

**Transcription of the Oral History Interview with
Clinton Bamberger
July 30, 2002**

Ogilvy: Clinton, let's start with you at Georgetown. When were you at Georgetown Law?

Bamberger: I went to Georgetown Law from 1949 to 1951. This was after the war, and they allowed us to go straight through the summer and all. I actually passed the bar before I graduated, which tells you something about either the efficacy of legal education or of the bar exam, or both.

Ogilvy: What do you remember about those years that stand out?

Bamberger: Very little. I just spent a week with a classmate who kept asking me, "Do you remember so-and-so? He sat such-and-such". I had no idea who he was talking about. I mean, I'd been in the service and most of the people had been in the service, most of the former faculty were either still in the service or had been killed in the war. The faculty were either very old or very young. The school was in a decrepit building at 5th and E Streets. Some of the faculty I think had just graduated from law school a year or so before. And when you go straight through two years there wasn't much time for reflection. It was mostly absorption and regurgitation.

I had a job as a prefect in a dorm on the campus at Hilltop and they had ridiculous rules then. The kids had to be in their rooms at 7:00 – 9:00 – and in bed at 11:00.

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0:02:00 And that sometimes interfered with studying, particularly if I was diligent in my duties. So I tried to be as undiligent as possible, because I was more interested in finishing law school, because that gave me room and board, and the GI Bill paid my tuition. I should say, in case my wife ever sees this tape, I met her there. She was at Trinity College then and we met – Katharine.

Ogilvy: Trinity College, just down the street here.

Bamberger: Yes, sir. In fact, she's down there right now.

Ogilvy: What was the curriculum like?

0:03:00 Bamberger: Practically all required; very few electives. There was nothing – there was no practice-oriented, no experiential education. Except there was one thing. There was a man named Joe Gaghan – I think was his name, but don't count on that – who was the librarian and taught a course on legal bibliography, but also had you do some pleadings, write some things. And that actually paid off for me. The thing I remember that I did was – an adoption petition under the Maryland law was my assignment and, lo and behold, within a couple of years after I went to Piper and Marbury to practice in Baltimore, somebody came in and wanted an adoption and I knew how to do it. That was the only thing. But I was – I never – I did not – was – my grades were not good enough to make the law review – they were close, but not good enough. I took as my electives – I took all the way up to Real Property IV,

and I can't remember very much of that. But it was sort of interesting.

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Ogilvy: After graduation you went immediately to Piper?

Bamberger: No, then I got a job as a clerk at the Maryland Court of Appeals. It was only the second year that the court had clerks, and a fellow who had graduated from Georgetown ahead of me, Bill Cahill, who then practiced in Baltimore, had been a clerk there. So, he told me about that job and I got that. Actually, the judges didn't know what to do with clerks. I actually clerked. There were five judges on the court, three clerks. I clerked for two of them, one who had his chambers on the Eastern Shore of Maryland. The other was the best and most learned judge on the court, Charles Markell – later became the chief judge. The other judge, whom I will not name, he didn't require much of his clerks because most of his opinions were copied without attribution from *Corpus Juris Secundum*. Markell was very kind to clerks and had them do research and – but he wrote all his opinions out in long-hand. He was a widower and he lived amidst a bunch of law books. He was – that's all – that was his whole life. But that –

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Listen, I don't know how much free rein you want to give me, so you stop me when you want, but Katharine and I were married then. We got married in that year.

That's right, we got married in February the year I clerked. I didn't have a car. One of the other clerks, a man named Herbert Scharf, who had graduated from Harvard and was from New York and practiced in Manhattan, he lived in Baltimore too – and the court met in Annapolis – he didn't have a car. So what we would do; we

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would see who the lawyers were who had the first case the next day and we'd call them up and say who we were – we were clerks for the judges and we – could they possibly give us a ride to Annapolis? Well, as I said, this was only the second year that the court of appeals ever had clerks, and these fellows were – thought, God, these guys probably write the opinions. So, they'd offer to come pick us up.

They'd offer to take us to breakfast. They'd offer us all kinds of things. And they – then we'd find out – we'd talk to the fellows at lunchtime or who had the last case so we'd get a ride home. And our purpose was two-fold – at least mine was – Herb did not intend to stay in Baltimore to practice; he intended to go back to Manhattan.

0:07:00 My purpose was two-fold. One, I wanted rides. And, secondly, I would meet these lawyers and I copied down – I kept a list of all their names and addresses, and then when I finished the clerkship I wrote to all of them looking for a job because I didn't know any lawyers in Baltimore. No one in my family had been on that side of the law. And actually I got a job at Piper and Marbury, now Piper Rudnick – Piper Rudnick now – they just paid somebody a lot of money to tell them what a good brand name would be, so they're now Piper Rudnick.

Ogilvy: So, you were with Piper for?

Bamberger: I was there for I think 17 years, but with a couple of excursions. One excursion was
0:08:00 to the attorney general. Well, the first excursion was to the legislative drafting office at the General Assembly of Maryland. The General Assembly then had just a one-person legislative drafting office, except during the sessions they hired young

lawyers, mostly from the large firms in town. And the firms were pleased to have you do that because they thought that you'd get to know some legislators and sometime it might be helpful to some client or something. So I think I did that – those were 29-day sessions. No, they were – in odd years they were 90 and even years they were 30 or vice versa. And I did that and then I went to the attorney general's office. The attorney general's office was then about 10 lawyers. I think it must be 150 now. And, again, young lawyers mostly from the firms were asked if they would like to come to work there. And the firms would readily give them leaves of absence because, again, they thought we would meet the heads of the state administrative agencies and the heads of the executive agency and produce money eventually. So I did that for two years. That was a great experience.

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Ogilvy: What kind of work did you do there?

Bamberger: Well, I had – we had a deputy then, who wasn't very, shall I say, energetic. So he gave me the departments that usually the deputy had, or at least most of them. I had the Board of Public Works, which is the governor, the comptroller and the state treasurer that make all the state contracts. I had the State Retirement Office and the insurance commissioner. Those were the big ones. And then, I think I had the Apple Commission, too, I remember. And then, we all did criminal appellate briefs because the state's attorneys, they prosecuted the cases, but if they were appealed the attorney general represented the state. So I think I had it – usually we'd have about 30 arguments in a year, or maybe 20. And that was very good experience.

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Ogilvy: That was quite an education.

Bamberger: It was very – it really was good. I mean, the only thing that sort of was missing was that you made all your own mistakes. I mean, there wasn't any mentoring or anything like that, but I had some good experiences.

Ogilvy: And you went back to Piper?

Bamberger: I went back to Piper, and then I became a partner. And then I was making more money than I could spend. By that time Piper – when I went there, there were 14
0:12:00 lawyers, and I can remember that a friend of my father's said to my father, "It's a shame, that firm will never survive Clinton, your son – damn shame." This guy also was a very right-wing guy. He was trying to save Quemoy and Matsu I think. And he told my father, besides that, Marbury is a communist. Marbury had represented Alger Hiss in the case that actually brought forth a pumpkin paper and Alger was a boyhood friend of his. From that my father's friend concluded that Marbury was a communist. And the firm was 14 lawyers when I left – I left in '64 or '65.

Well, I guess I then had my next excursion. I went to work at OEO. Now, for you young people that's the Office of Economic Opportunity, which was the war on poverty in the administration of Lyndon Johnson. And Sargent Shriver asked me if I would come and be the director, the first director of the legal services program. And I did that for two years.

Ogilvy: How did you know Sargent Shriver?

Bamberger: Well, I didn't know him. You want to know how that happened? It was kind of a funny story. I was active in organized bar stuff, and I think I was on the Legal Aid Board. Now, the Legal Aid Board then was essentially three or four people who

0:13:00 didn't do very much except sort of assure the Community Chest that their money was well spent. The Community Chest was a predecessor of the United Way.

