

**Transcription of the Oral History Interview with
Minna Kotkin
January 7, 2006**

Ogilvy: Minna, welcome, and thank you very much.

Kotkin: Thanks for doing this. It's an amazing project.

Ogilvy: It's been great. What was your first exposure to clinical legal education?

Kotkin: I remember it so well. I had been litigation director at New York Lawyers for Public Interest, and had met some people at Brooklyn, and they said, Why don't you come teach? And I said, "Oh, I can't teach – I'm 10 years out of law school." They said, "Yes, you can. Yes, you can." So then I, to make a long story short, I got the job running a clinic that they had not – that they had wanted to set up but had not, called the Federal Litigation Clinic. And that April-May before I started teaching they sent me to the Duke conference. And I don't know if you were there, but –

Ogilvy: I was.

Kotkin: I got down there. I had never been down there, and they had us in – first of all, they checked us into these dorms, and the dorms were so disgusting, like holes in

the sheetrock. And I said, "What is this?" They said, "That's where the guys put their heads through the walls." And you know we went through the cafeteria with the trays.

But then I went into the sessions, and I said, "Oh, my God, I have made a terrible mistake" – because I had come from litigation class action cases, where we didn't even have clients. I mean, we made up the cases, right? And I said, "What are they talking about?" I mean, they are dancing on the head of a pin, you know, this client-centered stuff – I had never heard of it. Now that's not entirely true; I had done a little reading in the *Journal of Legal Education* in order to be able to interview, but I had no idea. But – and I said, "I'm never going to be able to do this," being a fairly controlling person and a fairly directive person. And I remember Gary Palm from that conference and Sue Bryant, and they were – you know, I think Gary was my small group leader – he was terrific. But I guess I sort of began to get indoctrinated. And then I started in September – I mean, I met a lot of people, they were wonderful people – that much I figured out right away. And I had a semester to design this clinic, and I wouldn't start teaching until January. And you know I started to try. I said, "All right, let me give this non-directive stuff a try." And I guess I became – well, as the years passed I really became a total convert, unlike some of my colleagues in fact, who, you know, it's breaking – they're stapling briefs together – I said, "What are you doing?" And I just, I've always – I've come to the conclusion that if you're going to run a clinic,

the more responsibility you take the less they take. It's sort of an inverse proportion. You know, so that if you give them responsibility they'll take it. I mean, that's not nondirective, really, it's something more about role. But I guess that's one thing that I have become more and more convinced over 21 years.

But the first article I wrote, which was the role assumption article, really – and which is an article that's been probably cited more than anything else that I've written, expresses that first sort of round of reservations, because it's really about – that that's not the only – that being in role is not the only way people learn. There is a lot to be learned from watching, especially on more complex tasks, and sort of a shifting level of responsibility. But that was '88 maybe, so I had been teaching for four years. It was still my ambivalence showing. I still believe it, but it's interesting how that article came about.

Ogilvy: Let me go back a little bit earlier then. You graduated from Rutgers-Camden in '75.

Kotkin: Right, '75.

Ogilvy: No clinical experience while you were at school?

Kotkin: No, that was like before – not entirely true. There wasn't anything organized. But

when I was a first-year student at Camden, there was the Camden 28 trial going on in the courthouse around the corner, and I got very involved in that, which was a draft – you know, the pouring blood on the draft records – 28 Catholic clergy and people – and Dave Rudovsky, who is a pretty famous lawyer in Philadelphia, I guess generally, who teaches now I think at Penn, was lead counsel. And Jay Schulman was – I don't think he's alive – but he was one of the first Jury Project people. And the law students were involved in serving the jury pool. We tried to find out as much as we could about them. So that was an amazing experience for me. And the funny thing is years later I was at a clinical conference, and someone came up to me and said, "I know you." And I said, "Really." She said, "My name is Cookie Ridolfi" – and Cookie was one of the defendants. So that was really interesting. Now she's doing all this great death penalty work, Innocence Project work. Anyway, so that was my sort of clinical experience.

Ogilvy: How long did that last?

Kotkin: The trial went on weeks and weeks – 12 weeks.

Ogilvy: You're involved, I guess, in the trial?

