

**Transcription of the Oral History Interview with
Wally Mlyniec
December 15, 1999**

Hall: So Sandy has a time reference. I'm going to wear these earphones, this headset, just in case for any reason your voice cuts out. That's something obviously I would want to know beforehand rather than when I am checking it out afterward.

Mlyniec: Is this a test or is this the real McCoy?

Hall: This will be the real McCoy.

Ogilvy: We are using it to guide us, to improve this [inaudible].

Mlyniec: Okay.

Hall: Exactly. In fact, that is exactly what it is, a pilot interview with more following this in January.

Mlyniec: Great.

Hall: Sandy actually offered some questions in addition to ones that I had thought of from the materials I had gone through. One general area I wanted to start off exploring is

just your own first exposure to clinical legal education.

Mlyniec: My first exposure was in 1973. I had been practicing in the juvenile court, and Georgetown got money from the Cafritz Foundation to begin a clinical program in juvenile delinquency, and actually all facets of child welfare work. Judy Areen was
0:01:00 the principal investigator on the grant, and she hired me to run the Juvenile Justice Clinic.

Hall: I'd like to step back a minute. As I understand from reading an earlier interview you had done in the '80s, you were a student at Georgetown in the late '60s when a lot of this really did get started.

Mlyniec: Yes, right.

Hall: One of the things I was hoping to recreate was a little bit of what the climate was like. When you arrived in '67, what was your sense of law school and how it related to you?

Mlyniec: Well, Georgetown, I think like most law schools, was a fairly sleepy place. Law schools were not considered like college campuses back then. They were professional schools, especially the schools in the District of Columbia, which were all urban schools. It had a flavor of an urban school. People came and went during the day, and there were very few things that centered around the law school. On the other hand, at

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the same time Washington was becoming a center for different protest movements – the civil rights movement, the anti-war movement, to some extent, not quite at that point, the feminist movement – but there was some of that – and the juvenile rights movement. All those things were happening and the District was an interesting place at that time for that. With respect to the civil rights movement, when Martin Luther King died Georgetown was – just at that time the building was just a few blocks from the courthouse, and Georgetown became the center for the defense services for all the people who had gotten arrested during the insurrections of 1968. Because of that, the faculty and the Prettyman Program, which was about eight years old at that point, trained lawyers from all over the city in how to do basic bail reform activities in the criminal courts. Shortly after that – no, actually it was the same year – Law Students

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in Court was created as the first city clinic consortium program from all the law schools. You have to remember law schools back then, most law schools, didn't have a sense of clinical education. They didn't believe in clinical education. They thought – well, actually, they didn't know what clinical education was. They assumed that people came to law school to study torts, contracts, and other things in the Socratic method and then they went off to law firms to practice law. The students who came to Georgetown and to AU and to GW at that time had a different idea, because the anti-war movements had already fermented and fomented, both, on university campuses. And so they came – not all of us by any means, probably a small percentage of the student body, but a very vocal and skilled organizers – students with skilled organizing skills came to the law schools and got involved in the anti-war movements.

And if you remember '68 through '73, all of the major anti-war protests took place in the District. And Georgetown was right in the middle of that.

0:04:00 Because the Prettyman program had begun in 1960, at least on the graduate school model, Georgetown was already using students to practice law, and so it was a very easy jump after 1968 to begin developing its own clinical program.

Hall: If I could ask you a little bit about your own personal experience, did you share some of that sense of frustration with the traditional classroom setting given the kind of times that were going on?

Mlyniec: I was a product of my times. Andrew Jackson once said he had a raw youth. I would say I had a raw early adulthood. It was – yes, we were all caught up. It was hard not to be caught up in it. There were great, great times on one hand, but there were tragic and sad times. People forget how many people died during that period. And not just our soldiers in the Vietnam – people were being killed all over this country. Students were being shot by the militia in Kent State and then Jackson State. The police riots in Chicago were going on. I actually was at the Chicago convention. I worked for McGovern until he lost and then I went into the streets with Abbie Hoffman. I came back from that even more radicalized than I had been. I had always been somewhat a leftist Democrat, but the Chicago convention was – is still difficult to describe what a radicalizing event that was for most people. Plus, the music was there, you know, and

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it was all coming together at the time. And, yes, I was a part of that.

Hall: You mentioned the King riots. Were you involved in some of the legal representation at the time?

Mlyniec: I actually couldn't get into the city. I lived in Virginia at the time, and I was home when things began and my first instinct was to come back into the city, but I couldn't cross the 14th Street Bridge. The police had cordoned off the 14th Street Bridge, and nobody could actually get into the city for three or four days after that. So I didn't get back to deal with that stuff until the aftermath by and large. But Dave McCarthy and Jack Murphy and other people from the Prettyman Program, and other students who were colleagues of mine at the time, a lot of people from the student bar associations, were in the courts trying to help out and clear the court, clear the jails as fast as possible. But I was stuck in Virginia, so I actually hitchhiked down to Florida, and it was pretty interesting measuring the responses as I got further south to what was going on around the country. It was my first trip to the South, and it was quite an awakening. I was stopped several times by the police. I had a beard, so I was an obvious target for the police. I wasn't arrested, but I was warned many times not to hitchhike and get off the streets and get back where I came from.

Hall: Wally, a couple of things. You mentioned the Prettyman Program. Was that something you or many other kids took part in?

Mlyniec: Well, it was a graduate program and so those of us who were interested in the criminal law worked as investigators for the Prettyman Program. But it was only people who had already gotten their JD degree who could be in that program at the time. Bill Greenhalgh, who assumed the directorship of that program – I think he was the third director actually – by 1971-72 had started a Criminal Justice Clinic for JD students. The Juvenile Clinic, which I worked in, was 1973. So when I was in law school the only real clinical program was Law Students in Court, which was a civil landlord-tenant program which I wasn't interested in. I had always gravitated towards the criminal law. So I wasn't a clinical student. But there were so many other things to do. There were legal aid societies. The Gault decision had just been decided in '68, so people were working down in the juvenile court trying to get lawyers for kids. So there were a lot of things to do if you were interested in doing that kind of work.

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Hall: Did you in fact do any of that kind of work?

Mlyniec: Yes, I was at the juvenile court. I was -- where my interest in juvenile court began, the court did a call for law students to come down and help them figure out how to implement the Gault decree. Mostly what we did was read files, because the court had at that time about a 6,000- case backlog, and they were trying to figure out whether there were some cases that they could just get rid of and dismiss because they had been in the system so long. So I worked with them, and I did investigations for both the D.C. Public Defender – I think at that time it was still called Legal Aid Society –

and for the Prettyman Program.

Hall: Wally, obviously one of the threads is the difference between a real life experience versus a classroom experience. When you first were doing some of that work, how did you enjoy it versus your reaction to the traditional classroom experience?