There were only two lawyers in the legal aid office. So, I didn't know very much about legal aid, except that experience, but the president of the state bar then was a judge on the Eastern Shore named DeWeese Carter. And he called me up one day and he said, "Clinton, I just got a letter from Lewis Powell, the president of the ABA, and the government is starting some kind of legal aid thing and Lewis Powell said every state bar ought to have a committee, and that seems like a pretty good idea. Would you like to chair that committee?" And that sounded sort of interesting to me, and I said yes. And I didn't know anything about the legal

0:14:00 services program. I didn't know anything about legal aid. This was in the spring or

early summer of '64, I guess, or '65, and I saw that at the ABA meeting, which was to be in July or August then, in Miami, that there was going to be one of these presidential showcase programs about this program and that Ken Pye, whom I knew slightly – he was then an associate dean at Georgetown – and Sargent Shriver and Lewis Powell and some other people whom I didn't know – the Cahns, or at least one of the Cahns, Edgar or Jean – and we're going to be on this panel to talk about legal services. And, I thought, Well, maybe I ought to go down there and hear about

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this – that was probably the best way to learn. So, I just went down and sort of spent a day and two nights and I went to that program. When I came out I decided, you know, here I am 40 miles away from there, I’m going to try to meet some of these people who are going to run that program because otherwise I’d just be some schmo from Baltimore who calls them up and I won’t know anybody to talk to. So outside of the hall after the program ended I met Kenneth Pye and I said, “Kenneth” – I explained to him why I was there and what I wanted to do and I said, “Do you have time to have lunch?” And, he said, “No, I don’t. I’ve got to have lunch with somebody else, but look, here’s a guy coming along” – this was in the Hotel Fontainebleu in Miami – and he said, “this man, Howard Westwood is his name” – and I thought he said he’s at Covington; he’s taking a leave of absence from Covington and Burling to head up this program. So, I said, “Well, that’s the guy I want to meet.” So Mr. Westwood came along, and Kenneth introduced me and I told him I’d like to have lunch with him and told him why, and he said to me, a bit gruffly, “Sure, I’m just going to go down in the coffee shop and have a sandwich. You’re welcome to come.” So, we did. We started to walk down this long corridor to the coffee shop. I walked about three steps behind, deferentially, because that’s how I thought I should act with respect to a partner of Covington and Burling. And at some point, to try to make conversation, I said, “Well, Mr. Westwood, I understand you’ve taken a leave of absence from Covington and Burling to work with this program.” “Who the hell told you that?” Well, I don’t know if you ever knew Howard Westwood, but Howard Westwood was a wonderful, brilliant lawyer. He was from the Midwest. He’d gone to Harvard Law School. His father was an

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itinerant Methodist – I don't know if "itinerant," but a Methodist preacher. And then he'd come to Washington and been one of the initial people at the Covington firm and he had – oh, he clerked for Mr. Justice Reed and then was with Covington, and he wrote the Aviation Act – that was sort of what really set him up. But he was a very down-to-earth plainspoken fellow. Well, I made my little – trying to make conversation a bit, and he said, "Who the hell told you that? I didn't take a leave of absence from anywhere." I thought, Oh well – see I thought that – I knew that every firm in Baltimore had at least one partner who was really there because his grandfather had been the president of the trust company but that on his merits he

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didn't belong anywhere above the sidewalk. But I didn't think they had that at Covington, and I thought, My God, they do, and I met the guy. So, we went down and we had.

We sat at a table for two and had sandwiches, and I kept asking questions about the program, trying to learn what I could. Now, what he had really done; he hadn't – he had agreed with the National Legal Aid and Defender Association that he would be kind of their Washington presence, just as a volunteer. And that's his connection.

And I kept asking these questions, trying to learn about the program, and I kept getting these monosyllabic responses. And finally at one point he said to me, "Now look here, you son-of-a-bitch, what you ought to do is come run this program." I

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thought this guy is crazy. So, I didn't even respond to that. We went on. As we were walking up the steps from the lunchroom he said to me, "You didn't answer my question." I said, "What's that?" He said, "You ought to come and run this

program.” I said, “Well, I’ll tell you, sir, if you ask – if we were flying in an airplane and you’d ask me if I’d jump out, I’d say to you yes, but that we got to talk about a lot of things before I do that.” And, I said, “That’s my answer to you with respect to that question.” And we parted. And I flew back to Baltimore. And then a lawyer friend in Baltimore had invited Katharine and our infant son and myself up to his place at Rehoboth for the weekend. So we drove up. When I got there my friend Fred Green said, “What the hell is going on? You’ve had nine calls from some guy named Ted Voorhees in Philadelphia. He’s got to talk to you right away.”

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And I – well, I didn’t know who he – I think that maybe I knew who he was. He was then the president of the National Legal Aid and Defender Association. His son went to law school here when I was a dean and his son is now a partner at Covington. And so I called him and he said he had talked to Mr. Westwood and I don’t actually remember what that conversation was. And then a couple of weeks later Katharine and I and Ned went out to the state fair at Timonium and I saw Vernon Eney, who was the head partner at Venable, Baetjer and Howard, and he and William Marbury were the two principal Maryland lawyers. And he said, “Lewis Powell just called me about you. And I told him it would be a great loss for the Maryland bar if you did that.” I thought, Well, that’s – you know, that’s what? – that’s the best way to recommend somebody. Usually, it’s – and the next thing I know, I got – and I had decided that, you know, I’d – this might be fun. I was doing mostly insurance defense work and it’d kind of gotten to the point where I didn’t get much satisfaction usually out of the substance of winning cases. I sort of went home and Katharine said, “How was it?” – and I would say, “I beat the son-of-a-

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bitch,” which just meant that I had won over the lawyer on the other side – not that I’d necessarily done any good. So I was having one of my several midlife crises I guess, and I was interested.

0:22:00 One day I got a call from Shriver. He called me over, told me to be there at 8:30 in the morning. I was there at 19th and M Street. Everybody was there working feverishly. He sent me around to see a lot of people there and sent me down to the White House to see Steve Pollak, who was then sort of the Washington, D.C. guy for President Johnson. I got back to that office about 6:30. I don’t even think I had any lunch. And there were still – people were still there working feverishly. And Shriver and I had a talk. Of course I didn’t know anything about this. I knew practically nothing. The only thing I remember that he said to me: “What do you think this program ought to be?” And I hadn’t read Edgar and Jean’s *Yale Law Review* article. And, I said, “Well, I think, you know, it seems to me it has to have a focus on alleviating the effects of poverty in some way, otherwise you would just put this program in the Department of Justice. But it’s here in this agency, so its principal focus has to be helping people who are poor and addressing the problems of poverty.” I think that was probably a good answer. I got home and talked to

0:23:00 Katharine about it. By that time I was enthusiastic about it. Now, this was before the days of faxes and e-mail, but I sent a night letter then, which was a kind of a less expensive wire, to Shriver – a full page, about why I wanted to do the job. And, shortly – meanwhile I got the job, really because I buttoned my collar to my shirt, was all buttoned down, and my ties all had diagonal stripes. And the bar – I think

Shriver had made a – or at least had an understanding with Lewis Powell and Bill McCalpin and John Cumiskey, who were the leaders for the ABA involved in this thing, that whomever he appointed would be somebody that they would be happy with. And so I had all those qualifications, the button-down collars and striped ties.

0:24:00 And Howard Westwood described me as a Scandinavian Boy Scout. So I looked all right.

That'll teach you to ask a question.

Ogilvy: That's a great story.

Bamberger: But it was a great time.

Ogilvy: I know that you've done an interview with the people who are doing the oral history project for Legal Services, and so we are going to kind of skip over that a little bit.

Bamberger: Okay. I don't have my auditory enhancements today. They broke. I get them tomorrow, so, keep your voice up.

Ogilvy: All right. So I want to come to a time where you left Piper and became dean of the Catholic University Law School.

Bamberger: Right, okay.

Ogilvy: How did you make that transition?

Bamberger: Well, I went from – when I was – had been at OEO about a year before I actually
0:25:00 had come, before I'd left Piper and come to OEO. And I should say that was an interesting experience, because while I was allowed to say that I had a leave of absence, and while Mr. Marbury, who was a great man and a good friend, said that if anybody asked him he would say I had a leave of absence, I didn't. I had no – all I had was an understanding that, you know, we – if you want to – when you finish this if you want to come back, I can't imagine that we wouldn't want you to come back. But there was at least a possibility. And that was interesting because then lawyers didn't – if a lawyer – if a partner left a law firm, that meant that he'd been sleeping with one of the partner's wives and got caught or he was having an alcohol problem. Nobody left for – you know, not like now – there were no lateral moves
0:26:00 with portables. You became a partner of a firm – it was like – it was like a marriage used to be, you were there for life. So I – when I finished it, before I – after I'd been at OEO about eleven months, I guess, there was a – before I left Piper and Marbury – one time when I was, actually I think after I'd had been to Miami, Joe Tydings, who was in the Senate from Maryland, had called me up and asked me if I wanted to run for governor of Maryland. I was walking out of the office to take a deposition. I thought he'd lost his mind and I told him that. And I told him no. I had this appointment with Shriver in the next couple of weeks. I wasn't going to – but I'd been sort of involved in his campaign and I'd been involved in sort of reformed Democratic politics in the city. I went back to the firm and there was a –

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oh, no, I left – before I left OEO Richard Schifter, a partner at Fried Frank, a Montgomery County native and then a leader of the Montgomery County Reformed Democrats, now a neo-conservative – came to see me and said that Carlton Sickles, who was then the at-large congressman from Maryland, was going to run for governor and along this sort of reformed Democratic ticket in the primary against the incumbent secretary of state, who was the anointed person, and he would like to talk to me about running for attorney general. But I'd always thought that was a great office and so, yes – so, I did that. And I should say to you that as we left the

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post I was fourth. At the finish line I was second. In fact, when they counted the Montgomery County votes and hadn't yet counted all the Eastern Shore counties and the city, the fellow who eventually won, Bill Burch, was ready to make a concession to me. And then they started to count the Baltimore city votes and the Eastern Shore votes and he won. And I went back to the firm.

