

FIFTY PLUS YEARS AND COUNTING: A HISTORY OF EXPERIENTIAL LEARNING AND CLINICAL OPPORTUNITIES AT THURGOOD MARSHALL SCHOOL OF LAW

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“The shortcomings of today’s law graduate lies not in a deficient knowledge of the law, but that he has little, if any training in dealing with facts or people—the stuff of which cases are really made. It is a rare graduate, for example, who knows how to ask questions—simple, single questions, one at a time, in order to develop facts in evidence in interviewing witness or examining him in a courtroom.”¹

“Experience and properly trained lawyers greatly contribute to the expeditious and nonreversible trial of criminal and civil courts. Graduates . . . should be prepared properly to represent the citizens of Texas in the courtrooms.”²

INTRODUCTION

In 1948, a Legal Aid Clinic was established at the Texas State University for Negroes School of Law.³ As described in the course catalog, the one credit hour course “enable[d] student[s] . . . to acquire personal contact experience in the technique of interviewing clients and witnesses, weighing the facts, investigating the applicable law, advising the clients,

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1. Warren E. Burger, *The Future of Legal Education*, *STUDENT LAW. J.*, Jan. 1970 at 18, 20.

2. Chief Justice Joe R. Greenhill, *The State of the Judiciary Message 7* (1979), available at <http://www.sll.texas.gov/assets/pdf/judiciary/state-of-the-judiciary-1979.pdf>.

3. See Announcements for Academic Year 1948-1949, *TEXAS STATE UNIVERSITY FOR NEGROES 1948-49* (Tex. State Univ. for Negroes, Hous., Tex.), at 163.

drawing all necessary documents, etc.”⁴ Professor Roberson King taught and supervised law students in the Legal Aid Clinic, and it was primarily devoted to responding to prisoners' letters.

At the time, Roberson King was considered a prominent labor lawyer, an individual who played a significant role in the desegregation of labor unions in Houston. But he saw value in practical training for law students, individuals who would go on to effectuate change through their legal work. As he explained, “I tried to teach the law as it existed with emphasis on how to bring about a better change. I would teach my students how to analyze the facts and then they possessed the power to do what is [sic] necessary.”⁵

The Legal Aid Clinic ceased operations in 1951, in favor of simulation courses; but it would again be incorporated into the curriculum in 1960 and remain until the present day.

The seed of Roberson King's initial foray into clinical education bore fruit—as evidenced by its sustained development in the 1960s and explosive growth in the decades to follow—and it continues to bear fruit. Clinical education at Thurgood Marshall has produced thousands of “practice ready” graduates—some of whom went on to become well known and highly regarded practitioners—or those who returned to the law school to train future lawyers. It provided assistance to untold numbers of poor and disadvantaged clients, regardless of the person or the matter. And it continues to raise positive awareness of the Law School and the University.

This article documents the extensive history of the clinical program, beginning with the “prisoners' letters,” through the growth and expansion of the program in the 1960s and 1970s, to its adapting a “law firm” model of service delivery, to its creation of a recognized “clinical” faculty. Additionally, this article discusses the future of clinical education at Thurgood Marshall School of Law. Finally, this article provides recognition to all who taught, supervised, or promoted unique approaches to clinical pedagogy and indigent legal assistance at this institution.

4. *Id.*

5. *A Title Fit For a King*, T. MARSHALL REGUSTUS, Spring 1992, at 1, 7.

I. CLINICAL EDUCATION IN AMERICA

The first acknowledged “practical experience training” opportunity at a law school likely began in the early 1890s with the creation of a volunteer “legal dispensary” at the University of Pennsylvania.⁶ Within two decades, four additional “legal dispensaries” would be established at the University of Denver, Harvard University, Northwestern, and the University of Tennessee.⁷ The dispensaries served two important functions: (1) hands-on opportunities for students to practice lawyering skills and (2) legal assistance to the poor. Unfortunately, the dispensaries were entirely student driven, volunteer-based, and extracurricular in nature.⁸

Yet and still, this form of “training” was not without its champions. In 1917, one commentator,⁹ pointing out the lag between legal education and other professions—which mandated practical instruction as part of their training—argued that, “The work in the legal clinic should be made a part of the regular curriculum, in increasing degree during all four years, or certainly during the second, third, and fourth years. It should be made a part of practically the whole school life of the student. One year of the clinic is not enough.”¹⁰ This demand for the integration of practical education into the legal curriculum found support in a 1921 study, funded by the Carnegie Foundation for the Advancement of Teaching, and authored by a non-lawyer named Alfred Z. Reed.¹¹ Reed identified three areas of training necessary to produce students prepared to practice law: (1) general education; (2) theoretical knowledge of the law; and (3) practical skills training.¹² Legal analysis via the casebook method fulfilled only one of Reed’s components of legal education—theoretical knowledge of the

6. Robert MacCrate, Symposium, *Educating a Changing Profession: From Clinic to Continuum*, 64 *TENN. L. REV.* 1099, 1103 (1997).

7. *Id.*

8. *Id.*

9. Remarkably, this particular commentator, William Rowe, supported adoption of a resolution, by the New York State Bar Association, which included requiring “every law school shall make earnest clinical work, through legal aid societies or other agencies, a part of its curriculum for its full course.” See William V. Rowe, *Legal Clinics and Better Trained Lawyers—A Necessity*, 11 *ILL. L. REV.* 591, 595 (1917).

10. *Id.* at 606.

11. See ALFRED Z. REED, *TRAINING FOR THE PUBLIC PROFESSION OF THE LAW* 281-87 (1921).

12. Margaret M. Barry, Jon C. Dubin & Peter A. Joy, *Clinical Education for This Millennium: The Third Wave*, 7 *CLINICAL L. REV.* 1, 7 (2000).

law.¹³ The report argued that the general education requirement could easily be satisfied by two years of pre-law college training.¹⁴ However, as there was a concerted effort of phasing out “apprenticeships” in favor of the casebook methodology for legal training, few embraced the idea of “practical training.”¹⁵

It would be more than forty years, after the creation of the first legal dispensary and almost seven years after the Reed Report, that an in-house clinical program was established at a law school.¹⁶ John S. Bradway, one of the “fathers” of modern clinical legal education, extolled the virtues of clinical education, noting that, “This device provides the student, before he takes the Bar Examination, with training comparable to that given to the medical student before he faces his first patient on his own responsibility.”¹⁷ Bradway was joined by others in advocating for a return to the “pre-Langdell ‘lawyer school,’ but on a ‘higher, more sophisticated level.”¹⁸ For instance, Jerome Frank, a recognized scholar and “Legal Realist,” who challenged the “status quo’s approach to legal education and the law,” argued that the law students should receive practical training akin to what medical students received and that law school sponsored clinics should be modeled on the Legal Aid Societies.¹⁹

Despite the obvious benefits of clinical education, by the late 1950s, there were only thirteen documented in-house clinics.²⁰ Moreover, these institutions did not require clinical participation; clinic was mainly an elective and rarely awarded academic credit. It was not until the late 1950s that clinical education received a boost in the form of extensive funding and support.

13. *Id.*

14. *Id.*

15. *Id.* at 7-8.

16. See generally JOHN S. BRADWAY, *HOW TO ORGANIZE A LEGAL AID CLINIC* (1938) (establishing John S. Bradway's six week program at USC in 1928). The program was so successful that he was asked to duplicate his efforts at Duke University in the 1930s, which he did. MacCrate, *supra* note 8, at 1104. However, following Bradway's retirement from the faculty, the Clinic was eventually phased out in 1959. *Id.* at 1106, fn 59.

17. John S. Bradway, *Education for Law Practice: Law Students Can be Given Clinical Experience*, 34 *A.B.A.J.* 103, 103 (1948).

18. MacCrate, *supra* note 8, at 1105.

19. *Id.*

20. REPORT OF COMMITTEE ON LEGAL AID CLINICS, 1959 *A.A.L.S. PROC.* 122. Clinics were found at Duke University, Indiana University at Indianapolis, Southern Methodist University, the University of Tennessee and the University of Texas reporting supervision of the legal clinic as part of the supervisor's teaching load.

In 1958, the Ford Foundation—in an effort to improve legal services to the poor—provided \$800,000 in grant funds to the National Association of Legal Aid Organizations (renamed National Legal Aid and Defender Association—NLADA) to establish and operate a National Council on Legal Clinics. The benefits were two-fold: (a) staffing opportunities for Legal Aid offices and (2) practical training for law students, where they were connected to “clients and the machinery of justice.”²¹ Concerns regarding “supervision” and “teaching” of law students led Ford Foundation to shift its funding from NLADA to the American Association of Law Schools (AALS), under the auspices of the newly created Council on Education in Professional Responsibility (COEPR) to provide a “sharper [] educational focus.”²²

However, the AALS was reluctant to sponsor and promote law clinics.²³

In 1968, the Ford Foundation announced a ten year program, with a funding commitment of \$12,000,000 to promote the “incorporat[ion] of clinical education as an integral and an esteemed part of the curriculum of the country’s law schools.”²⁴ To oversee the program, Ford created the Council on Legal Education for Professional Responsibility (CLEPR), installing William Pincus as its president and a board comprised of representatives from AALS, American Bar Association (ABA), and NLADA.²⁵ By the time CLEPR ceased operations, ten years later, it succeeded in awarding more than 200 grants, worth \$7 million to approximately 100 accredited law schools in the United States.²⁶ Thankfully, as funding from Ford ceased, funding from the federal government—through the U.S. Department of Education’s Title XI Law School Clinical Program—provided a new and greater source of funding for clinical programs.²⁷ Over the span of nearly twenty years, the Department of Education—with more than \$87 million in appropriations from Congress—was “responsible for developing . . . budding clinical

21. William Pincus, Remarks at the CLEPR 40th Anniversary Celebration, 16 *CLINICAL L. REV.* 23, 24 (2009); see also, J.P. Ogilvy, Celebrating CLEPR’s 40th Anniversary: The Early Development of Clinic Legal Education and Legal Ethics Instruction in U.S. Law Schools, 16 *CLINICAL L. REV.* 1, 9 (2009).

22. Pincus, *supra* note 23, at 24.

23. MacCrate, *supra* note 8, at 1109.

24. *Id.* at 1111.

