our fundamental morality: how we as a nation treat those whom we hold prisoner." Reviewing pertinent Texas Disciplinary Rules of Professional Conduct, SALT's letter showed that Mr. Gonzales had violated those ethical

standards in several respects. Contrasting Mr. Gonzales's actions with "the ethical standards demonstrated by those military attorneys who voiced their concerns about torture," SALT urged the Senate to reject the Gonzales nomination "and await a nominee who honors the rule of law." The full text of the SALT letter is available at www.saltlaw.org (as is SALT's Statement on the Use of Torture in the War on Terror).

The Judicial Nominations.

While the Senate has confirmed most of President Bush's judicial nominations (204 in his first term), a handful of his choices have been so far outside mainstream legal thought (and, in some cases, so far from meeting fundamental ethical standards) that they have elicited strong opposition, including filibusters.¹ SALT has opposed seven of those nominees: Janice Rogers Brown, Brett Kavanaugh, and Thomas B. Griffith (for the D.C. Circuit); William H. Pryor (for the 11th Circuit); William G. Myers, III (for the 9th Circuit); David W. McKeague (for the 6th Circuit); and Priscilla Owen (for the 5th Circuit).

Brown is infamous for having called the Supreme Court's decisions upholding New Deal programs "the triumph of our socialist revolution,"² for having identified altruism with communism,³ and for praising the decision in *Lochner v. New York*.⁴ In a detailed analysis of Brown's decisions and speeches, SALT concluded that she disrespects legislative action, judicial precedent, and the judicial process when they are inconsistent with the results she desires, and that she has been "injudicious, inconsistent, inaccurate, and contemptuous of the civility and collegiality that should characterize the judicial process." Kavanaugh's brief legal career has been spent primarily in extreme, partisan activities, including service with Kenneth Starr's Office of Independent Counsel

and as an architect of President George W. Bush's judicial nominations strategy. Griffith – who spent several years serving as counsel to Brigham Young University, even though he had allowed his only bar membership to lapse – has a record of extreme hostility to Title IX, the landmark federal law that prohibits sex discrimination in every sphere of education, including athletics.

Pryor was the subject of filibusters in the last session of Congress, but President Bush gave him a recess appointment to the 11th Circuit. He was opposed by SALT (and many other organizations) for insensitivity to privacy rights, the separation of church and state, the Clean Water Act, the Americans with Disabilities Act, the Age Discrimination in Employment Act, the Civil Rights Act of 1964, and the Violence Against Women Act. Myers, formerly Solicitor of the Interior Department, has been opposed not only by SALT but also by major environmental and other organizations for demonstrated hostility to civil rights, environmental protections, and workers' safety concerns. McKeague's conduct as a trial judge showed him to be, as SALT's letter concluded, "insensitive to the concerns of the least powerful litigants, dismissive of substantial constitutional claims, unduly hasty to decide on summary judgment issues that require factual testing, and intemperate." Owen, whose nomination also has been filibustered in the past, has been hostile to civil rights, workers' rights, and reproductive rights. She has the distinction of having been accused by Alberto Gonzales, then her colleague on the Texas Supreme Court, of having engaged in "an unconscionable act of judicial activism" in endeavoring to limit the application of a parental notification provision in a reproductive rights case.

These and a few other of President Bush's nominations to the federal

bench make clear his determination to value radical right-wing ideology over competence or integrity. The battles over these nominations and protection of minority voices through the filibuster are warm-ups for the expected battle over one or more new appointments to the Supreme Court. SALT and its members have a vital role to play in defending the integrity of the federal bench and assuring that judges who assume these lifetime appointments possess, as Alexander Hamilton wrote in Federalist No. 78, “integrity and moderation . . .”

Endnotes

¹As this article was being written, the Senate was considering whether to change its rules to eliminate the use of filibusters for judicial nominations. For a discussion of the so-called “nuclear option,” see Jeffrey Toobin, *Blowing Up the Senate*, The New Yorker, Mar. 7, 2005, at 42; for a scholarly discussion of the filibuster, see Catherine Fisk & Erwin Chemerinsky, *The Filibuster*, 49 Stan. L. Rev. 181 (1997).

²Janice Rogers Brown, “A Whiter Shade of Pale”: Sense and Nonsense—The Pursuit of Perfection in Law and Politics, Speech Before the Federalist Society, University of Chicago Law School (Apr. 20, 2000) (transcript available at http://www.constitution.org/col/jrb/00420_jrb_fedsoc.htm).

³*Id.* at 2.

⁴*Id.* at 4; see also Janet Rogers Brown, Fifty Ways to Lose Your Freedom, Speech Before the Institute for Justice, Washington, D.C. (Aug. 12, 2000) (transcript available at <http://www.communityrights.org/PDFs/8-12-00IFJ.pdf>).

SALT Responds to Threats Against Academic Freedom

Nancy Ehrenreich, University of Denver College of Law

Many SALT members have probably followed the recent controversy about Professor Ward Churchill, a tenured member of the Ethnic Studies Department at the University of Colorado whose essay on the 9-11 attacks prompted calls for his firing, accusations of inciting violence, and worse. (The Churchill piece, an online essay published on September 12, 2001, is available at www.darknightpress.org/index.php?i=print&article=9.)