Well, you know, if you've left – at that time if you'd left a law firm once to go do something in the government less than a Cabinet position and then if you came back then – if – but, instead of coming directly back, you went off on another “toot” to run for attorney general, you obviously were unstable. And so I think, I mean, there was just a – when I got back at the firm there was kind of a funny feeling. I mean, my good friend said to me, “You know, Clinton, you've – it was fine to go to OEO and you did a good job and we now realize that was very helpful. You now know a lot of big lawyers around the country and big firms and so forth – but then you went off and ran for attorney general” – and I was on the liberal Democratic ticket and at

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one time one of my partners called me in and said, you know, “I got a call the other day from so-and-so who said you were at a campaign rally, said this and the other thing.” And, I said, “That’s right and it’s all true.” Well, he didn’t like it. I mean, there was a little – I wasn’t – I wasn’t pleasing some of the clients in the firm. So – and, also, when I walked through the offices of Piper and Marbury, maybe 25 lawyers then, the same people were sitting at the same desks, and seemed to me they were pushing the same paper. And some of the cases that I thought I’d gotten rid of when I left, I had back on my desk when I got back.

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And so one day Ralph Rohner called me up. No – one day – the first thing that happened was I went to an ABA meeting and went to the lunch of the Lawyers’ Committee for Civil Rights Under Law and Bob Drinan, who always performed the priestly function of minding everybody else’s business superbly, came over to me and said, “How are you? How’s Katharine? Nice to see you” – and looking over my shoulder at somebody else at the same time. He was a classmate of mine, but I mean he’s a great politician. He’s a great guy, absolutely wonderful guy. I said, “I’m back at Piper.” “You shouldn’t be doing that. You ought to be doing something else.” “Thanks, Bob.” I’m going to have lunch. I had lunch. I got a call. It turns out that he was on the search committee that was chaired by Justice Brennan – and Drinan was on it and Ralph Rohner – the only people that I

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remember. I don’t know who else was on it. And Ralph called me one day and said could he come over and have lunch with me. Ralph and I had met in circumstances that he remembers too well. He wanted to do some consulting work for OEO, and I didn’t hire him to do it. Now, I actually had remembered that I did hire him, but he

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corrected me. So – so I think he decided he’d get even with me. So he came over and we had lunch, and he asked me if I was interested in being considered for the deanship here. Well, all the time when I was in practice I did teach part-time. I taught at an unapproved school. I taught Insurance on Friday nights for seven dollars an hour, and I taught a Trial Practice course in the evenings at the University of Maryland – not very well. And I’d always thought I had envied – I did a lot of – I did some medical malpractice defense work, but also for some other reasons I was on the board of, and chairman of the board, of the BlueCross BlueShield in Maryland then, when it was a voluntary, sanctified organization, not after it lost its soul. And I was the chair of the city hospital board. So I had a lot of occasions to deal with doctors at Johns Hopkins and other hospitals, and I thought what a – I remember one day saying to Bill Marbury, you know, those guys have got a pretty good life. They’re practicing and teaching, so that they’re constantly practicing their profession, but also because they’re teaching they’re involved with young doctors, and they’re involved with research and new learning and so forth. I said, “Isn’t it a shame we don’t have something like that in the law?” So I then did this part-time teaching. So, teaching was a bug in – somewhere in the back of my head. And, Ralph – we talked, and then I came over here. I think I also, before that – yeah, before that – no, no, after that – so then, anyway, the next thing I knew I was over here. I don’t think I ever met very many of the faculty. There weren’t many. I certainly met Vernon Miller, who was a very fine – very kind to me. And then I was over here one day talking to Clarence Walton and Joe Nuesse, and the next thing you know they offered me the job. And I took it.

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Ogilvy: What year was that?

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Bamberger: Oh, my God, 1965, '64 – 1969 – yeah, '64 was over – yeah, '69. Katharine is in charge of dates. If I'd known you were going to ask me dates I would have asked her to be here.

Ogilvy: You started in what? July or August of '69, you think?

Bamberger: Well, I went – I started I think at the end of the summer, because I went down in July – I went down to Chapel Hill, the AALS – I think it was just the second time they had done it, but they had these summer sessions for new law teachers and I went to that. And then I came back and I think we moved over here. We actually moved here in early July – and then we went off to Chapel Hill and then I came back and started here.

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Ogilvy: How did you find the law school when – ?

Bamberger: It was a quiet place. There weren't very many faculty. Ralph was probably the most sort of spirited member of the faculty. Vernon Miller was a fine man, and kinder to me than I deserved and kinder than I think I would be to any person who succeeded me as a dean, and began to change a lot of things that I had done. He never criticized me, but would come in and, say, talk to me about something, suggest I – maybe I should do this, that or the other thing. But the law school was –

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it seemed to me it had no place to go but up. If you look at the history of the law school here, it was never well-regarded. I mean, I recently had – when I was asked to come over here and talk to that Lisa Lerman’s group, I had occasion to read some of the history and the university never really wanted a practice-oriented law faculty. They wanted a research-oriented law faculty, you know, for the same reasons that Johns Hopkins and Princeton don’t have a law faculty – they don’t see it as pure enough of an academic pursuit. So, the law school was never in favor here. They had a terrible building. The building – they had asked a firm of architects in Baltimore named Gaudreau, whom I knew, who did a lot of Catholic churches and buildings, they’d asked them to submit a plan. They did and the trustees or the bishops or somebody here looked at it and said, “Costs too much. Have another plan?” They did. They said again, “Costs too much. Have another plan?” And then I think they must have hired some bishop’s nephew in the Midwest to build this square-rectangle building with – so – and it was all painted institutional green. You didn’t know whether you were in a hospital or a classroom. There weren’t many people around, of course, in the summer. It was almost all-white male. But it was a great time to be at a law school that was small, a law school in the District of Columbia. It was just the perfect time.

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Ogilvy: Why is that?

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Bamberger: Well, because the kids that were now deciding to come to law school were young people who’d been – who’d lived and studied in college through the civil rights revolution and the hopes and optimism of the ‘60s, and they were interested in

going to law school in order to have an effect on society. And they were interested in Washington as a place to go to law school. And a lot of them had been here marching in demonstrations or something, so they knew the town. And there wasn't any – I mean, Georgetown and GW sort of occupied the positions of prestige, let's say, American U. was just a bit more lively than Catholic, and Howard was an all-lack school still. And I mean the notions that I had about it was I wasn't a theologian and I haven't studied church doctrine, besides whatever I had in school or in the church social teachings, but it seemed to me – I sort of tried to think what should a law school that is supported by a Christian church – what's its mission? What should be different? And in my simple way I thought that the two great problems in this country were, and still are, the problems of race and poverty. And so those were the things that I wanted to sort of bend the curriculum toward and bend the student body toward, and the faculty. And – but I – if you told me, Was I doing that because I'd read the Old Testament or the New Testament or the church fathers? No, I just thought that seemed pretty simple to me. And so that's what happened. And we had some great faculty who came here, many with legal services background. It was also a good time because a lot of people who had come into legal services in the late '60s were thinking about doing something else, and many of them were very bright. And so they were interested in teaching. So that's – and the law school – I remember talking about the building – I mean, I had a – when I was at the chair of the board of the city hospitals I had a friend who was the wife of a physician and a neighbor of mine, a Swiss woman, who was sort of a color specialist, and she would change interiors by painting different colors. So, I got her

to come over here one day and tell me – lay out a color plan for me, which she did free. So all these classrooms that were all this pea-soup green, we changed the color. We got painters – the university painters came to do – she picked the paint, and we had different colors on different walls. We just opened the whole place up. The library was a – first of all, there were practically no books, there was no card catalog – there was a card catalog, but there was no relationship between the cards and the catalog and the books on the shelves. But I had a friend, an architect who had helped Katharine and me remodel our house in Baltimore, and who was a good friend, and he came over and without charge laid out a design for the library – to move shelves around so that we created more reading area and more light and so forth. So we did those kinds of things. There was no way for handicap students to get into the building, so one of the young faculty, Brian – I’ve forgotten his name, he’s – the last time I knew he was practicing in Utah. He and some others one day built a ramp so – because we had a faculty member actually who was in a wheelchair. They built a ramp. So, that’s – it was a good time.