Kotkin: Yes, throughout the trial. And just seeing a trial like that, a jury trial. And I remember doing research on jury nullification. That's what they argued. And that

was an idea from that time. But it was great. It was really interesting. But I don't remember. I don't think we had any real clinical projects. I think I did a little work with Camden Legal Services later on. That was about it.

Ogilvy: What did you come to law school thinking you were going to do?

Kotkin: Well, I had had a very sort of political career in college. I mean, I was at Columbia from '68 to '72, you know, so that's what we did. And I had no idea that I really wanted to be a lawyer. I just thought, Oh, I'll try this, you know, if I don't like it. And Rutgers cost \$500 a year. And it was the same for in-state and out-of-state students. I was from Philadelphia, and I lived in Philadelphia, and it cost like nothing. And I remember thinking, Oh, my God, I'll never do this – that first semester of law school – and I tell this to students – I thought I was going to flunk every course in my first semester. I really had no idea. As it turned out, I had that – you know, I'm a one-trick pony, you give me a law school exam, I can answer it. You know? It doesn't have anything to do with being a good lawyer, but I can do a law school exam. You know, so I did that. I did well in law school. I was editor-in-chief of the law review, and I did all that, and then I went to a big firm in New York. I wanted to get back to New York. And, stupidly, I said, "I don't want to do this clerkship business – I want to be a lawyer."

Ogilvy: Which firm was it?

Kotkin: Proskauer. And I spent four years there, and I enjoyed it. I really had a good time, and I got a fair amount of responsibility. It was like – it was like – when my students say to me, "What's it like at Proskauer?" – I say, "It's a different world." There were 110 lawyers when I went, and I made \$18,000. And I think if you went to Legal Services you made like \$15,000 – it wasn't the way it is now. And I did litigation. I was – you know, we worked hard, but the partners worked hard too, and the partners were young and it was fun. It really was. I was surprised how little political content it had. It seemed like one corporation suing another. I mean, we weren't doing anything terrible – you weren't doing anything good. But it wasn't like this horrible machine that I sort of thought it would be. Paid off my loans, and it was interesting. The thing that really made me – and I did a lot of public interest work while I was there. I joined the association, the Civil Rights Committee, couple of other committees. I did some work with now Legal Defense – sort of kept my hand in. And at that time Lawyers for the Public Interest had just gotten off the ground, and I had served on a committee with Dan Kurtz, who was the founder, and he said we want to start an in-house litigation department, office, you know, effort. And I decided to leave. And I remember talking to some of the partners I was friends with, and some of them said, "What, are you crazy?" And some of them said, "Do it." So it was a very, very different opinion. But I did it. I took a pay cut, but nothing like what you take today, which is something our students face that we didn't. And I had to set up this litigation

program, and I had all of four years of – or maybe five – four or five years of litigation experience. This was 1979. And I started – you know, I went around, and I sort of talked to all the public interest lawyers who would talk to me. And they were a little suspicious. You know, it was a new organization and I was from a firm. Anyway, it got going, and we decided to do disability work. And this was right when the P&A system was coming into being, like 1980, and I wrote the grant and we got the first P&A grant.

Ogilvy: What's P&A?

Kotkin: Protection and advocacy for the developmentally disabled – I guess that's what it's called – I don't know if it's still called that, but that's what it was called. So we started a developmental disability project, and it's still there. And I did that until '84. And the interesting thing – you know, when students ask about jobs, I really got both of my jobs through my involvement in the Bar Association, because I was then on – I forget which committee, but Margaret Berger, who's my colleague at Brooklyn, said, "Oh, why don't you come to Brooklyn?" And when I thought, "Oh, well, maybe this will work," then I actually went to the meat market when I was in Chicago; I interviewed a bunch of places. And you know I feel like I was the last sort of group that came into clinical education solely on what they had done as lawyers. You know, it wasn't so important what law school I went to, it wasn't so important that I was on law review; it really mattered what I had done in

those five years, that I had done public interest work. And that's not true anymore obviously.

Ogilvy: You went to law school at a time where the number of women was just starting to rise. How many women were in your class?

