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1913-2013



CELEBRATING A CENTURY
OF THE UNIVERSITY OF MINNESOTA
**LAW SCHOOL
CLINICS**

A hundred years ago this fall, the University of Minnesota Law School inaugurated a program in clinical education to serve a function that had long been on the wane. Ever since university-based law learning supplanted apprenticing with practicing attorneys as the primary means of educating lawyers, the nuts and bolts of law practice had taken a back-seat to the substance and theory of law. Law schools were indisputably a superior means of teaching the essence of law. Often lost in the shift from apprenticeship to lecture hall, however, were the practical considerations of learning how to be a lawyer. Law clinics filled the breach.

Established in 1913 as one of the first of its kind in the nation (only Harvard's and Northwestern University's predate the program here) the University of Minnesota Law Clinics have endured and prospered, but their mission has stayed essentially the same. From the first year onward, the clinics provided law students with the ability to acquire a passing knowledge of the basic tools of practice. The Law Clinics offered students hands-on learning experience: talking to clients, learning their problems, searching out answers on their behalf within the legal system.



LEFT: EDMUND M. MORGAN, ONE OF THE LAW SCHOOL'S FIRST CLINIC ATTORNEYS (AT LAW SCHOOL 1912-17); BELOW: WILLIAM REYNOLDS VANCE, 1913

In one of the early cases to arrive at the University of Minnesota Law School Clinics, a Minneapolis policeman, suffering from rheumatism as a result of his years of work in the Minnesota elements, was denied benefits for his ailments from the police department. Though it might have felt like one to him, the cop's rheumatism was not an "injury" within the meaning of the provision of his contract, according to the department. The officer subsequently approached the Minneapolis Legal Aid Society and asked it to begin an action on his behalf to appeal this decision and reward him compensation for his beat-acquired, aching joints.



The Legal Aid Society, in turn, went to the University of Minnesota Law School and asked a law student to lay the groundwork for the case. That student examined the law, interviewed witnesses, drew and served summons and complaints, filed the necessary papers, and prepared for the trial—all under the guidance of faculty.

It was typical of the work done by students in the early years of the clinic. Seniors in the Law School were required to spend three consecutive afternoons, five times a year, observing and practicing law "in a modest way," according to Robert Stein's ('61) *In Pursuit of Excellence*. A 1916 list of activities for a typical law senior includes seven client interviews, attendance at a garnishment disclosure, investigation of probate files and deeds, settlement of a loan shark case, examination of the law in mechanics' lien case, and the serving of summons and complaints.

The association with the Legal Aid Society was established at the very beginning of the program. In fact, the Society had itself been boosted by Law School Dean William Reynolds Vance. Prior to its partnership with the clinics, the society had served indigent clients in the city, but lacked a consistent

staff and fixed office. Vance suggested that the Law School partner with the organization by supplying a faculty member to serve as its attorney as well as head of the clinic. Among those who occupied this position were Edmund Morgan, M.U.S. Kjorlaug, and Maynard Pirsig ('25), who would later serve as Dean of the Law School.

By the early 1950s, the relationship between the Law School and the Legal Aid Society had grown more tenuous. The U of M Law School had for years been boosting the practical education of its students by devoting an ever-increasing amount of its 3L year studies to procedural law. As a consequence, the commitment of these students to clinic work had shrunk to a single three-day stint per year. At the same time, law schools elsewhere in the nation were building their law clinic programs for the same reason that the U of M had first established its clinics in 1913: They were filling that gap between substantive and practical law school education.

It was primarily students at the U of M Law School who lobbied for a greater law clinic presence. In 1956, the Law School Council created a committee to study the feasibility of establishing an on-campus law clinic devoted to the problems of University of Minnesota students. With the approval of the state bar and U and M law faculty, a program for a law clinic devoted to helping university students was established on campus in 1957 under the guidance of law faculty advisor, James Hetland ('50). Set up in a room in Fraser Hall, the clinic quickly became a popular means for U of M students to seek legal redress, often in landlord-tenant disputes.

The modern era of law clinics at the U of M arrived in 1968, after a ruling by the Minnesota Supreme Court allowed senior law students to appear in court with the supervision of practicing attorneys. Almost simultaneous to this ruling, the Minnesota State Legislature created a State Public Defenders



C. PAUL JONES ('50), MINNESOTA'S FIRST PUBLIC DEFENDER WITH STUDENT IN FIRST ON-CAMPUS CLINIC, FRASER HALL, 1970

office to be housed at the U of M Law School. The public defender's office took advantage of its proximity to the law clinics and quickly began using law students to help in cases both civil and criminal, which involved indigent clients.



