Fifty Years of Clinical Legal Education at Chicago Law

By Robin I. Mordfin
“The answer to the question of how should a Clinic operate—to be of optimum value to students and clients—can be found by an alert, resourceful law school. I believe the answers will come only after some careful study and experimentation by a law school of national reputation. The Law School of the University of Chicago should be that institution.” —Junius Allison, Associate Director of the National Legal Aid Association, in a 1956 letter to the University

The goals of the Edwin F. Mandel Legal Aid Clinic have long been to help those who need assistance and to teach students the practical ins and outs of legal practice. Over the past half century, the methods and models used to achieve these goals have changed, but the desire to instill in students an understanding of the value and need for public-assistance law has never wavered.

Since its inception, the Mandel Clinic has been regarded as a superlative example of what a law school-affiliated legal aid clinic should be. With dedicated teachers and bright, eager students, hundreds of thousands of people have been helped directly by Clinic staff. And many, many more have benefited from the lawsuits filed and advocacy work the Clinic has performed.

The Clinic has influenced attorneys who have gone on to start other legal aid clinics at schools across the country, from Vanderbilt University Law School in Tennessee to the Boalt Hall School of Law at the University of California, Berkeley. Further, its reach is more than national, as several law schools outside of the country have studied the Mandel model when creating their clinics.

At its inception, when it opened with two attorneys and one secretary, its creators firmly believed that the Clinic would help people well into the twenty-first century. Today, with its expanded staff, its comfortable offices, and its mass of hardworking students, the Mandel Legal Aid Clinic continues to be a credit to its founders.

By the time the Mandel Legal Aid Clinic opened, Dean Edward H. Levi had spent six years writing hundreds of pages worth of memos, letters, and proposals in an attempt to bring his plan for a legal clinic at the Law School to fruition. In a 1951 memo, he wrote: “Such a legal clinic would be a major step in American legal education. It would put the law schools in a position where they would be dealing with the facts of actual cases. ... It would be an experiment in the training of lawyers using techniques analogous to those employed in medical schools.”

Levi's vision was clear, but the route to success was not as apparent. Over the next few years, a number of proposals were considered and discarded, including one put forth by the National Legal Aid Association for a Legal Center in Chicago that would include students from six area law schools.

However, in 1956 a solution to clinic formation was found in the form of philanthropist Edwin F. Mandel, whose family had funded the development of several medical clinics at medical schools. As Levi noted in his funding proposal for Mandel, “The concepts of clinical service that have proved so successful in medicine are applicable to the practice of law. As with medical clinics, legal aid clinics can provide a very high quality of free services for low-income families. Such clinics are also important in providing essential facilities for training and research.”

By January 1957, the Law School had a pledge for $75,000 from Mr. Mandel, and a comment that he “would not object”
Henry Kaganiec

A devoted attorney who was adored by the students who worked with him, Henry Kaganiec had a varied and fascinating life and legal career.

After receiving his bachelor's degree from the State College, Myslowicz, in 1937, Kaganiec served in the Polish army. He was wounded and captured by the Germans and held as a prisoner of war until 1945. He furthered his education after the war by spending four years at the Faculty of Law at the University of Muenster in Germany, graduating with a bachelor of laws. He went on to complete a doctorate in law in 1950.

After working with the International Refugee's Organization in Muenster, he arrived in Chicago in 1950. In 1953 he enrolled at Northwestern Law School and earned a JD in 1955. The following year he joined the Legal Aid Bureau of United Charities and was appointed to head the Mandel Legal Aid Clinic in 1956. He served as director of the Clinic until 1968.

to the clinic being named the Edwin F. Mandel Legal Aid Clinic. $25,000 of the Mandel donation was used for equipping the Clinic, and the remaining $50,000 was given over a ten-year period and used for staff and building expenses. The rest of the budget was to be met by the Legal Aid Bureau of United Charities of Chicago, which provided the clinic with two attorneys and a secretary.

Temporarily housed at 1230 63rd Street while it awaited space in the new Law School building, the Clinic was essentially a branch office of the Legal Aid Bureau. Henry Kaganiec, a Legal Aid Bureau staff attorney, was appointed director of the Clinic, and Victor L. Smedsted, Esq., was also brought in. By the time the doors opened on October 1, 1957, hundreds of neighborhood clients were already waiting to receive services.

As many as forty students worked in the Clinic's first year on a purely volunteer basis. Kaganiec and Smedsted handled all of the cases, all of which were civil in nature as the Bureau was not permitted to take on criminal cases. The lawyers were not appointed to be teachers, and as a result, the students did not take any related classes or receive credit for their work. They simply helped with brief writing and interviewing when they had time to spend in the Clinic.

At the time of the Clinic's formation, Chicago attorney Alex Elson, '28, was asked to spend the year studying the Clinic and to write a report of his findings. In the spring of 1958, he suggested several changes to Clinic operations. First, he found it problematic that some clients were being interviewed by students—and not by licensed attorneys—without their knowledge. Elson was also concerned that students did not have proper professional skills to make the interviewing useful. In addition, he also felt that the Clinic was not sufficiently associated with the Law School. However, he reported, the students working in the clinic were "enthusiastic about their experience. They believe they are rendering a service to people in need and tend to place a greater value on the service aspect than any resulting educational benefit."

Thus changes began. The supervising Law School faculty worked with Kaganiec to make sure that no clients were discharged from the Clinic until one of the attorneys had been consulted. The attorneys and students spent more time discussing methods and cases. Discussion began about appointing a faculty attorney as director of the Clinic and about the need for more clerical assistance.