25. *Id.*

26. Pincus, *supra* note 23, at 27.

27. Barry et al., *supra* note 14, at 19.

programs into integral parts of the curriculum at almost every law school in the United States.”²⁸ Without question Title XI and CLEPR funds were an important part of the “proliferation of clinical legal education programs.”²⁹

In 1969, a Model Student Practice Rule was adopted by the ABA, with those jurisdictions without student practice rules quickly adopting the Model Rules—increasing and improving clinical education opportunities by allowing students to represent clients in court proceedings.³⁰

In the 1970s, a number of prominent jurists—no less than Supreme Court Justice Warren Burger—as well as members of the various bar associations, pushed for an expansion of skills programs at law schools. Most importantly, the ABA played and continues to play a pivotal role in the integration of clinical programs into law school curricula.³¹

In 1992, the ABA’s Section of Legal Education and Admissions to the Bar published a report entitled “Legal Education and Professional Development—An Educational Continuum,” commonly known as the “MacCrate Report.”³² The 414-page document identified and discussed ten fundamental lawyering skills, among them: problem solving; factual investigation; counseling; litigation and alternative dispute resolution procedures; and organization and management of legal work.³³ More importantly, the report recognized the role of clinical education, maintaining that “Clinics have made, and continue to make, an invaluable contribution to the entire legal education enterprise. They are a key component in the development and advancement of skills and values throughout the profession. Their role in the curricular mix of courses is vital.”³⁴ Finally, the report found that “[c]linics provide students with the opportunity to integrate, in an actual practice setting, all of the fundamental lawyering skills. In clinic courses, students sharpen their understanding of professional responsibility and deepen their appreciation for their own values as well as those of the profession as a whole.”³⁵

In 1996, the ABA assured the integration of clinical programs into almost every law school curricula, by amending its accreditation standards

28. *Id.* at 20.

29. *Id.*

30. *Id.*

31. *Id.*

32. A.B.A., SEC. LEGAL EDUC. & ADMISSIONS TO THE BAR, LEGAL EDUCATION AND PROFESSIONAL DEVELOPMENT—AN EDUCATIONAL CONTINUUM (1992).

33. *Id.* at 138-207.

34. *Id.* at 238.

35. *Id.*

to require that every ABA accredited law school “offer live client or other real-life practice experience.”³⁶ Today, there are clinical opportunities in every law school. Indeed, general practice clinics—in the areas of civil or criminal law—are ubiquitous.³⁷ And there has been a rapid growth in specialty practice areas, such as juvenile law, environmental law, tax, bankruptcy and others.³⁸

Since the 1920s and 1930s, through the turbulent 1960s, and into the present day, clinical education has achieved a general acceptance as a necessary component of legal education.³⁹ As the bar and bench advocate for legal education that truly prepare graduates for the practice of law, this decade and beyond should see a continued and steady increase in skills and clinical opportunities.⁴⁰

II. HISTORY

A. Texas Southern University—Thurgood Marshall School of Law

In 1947, Texas Southern University was established by the Texas Legislature.⁴¹ The new institution was expected to provide training in pharmacy, dentistry, journalism, education, arts, sciences, literature, law, and medicine.⁴² Originally known as “Texas State University for Negroes,” the name was subsequently changed in 1951 to Texas Southern University.⁴³

The inception of the university, and ultimately, Thurgood Marshall School of Law, was the result of lawsuit brought by Hemann M. Sweatt in 1946.⁴⁴ Mr. Sweatt was denied admission to the University of Texas

36. Barry et al., *supra* note 14, at 21 (quoting A.B.A. SEC. LEGAL EDUC. & ADMISSIONS TO THE BAR REP., STANDARDS FOR APPROVAL OF LAW SCHS., Standard 302(d) (1999)).

37. Peter Toll Hoffman, Law Schools and the Changing Face of Practice, 56 N.Y.L. SCH. L. REV. 203, 213 (2011).

38. *Id.*

39. *Id.* at 214.

40. *Id.* at 215

41. About Texas Southern University and Thurgood Marshall School of Law, T. MARSHALL SCH. OF LAW, http://www.tsulaw.edu/about_tsulaw/index.html (last visited January 8, 2012).

42. *Id.*

43. *Id.*

44. *Id.*

School of Law because he was black.⁴⁵ However, as a result of the “separate but equal doctrine,” the legislature was forced to provide an interim and separate law school for Negroes or admit Mr. Sweatt to the University of Texas.⁴⁶ The law school was initially housed in Austin, before it was moved to Houston, Texas.⁴⁷

The law school was formally named the Thurgood Marshall School of Law, on February 14, 1976, in honor of the distinguished former U.S. Supreme Court Justice and the individual who successfully argued Sweatt’s case before the U.S. Supreme Court.

The Law School has consistently been ranked as one of the most diverse in the United States and has the distinct privilege of educating more than eighty percent of Texas’ African-American lawyers.⁴⁸ Moreover, the Law School can rightfully be considered a pioneer in clinical education in the State of Texas, as it was among the first institutions to integrate theory and practice into legal education and one of the first to offer clinical courses as part of its curriculum.

B. History of Thurgood Marshall School of Law’s Clinical Program

1. The late 1940s to 1951: Prisoners’ Letters

The Thurgood Marshall School of Law has continuously operated a clinic since 1960.⁴⁹ Indeed, the clinical program has the distinct privilege of being the oldest at a law school in the City of Houston and among the oldest in the State of Texas.⁵⁰ However, a clinical course was first offered at the Law School in 1948, under the tutelage of Roberson King.⁵¹ It

45. *Id.*

46. *Id.*

47. *Id.*

48. Dan Hurley, *Are Black Law Schools Obsolete?*, *STUDENT LAW.*, Mar. 1984, at 12.

49. Ernest Scott, Jr., *Legal Aid Clinic: The Law Student’s Workshop*, *TEX. S. U. SCH. L. NEWS*, May 1964, at 2. There is some dispute regarding the actual date that first clinical course was offered at the law school. Some have argued that a clinical course was initially offered in the mid-1950s. However, the authors were unable to verify this claim.

50. *Id.* In fact, in 1964, there were less than twenty Legal Aid Clinics operating at law schools in the U.S. The Thurgood Marshall School of Law’s clinical program is arguably among some of the oldest clinics in the country.

51. Roberson King was one of the five founding faculty members of the law school. He and Earl Carl were the first two individuals to join the law school’s faculty in 1948. Roberson King received his Bachelors degree from Lincoln University and his law degree from the University of Chicago, and completed graduate law studies at University of Texas. McKen Carrington, *Dedication*, 12 *T. MARSHALL L. REV.* IX, IX (1986).

functioned as one (1) credit hour class, where students would respond to prisoner letters.⁵² Students were responsible for conducting research and drafting responses to prisoner queries.⁵³ All responses were reviewed and approved by an instructor before being mailed to the requestor.⁵⁴

The course was an elective and limited to “senior students.”⁵⁵ The impetus for this course was the opportunity to enhance student research, writing, and analytical skills, while providing a needed service to a disenfranchised community—prisoners.⁵⁶

More importantly, the benefits were immeasurable to senior students.⁵⁷ First and foremost, clinic students were exposed to issues within the criminal justice system and real-life clients and cases.⁵⁸ Moreover, the students gained an opportunity to enhance their individual research and writing skills.⁵⁹ Finally, without question, for a man such as Professor King, dedicated to fighting against societal injustices, the “service component” of the Clinic would have been in keeping with his high ideals, for the clinic provided pro bono service to clients unable to secure representation because of cost, undesirability of the client or matter, or complexity of the problem.⁶⁰

52. Interview with Otis King, T. Marshall Sch. of Law, in Hous., Tex. (Aug. 23, 2011). The clinic provided legal assistance, but did not represent any clients. The information provided to students was solely in correspondence with prisoners. The students conducted no client interviews and all research and letter drafting was conducted at the Law School.

53. *Id.* Interview with Lonnie Gooden, Assist. Law Professor, T. Marshall Sch. of Law, in Hous., Tex. (Sept. 7, 2011).

54. *Id.*

55. *Id.*

56. Interview with Otis King, *supra* note 54.

57. 2L and 3L students were then referred to as “juniors” or “seniors.”

58. Interview with Otis King, *supra* note 54.

59. *Id.*

60. One notable case won by Roberson King involved the eventual desegregation of a beach in Galveston, Texas. Professor Roberson served as lead counsel, representing four African-American dentists, who sought to use park facilities at Sylvan Beach. It took three years, but the plaintiffs ultimately prevailed. Jim Criswell, *Sylvan Beach Park Segregation Ended*, HOUS. POST, Feb. 1, 1962, at 1,7. Professor King was also one of five appellate counsel in *Conley v. Gibson*, 355 U.S. 41 (1957), a U.S. Supreme Court decision where the court held that general allegations of discrimination were sufficient to fulfill the FRCP 8 requirement of a “short plain statement.” At the time Roberson was chosen to serve as appellate counsel, he was already a well-regarded civil rights attorney, known for his expertise in labor law. He strongly advocated the use of labor law in advocating for equal rights for African-American union members. Andrew I. Gavil, *Civil Rights and Civil Procedure: The Legacy of Conley v. Gibson*, 52 How. L.J. 1 (2008).

Unfortunately, in 1951, the Legal Aid Clinic course was removed from the course catalog and no longer offered at the law school. There are no documented reasons provided for this particular action. However, the removal of the Legal Aid Clinic course was accompanied by an increase in “practice” or “simulation” courses.

2. *The 1960s: Re-Emergence of the Legal Aid Clinic*

In 1960, clinical education was re-incorporated into the curriculum and the Legal Aid Clinic was reinstated.⁶¹ It was the only university run Legal Aid Clinic in the City of Houston, providing pro bono legal services to the poor and training to students in the legal problems of the poor. Remarkably, the clinic’s assistance was not limited by geographic location. The clinic’s services were available “to anyone in the nation provided they [were] indigent.”⁶²

Moreover, the clinic was now considered an integral part of the school’s legal training of students, “affording . . . students one of the most worthwhile courses in the entire curriculum.”⁶³

In providing practical opportunities to enrollees, the Clinic fulfilled the Law School’s mission of training black lawyers to be “familiar with the particular problems of low-income groups and sensitive to the particular needs of minority groups.”⁶⁴

From 1960 to the mid-1960s, the clinic was supervised by Professor Ramon A. Klitzke, an Associate Professor on the law school’s faculty.⁶⁵

61. Interview with Lonnie Gooden, *supra* note 55. The Clinic handled cases in Family Law—divorce, change of name, child support, and adoptions; Criminal Law; Post Conviction Remedies; and Social Security Benefits. See Scott, Jr., *supra* note 51, at 2, 11.