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Ogilvy: Was there a clinical program at the school?

Bamberger: No, there wasn’t a clinical program. I don’t know if I knew of any clinical program. I guess there must have been some. Well, there was – when I was at OEO, actually, the first grant that was made – I’m not sure whether I signed it or Jean Cahn signed it – but it was in that time, was to the University of Detroit Law School. There was a man named Paul Harbrecht, now deceased, a Jesuit who was a classmate of mine

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at Georgetown, and he had decided the University of Detroit was a, shall we say, struggling law school, and he decided it ought to have a focus on poverty. And so he came to us with a grant to revise the curriculum and also to have some – I only remember it vaguely – but some practice in the school, some experiential programs for students. And maybe there was some talk about clinical education at that conference at Chapel Hill, but if so I don't remember it. I don't know. And then CLEPR came into being; the Council on Legal Education and Professional Responsibility. Bill Pincus was at the Ford Foundation and Ford had funded these "Gray Areas" programs, legal services programs in New Haven, D.C., and two other cities that I have forgotten. And then Bill decided too that the law school should be doing more for legal aid and there should be more practical experience in law school. Let me interrupt to say the only other thing I remember and I think I read it about – this guy – there's a book by Jerome Frank, I think it's called *Law and Courts* – I don't remember exactly – but in that book he – this is written in the '30s – he makes a very strong case for clinical education. And I think I had read that maybe at the time that I was thinking about – at Piper and thinking about the difference between legal education and medical education in terms of experiential education. And then Bill Pincus conceived this idea, threw a million dollars out the window at Ford, ran downstairs and caught it and started CLEPR. And CLEPR was, I mean Bill was – I just have one sort of memory I applied – somehow I must have applied for a grant. I'm sure I did apply for a grant. I'd gotten to know Gary Bellow too, I should say, when I was at OEO. I was commuting from Washington, but often I would miss the last bus, which was at 11 o'clock, and Gary was here

then running – I had tried to hire Gary Bellow as my deputy, but he had just then taken the job as head of the community action agency here, the United Planning Organization, and didn't think he should leave that. And he then told me I should talk to Earl Johnson. That's how got Earl to come. But when I'd miss the bus I had a key to Gary's place down on Capitol Hill, and I'd go down there. He wouldn't be there till one in the morning, of course, but I'd go down there at 11:30 and go to sleep. So, I'd gotten to know him. And I guess we had some talks about clinical education, and then we applied for the CLEPR grant. Now, you know, I had a notion, true or not, that Pincus was more interested in schools of greater prestige than the Catholic University. But God wanted the program here because the day that Pincus came to visit me, Michael O'Keefe, who was a tax teacher and associate dean, had put together a program on something to do with the Internal Revenue Code, and he had Lou Oberdorfer, who had been the deputy attorney general for taxation under Robert Kennedy, and was then a partner at – not Wilmer, Cutler, but – yeah, Wilmer, Cutler – and some other people of equal note to come here and do a forum, a panel discussion. And they were in Curley Hall, which was right next to the old law school. So, when I met Pincus I took him through the Curley Hall, just so on his way to the law school he'd see all these notables. His whole attitude changed when he saw the people, you know, partner at Wilmer Cutler and others of equal rank on the [inaudible]. And, after some negotiations we got a grant. There is one thing I think I – that Dick Carter reminded me of – Dick Carter, who is now the executive director of ALI-ABA, was at NLSP, the Neighborhood Legal Services Program, as I think a deputy – actually, he'd been the acting director. I was on the

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0:49:00 board of NLSP. There was a lot of turmoil there. The executive director had left and there was – I remember being at board meetings when the community would come in and lock us in the room and stand behind their chairs. Anyway, Dick decided that we hire another executive director and I – either I initiated it or Dick did – but, anyway, I talked to him about coming here, and so he did. And –

Ogilvy: He was the first director [inaudible]?

Bamberger: He was the first director of the clinic. And we got this – so I asked him, when you asked me to come over here to do this, I called him and he sent me some e-mail. We got a grant from – Pincus had a couple of ideas that he stuck with and he was absolutely right. One was that he only gave grants that required matches, and progressively his grant went down and the match had to go up. And, secondly, they 0:50:00 couldn't be simulation. They had to be real live clients. The university, we – so, we got the grant subject to a seventy-five thousand dollar match from the university. And the university had agreed to that, otherwise, I mean, they had to sign the grant application. But then they decided they weren't going to come up with the money. And so we didn't know what we were going to do. But some students heard about that and there were some students – as I remember it was a man and a woman, I don't know if they were married then, they were undergraduates – if they weren't married they were maybe living together or at least courting, and they did later marry – she – they both came – but they were interested in the law, so they used to 0:51:00 come over – the law school's getting a lot of attention now. Most of the students

0:52:00

kind of liked it. Most of the administration didn't like it. But the students heard the administration was going to back off on this seventy-five thousand dollars. These students [inaudible] somebody was the girl, and I can't remember the boy's name – they were very active in the undergraduate student government, so they went to the undergraduate student government and told them what the university administration was doing to us, and the undergraduate student government raised seventy-five thousand dollars. And we got the CLEPR grant.

Ogilvy: From the students?

Bamberger: Yeah, the students, from student fees of the undergraduate students. And we opened an office down on North Capitol Street. Well, I don't know if we opened up there first – I don't remember that. But eventually we or – I can't remember the sequence of things, but we got a grant from the Meyer Foundation, the Washington Post family, for, I think, twenty-five thousand dollars and we bought the building on North Capitol Street because I figured that, you know, if; the one thing the Catholic church will never give up it's real estate. So I thought that if I got a piece of real estate that was dedicated to the clinic this thing would go on in perpetuity. And that, I mean, that only changed because they moved the clinic here. And then they got rid of that building. And there's some argument, I think, that they should have kept it there. It would give the students a kind of experience they might not otherwise have. I remember that we didn't have money to sort of fix the building up, and Dick Carter reminded me that one time, I think, we had a party and – which

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was with beer and pretzels, and we had a bunch of students down there – we put up drywall to make offices in that building. And then my memory is that Dick then – there came a time when Roger Wolf succeeded Dick Carter, and that was because the ABT consulting organization, A-B-T, out of Cambridge – the legal services program which was still at OEO was interested in hiring some law– some institution to provide training for legal services lawyers around the country. And they hired ABT to explore the possibilities with various schools. And there was a guy named Arnie Miller, a great guy who now runs a headhunting outfit for nonprofits and local governments out in Cambridge, Massachusetts, and he had been – well, I don't know how I knew him, but somehow I knew him. And, he – so he brought the ABT people around to see me and talk about having the center here. And this will probably – this tape has to be sealed and can only be released when Arnie and I are both dead, because Arnie was working for ABT, but every now and then I was saying the wrong thing. I was giving away things that ABT was – ABT was – I was sitting across the table from Arnie's boss and I was giving away things that Arnie knew I shouldn't give away. [Inaudible] that I have here because we had some, you know, good people coming here to teach and students could go sit in some of the classes and all and then Roger Wolf, who is still teaching, is running a clinic at the University of Maryland, and a good friend, ran the clinic here. Can I get a glass of water?

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Ogilvy: You want to take a break?

Bamberger: Yeah. Sorry. Ives who was a legal aid lawyer.

Ogilvy: Is that right?

Bamberger: And a patron saint of lawyers. Everybody thinks Thomas More is because most of them who make those decisions are the Irish and they like anybody who defied an English king. But Thomas More was a – I mean, Ives was a bishop in Brittany in the fourteenth century and he would – was a lawyer, and he would only represent people on two conditions. One, they had to be poor and couldn't afford a lawyer; and, second, their cause was just. And he's pictured with a poor man on his right and a rich man on his left and he's taking money from the rich man and giving it to the poor man.

0:56:00

Ogilvy: Where did you come across him?

Bamberger: Where does he what?