That controversy is just the latest in a series of attacks on academic freedom, including not only other challenges to the free speech of individual faculty members, but also efforts in several states to pass “academic bill of rights” statutes that would limit faculty discretion about course coverage, as well as efforts to eliminate the institution of tenure itself. (The Churchill episode has prompted his home institution to begin a review of the tenure process, in response to pressure from both the state legislature and the governor.)

The University of Colorado Board of Regents ultimately concluded that Churchill’s writings and lectures were protected exercises of academic freedom, and has not sanctioned him for publishing them. However, the University has continued its investigation, turning now to an examination of old allegations that resurfaced in connection with the controversy over Churchill’s 9-11 essay. These more personal attacks, on Churchill’s ethnic identity and interpersonal relational style, as well as his scholarly integrity, have been circulating for years, but had never before been taken seriously by the University. Its current willingness to give credence to these attacks seems highly likely, therefore, to be related to the political uproar over Churchill’s controversial expressions of protected speech. As such, the new investigation, which will surely have a chilling effect on other academics tempted to speak their minds on current issues, can be seen as part and parcel of the sustained attack on academic freedom described above.

During the initial investigation of Churchill, the SALT Board of Governors submitted a letter to the University of Colorado Board of Regents, expressing concern over the threat to academic freedom represented by that investigation. The letter is reproduced on the next page.

“[The Churchill] controversy is just the latest in a series of attacks on academic freedom, including... efforts in several states to pass ‘academic bill of rights’ statutes that would limit faculty discretion about course coverage, as well as efforts to eliminate the institution of tenure itself.”

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Academic Freedom:

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To the Board of Regents:

The Society of American Law Teachers is the largest membership organization of law professors in the United States. SALT has more than 900 members at over 160 law schools. The organization's mission is the promotion of justice, diversity, and excellence in the legal academy and in the profession.

We are writing you to express concern about the upcoming Board of Regents meeting regarding Professor Ward Churchill. It is our sincere hope that the Board will take the opportunity of that meeting to reaffirm the University of Colorado's commitment to academic freedom and that it will refrain from publicly or privately criticizing Professor Churchill for his exercise of his First Amendment rights.

As law professors, we are uniquely aware of the importance of academic freedom at our colleges and universities. Such institutions are central to the production of knowledge and the dissemination of information in our society. By ensuring an informed populace, they assure the development of effective and just public policies. An informed public is the key to a truly free society, for demagogues and tyrants thrive on ignorance. Universities play the crucial role of providing a forum for informed criticism of our society and its policies. Such critique of the conventional wisdom, or the accepted way of doing (or seeing) things, is essential to fostering the public debate that is necessary to prevent tyranny. As our own history shows, once loyalty tests and "love it or leave it" reasoning are used to stifle dissent, both knowledge and liberty suffer. Regardless of whether you agree with Professor Churchill's views, it is your obligation to uphold his right to state them publicly.

The central point expressed by Professor Churchill has been inaccurately portrayed in much of the mainstream media covering this controversy. Professor Churchill indicts the role of our military, intelligence, and financial infrastructure in making U.S. foreign policy possible, and suggests that these "technocrats of empire" are complicit in the harms that our foreign policy has perpetrated around the world. While most people are offended by the particular analogy Professor Churchill used to convey this point, the substance of his critique warrants greater attention.

Most important, distaste or offense at Professor Churchill's expression of his views does not give anyone the right to challenge his right to say them. Some critics of Professor Churchill have expressed the view that free speech might nevertheless have "consequences," such as firing. But the central meaning behind the Constitutional guarantee of freedom of speech is that the government cannot fire or discipline individuals for speech it finds unappealing or unpopular. Indeed, the most controversial views are the ones that most need to be protected, for they are the easiest to chill. The whole point of a system of free speech is that those who find speech offensive have an equal right to challenge and respond to it — with more speech.

In the interests of not only Professor Churchill, but the entire academic community in Colorado — and the country at large — we urge you to take a principled stand respecting Professor Churchill's constitutionally protected right to publicly state his views.

Sincerely yours,

The Board of Governors of the Society of American Law Teachers

Diversifying the Legal Profession: The Pipeline Initiatives

Beto Juárez, St. Mary's University School of Law

In early February, I found myself sitting in a middle school classroom in a barrio in Albuquerque, New Mexico, listening to a sixth-grader who had recently immigrated from Mexico describe her hopes and dreams for the future. She is learning English and spoke in Spanish. Her parents

“[SALT seeks] to ensure that law schools [can] continue to utilize affirmative action in admission to secure a diverse student body. [But] affirmative action programs alone... are not sufficient.”

are undocumented. Research studies tell us that students like her are unlikely to graduate from high school. But when she was asked what her plans for the future are, she did not hesitate: “I am going to go to college, and then I am going to go to law school. I want to be a lawyer so I can help people like my parents who don't have papers.” As she spoke, I had no doubt that she is going to be a lawyer.