Mlyniec: Well, you have to remember that the classroom experience was essentially a lecture in
0:09:00 half the classes and a Socratic method in the other half of the classes. And it was taught by, at least at Georgetown, not by young dynamic professors – they had been here for a long time, they didn't have much use for the bar – my guess in retrospect is that they weren't giants of the academy either. And so the classes were not particularly interesting, especially when the world was going on around you, with great issues being debated right down the street in Congress or right across the street in the courthouse. I didn't go to my Evidence class all year. I just went, got the books, studied on my own and went to finals, because there were so many other things to do. There was nothing, nothing at all about the practice of law in most of law school, except moot court. And at that time the numbers of people who participated in moot court were astounding. I mean, I remember in 1970, when I think Dick Boone
0:10:00 won the argument, there were about a hundred people in the audience watching a moot court argument because students were just starving for something that smacked of reality in law school. Now, you don't get that many people at moot court arguments because you have so many people doing clinical work.

Hall: One other thing, again, because – what were the – you talk about the leftist politics. Did you sense much [inaudible] responsibility on the part of the law school at that time? Did you have a sense of somehow you should be actively out there helping the poor?

Mlyniec: Well, as I said, we were a small but vocal minority, and the majority of students who came to Georgetown came here to be lawyers. They didn't come here to participate in great social experiments in the United States. Georgetown also had a lot of immigrants. It had a large night school. It was not a very big school. There were not a lot of women at the time. The school was much smaller than it is now. So it's not so much that the law schools were abdicating their responsibility; I think, like most educational institutions of that time, it saw itself as actually somewhat removed from the community, and wanted to be removed from the community because it wanted to be able to pursue its research, in a sense unfettered by the prejudices of the moment. So, I would not say – I would not ascribe bad motive to any of the people.

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On the other hand, Georgetown, because of this thing in 1968 with the Martin Luther King insurrections, was thrust into the real world in a way that it never was before. Fortunately, we've had a string of great deans since 1953, and Paul Dean and his associate dean Dave McCarthy realized at that point that Georgetown was going to be changing, and this was one of the strings that it was going to pursue in order to create its niche as different from other law schools. David was working on the Bail Reform

0:12:00 Act himself at the time. Paul was a lawyer as well as a teacher throughout his career. And they chose to pursue that direction. The deans that followed them were never neutral to that. They were always supportive of the position that Georgetown should be part of the community. Plus Georgetown is a Jesuit school and the Jesuit notions of an intellectual curiosity and a reflective life is part of the mission of Ignatius from the beginning. In fact – a little aside – we have been celebrating the year 500th anniversary of Ignatius, and I pulled up some of the earlier Jesuit teaching materials, and it sounded like clinical education. It was really fascinating. I couldn't believe it when I read it.

Hall: How so, if I might ask?

Mlyniec: Interactive education, taking education out of the classroom into the community – because the Jesuits saw – the Jesuit motto was “Contemplation in Action.” And so, it had a view of how students and faculty reacted that was much more akin to the way clinical students and their faculty react than you would see in the German lecture system of education, and also then taking that into the communities to make it work, which you see till this day in the Jesuits in Latin America and all over.

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Hall: I'd like you to elaborate on one other point. Was it your sense when you finally made it back up from Florida that this experience that so many people had had with the King riots had any kind of lasting change to what people's appetite for more of that kind of

work?

Mlyniec: There was no question about it. No question about it. Everybody loved it. It was so exciting. It was so exciting. And it just kept getting more exciting. Georgetown then began – it became, again because it was so central, a location for the Emergency Bail Fund. So, during the Vietnam protests, when people would get arrested, the word would go out through some grapevine – I don't even know how the word got out –
0:14:00 that you should send your money to Georgetown via telegram and they will bail your son out. I remember walking the streets with \$10,000 worth of \$10 bills in my pocket just going back and forth to the courthouse, just laying down the \$10 so people could get out of jail at their arraignments.

So, yes, I mean it was there. Plus there were students – there were a group of students at Georgetown – I imagine this was going on at other law schools as well – I know it was going on at AU – who wanted to change the composition of the student body, and so we were creating our own student-run recruitment trips to look for more people like us, because we knew that the law school didn't have many people like us and we couldn't keep the momentum going in a social direction unless we had more numbers. I don't think we were particularly successful about that. I think the students, I think actually of students today there are probably a larger percentage at Georgetown that have a greater sense of social concern than there were back then. But, you know, the
0:15:00 times aren't exciting and so they don't draw out in the same way. Now they go and do

their public interest work and their community service work in a very quiet fashion.

We were very loud. And you had to be loud then. I mean, Abbie Hoffman told us that

“control of the media was control of the agenda” – and we all learned that very well.

And so a small handful of students all over this country really changed not only the agenda of the American polity but also, I think, changed the way law schools would view their role in America.

Plus, as clinics developed from the Pincus years, most of the people who came to clinical education came from a legal service or a public defender background. So

there was a – whatever might have started without faculty in the early ‘60s was then –

began to be generated by faculty beyond that. I know at Georgetown Bill Greenhalgh

was on the faculty. He was our clinical teacher, and the only one. But the deans and

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other people, Jack Murphy and other people, had a certain sympathy to what they were

doing, and so Georgetown’s clinical program grew much more easily than it did at

some other schools.

We’re a large program. We’re a large school. We have a lot of clinical teachers. But

we got that way because the antipathy towards clinical education wasn’t as great here

as it was in other places. The debate was not yes or no about clinical education; it was

always “how” about clinical education at Georgetown, which I think distinguishes it

from a lot of other places.

Hall: Between say '68 and the time you left the law school, were there any other sort of big movements forward in relation to clinical education at Georgetown?

Mlyniec: Not before I left the law school. As I said, I graduated in 1970 and it was in 1971 that law school began to set up its own individual clinics. So you have the Prettyman Program in 1960 as a graduate program, Law Students in Court, which is a consortium with all the law schools, and then, in 1971, we begin the true in-house clinical experiences at Georgetown, Institute for Public Representation, Criminal Justice Clinic. I believe Street Law may have been '72, the Juvenile Clinic '73, and the Administrative Clinic in '76. So between '71 and 1980 we had a large period of growth in the numbers of programs. Then from '80 to '85 we had the beginnings of the debate of about integration of clinical teachers into the faculty. By 1990, you've got complete parity except tenure, and '93 everybody is on the same tenure track. So it's been a pretty steady progression with great planning by the deans, and my predecessors as associate deans, on how to get to this place. They always knew sooner or later we would get there. Nobody knew how long it would take, but actually it took shorter than I ever thought it would take.

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Hall: Wally, from the time you left in 1970 to when you came back in '73, tell me a little bit about that and then what actually brought you back to Georgetown.

