Celebrating 30 years, Washington University School of Law’s Clinical Education Program excels in its commitment to innovative and outstanding clinical education. The program ranked sixth in U.S. News & World Report in 2002, and its Trial and Advocacy Program ranked 12th. A fundamental part of the overall curriculum, clinical education is one of the top reasons prospective students apply to the law school at Washington University, and, ultimately, decide to attend.

It wasn’t always so. When Philip Shelton, president and executive director of the Law School Admission Council, graduated from Washington University School of Law in 1972, he was, in his words, one of the last graduates of “the old school.” In those days, he says, law schools generally kept students in the classroom until graduation, after which the newly minted lawyer grabbed a diploma and, with the ink still wet, joined a law firm to turn all that legal theory into daily practice.

In 1973, when Washington University School of Law established its Clinical Education Program, it literally expanded outside of the classroom into the community. The educational goals of the new program were many: to teach students the skills and values that define the legal profession; to prepare more competent practitioners; to allow students to experience law in context and to provide depth to their theoretical studies; to help students understand their obligations to the poor and their responsibility to provide access to justice for all; and to provide high quality, pro bono legal services to the community.

Under the direction of Professor Samuel H. Liberman, the new Clinical Education Program opened a storefront law office in conjunction with Legal Services of Eastern Missouri and offered its first course, fittingly called “Introductory Clinic.” Soon thereafter, the program developed two additional clinical courses with externship placements: “Advanced Clinic” and “Judicial Clerkship.” Initially, 40-50 students a year worked with lawyers at offices, such as the Missouri Public Defender System, and as law clerks for state and federal judges. The program also offered one classroom skills course, “Trial Practice,” and two appellate moot court competitions.

Three decades later the factors that distinguish the School of Law’s Clinical Education Program include the quality of its faculty, the guarantee that all interested students will be enrolled in at least one clinic, the breadth of clinical course offerings, the clinical faculty’s international teaching and scholarship, and an overall commitment to a wide range of public service projects and innovative clinical conferences like the annual “Access to Equal Justice” conference. The program’s standing is “extremely high within legal education because of the experience and reputation of the clinical faculty,” according to Shelton, who served as associate dean of the law school from 1975 to 1985 and as acting dean from 1985 to 1987. “An educational program is defined by its faculty, and Washington University’s clinical faculty is among the best in the country.”

When Karen Tokarz, professor of law, became director of the Clinical Education Program in 1980, she advocated strongly for an integrated tenure track for clinical and nonclinical facult-
ty members. She came to Washington University not only with a high respect for clinical teaching and learning, but also with a strong background in civil rights. She believed that faculty equality would be beneficial to all.

Shelton agrees: “The clinical faculty are an integral part of the overall program—in teaching, governance, and scholarship—enabling the School of Law to attract and retain top-notch clinical faculty.”

Over the last three decades, the School of Law has expanded its clinical course offerings to seven clinics. Approximately 120 students (almost 60 percent of each graduating class) now enroll each year in clinical courses. In addition, the School has clinical student exchanges with law schools in Australia, England, Nepal, and South Africa.

Today the School offers multiple applied skills courses, and its lawyering skills competitions have increased from two to eight. Virtually every law graduate takes at least one litigation or transactional skills course and participates in one or more skills competitions.

The educational models for the clinical programs range from community collaborative (or hybrid) clinics to externships to in-house clinics based at the law school.

The School’s Congressional and Administrative Law Clinic in Washington, D.C., is the oldest, full-time legal externship program on Capitol Hill. For the past 25 years, roughly one-eighth of each graduating law class has spent the spring semester of their third year working on Capitol Hill in congressional or administrative offices. Merton C. Bernstein, a veteran of

Creating a New Model: The Civil Rights and Community Justice Clinic

When it came time for third-year law student Tony Jackson to select a clinical course for 2002, he knew he wanted to practice civil rights law, specifically litigation. So he decided that the new Civil Rights and Community Justice Clinic would provide the best opportunity both to learn employment discrimination law and to experience public interest lawyering directly through a placement at the Equal Employment Opportunity Commission (EEOC).