Kotkin: Just beginning. I think there were – my class wasn't very big. I think it was about 140. I think there were about 20 women – about 15 percent, as I remember. And they were extraordinary. I mean, one thing that's hard to sort of comprehend is that, for me, is that not all women in law school today are extraordinary, right? We were really extraordinary. I mean, each one of us was there for a real reason, and it was a – not a common decision – and it was very exciting. It was a very exciting group of women. And now, I have to say, you know, it's like a graduate degree, like any other graduate degree for women. It's not – it's a good thing, I guess, but it makes it a little different. But interestingly – this is really very weird – you know, Rutgers-Camden didn't produce a whole lot – still does not produce a whole lot of law teachers. I sat down on the first day of school at a table, and there were four of us – three of us today are law teachers – Woody Woodward and Amy Boss are both at Temple, and we had a little breakfast the other day, with Ray Solomon, who is dean – he said, "You guys still hold the record for the most law teachers out of a single class by multiples." So that was a funny thing. That was – so it was an interesting class, an interesting group.

Ogilvy: Let me take you back to the New York Lawyers again. How was it organized?

This was an in-house litigation, or did you recruit lawyers from –

Kotkin: Both. It started as a project to recruit big firms into doing big litigation. And the clearinghouse part started first, but it was always contemplated there would be an in-house litigation effort as well. So I was brought on to start that part of it. And it was hard. It was me, an executive director – I think shortly after we got one staff attorney. And when I left we had three staff attorneys. Now the place is big. But it was – starting something from scratch is an interesting and difficult project, but a rewarding one.

Ogilvy: Is there a case or two that you –

Kotkin: Well, this is an example of what kind of cases we brought. There was a statute on the books in New York that said if you were involuntarily committed to a mental health facility you could not vote, but if you were voluntarily committed you could vote. I looked at this and I said, "Wow, that's an easy one. That one's going down." Of course we went off and we recruited – we had trouble finding claimants, but we dug some up. And I think we had an organization as well, an organizational plan. We brought the case, we won the case. It's still good law. It's cited once in a while. But it was so divorced from client interests – it was

totally lawyer-generated.

Now, another case that we brought that was also lawyer-generated, but I mean maybe – I mean, that accomplished some good, but this one maybe accomplished a little bit more good – was voting place accessibility in New York City. We brought that suit under the Rehab Act – this was before the ADA. And that I co-counseled I think with the Legal Services office.

And another case we brought, making really bad law still on the books – I remember *Bernie B. v. Blue Cross* – and this is still a big issue – about the failure of health insurance to provide equal benefits for mental health services – bad law, Second Circuit. And then we did amicus briefs in the Supreme Court, Raleigh, hearing impaired. So it was fun, but I really had it after five years, and I guess why I had had it was it seemed I spent all my time in meetings; spent a lot of time arguing with other public interest lawyers. I mean, the New York community was not a warm and fuzzy group, let me tell you, and people were always jockeying for lead counsel and position. And I really had questions about who we were helping. But one of the real things is I could not stand meetings. And I felt maybe if I was a law teacher I wouldn't have to go to so many meetings, which is true to some extent.

So you know but I really didn't understand totally what I was getting myself into.

I remember it was a tenure track position – this was a long time ago – and I really didn't understand what that meant. I mean, I knew that was a good thing, and I understood I would have to write. And I said, "What's this big thing about writing?" I mean, I don't understand it. I can write a 50-page brief in a week, if I have to – right? I found out that it was different. But, you know, I still think it's not as different as we think it is. There's this academic sort of fear factor that starts to operate – inhibition – that is a shame, because we all have good things to say, and I think we get scared of saying them sometimes.

Ogilvy: What was the shape of the clinic when you arrived at Brooklyn?

Kotkin: Well, we had a Landlord-Tenant Clinic. Brooklyn had a long – Stacy Caplow was clinic director then, and she's clinic director now. And there was an Elder Law clinic, there was a Landlord-Tenant Clinic, there were some criminal clinics – there was a good selection of clinical programs. We had an externship, civil. We had a big judicial clinic. This clinic, the one that I was brought in to run – the faculty had the idea to get – it was interesting too – we're right next to the federal courts, and we have a close relationship with the federal courts. Deans go to the bench, judges teach at the law school – you know, it's one of those very symbiotic things. And they wanted to start what they call Federal Litigation Clinic, that would serve two purposes. It would give students experience in federal court – which was considered prestigious, you know, good résumé stuff; and it would