Mlyniec: Well, it was sort of interesting. I had – before the Chicago convention in ‘68, I had gone to Alaska to work for Ernest Gruening, who was one of the three senators who voted against the Gulf of Tonkin. I worked in his campaign until he lost the primary. It was – Bobby Kennedy then got killed in June. George McGovern I believe announced in July. He also voted against the Gulf of Tonkin, so I came back to work in that political system. In 1970, another guy in Alaska whom I knew chose to run for the Senate, for the seat that Ted Stevens now holds actually – held it since 1970. So I went up to work for him in Alaska again. I stayed there till about November, until the election was over, came back to Washington just on a social visit, and Addie Bowman, who was a faculty member here whom I had worked for, asked me if I wanted to work on a comparative study of the ABA standards on criminal justice as it related to the District of Columbia courts. And I took that job for the next two years and, in performing that job, in order to understand how the law really works, I wanted to start trying cases.

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But there was a conflict of interest statute that precluded me from doing the adult criminal work, but did not preclude me from doing the juvenile delinquency work. So I began while I was writing the study over two years to also practice law in the juvenile court. And the juvenile court then was a very strange and interesting place.

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There were a couple of public defenders, and then the rest of the lawyers were all retired government employees. And so the level of practice in that court was appalling. People still hadn’t come to grips with the due process model. Gault was

now three or four years old by then. The city had changed its statutes to comply with Gault, but you'd still walk into the courtroom and you'd hear lawyers ratting out their clients because they thought they should be treated rather than acquitted, even though there was the evidence to acquit. So I became very interested in this, the irony of having these lawyers standing there actually turning in their clients. It made no sense to me.

0:21:00 During that period, Judy got the money from Cafritz to start the Juvenile Clinic. She wasn't a trial lawyer. Addie and Bill wanted to make sure that the Juvenile Clinic would proceed as a clinic and not as some sort of theoretical think tank. So they encouraged me to apply to the job. I have to say my record in law school did not commend me to a faculty position anywhere on Earth, but there were – Judy didn't have many people to choose from because there just wasn't anyone who really was capable or qualified to do this job. I'm not sure I was back then. I had only been practicing for two years. I wasn't much older than my students. I knew the law better than them. I didn't know anything about clinical education, and back then I don't think anyone really did. We knew about public interest law, we knew about being public defenders. We practiced what Bill Greenhalgh called "tennis-shoe law," which is get into court, get as many clients as you can, get them out, and come back and get some more clients. And so what had happened in the early years of clinical education was that we really weren't educators who used cases as the stuff of our education; we were lawyers who brought a legal service organization into the law school to use their

0:22:00 facilities, their students and their support.

So I came to Georgetown as probably a pretty good average lawyer. I was two years out, but not a great lawyer. But I knew the area, and I could practice in the area, but I wasn't an educator. I knew what I didn't like about law school, but I had no idea what clinical education was other than trying cases. And you could – if you looked at our dockets back then you could see the difference. Back then we had – I had 26 students, and I had one graduate student to work with me. We practiced law as it applied to children across the board. We did adoptions, we did custody, we did neglect, we did abuse, we did delinquency, we did educational – students were carrying eight, nine, ten cases a semester. Now I have 14 students, they carry two or three cases a

0:23:00 semester, and they do delinquency work because now we do education at Georgetown. We don't sell ourselves in the legal service office, and that was part of the progression.

In order to be accepted at the law school we had to make those choices. A lot of people didn't like them. But there was less bloodletting through that process at Georgetown than there was at other places. No one, as I recall, no one ever lost their job in this transition, whereas in other schools people were meant to – made to compete for their jobs, as the nature of the job changed. Georgetown never did that. And it was, again, sort of a testament to the way things were moving at Georgetown

that nobody disagreed with what we were doing. It was just how to figure out the best way to do it.

Hall: Wally, if I could ask you to sort of recreate that first year. You're now sort of professor –

Mlyniec: [Inaudible] Oh God.

Hall: – and you got these kids coming in and there is no real curriculum. I mean, how did you start, and how did this unfold and what do you remember about it?

Mlyniec: Well, I had – I was fortunate in that the Criminal Clinic had started two years earlier,
0:24:00 so I had the beginnings of a criminal curriculum. Judy had also been writing in the neglect and abuse work, so we at least had the materials to develop a curriculum. Georgetown had a rule that you had to spend four hours in class for a five- or six-credit course with clinics. So we knew we had to create four hours worth of case work. One of the things we did then that we do less of now is we believed we had to reteach the entire body of criminal laws. So we had students reading 500 cases the first week that they were here. We had a boot camp orientation period that is now one week long. It used to be two weeks long, and they'd be reading 30 cases a night for classes the next day that went from 9:00 to 5:00. And of course, you know, I was reading them just as fast as they were – I knew some of them, but I didn't know them

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all. And we just made it up as we went along, you know. We knew they had to learn evidence. We knew they didn't learn evidence in their Evidence class, at least in the way that would make it useful, so we created evidence games, you know. We just said, Well, how would we teach hearsay? – here are the nine hearsay rules and exceptions. Let's just create little vignettes and see if they can test them out. And then we'd do a videotape so they'd watch the videotape and they'd have to jump on their feet and object when they heard an objection.

We had – also, the thing that made it difficult back then is you were experiencing the criminal law revolution. So the law was changing everyday, and you had the chance to change it. So you were not only learning the law, you were trying to figure out all sorts of ways to expand it, and make the exclusionary rule bigger, expand Miranda, expand Wade.

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I remember it was so hard. It was so hard, I remember. And it was not an isolated occasion where I'd go to someone's house on a Friday night for a party and I would just fall asleep on the floor at 8 o'clock, because we worked literally around the clock. We were all young, we were all single. There was no line between our work and our life, because we hung around with people doing the same thing. I mean, we all knew each other from the different law schools. We were all doing some sort of public interest work, whether we were doing it in law schools or not. And so there were no lines, you know. You'd be working, and you'd take your work and your student over

to whoever's house you were going to that night for dinner. They'd be welcome at the table. People would all talk about the case, and then the two of you would go off in the other room and work on the case and come back the next morning at 9 o'clock.

0:27:00 It was a staggering amount of work for everybody. I don't know – you know, I don't know how we did it. I know we had a lot of energy, you know. But, you know, it is hard. It's hard to think about it back then. I think it's in some ways easier to develop a curriculum now, but it is harder to actually do the teaching. There's so many things you can choose from to develop a curriculum now, but if your goal in teaching clinical education is the reflection on the practice as opposed to just the practice, that's a much harder thing to do, in part because the students, they don't want that. They don't want to take the time. They want another case. I don't know if you are going to censor this or not, but I remember in the '70s I [inaudible]. I'd gone to some clinical conferences learning about this feedback thing and deconstructing a case, and I remember one person coming in and [inaudible] say – we started going through this, and he looked at me and said, "Hey man, fuck the feedback. Give me two more cases. There are people who need law," you know.