62. Scott, Jr., *supra* note 51. In 1964, the Legal Aid Clinic rendered services to residents in California, Florida, New Jersey, and Texas. In the 1960s, it was also notable that the Clinic’s services were available to anyone, regardless of “race, creed, or color.” *Id.* This availability of legal services by a clinical program—nationally—predated by almost thirty years, Yeshiva University’s Benjamin Cardozo School of Law’s Innocence Project. The Innocence Project, founded in 1992 by Barry Scheck and Peter J. Neufield, assists prisoners seeking to prove their innocence through DNA evidence, in all fifty states in the U.S. See About the Innocence Project, INNOCENCEPROJECT.ORG, <http://www.innocenceproject.org/about/> (last visited Oct. 26, 2013).

63. Scott, Jr., *supra* note 51.

64. Earl Carl, Training More Negro Lawyers: Maintaining Pluralistic Legal Education and Enriching Training For Legal Services For The Poor: A Proposal Submitted by Texas Southern University of Law, p. 35 (March 1967) (on file with author).

65. Scott, Jr., *supra* note 51; see also Edieth Y. Wu, Houston Law Schools in 1963: Thurgood Marshall School of Law, HOUS. LAW., Nov.-Dec. 2003, at 19, 20.

The number of students enrolled in the clinic was limited to no more than (2) students per semester and each was required to devote approximately four (4) hours per week to their respective caseloads.⁶⁶ Even with the small number of hours, the clinic handled a “tremendous amount of cases.”⁶⁷

As enrollees, students were expected to “interview clients, perform research, prepare petitions, learn where the dockets and courts are, [and] prepare decrees.”⁶⁸ Students were not allowed to sign pleadings and could not conduct examination of witnesses.⁶⁹ Nonetheless, students were still expected to accompany the Director or “cooperating attorneys” to court to observe arguments in their assigned cases.⁷⁰ The benefits of the Clinic, if not readily apparent to the Administration, were fully recognized by the student enrollees, in particular, one student author, who eloquently wrote: “God bless those who had the wisdom and foresight to see the need for this workshop which is appropriately described as Texas Southern University’s Legal Aid Clinic.”⁷¹

By 1967, experiential learning programs at the Law School included the Legal Aid Clinic and clinical “partnerships” with the U.S. Attorney’s Office and the Houston Legal Foundation.⁷² In the same year, the Law School proposed expanding clinical offerings by adding an externship program.

A summer internship program was proposed to provide an additional skills course.⁷³ As designed, the summer internship was opened to rising 3Ls, “whereby practical coursework [would] be combined with actual contact with the legal problems of the poor.”⁷⁴ It was expected that summer interns would continue their clinical training in the fall semester, by participating in either the Legal Aid Clinic or clinical partnerships, thereby enhancing and reinforcing their legal training.⁷⁵

66. Scott Jr., *supra* note 51. The clinic operated two days a week, two hours a day, from 3:00 pm to 5:00 pm.

67. *Id.* An article, written in 1964, reports that, “one senior, Charles Guidry, had within eight weeks worked on his thirty-fifth case. Another senior, Ben Taylor, had with the same period worked on his forty-first case.” *Id.* at 11.

68. *Id.*

69. Interview with Lonnie Gooden, *supra* note 55.

70. *Id.*

71. Scott, Jr., *supra* note 51 at 11.

72. Earl Carl, *Training More Negro Lawyers*, *supra* note 66

73. *Id.*

74. *Id.*

75. *Id.* at 30, 35.

In 1968, after serving as part-time faculty, Otis King—a graduate of the law school—was hired as a full-time faculty member, responsible for supervising the Clinic.⁷⁶ Under his direction, the Clinic hours were significantly expanded, operating Monday through Friday, 8 am to 5 pm.⁷⁷ On rare occasions, the Clinic operated during evening hours, with students expected to interview any “walk ins.”⁷⁸

Expansion of the clinic’s operating hours was only the beginning of changes implemented under Professor King’s tenure. Adjunct faculty was hired to supervise student attorneys, which in turn, allowed for an increase in student enrollees.⁷⁹

Student enrollees, closely supervised by King or the adjunct,⁸⁰ were responsible for “all aspects of client representation, short of signing pleadings and in-court examination of clients.”⁸¹ Unfortunately, instruction was limited. In an effort to foster independent learning, students were expected to discern proper interviewing technique, and the preparation of the proper documents.⁸² The role of the supervising attorney was not to tell the student “how to do it,” but correct students if they did not perform tasks properly.⁸³ The “process” employed by clinical faculty was to encourage students to “figure it out for themselves.”⁸⁴

76. Interview with Otis King, *supra* note 54. King remained with the Law School until 1969, when he was named a Ford Foundation Fellow in Clinical Legal Education at Harvard University. In 1970, he was awarded an LLM from Harvard University.

77. *Id.*

78. *Id.*

79. *Id.*

80. *Id.* In 1964, Mark McDonald, a licensed attorney, was hired as an assistant law professor and served as Director of the Legal Aid Clinic. He primarily handled small matters such as traffic tickets or prisoner’s letters.

81. Interview with Lonnie Gooden, *supra* note 55. Since Texas did not have a Student Practices Act, any opportunity for students to represent clients at hearings was done only with the permission of the court—and those were exceptionally rare. Even with those limited prospects, clinic enrollees received needed practical training in client representation.

82. *Id.*

83. *Id.*

84. *Id.*

3. 1970s: New Funding and the Growth and Modernization of the Clinical Program

The 1970s brought increased and new funding for the clinical program.⁸⁵ In 1970, Thurgood Marshall School of Law was awarded an eight-semester grant, for the period from September 1970 to May 1974, from the Council on Legal Education and Professional Responsibility⁸⁶ (“CLEPR”)—the first HBCU law school to receive a grant.⁸⁷ As a result of the funding, the Law School obtained an off-site⁸⁸ office space—the Community Legal Services Center—and hired two additional staff attorneys⁸⁹ to supervise students in the Legal Aid Clinic and the newly created Criminal-Post Conviction Remedies Project.⁹⁰ This particular off-site center also housed the “Preventive Law Center”—a law school project, supervised by Professor Eugene Harrington and staffed by law students.⁹¹

85. In 1971, the 62nd Legislature amended existing legislation, related to the practice of law, to allow “bona fide law students, attending a law school approved by the Supreme Court who has completed two-thirds of the required curriculum for graduation as computed on an hourly basis, may, with the consent of the presiding judge, assist licensed attorneys in the trial of cases.” S.B. 66, 62d Leg., Reg. Sess. (Tex. 1971).

86. See CALIPH JOHNSON, T. MARSHALL SCH. OF LAW, PROPOSAL TO COUNCIL ON LEGAL EDUCATION FOR PROFESSIONAL RESPONSIBILITY 5 (1978); see also J.P. Ogilvy, Celebrating CLEPR’s 40th Anniversary: The Early Development of Clinic Legal Education and Legal Ethics Instruction in U.S. Law Schools, 16 CLINICAL L. REV. 1, 14 (2009). Remarkably, the Ford Foundation—mainstay of support for CLEPR—was the primary source of funding for the law school in the law 1960s. As the state decreased funding, the Ford Foundation—in recognition of the role that the law school played in educating the majority of African-American and Latino lawyers in the state—awarded the school a \$700,000 five year grant. See OTIS H. KING, T. MARSHALL SCH. OF LAW, THE THURGOOD MARSHALL SCHOOL OF LAW: A STATEMENT OF FACT (on file with author).

87. TEX. S. UNIV., INSTITUTIONAL SELF-STUDY REPORT SCHOOL OF LAW 140–46 (1980) (on file with author). Interview with Otis King, *supra* note 22; see also URBAN THRUST AT TSU LAW, 1972 at 4 (on file with author).

88. Prior to the CLEPR grant, the law school’s Legal Aid was housed in one small room, with two desks and one typewriter. Space was extremely limited, reducing the number of individuals—clients, faculty, and students—who could utilize the office. The new office site was located at 2208 Blodgett.

89. Lonnie Gooden and Warnell Williams were hired to supervise students in the Community Legal Services Center. Lonnie Gooden, a graduate of the Law School, also benefitted from the educational opportunities provided by the Legal Aid Clinic. He was an enrollee while a junior. Interview with Lonnie Gooden, *supra* note 55.

90. Interview with Otis King, *supra* note 54.

91. Interview with Lonnie Gooden, *supra* note 55. The Preventive Law Center provided legal assistance and counseling to individual clients, specifically for the purpose of avoiding litigation, by reviewing draft contracts, leases and guiding client decision making. One “beneficiary” of the Center is Professor Constance Fain, who served as a student assistant in

Established in 1971, with funding from a \$125,000 multi-year Model Cities⁹² grant, the Preventative Law Center (hereinafter “PLC”) was designed to educate low-income clients on anticipating and avoiding legal problems in the areas of housing, consumer, and welfare law.⁹³ The services of the PLC were limited to one of the following: (1) interviewing the client to determine if a “situation” exists requiring investigation and “education,” (2) assisting the client with administrative remedies or complaints, if a violation of some law existed and/or (3) referral of the matter to a pro bono attorney, if legal action was required or referral to an administrative agency for resolution.⁹⁴

In 1974, the Law School obtained a grant from the U.S. Equal Employment Opportunity Commission (“EEOC”) for the creation of another clinic, the Southwest Institute for Equal Employment, supervised by Caliph Johnson and Caroline Cormier.⁹⁵ This particular clinic was situated in a building separate and apart from the clinical offices. The Southwest Institute litigated employment discrimination cases on behalf of plaintiffs.⁹⁶ In 1977, pursuant to an agreement with the EEOC, the Clinic’s scope of performance was modified to allow it to assist the EEOC with backlog reduction, litigation, and resolution of matters.⁹⁷

the Housing Division of the Center. See Constance Fain, Earl Carl Professor of Law, T. MARSHALL SCH. OF LAW, http://www.tsulaw.edu/faculty/profiles/Fain_Constance/main_profile.html (last visited Mar. 5, 2014); see also Interview with Constance Fain, Earl Carl Professor of Law, T. Marshall Sch. of Law, in Hous., Tex. (Oct. 14, 2013). The Preventative Law Center was not a clinic. Internship at the PLC was considered “work-study,” with students provided small stipends for work conducted in the Center. However, the training for students was relatively similar to the clinical program, with in-house work closely supervised by Professor Harrington. Students conducted intake interviews, researched issues, drafted memoranda, and counseled clients on avoiding litigation. *Id.*

92. The Model Cities Program was authorized on November 3, 1966 by the Demonstration Cities and Metropolitan Development Act of 1966. The purpose of the program was to increase public and private efforts to eliminate urban blight. See Charles E. Olken, *Economic Development in the Model Cities Program*, 36 *LAW & CONTEMP. PROBS.* 205, 205–206 (1971).