In school year 1959-1960, the Clinic saw 3,185 new and 862 returning clients. Cases were classified in thirty-four categories. Husband & Wife was the largest with 777 cases, followed at a significant distance by Installment Contracts, Wage Assignments & Garnishments, and Recovery of Personal Property.

Students and faculty alike saw that the Clinic could become a major actor in the facilitation of change.
Concern about students’ roles at the Clinic swung quite far in the other direction by the early 1960s, according to Stephen Wizner, ’63, who worked there for three years. “I don’t recall ever interviewing a client on my own, but I did sit in on some client meetings and take notes,” Wizner says. “We were really just being used as paralegals—we had no real instruction other than ‘here is how you do this’ or ‘here is how you do that’ when something needed doing.”

Wizner and the handful of students working with him at the Clinic in the early 1960s worked two to three hours a week in a dark, windowless basement office at the Law School. Clients walked in off the street or were sent from the downtown Legal Aid Bureau office, and cases continued to be civil, covering mostly domestic issues, housing, and wage disputes. “Working with Henry was a lot like being in the Law School itself,” Wizner explains. “He was abusive just like the professors were—if you wrote a motion he would tell you that you were not totally incompetent, which made you feel great. Henry had a total dedication to his clients, he spent a lot of time talking about client-centered lawyering and he really meant it. If we made a mistake he would make it clear that these clients deserve better.”

In the 1962-1963 school year, the Clinic handled 3,479 new cases, along with eighty-two that were pending from the previous year.

By the time Tom Stillman, ’68, reached the Clinic in 1966, students were again meeting with clients alone but were consulting on all cases with the Clinic attorneys. “Henry ran the Clinic, and pretty much anyone who wanted to work there did,” Stillman recalls. “There didn’t seem to be a huge university connection at that point—he ran it the way he wanted to and he helped a lot of people.

The old entrance to the Clinic, then known as a branch of the Legal Aid Bureau.
We were working on a lot of low-level service stuff—evictions, some civil lawsuits, some prisoner stuff.”

By 1966, Arthur K. Young, director of the Legal Aid Bureau, was eager to have students begin working on appeals. Finding appropriate cases for student learning was a challenge because such cases normally went through the downtown Legal Aid Bureau office. Further, the three lawyers then working in the Clinic did not have the time to supervise students as they worked through an appeals case. Ultimately, the Bureau and the Law School worked together to create the Appellate and Test Case Program, which generated a large pool of challenging legal research problems for the students.

“The appellate division litigation was considered very sexy stuff,” Stillman, who returned to the Clinic as an Instructor in 1970, admits. “It was fun, and to me, a lot more interesting than landlord-tenant stuff. I mean, this was the beginning of class action and the movement for big change through litigation.”

In March 1967, students addressed a letter to the Clinic attorneys, in which they asked to be assigned to new duties through the Bureau as their work with what was known as the Neighborhood Clinics was dwindling. Interest in legal aid had grown during the 1960s, and the Bureau now faced enough competition that there were no longer enough cases to keep their attorneys busy, much less a cadre of student lawyers.

By the fall of 1967, the Clinic had three attorneys, two secretaries, and more than seventy students participating in six specialized programs, which were designed as opportunities to have students handle every phase of a legal problem. In addition to the Test Case program, there was a Community Organization Program and a Civil Practice Internship Program. Students were also participating in the Federal Defender Program, in which students from the city’s six law schools worked as assistants to a panel of attorneys who worked with all the indigent cases brought into the Seventh Circuit.

Additionally, the educational component of the Clinic was expanding. A series of monthly seminars was scheduled with the Law School, and tours of Cook County Jail and Chicago police patrol car rides were continued. Clearly,

The Spread of Law School Clinics and the Ford Foundation

Until the late 1950s, only a handful of the nation’s law schools housed legal clinics of any kind. Then in 1959, the Ford Foundation formed the National Council on Legal Clinics, which over a six-year period made grants totaling $500,000 to nineteen law schools for clinical programs.

During this period, a national passion for public interest law was growing. Attorney General Robert F. Kennedy stated in 1964 that “lawyers should fight the problems of poverty, racial discrimination, and other social ills.” That same year, civil rights attorney Arthur Kinoy became a professor at Rutgers School of Law and founded the clinical education program there. He called for the creation of a new breed of lawyer, “people’s lawyers—characterized by their compassion, competence, and commitment to the cause of equal justice and positive social change.”

Following this vein, in 1966 Ford Foundation head McGeorge Bundy announced that “law must be an active, not a passive force.” Soon after, he began work to create the Council on Legal Education for Professional Responsibility (CLEPR), which in 1968 would begin distributing $12 million in grants to “incorporate clinical education as an integral part of the curriculum of the nation’s law schools.”

Some of the nation’s most prestigious law schools received the first of these grants in 1969, including those at Harvard, Northwestern, Duke, and the University of Wisconsin. During the first two years of CLEPR’s existence, credit-bearing clinical programs grew from twenty-five to eighty across the nation. By 1973, CLEPR had made grants to more than 100 law schools to encourage lawyer-client experience for students under supervision or for credit.

Of course, there was, and still is, a measure of criticism leveled against the Ford Foundation for its very conspicuous role in the development of clinical education in America’s law schools. One of the issues most cited is that the foundation’s grants enabled law clinics to move from simply litigating on behalf of individual clients to becoming advocates for entire groups and moving clinical work into the legislative realm. Another criticism is that the advocacy the foundation promotes is unilaterally liberal in its focus.

Nonetheless, the Ford Foundation continues to help create clinical education programs, and now puts its support behind schools in Russia, Poland, Chile, and other countries. Whether these programs will yield advocacy law training is yet to be seen, especially in places with more oppressive governments, but the influence of the foundation on the legal world continues to grow.
the scope of the Clinic's activities was broadening, and the roles of students were growing. But two major developments would soon alter the character of the Clinic itself and the role that students played there.