So – and I didn't know what I was doing. I didn't know what I was doing on the feedback except what I was learning at the one or two clinical conferences I had gone to or talking to Sue Bryant or Elliott Milstein or some of the other people who were doing this at the same time. But that's a hard thing to master and even now, you

0:28:00 know, you get newer teachers in the clinical education. We still have this fellowship program that we use. That's the hardest thing. We had a meeting of fellows the other day asking what the hardest thing was through the semester, and what one of them said was, "Well, I came here fairly confident that I could practice law, and I thought I'd be able to teach that, but that was so hard. The transition from knowing how to do something to teaching somebody how to do something, and then both of you tearing it all apart to try and figure out if you did the right thing – because it's the hardest thing I've ever done in my life as a lawyer." And I think that's the case. I think that's the case.

But back then we were mostly worried about practicing law. We saw the whole world divided into the haves and the have-nots, the political right and the political left. The haves and the have-nots on the political right and the political left merged and your goal as a young radical, oftentimes National Lawyers Guild lawyer, was to help all the people in the world. And you felt you could. I mean there was a certain invincibility and knowledge that we could win this. The law could actually solve all these problems if we just figured out the right way to do that. So we worked 24 hours a day.

Hall: During that time, obviously it's kind of a wild and woolly way to tackle law, but –

Mlyniec: It was.

Man: Looking back, to what extent was that a good model or a bad model? I mean, to what extent did it work and to what extent did it not work?

Mlyniec: It was a great model of living. If you were a young person, I cannot imagine a better time to be alive – great events playing out on the world stage, students being invited to participate in that. The law being the engine, that was what at least we believed at that time, could change it. That government could change these things and if you – people were young in government back then. They were not – there's always Strom Thurmond, he's always been around. But I mean there were a lot of young congressmen. The president was Jack Kennedy, at least at the beginning of that era. Bobby Kennedy was around in the '60s. I mean these were young people. And you felt that – you know, Bob Dylan talked about that, "don't trust anybody over the age of 30" – right? Well, we all believed that and we felt that that was okay because we could actually make those changes. It was so exhilarating. But to build a true educational program over there – we didn't have time for the reflection. You just went from one crisis to another, and every kid was a crisis for us because every kid was in trouble.

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The city at that time, the local government, was so bad. The welfare system, the housing system, policing system were so bad that there was just immense amounts of work to be done. And we had amazing successes. I mean, the Law Students in Court Program in many ways was responsible for all the changes that gave tenants

0:31:00 protections. Florence Roisman and the Law Students in Court worked in tandem on these things and wrote an entirely new, progressive landlord-tenant law. The Juvenile Clinic was winning victories and expanding the rights of juveniles. The Institute for Public Representation was into disability work and expanding the rights of disabled people, and other civil rights cases. Our clinic challenged the post office on race discrimination, you know. These teachers were just my age. So you felt you could have these successes. But it was – it made it hard to take the time to reflect because you just wanted to move ahead quickly.

Now, you know, there is more measured responses to everything – probably hard to say which is better. I think sometimes vast explosions of chaos produce great things in other eras. Methodical plotting, rationality, creates successes. And I think right
0:32:00 now we're sort of – we're not in a period of excess. And it is not as exciting, you know, but I'm too old, I couldn't take it anyway.

Hall: Wally, of the cases that you guys handled for the Juvenile Clinic, are there any few that really stand out in your mind as having made a lasting change or just had an enormous impact on people who worked with them?

Mlyniec: Well, you know, I have this conversation with judges often. My sense is that the cases in which you succeed are the cases you know nothing about. And for the most part most kids get through juvenile court and you never see them again, and so you don't

think of them as a success. You remember what you perceive as your failures more in criminal law: the person you were sure was guilty was innocent and got found guilty; the first of your clients who gets killed. You remember those more.

0:33:00 But the one case that will forever stand out in my mind is a class action we brought with the Children's Defense Fund, on behalf of kids who were determined to be handicapped in the neglect system. There were 450 kids in this class when we started out, and the prognosis for all of them was institutionalization for the rest of their lives. We took the case and ultimately got a consent decree where every one of these kids was going to be re-screened. And the goal was to make sure no one was put in an institution even if they were in a near vegetative state. They would be put in something else. And we didn't accomplish that last part with everyone because as the case matured over the years – it went on for – in fact there is still one kid left in the class – it went on for years. We realized that there were going to be some kids, for 0:34:00 example near drowning victims, who it would be very difficult to find a family to take this child in because they need total 24-hour care, and individual houses would not probably be the best and efficient way to take care of these kids. So we backed off from that. But I'm the monitor of that case for us, and I can't tell you how many of those kids are now in college, how many of those kids are now fathers and mothers, how many of those kids had a handicap that they lived through and, because somebody put the money and the effort into it, they overcame whatever disabilities that that handicap might have provided for them. I remember that every day. I mean,

these 450 kids were destined to be placed in the trash heap of the District of Columbia, and we stopped that. We stopped that, and the vast majority of them went on to live lives. They are probably walking the streets of D.C. You see them everyday and you don't even know who they are, all because of this lawsuit. And that's the one that I will always remember. That's the one – I'm very proud of that case. The lawyering was good. Children's Defense Fund was, of course, great to work with. And that's the one that will always be there as the major accomplishment of this program.

Hall: Wally, before we sort of move on to the evolution of the program, it actually seems like a good time to ask a question that Sandy had posed, which is: How would you first and foremost define clinical legal education? Do you think of it as a pedagogy or a movement or – ?

Mlyniec: A movement. I suppose it is a movement. It is an element of a cult. But it is – it's really an educational device that uses an actual client and that client's case as a laboratory for the study of the role of being a lawyer. You cannot do that unless you are well-grounded in the theoretical law. But the theoretical law comes to life, just explodes for the students' understanding – in the students' understanding when they actually get to test that. People ask me – say to me, “Well, you can only do public interest law.” But that's just crazy. There is – you give me a tort case, I'll do a – teach a tort case clinically. You give me a contracts case, I'll do a contracts case

clinically. You can do any case clinically. Some of course are more efficient to do in other ways, and at Georgetown we have the requirement that we only do cases for the underrepresented. We don't do them in the larger commercial sphere. But you can do them all because it's essentially a method.

