

## Legal Aid Clinic Marks 40th Anniversary

By Robert J. Dieter, Director of the Legal Aid and Defender Program

The Legal Aid and Defender Program, a popular and thriving component of the Law School's curriculum, marks its fortieth anniversary this academic year. Since it was formed in 1948, more than twenty-three hundred students have participated in the Clinic representing tens of thousands of disadvantaged persons who would not have been able to afford representation. Each year the Clinic represents more than twelve hundred clients and prepares more than sixty law students for a more successful professional life.

Forty years ago, the Legal Aid Clinic began on a \$750 budget and was treated as an extra curricular activity. There was no formal faculty supervision and students received no academic credit for participation. Today, law students are closely supervised by four full-time faculty, they receive credit for Clinic work and attend formal classes to get structured training in "lawyering skills" and professional responsibility. Students use word processors, computer-interactive videodiscs, videotape recorders and computerized research data bases as a part of their curriculum.

Although clinical education has undergone significant change over the past forty years, two aspects have remain constant: the Clinic has continued to provide quality legal services to those too poor to otherwise afford a lawyer, and it has continued to provide practical training to prepare law students.

### The 1940s and 1950s

In 1948, Professor Clyde O. Martz obtained approval from the Colorado Supreme Court confirming authorization for CU's law students to practice law under the *Student Practice Rule*, now C.R.C.P. 226, and thereby launched the Clinic into operation. The first Clinic was run by a student board of directors with John J. Pickett ('49) as its first chairman. Second-year students, as "junior partners," worked under the tutelage of third-year students for at least one semester, and on the basis of interest and ability were promoted to "senior partners," eventually eligible for election to the Board of Directors when vacancies occurred. This format continued until the 1960s, when the Law School hired full-time faculty to



1988-1989 staff and students of the Legal Aid and Defender Program



supervise students who by then were serving as counsel of record in a larger and larger number of contested court proceedings.

The Clinic was praised early on by Dean Edward C. King for "bridging the gap" between the theory and practice of law. During the 1950s, the board divided the Clinic into five departments: Legal Research Bureau, which prepared memoranda for local attorneys, not having adequate libraries; the public Welfare Department, which handled mostly domestic relations cases; the Public Defender's Committee, which handled criminal matters and acted as *amicus curiae* interrogator for the local justice of the peace; the Clinic Department, which handled all other cases; and a department which aided local attorneys in the preparation of cases going to trial.

By the late 1950s, domestic relations and criminal actions comprised the majority of the Clinic's court cases although landlord-tenant, contracts, torts, and other miscellaneous disputes were also handled. The case load, which grew about thirty percent a year, reached three hundred thirty-nine cases by 1959. Students acted as counsel of record in about thirty-eight cases. The rest were referred to the Boulder County Bar Association or closed after consultation and advice.

The biggest change during the 1950s was the approval by the faculty of a proposal to award academic credit to Clinic participants. Before 1959, quality work done by Clinic students was recognized by excusing them from participation in the then-mandatory moot court program. The proposal to award credit, approved in 1959, gave academic credit to students who participated in the Clinic for four semesters, having put in a minimum of one hundred hours on practical legal problems. Students were required to be in the Clinic a minimum of four days per semester and to prepare one case brief, trial brief or legal memorandum of high quality in order to receive credit.

In 1959, the Clinic moved with the Law School from the Old Guggenheim Building and settled in rooms furnished with donations from Joanne Land in honor of her husband Walter P. Land.

In the annual report, **William P. DeMoulin** ('60), then Chairman of the student Board of Directors, and now president of the Colorado Bar Association and a Jefferson County District Court Judge, correctly prophesied that the Clinic was "now in a position from which growth and successful operation will be assured."

