



The Law School Reports

Almanac October 11, 1988

Public interest law is the name that has been given to efforts to provide legal representation to interests that historically have been unrepresented and under-represented in the legal process. These include not only the poor and the disadvantaged but ordinary citizens who, because they cannot afford lawyers to represent them, have lacked access to courts, administrative agencies, and other legal forums in which basic policy decisions affecting their interest are made.

--Council for Public Interest Law,
1976.

Penn's Law School and the Public Interest

The legal profession has long held that all lawyers should devote part of their time to *pro bono* service, a term from the Latin *pro bono publico*, meaning "for the public good."

Yet less than 18 percent of the nation's private lawyers are involved in public interest law. And according to a recent study in *The National Law Journal*, only two percent of the graduates of the top law schools during the last five years chose public interest jobs.

The problem has several root causes: proliferation of giant law firms that no longer routinely set *pro bono* goals for their members; the shortage of attorneys willing to volunteer time for such work; minimal salaries for public interest lawyers who often have large student loans to repay; and the 1980s thinking that doing well outdoes doing good.

One strategy for solving the problem focuses on the way in which lawyers are prepared for their profession. From the outset, they must recognize that their exclusive privilege of practicing law creates the obligation to make their special skills available to all of society. Ideally, such convictions should be shaped in the nation's law schools.

At the University of Pennsylvania Law School, the process is already well underway.

Promoting Public Interest Careers

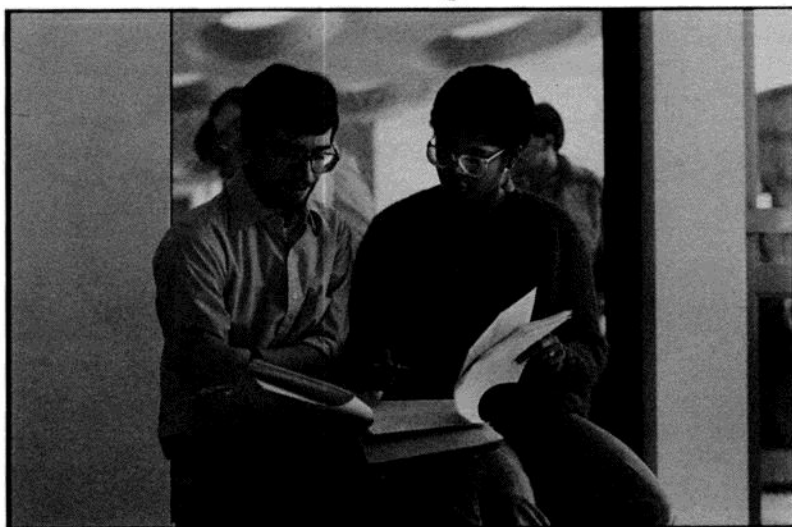
Through financial assistance

The Law School's student body of 720 is exceptionally well-qualified. Median Law School Admission Test scores for entering classes rank in the 95th percentile nationally. Such excellence is due to the School's need-blind admission policy.

But escalating tuition and living costs are making law education more expensive than ever. For 1988-89, the total comes to \$22,400 for tuition, fees, and living expenses. The rising costs are outstripping the School's financial aid resources and forcing more students to rely heavily on loans. As a result, those who graduate with a heavy debt are much more likely to choose the best-paying jobs rather than full-time public-service positions in which lawyers may earn \$25,000 or less.

To aid students who wish to serve the public interest, the Law School has two financial support programs.

The new *Public Interest Scholarship Program* awards full three-year scholarships to entering students who excel in



David Straussfeld, '87, in a senior-year session with legal writing instructor Jeffri Thomas, a 1985 alumna.

academics and already have substantial records of public service.

That student achievers with a proven bent to public service choose Penn is convincing proof that the Law School's clinics, courses, and programs, in the words of one Public Interest Scholar, "demonstrate an overt concern in promoting public interest careers." The Public Interest Scholarship Program is a major step by the School in making such careers possible.