And that method is to take the client and his case and study it from five different levels of abstraction, do the case and see what comes of it. Now there are some critics, even within our own movement, that say you cannot study what you are a part of. It's sort of like quantum physics – your very presence changes the dynamic. Well, to me, you know, that's absurd, because in all life you are either – whether you are claiming to be a participant or not, you are a participant. If you teach law in a classroom, you are as much a part of the analysis of that program as you are in a clinic. The mere fact that you are not participating in it sends a message about what this law has to mean. So to my mind it remains a method. It's a method that I think has certain efficiencies and certain inefficiencies. It's a method that probably should not be used in the first year of law school, because I think students need to understand how one thinks about the law theoretically and how one analyzes how the law develops in, at least in this legal system. But after the first year it seems to me that that's where clinical education kicks in, and you can do that in any number of forms. You can do that in-house, you can do that through externships. You'll learn different things in each program. I myself don't call externships clinical. I think externships are

0:37:00

0:38:00 externships and shouldn't be confused with the pure live-client in-house representation. But that's not to say that you couldn't have a good experience. You learn something different by taking the law and applying it in those various ways of doing it.

Hall: Actually, if I could ask you one point, to elaborate on that point, what is it about the live-client in-house program that separates it out from all other sort of experiential programs?

Mlyniec: Well, with the live-client in-house, number one, is, you can control people's experiences. So you can make sure that everybody is studying the same thing at the same time. Second, clinical education is an extremely inefficient way to practice law. And so if you send students out to an externship, it will not be efficient for that program to teach clinic, or to teach law in a reflective way. What they will teach is the practice of law. But if the supervisor in the externship were to spend the amount of
0:39:00 time in reflection, in planning that we spend, it would disable their organization. We say it takes us five to six times as much time to try a case with a student as it would to do it ourselves. So if I am going to send ten students to an externship, and there is going to be a supervisor from the externship doing that, first of all they probably can't do it with one, and they're going to need two. And those people are going to have to spend full-time on it. So the externship institution has lost – effectively lost those people if they do what we want them to do. And so my observation has been for the

most part they don't do all that reflection. They do spend time teaching people to be lawyers the way a training director in a legal services organization would teach them to be lawyers. Nothing wrong with that, but it doesn't give them time to step back and take it apart. And I think that's why they're different.

0:40:00 Is one better than the other? I think that has to do with your personal proclivities and the goals of your program. I like in-house clinical education better than externship from my personal perspective, because I can control it better and have a better sense that the whole class is moving in the same direction at the same time, and I don't have to worry about what's going on for this kid who just happens to be in a different part of the office as he might be in an externship.

Hall: Coming back to Georgetown, you know with the Ford money started – or, I guess was, in fact, the juvenile program funded by Ford money or – ?

Mlyniec: You know we got – I studied this not so long ago – we never got any of the Pincus money, which is sort of interesting. or any of the CLEPR money. Pincus gave our Prettyman Program Ford money before he was at CLEPR. The others of our program developed with different grants. The Juvenile Clinic had Meyer money, Cafritz money, and LEAA money. Criminal Clinic had some LEAA money. But
0:41:00 Georgetown very quickly began to shift off of soft money to hard money, so that now all of our programs are hard money programs. And we won't start a new clinic unless

we get a commitment from the faculty to hire a new faculty member, which is very different than other schools as well. To my mind, there are so many downsides to having to raise money for clinical education, and it takes so much time, that it really isn't worth it. It isn't worth it. So unless I've got a commitment from the school for a new faculty person, I'm not going to raise money for a new clinic, if for no other reason than I don't want to run out of money and tell this person that they have to quit their job. It is just an unfair thing to do.

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Now once we get the faculty slot we will raise money around that faculty slot so we can slowly, incrementally bring in the fellows, bring in the secretaries, and bring in all the costs. But we need the commitment from the core program. So as soon as our soft money started running out, and in my case it was '75, the dean just started putting the money on the table. And we have done that – I think we have – there is no clinic left at Georgetown that is solely soft-money funded. Some still bring in soft money, but everybody else is hard-money funded. So we didn't have to go through some of the battles the other schools went through. And, again, it was based on really three things. Georgetown was fortunate in ways other schools were not. One is we are a big school. If you have a lot of students, you generate a lot of tuition dollars. The second is we have always had supportive deans, which a lot of schools don't have. And, third, at Georgetown, unlike many other schools, we have independent budgetary control from our main campus university, so we don't have to compete for faculty slots with the chemistry department. If we want a new slot and we can afford it from our operating

revenues, we can create a new faculty slot. That probably more than anything else is responsible for the growth of clinics at Georgetown. If the dean was supportive and wanted a new clinical slot, go to the finance committee and create a new clinical slot.

0:43:00 And that's why we have so many clinical teachers now.

Hall: What were the biggest adjustment issues or evolutions the program had to go through as it went from this temporary experiment to becoming a permanent part of the law school?

Mlyniec: That's a hard question. You know, acceptance is always – in every school acceptance has been a main issue. And for many of us, both here at Georgetown and in other places, acceptance was a two-edged sword. We didn't – in a lot of ways we didn't want to be accepted. There was something nice about the outsider mold. There was something nice about not having everybody else know what you were doing. There was something energizing to the students because they were participating in something that was almost in a sense forbidden. You know, so I think that was for us – the major transition was getting used to being accepted. I was the first non-regular
0:44:00 faculty clinical teacher hired in 1973. And in my mind we were going to win this battle. It was going to take a long time, but we were going to win it.

And so I chose to do what they did. I not only taught my clinic, I taught a regular class, started writing articles, I started making speeches, so that at some point people

would say, “Oh Wally, but you’re not like the other clinical people.” Well, that was just wrong. It was just that in my mind, I had come to like it here and wanted to stay here and knew that you had to have a plan to do that. That’s what makes a good clinical teacher. You have a plan. And my plan was to make myself as – what’s the right word? – as unobtrusive as possible to them, that when I walked down the street I would be doing what they were doing. And over the course of years, that’s what Georgetown clinical faculty have had to do, and I think that was a major stress for most people. A lot of people didn’t like to write. They didn’t want to write. I did. It wasn’t that big of a stretch for me. And they felt resentful that this was the way they were going to get accepted. At NYU, for example, Marty Guggenheim said to me over the debates about clinical tenure and non-clinical tenure – he said, “You know Wally, why bother becoming them? You’re never going to be them. They’re never going to think you’re them. So why not celebrate what you are?” And that’s why NYU chose a clinical tenure track rather than an integrated tenure track. I don’t believe that’s the case at Georgetown. I mean, I was an associate dean without being on the tenure track. And that was a major step forward as well; fortuitous – and Judy Areen became the dean. So she named me the associate dean. But it was those kind of things that we slowly just slipped into being like everybody else around here. I tell people when the faculty finally realized that we didn’t have two heads everything was okay. And so every step of the way for long periods of time – we got our first real contracts in ‘82, which was nine years after the programs began to proliferate – integrated tenure was 12 years after that.