help the judges with the pro se docket. So that's all they had. And I had federal court experience, so that was good. So I came in and I spent some time talking the first semester, and I decided that we would do – I'd design this clinic program, which stayed the way it was for 20 years – close to 20 years. Each team of students would do one big case and one little case. At the time the little cases were in Social Security disability cases. And in the '80s there was this huge effort to throw people off, and there were lots of those cases. Those cases disappeared. And there were paper record cases. You know, you could supplement the record. So they were good for students and they were manageable. And at that time – it was so long ago – 1984 – it was before the amendments to the Civil Rights Act, before there were damages, compensatory and punitive damages available in discrimination cases. So all you could get was back pay. The private bar had not come into Title VII work at all. So there was a good selection of discrimination cases that had some merit, because there was no one to litigate them.

So each team of students would do one of those. Now, the Title VII cases and discrimination cases went on obviously for a long time, but it was a year-long clinic. And that was a time in which – first of all, the cases were decent, the judges still heard argument. This were much more formal than they used to be. So students got a good experience in some of the more formal skills. The program stayed the same until the last semester I ran it was fall 2003. And I had been trying to change it for some time. It was very, very popular – not necessarily

for the best reasons. It was popular because it had cachet. It attracted top, top students, they got very good jobs, and it developed this persona, this reputation, which I was never real happy about. It was not really – you know, it didn't have a lot of content from the client point of view or political point of view or whatever. And I do believe that clinics – that we're teaching more than – well, obviously more than skills, but you know that our views of justice come through in clinics and should come through, and that's part of what we're teaching. So I had somewhat of a struggle to teach some of these students. They just saw the clients as like little pawns in their desire to take a deposition. Well, they all want to take depositions, they all want to argue a motion. So that was a little bit of a battle.

In that 20-year period, the law changed for the worse, as far as I'm concerned. The private bar came in very big in discrimination cases. The judges became much less patient, interested in that client group, I felt. And it was really a struggle, and I felt that I was pushing this huge rock uphill. Cases went on longer, they were harder. We're always litigating against big firms. They were vicious.

And I did this with really a student responsibility – still kept in the student role thing. So in fact the students did all the depositions and they did all the arguments and they did all the trials. We didn't have a whole lot of trials, but we had some. And the last trial we had was a disability case involving a perception of disability, bipolar disorder – made a lot of press. We won summary judgment,

amazingly. We went to trial. We got a \$200,000 verdict; got reversed by the Second Circuit. And, you know, putting on a two-week trial with students, where they do it all, is not an easy thing. And I said, no, I'm not doing this anymore. So I had been lobbying to change the clinic into sort of just a general workers' rights clinic, for a long time, getting lots of resistance because of the – this was the so-called flagship clinic. I mean, I never viewed it that way, but the administration did. And finally I said, "No more. I'm not going to do it." And now I'm doing a lot of unemployment insurance cases. And I think they make much better learning vehicles. And the same issues are there. They're just in much more contained circumstances. So that's the short history of the clinic.

Ogilvy: You mentioned the Duke conference as your first conference. I assume that you attended others?

Kotkin: I think I've been to almost every one. There's one or two that I've missed, but I think I've been at almost every one. I mean, I really – I really feel that section provides a tremendous support and a place for thinking about these issues. You know, it has changed. I mean, when I started there were plenty of places where there was one clinical teacher, and therefore your community was in the section, and your community was at the conferences. And depending upon how your faculty felt about you, it may be the only place where you got any sort of positive reinforcement. That wasn't true at Brooklyn, but it was really important. To the

extent the section is sort of – I mean, I think that the conferences are still well attended, but to the extent the section doesn't have sort of the same kind of sort of immediacy that it once had, maybe, I think that's the reason. And that's a good thing in a way, that people don't have to only depend on coming to the AALS in January to sort of feel good about what they do. So good and bad. But I sort of immediately got involved in committees. I did some work with attorneys' fees back in the – right in the '90s. It was, I thought, really interesting, the Attorneys' Fees Committee. I got on the Executive Committee. I think I chaired the section in '94-95, and that was a great experience.

Ogilvy: Can we talk about that a little? Was there any special issue?