By the end of the 1960s, the Clinic's metamorphosis into a first-class learning experience was underway.

First, student interest in participating in the Clinic began to increase dramatically beginning in 1967 as a result of the social revolution that was taking place in cities throughout the country. Civil rights litigation was beginning in earnest, and students and faculty alike saw that the Clinic could become a major actor in the facilitation of change.

Second, in 1969 the Illinois Supreme Court accepted Rule 711, which allows senior law students to appear in court, providing for a far more complete clinical experience than had previously been possible.

"Which was very handy when the riots following Dr. King's murder took place," notes Philip H. Ginsberg, who was brought in as director of the Clinic when Henry Kaganiec left in March 1968. "Six weeks after I got to the Clinic, the city was on fire. Everybody, including the public defenders, had left the municipal court building, so my students and I went down there and represented hundreds of people who were really being held without just cause."

Along with Clinic students, other representatives of the Bureau, including Arthur Young, worked to free defendants, while graduate students from the School of Social Service Administration assisted in persuading the legal community in the city to express its concern for the maintenance of due process.

"Some students were actually winning an argument that persons were being held without probable cause in front of Supreme Court Justice Walter Schaeffer," Ginsberg explains. "But then he turned his head and looked out the window and saw the flames and that was that."

Faculty and students mingling at a 1970s Clinic picnic.
Philip H. Ginsberg

A 1964 graduate of Harvard Law School, Ginsberg was asked to join the Clinic after he and two other attorneys started the Olivet Community Center, one of the first legal aid clinics on the near north side of the city. After leaving the Clinic in 1970, he went on to serve as chief attorney and then director of the Seattle-King County Public Defender Association.

He has litigated in the areas of civil rights, racial justice, and police standards. Ginsberg represented the Seattle Black Law Enforcement Association in litigation against the Seattle Police Guild to ensure fairness in the implementation of the collective bargaining agreement. He has served on the board and as president of the Defender Association.

Since the mid-1970s, Ginsberg has been with Stokes Lawrence in Washington state, where he specializes in commercial litigation.

David Guest, '78, in what was known as the "large" Clinic workroom.

All in all, more than two thousand people had been arrested when the Chicago Bar Association initiated a series of conferences with Chief Justice John S. Boyle of the circuit court and other officials. The times they were a-changing, and Ginsberg, as the first director to be hired and paid for by both the Bureau and the Law School, wanted the Clinic to change with it. He helped to improve the Law School's relationship with the community around it by establishing an advisory board from two Woodlawn neighborhood organizations, which he felt would help the Clinic to provide better legal assistance to those who needed it.

But he also wanted the Clinic to become more about educating young lawyers. The clinic program for students was formalized into a two-year program for second- and third-year students during the 1968-1969 school year. For the first time, students worked in the Clinic for the summer term while five Social Service Administration students were assigned to it as well. And new volunteers received a formal orientation along with a 200-page procedural manual.

A few of the previous year's programs, including the Federal Defender Program, had ultimately failed because, according to a 1969 student report on the clinic, there was a lack of sustained central direction from the Law School. But by the end of the decade, the Clinic's metamorphosis into a first-class learning experience was underway. Already handling more cases than any other law school-affiliated clinic, it now had fifty-five students who handled more than one thousand cases in the 1968-1969 school year. Nearly three hundred divorces were filed, nearly 100 contracts were written, and sixty misdemeanor charges were handled.

As the 1970s began, the attorneys working for the Clinic were still not recognized as faculty of the Law School, or even as teachers. Ginsberg held the grace title of Assistant Professor, but he had none of the benefits associated with that position and he had little contact with the Law School faculty. There were now seven attorneys in the Clinic, and much of the funding was still coming from the Bureau.

Interest in the Clinic was rising, more students were participating, and the need to integrate it more fully into
the Law School was becoming more evident. Consequently, after Ginsberg left for a position in Seattle, Gary Palm, '67, was brought in as director in March 1970 with the goal of creating more individualized and personal legal training for the students involved.

"Gary came in with a commitment from the Law School to create a more formalized teaching model," explains Stillman, who returned to the Clinic in 1970 as a Clinic attorney. "When I got back to the Clinic as a teacher, things had changed. Students were interviewing clients on their own, discussing the cases with the attorneys, and then they would both go to court. It was no longer that the case belonged to the lawyer and you were there to help out. It was more like the case belonged to the students and the attorneys were there to help out."

Students were required to spend five hours a week on Clinic work, but a 1972 report on the Clinic shows that most students were actually spending fifteen to twenty hours a week on their cases.

"The Clinic saved my Law School career," says John Kimpel, '74, whose legal education was interrupted by a tour in Vietnam. "When I came back, everyone I knew had graduated, there was no draft anymore and the students seemed disaffected and didn't seem to care. I nearly dropped out. But then I found myself in the Clinic doing all this amazing discrimination work—even taking on a case involving the Miami Police Department—and it made the whole experience worthwhile."

The roles of the attorneys were changing. Each attorney now pursued a specialized area of interest, and his students took on cases in that area. Stillman specialized in employment issues, while others specialized in housing, consumer affairs, housing welfare, and juvenile justice.

"Cases were getting bigger," Stillman notes. "We even started having cases with recovery and attorney's fees, which annoyed some of the Law School faculty who thought the Clinic should just be a charitable institution. We won a case called May v. Cook County Hospital, in which men and women in janitorial positions were being paid at different rates. We were working to equalize the wages and pick up some back wages, and we ended up settling. It was one of the first, if not the first, class action that the Clinic handled, because we were representing two or three hundred women."