“It was a wonderful opportunity for me,” Jackson says. “Professor Tokarz is an expert in civil rights law and dispute resolution, and the EEOC attorneys are among the most respected disability and discrimination lawyers in the country. I learned an invaluable lesson from Professor Tokarz and my mentors at the EEOC: Practicing this kind of law is hard work, but extremely rewarding.”

First offered in spring 2002, the Civil Rights and Community Justice Clinic is what its director, Karen Tokarz, professor of law and director of clinical education, calls a “community-collaborative clinic” with in-house and externship components. Each semester, eight clinic students work directly with Tokarz in handling victim-offender mediations at the St. Louis City Juvenile Court, representing claimants at unemployment hearings, and undertaking pro bono community leadership projects. The students also engage in complex civil rights litigation involving race, sex, age, religion, and disability discrimination through their field placements.

Tokarz, who teaches employment discrimination, frequently consults on pending clinic cases, while clinical field supervisors collaborate with her in teaching the clinic seminar. "This model gives students the best of both worlds,” says Tokarz. “They have hands-on instruction from a full-time professor with a 1:8 teacher-student ratio. They also are immersed in the world of complex civil rights practice with experienced litigators who provide one-on-one mentoring.”

Through the clinic’s community development and community leadership requirement, Tokarz emphasizes the social contract between a lawyer and his or her community. Each of Tokarz’s clinic students designs and engages in a community service project. For example, Civil Rights and Community Justice Clinic students provide legal and financial counseling to nonprofit agencies and emerging small businesses, as well as teach the American Civil Liberties Union’s program, “Know Your Rights,” to students, teachers, and parents at area public schools. Other clinic students teach “Street Law” and dispute resolution skills to children in the St. Louis City Juvenile Court Detention Center.

“In our society, lawyers are looked to for leadership,” Tokarz says. “I want my students to embrace community leadership as a fundamental lawyering skill and responsibility.”
the Washington, D.C., legislative scene and now the Walter D. Coles Professor of Law Emeritus, founded the clinic in 1978. Today, two former United States Senate staffers with numerous governmental and legal contacts in Washington, D.C., teach the clinic: Susan Kaplan as clinic director, and Kathleen Clark, professor of law, who teaches a related governmental ethics course. Student placements range from the Senate Judiciary Committee to the Department of Justice, the Securities and Exchange Commission, the National Labor Relations Board, the Environmental Protection Agency, and the Office of the White House Special Counsel.

Similarly, in the hybrid Government Lawyering Clinic, directed by Ted Ruger, associate professor of law, eight clinic students work in the United States Attorney’s Office with both assistant United States attorneys and Ruger.

In the Judicial Clerkship Clinic, taught by Charles Bobinette, adjunct professor of law and former full-time clinical faculty member, students are placed in externships with state and federal trial and appellate judges. They write bench memos and are exposed to the inner workings of the court.

The in-house Interdisciplinary Environmental Clinic combines the expertise of faculty members and students across disciplines. The clinic’s director, Maxine Lipeles, senior lecturer in law and an environmental lawyer and scholar, works closely with Beth Martin, the clinic’s engineering and science expert, in overseeing law, engineering, and science experts.

The School of Law’s new Trial and Advocacy Program (TAP) is an outgrowth of the Clinical Education Program, which, until the fall of 2002, also encompassed all of the classroom litigation skills courses and student skills competitions. Under the direction of Peter Joy, professor of law and director of the Criminal Justice Clinic, TAP now combines trial and oral advocacy courses, related student competitions, and scholarly endeavors in teaching advocacy skills.

“The increasing demand for skills courses that use simulated cases and the success of students in our moot court and trial competitions fueled the decision to create a separate, but related program,” Joy says.