## The 1960s

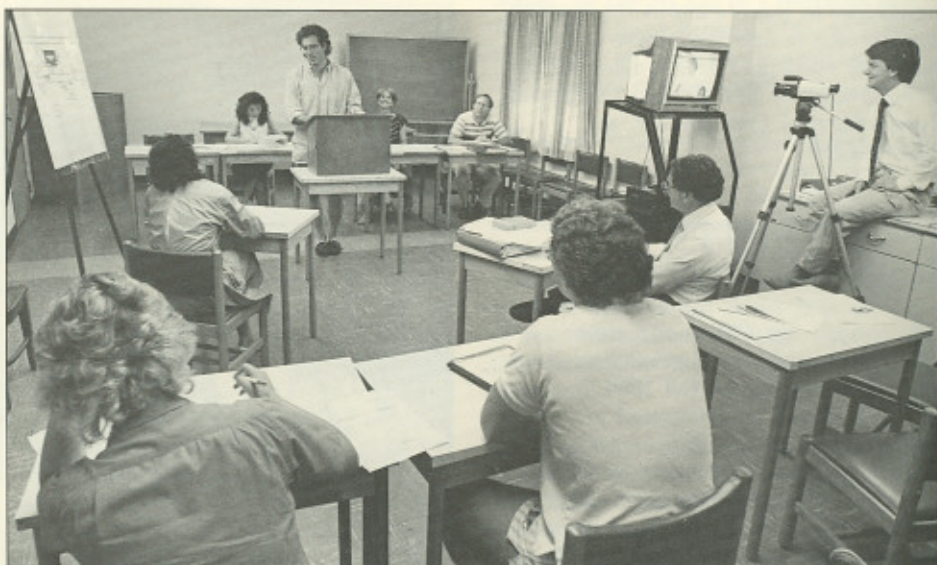
Reflective of the times, the Clinic underwent many changes during this decade. The caseload increased, and the Clinic moved into the mainstream of the School's curriculum. The indigency standard for the Clinic's clients was revised to minimize competition with the private bar.

The decade's most significant change came in 1962, when the Law School hired Selma Raphaelson as the first full-time supervisor for the Clinic. Before 1962, students relied on Law School faculty, usually Professor **William O. DeSouchet** ('48), the Clinic's long-time chief advisor and attorney of record. Other faculty who provided support were Professors **Courtland H. Peterson** ('53), **Howard C. Klemme** ('54) and Douglas Parker. When Professor DeSouchet retired in 1961, the need for a full-time attorney to supervise the Clinic became apparent, and Selma Raphaelson was hired. Ms. Raphaelson, retired from her practice in Cleveland,

Ohio, was charged with advising the staff, facilitating the Clinic's day to day operations and supervising court appearances by students. She worked at the Clinic until **Jessee L. Near** ('62) succeeded her.

The following year, 1963, brought a change in credit requirements and the addition of a new clinical program—the Assigned Counsel Program. (Years later, the civil-oriented Legal Aid Clinic and the criminal-oriented Assigned Counsel Program merged to become the Legal Aid and Defender Program which continues today.) Students were permitted to earn either one or two hours credit, depending on the amount of work done, and the faculty abolished the writing requirement.

Through the Assigned Counsel Program, students participated in criminal defense work in state and federal courts. The program, which began primarily because there was no public defender system in Colorado at that time, was initiated and run by Jim R. Carrigan, now United States District Court Judge, who acted as the attorney of record. Drug cases were numerous in the 1960's and, in one noteworthy case, Judge Carrigan and students from the program represented twelve CU students charged with possession and use of marijuana. The student-lawyers successfully moved to have the statute under which the defendants were charged



Videotape training session for students of the Legal Aid and Defender Program



declared unconstitutional by then Boulder District Judge **William E. Buck** ('34). In Federal District Court, students assisted court-appointed attorneys representing indigent defendants accused of federal crimes.

The Clinic was one of the few in the nation in the 1960s whose student counsel actually took part in the trial of cases. Also, members of the Assigned Counsel Program were among the first to sign pleadings in the United States Supreme Court when former Colorado Supreme Court Justice **William D. Neighbors** ('65), with the assistance of Dean King, appealed a case to the Court. Students in the Clinic were also busy in the 1960s preparing cases for appeal to the Colorado Supreme Court on behalf of imprisoned indigent clients. Students also sued the University over out-of-state tuition guidelines, and did research for a number of attorneys in outlying areas who did not have ready access to a complete library.