The *Freedom of Career Choice Fund* is just what the name implies: a resource for law alumni who choose *pro bono* work. The Fund provides grants that help public interest lawyers repay their educational loans. These Career Choice grants which range from \$1,000 to \$5,000 can mean the difference between staying in or dropping out of low-paying public interest positions. The Law School considers the Fund of such importance that it pays for the awards from its own operating budget.

Through innovative programs

The Law School's highly acclaimed Clinical Program, described by Dean Robert Mundheim as "second to none in the nation," teams clinical faculty with students who work with real clients in public service settings.

The program's scope is broad. Students in the Small Business Clinic represent clients referred by the Wharton School's Small Business Development Center. Others in the Penn Legal Assistance Office, the School's teaching law office, provide free legal services to poor clients, while still others serve as child advocates or family counselors. Students also serve as externs in the public interest sector.

Field-work experiences in the Program have already spurred many law students to take action on their own. For example, student volunteers at the West Philadelphia branch of Community Legal Services provide free legal representation and help with food stamp problems to neighborhood clients.

Approximately 60 percent of the students take clinical courses. The numbers continue to climb. According to many alumni, the Clinical Program is "one of the best law school experiences ever" ...and one more way in which the School is reminding future

lawyers of their responsibilities to the public good.

Through public-interest conferences

Open discussion of social problems is an effective way to alert law students to their legal implications. The Law School has such a forum in the student-run Edward V. Sparer Public Interest Law Conference, held annually since 1983.

The 1988 Conference, for example, focused on "Privacy and the Public Interest." Students and members of the public sector discussed possible legal solutions to privacy issues associated with AIDS, drug testing in the workplace, needs-tests for welfare recipients, domestic violence, child welfare, and gay rights.

Conference topics have included "Health Care and Justice: Practicing in the Public Interest" and "Law, the Family, and Social Change."

Examining Issues of Professional Responsibility

Few fields of the law are under more scrutiny than that of professional responsibility.

Lawyers constantly face ethical dilemmas in their practice, while the public worries over the media image of lawyers as

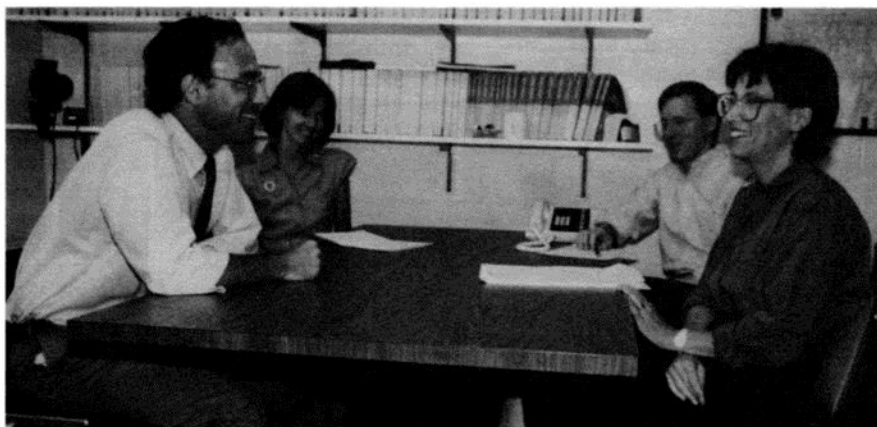
"hired guns," as provocateurs who litigate for personal gain, or as representatives of impersonal institutions or governments, with undefined discretion.

Meanwhile, law students seldom have the opportunity to confront the question of what sort of lawyers they wish -- and ought -- to be.

The Law School has responded to these concerns with The Center on Professionalism: the nation's first academic forum for the examination and resolution of ethical and institutional problems of the legal profession.

Under the aegis of the Center, an intensive course in Professional Responsibility and the Legal Profession is required of all first-year law students. The course is noteworthy in several respects, including its prominence in the first-year curriculum, its introduction of "real-world" lawyering materials, and its use of practitioners as teaching resources. The Center has developed additional specialized courses in professional responsibility for second- and third-year students.