So it took time to change these things, and it took some retirements as well to change these things. So that by the time when we were being tenured, most of the faculty didn't know we weren't tenured. They just sort of assumed we were tenured – even the tenured people assumed we were tenured and didn't know what all this activity was about getting clinicians tenured. So I think that this was a big transition for us. I think from the law school's perspective realizing how much clinical education was going to cost and agreeing to pay for it – that was a main, main, main change. We had several studies on finances, because the faculty felt that we were taking resources away from them, but again Georgetown is a big school and so the deans were able to satisfy everybody else's needs for resources and continue to build this program – but that was a question of leadership. If we had had a dean who wasn't a proponent, this could have fallen apart at any point along the line. Now we think it can't. We think we are here solidly. Our clinical teachers teach out of the clinic, some of the faculty off the clinic come into the clinic from time to time. But we still retain that core of people who see themselves as clinicians, but we don't really see ourselves as different any more.

Hall: In your own career who would you say some of your mentors have been, in terms of marching you forward along this journey?

Mlyniec: Oh, boy, that's a hard question. John Lewis is my personal hero. Congressman Lewis from Georgia. And I always, you know, when I think about it – him getting beaten up and putting his life on the line – I think nothing I do can ever be like that. So it's the personal inspiration that anything I can do is – anything I do is going to be easier than what he does. In terms of people here who had great influences on my life – Judy Areen, of course, who hired me and continued to work closely with me; David McCarthy, probably of all the Georgetown faculty and deans, my closest personal mentor, although he wasn't a clinician – he was just a believer. He wrote – he was one of the people who wrote the first guidelines on clinical education for the AALS; David and I – David's retired, and we still stay in touch by e-mail. Addie Bowman – although it is sort of interesting, Addie and I sort of helped each other. I helped radicalize Addie and he turned me into a good criminal lawyer. Susan Bryant, who I think is the best clinical teacher in America, was my student at one time. She was a research assistant for me and then was a Prettyman Fellow, and then went on to an incredible career as a clinician. I probably learned more from her about clinical education than anyone else. Elliott Milstein and Ann Shalleck – and Elliott is one of my closest friends, who is also a clinician – we talk all the time. So, you know, those people stand out. But what we have – this – we have 1,000 people who are clinical teachers and you can just begin to rattle off the names and go school by school. Steve Wizner and Jane Spinack, Peter Joy, Karen Tokarz, Sandy Ogilvy – you know, we all know each other and we've helped each other along the line, and so singling anyone

out becomes very difficult in terms of who taught you how to be a good clinical teacher.

Hall: Back in the '80s at Georgetown, when you did the first interview, you had said that you thought David McCarthy and Bill Greenhalgh had outside roles in making this thing work. I was wondering if you still feel that way, and if you could you elaborate on it.

Mlyniec: Oh, yes, no question about it. Dave McCarthy, because he was the dean during expansion, he was the dean who said, "I'm going to put the money on the table," and raised tuition 17 percent one year, you know, in order to put the money on the table.

0:50:00 He – the students hated him, you know. Although back then 17 percent of nothing was pretty much nothing. But so, yes, Dave McCarthy, for so many other things at Georgetown, not just clinical education, Dave McCarthy is what made Georgetown the school it is today. And all the deans that followed him admit that.

Bill Greenhalgh is a – and remains – an enigmatic bizarre character – larger than life in many ways. He wasn't a particularly good clinical teacher. He wasn't, if you look back at his background, a particularly experienced lawyer. But he had an abiding belief in the Bill of Rights and an abiding belief that criminal law should be practiced at a high level from the prosecutors, the judges and the defense lawyers. He also was a player on the national stage in the ABA and in the AALS in its earliest years, and

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should have been recognized as a giant by everyone. The problem is he was a classic pain in the butt. He was – this is nothing I haven't told him or nothing I haven't said in public before – Bill was a curmudgeon of the first order. He had standards that – sometimes his need to show that he had standards resulted in great harm to students and other people. He was a bit of a – he needed to be the center of things. But his influence is incredible, and I keep finding it in strange places. I was doing some research the other day on the early juvenile court in the District and I found that his

0:52:00 Prettyman interns were thrown out of the juvenile court because they were practicing law according to the due process model rather than the best interest model. But, anyway, I wrote an article about who I thought would have been the giants. Ken Pye and Bill Pincus and Bill Greenhalgh kept sneaking into this article, and finally I had to say this was an article about Bill Greenhalgh, Bill Pincus and Ken Pye. And it was in funny ways – he was there at Key Biscayne, he was there at the beginning – he was ornery and nasty in his prodding to get this thing set up, and he made so many enemies in achieving those goals, and yet he managed to achieve them. If he weren't quite as salty in public, you know, people would think of Bill in a much different way than they do.

Those of us who got to know him, and especially after, you know, he had gotten older

0:53:00 and mellowed some, he was an incredibly generous person. He would do – he found out one year that the public defender in Dade County didn't have any money to send anyone up here to interview students. Well, from that day on, Bill paid for this guy to

come to Georgetown and interview students so that our students could get jobs in the public defender. If he liked you, there was nothing he wouldn't do for you. By the time he died, he had maybe 30 people teaching in other law schools. Some of them shouldn't have been there, but Bill thought they were worth something and he just went beyond what one would expect to help people out. And in quiet moments, you know, he'd ask about your children – when nobody else was listening.

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It was – no one will ever be able to describe the entire Bill Greenhalgh. It is such an incredible contradiction of behaviors and interests. He was the pal of the Supreme Court. You'd go to the Supreme Court and see "Whizzer" White slipping notes down to the audience to Bill Greenhalgh, you know. He was just that kind of a guy. But he will never get his due because his personality was a bit too abrasive. But he built the clinical program at Georgetown. John Kramer gets a lot of credit for what Bill Greenhalgh really did, because Bill got fired by Dave McCarthy, because Bill wanted a certain number of credits in a clinic and so he went to the court and got the court to pass a rule that says you can't have a clinic unless it gave so many credits. Well, he didn't make a lot of friends around the law school, you know, and Dave had to fire him. And Kramer took over; and the building of the program took place under Kramer's deanship, but it was really what Greenhalgh did to put all the pieces in place to make it go. Quite a guy.

Hall: Starting basically after the years of infancy and things were starting to settle down, what would you say were the biggest milestones of clinical legal education?

Mlyniec: Nationally? 405(e). 405(e) is the biggest milestone in clinical education. The second
0:55:00 is the promise, which has been fulfilled, of a clinic conference, of an AALS conference for clinicians every year. I know there are a lot of clinicians who don't like the AALS. CLEO was formed in part because of an anti-AALS feeling. But if you step back and realize what the AALS has done for clinical education with its support for 405(e) and by guaranteeing the money to have these conferences – and of course they make money off these conferences, but nobody else in legal education gets a conference every year. Those two things were the most important.