Kotkin: It was right around the Title IX, and I decided that – I mean, that was the effort that was most important then. I did a fair amount of lobbying. I went to the ABA, I came down here and testified. It was not a winning battle, but that was primarily where the effort went in that year. I chaired the section for a year – it's not very long – so you don't get to accomplish as much as you hoped you would. But it was a good experience.

Ogilvy: Who were the players at that time in terms of trying to maintain a Title IX presence?

Kotkin: Dan Powers was really the person who was the most involved politically. He seemed to have the most connections. The AALS was helpful, you know, and they had a governmental relations person who I did some work with, whose name I don't remember. And that was a place where everyone's interests coincided. There was no one in the academy who did not want that money to keep going. So deans wrote letters. I remember we had a deans letter-writing campaign. It's different now from the kinds of letters we get from deans. But I mean I wasn't as involved. I mean, the 405(e), the 405(c) battle I think was the big battle that everybody in the section fought and was involved in the late '80s I guess. I don't know when – when did it finally go into – you don't remember either. But, you know, that was the big battle. I mean, that made a huge difference in the lives of clinicians.

It's interesting to see what's happening now though. Obviously getting job security and becoming part of the – real part of the faculty – was good for lots of us. But inevitably now it's created a second tier of clinicians at almost every school. I mean, I think that's a big issue for us that we need to pay more attention to. There are no more really unified full tenure track programs, because it's too hard to do. And if you're going to be tenure track, and if you're going to have to write, it's going to have ramifications down the line. I mean, sort of no one gets ahead in the academy by the quality of the cases, that sort of stuff, anymore. So.

Ogilvy: Are there people that you would identify as your mentors in clinical legal education?

Kotkin: Well, I'm very close to Elliott Milstein and to Wally Mlyniec, to Ann Shalleck and the American crew – mentors turning into friends. You know, I feel like I'm the second generation really. I mean, that whole group of the Big Sky group, I mean I missed that – Key Biscayne. But I feel like I sort of learned from all of those people. I feel like it's not so much individual mentors but it's the community that's really been important to me. You can't find a more supportive in general community – you know, a community that's willing to become involved and work and anyone will read your things, anyone will give you advice, anyone will give you materials. It seemed to be just a very welcoming and encompassing group. And it's hard for me to judgment – that's from my cohort – I think it's the same, but I'm not entirely sure whether it's the same for people coming into clinical teaching. I don't think that we – it used to be that we reached everyone that came in. I don't think we do anymore. I think because job security for a lot of people is not such an issue they don't feel a need to identify with the clinical community the way they used to. And I think a lot of the younger people are identifying more in their subject areas of research or litigation. Instead of becoming really involved in the clinical section, they become really involved in the immigration stuff. It's good and bad.

Ogilvy: I was looking at your résumé and noted recently, in '04, at an AALS teaching conference you did a presentation on "The Career Path of the Clinical Teacher: Evolving, Surviving, Thriving." Can you talk a little bit about that?

Kotkin: Yeah. I first did that presentation – I was fortunate enough to be invited to the Australian Clinical Conference, and it was fascinating because they're just like 20 years behind us. I mean, they are facing the same issues that we did.

Ogilvy: When was that?

Kotkin: I don't know. It's on my résumé. When was it?

Ogilvy: July of '03.

Kotkin: July of '03 maybe. Yeah.

Ogilvy: Where was it?

Kotkin: It was outside of Brisbane, on the coast. But then I went to Griffith University, where they have a great clinical program – spent a little time there. It was at sort of a beach resort – they know how to live too. And there were about maybe 60 clinical teachers there from all over Australia, which is a big place. You know, I

learned that from Sydney to Perth is the same distance as from New York to LA, so it's a big place – not much in the middle though. And people from New Zealand. It was really interesting. So I gave this talk on the career talks of clinical teachers, which I then gave again with Stacy. And I had names for them, which I can't really recall right now, but there are a bunch of paths. We see – I think I called one group "the defectors" – and we know who they are. They are the ones that were once clinical teachers, and there are a lot of them. I have to say those people don't warm my heart. So then there are of course the administrators, and that's not surprising, you know – clinicians usually are a little better equipped to run things than most law school faculty members. There are – I think I described them as "the leveragers" – are the ones who sort of move up the ladder – you know, continue in clinical teaching, but never see a client. And we know some people like that. And that may not – that may be just a virtue of the growth of clinics. We're not all going to be able to be front line, although I think it is important to keep rotating through actual client representation. There are the travelers. We have a lot of clinicians today that seem to be on the road a lot of the time, which is – and I've done a little bit of that myself. There is spreading clinical methodology – it's amazing to the degree to which that has happened. You know, I think it adapts some places better than others. You know, I mean the – there's a lot of money for this, and I think a lot of the – I mean, this is my old sort of paranoid political views maybe – but a lot of the money is going towards establishing legal services in countries where legal services and law of the kind