Indicative of the kind of leadership that the Center offers in the legal community is an innovative project: programs on professional responsibility that are conducted within individual law firms. For example, one program, presented this Fall, includes an overview of the new Rules of Professional Conduct, recently adopted by the Commonwealth of Pennsylvania; confidentiality of client information; conflicts of interest; ethical



In the foreground: Practice Professor Douglas N. Frenkel, '72, director of clinical programs, and Clinical Supervisor Harriet Katz. With them are Fran Wetzel and Patrick Johnson of the Clinical Program, which serves as umbrella to three public service initiatives of the Law School.

**PENN LEGAL ASSISTANCE OFFICE
JUVENILE LAW CLINIC
SMALL BUSINESS CLINIC**

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advocacy in the litigation process; and discussions of ethical dilemmas that participants encounter in their own practices.

To advance the law of lawyering, the Center will promote scholarly consideration of this important discipline through its research, publications, and consultations.

But professional conduct is an issue in fields other than the law. Ethical questions arise in medicine, business, nursing, and other professions for which Penn prepares its students.

Recognizing this, the Center will initiate interdisciplinary faculty-student seminars in the University's other professional schools. The Law School is a logical leader in these professional responsibility seminars as many critical issues are defined within a legal context.

The Center is under the direction of Senior Fellow Edmund B. Spaeth, Jr., former president judge of the Superior Court of Pennsylvania.

Influencing by Example

Honorary Law School Fellows

The Law School established the annual Honorary Fellowship Award in 1965 to affirm the School's ideal of combining professional life with public service, to honor lawyers who have significantly contributed to the ends of justice at the cost of personal risk, and to present these lawyers as role models for students.

Ira Jay Kurzban, Esq., named an Honorary Fellow in 1987 for his work with Haitian refugees, said in his acceptance speech: "I do not believe that there is anything called 'practicing public interest law.' I believe that there is practicing law with courage, with a sense of morality, and with a sense of justice."

This year's Honorary Fellow is Morris S. Dees, Jr., founder and director of the Southern Poverty Law Center, who served as counsel in more than fifty civil rights cases.

Law School Faculty

The Law School's 1987 *Guide to Faculty Expertise* identifies public interest as a significant research

interest: from affirmative action, children's rights, consumer affairs, and family law to sex discrimination, unemployment, unorganized workers' issues and welfare law.

The Law School faculty have always engaged in a wide variety of public service work. Examples include:

....ACLU staff attorney (C. Edwin Baker)

....Member of Third Circuit Task Force on Rule 11 which deals with sanctions against lawyers and litigants for abusing the litigation process (Stephen B. Burbank)

....NAACP Legal Defense Fund litigator (Lani Guinier) and consultant (Marvin E. Wolfgang).

....Consultant, American Civil Liberties Foundation and the Women's Law Project (Seth F. Kreimer)

....First director of a national program to recruit and train lawyers for Community Legal Service offices (Howard Lesnick)

....Special assignment for the U.S. Treasury Department to negotiate release of U.S. hostages from Iranian custody; public governor, National Association of Securities Dealers (Robert Mundheim).

....Members of Pennsylvania's State Judicial Reform Commission (Curtis Reitz and the Honorable Edmund B. Spaeth, Jr.)

.... Board member, Committee of Seventy of Philadelphia; court-ap-

pointed counsel for indigent prisoners (Curtis Reitz)

....Counsel, National Emergency Civil Rights Committee (David Rudovsky)

....Consultant and Special Counsel, School District of Philadelphia (Ralph Smith)

....Advocate for prison reform (Susan Sturm).

Law School Alumni

The Law School prides itself on its many alumni who epitomize the ideal of the lawyer as the learned counselor dedicated to justice.

President of the Law Alumni Society Howard L. Shecter, L'68, for example, has made it a priority of his term to focus attention on the ways in which law firms can facilitate public interest activity by partners and associates.