In 1966, the Assigned Counsel Program was broadened by a grant which Judge Carrigan secured from the Ford Foundation to formalize the program in conjunction with a seminar in Criminal Practice and Procedure. Previously, only a half-dozen or so students, who were enrolled in the trial practice tactics course, were allowed to participate in the program. Now the number of students participating in criminal defense had grown and the criminal section of the Clinic was finally established. Judge Carrigan left the Law School in 1967, and, when the Ford grant expired in 1969, his successor, Don McDonald, combined the Assigned Counsel Program with the Legal Aid Clinic to create the Legal Aid and Defender Program. He ran the Clinic until 1969, when **John A. Purvis** ('68) was hired.

### The 1970s

In 1970, William M. Cohen was hired as the first full-time faculty-status professor in the Clinic, and Frank N. Dubofsky became Assistant Director. A grant from the Council on Legal Education and Professional Responsibility in 1971 enabled the School to hire Murray Richtel, now a Boulder County District Court Judge, as an Associate Professor and Co-Director of the Clinic. Judge Richtel was in charge of civil cases and Professor Cohen shifted his responsibil-



1959 participants of the Legal Aid and Defender Clinic, including (L-R) **James C. Wilson, Jr.** ('60); **Robert H. Sonheim** ('60); **Ronald C. Jaynes** ('60); **Kenneth C. Groves** ('60); **Roger D. Hunt** ('60); **William P. DeMoulin**, Chair ('60); **Lynn A. Hammond** ('60); **William O. DeSouchet** ('48), Faculty Sponsor; and Douglas Parker, Faculty Sponsor

ity to criminal cases before leaving in 1973. Don Peters followed Frank Dubofsky as the Staff Assistant.

Several other staff attorneys worked with Judge Richtel during the 1970s: Alan H. Friedman, George A. Johnson, Brian Jeffrey, **William J. Redak** ('68), Michael M. Katz, and Roxanne Bailin, now a Boulder County District Court Judge. When Judge Richtel left in 1977, Michael Katz, now the Federal public Defender in Denver, was named Director and served for a year. Judge Bailin assumed the directorship in 1978 working with **Melvin Tatsumi** ('73), Tim A. Correll and Linda Leon as staff attorneys.

The 1970s brought further progress to the Clinic. The purchase of video-taping equipment to record student performances in trial skill exercise class marked a significant milestone. During the early 1970s, students established an out-reach Clinic, El Centro, targeted to represent Spanish speaking persons. Toward the end of the decade, the University established a separate office to counsel and represent University students. Relieved of its obligation to represent CU undergraduates, the Clinic concentrated on providing services to the community at large.

### The 1980s

In the 1980s, the Law School revamped the Clinic to facilitate closer supervision

of students and to emphasize a formal curriculum. There was more stability in staff attorney positions. The student faculty ratio improved, the faculty approved more academic credits, and increased emphasis was placed on the classroom component of the Clinic curriculum. James B. (Jay) Breese and Robert J. Dieter were hired along with Norman Aaronson as staff attorneys, and alumni donations enabled the Clinic to improve the library and purchase a personal computer.

In 1982, the Clinic received a grant from the Department of Education to fund an Institute of Law and Aging. Michael Hockersmith was hired to supervise students in this program which survived only two years before funding ran out.

In 1983, when Roxanne Bailin became a Boulder County Court Judge, Rob Dieter succeeded Judge Bailin as Director. Carol Glowinsky was hired. Jay Breese, now a Denver County Court Judge, was replaced by Jim England, who in turn was succeeded by Martin Gerra and **H. Patrick Furman** ('80).

### The Future

In recent years, the Clinic has not only represented clients in municipal, county and district court, but has appeared in civil and criminal cases in the Colorado Court of Appeals, the Colorado Supreme Court, the United States District Court for Colorado and the United States Court of Appeals. Last spring, fifteen students represented the Mariel Cuban detainees in a special project at the federal penitentiary in Englewood. The Clinic faculty continues to seek ways to provide students a breadth of lawyering experience within an educational context. To recognize students for outstanding service and dedication to the Clinic and its clients, the Clinic faculty recently initiated the Legal Aid Award which is now given annually at the School's Law Day Ceremony.

The Legal Aid and Defender Program is proud of this forty-year tradition of public service and mindful of its educational role. The Law School wishes to acknowledge the dedication of those students who have been a part of this tradition. □