Clinic staff working in the hallway outside the Clinic library in the mid-1970s.
Social Work and the Clinic

The Mandel Legal Aid Clinic is noted for two things: the practical education it offers to the students who work there and the legal services it provides to the underserved. Thus, it is unsurprising that a social worker and a group of students from the School of Social Service Administration are essential elements of the Clinic.

“Our role is to help the attorneys meet their identified goals,” explains Michelle Geller, who has been the social worker at the Clinic since 1996. “My role is very fluid. I am identified as an agent of the Clinic, as are my students, so we are covered by privilege, which is obviously very important to our work. But really, our role is trifold.”

First, the social worker and her students work with the attorneys to help them to better understand their clients—their backgrounds, interests, behaviors, and motivations. Second, they do hands-on assessments for services that clients might need while their cases are being handled and afterward. Finally, they also do a lot of system advocacy work, working to make better and more appropriate services available throughout the system.

The three to five positions available at Mandel have become quite popular with SSA students, and Geller has the opportunity to handpick her students. During the past thirty-five years, the first- and second-year social work students have worked with the attorneys and students on nearly every project at the Clinic, from homeless assistance to child support to mental health.

“We are really trying to get more recognition from the professionals who work with our clinics,” Geller notes. “Business people, educators, public-policy makers—all of these people need to better understand what we do and what we can offer.”

One example of the kinds of cases the SSA students have worked on since they arrived at the Clinic in the early 1970s is People v. RH, in which the state wanted to transfer the case of a fourteen-year-old accused of murder from the juvenile justice system into adult court.

The first goal of the attorneys on the case was to show that RH had not availed himself of all the services available through the juvenile system and therefore could still benefit...
from staying there. In order to prove this, the attorneys needed an enormous amount of family background and services and education history to make their case.

"The state was arguing that he had received a whole range of services, and my students did the work to show that he really hadn't," Geller says. "We were working for therapeutic jurisprudence—which means holding the juvenile responsible for what he did without exposing them to a full-blown criminal rap. The kids are more likely to engage in positive behavior and ultimately, there is more likely to be a positive outcome."

Eventually, the Clinic team managed to get all of the charges dropped against RH, but the social work students remained involved, helping him to get proper education services and continuing to meet with him to help him find options for the future. Having grown up in a gang-infested neighborhood, he did not initially see any other way to lead his life. Today, his goal is to become a counselor in a juvenile detention center.

"This was definitely a case where the law students really came to understand just how valuable social workers can be in helping public interest law meet its goals," Geller explains.

The Mental Health Advocacy Project organizes an annual rally in Springfield during budget season. The Project brings 1,500 people with mental illnesses to meet with their legislators.
Gary Palm

A 1967 graduate of the Law School, Gary Palm was elected to the Order of the Coif and participated in the Clinic while a student. After graduating, he was an associate with Schiff, Hardin, Waite, Dorschel & Britton until May 1970, when he became director of the Clinic as well as an Associate Professor of Law.

With an avid interest in children’s issues, Palm was a member of the 1970 White House Conference on Children, as well as of the executive committee of the Key Biscayne Movement for Clinical Education and of the Standing Committee on Clinical Education of the Association of American Law Schools. He also served as chair of the Clinical Legal Education Section of the Association of American Law Schools.

A specialist in employment discrimination, child support, and civil rights litigation, he successfully argued before the United States Supreme Court as well as state and local courts throughout Illinois. Palm served as Director of the Clinic for twenty-one years.

Some clients were still being referred by the Legal Aid Bureau, but the two Woodlawn relationships that Ginsberg had created—with the Woodlawn Organization and with the Mandel Clinic Advisory Board, which was chosen by the Woodlawn Organization—were providing 70 percent of the Clinic’s clients. The Clinic represented only clients whose incomes were not sufficient to provide even minimal funds for the hiring of legal counsel. Most of these cases were still related to consumer and family issues, but now 16 percent of the Clinic’s cases were criminal in nature.

Frank Bloch, who is now a clinical law professor at Vanderbilt University Law School, came to the Clinic in 1974 and became the public benefits specialist.

“We went from year to year on contracts as faculty professors for the Clinic, so we had titles at this point, but no job security,” Bloch says. “But I came to the Clinic specifically to work with Gary Palm—at the time he was a major force in clinic legal education and he was getting a really big reputation for the Mandel Legal Aid Clinic. It was a training ground for other clinics. He was creating a coherent approach to legal education—not just direct client representation, but also an emphasis—a nearly religious adherence—to the notion that faculty is co-counsel—that we work collaboratively with the students because experiential learning is so powerful.”

Students at the Clinic were now required to take a trial practice seminar given by Palm and other Clinic attorneys, and received credit for doing so. And some of the work that the Clinic was taking on was changing. Federal lawsuits in several areas were filed, and more cases and research were being directed at law reform.

“We really encouraged that,” Bloch says. “We wanted the learning experience to go way beyond just handling cases to seeing how creative and collective action on behalf of clients can empower clients and make a difference to a wider community.”

The Woodlawn relationships continued to provide the school with clients, and in 1976 students were assigned off-campus to the Woodlawn Community Defender’s Office. However, funding for the Clinic was a continuing challenge.

Logan and the passage of the Human Rights Act in 1979 created a slew of new cases for the Clinic.

In 1977, United Charities, the parent organization of the Legal Aid Bureau, cut their budgetary contribution from $170,000 to $67,800. For the 1976–1977 academic year, the Mandel Legal Aid Clinic budget was approximately $270,000. The Law School provided the other $100,000.