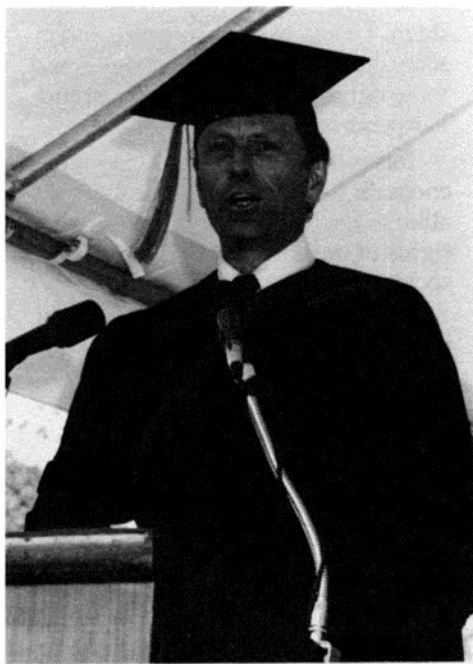
He is currently working with Professor Sturm in planning a round-table meeting that will bring together law firm managers, public interest advocates, and students so that "they can learn from one another what needs to be done and what can be done to serve the public interest."

Other Law School alumni who serve the public good include the following.

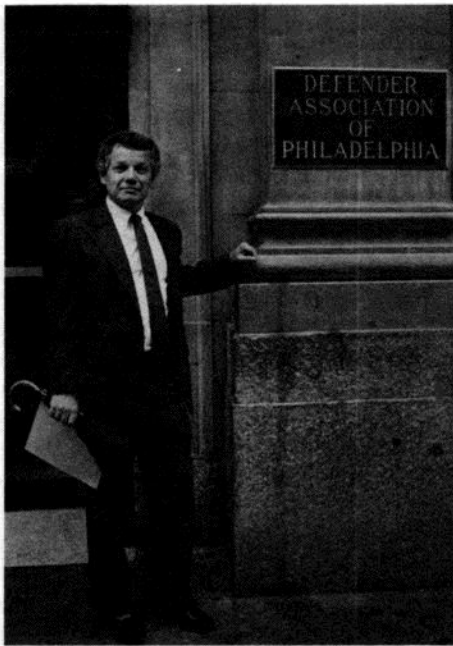
Honorable Arlin M. Adams, L'47, retired Judge of the U.S. Court of Appeals for the Third Circuit and former Secretary of Public Welfare, Commonwealth of Pennsylvania. Judge Adams, a lecturer at the School since 1953, established the Arlin and Neysa Adams Foundation for Freedom of Religion. The Foundation supports a Law School course on the religion clauses of the U.S. Constitution.

James Crawford, L'62, is vice-president of the national A.C.L.U.; president of the Pennsylvania A.C.L.U.; and a member of the national, state, and local A.C.L.U. boards. Formerly general counsel to the Redevelopment Authority of Philadelphia and a deputy district attorney, he currently serves on the boards of the Defender Association of Philadelphia and the Public Interest Law Center of Philadelphia.

Former U.S. Attorney Edward S.G. Dennis, L'73, heads the Justice Department's criminal division. Known for his vigorous prosecution of political corruption cases, Dennis personally won convictions of a reputed Mafia boss as well as a Philadelphia City Councilman and his aide for trying to



Civil rights: Honorary Fellow Morris Dees of the Southern Poverty Law Center, at Commencement 1988.



On the streets, in the courts: Chief Defender Benjamin Lerner, '65.

extort \$1 million from developer Willard G. Rouse.

Benjamin Lerner, L'65, has led the Defender Association of Philadelphia to national acclaim. Last year, Chief Defender Lerner and his associates were awarded the Clara Shortridge Foltz Award as the best defender

association in the nation. In May, the Law Alumni Society awarded him the Law Alumni Certificate of Merit in recognition of his distinguished career in public service.