What gave her the self-confidence

and determination to state unequivocally that she is going to go to law school? This sixth-grader is one of hundreds of students who are benefitting from the ENLACE (ENGaging Latino Communities for Education) program in Albuquerque, a “pipeline” project that seeks to increase the number of Latino students and other students of color who graduate from college so that they can qualify for admission to law schools and other professional and graduate schools.

Among the issues SALT has long been involved in, efforts to diversify the legal profession have always drawn the active participation of numerous members. SALT’s amicus brief in *Grutter v. Bollinger* was just one part of SALT’s recent efforts to ensure that law schools could continue to utilize affirmative action in admission to secure a diverse student body. The *Grutter* brief paralleled the amicus brief SALT filed in 1978, in *Regents of the University of California v. Bakke*.

Affirmative action programs alone, however, are not sufficient. Unless students of color graduate from college, law schools cannot admit them. Other graduate and professional schools are similarly constrained. While the proportion of K-12 students who are of color continues to increase dramatically, the proportion of law students of color has stagnated or, all too frequently, decreased.

Pipeline programs seek to address this problem by supporting students of color and their parents, and by encouraging them to seek professional and graduate education. Students of color are not the only beneficiaries of successful pipeline programs; law schools and other professional and graduate schools also benefit.

I was privileged to witness that sixth-grader’s declaration about her plans to become a lawyer because, at the invitation of past SALT Co-President

Margaret Montoya (New Mexico), I represented SALT and joined other law professors and administrators in a unique conference on pipeline programs at the Tamaya Resort, on the Santa Ana Pueblo, just outside of Albuquerque. Co-sponsored by the Law School Admissions Council, the conference brought together legal academics with parents of K-12 students,

*“From where will we
in legal education
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education for students
of color?”*

community activists, high school teachers and administrators, university administrators, medical educators, policy analysts, and foundation officials to explore the challenges in creating and operating successful pipeline programs.

During the first two days of the conference, information was presented to the participants about pipeline initiatives around the country. In small group sessions, the conference participants shared their own experiences and prepared recommendations for further action that were then shared with the entire conference. As important as this work was, the

highlight for me and, I believe, the other participants, was the field trip on the third day to see first-hand the programs operated by ENLACE in the Albuquerque public schools. ENLACE’s mentorship program connects middle school and high school students with University of New Mexico undergraduates who help the younger students avoid the common pitfalls that derail the educational plans of too many students of color in this country. Parents work in volunteer centers to tutor students and to speak with parents of those students who are having attendance problems. A summer bridge program helps middle school students make the transition to high school. Chicano Studies classes in the high schools seek to instill cultural pride and empowerment in the students. Students interested in teaching careers shadow champion teachers to learn more about the teaching profession. ENLACE students also visit the University of New Mexico, including the law school and the medical school. (More information about ENLACE is available at www.enlaceinnewmexico.com.)

Too many of us in legal education are ignoring the demographic changes of the future. Today, a majority of K-12 students in many states are students of color. The number and proportion of white K-12 students continues to decline. From where will we in legal education draw our students if we do not work now to increase the dismally low rates of participation in higher education for students of color? Pipeline programs such as the ENLACE program are an important part of the answer to this question. We in legal education will increasingly be forced to direct our attention to this issue if we are truly serious about increasing the diversity of the legal profession. That sixth-grader in Albuquerque, and her peers around the country, call us to redouble our efforts.

SALT and EJS Host Successful Welcoming Reception at AALS Annual Meeting

Nancy Cook, Roger Williams University School of Law

In January, as the AALS Annual Meeting was getting under way, SALT and the Equal Justice Society hosted a welcoming reception and round table in the Bay View Room of the Nikko Hotel. As in past years, SALT used this opportunity to reach out to newer faculty in search of a family of colleagues who think about and act on matters of social justice and equality. This year, however, the Equal Justice Society joined with SALT in creating a space at the Annual Meeting for social activist lawyers and law teachers to come together. It proved to be a successful collaboration.

The reception was well and enthusiastically attended. An informal panel, including Margaret Russell of Santa Clara University School of Law, Marcia Henry of the Sargent Shriver National Center on Poverty Law, and SALT Co-President Beto Juárez, addressed the topic: "Strategic Scholarship: Opportunities and Obstacles for Progressive Faculty." Part of the discussion focused on the commonly experienced conflict between personal activist agendas and institutional demands related to scholarship. In addition, panelists raised questions about developing strategies for the systematic creation of a well-funded, cohesive scholarship network to advance the work of activist academics and practitioners.

The ensuing open discussion was lively, spilling out into the hallways and elsewhere. SALT owes a round of applause to the panelists and to Rico Oyola from EJS, who handled the arrangements in San Francisco.

Good Food, Good Friends, and Good Stories at SALT's Annual Awards Dinner

Deborah Waire Post, Touro Law School

Once a year, the members of SALT have a chance to get together, reconnect with old friends from different schools and different states, share a fabulous meal and honor our heroes. In January 2005, we all came together in San Francisco at a site selected for us by David Oppenheimer, a former SALT board member. Yank Sing, at One Rincon Center, is one of our favorite venues. Even those of us who don't know anything about Feng Shui can appreciate an indoor waterfall.

Everyone assembled for the dinner, spending a very pleasant time in the courtyard with drinks and appetizers before adjourning to the restaurant for a multi-course dinner. There was food in abundance, shared family style, for meat-eaters and vegetarians alike.