His goals for TAP include building upon the successes of the skills and advocacy program and the various student competitions, which have a long history of exceptional student performance in regional and national competitions. The Trial Advocacy Team, for example, has the “winningest” record in the country; the team has finished first or second in regional competitions and advanced to the nationals in the American College of Trial Lawyers National Trial Competition during 19 of the past 21 years. St. Louis City Circuit Judge David Mason, JD ’83, a member of the School’s 1983 national championship Trial Advocacy Team, and St. Louis attorneys Mark Rudder, JD ’91, and Stephen Palley, JD ’98, both former mock trial team members, coach the School’s current team. Mason and Rudder also serve as adjuncts, teaching “Pretrial Practice” and “Trial Practice.”

Like the clinics, lawyering skills courses continue to remain highly popular among law students. More than half of the students take both “Pretrial Practice” and “Trial Practice”—although neither is required. Most law students also take one of the many other litigation and transactional skills courses. Students also flock to the multiple lawyering skills competitions.

“Students are voting their interest in these courses and competitions with their feet,” Joy says.

One reason students choose clinical and skills courses stems from the change in the way law firms work with new associates, Joy observes. Fewer and fewer firms provide formal mentoring programs, which were common even a generation ago.

“There is more pressure than ever on the law school graduate to be effective from day one,” Joy says. For today’s top law schools, he says that translates to adding opportunities for a student “to perform like a lawyer while in law school, not just think like one.”
and environmental studies students. Each semester, 16 students work in interdisciplinary teams to provide free legal and technical expertise to low-income clients and community organizations.

The in-house Civil Justice Clinic, directed by Jane Aiken, professor of law, undertakes a variety of civil justice projects. In addition to students serving as guardians ad litem and assisting abused women with legal matters, they are working with female inmates in Missouri’s prisons, providing basic legal knowledge ranging from family law issues to rental contracts. Next year two additional faculty members will teach in this clinic: Steven Gunn, currently a visiting professor at Yale University, and Professor Katherine Goldwasser, a former assistant United States attorney.

The hybrid Civil Rights and Community Justice Clinic, directed by Tokarz, requires students to participate in community leadership projects and complex discrimination litigation. (For more on this newest clinic, see page 5.)

Both the Civil Justice Clinic and the Civil Rights and Community Justice Clinic offer interdisciplinary components, making them particularly popular among students pursuing joint graduate degrees in law and social work. Additionally, these two clinics now incorporate international projects in Nepal and South Africa, respectively.

The Clinical Education Program also contributes to the School of Law’s scholarship. In addition to individual faculty members’ research, the program has been fundamental in revitalizing the School’s Journal of Law & Policy. For the past five years, Tokarz, along with Susan Appleton, associate dean of faculty and the Lemma Barkeloo & Phoebe Couzins Professor of Law, has coordinated the School’s year-long Public Interest Law Speaker Series, the lectures of which are published annually in the Journal. The Journal also will publish both a pre- and post-conference volume for the Clinical Education Program’s and Center for Interdisciplinary Studies’ spring 2003 conference on “Promoting Justice Through Interdisciplinary Teaching, Practice, and Scholarship.”

In terms of the direct benefit to students, clinic participants report career-inspiring and even life-changing experiences from their clinical placements. Third-year student Heather Counts, for example, says she jumped at the opportunity for a judicial externship with Judge Theodore McMillian of the Eighth Circuit Court of Appeals in the fall of 2002.

“I ranked Judge McMillian as my top choice because he’s a nationally recognized federal appellate judge,” Counts says. “It was a wonderful opportunity for me to learn from a brilliant appellate judge that I would not have had, but for the clinic.”

Following each week of oral arguments, Counts met with McMillian and his full-time clerks to review the cases for which she and the clerks had prepared bench memos. “I expected the experience to be a good one, but I didn’t know how exciting it would be,” she says. “Much of one’s law school education is reading decisions prepared by judges. But, through the clerkship, I saw that cases involve real human beings, and I had a hand in writing actual judicial memos. I treasure the opportunity I had to learn from Judge McMillian.”

Heather Counts (standing), JD ’03, reviews a bench memo with Judge Theodore McMillian, Professor Karen Tokarz (right), and senior law clerk Marilyn Tanaka, JD ’77.