After much consideration, the Law School determined that it would fund four faculty-titled teachers for the Clinic. Consequently, the Clinic retrenched. The attorney staff, including the director, was reduced to four and the Woodlawn office remained open. Palm’s salary was transferred entirely to the Law School budget, which was deemed appropriate as he was teaching the two-quarter trial practice seminar and a civil rights seminar. Also, because of the reduction of staff, fewer students (about forty) would be able to take part in the Clinic. As a result, the lottery system—which is still used today to select students for Clinic participation—was created as a form of rationing.

Yet even with these reductions, space at the Clinic was
still an enormous issue. "The offices in the Law School basement were really closets," Kimpel says. "When I went into Tom Stillman's office and closed the door to discuss a case—let's just say it was very personal."

Mark Heyrman, 77, was one of the first teachers to be hired under the newly restructured Clinic in 1978. "I was fortunate that my office mate was in court a lot, because I got to use the chair," Heyrman explains. "Otherwise, I had to stand."

Despite the lack of space, new projects were proposed that would expand the reach of Clinic services. Palm and

Gary Palm, '67 (right), meets with students in the Green Lounge.

Charlotte Schuerman, then a Project Director at the Clinic, recognized that there was an increasing imbalance between the need for mental health services and the resources to meet those needs. They created an interdisciplinary project between the School of Social Service Administration (SSA) and the Clinic that would allow SSA students to work closely with law students on the mental health cases the Clinic took on to provide more access to services for those clients that needed them. Further, it would give future social workers a much better understanding of the ins and outs of the legal system as they pertain to clients and their needs. Palm hired Heyrman to run this project.

In 1977, Randolph Stone began a three-year stint in the Clinic as a fellow and as a staff attorney with the Woodlawn Organization. And in 1977, Randall Schmidt, '79, entered the Clinic as a student. What began as short-term assignments for each of these men would ultimately evolve into careers that would help shape the future of the Clinic itself.

Unsurprisingly, with the changes in the United Charities funding for the Clinic, money was to be a major issue for the Clinic throughout the 1980s. Palm and the other attorneys spent countless hours researching funding sources and filling out applications for grants, and their efforts paid off. In 1982, for example, the Clinic received $220,000 in Council on Legal Education for Professional Responsibility (CLEPR) funds, while federal funds and grants from various law firms and other private donations provided larger and larger portions of the Clinic's budget. By 1988, United Charities was providing only 18 percent of the Clinic's budget, while 15 percent came from a variety of grants and from attorney's fees earned in some of the cases students and faculty took on. Sixty-five percent of the budget came from the Law School and its alumni.

The Mental Health Project was founded with a three-year grant provided by the National Institutes of Mental Health. After the grant ran out, continuing the project would cost $153,000, increasing the Clinic's budgetary needs. In 1982 fund-raising letters, Dean Gerhard Casper explained that funds were being raised from various interested foundations and that the SSA was also underwriting and evaluating the program.

The program was a success, not only for the clients but for the students and the Clinic as well. Because of the additional

Ruth Johnson working as a secretary in the Clinic circa 1988.

cases the program created, more students were hired at the Clinic—although space became an even bigger challenge.

Other issues that arose as the Clinic passed its first twenty-five years were the status of the Clinic's teachers and the need to provide more Law School credit for students. In a 1981 memo that Palm addressed to the dean, he wrote:
Randolph Stone

After attending Lincoln University in Pennsylvania and serving in the Vietnam War, Randolph Stone earned his BA at the University of Wisconsin–Milwaukee and his JD from the University of Wisconsin. He has served as deputy director of the Public Defender Service for the District of Columbia, as a lecturer and a team leader in the Trial and Advocacy Workshop at Harvard Law School, and as faculty for both the National Institute for Trial Advocacy and the National Criminal College.

After serving as a clinical fellow and a staff attorney with the Woodlawn Consortium from 1977 to 1980, Stone went on to serve as a partner in the Chicago law firm of Stone and Clark until 1983. He was the first African American to be Public Defender of Cook County, where he was responsible for a staff of more than 750, a $32 million budget, and more than 200,000 clients per year.

Stone is a past chair of the American Bar Association's Criminal Justice Section and serves on boards and committees including the Sentencing Project, Treatment Alternatives for Special Clients, and the Illinois Capital Punishment Reform Study Committee. His teaching and writing interests include criminal law, juvenile justice, the legal profession and indigent defense, and race and criminal justice.

Stone has been the recipient of many awards and honors, among them the 1993 C. F. Stradford Award, which honors African Americans in law-related fields, and the 2008 Champion of the Public Interest Award from Business and Professional People for the Public Interest.

"We must have improved status, pay and working conditions. For example, non-tenure track, three-to-five year rolling contracts with two years notice of termination, and titles of Clinical Instructors, Assistant Clinical Professors, Associate Clinical Professors and Clinical Professors." In 1988, Senior Clinical Lecturers received three-year terms.

"I spent ten years on year-to-year contracts, wondering if I would have a job the next year," Heyrman explains.

"Now we are on five-year contracts. It's a big improvement."

Palm also wanted the credit students could earn for work in the Clinic to be raised from four to eight credit hours. He also wrote, in a memo to Dean Casper, that he thought the words "Legal Aid" should be removed from the Clinic name, as it would symbolize the shift in emphasis away from an exclusively indigent practice to one with educational goals.

Bigger cases and more universal issues were becoming more commonplace at the Clinic. In 1982, Palm and several of his students won Logan v. Zimmerman Brush, which was decided by the United States Supreme Court. A fair employment practices case, the ultimate decision was of benefit to more than 2,500 people who had filed charges of employment discrimination in Illinois. In fact, as a result of Logan, all of those cases were either settled with a cash payment or reopened.