The real reason for the get-together, of course, is to honor progressive faculty and lawyer activists. This year we honored two people who have made a significant difference in the world: Dean Emeritus Howard Glickstein of Touro Law School, who received the SALT Teaching Award, and Eva Paterson, noted civil rights attorney and director of the Equal Justice Society, who received the SALT Human Rights Award.



Michael Rooke-Ley and Howard Glickstein

Both of our honorees have had wonderful life-long careers fighting for social justice and civil rights. Following her graduation from U.C. Berkeley's Boalt Hall School of Law, Eva Paterson worked for the Legal Aid Society of Alameda County and co-founded A Safe Place, a shelter for battered women in Oakland, California. Eva describes herself as a beneficiary of affirmative action and she is passionate in her defense of that policy and in her struggle to preserve equal educational opportunities. As director of the Equal Justice Society, Eva now heads a national organization that works for social and legal change through scholarship and advocacy. Prior to taking the helm of the Equal Justice Society in 2003, she worked at the Lawyers' Committee for Civil Rights for twenty-six years, thirteen of them as Executive Director. Eva co-founded and chaired the California Coalition for Civil Rights for eighteen years, and was a leading spokesperson in the campaigns against Proposition 187 (anti-immigrant) and Proposition 209 (anti-affirmative action) and numerous other statewide campaigns against the death penalty, juvenile incarceration and discrimination against lesbians and gay men. She co-authored several landmark lawsuits in support of affirmative action: the federal lawsuit challenging California's Proposition 209, the successful litigation against U.C. Berkeley's admissions policy limiting access to students of color and an amicus brief in *Grutter v. Bollinger*, in which the U.S. Supreme Court upheld the race-conscious admissions policy at the University of Michigan Law School.

Dean Glickstein's long career, first in the field of civil rights and then in legal education, is legendary. Howard served as Staff Attorney with the Department of Justice, Civil Rights Division, Appeals and Research Section, where he helped draft the Civil Rights Act of 1964 and the Voting Rights Act of 1965. He was General Counsel, and later Staff Director, of the



Beto Juárez, Holly Maguigan, and Eva Paterson

U.S. Commission on Civil Rights. He also has served as Director of the Notre Dame Center for Civil Rights, as an Adjunct Professor at Notre Dame Law School, and as Professor and Director of the Equal Employment Litigation Clinic at Howard University School of Law. He was Dean of the University of Bridgeport School of Law from 1980 to 1985, and became Dean of Touro Law School in 1986. He was Touro's dean for eighteen years.

A member of SALT since its beginning, Howard served first as a board member for many years and then as the organization's president for 1990 and 1991. He has



Awards dinner guests

remained active in the leadership of the organization, and the mark of his generous influence is on everything that we do.

Usually, the best part of the Annual Awards Dinner evening is hearing the stories that we tell on each other, and this year was no exception. Charles Ogletree introduced Eva Paterson. While we learned a lot about Eva from his presentation, we also were surprised to hear that SALT's own co-president, whom we know as Beto, was known as "José" when he was at Stanford. We also heard from some of Howard's students at Notre Dame. His affection for his students, and theirs for him, was very much apparent in the remarks that evening — but the biggest surprise of the evening might just have come when we learned about how strong Howard's sense of justice really is. Still waters do indeed run deep.

2005 Robert Cover Study Group: "Civil Liberties Under Assault"

Tayyab Mahmud, John Marshall Law School

In line with the long-standing tradition, SALT organized the Robert Cover Study Group on January 7, 2005, to coincide with the 2005 AALS Annual Meeting. The theme of the study group this year was "Civil Liberties Under Assault," and the lead facilitators were Professors Jules Lobel and Joan Mahoney. The readings for the study group comprised the first chapter of Professor Lobel's book, *"Success Without Victory: Lost Legal Battles and the Long Road to Justice in America,"* and a recent British case, *A(FC) v.*

The Secretary of State for the Home Department (available at <http://www.publications.parliament.uk/pa/ld200405/ldjudgmt/jd041216/a&oth-1.htm>).

About fifty people attended the Study Group. After brief presentations by Professors Lobel and Mahoney, a robust discussion ensued. The major focus of the discussion was the merits of civil rights litigation even in cases in which the judicial decision goes against those seeking a remedy and relief. Members of the SALT Cover Study Group Committee, who deserve our thanks and appreciation for putting together such a thought-provoking event, are: Nancy Ehrenreich, Martha Mahoney, Tayyab Mahmud and Deborah Post.



Joan Mahoney and Jules Lobel at the Cover Workshop



Above and right: Robert Cover Study Group participants



2005 Norman Amaker Public Interest Law Retreat: “Human Rights in the 21st Century”

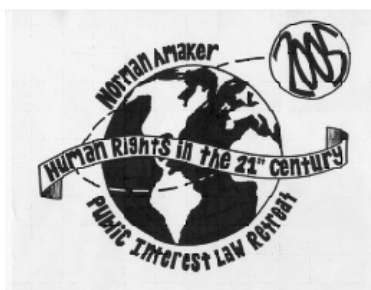
Robert Lancaster, Indiana University School of Law-Indianapolis

The fourth annual Norman Amaker Public Law Retreat was the largest to date. The theme was “Human Rights in the 21st Century.” 110 participants from nineteen different law schools participated in the three-day event, which was held at Bradford Woods, Indiana University’s retreat facility outside of Indianapolis. Participants came from as far away as Miami, Florida; Anchorage, Alaska; and Newark, New Jersey.