93. *The New Texas Southern University Preventative Law Center*, *FORWARD TIMES*, Mar. 13, 1972, at p. A2.

94. *Id.*

95. Interview with Otis King, *supra* note 54; see also About Caliph Johnson, Principal-Professor-Attorney, SW. INST. FOR DISPUTE RES., <http://www.swidr.com/Legal.html> (last visited May 11, 2011).

96. SW. INST. FOR DISPUTE RES., *supra* note 97.

97. CALIPH JOHNSON, T. MARSHALL SCH. OF LAW, SW. INST. FOR EQUAL EMP’T, *FINAL REPORT ON INTEGRATING LAW SCHOOLS AND PRIVATE BAR PANELS INTO THE EQUAL OPPORTUNITY ENFORCEMENT MACHINERY* (1977).

This growth trend—new faculty, new offerings, new clinics—continued unabated, particularly in the area of “externships.” In the mid-1970s, the clinical program was revised to include both in-house clinics and internship opportunities.⁹⁸ Students had their choice of Civil or Criminal Internships with placements at any of the following agencies or organizations: Gulf Coast Legal Foundation, Centro de Immigracio de Houston, American Civil Liberties Union, Harris County District Attorneys’ Office, and the U.S. Public Defender, Southern District of Texas.⁹⁹

In addition to fundamental restructuring of the program to include “externships,” there was a pedagogical shift in the clinic as it related to “instruction.” The original model of training was based on students “figuring it out for themselves.” In the mid-1970s, however, the clinic added a bi-weekly comprehensive orientation and clinical seminar, which students were required to enroll, in conjunction with clinical offerings.¹⁰⁰

Nineteen seventy-five proved to be a pivotal year for the Law School and the Clinic. The Law School’s new building was completed, and the clinic offices were moved from its off-site facility to the Law School.¹⁰¹ In fact, the offices were situated on the first floor, allowing potential clients close access to the street and adjacent parking lots.¹⁰²

The same year, then-Dean Otis King provided testimony to the Appropriations Committee for the Texas House of Representatives on legal education, in particular on the importance of clinical education.¹⁰³ Dean King’s testimony was further buttressed by the remarks of Chief Justice of the Texas State Supreme Court, Joe Greenhill, on the importance of providing funding to state law schools to support and advance clinical education.¹⁰⁴ In fact, Justice Greenhill testified: “You may want to

98. Clinical Program, T. MARSHALL SCH. OF LAW, BLACK AM. LAW STUDENTS ASS’N (T. Marshall Sch. of Law, Hous., Tex.), 1976 (on file with author). In 1976, the clinic course offerings included: Legal Aid I & II; Title VII Litigation; Civil Internship; and Criminal Internship.

99. *Id.*

100. *Id.*

101. Interview with Otis King, *supra* note 54.

102. *Id.*

103. *Id.*

104. H.R. JOURNAL, 66th Leg., Reg. Sess., at 294 (Tex. 1979). Justice Greenhill’s support, as well as his testimony before the Texas legislature was instrumental in the law school obtaining a special appropriation for finding of its nascent clinical program. See Gwendolyn A. Bookman, Foreword: A Tribute to Chief Justice Joe R. Greenhill, T. MARSHALL L. REV. (SPECIAL ISSUE) (1983).

consider this in your deliberations as to law schools so that at least those who want to go into the courtrooms will have the opportunity for proper training. Otherwise, they get on-the-job training at the expense of their clients and the judicial system.”¹⁰⁵ Justice Greenhill often likened the necessity of training law students to the training of medical students.¹⁰⁶

As a result of King and Greenhill’s testimony, the state added a line item in the university’s budget, specifically for the law school’s legal aid clinic.¹⁰⁷ Moreover, the legislature allocated a significant amount—approximately \$95,000 in funding—for the Clinic, allowing the law school to greatly expand staff and clinic offerings.¹⁰⁸

Funding from CLEPR also allowed the school to construct and equip a state-of-the-art Moot Court room, complete with cameras to film law students presenting oral arguments.¹⁰⁹ Said tapes were then reviewed and performances critiqued to assist in improving oral advocacy.¹¹⁰

More importantly, however, was the shift by the Law School towards fully integrating clinical education into the law school curriculum. For instance, the Law School received a substantial grant from the U.S. Department of Health, Education, and Welfare, to fund its most ambitious clinical project, “Integrated Curriculum Module for Clinical Legal Education.”¹¹¹ The project’s purpose was to develop a model that would: (a) bring about greater integration among the clinical program components and (b) integrate clinical and non-clinical courses. Pursuant to this program, non-clinical and clinical faculty supervised, taught, and trained students enrolled in the project.¹¹²

105. *Id.*

106. Interview with Otis King, *supra* note 54.

107. *Id.*; see also COUNCIL ON LEGAL EDUC. FOR PROF’L RESPONSIBILITY, LAW SCHOOL TEACHING CLINICS: PLANS AND PICTURES 76–77 (1977).

108. Interview with Otis King, *supra* note 54. The clinical program would continue to receive substantial funding from the state legislature throughout the decade. For instance, the clinic was appropriated \$104,680—FY 1976-77; \$141,000—FY 1977-78; \$150,000—FY 1978-79; \$150,000—FY 1979-80; and \$150,000—FY 1980-81. See TEX. S. UNIV., *supra* note 89, at 141.

109. Interview with Otis King, *supra* note 54; see also CALIPH JOHNSON, T. MARSHALL SCH. OF LAW, PROPOSAL TO COUNCIL ON LEGAL EDUCATION FOR PROFESSIONAL RESPONSIBILITY (1978).

110. *Id.*

111. T. MARSHALL SCH. OF LAW, BLACK AM. LAW STUDENTS ASS’N, *supra* note 100.

112. *Id.*

4. 1980s-1990s: *The Rise of a “Law Firm” Model of Client Representation and the Perils of “Soft Money”*

As the decade began and a new dean was installed, the law school continued to receive substantial grant funding for its clinical program. For instance, in 1981, the law school received a grant from the U.S. Department of Education to fund a program entitled “Implementation of the Law School Clinical Experience Project: Development of Lawyer Skills through the Preparation and Trial of Actual and Simulated Cases and Controversies.”¹¹³ The same year, the law school offered a new pilot clinical course—the Street Law Clinic—managed and taught by Professor Andrew W. Carruthers.¹¹⁴ Street Law offered students a different tact in legal training. Rather than “advising or counseling clients,” enrollees would provide civics lectures to local high school students. This semester only course was limited to third year students, who—under the supervision of the course instructor—prepared and provided lectures to students at Worthing High and Jefferson Davis High School on subject matters such as, “Criminal Law and the Juvenile Justice System, consumer law, family law, housing law, individual rights including freedom of speech, press, association and assembly.”¹¹⁵

In the early 1980s, the clinical program was staffed by two assistant law professors—Lonnie Gooden and Jesse M. Bethel, Jr.¹¹⁶ In 1983, J.P. “Sandy” Ogilvy was hired as an assistant professor—on tenure track—to teach clinical courses.¹¹⁷ The clinical program was no longer handling criminal cases,¹¹⁸ and the only live-client clinic was the general practice

113. Law Student Division: Annual Update of Texas Law Schools, 44 TEX. B.J. 86, 91 (1981).

114. *Id.* In 1983, the course would be taught and supervised by Professor Charles Chatham.

115. Marie Youngblood, 17 Enrolled in Clinicals, THE SOLICITOR (T. Marshall Sch. of Law, Hous., Tex.), March 1983, at 4.

116. Jesse M. Bethel was the Director of the Clinical Law Program.

117. Interview with J.P. Ogilvy, Assist. Professor, T. Marshall Sch. of Law, in Hous., Tex. (Sept. 27, 2011); see also Ogilvy and Rogers Join Faculty, T. MARSHALL REGUSTUS, 1983, at 4 (on file with author).

118. While “criminal cases” were no longer accepted through the Legal Aid Clinic, the Law School offered experiential opportunities through the Criminal Clinical Internship. See Youngblood, *supra* note 117, at 4. Between 1983 and 1985, the Criminal Clinical Internship and Street Law Clinic(s) were supervised by Professor Charles Chapman. *Id.* Students were assigned to prosecutors in either the Felony or Misdemeanor divisions of Harris County District Attorney’s Office. *Id.* Student interns were expected to handle a wide variety of tasks and sat “second chair” behind the prosecuting attorney. The students were required to

Legal Aid Clinic.¹¹⁹ Essentially, any civil cases referred or forwarded to the Clinic—by the courts or other agencies—were accepted.¹²⁰ Ogilvy, a former Legal Aid staff attorney, with an LLM in Advocacy from Georgetown University’s School of Law, pushed for limiting the types of cases accepted.¹²¹ He strongly favored moving the clinic towards more specialized areas of the law, such as unemployment compensation and social security disability.¹²²

a. Applied Legal Studies Program/ “Community Legal Services”

The law school’s commitment to clinical education—under the direction of Dean James Douglas¹²³—was clearly demonstrated in an increase in resources afforded the program.¹²⁴ For instance, the clinical program was staffed by three full-time clinicians—Ogilvy, Bethel,¹²⁵ and Gooden and one faculty member—James Beard. As noted by Ogilvy, “[c]linical studies offer[ed] the student an excellent opportunity to synthesize and to apply the enormous body of knowledge gained in the first two years of legal studies.”¹²⁶ Further, the clinic’s enrollment was limited to a small number of students. As envisioned, the low faculty to student

meet with Professor Chapman at least three times a week, to discuss aspects of the case matter and to assist in preparing and/or providing instruction to students to meet their duties. *Id.*

119. Interview with Lonnie Gooden, *supra* note 55. In addition to in-house clinics, the program also offered externship(s) in both civil and criminal. Civil externship placements included the U.S. Magistrates, Gulf Coast Legal Foundation, Harris County Attorneys’ Office, and Neighborhood Justice Center. Criminal externships were limited to Harris County District Attorneys’ Office. See Lawrence Nwora, *Clinical Program Abounds*, *THE SOLICITOR* (T. Marshall Sch. of Law, Hous. Tex.), Oct. 1983, at 6.