Ogilvy: Where did you come across him? How did you – do you remember how that – ?

Bamberger: Yeah. John Wigmore, when he was the dean at Northwestern Law School, I was at – I don't know how I got into it, but anyway, Wigmore was traveling in Flanders once and inquired; said he was a lawyer. He was in this little town called Tréguier and he said what might interest him and they said, "Well, this is the birthplace of

0:57:00 Saint Ives,” and they told him about Saint Ives. So he learned about it and he, when he came he then wrote – he continued an interest in Ives. He wrote articles. And it’s either the first or second year of publication of the ABA Journal about Ives and Tréguier – and if you look on the Northwestern University Law Review they have the seal of the university, and the seal is the profile of Saint Ives. And if you walk in the Northwestern University, at least the last time I was there some years ago, right in the foyer is a polychrome wood statute of Ives. So it’s the only law school that honors him. I mean, here’s the patron. So that was another one of my foundation stones for having a clinical program here. But, this was –

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Ogilvy: The part of the training program that involved making some videotapes –

Bamberger: Yes.

Ogilvy: Were you involved in that at all?

Bamberger: No. Not that I remember. I mean, I didn’t – I was really very busy doing whatever it is deans do, mostly negotiating with the administration and trying to form some kind of alumni group and trying to raise some money. So I mean I taught a course in Legal Profession. I may have taught a Civil Procedure course, but I don’t remember that for sure. But I didn’t teach – I mean, I certainly saw some of those videotapes. I mean, Dick would tell me about them, and Bea would.

Ogilvy: And so, Roger Wolf was the clinical director?

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Bamberger: Right.

Ogilvy: Was he the only clinician at that point in time or were there others?

Bamberger: No. There were two as my memory – I think there was one for a short – one – I think there were two who were African American. I think one of them was here for a short while – left NLSP, came here for a while, and then went off to do something else. I don't remember who the second person was. And then at some point – well, when I left Roger was still running it. And then I met Roger next when in 1982 I came to the University of Maryland. I was introduced to this fellow who was running a clinic for the evening students – it was Roger Wolf. But the clinics – they weren't – I think we may have been the first clinic in D.C. I don't remember that there – maybe Georgetown had something. But I don't think Law Students in Court – I forget – came along afterwards. And, if we weren't the first, we were certainly very early on.

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Ogilvy: Were you involved in setting up the Law Students in Court program?

Bamberger: Not that I remember. No more than sort of agreeing to be in it or something. I don't think I was ever on their board or anything like that, not that I remember, no.

1:01:00

Ogilvy: You were dean then until 1975?

Bamberger: Yes, '74, I think – '74 – '69 to '74. And then Nixon was president and he was dismantling OEO. But he couldn't destroy the legal services program. I was still – I'd kept on there – remained on the advisory committee to OEO, and still kept in touch with Earl a lot, and I was in – very heavily involved with NLADA. I think I was the president of NLADA at one time. So I still had my hand in that – very much – in that pie. And then, do you want to know about that part?

Ogilvy: Sure.

Bamberger: The Legal Services Corporation?

Ogilvy: Yeah, a little; yeah. I know you talked about that [inaudible]

Bamberger: I don't do things in little bits, Sandy. Sorry.

Ogilvy: We know you have to be out of here by 6:00. Actually, I want to move forward to Maryland and some of the international clinical work you do.

Side Two of Tape:

Bamberger: Okay; well. Oh, well, when I came here I didn't know about tenure. I knew about canonization, but I didn't know about tenure. And so I didn't – I'd never been in the academic world before, and I didn't know the parking and tenure are the two

important things. When I signed a contract here I thought, and still think that, it
1:03:00 said that my term was for five years, and at the end of the five years I would be
eligible for – would get tenure. Well, they said [inaudible] that's sort of what I
expected would happen. And when my – but, when my term was coming to – I had
had a stormy time here. I brought in a lot of new faculty. We changed the
curriculum entirely, and there was one faculty member whom – they had a rule here
that if you reach, I don't know, 65 or 70, you retired unless the dean decided to keep
you on. And the tradition was that the dean always decided to keep you on. Well,
we had a faculty member here whom I thought was incompetent, and he was not a
1:04:00 good teacher. He was not a – he was a very unpleasant man. And so when the time
came to decide whether he stayed on or not, I said no. That had never been done
before. You know, I didn't get much support from the faculty on this. I mean, not
from the older faculty who saw their time coming. And he sued me actually. And
so the university had to hire a lawyer to defend me, and we did prevail. But there
were lots of storms like that. But the law school grew and prospered. The law
0:11:00 school was producing more money than it was spending. So that meant a struggle
every year with the provost, the administration, about how much of this money we
1:05:00 could keep. I never thought we should keep it all, but I thought that we should keep
enough so that there was a continuing incentive for me and the faculty to do what
we could to attract students. And we did very well at attracting students. I mean, if
you look at the – I just saw the other day at – I was at Chataqua last week, and one
of the speakers there this summer was Charlene Barshefsky, who came here as a
student. We had a – I think we were second to Georgetown in terms of

1:06:00 attractiveness to students. And we sold ourselves on the small size of the school and our “activism,” for want of a better word. And we were – had as many as we could take every year after awhile. And they were good students. We also at one time were second only to I think Rutgers-Newark in the percentage of women. And that – and of – and we had a high number of African Americans.

Now, let me say this. It’s also interesting if you go back to the history of the school. The man – the first dean, Robinson, who came here and started the law school shortly after the Civil War, said the law school should admit women and the word of that time, “Negroes.” The Cardinal Gibbons – it’s interesting – a very progressive American cardinal, one of the most progressive, even by today’s standards would be progressive – he was opposed to having Negroes, but they admitted women and then were also shortly – not long after that did admit Negroes to the school. But all that had gone by the board. The law school was, you know, it had – there was another school in town, the Knights of Columbus. Knights of Columbus schools were ways in which immigrant, mostly Mediterranean Catholics, could get into the profession. Because even when I went to law school the Harvards and the Yales had a quota on Catholics. They had quotas on Catholics and Jews. And, so if you were a second-generation immigrant you had to go to – the Knights of Columbus was your entry to accounting and to law. And, those – that law school came into this school. They were two weak institutions that came together. But – and so all of these things caused – Also there – this was a time when a lot of priests were leaving the priesthood and were getting married, and some of them wanted to

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come to the law school. And I said fine, if you've got the qualifications – and most of them did come to the law school. Well, that didn't sit well with the hierarchy around here. You were – I don't know what those guys were supposed to do, but you certainly weren't supposed to be nice to them. And some of them now are – one of them, Ed Gaffney was the dean at Valparaiso; another one, Bill Bassett, is a longtime faculty member at the University of San Francisco. So, I'd – there'd been those contentions with the university. So when the time came to renew my contract I said, "Well, now, will I get tenure?" And, the faculty, the senior-tenured faculty here, weren't happy with me either. And so the answer was no. I think the vote was divided on the faculty – if not divided, it was one – I lost by one vote on it. Steve Pollak represented me. I talked to Steve about it, and he said he would represent me pro bono. And he did. And I think if I'd stuck it out that I could have prevailed. But I didn't want to be an untenured faculty member beyond the five years on this faculty, when the tenured faculty weren't happy with what I was doing. And they may have been perfectly justified in being angry, because I was doing things they didn't like.