Nestled deep into the forested hills of Bradford Woods, participants were able to get away from the pressures of their daily lives and discuss and reflect upon global human rights issues. The weekend began Friday night with Derek Black, a staff attorney from the Lawyers’ Committee for Civil Rights Under Law, based in Washington, D.C. Derek spoke about the history of the civil rights movement in the United States and provided a context for the next two days of discussion and reflection. Derek’s presentation urged the next generation of public interest attorneys to push harder, expect more, and never settle for anything short of the fairness guaranteed by our constitution and international human rights laws.

After socializing late into Friday night, students spent Saturday morning in various panel discussions and small groups. Those included a discussion on issues faced by victims of domestic violence. That discussion was led by Gretchen Hunt, an attorney from the Center for Women and Families in Louisville, Kentucky, and Mary Jo Gleason, the director of the Greenebaum Public Service Program at the Louis D. Brandeis School of Law at

the University of Louisville. There was also a panel presentation on “Indefinite Incarceration: The Plight of Enemy Combatants Held at Guantanamo Bay” led by Scott Bates, a Senior Policy Advisor for the U.S. House of Representatives; Maria Pabon Lopez, Associate Professor of Law at the Indiana University School of Law-Indianapolis; and George E. Edwards, Professor of Law and Director of the Program in International Human



Rights Law at the Indiana University School of Law-Indianapolis.

Representatives from Equal Justice Works in Washington, D.C., were on hand all weekend and led a discussion on Saturday morning focused on helping students finance a public interest career. The weather was beautiful and unseasonably warm, so participants had opportunity to hike around the trails and lakes of the 900-acre Bradford Woods.

Saturday afternoon was filled with several events. Susan Reed, staff attorney at Farmworker Legal Services in Bangor, Michigan; Justin Cummins, attorney with Miller-O’Brien in Minneapolis; Professor Lopez; and Krin Flaherty, staff attorney with Indiana Legal Services’ Migrant Farmworkers Center, spoke about “Labor Pains: The Birth of a Just Environment for Migrant Workers in America.” Kim Brooks Tandy, Executive Director of the Children’s Law Center in Covington, Kentucky, and the Honorable Jack Tandy, Superior Court Judge in Shelby County, Indiana, spoke on “Juvenile Justice: Old Enough for Jail, Too Young for the Constitution.” Adele Morrison, Assistant Professor of Law at

Northern Illinois University College of Law, and Shakeer Abdullah, coordinator of New Diversity Initiatives at Ohio State University, led a group workshop on “Diversity: Communicating Beyond Our Differences.”

Saturday culminated with Florence Wagman Roisman, the Michael D. McCormick Professor of Law at Indiana University-Indianapolis, speaking to the students about the current slate of nominees for federal judicial appointments. Florence stressed why law students should be concerned and what they can do to help protect the bench from judges who may not share the students’ concerns for civil liberties and human rights. Luke Cole, Director of San Francisco’s Center on Race, Poverty, and the Environment, delivered the keynote address, “The Importance of Being Rebellious Lawyers in the Oughties.” Luke spoke about how today’s political climate means that progressive lawyers and law students must be more creative and more vigilant in their advocacy for social justice than ever before. Telling wonderful stories, Luke drew on his experiences from his career as an environmental justice and civil rights lawyer and explained how to practice law in a fashion that empowers those you represent. Using concrete examples he faced, Luke described how the choices that lawyers make have an impact on the powers of those represented and what that means for advocacy for social justice.

The students started Sunday morning bright and early with a discussion led by Ashwini Sukthankar, attorney with the Workers Rights Consortium in New York City, and Karen Bravo, Assistant Professor at the Indiana University School of Law-Indianapolis, on “Trafficking in Persons Around the World: The Dark Side of International Trade.” The weekend ended with a planning session for the next Amaker Retreat, scheduled for February 24-26, 2006, at Bradford Woods.

2005 Robert Cover Public Interest Law Retreat: “How to Make the Interest Public”

Deborah Waire Post, Touro Law School

The Cover Retreat means good company, great food, and new and old friends in a very beautiful setting discussing ideas and issues important for social justice. Sure it is cold in March in New Hampshire and snow was still on the ground for this year's retreat, but the skies were clear, the stars were bright, and during the down time between sessions on Saturday, people hiked or went skiing or just played hearts or spades in a dining room that features a huge fireplace and, for most of the time we were there, a lovely fire on the hearth.

Danny Greenberg, consummate storyteller and legendary lawyer, welcomed students with his usual combination of humor and wisdom. Steve Wizner plays straight man to Danny, but should receive all the credit for preserving this tradition and for guiding students through the process of organizing the retreat. Michael Avery closed out the event with his own stories of past and current struggles for social justice on the part of the National Lawyers Guild.