120. Interview with J.P. Ogilvy, *supra* note 119.

121. Larry Fitzgerald, *Legal Clinic: Out of the Classroom and Into Reality*, *THE SOLICITOR* (T. Marshall Sch. of Law, Hous., Tex.), Feb. 1984, at 5.

122. *Id.*

123. James M. Douglas recounted one of his first “acts” as Dean—attending the swearing-in of several TMSL graduates, who had recently passed the July 1981 Texas bar exam and his concern after learning that each new attorney had “hearings the next morning.” Dean Douglas returned to the law school, resolved to revise the curriculum to aid in creating “practice ready” graduates and improve the law school’s bar passage rate. Interview with James M. Douglas, Dean, T. Marshall Sch. of Law, in Hous., Tex., (Oct. 14, 2013).

124. Lawrence Nwora, *supra* note 121.

125. Professor Bethel, a graduate of UC Berkley, with a JD from Syracuse University, served as Director of Clinical Programs from the early to mid-eighties. During the same time, he also served as Assistant Attorney General for the Government of the U.S. Virgin Islands.

126. Lawrence Nwora, *supra* note 121.

ratio afforded greater attention to individual goals and development, significant improving learning outcomes and ensuring “practice ready” graduates.¹²⁷

The clinical program’s move to unemployment compensation and social security disability—while limiting—ensured a certain level of reliability.¹²⁸ Instead of the “hit or miss” of walk-in cases, where students were rarely guaranteed evidentiary hearings or trials, unemployment compensation or social security disability matters assured student attorneys a full case load, with at least one evidentiary hearing, and semester long cases—beginning with client intake interviews and ended with settlements or hearings.¹²⁹

Each of the three clinical faculty professors was involved in the day-to-day operations of the clinic.¹³⁰ However, students were still ultimately responsible for the “cases” and their own “learning.”¹³¹ As noted by Ogilvy: “Both in supervisory sessions and in staff meetings, we plan to spend time on increasing the students’ personal self-consciousness and deliberativeness and on becoming more aware of the impact of the interpersonal relationships on how work proceeds or conflicts are resolved.”¹³²

The clinic, a semester-long six credit course, was open to second and third year students.¹³³ The fundamental goal of the clinical program was to “enable students to leave . . . with a developed capacity for problem solving.”¹³⁴ A combination of practicum and seminar afforded students an opportunity to hone advocacy skills, while providing representation to indigent clients.¹³⁵ As designed, students—often paired in teams of two—were required to meet in a two hour weekly “staff meeting” to practice direct and cross examination techniques in a “simulated setting” and discuss ethical concerns in their individual cases.¹³⁶ Moreover, each student

127. Id.

128. Id.

129. Id.

130. Fitzgerald, *supra* note 123; see also J.P. Ogilvy, A Guide to Clinical Legal Studies: Programs at Thurgood Marshall School of Law, *THE SOLICITOR* (T. Marshall Sch. of Law, Hous., Tex.), Nov. 1985, at 5.

131. Fitzgerald, *supra* note 123.

132. Id.

133. Id.

134. Id.

135. Id.

136. Id.

attorney was expected to meet weekly with a faculty advisor to discuss their cases and “work through specific problems in more detail.”¹³⁷

Enrollment in the clinic was by application, all of which were reviewed by the clinic faculty, in determining which students were accepted for each semester.¹³⁸ The number of student enrollees enabled clinical faculty to better plan and facilitate case intake in preparation for the new semester(s).¹³⁹

The end result of clinic—as envisioned by the Clinical faculty—was not to teach substantive law, but provide instruction in the “skills of legal practice.”¹⁴⁰ It was expected that while students would develop a better understanding of law and procedure in the areas of social security disability and unemployment compensation, more invaluable were the “body of skills” learned that could be applied to solving any problem, regardless of the area of law.¹⁴¹ As noted by Ogilvy: “In this clinic, the student truly beings to make the transition from the role of law student to the role of lawyer.”

*b. Tax Clinic*¹⁴²

At its inception, the Tax Clinic was a yearlong course.¹⁴³ Students enrolled for three credits per semester and were required to complete basic federal tax.¹⁴⁴ The course was limited to approximately 5-8 third-year students each year.¹⁴⁵ Professor James Beard¹⁴⁶ supervised the clinic and

137. *Id.*

138. *Id.*

139. *Id.*

140. Interview with J.P. Ogilvy, *supra* note 119.

141. *Id.*

142. The Tax Clinic was created with seed funding from a private grant. The years following, it would be primarily supported by and through state funding. See Interview with James W. Beard, Assoc. Professor of Law, T. Marshall Sch. of Law, in Hous., Tex. (Nov. 7, 2013). The clinic received substantial requests for assistance, approximately fifty more or so monthly. See also T. MARSHALL REGUSTUS, 1985, at 2 (on file with author).

143. Interview with J.P. Ogilvy, *supra* note 119; see also T. MARSHALL SCH. OF LAW, TEX. S. UNIV., DEAN'S ANNUAL REPORT 1986–1987 (1987) (on file with author). The Clinic operated from 1984 to 1992. It was originally designed to be a 12-month clinic, but then was later modified to be a semester long clinic, operating only during the Fall and Spring semesters.

144. Interview with J.P. Ogilvy, *supra* note 119.

145. *Id.*

146. In the early 1980s, Professor Beard also supervised the VITA program, which was sponsored by the American Bar Association, Law Student Division and the Internal Revenue

provided instruction in the following skills: “interviewing, counseling, negotiation, and hearing presentation.” Instruction was also provided in the “processes and procedures” of the Internal Revenue Service.

Student attorneys in the tax clinic represented and/or assisted individuals with “tax problems,” by either providing counseling and advice or representing the client in an administrative hearing before an IRS official or an evidentiary hearing in Tax Court.¹⁴⁷ Throughout, each student’s work was closely supervised by Professor Beard, ensuring an “intensive” educational experience.¹⁴⁸

c. Elderly Law Clinic and the School Law Clinic

In the mid-1980s, Ogilvy was successful in obtaining grants from the Legal Services Corporation and the U.S. Department of Education, resulting in the creation of two additional practices/clinics—the Elderly Law Clinic,¹⁴⁹ supervised by Catherine Mahern and the School Law Clinic, supervised by Nora Hernandez.¹⁵⁰ The typical client was low-income, or in the case of Elderly Law Clinic, senior citizen(s).¹⁵¹

The Elderly Law Clinic was a three credit-hour one semester course, with limited enrollment—small numbers ensured “intensive” yet “closely supervised educational experience(s).”¹⁵² In fact, only 3Ls were allowed to enroll in the Elderly Law Clinic. The clinic was designed to “provide each student with an intensive ‘real client’ educational experience and . . .

Service. Student volunteers received training in the preparation of tax returns and following successful completion of a skills test, provided assistance to the low income, aging, or those persons with “problems speaking and understanding English.” According to Professor Beard, volunteers helped “those individuals who otherwise would have to go to a commercial preparer and pay the fee.” See Kassy Hickey, *Free Tax Service Available at Law School*, *THE SOLICITOR* (T. Marshall Sch. of Law, Hous., Tex.), Feb. 1983, at 1, 6.

147. Ogilvy, *supra* note 132. The clinic provided one hour of free legal counsel to clients and, if necessary, represented clients before the IRS. However, unlike students in other live-client clinics that generally received student bar cards to participate in clinical opportunities, enrollees in the Tax Clinic received “special orders” from the Internal Revenue Service, allowing them to practice before the agency. See *T. MARSHALL REGUSTUS*, *supra* note 144.

148. Hickey, *supra* note 148.

149. The Elderly Law Clinic was initially funded by a two-year grant from the Legal Services Corporation obtained in 1985. In 1987, the clinic’s funding was continued—as a fee for service contract—with the Houston-Harris County Area Agency on Aging.

150. Ogilvy, *supra* note 132

151. Interview with Catherine Mahern, Managing Att’y Elderly Law Clinic, T. Marshall Sch. of Law, in Hous., Tex. (Sept. 8, 2011).

152. Ogilvy, *supra* note 132.

provide much needed services to a segment of the low income elderly community in Houston.”¹⁵³ As a part of their required duties, students were expected to present “preventative law lectures” to senior citizens and legal assistance in areas such as “wills, consumer problems, housing, and tax problems”¹⁵⁴

The School Law Clinic was similarly designed as the Elderly Law Clinic, three credit hour semester-only clinic limited to 3Ls. Students received instruction in substantive and procedural law as it related to assisting and/or representing parents, with learning disabled school aged children, through the individual education program (hereinafter “IEP”) process.¹⁵⁵ The program’s main success was the draft and publication of a “School Law Manual,” addressing legal issues faced by parents of school aged children in public schools.¹⁵⁶

By the time Ogilvy “transitioned” out of the clinic to teach doctrinal courses, the Clinic had four (4) clinicians—L. Darnell Weeden,¹⁵⁷ Nora Hernandez, Lonnie Gooden, and Catherine Mahern.¹⁵⁸ During Ogilvy’s tenure with the clinical program, each of the clinics had an average of eight students, working in teams of two (2).¹⁵⁹ Each student was expected to devote approximately 180-200 hours per semester to their cases, approximately 12-15 hours per week which included class time, research, meeting with the managing attorneys and with clients.

Unfortunately, as grants expired or revenue streams were terminated, each of the clinics funded—Elderly Law and School Law—ceased operations. Such was the advantages and disadvantages of “soft funds”—new opportunities and new clinics were quickly introduced and staff retained, only for funds to end abruptly, staff re-assigned to other existing clinics or discharged from the Law School.