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And so at some point then I was visiting at Stanford. Tom Ehrlich was the dean at Stanford, invited me out to visit. I was out there. The legal services – Nixon couldn't do away with the legal services program and they created the Legal Services Corporation. The corporation went looking for a staff. They had a search committee of their trustees and these were majority Republicans, because they were Ford appointees, and they talked to me. And they wound up with four names, all of

whom were tainted, because all of the four that they picked – myself; John Ferren, a judge of – the chief judge of the Court of Appeals here in the District; Frank Jones, the former deputy director; and I can’t remember the fourth person – we all had had prior experience with legal services, so we were tainted. And the board decided they had to do something about that. So Sam Thurman, who was on the board,

1:11:00 came out to Stanford to talk to me and also talk to Tom Ehrlich. Then later he came out – then later, Tom Ehrlich called the four of us on the telephone and said, “Look, Sam Thurman has just called me and he wants to come out here and talk to me about being the head president of the Legal Services Corporation, and I’m not even going to talk to him unless you guys agree that you don’t oppose that” – which I thought was noble of him, because obviously he was going to be appointed. They had these four tainted people, and they were going to get Tom. So Tom – they offered the job to Tom. Tom called me here – well, no, Tom started the office, and

1:12:00 Lou – no, no, Lou Oberdorfer was the acting head. Lou had taken – took a leave of absence from – or I shouldn’t say that, I guess, but Lou was the acting president until they hired staff. David Tatel was the acting general counsel. It was a stellar group of people. And Lou called me one day and asked me to meet him by the

1:13:00 Treasury building. He wanted to talk to me in Lafayette Park. I guess he figured that the Ford administration couldn’t bug the whole park. What’s funny about that is that I was on this corner and he was on this corner and we didn’t see each other. But we both went to – this was before cell phones – we both went to pay-phones and we called David Tatel, who was back in the office, and David said, “Oh, you’re here, you’re here – all right, now you walk east, you walk west.” And we did, and

we met, and we sat in Lafayette Park. And Louis said, “Tom would like you to be the deputy. Are you interested?” And, I said, “Yes.” And, so – and can I add one thing to that? Well, this is all in that legal services tape. You don’t want to – so, anyway, I – I went there. Then I’d been there for five years and we funded this – Gary Bellow’s program, which originally was going to be 12 programs, was a wonderful idea and it should have happened. We funded the Legal Services Institute at Harvard. There was essentially going to be a high-powered legal services office with students and faculty and training legal services; training law students to be legal services lawyers, either as staff legal services lawyers or in their private practice doing that kind of work. And Gary asked me if I would come up there and join him in that.

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Ogilvy: Let me talk a little bit about how that program came into being, if you remember. Was it Gary’s initiative? Was it an initiative within the corporation?

Bamberger: No. It was Gary’s initiative. It was Gary’s initiative. He and Tom, I think. I know Gary initiated it, and he and Tom had conversations about it. I don’t remember being in on any of those conversations. And he may have talked to other members of the board or something, but it was – initially it was all Gary’s idea. And when I then went – in 1979 I went up to Boston and worked with Gary and Michael Lipsky and Bill Simon and Jean Cahn and a Cuban fellow who is now a judge.

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Ogilvy: Isaac Borenstein?

Bamberger: Isaac Borenstein, yeah. And worked – I had been a legal services bureaucrat, but I'd never been a legal services lawyer, and I just thought I ought to be honest before I die. So I welcomed the chance to do that. And I was there until 1985. And then in 1985 Michael Kelly – who was the dean at Maryland then, whom I actually tried to hire to come here and teach once, because I knew Michael in Baltimore and I remember having conversations on the phone with him, trying to persuade him to come over here and teach before he had gone into legal education – and he called me and said that they wanted somebody to direct the clinics there. And so I did that from 1985 until I retired in, I think, '95.

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Ogilvy: Let's go back to the institute. Talk a little bit about your time there. You were doing legal services work?

Bamberger: Right.

Ogilvy: Working with students as well?

Bamberger: Yes, yes. Yes, we had students.

Ogilvy: Okay, why don't we change the tape here.

Bamberger: With – in cooperation with Northeastern University and Harvard – we were not on either campus, we were in Jamaica Plain in an old sewing machine factory right

1:17:00

under the elevated. For years after that, every eight minutes my voice increased, because when you sat there talking you had to turn the volume up every time the elevated rattled by. That was a great – we spent a year setting it up, operating in a little, before we got the Singer building, in a little old house in Jamaica Plain. We were practicing. I had – that was an experience for me, I was 50 years old – luckily I didn't have to take the Massachusetts Bar Exam, but I had to be admitted.

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And I can remember the first case I did. A woman came in the office. We didn't have students then, it was just the four of us. A woman came in and she was from Puerto Rico, and her husband had left her and was threatening to take the children and go back to Puerto Rico. Well, to get a restraining order and all was a – I learned was a very simple thing. It was just a form you had to fill out. But, you know, you're 50 years old, and you're going to go practice in a court and, you know; I was scared to death. Some judge is going to look down at me and say, "Well, Mr. Bamberger, is that a Rule 33 motion?" I wouldn't know what the hell Rule 33 was. I mean, you know, you have to – the law practice is not just in the law books. It's in a code. That's essentially how we make our living, we have a code. So I read everything I could. I even went down to the court; because I was scared to death. I was really scared. How – I mean, this poor woman, how – what would she think, for instance, if I didn't know where I'd have to go in the courthouse? But I took the elevated down to the court and I found out where the clerk's office was and which clerk to talk to and where the courtroom was – because I thought, Suppose this poor woman, who has to be very nervous and upset – I'm walking down there with her

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and I have to go ask somebody where the courtroom is or something. She's going to think, What has she got here? But I remember that. And I had to do that a lot. I got admitted, but I still – at a cost – and learning experience. The thing I remember most about it was here I had practiced 18 years in a major law firm, I'd been associated with the legal services program in law schools, and I had no – Gary introduced me to a whole literature about being a lawyer that I never knew and I would have never been exposed to in private practice. And most lawyers, unless they have a course in law school, and most of them don't like this – never have that. And it's so enriched not only my learning, but I think it enriched my practice, the whole understanding of what the role of a lawyer is. And that was a wonderful experience. It was very difficult.

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Ogilvy: Are there any specifics that –

Bamberger: Well, I – no. I remember learning better how to listen. No, I can't point to – well, I, yeah, there were things I learned about arguments, about opening statements, arguments, about taking depositions that in all the years I was at Piper and Marbury I only remember once that I learned anything from another lawyer. I remember once I was arguing a jury case and one of the partners came in the courtroom, and this guy wasn't a very good trial lawyer, but he said to me afterwards, he said, "You know, when you were arguing to the jury you were walking up and down in front of them a lot. And sort of when you'd get to this end they'd look past you, they could see out the window, and sometimes they'd look out the window. When you walked

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back here they were still looking out the window.” And I learned after that to stand still. And I would have never learned any of those. I could have stayed at Piper and Marbury the rest of my life and I might have learned two more things about practice, but working with Gary, reading his book on the lawyering process, I just learned all kinds of things.

Ogilvy: Was the book in print then, or – ?

Bamberger: Yes, the book was in print. Like I remember when he was working on the book –
1:22:00 he had a house up in Maine that at one time my daughter and I went up there and spent a weekend or something, and he was working on the book then. But I mean it was a – I didn’t learn much. I mean, I wasn’t at Harvard Law School very much, but I learned something there about, you know, I’d never been to a law school – I mean, Stanford, I’d been to Stanford – but Harvard is a different kind of place. The riches that are available there for students just amaze me. And then – and I learned – that’s where I learned whatever I know about clinical legal education; from Gary and Jean and others, or from everybody. So when I came back to Maryland I tried
1:23:00 to do some of those things, but you never could really. See, Gary – not only was Gary a great teacher and, as you know, a charismatic guy, he had the advantage of starting something anew. There were no – he didn’t have to break any habits – but it’s very difficult to really to do the kinds of things that he did if you come into an established institution. And part of the proof of that is that some of the things that Gary wrote about – about legal services, about clinical education, people don’t like

because it means that they – they see it as criticism. It is criticism, but it's
1:24:00 constructive criticism. What they really don't want to do is change what they're
doing. They're comfortable with what they're doing. And – but Gary had – we had
the advantage when we started the institute of nobody had any set patterns and Gary
had the knowledge and experience we all respected.

Ogilvy: What was the nature of the clinical program at Maryland when you came?

Bamberger: Well, when I came there it was not in the law school building. It was across the
street from the building, and it was a series of each – each person had his own
clinic. There was no kind of central direction. And one of the things that I had
learned with Gary was that the clinic should afford not only a practice experience to
students, but it should afford them the experience of working together with other
1:25:00 lawyers, of working in an office, in a unit. And so I – we changed it from a series of
clinics to say it's the clinical law office. Now, the trouble is that that didn't change
the practice. People who had been doing domestic law, that's all they were going to
do, so you still couldn't get much interchange. Whereas at the institute, I mean, we
each – if Bill Simon called me up and said, "Clinton, I've got a conflict tomorrow.
Can you go do this thing for me?" – I'd say sure, if I could. And – or I remember
when I had a case, an argument in the – write a brief for the Supreme Judicial Court
of Massachusetts. I spent days with Bill, because he was so bright, helping me
write the brief. Well, that's very hard to do in most clinics. So, I mean, does that
answer it?

Ogilvy: Yeah. What did you change, if anything, during the time you were there?