In between these inspirational speakers, the workshops this year focused on grass roots or community organizing and the support of these efforts by public interest lawyers. There were speakers from community-based organizations who talked about health care, transgender rights, jobs and health care for current and recently released prisoners, among many other issues. There was a discussion of strategies that can be employed in the struggle for social justice, including lobbying and litigation, alternative dispute resolution and community mobilization. There were also workshops on skills development – a grant-writing workshop and a workshop on cross-cultural competence. There was a movie, *Farmingville*, and a discussion following the movie led by Ed Lopez – one of the community organizers around this political struggle over the rights of day laborers in Long Island – who started Brookhaven Citizens for Peaceful Alternatives.

Students from Yale described and promoted their idea of a student organization that would be a resource for all activists and public interest lawyers in the future. They begin with pizza-and-beer study groups reading books about political struggle and social change. There was a spirited discussion of the need to include or recruit students with a more conservative viewpoint, and an effort to create a mailing list which could be used by students returning to Penn State, Georgia, Washington and Lee, Touro, Columbia, Yale, NYU, and the other schools represented at the meeting.

This year's event was organized by students from Touro Law School but before the event was over, the baton was passed to next year's organizers, the students from Penn State's Dickinson School of Law.



Robert Cover Public Interest Law Retreat participants

2005 Trina Grillo Public Interest and Social Justice Law Retreat: Still Rebellious? A Student's Perspective

Tobin Dietrich, Santa Clara University School of Law '06

The Seventh Annual Trina Grillo Public Interest and Social Justice Law Retreat, held at the Clarion Hotel in San José on March 12 and 13, provided a unique opportunity for students and practitioners to reflect on their roles as advocates for traditionally under-served communities. The annual retreat, co-sponsored by SALT, the University of San Francisco School of Law, and Santa Clara University School of Law's Center for Social Justice and Public Service, honors the memory of Trina Grillo, a dedicated social justice advocate who died in 1996 from Hodgkin's disease. This year's retreat focused on NYU Law Professor Gerald P. López's seminal work, *"Rebellious Lawyering: One Chicano's Vision of Progressive Lawyering Practice,"* as a framework for considering the ways in which public interest and social justice lawyering techniques have changed since Professor López's work was published in 1992.

The retreat began with a warm and stirring welcome from Donald Polden, Dean of Santa Clara University School of Law, who praised gatherings such as the Grillo Retreat for inspiring future generations of lawyers to do the kind of work that desperately needs doing in modern society. Professor Stephanie Wildman, Director of Santa Clara's Center for Social Justice and Public Service, then extended her thanks to the faculty, staff, and volunteers who made the retreat possible and read a short address on behalf of Connie de la Vega (University of San Francisco). Professor de la Vega's address affectionately remembered the life and work of Trina Grillo and included a call to action for current

and future lawyers. Professor de la Vega's words reminded the attendees that our societal obligation to ensure the success of historically disadvantaged groups is being neglected, and it is our duty to ensure the continued opportunity and success of all people in this country.

The first plenary, moderated by the Honorable Cruz Reynoso (UC Davis), addressed the modern approaches employed by advocates for social justice in



Stephanie Grogan and Tobin Dietrich

their day-to-day practices. Justice Reynoso offered an insightful perspective on the problems faced by social justice lawyers throughout American history. His remarks included a thought-provoking suggestion that modern terrorist fears are in many ways similar to the Communist scare of the McCarthy era. He highlighted the role of the social justice lawyer as a foot soldier in the battle to ensure constitutional protections for all.

The other panelists then shared their personal social justice lawyering histories. Sam Paz recounted some of his childhood experiences that led him to social justice practice, including very early memories of discrimination by Los Angeles police against his uncles and other local community members. Ying-Sun Ho of the Ella Baker Center told of coming of age in the hostile environment of a state that passed Propositions 184, 187, and 209, and spoke about how his activist roots dramatically shaped his law school experience. Olivia Wang of Legal Services for Prisoners with Children told a similar story of grassroots activism leading to the belief that with a

law degree came legitimacy and power, an opportunity to lend a voice to the voiceless. She expressed great concern about the level of social and professional conditioning that law students undergo as part of their law school experience. Molly McKay of Equality California spoke of how the roots of her commitment to social justice dated back to a job she held in a lesbian bar in San Diego and the elaborate tactics employed by homosexual members of the military to conceal their sexuality from their employers yet still maintain their social identity. The panel then reflected on the need to balance work life with social and spiritual needs in order to maintain a lasting, enjoyable career in an often difficult and frustrating career path.

Next was the Ralph Santiago Abascal Memorial Address, given this year by Gerald López. Justice Cruz Reynoso offered a short introduction, in which he remembered the life and work of his dear friend, Ralph Abascal, and introduced Professor López. Professor López then stepped to the podium, tucked his prepared notes into his coat pocket, and addressed the group on a wide range of topics, in an impromptu and emotional address. He discussed the need for truly rebellious lawyers, ones unafraid to disregard traditional legal roles in furtherance of their clients' interests. He said that the underserved in this country don't need another machine, nor do they need another martyr; what they need are resourceful, resilient, and imaginative lawyers: those lawyers who are not only willing to think outside the box, but also able to learn from their clients and help their clients solve problems by whatever means necessary. Those lawyers build and maintain relationships in underserved communities to ensure long-term success.