A third factor in what long-time Law School Professor Stephen Befort (74) calls the "jump start" of the law clinics was a \$40,000 grant from the Ford Foundation's Council on Legal Education for Professional Responsibility (CLEPR). This grant allowed the State Public Defender's office and the Law School to hire Robert Oliphant ('66) as co-director of the clinics and public defender's office.

By this time, the law clinics had been moved out of Fraser Hall next door to a building constructed in World War II as a temporary structure. In fact it was actually designated, Temporary North of Mines.

Crowded with desks, file cabinets, sideburns, and the heady scent of patchouli, the clinic atmosphere matched the times. Befort, who worked there as a law student remembers that "the cases were not screened very well" and that "anyone who had a problem had a case."

Law Clinics Professor Emeritus Steve Simon ('71) picked up a flag desecration case as a 3L student in the summer of 1970. His client had painted a peace sign on a flag that was then sewn on a jacket. He was arrested at a demonstration and later convicted of the desecration charge. With the assistance of the Law School librarian, Bruno Green,

Simon wrote an appeal to the Minnesota State Supreme Court. He was actually out of law school by the time the court rendered a decision—against his client.

Through the 1970s and 1980s, the law clinics became a more established part of the Law School. Roberta Levy ('64) and Richard Frase were hired in 1975 and 1977 as the second and third clinical professors, as well as tenure track professors in the Law School itself. Kathryn Sedo, Simon and Befort were subsequently hired.

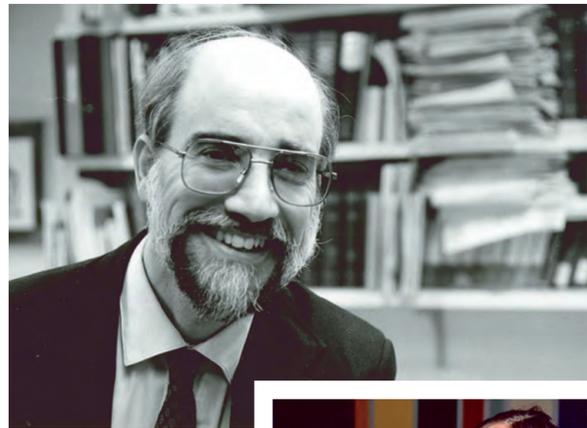
BELOW: PLEASANT STREET ENTRANCE TO "TEMPORARY NORTH OF MINES" BUILDING HOUSING LEGAL AID CLINIC IN 1970S. ABOVE RIGHT: CLINIC SPACE INSIDE



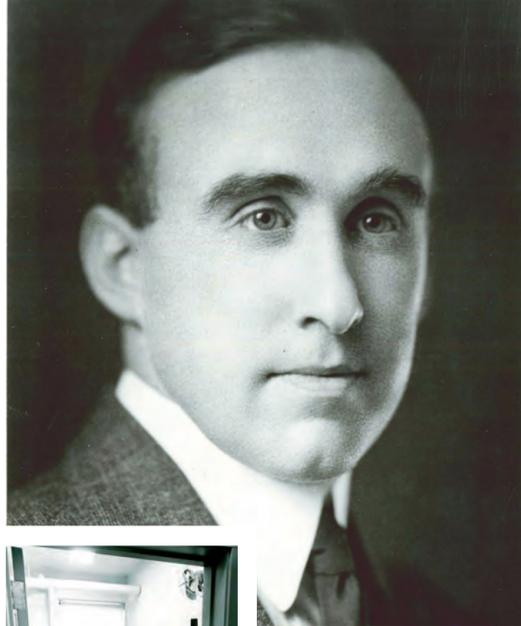
Placing law clinic faculty in continuous appointment track positions was a vital means of solidifying clinic faculty posts. Since the advent of law clinics, there had existed a portion of law school professors who had sniffed at the idea of offering technical law education to young law students. Or as a law professor from Germany once put it to Bob Stein after he'd made a presentation on the University of Minnesota Law Clinics to a group of lawyers in Europe: "I don't need to teach my students how to find the courthouse."

Richard Frase's career illustrated the bridge. He arrived from the University of Chicago with a joint appointment teaching criminal law both in the Law School and in the clinic. However, not only had he not taught any clinics before, he'd taken no clinical courses in law school. Frase felt obliged to spend a portion of his first year in Minneapolis trying misdemeanor cases in the Hennepin County courthouse to familiarize himself with the criminal court system. He subsequently developed clinics in federal criminal prosecution and defense.

Frase continues instructing in the law clinics to the present, witnessing the great growth in the number of clinics offered, the number of students participating, and the number of faculty who have become a part of clinics program.