1:86:00

Bamberger: Well, I – we did – not much. I tried the – I used to talk about collaboration, and one of the jokes that we finally arrived at is I wasn't allowed to use the word anymore. We would just refer to "it." "It" was meetings and collaboration. I think that I – no, I mean, there were good lawyers – good clinicians there and good lawyers, I mean, people like Mike Millemann and Susan Leviton are just experts in their field and superb lawyers. But I don't think that I ever achieved what I wanted to achieve, to have a – want a more egalitarian workplace. I tried to get the secretaries in the office to become paralegals. The women who worked on the staff at the Legal Services Institute all became paralegals and also they – they made – they had as big a vote in making decisions about what the office did or didn't do as any of the lawyers. We would have – lawyers' work would be reviewed by a committee made up of maybe the receptionist and a secretary or a paralegal and a lawyer, who would just come in and take some of your files at random and look at them and then ask you to sit down and explain why you did what you did or didn't do what you didn't do. Well, I tried to do that, but when I talked to the secretaries about doing that at the University of Maryland – I talked to them about meeting and making decisions about whom they would work for, they didn't want to do that. So that – that became "it."

1:27:00

But I mean, we did – I think we – I think the clinic got more involved in law reform in the community. I think the clinic got more of a public face. It was ranked number three or something. But one of the things I've learned is that deaning and

1:28:00

directing a clinic is by and large an operation of smoke and mirrors. And if you ever look behind the facade of some of these law schools that are rated high or clinics that are rated high, they're not. I mean, I know the clinic was never – I mean we were, I think, second to NYU at one point. We didn't deserve that – not at all. I wasn't going to deny it, but we didn't deserve it.

Ogilvy: Were you actually supervising students as well?

Bamberger: Oh, yeah. I – no, I always – yeah, I always supervised students, always had eight to
1:29:00 twelve students.

Ogilvy: What kind of cases were you doing?

Bamberger: Well, I was doing – one of the things Gary and Jean had taught me was the problem of lead paint poisoning in Boston. So, when I came back to Baltimore, in 1982, one of the first things I did was call together a group of people in Baltimore who were working on housing cases, including Anne Blumenberg, who had been a student here at Catholic when I was here, and was then running, and still is running the Community Law Center, a wonderful public-interest law office in Baltimore, and talked to them about lead paint and the problem. Baltimore, actually, on the medical side, had a long history, because a Dr. Julian Chisholm – God, it's awful –
1:30:00 Katharine's in charge of names too – who was a doctor at Hopkins, had done some of the first and most prominent work on lead poisoning. But in housing it – there

was no— nobody was doing any of the law stuff. So, that's what we – what I concentrated on and had students working with me, and we lobbied in the legislature, got a lot of changes in the laws, both at Annapolis and in the City Council in Baltimore. And we took our case to the Court of Appeals that made some new law. And I think we put lead paint on the legal map in Baltimore.

Ogilvy: Must have been an exciting time.

Bamberger: It was, yeah, it was great. You asked me about other clinics in other countries.

1:31:00

Ogilvy: Yeah. At some point and time you, after you retired I guess, you started [inaudible].

Bamberger: No, before I retired. When I was here, I think in 1974, a courageous dean at the University of Natal, in Durban in South Africa, got Ford money to have a conference on legal aid in South Africa. There was practically no legal aid in South Africa. This was in the *apartheid* days. And Ford gathered together, I think, eight of us from the States to go over there and attend this conference. And in the course of that I met a very wonderful woman and her husband, Felicia and Sydney Kentridge, who were prominent barristers in Johannesburg. And Felicia particularly was interested – had been doing some clinical work at the University of Witwatersrand Law School. She, along with the labor unions, had formed a thing where on Saturdays at the labor union office students would come and give advice to union members, all of whom were black Africans – if not all, most. And through that we kept up a friendship all through there. I never went back during *apartheid*.

1:32:00

I wouldn't go back in those days, but whenever any of the people I met there then – I met John Dugard, who was then the leading human rights lawyer and teacher at the University of Witwatersand, and some others that whenever they've come to the states they usually stayed with us. And then in 1988 Felicia or the University of Witwatersand and Felicia called me and asked me – they had a clinic at Wits that she had started years earlier and they wanted to make it compulsory for all of the final year students. And so they asked me to come and apply my fine Teutonic hand to do that. And so I went over there in 1988, I think it was, and helped them set up. And a lot of what – all of what I did there I – were things I had learned at – with Gary at the Legal Services Institute. And then the – so that was South Africa.

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Nepal – God sent me to Nepal. When I was – I guess I was retiring and cleaning out my office. I had a lot of things. There was the Fulbright brochure. And I looked at it and saw that there was an opportunity to teach clinical legal education in Pakistan. That was the only thing that had to do with clinical legal education. So I called them up and they said, “Well, we just – there was a young man whom we just sent over there, but he can't get into Pakistan, so we canceled that program. But on his way there he stopped in Nepal, and he's met with the law faculty there and they're interested in clinical education. But, he isn't interested in doing it. So, you can apply for that.” And, I said, “Well, how can I apply for that? It's not listed; you don't list it in the program.” And they said, “Well, we'll put it under social sciences.” So I was – I may have been the only person that knew that there was such an opportunity and the only applicant. Now that has to be

1:35:00

divine.

The other thing was that I actually at that time was going to go to Nepal – I had always wanted to go on a trek in Nepal. Shirley Hostetler had been a friend, and she and her husband used to go to Nepal regularly for treks. And I'd always wanted to go. So when I was retiring I saw that there was a trek I could go on. It was being sponsored by Elderhostel, and I thought, Well, they're going to be as old as I am or older, so I can probably make that one. So I did go. In the meantime; I signed up for that. Then I – that wasn't like for six months. But then I applied for the Fulbright. So, my application for the Fulbright was in the works when I went to Nepal. So I made a point of visiting the law school, and I made a point of sitting – now, I was then – I was 65 years old, I guess, and in Nepal people don't live that long. So I made a point of always, when I met with the law school dean and some others, I sat as far across the room as I could so they could see that I could hear. And when we went up the steps I always tried to keep one step ahead of him so that he wouldn't think, "Well, he wasn't going to hire this old fellow." And so I went on the trek and it was wonderful. One guy died. And I came back and I got the Fulbright and so I went over there and had a wonderful six months there helping to set up a clinical program. That clinical program has survived, but not so well. But the guy I worked with, he and his wife now have a wonderful public interest law firm in Nepal that they run.

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Ogilvy: What kind of structure were you able to set up in Nepal?

Bamberger: Well, no, you couldn't do that much. First of all, you know, this – legal education in Nepal is an undergraduate course. The students have no books. There are no books. They just take notes at lectures. But what we did essentially was, yes, we practiced, and I ran classes. I learned a little Nepali, but not very much. And so when the students' eyes would glaze over, my friend Yubaraj Sangroula would then holler at them in Nepali and translate for me. But we had clients and we went into practice and we did courses. We did – I put together readings. They could all read English, the students, and they could – most of them could speak English very well. So I could lecture. And we did courses on, you know, the usual things of interviewing and advocacy and the usual courses that go along with the thing. And then I couldn't go into court with them, but Yubaraj would go into court with them.

1:38:00

Australia was – I had a – I don't know what originally well, I know there was a guy named Terry Purcell, who for years ran a thing called the Law Foundation of New South Wales, which was sort of a professional law research group, and he used to come to the States a lot. I had met him when I was at OEO, I guess, because he was interested in that, and we'd been – he'd come here often to talk about that. And one day he called me and said the University of New South Wales wanted to have a course on legal services – not on clinical stuff – and would I – was I interested in doing that. So I went and did that. I really didn't do – there weren't that many clinics, if any, in Australia.

1:39:00

Ogilvy: When? That was in 1977?

Bamberger: Oh, I don't know. I was at the corporation, yeah. Yes, it probably was.

Ogilvy: I want to go back; just pick up a couple of points. You mentioned when you started the clinic here at Catholic that you had a conversation with Bill Pincus. Did you have further conversations or contact with Pincus over the years?

Bamberger: Oh, yeah, yeah. And even in – even a couple of years ago. No, no, we were – I think we had met, as I say, when I was at OEO. And then we were friends through the years of the clinical thing. I mean, Pincus was a tough task master, you know. You got your money, you did – you better damn straight do what you promised to do. And I – but, I don't – I don't know how long we had that grant. After a while the university and the school were supporting it, and it was a popular program. And I was active in the American Bar too. One time I was a member of the House of Delegates and I'd see Pincus at those things. And in NLADA of course I would see Pincus.

Ogilvy: CLEPR also sponsored some conferences.

Bamberger: Oh, they were wonderful, yeah.

Ogilvy: Can you talk about one or two of those?