Soft funds promoted an explosive growth in experiential opportunities at the Law School and needed services for impacted and indigent recipients

153. Id.

154. Id.

155. Id.

156. Id.

157. L.Darnell Weeden was hired as Director of the Clinical Program and served as such, from 1989 to 1992.

158. Id. Mahern supervised the Elderly Law Clinic, until her departure in 1995. Victoria Dawson, hired to manage the Homeless Clinic, succeeded Mahern as Managing Attorney. Interview with Victoria Dawson, Managing Att’y Elderly Law Clinic, T. Marshall Sch. of Law, in Hous., Tex. (Sept. 7, 2011).

159. Interview with J.P. Ogilvy, *supra* note 119.

in Harris County. However, funds only became available and remained available as certain “issues” gained prominence with funding agencies, recognizing emergent needs for legal services to particular communities. Such was the case with the clinics added in the 1990s.

d. Homeless Advocacy Law Clinic, AIDS Clinic, and the Environmental Justice Clinic

The Clinical Program, through a combination of state funds and grants from state and federal agencies, had grown to include the following live client clinics: Juvenile Law Clinic, Homeless Advocacy Law Clinic, the AIDS Clinic, and the Environmental Justice Clinic.¹⁶⁰

*i. Homeless Advocacy Law Clinic*¹⁶¹

The Homeless Advocacy Clinic was primarily funded by a three year \$200,000 grant from the U.S. Department of Education, though in later years, it received funding from other sources.¹⁶² It quickly grew into one of the largest and most popular clinics.¹⁶³ At its inception, Kate Marsh, an Assistant Professor and eventual director of the Clinical Program, taught the classroom component,¹⁶⁴ while the practicum was supervised by Staff Attorney Victoria Dawson.¹⁶⁵ The Clinic was limited to third year students.¹⁶⁶ Unlike the more traditional in-house live client clinics, where student attorneys met with my clients on-site, the Homeless Clinic operated

160. *Id.*

161. In 1990, pursuant a \$16,000.00 shared grant from Texas Equal Access to Justice Foundation, Thurgood Marshall School of Law, Gulf Coast Legal Foundation, Houston Volunteer Lawyers Program, and the South Texas College of Law formed a consortium to provide legal assistance to Houston’s homeless. T. MARSHALL SCH. OF LAW, HOMELESS ADVOCACY CLINIC (1993); see also Melinda Smith, Legal Community Pools Resources, 54 TEX. B.J. 1129 (1991).

162. Melinda Smith, Homeless Clinic Provides Valuable Lessons: Living Hand to Mouth, 54 TEX. B.J. 1128 (1991). The grant provided for a full-time staff attorney, support staff, and a half-time professor.

163. *Id.*

164. Marsh employed “role-playing, open discussion, and lectures” to develop and enhance student skill sets. Moreover, guest speakers were invited to discuss the various agencies that assisted the homeless and/or discuss the issue of homeless, in general. *Id.*

165. *Id.*

166. *Id.*

at least four times a week from homeless shelters around Houston.¹⁶⁷ The clinic not only provided instruction in the areas of interviewing, counseling, fact analysis, and negotiation, it “sensitize[ed] students to the special concerns of the homeless and the poor.”¹⁶⁸

During the first two years of operations, the Clinic handled more than one hundred cases in such diverse areas of the law as: family law (divorce, custody), guardianship, personal injury, social security disability, foreclosure, landlord/tenant, criminal law (misdemeanor), and student loan default.¹⁶⁹ The Clinic handled approximately fifty or more cases per semester.¹⁷⁰

In 1993, April Walker, a former City of Houston Assistant City Attorney, was hired to manage the Homeless Advocacy Law Clinic.¹⁷¹ Until it ceased operations in 1998, the Homeless Advocacy Law Clinic was “staffed” by approximately 12-15 students per semester. Three hours a week was devoted to the class component of the clinic, with students meeting with Professor Walker on Monday, Wednesday, and Friday for one hour each session and taught both procedural and substantive law. The remaining two days of the week—Tuesdays and Thursdays—were devoted to visits to the various shelters. During the eight years it remained an integral part of the clinic program, student attorneys—under the supervision of Victoria Dawson, F. Kate Marsh, and April Walker—visited the Star of Hope, Harbor Light and the Salvation Army homeless shelters—providing assistance to hundreds of homeless men and women.

Indeed, the homeless issue was more than a job or school related issue for the Law School community. Exposure to the issue prompted a number of law school graduates to direct their careers towards public service, with a few of the clinic’s interns participating in fundraisers to benefit the homeless.¹⁷² The clinic’s work also had a profound effect on the staff, prompting research on ethical issues facing representation of the homeless,

167. *Id.* As noted by Professor Marsh, “Our clinic is unique in that our clients don’t generally come to us—they’re transients. We go to them through shelter providers.” *Id.*; see also Pamela Franklin & Jacqueline Habersham, *Legal Help for the Homeless*, *THE SOLICITOR* (T. Marshall Sch. of Law, Hous., Tex.), Mar. 1992, at 16.

168. Smith, *supra* note 164.

169. Franklin & Habersham, *supra* note 169; see also Interview with April Walker, Assoc. Professor of Law, T. Marshall Sch. of Law, in Hous., Tex. (Sept. 7, 2011).

170. *Id.*

171. Interview with April Walker, *supra* note 171.

172. Smith, *supra* note 164 at 1128.

as well as a national survey of attorneys providing assistance to homeless.¹⁷³

ii. AIDS Legal Clinic and Juvenile Law Clinic

The two clinics with the shortest duration of operations were the: (a) AIDS Legal Clinic and (b) Juvenile Law Clinic. Both received small grants from state agencies, but remained in operation for only two years.¹⁷⁴ The funding for both of these clinics provided for salaries for support staff and a supervising attorney. However, when funding ceased, so did the operations at both clinics.¹⁷⁵ Both followed the same general format of clinical courses at the Law School, but each introduced student interns to burgeoning areas of the law where there was a substantial need for assistance—“effective, comprehensive, and compassionate representation” of HIV/AIDS infected persons and assistance to youth charged with criminal offenses (misdemeanors).

While South Texas College of Law provided assistance to HIV/AIDS infected persons through its Social Security and Disability Clinic, Thurgood Marshall operated the only legal clinic in Houston, and possibly in the State of Texas, dedicated to providing assistance to this target population.

iii. Environmental Law & Justice Clinic (hereinafter “ELJC”)

The Environmental Justice Clinic (hereinafter “EJC”) was first offered as a course, rather than a clinic, under the tutelage of Grover G. Hankins. Prior to being hired as an associate professor at the Law School in 1993, Professor Hankins served as the Deputy General Counsel of the U.S. Department of Health and Human Services in the George H.W. Bush Administration and—before that appointment—as the National General Counsel of the N.A.A.C.P.¹⁷⁶ Professor Hankins taught courses in Environmental Law and Trial Advocacy.¹⁷⁷

In 1994, Professor Hankins received a small grant from the United States Environmental Protection Agency to provide education and outreach

173. *Id.* at 1129

174. Interview with Victoria Dawson, *supra* note 160.

175. *Id.*

176. Professor Grover G. Hankins and the Environmental Justice Clinic, T. MARSHALL REGUSTUS, Spring 1996, at 8.

177. *Id.*

to impacted low income and minority communities in Texas. Eventually, a practicum or clinic was designed and additional grants allowed for the hiring of legal staff, including a Staff Attorney, Community Organizer, Paralegal and Legal Secretary.

When it commenced operations in 1994, the EJC was the first and only environmental clinic in the State of Texas, providing assistance to low income and/or minority communities fighting environmental inequities, particularly in the siting of toxic or hazardous land uses. Indeed, the EJC was the only environmental justice clinic at an HBCU. While the Clinic's initial funding allowed only assistance to communities in Texas, it would ultimately represent or assist numerous community groups throughout the South, including communities in Arkansas, South Carolina, Georgia, and Alabama.

In 2000, the EJC—originally conceived and operated a stand-alone clinic—was placed under the auspices of the overall clinical program. However, unlike previous soft money funded clinics, recognizing the benefits of the clinic and the training opportunities afforded students, the EJC's staff was moved to state funding once soft money funding ended.

In 2002, the EJC was renamed the Environmental Law & Justice Center and removed as a clinical offering, and operated—instead—as an outreach center and legal assistance project. In 2005, the EJC was once again placed under the direction and control of the clinical program.

After more than a decade of providing assistance to minority communities throughout Texas and the Gulf Coast region, the ELJC's operations were ultimately concluded in 2007—but not before the Clinic assisted two (2) community clients resolve siting and operations issues through “Good Neighbor Agreements,” between the respective community clients and the adjacent land uses, addressing beautification initiatives, creation and maintenance of buffers, information sharing, and future planning for uses post-closure.

e. Expanding Externships and clinical opportunities with an “international” flair

i. Hybrid Law Clinics

In 1991, the Clinical program began offering “hybrid” clinical opportunities through a partnership with Gulf Coast Legal Foundation. For instance, student interns gained valuable practice legal experience through

the Family Law or the Housing Law Clinic(s), supervised by adjunct faculty.¹⁷⁸

The “hybrids” differed from the “traditional” internship opportunities offered in the Civil and Criminal Externships. As discussed, *infra*, the Housing and Family Law Clinics seminars were taught in conjunction with existing legal services organization, while the Civil and Criminal Externs were placed with county, state, and federal agencies and their work primarily supervised by agency personnel. Moreover, the pedagogical approach found in law school run and operated clinics, yet often missing from externships, was employed in the “hybrids”—seminars that provided training in substantive and procedural law, simulation exercises, and skills training coupled with practical experience.

In truth, these courses were fairly similar to the “live-client” clinics, except that while seminar courses were taught at the law school, the practicum aspect of the clinic was off-site at Gulf Coast Legal Foundation’s offices.¹⁷⁹ Each semester, 15 to 20 students interned at Gulf Coast’s offices, devoting 12-15 hours per week to real clients with real problems. More importantly, students were able “to take a case, under the supervision of one of the [Foundation’s] from initial interview through final resolution of the problem, be it by settlement or trial.”¹⁸⁰ Similar to in-house clinics, third year bar practice cards allowed students to participate in trials, under the supervision of a licensed attorney.¹⁸¹ And, in rare circumstances and only in the Justice of the Peace courts, student attorneys were allowed to conduct an entire trial without attorney supervision—though this was only done after consent by the client and extensive training of the student.¹⁸²

This relationship was mutually beneficial to the law schools and Gulf Coast. The law school’s clinical programs offered additional clinical opportunities and skills training to its students and Gulf Coast supplemented its staff of 44 attorneys, with additional legal staff.¹⁸³

178. Robert C. Sohns, Practical Experience for Law Students Outside of the Classroom, *THE SOLICITOR* (T. Marshall Sch. of Law, Hous., Tex.), Apr. 1996, at 10–11. Robert Sohns, an attorney with Gulf Coast Legal Foundation, provided instruction in Housing Law, in addition to supervising interns in the Housing Law Clinic. Dwayne Bilton provided instruction and supervision to students in the Family Law Clinic. While the “hybrids” were relatively new to Thurgood Marshall School of Law, initially offered in 1991, this type of clinical opportunity existed at University of Houston since the 1970s.