CLOCKWISE, BEGINNING ABOVE: RICHARD FRASE, EARLY CLINIC ATTORNEY WILBUR H. CHERRY (PHOTO CA. 1921), ROBERTA LEVY, CLINIC-SPACE ALLOTMENT IN EARLY YEARS, THEN-DEAN ROBERT A. STEIN AND ROBERT OLIPHANT



LAW SCHOOL CLINICAL FACULTY 2012-13*

PROFESSOR, DATE HIRED

Richard Frase 1977
Criminal

Kathryn J. Sedo 1979
Tax

Carl M. Warren ('75) 1990
Civil, family

Jean M. Sanderson 1991
Civil, child advocacy, juvenile

Brad Clary ('75) 1999
Trial practice, advocacy skills

Mary Alton 2001
Corporate

Prentiss Cox ('90) 2005
Consumer, mortgage, foreclosure

Laura Thomas 2007
Civil, family

Nancy Cook 2008
Advocacy, community lawyering

Stephen Meili 2008
Immigration, human rights, consumer

Perry Moriearty 2008
Child advocacy, juvenile

Jennifer Green 2009
Human rights litigation, advocacy

Mark Kappelhoff 2012
Criminal

*Assisted by 25 adjunct faculty members

Jean Sanderson was hired in 1991 to teach in Civil Practice and help develop a family law clinic. She has now been at the law clinics for 22 years and serves currently at the head of Clinical Education. Sanderson has seen the number of clinics grow from 13 to 24. They have also become more institutionalized with a larger faculty, a recently instituted tenure track option for clinicians (Prentiss Cox ['90] recently became the first clinical professor to be awarded tenure), and an adjunct faculty which, as she puts it, usually serve as "a labor of love." In addition, the clinics have a system of student directors, who not only provide stability to the clinics while in school, but often continue to interact with them once they've entered practice. "They tend to know what will be a good clinic case," says Sanderson, "and will send them our way" once out of school.

One of the first in the country, the clinical education program consistently ranks as one of the best in the country. Housed for the last ten years in a busy space on two floors of the Law School, clinical education has moved, over its 100 years, into an established position within the U of M Law School. Building on solid ground for its next 100 years of history.

—Tim Brady

In keeping with their long mission of service, the clinics are hosting a two-part anniversary celebration in June. A free CLE and training program, "Serving Those Who Serve Us," will be presented, and those who attend may volunteer at a free legal services clinic, held at the VA Medical Center.



LEFT: CLINICAL FACULTY, CA. 1995: FRONT ROW: JIM PETERSON, JEAN GERVAL SANDERSON, CARL WARREN. BACK ROW: PHIL MARRON, STEPHEN SIMON, PEGGY HICKS, STEPHEN BEFORT, BEVERLY BALOS, MAURY LANDSMAN, KATHERINE SEDO. RIGHT: STEPHEN BEFORT ASSISTING CLINIC STUDENT (1975)

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CLINIC, YEAR FOUNDED

Bankruptcy 1992
Business Law 2002-03
Child Advocacy/Juvenile Justice 1994
Civil Practice 1912-13
Civil Rights Enforcement 2011
Community Mediation 2011
Consumer Protection 2006
Criminal Defense Appeals 2008
Criminal Prosecution Appeals 2008

Environmental Sustainability: Land Use Policy 2009
Federal Defense 2005
Housing Law 1997
Human Rights Litigation and International Legal Advocacy 2010
Immigration and Human Rights Law 1986
Indian Child Welfare 1996
Innocence Project 2005
Insurance Law 2012
Misdemeanor Defense 1968
Misdemeanor Prosecution 1968
Misdemeanor Defense/Prosecution 2010
Public Interest Law 1985-86
Tax 1981
Special Education Law 2005
Workers' Rights 2004-5

HIGHLIGHTS OF THE LAW SCHOOL CLINIC PROGRAM

1921

Legal Aid Society attorney M.U.S. Kjolraug joins as instructor in practice

1933

Pirsig joins Law School full time



1965

3Ls receive 1.5 credits for clinic work

1968

Council on Legal Education for Professional Responsibility awards three-year \$40,000 grant to hire full-time clinic director



1974

Office of State Public Defender grants funding to continue LAMP program for a year

1977

LAMP program returns to Public Defender's budget



2002

18 clinics; 7 full-time, 2 full-time adjunct clinical faculty; over 60% of students take clinic (nationwide, less than 30%)



1913

Clinic program begins with Legal Aid Society of Minneapolis, faculty member as full-time attorney; 3Ls work three consecutive afternoons, five times/yr; nearly 1,800 cases handled



1925

Maynard E. Pirsig ('25) becomes director of Legal Aid Society and clinic supervisor

1926

Kjolraug publishes "The Legal Clinic of the Law School of the University of Minnesota" in *Annals of the American Academy of Political and Social Science*