that we're familiar with is sort of a new thing. And it's a little bit of cultural imperialism going on maybe – make sure people are there to assert their rights in case anyone goes backwards. But, you know, it's an interesting process. I do have my – I was talking with somebody about this at this conference – the growth of international human rights, clinical stuff, clinical experiences – I think it's great. I am a little concerned about the degree to which our students would rather help people in West Africa than in East Brooklyn. I don't know what to do with that. That's I guess the world. You know, if you call – and we have to in some sense respond to what students want. You know, you open a landlord-tenant clinic today, you are not going to get anybody to sign up; welfare rights clinic – you can forget it. But if you open an international human rights clinic you'll have them lining up. That makes me sad, but I guess there's not much we can do about it.

Ogilvy: What label do you put on yourself?

Kotkin: As what? Oh. I had a label, now I've forgotten it, conveniently. But you know the one thing that I have continued to do, and I guess I feel strongly about this – I continue to supervise students representing clients. That's the bulk of what I do, and I want to do that. I don't feel burned out. I mean, every client is different, every group of students is different. I have to say that it was important for me to change what I was doing. I did feel I couldn't continue doing major federal cases

with students. I also felt it wasn't a good thing for students to be doing. But I think that we should try to get the institutional flexibility so that we're not so overwhelmed that we have to do something different, you know, that we can still continue to do that sort of thing. I know Wally was talking about going back to the clinic after – he's going to start supervising students in cases – you know, something he probably hasn't done in 15 years. I mean, Elliott went back from being the dean to supervising students. I mean, it is a reinvigorating thing in some ways.

Ogilvy: How have you avoided burn-out? That's seems to be a very common problem.

Kotkin: Yeah. How have I avoided burn-out? Well, I guess one way is – I feel the cycles of teaching are very refreshing to me. And I guess I haven't at least recently had to really work that hard – I've had to work, but I haven't necessarily had students over the summer. So, you know, you get to refresh yourself in some ways by doing something different over the summer.

Since I've – you know, I guess I was sort of burned out in the early 2000s, when I was really trying to change the clinic. I felt that I had very little time to write. The staffing of the clinic – I used to have a – you probably remember Kathleen Sullivan had been my colleague from – since 1985 to 1992, I think, when she went to Yale, and we had a wonderful working relationship – not – it was a huge

loss when she died obviously, and it was a huge loss when she left Brooklyn.

And that collegial relationship I think is a great way not to burn out.

After that I had a number of wonderful people, but it was a job for which – Kathy had had job security, but we were not offering job security again. So I had a number of junior colleagues who stayed for a year and then got wonderful tenure track jobs, who I'm all still in touch with and close to obviously. But that was a terrible strain for me, because I was training someone, and they were spending a year, and then going on the job market. It just – and I tried to explain to the administration that it was more work to have someone in that short-term role than it was not to have someone. So then I did the clinic for myself for a while. So I think one way to avoid burn-out is to have collegial co-teaching relationships that you can build on and take different levels of responsibility in different periods.

Another way is to really be able to free yourself for the summers to do other things. Since I changed to the Workers' Rights Clinic, I really do have my summers to do other things for the first time. I've started – I've done a lot more writing the last two years. I've got a couple of pieces coming out, and they're not clinical pieces – they're sort of pieces really growing out of my litigation experience with discrimination law, which is a great – you know, I think if you can do that that's very invigorating. And so I think that's one way. I think the degree you can find support in your institution makes a big difference.

Ogilvy: I was actually going to ask you how important having the opportunity to do scholarship was to you, a question you've already answered.