Bamberger: Well, the only one I really remember – I can't ever remember – it was up in

Pennsylvania.

Ogilvy: Buck Hill Falls?

Falls.

Bamberger: Yes. And the one thing I remember about that, maybe the only thing, was the
1:41:00 evening, sitting on a porch and Bea Moulton playing the guitar and singing. You
know, those conferences were very good and the papers were very good. And I got
all those and brought them back here and put them in the library and made them
available for the faculty. That's I think the only one I went to, at least it's the only
one I remember.

And then we had some local meetings. One of the things I did was organize regular
meetings of the deans of the several law schools here. To my surprise they never
met. They didn't even really know each other. So I organized with – and the head
of the AALS then – anyway, he used to come to our meetings too. And there we'd
talk about the clinics sometimes, and I think sometimes we even had the clinical
1:42:00 directors come and talk to us about it. I'm hazy about that.

Ogilvy: Did Ellen Scully start in the clinic here during your tenure as dean?

Bamberger: Yes, I think so. God, don't tell Ellen I didn't remember. I mean, she's a saint. Yes,

yes, I think I hired Ellen. I think, yeah, I'm sure I did. I know I did. I know I did. I know I did. And she remembers it better than I. Yes, she was with NLSP, I think. And Roger and Judy went, decided to take their kids and spend a year driving across the country. And I and Roger, I think, introduced me to Ellen. And Ellen met in the office and she remembers something about it that I don't remember. What was it? Do you remember? Did she tell you?

1:43:00
Ogilvy: No.

Bamberger: Well, ask her. She remembers something about it. And I wouldn't tell you if I didn't think it was good or at least if I – if it wasn't a bad thing. And she came and she was wonderful. And she had another person working with her, an African American male, I think. I've forgotten his name too. Yeah. No, Ellen – yes, I claim all that credit.

Ogilvy: After all your years in legal services and clinical work do you think clinics have a future in legal education?

1:44:00
Bamberger: Oh, absolutely, absolutely. I mean, look, one of the things I – if I come back in another life, one of the things I'm going to do is write a comic opera and the subject will be legal education. I'm reading now the book *The Emperor of Ocean Park*, written by Stephen Carter, a Yale law professor, and even he takes some pokes at legal education. I mean, the idea that we are still the only profession, the only

helping profession that doesn't solidly ground the students in any kind of practice experience is disgraceful. I've had occasion, more in later years, to see the practice of some young lawyers, graduates of respectable law schools who are practicing for people. You know, most of the elite law schools in this country have been captured by corporate law. And Derek Bok, when he was a dean at Harvard, wrote a piece about that. Those schools train people to do a practice of law which is very different from what most lawyers practice. Kenneth Pye once wrote a piece about the legal profession is not a monolith. And most people have lawyers practicing for them who are solo practitioners or in small firms, and when they come out of law school they know nothing. The students that come out of the elite law schools know how to look up stuff in books. And every other law school in the country thinks that it has to be like them. Some day somebody is going to start a law school – well, I think somebody did once. I think New Mexico is one of the best law schools in the country. And the reason New Mexico is good is that if you go, the Southwest is really a distant part of the country, and if you decide to go live in the Southwest, you know, it's a different kind of life. It's almost like going to another country. And you also – if you go there you really aren't – you're not teaching law because you want to be invited to visit at Harvard or Chicago. You're teaching law because you want to teach people to practice law. A friend of mine who was the dean there – God – Hart –

Ogilvy: Fred?

Bamberger: Fred Hart. He was at Boston College and he went out there to visit for a year and he fell in love with it and he stayed and became the dean. And he said this law – the mission of this law school is to teach people how to practice law in the Southwest, and its scholarly mission is to do scholarship on law in the Southwest. And that to me is one of the best law schools in the country because they don't want – they don't care if they get invited to visit at Harvard. And some day somebody is going to start a school that says what we're engaged in doing is teaching people to practice law, because the missing – the kind of things I see young lawyers doing, it is shocking. I mean, it is malpractice. I'm on the periphery of a case now which is a relatively simple matter. I shouldn't say much, too much, about it, because you might be able to identify it, but the lawyer is – he makes it into some kind of a constitutional argument. Absolutely ridiculous. But that's how he sort of – it's – he's like a blunderbuss. He's trying to blunderbuss in front of the clients to impress them. I mean, every law faculty ought to be – the other day I went to teach – I'll tell you this – at Maryland. This was public. This happened. One of the people over there asked – who runs a course in which they're teaching students who intend to go out to run a law office how to run a law office – asked me to come and talk about legal services and legal aid, those kinds of things. These are second- and third-year students. I asked them, I said, now – I gave them the hypothetical of a man who has been – he's going to be evicted and he needs legal help. Can he get it? They didn't know. I said, Does he have a right to it? Well, maybe. They didn't know. They don't know about the – walk out here and ask these students, “What's the – what's legal services?” “Huh?” I then put – worse then was I put a hypothetical to them

and I said, “The man’s wife comes in. She’s just been arrested for prostitution. She can’t afford a lawyer. Is she entitled to a lawyer?” “Well, I think so.” “I’m not sure.” “Do you know the case – did you ever study a case that had anything to do about *Gideon*?” And I didn’t do – I did this as gently as I could. They didn’t know. And I’ll bet you if you ask your third-year students those questions you’d get the same answers. Now, I’ll tell you the next thing that happened that was worse. I mean, it was one of the most depressing days I’ve spent. As I was leaving the classroom another teacher came in. The teacher was teaching Criminal Law. I wanted to make some conversation with the teacher. She – the person’s been teaching there for a long, long time. I said, “Do you do *Brady*?” She said, “What’s that?” When I explained it to her – I argued that case by the way – I just wanted the opportunity to say that – when I told her what it was, she said, “Oh, that’s procedure.” She is so far – the teacher is so far removed from practice that she confines herself to substantive criminal law and doesn’t think about procedure. And that’s – that’s terrible. But that’s every law school in the country, good, the best and the worse. Thank you for asking the question.

1:50:00

Ogilvy: When – after Edgar and Jean started Antioch, were you involved with them at all?

Bamberger: No.

Ogilvy: After you left?

Bamberger: No.

Ogilvy: – their vision [inaudible] too?

Bamberger: Only in a way that they didn't like.

Ogilvy: What do you mean by that?

1:51:00

Bamberger: Well, I – after their first year – the first year was difficult, and a lot of students came over here and asked to transfer. Now, diplomatically, I should have said no. But, I didn't – didn't think that was fair to the students. I thought if they wanted to come here, if they didn't like Antioch and if they had the qualifications, we should admit them. And so we did. And Jean and Edgar were – didn't like that.

The only other way I may have been involved is that at some time in the course of that I was the chair of the Accreditation Committee of the ABA, and on it. But I don't think – I don't think I was the one that – when any decisions were made – but I know there were discussions and negotiations. Sure, Antioch, I mean, Antioch held the – Northeastern is the law school that also comes close to that because of its practice orientation. But Northeastern is too close to Harvard geographically.

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Ogilvy: Well, that's just about the extent of the questions that I have.

Bamberger: Okay. Sorry.

Ogilvy: Is there something that I missed that we can put on tape?

Bamberger: No. Let me look at some of these notes I made.

Ogilvy: Okay.

Bamberger: Well, let me just read you what Dick Carter said. You know, I talked to you about building the drywall. He said, “Physically, this office was no more suitable than the others, but it was geographically suitable.” We had a party one night to put up drywall in order to create space for clients to be able to talk confidentially.

1:53:00 Needless to say, not one of us had any real experience with building walls. To our good fortune, some neighbors on North Capitol Street became curious about what we were doing on a Friday or Saturday night with a few beers and drywall and paint – the beer turned out to be invaluable. We had a visit from a man who both loved beer and had obvious experience in hanging drywall, or was a very good teacher. Well, also, he taught – he – when he came to work here the Dominicans had started University Legal Services down in, I think, Southeast. And they were very helpful to Dick. Dick was a little afraid that maybe they were going to think he was competition. But not at all. And he reminded me that they – he had a lot of talks
1:54:00 with them about their work, and they were very helpful. He remembers a person named Caldwell. I think he may have mixed that up with a building or something. It was a friend of the provost and his wife who was a former priest and a nun. They gave a dinner party for him – for him and Joe Nuesse, the provost and his wife.

And he said this paid off in later years when we needed a quick university signature for securing funds for the training program. That's all I remember.

Ogilvy: Thank you very much.

Transcription of audio taken from video -- By: Barbara McCoy