1957

State Bar Association approves Legal Aid Clinic; Prof. James L. Hetland Jr. ('50) named faculty advisor



1960

Legal Aid Clinic reports 220% caseload increase over first year; program adds clerking for public defenders and court-appointed defense counsel in criminal matters

In photo: Clinic students Floyd Boline ('60), John Fillenworth ('63), and Roland Faricy ('61)

1966

Minnesota legislature creates Office of the State Public Defender, housed in Law School

1967

Minnesota Supreme Court permits senior students to appear in court under supervision in civil and criminal matters; Assistant State Public Defender Robert E. Oliphant ('66) named part-time clinic director

1969

Oliphant given special appointment to direct clinics

1971

2Ls receive 3 credits for Legal Aid Clinic work, 2 credits/quarter as student director following year

1972

Oliphant appointed first permanent full-time clinical professor; Federal Law Enforcement Assistance Administration awards two-year grant to begin Legal Assistance to Minnesota Prisoners (LAMP) program, two directors appointed as non-regular faculty

1975

Roberta Levy ('64) appointed second permanent full-time clinical professor, supplementing three instructors and two associate professors in non-regular appointments; Dean Carl A. Auerbach proposes shifting LAMP program to state agency, legislature moves appropriation to Law School



1995

Dean E. Thomas Sullivan institutes visiting clinician program with four visiting faculty appointments

1997

Beverly Balos ('77) awarded first Vaughn G. Papke ('40) Clinical Professorship in Law

2003

Maury Landsman becomes clinic director; LAMP Clinic closes due to budget cuts



2009

Jean M. Sanderson appointed clinic director

2013

229 clinic students handle more than 900 cases in academic year

Throughout the years, the clinics have benefited both students and clients in many ways. Cases that have gone through the clinic program, bringing aid and relief to clients with limited means of obtaining legal support and some bringing significant benefits to the larger community, are far too numerous to list. Following are a few of the clinic program's proud accomplishments, but there are hundreds more involving juvenile justice, child protection, child custody, dissolutions, and other important issues.

THE CIVIL PRACTICE CLINIC appeared before the Minnesota Supreme Court claiming that the City of Minneapolis illegally inflated real estate assessments, forcing home owners in certain neighborhoods to bear an unjustifiably large share of the property tax base. In December 2012 the high court remanded the lawsuit to the Minnesota Tax Court.

THE CHILD ADVOCACY/JUVENILE JUSTICE CLINIC represented a couple seeking to adopt a little girl who had been in their care for five years. After the required home study, results were returned for the mother only; the adoptive father was not included because the couple was not married. Clinic students worked on the situation for four semesters before the adoption petition was granted and the child became a permanent member of the family.

THE CONSUMER PROTECTION CLINIC researched and drafted a bill that was passed, with the lobbying of the Legal Services Advocacy Project, regulating debt management services. It also represented homeowners in negotiating an agreement with an electric power and natural gas provider that affected installation of utility poles in the Twin Cities.

THE HUMAN RIGHTS LITIGATION AND INTERNATIONAL ADVOCACY CLINIC submitted a brief in *Kiobel v. Royal Dutch Petroleum* (Shell) that discussed Nuremberg-era and other international law actions against corporations, supporting the liability of corporations for violations of international law. Subsequently it submitted a brief to the U.S. Supreme Court in the case, alleging that Shell was complicit in flagrant human rights violations committed against peaceful protestors to oil exploration in the Nigerian region. The Clinic also drafted an amicus brief for a case against Exxon Mobil for its involvement in the claims by Indonesian villagers of torture, extrajudicial execution, and prolonged arbitrary detention by Indonesian military personnel.

THE IMMIGRATION AND HUMAN RIGHTS LAW CLINIC represented an Ethiopian woman tortured for her political opinions, a Congolese political asylum seeker, and a young Liberian client in gaining asylum. It also wrote an amicus brief for the Board of Immigration Appeals challenging the legality of the strict one-year deadline for asylum seekers in the United States.

THE INNOCENCE PROJECT CLINIC secured and presented new evidence supporting a man's claim that the sudden, unintended acceleration of his Toyota caused the accident for which he was convicted of criminal vehicular homicide. He was sentenced to 8 years in prison and had served 2-1/2 years when prosecutors decided to close the case and set him free.

THE SPECIAL EDUCATION LAW CLINIC helped a child in a small rural community who was being severely restrained obtain a new Individualized Education Program. The program not only limited use of restraints, it provided a behavioral consultant to help the school develop appropriate techniques in future situations.

THE TAX CLINIC did an audit reconsideration that allowed a taxpayer to successfully claim expenses for a sex change procedure, expenses that the IRS had previously disallowed.

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Photos provided by the University of Minnesota Law School Archives

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