"The Fair Employment Practices Commission had become very backlogged," explains Randy Schmidt, who had returned to the Clinic in 1981 as a teacher. "They couldn't resolve complaints as quickly as they should have, which was supposed to be in 180 days. Twice, the Illinois Supreme Court ruled that cases that were not heard in that period had to be dismissed. So in Logan v. Zimmerman Brush, Logan lost not because his claim was invalid, but because of inaction by the commission."

The Supreme Court ruled that complainants had a property right in their discrimination claims and that those claims had to be resolved in a manner consistent with due process. Dismissing a complainant's case because of inaction by the agency did not align with due process. Ultimately, Logan and the passage of the Human Rights Act in 1979 created a slew of new cases for the Clinic as students did more and more work on employment discrimination cases of every kind—including sexual harassment, religion, race, sex, and age.

"There weren't a lot of lawyers willing to take these cases so in addition to taking them we also went down to
Along with project focused to Springfield generalists,” Schmidt explains. “In 1984, Gary and I decided to rethink the employment situation and we decided to create a project focused more on individual cases and also on reforming the system.”

That decision also changed the focus of the Clinic itself. Along with Heyrman’s mental health project, the students and faculty of the Clinic were branching out beyond criminal and civil litigation into advocacy.

“When I was a student we were all being trained as generalists,” Schmidt says. “But beginning with Mark’s mental health project we started to find strategies to change the bigger picture. It became much more a focus all the way through the 80s.”

Charles Weisselberg, ’82, who went on to become a clinical teacher at the Boalt Hall School of Law at the University of California, Berkeley, worked at the Clinic as a student and then returned as a teacher for the 1984–1985 academic year.

“When I was a student I worked on a class action lawsuit with Mark, representing people who were defined as sexually dangerous,” Weisselberg explains. “In Illinois, there was a statute that allowed people to be detained without clear and convincing evidence. We challenged the procedure as
to how people were evaluated and how they were held. It was a significant piece of legislation.”

By the late 1980s, 30 percent of the Law School’s students were working in the Clinic. They were concentrating on research, legal writing, drafting, interviewing, counseling, negotiation, informal advocacy, and preparation of briefs and were working as trial assistants. In the spring quarter of their 2L years, they were enrolled in the Litigation Methods course, which extended over four quarters and carried six hours of academic credit—the same amount students can earn by doing Clinic work today.

The Mandel Legal Aid Clinic continued to evolve as it entered the last decade of the twentieth century. In 1991, Gary Palm stepped down as director, although he continued on as a clinical teacher, and former fellow Randolph Stone took over the leadership of the Clinic. With his experience as a public defender in both Chicago and the District of Columbia, Stone was an ideal attorney to take the Law School’s clinical legal education into the next century.

The work of the clinical teachers was evolving, and most at this point had gone from simply working in a specialized
The site of the new Arthur Kane Center under construction.

Alumni, friends, and donors join Dean Douglas Baird for the dedication of the new Kane Center.
Randolph Stone (left), then the Director of the Clinic, and Arthur Kane unveil the new marker for the building.

The atrium at the core of the Kane Center building.

The completed Kane Center building.
Mark Heyrman

One of the founders of the Clinical Legal Education Association, Mark Heyrman, '77, spent a year as an assistant defender in the Office of the State Appellate Defender of Illinois. After working in the Clinic as a student, Heyrman returned as the first faculty member of the Mental Health Project.

A specialist in the rights of the mentally ill, he is a member of the health committees of the Chicago Bar Association and the Illinois State Bar Association. In 1988, Heyrman served as the executive director of the Governor's Commission to Revise the Mental Health Code of Illinois. He received the 2001 Gold Bell Award from the Mental Health Association of Illinois as well as the 2003 Pro Bono Award from Equip for Equality.

For thirty years, Heyrman has worked to have mental illness treated with the same respect and caution as other long-term physical illnesses such as cancer and diabetes. His desire to change the way the mentally ill are treated has brought a lively advocacy element to the Mandel Legal Aid Clinic, as his students have done extensive work to change state and national policies related to the mentally ill.

field to running full-fledged legal projects. Stone arrived with the intention of creating the Criminal and Juvenile Justice Project, still extant today, which provides quality legal representation to juveniles accused of crimes. This type of work was not entirely new; the Mandel Legal Aid Clinic had worked in various capacities at Cook County Juvenile Court since the 1970s. But the project created a constant and more concentrated effort by the Clinic to protect the rights of juveniles at a time when there was a growing interest in trying older juveniles accused of violent crimes as adults.

“Our focus since 1991 has been on the issue of children being transferred from juvenile to adult courts,” Stone explains. “Some of the scientists in the early years came up with 'super predator' theory (the idea that a fixed percentage of children are natural-born killers), and we felt that we needed to do something about it. Some forty-five states began to make it easier to move kids into adult court, by lowering ages and expanding categories.”

In 1993, Herschella Conyers was hired by the Clinic to help develop the Criminal and Juvenile Justice Project along with Stone, bringing with her a solid background as an assistant public defender, supervisor, and deputy chief in the Cook County Public Defender's Office.

Other projects active in the early 1990s included Gary Palm's Welfare and Child Support Project, which focused on Illinois' mandatory job search and work requirements for public aid recipients. The child support component of the project provided legal services to indigent children and custodial parents who sought effective child support enforcement from Illinois and Cook County. Schmidt's Employment Discrimination Project and Heyrman's Mental Health Project continued their work as well.

Professor Locke Bowman, '82 (back), of the MacArthur Justice Center and Cara Tseng, '00 (right), meet with clients.

Also funded at the time was the Homeless Assistance Project, which provided legal assistance to the homeless and to those who were impaired due to mental illness. The project represented clients in matters involving government benefits, housing, and psychiatric treatment. The project was staffed by both Law and SSA students.