Kotkin: I mean, it's important, because it's doing something different. I think it's a refreshing process. You know, the problem – it seems like it's the easiest thing to do, other than teach, is to do scholarship, whether clinical or not. It is more difficult to get involved in things outside the academy. And I would like to do more of that, but I really haven't figured out quite how to do it yet. I mean, I feel like – you know, I'm involved now in some legal services groups that meet around workers rights issues in New York City, and they're wonderful, but they're so young. You know, I feel like I'm their grandmother – really, they're like a year or two out of – they're terribly enthusiastic, they've got great politics, they're organizers and lawyers, but they are young. And I go to these meetings – I really do feel ancient. But I don't feel that way with my students. It's interesting. I think I've said this to people before. I think you always sort of – I started teaching, I was 34, my students were 10 years younger, whatever. I still feel that that's the age gap, you know, like they're still 24, so I'm still 10 years older than them – I'm still 34. I know that's not right, but that's what it feels like. On the other hand, I know that they look at us and think we're – you know, I've got one foot in the grave.

Ogilvy: You were on the Clinical Law Review Board of Editors for a few years.

Kotkin: Yes.

Ogilvy: How was that experience?

Kotkin: It's a great experience. I think it's changed a bit. When we were – when I was doing it, close to getting – not that close to getting – we were mostly reviewing submissions. And now I think the board of editors are mostly editing articles. But it's made a huge difference in the clinical community. I mean, this is something. I mean, you publish there, and it gets read – I mean, unlike many, many other pieces. And you know you have a – I can't think – I mean, maybe there's family law journals that everybody reads and everybody knows, but I don't think there are that many areas where there is a journal of record, which is what the Clinical Law Review is. And you can count on most clinicians having read what's in the journal, and it's a wonderful way to get feedback, wonderful way to feel like what you write makes a difference. You know, unfortunately, true in a number of institutions, it doesn't – some people are reluctant – their institutions are reluctant to have them publish there, because it doesn't – don't want to get in to what U.S. news has done, but it's one of the ramifications of U.S. news – you have to publish where it gets counted, which is a terrible thing.

Ogilvy: I want to talk just briefly about status issues. It seems that it wasn't an issue for you. You came into a tenure track position.

Kotkin: I came into a tenure track position.

Ogilvy: But you were originally a clinical associate professor, according to your résumé.

Kotkin: Yeah, I think that sort of went by the wayside at some point. We have – I guess it would be called specialized. I remember when I was coming up for tenure – so, in other words, I have tenure as long as we continue to teach any form of skills simulation, live-client something – although I teach traditional courses too. So it's sort of – now, the standards were the same on paper. And I remember one of my reviewers saying – so, I asked the chair of the committee, "What about the standards? Are they the same?" They said, "Oh, yes, the standards are identical except as to quality and quantity." So I think although the standards were the same, I don't think I was held to quite the same volume – I mean, I'm not going to comment on quality, although I published I think a couple descriptive pieces and one really big piece. You know, that's all different today. Today you have to – God knows what you have to publish to get tenure. You know, I think that new clinicians in tenure-track positions are under much greater pressure than we were, because they just are expected to publish at a very high level. You know, I wrote Supreme Court briefs that counted. I don't know if they would count today. You

know, you get what you wish for – we're really part of the academy now, so it's a problem.

And I think that – I've said this for a long time, but it's just – nothing happened. A good clinical program I think the unified status is really important, but I don't think you can have unified status if you have really heavy publication requirements. So you have to take your choices I guess.

Ogilvy: I've got a few more minutes on this tape, but I'm kind of at the end of the prepared questions. Is there anything that we haven't touched on that we should?

Kotkin: I don't know. I'm interested about the future.

Ogilvy: So am I.

Kotkin: I mean, obviously clinical education is here to stay. Will live-client in-house clinics be here to stay? I think so. I hope so. I think they are really important. I think externships are really important too, but I would hate to see them, in-house clinics get lost. If we become really integrated so that many traditional courses have practicums, what will that be like? I mean, that's the way I thought things were going to go, maybe yes, maybe no. I just don't know. I mean, I don't see any radical changes. I mean, it would be great if the third year were changed

entirely into a clinical year. I don't see that happening. I think as long as the demand and the money stays there clinical education will more or less continue the way it is. I feel regretful about the lack of explicit political content in clinics, but I think that's true of law school in general.

Ogilvy: Thank you.

Kotkin: You're welcome.