179. *Id.*

180. *Id.*

181. *Id.*

182. *Id.*

183. *Id.*

ii. Judicial Externships

In the early 1990s, the externship program was expanded to include judicial clerkship opportunities. The Judicial Externship Program was a six credit hour one semester course, limited to 3Ls—with superior academic credentials. The purpose of the externship was to enhance student opportunities for clerkships upon graduation. The seminar component was taught by a faculty member, who served in an oversight, rather than supervisory role. In the classroom component, students “review[ed] the structure of the federal court and state appellate court systems, examine[d] the Judicial Code of Ethics and ethical problems arising out of the judicial clerkship experience, and discussion of current legal issues facing the judiciary.”¹⁸⁴ Student also received advanced training in legal writing and research.¹⁸⁵

Students were required to devote 20 hours per week, during the Fall and Spring semester and 30 hours per week during the Summer semester, engaging in legal research, observing court proceedings, and drafting of legal memoranda.¹⁸⁶

iii. Externships with an “international” component

In 1999, the clinical program—in conjunction with various consulates located in Houston—began offering a ‘Diplomatic Law Clinic,’ where foreign nationals with a variety legal issues—family, landlord/tenant, consumer—were referred for assistance.¹⁸⁷ This clinic provided students with an opportunity “to develop professional skills in understanding the practice of the consulate” but exposed them to a variety of legal issues and matters.

Additionally, in 2000, the Thurgood Marshall School of Law, under the direction of then Dean John Brittain, entered into a Memorandum of Understanding (“MOU”) with the Deans and Principals of Norman Manley Law School, University of West Indies in Kingston, Jamaica; Florida Coastal School of Law, in Jacksonville, Florida; and Nova Southeastern University, Shepard Broad Law Center, in Fort Lauderdale, Florida for the

184. See What is the Judicial Externship Program?, T. MARSHALL REGUSTUS, Spring 1993, at 2–3.

185. *Id.*

186. *Id.*

187. *Id.*

creation of the American Caribbean Law Institute.¹⁸⁸ Each of the ACLI member institutes offers and operates a Caribbean Law Clinic (“CLC”), providing clinical students an opportunity to collaborate with students from other US law schools and the Caribbean on issues referred by Ministries of Justice in the Caribbean.¹⁸⁹

iv. 2003 to the Present: Social Justice and “traditional” Legal Services

In 2003, Morris Overstreet, a former judge on the Texas Criminal Court of Appeals, assumed the directorship of the Clinic.¹⁹⁰ Under his tenure, the Clinic was restructured to provide more “traditional” services to the public and training to students more likely to pursue careers as solo practitioners.¹⁹¹ Clinics such as Street Law, the Caribbean Law Clinic, and the Diplomatic Clinic were phased out or modified to classes, and the Clinic, utilizing a “law firm” model, offered services in the following areas: Immigration, Housing, and Criminal Misdemeanor Defense.¹⁹² Finally, the clinical program was formally re-named the Clinical Legal Studies Program.

aa. Reorganization of the individual clinics; introduction of a “lecture” course

The newly designed clinical course was now comprised of two discrete parts: (1) a practicum and (2) a seminar. The “practicum” component was four (4) credits, while the “trial practice” class was two (2) credits.¹⁹³ Students were required to register for both courses. Unlike previous clinics, managing attorneys were hired—on hard money—as “clinical instructors”

188. *Id.*; see also ACLI History, FLA. COASTAL SCH. OF LAW, <https://www.fcsl.edu/content/acli/history> (last visited May 11, 2013).

189. *Id.*; see also Caribbean Law Clinic, FLA. COASTAL SCH. OF LAW, <https://www.fcsl.edu/content/acli/caribbean-law-clinic> (last visited May 11, 2013).

190. Interview with Morris Overstreet, Former Judge, Tex. Crim. App., in Hous., Tex. (Aug. 18, 2005).

191. *Id.*

192. *Id.*

193. Prior to 2003, a single clinical course was a 6 credit hour course. Judge Overstreet revised the clinical offerings, “separating” the lecture from the practicum. As regards, the in-house clinics, the practicum was separately awarded 4 credit hours, while the lecture was awarded 2 credit hours. As regard the Externships, the “practicum” was awarded 3 credit hours, while the lecture was awarded 2 credit hours.

and retained on a nine (9) month basis.¹⁹⁴ Moreover, none of the Clinics offered were funded with grants—ensuring permanence and continuity.

More importantly, unlike previous clinics, where faculty supervised course instruction and staff attorneys supervised students in their client representation, managing attorneys were responsible for supervision of student enrollees and instruction in both substantive and procedural law.

The lecture courses were graded separately from the practicum and while the practicum was limited to 3L enrollees only, 2Ls or 3Ls could enroll in the “trial practice” lecture course and receive instruction in substantive and procedural law. Further, externs were required to enroll in a trial practice seminar in the particular practice area, e.g. Civil and Judicial Externs were required to enroll in Civil Trial Practice.

This re-orienting of externs and interns in the same trial practice proved problematic, as lectures had to be designed to generally discuss overarching themes and issue, rather than focus on substantive and procedural issues for a particular course. It certainly proved problematic for the two practice areas under the auspices of the Administrative Clinic—Environmental Justice Clinic and Immigration Law.

While this approach may have fostered “team teaching,” it required instructors to provide “general” instruction on the broad subject of administrative law. With the emergence of a new director,¹⁹⁵ the trial practice component of the Administrative Clinics was ultimately re-organized and each clinical instructor provided individual instruction on the particular subject matter to their respective interns.

The approach of re-orienting was also employed in relation to the Civil Clinics—Family, Landlord/Tenant, or Wills, Probate and Guardianship—but in a different method. The twice weekly trial practice course was team taught by Professors Cartwright and Harmon. However, one class a week was a joint seminar devoted to general rules of state civil procedure e.g., pleadings, discovery, motions hearings, and trial—while substantive law was taught separately by each instructor.

In 2012, with the emergence of the Mediation Clinic, the trial practice seminars were once again reorganized, with each Clinic assigned a separate trial practice, and the syllabi aligned to the particular practice e.g. Mediation Trial Practice for the Mediation Clinic and Probate & Guardianship Trial Practice for the Wills, Probate & Guardianship Clinic.

194. Interview with Morris Overstreet, *supra* note 192.

195. Lydia Johnson was appointed Clinical Director in 2006.

While taxing, these separate trial practice seminars allowed clinical faculty greater leeway in instructing interns on substantive and procedural law, as well as providing skills training—interviewing, counseling, negotiation, and fact investigation and analysis—within that practice area.

*bb. New Clinical Offerings: Wills, Probate, & Guardianship Clinic and the Mediation Clinics*¹⁹⁶

In 2007, the Wills, Probate and Guardianship Clinic was launched and the Mediation Clinic commenced operations in 2011. As conceived, the Wills, Probate, & Guardianship Clinic provides assistance in all areas of estate planning, probate, and guardianship, with all casework handled primarily in the probate courts of the various surrounding counties. The Mediation Clinic, supervised by a Managing Attorney and certified mediator, is staffed entirely by student mediators. Cases are regularly referred by the EEOC, Justice of the Peace Courts, and the Better Business Bureau.

cc. Clinical Faculty and Tenure

In 2003, clinical faculty—with the exception of the Director—was initially hired on year-to-year nine month contracts—and all classified as instructors with no voting rights, nor allowed to participate in governance. In 2005, following the resignation of the first managing attorney of the Immigration Law Clinic, Mary Nicole Morrison, the position of Immigration Law Clinic managing attorney was re-classified as Assistant

196. In 2007, a new clinical course—the Innocence Project—was offered at the Law School. The Innocence Project is the only soft money funded clinic, with its operational budget entirely funded by a grant from the State of Texas Legislature. As designed, the Innocence Project employs a full-time managing attorney, supervising the work of enrolled student attorneys investigating claims of innocence by incarcerated inmates, alleging wrongful conviction. The Project's mission is two-fold: (1) identify inmates wrongfully convicted, provide legal representation to secure their release and (2) provide Thurgood Marshall law students with a rewarding educational experience. Additionally, the project provides outreach education to the general public on the issue of wrongful convictions. In 2009, however, the Innocence Project, still a clinical course, was placed under the control of the law school's Earl Carl Institute for Legal & Social Policy, Inc. (ECI). It is now a part of the ECI's Center for Criminal Justice, which works to foster a fair system of justice through "research, analysis, collaboration and litigation." The center employs an interdisciplinary approach to addressing problems in the criminal justice system that disproportionately impacts the urban community.

Professor—visiting, with Maurice Hew hired to this position. He would later be appointed to the faculty as the first clinical Assistant Professor.¹⁹⁷

Two of the three clinicians, Lydia Johnson and Thelma Harmon, were ultimately placed on long term contracts, but remained at the position of “instructor.” It would be another three (3) years before Martina Cartwright, managing attorney for the EJC and then the Wills, Probate and Guardianship Clinic, was placed on a long term contract—also at the level of instructor.

However, despite long term contracts, no voting rights were afforded the clinical faculty and the instructors could participate in law school governance—but in a limited fashion, allowed to participate as members of faculty committees, but unable to vote on issues or initiatives presented to the full faculty.

The introduction of a new administration, under the auspices of Dean Danye Holley, resulted in all positions within the clinic converted to tenure track and in 2010, the remaining clinicians—Professors Cartwright, Johnson, and Harmon—were ultimately appointed as Assistant Law Professors.

dd. Externships

Similar to the live-client clinic interns, externs were also required to enroll in a trial practice class. However, the only practice classes available to externs were the courses offered for students in the live client clinic. Accordingly, externs in the Criminal Externship were required to enroll in Criminal Trial Practice; Judicial Externs and Civil Externs were required to enroll in Civil Trial Practice. Moreover, each of the Managing Attorneys—with the exception of Professor Hew—served as supervisors for particular externships, i.e. Professor Johnson, as Managing Attorney for the Criminal Law Clinic also served as supervisor for the Criminal Externship, Professor Cartwright supervised the Judicial Externs, while Professor Harmon supervised the Civil Externship.