Another major change that came to the Clinic in these years was the introduction of the MacArthur Justice Center. The Justice Center is a public interest law firm whose mission is to litigate civil rights issues that are of significance in the criminal justice system. Invited into the Clinic for a one-year period in 1993, by 1994 they had begun a formal affiliation with the Clinic that lasted until their relocation to Northwestern University in 2006.
"The emphasis on the students handling the cases and learning as many different aspects of a case just continued to grow," notes Heyrman. "By then we were looking at cases the way we look at them now, before we took them, by three criteria: Does the work required on the case make sense pedagogically? Does the work meet an unmet legal need in Chicago? And finally, what opportunities does the case have to impact litigation or law reform work?"

While the MacArthur Justice Center focused exclusively on litigation work, the Clinic continued to work in advocacy in addition to civil and criminal litigation.

However, by the middle of the decade, funding for the Clinic again became a problem. CLEPR funding to the Law School had ended in the early 1980s. Now money also stopped coming from the Department of Education (DOE), which in the late 1980s began giving the Clinic small grants that eventually increased to $100,000 three-year grants. Like the Ford Foundation CLEPR grants before them, the DOE grants were tied to law schools' commitments to creating and maintaining clinics.

"The last Department of Education grant was for the Criminal and Juvenile Justice Project," Schmidt notes. "They were, for a while, the Clinic's largest source of funding. But then, we had to start getting creative."

According to a speech Randolph Stone made to alumni in 1999, in addition to the loss of DOE funds, the Legal Services Corporation, a federal agency that funds and monitors free civil legal aid in the United States, faced a budget cut and had to reduce its contribution to the Clinic. As a result, the Clinic was down to four clinical teachers with faculty titles—Palm, Schmidt, Heyrman, and Stone—when only three years before there had been funding for seven. Throughout the 1990s, of the approximately 100 students who would express interest in the Clinic every year, between forty and fifty students were accepted. Given the budget and faculty cuts, fewer than thirty were accepted for the 1999–2000 academic year.

However, it was not all doom and gloom for the Clinic. No longer would students and faculty work in crowded, dark rooms with no room for the storage of files and reference materials. In the fall of 1996, Esther and Arthur Kane, '39, contributed a naming gift to build the Arthur Kane Center for Clinical Legal Education—a 10,000-square-foot structure with offices and conference and meeting spaces as well as a library for the Mandel Legal Aid Clinic. The new offices opened on October 11, 1998.

"The new offices were, and are, spacious and we have windows!" Heyrman exclaims. "I mean, my students actually have offices to work in, with desks and chairs. It was an enormous change and it was a wonderful, long-needed change."

And more positive changes were awaiting the Clinic in the new millennium.

Comfortably ensconced in their new offices, the teachers and students of the Mandel Legal Aid Clinic have been fortunate to receive additional funding for their work from the Law School and other sources since the 2000–2001 academic year. Consequently, the reach of the work the Clinic does has expanded, and more students are now able to participate. Further, the creation of more projects, each of which receives special funding and grants related to its work, has offered students an even greater variety of experience from which to choose.

After the Institute for Justice Clinic on Entrepreneurship opened in 1998, other exciting programs were started. In 2000, Craig Futterman came to the Clinic to start the Civil Rights and Police Accountability Project, the first of its kind in the nation. The project has three components—litigation, policy, and community. The students and faculty represent victims of police abuse in both criminal and civil cases at the federal and state levels. The project works with both individuals and groups for class action suits in and around policy issues.
The Institute for Justice Clinic: Ten Years of Helping Chicago Entrepreneurs

Helping inner-city entrepreneurs build lives, fortunes, and families through small business is the mission of the Institute for Justice Clinic on Entrepreneurship, a joint effort of the Law School and the Washington-based Institute for Justice. For ten years, the clinic has helped a diverse array of new enterprises to understand and meet the administrative and regulatory demands of their endeavors.

"We're very focused on working with small businesses in the inner city and with the underserved," explains Elizabeth Milnikel, the current director of the clinic. "Over time, we are learning a lot more about the obstacles involved in starting a business in these areas, and we are trying to get more help for those who need it. Just this year, we did a lot of research on the regulations and licensing requirements for those starting entry-level businesses, and we are working as a group to get that information out there for other entrepreneurs."

Having helped businesses from cafes and daycares to dance companies and hair-braiding salons, the Institute for Justice (IJ) clinic is generally viewed as a success in the business world. Among its successes are the Sweet Maple Café in Little Italy, which serves down-home favorites for breakfast and lunch, and the Perfect Peace Café and Bakery in the Auburn-Gresham community. By opening a clean, stylish bakery in a block that had previously been abandoned, the bakery is drawing new business and interest to the area.

The clinic is also acknowledged as a valuable part of the legal education of the twenty or so students who work there each year, who gather valuable experience in transactional law work. Working with low-to-moderate income clients, students file incorporation paperwork and help business owners to qualify for trademarks and to meet the ever-changing regulations instituted by both the city and state for new enterprises.

"Potentially, we would serve any business that would help the people of Chicago and could be taken to fruition in one school year," notes Patricia Lee, the clinic's original director, who now works with Conflict Resolution Center of
Montgomery County, MD. "While helping the new businesses is important, the clinic is also a teaching tool, and we had to have projects that enabled the students to follow the process of starting a business all the way through."

Students also work on legislative and policy reform designed to ease some of the obstacles many new businesses face. In the past, students have testified before subcommittees and even before Congress about how the Small Business Administration can help underserved entrepreneurs.

"Sometimes, we find that there are regulations that just don't make sense," observes Milnikel. "And we try to do something about that."