After a relaxing lunch during which participants met in small groups with practitioners to discuss career strategies,

the retreat reconvened with its second plenary session. This plenary, entitled “Practice and Identity: Figuring Out the Kind of Lawyer to Become,” was moderated by Professor Margalynne Armstrong (Santa Clara) and included David Salniker (Equal Justice Society), Danielle Jones (Stanford Community Law Center), Sonia Mercado (Mercado and Associates), and Malcolm Yeung (Asian Law Caucus).

Professor Armstrong initiated the discussion by asking each panelist to discuss, in turn, what inspired them to pursue social justice work; what impediments, in law school or beyond, they each encountered; and what strategies they recommended to social justice-minded law students. Ms. Mercado spoke of her seemingly conflicting desires to do meaningful work beyond herself and to provide for her family. Those desires led to her business-savvy approach to social justice work. Mr. Yeung discussed his own early motivation from racism encountered in his youth and how, as a result, he brought a great deal of idealism with him to law school. He warned law students of the conditioning that occurs as part of the on-campus interview process and told a moving story of how his own asbestos litigation defense work convinced him to switch to social justice work for good. Ms. Jones also stressed the idealism she brought to law school and how that idealism was challenged by traditional law school processes. She encouraged young students to build communities of allies both in and out of law school and to be unafraid to explore non-traditional paths out of law school. Mr. Salniker discussed his experience at Boalt Hall many years ago and his subsequent career path, one that carried him through a non-profit to a radio station and to his current position.

Sharon Fischlowitz and Karen Lash of Equal Justice Works presented the next plenary discussion, entitled “Social Justice and Legal Education.” They described the

Guide to Public Interest at Law Schools that EJW plans to unveil soon. They also led a group brainstorming session about how to successfully advocate for public interest or social justice initiatives at law schools.

Elena Popp’s after-dinner address covered a wide range of topics, from her vision of what constitutes a rebellious lawyer to her work at the Healthy Homes Collaborative, and, more recently, at the Eviction Defense Network. Ms. Popp discussed the ways in which approaching the law as an organizer with a license to practice law, rather than solely as a lawyer, can help rebellious lawyers become more effective advocates for their clients, though such an approach may require an occasional redefinition of success.

Sunday’s first plenary, entitled “Social Justice Lawyering Within the Constraints of Today’s World,” featured SALT Co-President Beto Juárez (St. Mary’s University School of Law) as moderator, and Angelo Ancheta (Harvard, NYU, Santa Clara) and Joan Howarth (UNLV) as panelists. The panelists gave examples of significant constraints on social justice-minded lawyers today. Professor Juárez noted that the law school admissions process is the first – and for many, the most significant – obstacle to social justice lawyering. He said that many committed social justice advocates are kept out of law schools by the requirements traditionally imposed on entering law students. Professor Howarth highlighted three main obstacles she perceived to modern social justice lawyering: the rampant individualism prevalent among many modern attorneys, which means that they are not in touch with a greater community outside of their narrow legal circles; the limited resources available to public interest and legal aid organizations; and a preoccupation with procedure over substance, which often leads attorneys to overlook strategies that aren’t “lawyerly.” Professor Ancheta focused his remarks on the like-minded-

ness of law students and their professors in certain geographical regions, leading to a stagnation of thought and viewpoint among young lawyers. The panel then divided the room into small groups for further discussion of the obstacles facing social justice lawyers and effective strategies to overcome such obstacles.

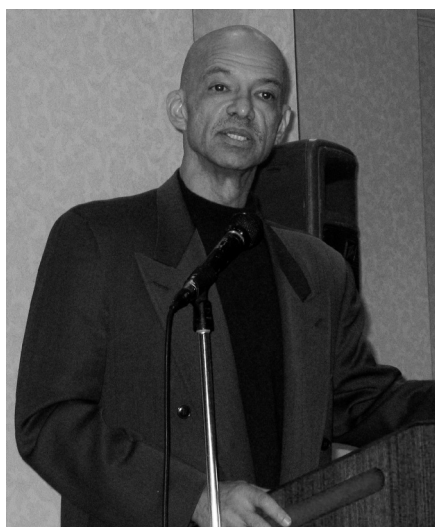
The final panel, “What’s Rebellious About Direct Services Litigation?”, featured David Ackerly (Legal Aid Foundation of Los Angeles), Victor Hwang (Asian Pacific Islander Legal Outreach), and Noreen Farrell (Equal Rights Advocates, National Lawyers’ Guild) as presenters, with Michael Chang (Santa Clara) moderating. Mr. Hwang contrasted the roles that API Legal Outreach lawyers used to play, as counselors for the movement but also as members of the movement, with their modern role as spokespeople for an immigrant community rather than members of that community. Ms. Farrell spoke briefly of the NLG as a gathering place for those still pursuing rebellious lawyering and moved on to discuss the ERA’s involvement in the Wal-Mart class action suit and the outreach techniques that the ERA uses to stay connected to a broad cross-section of the community. Mr. Ackerly conceded that the role of LAFLA is primarily not rebellious in nature; it generally provides legal assistance to underserved communities in a more traditional format. He emphasized that one of the main constraints on legal aid organizations derives from the mounting number of restrictions that are imposed as a condition of receiving governmental funding. When traditional avenues of direct legal services are all that remain, how can a legal aid organization function as a group of rebellious lawyers?