The conferences, because it created this cadre, a nationwide cadre of people who were really interested in learning – if you go to a clinical conference, it's like no other conference you've ever been to. These are working sessions. People work five days from 8:00 in the morning to 9 o'clock at night because everybody wants to get better at their trade. If that hadn't happened, clinical education probably would have, at the
0:56:00 more marginal schools, would have had to fall by the wayside. And 405(e) which guaranteed parity – and this year fighting to hold the line on 405(e) against its attack by several deans who are not supportive of clinical education, are major things. Key Biscayne was the group that put that together in some of the earlier clinical conferences, which I wasn't a part of because that was one of the things Greenhalgh

wanted to keep for himself actually, and so he didn't involve me in that. Those were significant events that I don't have any knowledge of.

I think the other significant event is one that is a – it's a gradual event and is one that will never be celebrated, and that is, as you look at the numbers of clinical teachers who actually are on tenure systems, where the integration has taken place, it is sort of a quiet revolution. I think that was a significant milestone as well.

Hall: Tell me a little bit about your own involvement in the 405(e) debate.

Mlyniec: My involvement in the 405(e) debate was basically to help Elliott Milstein. Elliott
0:57:00 Milstein carried the ball for the clinicians in the 405(e) debate. Elliott was, as I said, my personal friend since the early '70s, and so my role was no more than to help him think it through. But he deserves, to my mind, the lion's share of the credit on that. You know, Bill Greenhalgh was less than helpful on that because Bill wanted tenure. He didn't want 405(e). And that was a position that wasn't going to win then. He had the same problem here in Georgetown in the early debates about tenure or contract. Bill couldn't compromise, which was another one of his endearing traits. But to my mind, Elliott – Gary Palm was a piece of that as well – but my role was merely to help Elliot.

Hall: Let me switch tapes here for a minute, because I feel with certainty that your next

0:58:00 answer will be cut off. Why did you say 405(e) was the sort of the milestone of milestones?

Mlyniec: It was a recognition by the AALS – and you have to remember that the AALS is the trade union of the law schools – a recognition that there was a place for clinicians in the academy and that that place should be roughly equal with all of the people on the faculty. Tenure – I don't know how much you know about tenure, but tenure is "it" in education. And if you're not tenured, you're nothing. Before 405(e), it was either tenure or nothing. And everybody knew at that time you weren't going to get tenure for people, and so 405(e) being written into the standards, with the AALS's support, was I think a critical point of acceptance of clinical education and clinical educators into the academy.

Hall: You said earlier on that you feel that clinical education is here to stay. Was that sort of the moment that that became for you certain?

Mlyniec: No, no. That wasn't the moment it became certain. It's here to stay at Georgetown,

0:59:00 I'm prepared to say that, but I don't think it's necessarily here to stay everywhere, because the battles are still being joined. The American Law Deans Association I think was created in large measure because clinicians created the Clinical Legal Education Association. I think if we hadn't – we almost created our own worst enemy by creating this other group. Those deans are still after us. And they sell a position

that doesn't sound like they're after clinicians. You know, librarians would say, well, they are after librarians, legal writers would say they are after legal writers. They are probably after all of us. But they do it under the guise of not so much regulation. We don't want to be so overregulated by the ABA, which is not an untenable position. I mean, the ABA has some regulations that are really bizarre. The 55,000-minute rule, for example, and trying to figure out how that works. You know, so what they do is they continue to sell this deregulation model when in their hearts and when they talk amongst themselves they talk about getting rid of this notion that you have to have clinicians on your faculty. So it's not – we're not – we haven't won the battle yet. We'll win the battle when at Harvard and Yale you don't have two tenured people and 15 clinicians, when Harvard and Yale start sending – because all law schools do what Harvard and Yale do – and that's going to take more years – I'm not going to predict how long.

Okay, how are we doing on time?

Ogilvy: [. . .] About an hour. About 15 more minutes [if we are] real quick?

Mlyniec: Yeah.

Hall: I'm going to recast this question so you don't feel like you're having to do an Oscar thank-you kind of speech. The original question I was going to ask is who do you

think have been the key figures in clinical legal education. But it sort of became clear from your earlier crack at it that you can give me a hundred names. So if I ask you to confine yourself to like two or three most crucial people and why.

Mlyniec: Sure. Bill Pincus, of course, because he gave us the money. Programs would not have started without Bill Pincus. I think they're – a good place to look – are the winners of the Bill Pincus Award. You will see some of the people – and some of the people are still in clinical education and some are not. Some were good for their time, but possibly not good for a later time. But I think if you were picking the important people, I would say Bill Pincus.

1:01:00 I would say Ken Pye, though I don't know if a lot of other people would say that. I would say Ken Pye because he created the Prettyman Program. He brought this thing into Georgetown which helped Georgetown, which then helped other schools I think. You know, Gary Palm, certainly his work with the ABA – although these days I disagree with a lot of it, in the early days it was very instrumental. But there were guys in the early days like David Barnhizer and Roy Stuckey who were just around and just kept talking about it when other people didn't want to talk about it. You know those are the people.

It is hard to discount the role of Elliott Milstein for two reasons: one because of what he does for clinical education, but because of the positions he's been able to hold in

his university as a clinician – he’s been dean, he’s been acting president. Now he’s head of the AALS. So I would – And Gary Bellow, who was also there at the beginning – but Gary’s method I think is a bad method. I think his system is a bad system. And I think to some extent people have forgotten Gary because he created a system that most people think inherently perpetuates a second-class citizenship.

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Harvard has two clinical professors and then a bunch of other people who do the work at half the pay, no recognition and nothing else. And that was Gary’s model, and he liked that model and it worked for Gary; maybe it works for Harvard. But it made it difficult to sell the other model of a fully-integrated clinical faculty into your law school when Harvard and Gary Bellow, who is one of the fathers of clinical education, is doing something else.

Hall: I want to ask you a little bit about the kids, the students in the program. Have they changed in either the nature of their interests since when you first were on the scene?

Mlyniec: I think the times have changed more than the students. I think actually maybe students today, as I said earlier, have – there’s a greater number of people involved in social issues and social concerns. You know, high schools and colleges now all have required pro bono and public service commitments, so they come here ready to do that. And I don’t think 20 years ago people did that. The people who came to the clinic 20 years ago were those people who had that interest, and you didn’t reach across the boundaries of other people. You know, I find young people today no

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different, whether they are the teenagers I work with in the court or the law students – kids are the same – young people are the same. The times are different. Expectations are different because we live in wealthier times, you know. Our expectations 20 years ago were much greater than the generation before us, and it gave that generation the opportunity to disparage the greediness of us – and now these kids, especially at a school like Georgetown where these kids think of a starter house as a four-bedroom house. But they grew up in a four bedroom house and so it's not out of the question. American is a very affluent place. Law schools draw, for the most part, students who are probably more wealthy than the normal range of the population – not all schools, but Washington schools do clearly.