Using seminars and pamphlets and working with the media, the IJ clinic is reaching an ever-widening audience of potential business owners. Each year, it receives more applications, from both clients and students, than it can fulfill and it is an acknowledged asset for the Law School.

Yet, when the clinic was first conceived, there was considerable opposition to its establishment.

Because the Institute for Justice is a libertarian organization, some students and faculty felt that students with more liberal views would be prevented from participating in the clinic. Further, in 1997, when Mark S. Chenoweth and James C. Ho, two second-year law students, proposed the creation of the clinic, there was worry that there was insufficient faculty expertise in transactional law to support the work of the clinic. And since the Mandel Legal Aid Clinic, at the time, specialized in litigation, the IJ clinic might have seemed a bad fit.

But ultimately, these concerns turned out to be misplaced. Faculty with expertise in transactional law were hired, and students of all kinds have helped to create stronger businesses and stronger communities throughout Chicago. And the clients have helped the students to understand the many issues confronting underserved communities.
Randall Schmidt
An expert in employment discrimination cases, Randall Schmidt, '79, joined the Clinic as faculty in 1981 after two years at Aaron, Schrnieberg, Hess, Rusnack, Deutsch, and Gilbert, where he specialized in commercial litigation.

In addition to litigating discrimination cases, Schmidt also does significant advocacy work to improve the rules, procedures, and remedies related to employment discrimination in Illinois.

Schmidt is a member of the bars of the U.S. Supreme Court, the U.S. Court of Appeals for the Seventh Circuit, the U.S. District Court for the North District of Illinois, the Trial Bar for the U.S. District Court for the North District of Illinois, and the Supreme Court of Illinois.

Schmidt, a strong advocate of the importance of clinical education in law, has helped to change the focus of the Mandel Legal Aid Clinic from winning cases to maximizing the educational aspects of each case.

“We do a lot of public advocacy,” explains Futterman. “We participate in community meetings, so that our project is more than just some legal scholars and students discussing problems for other people. Instead, at meetings and forums we can work with problems defined by the people involved. And then we can all work together to create strategies for working with and negotiating with officials.”

Students also began working with Judge Abner Mikva and Jason Huber on appellate advocacy cases. Students write briefs on behalf of clients, and third-year students argue before the appellate court. In 2005, the Appellate Advocacy Clinic got its first conviction vacated in the case of United States v. Owens. Owens had been convicted of participating in a 2002 bank robbery and had been sentenced to 145 months in prison.

In 2002, Jeff Leslie arrived at Mandel to open the Housing Initiative, which represents individuals, community-based developers, tenant groups, and others involved in the development of affordable housing.

“The project is very interesting for students,” Leslie notes. “They interact with boards and learn the angles of everyone involved. They begin to understand the challenges of communicating with a broad range of people, of understanding and explaining high-end financing, tax credits, bridge loans, and other things that are difficult even for well-educated law students to understand.”

Leslie’s project—like the Institute for Justice Clinic—created another source of transactional law experience for students. The Housing Initiative offers advice on transactional structural issues, negotiation, construction and financing contracts, zoning, and compliance issues.

In 2006, Maria Woltjen brought the Immigrant Children’s Advocacy Project to the Clinic. Woltjen had started the project in 2004 with the support of the Office of Refugee Resettlement. Woltjen’s students work as advocates for undocumented children whose parents or legal guardians have been taken by immigration authorities. Because of the unique nature of the project, the students who work in the Immigrant Project are required to be fluent in a second language useful to the work they do—Spanish, Mandarin, Hindi, or Gujarati.

The current immigration laws do not recognize children as different from adults—something of growing importance, as more and more children are traveling to the United States alone. Students meet weekly at a North Side shelter with the specific children they represent, but a large amount of the work they do is related to research and writing on advocacy on behalf of all immigrant children.

The newest project at the Clinic, the Exoneration Project, which represents clients who have been convicted of crimes...
of which they are innocent, opened in late 2007. Students working on the Project work in both state and federal courts and are involved in all aspects of post-conviction litigation, including evaluating cases, developing evidence of innocence, filing petitions, and making motions for forensic testing.

In 2001, after ten years as director of the Clinic, Randolph Stone stepped down and Mark Heyrman was hired as temporary director.

"They told me it would just be for a year," Heyrman notes, "but it turned into six." In 1997, Heyrman handed the reins to Randall Schmidt.

"It was his turn," Heyrman says with a smile.

As the Clinic continues its odyssey, the emphasis on student participation and involvement remains the focus of the program.

"Hopefully, one day, we will have a big enough program that we can take all of the students who want to be here," Stone remarks. But until then, the lottery will remain in place. Going forward, faculty will create more innovative programs to help not just the people of the South Side, but those who need help everywhere. Students will leave the Clinic with incomparable experiences and their view of law will be unalterably widened.

"One of the things we did when we celebrated our twenty-fifth anniversary was that we gave out coffee mugs with a list of all the cases we had won and the changes we had made," Schmidt says. "And at fifty years, we spent our time talking about how well we are educating our students, about how we had gone from being a Clinic that pretty much represented anyone who came through the door to one that tries to take cases because they are projects that provide an education to our students. That change in focus is very important. In fact, that change is what the Clinic is all about now."

Alumni Clinic Stories Wanted

Did you work in any of our clinics? The Law School would like to hear your stories about your time in the Clinic, about the faculty you worked with, and the cases you worked on, and about how your clinical experience affected your career. We will archive all of them for future generations to read, and we may print some of these stories in future issues (with your permission, of course). Please send them to Marsha Nagorsky at the Law School, 1111 E. 60th Street, Chicago, IL 60637, or m-ferziger@uchicago.edu.