While the retreat stirred up more questions than it answered for many attendees, for most it provided a sense of community, of support, and of renewed belief in their commitment to social justice.

2005 Trina Grillo Public Interest and Social Justice Law Retreat: A Reminder to “Keep It Real”

Michael Chang, Teaching Scholar, Santa Clara University School of Law

As the Teaching Scholar at Santa Clara University School of Law’s Center for Social Justice and Public Service, I was fortunate this year to attend my first Trina Grillo Public Interest and Social Justice Law Retreat. As someone who entered



Gerald López

law school with the idealistic intention of becoming an academic whose work wove together pedagogy and community service, I was happy to see that the retreat combined big-picture questions with the nuts and bolts issues associated with social justice lawyering. Since I am teaching Critical Race Theory this semester, the “Still Rebellious?” theme of the retreat really resonated with the discussions in my class and with my own interest in social justice issues.

The dominant theme of the retreat emphasized the importance of maintaining the sense of the idealism that students bring to law school but that many feel is quashed by legal pedagogy’s tendency to-

wards professionalization and formalism. Another central theme from the retreat echoed the question raised often in class this semester: whether lawyers are the best proponents for outsider communities. The relationship between classroom conversation, on the one hand, and the lived experiences of those in the community that social justice lawyers hope to serve, on the other, remains complex and dynamic. The interactive atmosphere of the retreat and the combination of students, faculty, and both young and more experienced practitioners provided a fertile ground for discussion of some difficult questions along these lines.

Gerald López, an NYU law professor with a long history of working with low-income immigrant communities and teaching and writing about lawyering as problem-solving, set the tone of the two-day retreat with his Ralph Santiago Abascal Memorial Address, “A Rebellious Philosophy Born in East L.A.” The theme of the retreat was based on López’s theorizing on “Rebellious Lawyering.” Mixing personal narrative with a deconstruction of the law’s role socially and culturally, he shed light both on his personal journey from an East Los Angeles “punk kid” to Harvard Law School student and now law professor. López reminded attendees of



Stephanie Wildman and Joan Howarth

the position of privilege that social justice lawyers have relative to their communities, and of the importance of respecting the communities we work in. He exhorted those in the audience (particularly the

young practitioners and students) not to be “missionaries” but to be participants in the communities they serve.

In evoking his own personal narrative, he remembered growing up in East L.A. and his own first-hand knowledge of how



Angelo Ancheta and Michael Chang

his family’s interactions with government social agencies often fell upon deaf ears. This personal knowledge, often ignored by those in power, is the information that is most relevant to those in the communities that social justice lawyers serve. Ignoring such knowledge can only result in further marginalization of those who live in these communities. Listening to community knowledge and being responsive to it, he said, was an important step in resisting law’s indulgence in the notion that thinking as a lawyer requires special skill or training, a type of knowledge that allegedly only those who survive the unique pedagogical process of law school can acquire.

López’s talk was a last-minute change from his original speaking plan. He was moved by the first panel, which immediately preceded his talk and was entitled, “Still Rebellious? Social Justice Advocates Describe Their Approach to Practice.” The Honorable Cruz Reynoso, now a faculty member at U.C. Davis School of Law, moderated, and Ying-Sun Ho of the Ella Baker Center, Molly McKay of Equality California, Sam Paz of the Law Offices of R. Samuel Paz, and Olivia Wang of Legal Services for Prisoners with Children were discussants. The range of experience on this panel provided an insightful and

animated discussion on the role of the law school experience in shaping lawyers and the need to maintain a sense of self for law students interested in social justice lawyering throughout this formalizing process.



Hon. Cruz Reynoso and students

Sam Paz provided an important historical context, recalling the difficulty of practicing community lawyering twenty-five years ago, when there were few

such lawyers. Molly McKay pointed to the importance of holding the legal system to the idealism contained in the language of the U.S. Constitution. Wang and Ho, both very recent law school graduates, spoke of the difficulty of maintaining the idealism during law school that drove them to enter law school in the first place. Reflecting a feeling that was voiced throughout the retreat by many of the law students and young practitioners, Ho and Wang lamented the professionalization of public interest lawyering that begins with law school pedagogy and often is subsequently transferred into activism after graduation. They noted that social justice lawyers must wear many faces. For example, the face of the community organizer and the face of the lawyer often can be in conflict with the interests of the community.

López's later talk suggested that, although the lawyer's "technological" skills about how to navigate the legal system are very valuable to a community, community knowledge must not be ignored.

The Grillo Retreat is an important moment each year for social justice-oriented practitioners and academics to come together and take stock of their roles and the importance of their particular contributions to the communities they serve. This year's retreat not only fortified me, providing the opportunity to see friends from the past and to be inspired, but also reminded me that we were attracted to the law not for professionalization but, rather, to do our best to keep it real.

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