In 2012, Stephanie Ledesma, a well known and highly regarded Child Welfare Law Specialist (CWLS) and certified mediator, was appointed to the faculty and named to the position of Coordinator of Experiential

197. Professor Hew was recently awarded tenure in 2012.

Learning.¹⁹⁸ In that capacity, Professor Ledesma is responsible for the law school's trial advocacy program and the Externship program. As a result, all extern courses were re-aligned and supervision and instruction of all externs—whether Criminal, Civil, or Judicial—are handled by Professor Ledesma.

III. THE FUTURE OF CLINICAL EDUCATION AT THURGOOD MARSHALL SCHOOL OF LAW

The dual mission of the Thurgood Marshall clinical program remains to provide students with practical legal experience and training, coupled with high quality legal services to communities historically underrepresented. More importantly, however, the work of the Clinic creates a positive awareness of Texas Southern University and Thurgood Marshall School of Law within the various communities served. The future of the clinical program remains bright, with increased opportunities to serve the law school's dual mission.

A. Live Client Clinic

The overall clinical program recently implemented an integrated computerized case management system, ultimately moving each of the particular clinics towards a paperless system of record keeping. Moreover, the future likely will bring a more unified assessment process of overall student performance, as well as services provided to the greater community. The clinical program—cognizant of its social justice mission—will likely expand its reach to the urban Houston community, with more workshops and outreach opportunities to churches, community centers, civic associations, hospitals and clinics, and various school-related functions.

Each of the clinics—in considering the job market and limited opportunities for graduates—have modified their syllabi to introduce students to different skills or practice areas.¹⁹⁹ Indeed, one or two of the

198. Stephanie Ledesma Curriculum Vitae, T. MARSHALL SCH. OF LAW, http://www.tsulaw.edu/faculty/profiles/Ledesma_Stephanie/Stephanie_Ledesma_CV.pdf (last visited June 29, 2013).

199. The bulk of TSU graduates tend to be solo practitioners or partners in two and/or three person firms. See *Career Services*, T. MARSHALL SCH. OF LAW, <http://www.tsulaw.edu/career/index.html> (last visited Mar. 28, 2014).

clinics—in addition to offering a more diverse level of client based services—have included post-graduate mentoring opportunities to former clinical students. For instance, the Criminal Law Clinic offers a post-graduation mentorship program, where newly licensed attorneys are “paired” with more experienced alumni in furthering their “training” in the area of criminal law and procedure.²⁰⁰ Professor Johnson, managing attorney for the Criminal Law Clinic, noted that TMSL graduates are more likely to be solo practitioners or start two or three attorney law firms.²⁰¹ To that end, she met with newly licensed attorneys to gauge areas of need as it pertained to practicing in the criminal courts in a three county area (Harris, Galveston, and Fort Bend).²⁰² Few newly licensed attorneys were aware of the benefits or risks of such tools as pretrial diversion or deferred adjudication.²⁰³ Many were familiar or slightly familiar with expunction or nondisclosures.²⁰⁴ Fewer still had the requisite experience to handle felony cases, and were likely consigned to misdemeanors.²⁰⁵ Only a handful felt confident enough to consider handling cases in the federal courts.²⁰⁶ And none had considered the possibility of handling appeals to either court(s) of appeals or the Texas Criminal Court of Appeals.²⁰⁷

Professor Johnson identified no less than ten (10) seasoned, qualified former clinicians willing to mentor newly licensed graduates.²⁰⁸ Indeed, she has also mentored a number of her former students, in the area of felony trials. The aim of this informal mentoring program has been to ensure that TMSL graduates develop the requisite skills to handle their cases. But beyond that goal, Professor Johnson believes that more diverse skills, particularly those involving complex criminal cases, ensure economic survival for TMSL graduates.

The Mediation Clinic, supervised by Professor Thelma Harmon, has also sought to expand opportunities for its enrollees. The Mediation Clinic accepts referrals from the following entities/agencies: EEOC, Justice of the

200. Interview with Lydia Johnson, Assist. Professor of Law Clinic, T. Marshall Sch. of Law, in Hous., Tex. (June 3, 2012).

201. *Id.*

202. *Id.*

203. *Id.*

204. *Id.*

205. *Id.*

206. *Id.*

207. *Id.*

208. *Id.*

Peace Courts, and the BBB.²⁰⁹ The last two semesters have seen an expansion in the number of cases from the EEOC, with a reduction of cases referred by other agencies. Accordingly, the clinic's training has been primarily focused on employment-related issues.²¹⁰ Student mediators have been exposed to the following issues: workplace harassment; disability accommodation; employment at-will/wrongful discharge; and age discrimination.²¹¹ Professor Harmon, a certified Family Law mediator, has sought cases from other referring agencies and/or courts to expand the practice areas to which student mediators are exposed; increasing employment opportunities of TMSL trained mediators.²¹²

The Wills, Probate, & Guardianship Clinic, supervised by Martina E. Cartwright, has begun moving toward incorporating a paperless system of record keeping of application documents, attorney notes and memos, estate planning documents, and all pleadings filed on behalf of clients.²¹³ This effort is in keeping with recent moves by the county and district courts to comply with orders from the Texas Supreme Court, effective January 1, 2014, that all pleadings be filed electronically.²¹⁴ Consequently, student attorneys are being trained in creating and maintaining a "paperless" office as a part of their law office practice management.

Similar to the Criminal Clinic, the Wills, Probate, & Guardianship Clinic has also commenced a nascent mentorship program, pairing new graduates with attorneys practicing in the Probate Courts. This ensures that newly licensed attorneys are further guided and shown proper protocols of practice before the probate courts.

B. Externship

Under the guidance of Professor Ledesma, externship opportunities have greatly been expanded. The goal of the externship program is to immerse TMSL students in experiential settings that will likely influence

209. Interview with Thelma Harmon, Assist. Professor of Law Clinic, T. Marshall Sch. of Law, in Hous., Tex. (June 3, 2013).

210. *Id.*

211. *Id.*

212. *Id.*

213. Interview with Martina Cartwright, Assist. Professor of Law-Clinic, T. Marshall Sch. of Law, in Hous., Tex. (June 3, 2013).

214. Harris County Civil District Clerk's Mandated E-Filing Orders. See Civil Online Filing, HARRIS CNTY. DIST. CLERK, <http://www.hcdistrictclerk.com/Common/Civil/EFileFAQ.aspx> (last visited July 7, 2013).

their perspective on employment prospects, challenging externs to achieve objectives otherwise not considered possible.²¹⁵ For instance, the average TMSL graduate expects to open a solo or two or three person practice, focused on traditional practices of law in the areas of civil, criminal, and family law.²¹⁶ To that end, Professor Ledesma has been successful in securing externship opportunities for TMSL students at the U.S. Department of the Treasury, the U.S. Internal Revenue Service, the U.S. Attorneys' Office, U.S. Bankruptcy Court for the Southern District of Texas—Houston Division, a state legislative lobbying group, in addition to the usual sites with the Texas Attorney General's Office, Harris County Attorney's Office, and various city agencies.²¹⁷ In addition to gaining enhanced legal writing and analytical skills, the externship program offers students an opportunity to gain firsthand knowledge of specific practice areas of the law; observe legal ethics in a real world setting; and refines their professional skills.²¹⁸ More importantly, however, is the chance for students to network and develop professional contacts beyond law school that can likely ease a student's transition from law school into the practice of law.²¹⁹

C. Community Outreach and Education: Raising Awareness and the Profile of the Law School

Clinical professors regularly host “workshops” or outreach to impacted communities, providing salient legal advice and raising the profile of the program, the law school, and ultimately the University. In the last year, a number of presentations have been made to various church groups, community associations, and schools on issues ranging from expunction to the visitation rights of grandparents to the importance of alternatives to guardianships (i.e. medical powers of attorney and statutory durable powers of attorney).

In response to former clients' concerns regarding the effect of “arrest records” for dismissed or acquitted cases on the ability to obtain

215. Interview with Stephanie Ledesma, Assist. Professor of Law, T. Marshall Sch. of Law, in Hous., Tex. (July 9, 2013).

216. *Id.*

217. *Id.*

218. Externship Brochure, T. MARSHALL SCH. OF LAW, http://www.tsulaw.edu/clinic/ExternshipDocs/Externship_Brochure_v2.pdf (last visited on July 9, 2013).

219. *Id.*

employment, the Criminal Clinic did outreach workshops regarding the efficacy of “nondisclosure” and expunction. One well publicized event resulted in over fifteen hundred attendees.²²⁰ Recognizing a real need in the community, approximately a year ago, the Criminal Law Clinic began offering services in the area of expunction and nondisclosure applications—a boon to those seeking employment in tough economic times.

CONCLUSION

The Thurgood Marshall School of Law’s Clinical Legal Studies Program continues the work of Roberson King, the indefatigable fighter for rights. It continues the work of Otis King, who presided over modernization and expansion of the law school’s clinical program. It continues the work of countless advocates, activists, and proponents of incorporating practical training into legal education.

The program is built on a strong foundation of providing quality legal services to the underrepresented, while training the lawyers of the future. It has survived numerous challenges—insufficient funding, limited resources, yet it has succeeded against the odds. Still, challenges remain! There must be constant and consistent improvement to clinical teaching methodology. Standards for quality clinical education should be consistently assessed and revised to ensure that graduates are adequately prepared for the practice of law. Moreover, the commitment of the clinical program to providing quality education necessitates closer working relationship with the local and state bar, as well as non-clinical faculty. Finally, there must be a concerted and sustained effort to fully integrate clinical teaching methodology into the law school curriculum.

In so doing, the institutions re-affirms its commitment to graduating “practice-ready” lawyers and providing legal services to the disadvantaged—a worthy legacy of the Kings—Professor Roberson King and Dean Otis King.

220. Fallbrook Church Second Chance Ministry (KHOU television broadcast Jan. 9, 2012), available at <http://www.youtube.com/watch?v=MM27tns-0Lc>.