But they are not different. They're eager. They want to learn. They don't want to be bored. They don't – they want to have interesting lives. In some ways, they may want a little bit more balance than we felt was appropriate, but I'm not so sure that we were right on that. You know, the notion of working 24 hours a day and having your work life and your personal life so completely involved created some other kinds of sacrifices. You know, marriages fell apart routinely back then. You know, and having children – people would drag their children to rock concerts and that was sort of fun, but dragging them to work really probably isn't fun. So maybe there is a – they view a little balance in their life a little different than we do. But in the core issues about whether they are good people and eager to learn, and hear and try and do the right thing, that's all the same. And anyone who says different should go back and

read Socrates' complaint about the students in his generation. It could have been written by Ronald Reagan, you know.

Hall: Well, talking about different times, I mean, obviously, there was a social aspect to this, an aspect of social change in the early years. The times are less political now, there are fewer cases, there is more of an educational focus. Has that diminished the social commitment of the program that you are involved with?

Mlyniec: That's a question that we talk about all the time at clinical conferences. Have we – is it politicizing our students to the point of the minorities and underprivileged in this country a valid goal of clinical education? I think it is. I think actually one of the differences in today's law students from generations, several groups before, is that they have less contact across socioeconomic and racial lines, both for good and bad reasons.

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You know, in colleges you have black student unions, and kids sort of hang out together. There was a book written recently, *Why Are All the Black Kids Sitting Together in the Cafeteria?*, you know? And the good thing about that is that they're at the table and there's enough of them there to have lunch together. But the bad thing is people don't have those exposures. So when people come into the clinic, even if it is not an intentional goal of the program, if your clinic is designed to represent the underrepresented it's going to happen. It is going to happen. So even if they come to

the clinic without a realization of the inequities in the American society, they can't walk out with the same understanding. They will know that there are differences, and they will have a better sense of their own privilege.

1:07:00 I'm not sure I agree that the times are less political. I think what's different is that we don't use the courts as much to effectuate political gain. We have to use the legislatures more and clinics by in large are not structured to use legislatures. We all began from the legal services model and so we all began as trial clinics. So we don't have the opportunities through the clinic to do the same sort of great political changes. We are – and in some ways that's good, because we are probably doing better jobs for these individual clients because we are more focused on their individual plight than the plight of the whole class. I think the times are political, and maybe even more political. I think what is different is that we're not in charge. The other side is in charge. And so it doesn't seem quite so heady as when we were in charge.

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Hall: Well, last couple of questions. Looking back, are there any issues relating to the clinical education, particularly with regards to its place in a law school as a whole, that have been successfully resolved? Are there some that are just – kind of continue to fester that have been there pretty much from the beginning?

Mlyniec: Boy, that's a hard question. I think all the issues we discussed at the beginning – not at the very beginning when we were just practicing law, but when we began to think

about clinic as an educational vehicle – I think all those questions remain because in some ways they're unanswerable. What is the best way to reach a student who is resistant? What is the best way to make a student understand the needs of a client who comes from a milieu that they don't understand? What is the best learning method for this particular student? Is it lecture? Is it experiential? Is it writing? And how do you tap into that with a certain amount of individualized training but still understand that you have the economy of a 14-week semester that you have to bring a lot of knowledge to into in order for these things to take place? There are still status issues that are not resolved. They're still finding issues that are not resolved. But we talk about them now.

I think what you have is – on the educational side you have an incredibly sophisticated attempt to answer the same questions, and more sophisticated than we even thought we would have been capable of a long time ago. But the questions avoid answers because they are as multi-headed as human nature and the stuff that an individual student brings to a course and the stuff that you bring yourself. I mean, I'm certainly a different teacher than I was 20 years ago. The things that are important to me are different. So finding those balances remains the question, but we try with a more sophisticated manner to [inaudible].

The structural issues remain because clinical education is expensive. A good clinic has a one-to-seven ratio, student-faculty ratio. We get that through the use of a

fellowship program. Other schools don't have the luxury of spending three quarters of a million dollars on graduate fellows, and so how are they going to satisfy all of their students and how are they going to make sure that their faculty member isn't the lonely outpost of clinical education? Those remain and will continue to remain until we figure out how to pay for all this or until we come up with an entirely different form of legal education, one that maybe charges the same tuition for – charges three years' worth of tuition for two years of instruction, whereby the students actually gain some opportunity costs because they don't have to lose the working ability the third year. But the law schools have the same amount of money in order to effect education in different ways. So I think that is the best I can do on that one.

Hall: Last question, which I'll make one big cosmic question. Looking over the whole 30
1:11:00 years, what do you think have been the greatest successes of clinical education and what do you think the future of clinical education is likely to be?

Mlyniec: Boy. The greatest successes were at the table. You know, we are no longer outside the door. And once you're at the table things can happen, you know. Nonnegotiable demands don't work, you know – they just don't work, and I think we all learned that. And we are all at the table. We're at the table at every significant discussion at the majority of law schools. We don't always win, but I think when we don't win we don't see it as a personal attack on what we are doing.

The future of clinical education? Boy, I don't know. I don't know. Even in a place with as much money as Georgetown, we can't provide a clinical seat for every kid who wants one. And I'm not so sure how you do that. One of the things that's been intriguing me lately is how non-clinical education is changing. And to some extent clinical education was a reaction to non-clinical education. But it's conceivable that if non-clinical education changes significantly to become more interactive, more problem-based, using more simulations, using some of the tools that we use in the clinic to prepare a student for actually having a client, I might feel that you don't need to have just an in-house clinic, that there are other ways to teach people about the role of being a lawyer and the way one interacts with a client that doesn't have to be based on a method that can only be done with a one-to-seven student-faculty ratio. I'm not sure what that is yet. But I'm heartened by the way the rest of legal education is coming along. And I think in some ways we did that. And I think that is another accomplishment. We have made non-clinicians think harder about teaching. It doesn't take much to stand up in front of a class and lecture or humiliate through the Socratic method. But we now know from educational theory not every student learns in that fashion and most good law teachers are now collectively realizing that, and so now not every course before the clinic is a Socratic lecture course anymore. And I think that's a benefit. But the future still needs to unfold. I can't tell you that.

Hall: Well, that wraps up my questions. And, Wally, you had said that you wanted to point out –

Mlyniec: I think there was just one other point that I think is interesting, and I think that is clinical education has actually made more law students and more faculty members cognizant of the bar's historical role of doing pro bono work. It's always been in our codes to do pro bono work and to be a member of the civic polity, but before clinical education law schools didn't do much about that. Since clinical education that notion has been brought into the law school and I think – from when I talk to other people; I have no empirical evidence of this – we've spun off a lot more non-clinical public interest activities in law school just because clinical education was there as well, you know. That's impressionistic. I have no hard evidence of that. But as I talk to people, that is what it seems. And I think we can take a little credit for that.

Hall: Thank you very much.

Mlyniec: Thank you. This is fun.

Transcription of audio taken from video -- By: Mia Faber