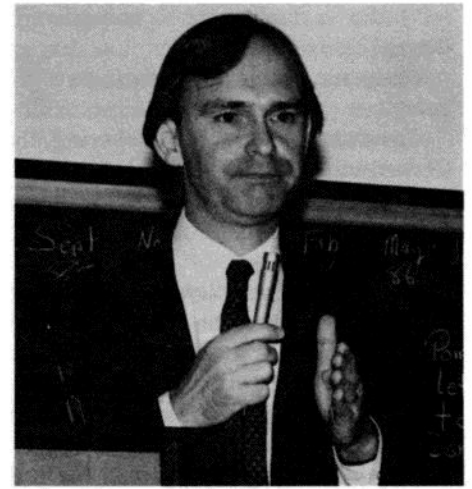
According to Lerner, the nation gives little recognition to its public defenders, yet they "represent the 'original intent' of the Constitution to a much greater extent than those whose celebration of it seems limited to parades and fireworks."

Jane Lang McGrew, L'70, Overseer, served as general counsel to the Department of Housing and Urban Development during the Carter administration.

John W. Nields, Jr., L'67, Chief Counsel to the U.S. House of Representatives Select Committee to Investigate Covert Arms Transactions with Iran, previously served as special counsel to the U.S. Department of Justice.

Henry W. Sawyer, III, L'47, named an Honorary Fellow for his involvement in civil rights issues, has served as counsel in such cases as those involving the rights of blacks and civil rights workers in Mississippi and Philadelphia school teachers who took the Fifth Amendment during the McCarthy investigations.

Bernard G. Segal, L'31, is an interna-



Inside Iran-Contra: The House investigation's Chief Counsel John Nields, '67.

tionally-known advocate of world peace and civil rights. A former president of the American Bar Association, Segal chairs the committee on international communications of the World Peace through Law Committee and is a member of the Lawyers Alliance for Nuclear Arms Control. He is a lifelong member of the NAACP board of trustees and has served in numerous anti-discrimination and anti-poverty commissions. A chair attached to the Law School's deanship is named in his honor.

"Duties to Perform, Rights to Claim"

On December 15, 1790, President Washington, Vice President Adams, members of Congress, trustees of the College of Philadelphia (now the University of Pennsylvania), lawyers, and students gathered in the College Building at Fourth and Arch to hear the first in a series of law lectures by James Wilson.

Wilson, the first professor of law at the University and one of the few to sign both the Declaration of Independence and the Constitution, was firmly committed to the people's role in democratic government. Accordingly, he designed his lectures to serve "gentlemen of all professions" as well as "the Legislator, the Magistrate, the Lawyer." He had his reasons:

"The science of law should, in some measure, and in some degree, be the study of every free citizen, and of every free man. Every free citizen and every free man has duties to perform and rights to

claim. Unless, in some measure, and in some degree, he knows those duties and those rights, he can never act a just and independent part."

Today, the Law School continues to encourage student- and scholar-citizens alike to recognize both the duties and rights of individuals in a democratic society.

The growing relevance of the law to issues of the public good, for example, has prompted interdisciplinary collaborations with other University schools, including Medicine, Arts and Sciences, and Engineering.

Courses such as "Environmental Law," "Law, Science, Medicine, and Tragic Choices," "Law, Social Change, and Social Science Research," "Public Education in the '80s," and "Law, Medicine, and Psychiatry" encourage both law and non-law students to view legal issues in their broadest social perspectives.

And for fashioning new legal solutions

to perennial societal problems, the Biddle Law Library is an unparalleled resource.

The Biddle Library collection of more than 400,000 volumes is the major legal reference collection in the greater Philadelphia area. The Library is heavily used by Law School faculty and students, the University academic community, the Philadelphia Bar, and visiting scholars. The Library is also an important resource for Wharton Legal Studies and non-law courses. Among these are "The Language of the Law" (SAS), "Forensic Engineering" (SEAS), "Cities and Urbanization" (SAS), and "Public Policy and the Maternal/Child Health Needs of the Poor" (Nursing).

In these many ways, the Law School is forging new links across schools and disciplines and at the same time, adding new breadth to undergraduate and professional education -- initiatives that serve the broader University and that are in full accord with its goals.