

The current long-hair. . . . trend among the younger generation is not revolutionary, but a "renaissance," according to a New York labor arbitrator, because "longer hair is the traditional mode for men while short hair has historically been the exception."

As reported in the *New York Times*, the arbitrator, Theodore W. Kheel, made the statement in a decision in which he ruled that New York City bus drivers could wear beards and sideburns.

Among the points made:

"All over the world, flowing beards have stood for wisdom, strength and fatherliness.

"In the early civilizations of the Mediterranean, the great men of the mind were all bearded: Abraham, Moses, Jesus, Aristotle, Plato.

"In fiction and folklore, this tradition has been carried over to such varied characters as King Arthur, Father Time and Santa Claus.

"When artists have drawn the face of God, it has often been with a flowing, white beard. The creator was painted this way by Michelangelo in the Sistine chapel.

"Uncle Sam is always drawn with a mustache and a little goat-like chin beard."

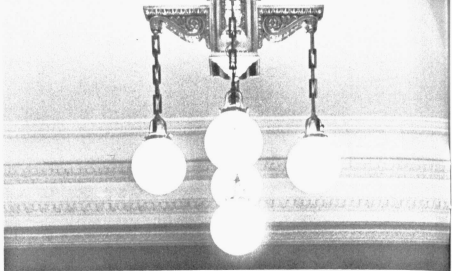
He didn't mention Blackbeard the Pirate. -S. S.

## MISSOURI ALUMNUS

VOLUME 59 NUMBER 4  
JANUARY 1970

The *Missouri Alumnus* is published eight times a year: September, October, November-December, January, February, March-April, May, and June; by the Alumni Association of the University of Missouri-Columbia, 312 Jessup Hall, Columbia, Missouri 65201. Steve Shum, editor; Ginny Glass and Betty Brophy, assistant editors; Paul Bower, staff photographer; Design consultant, Paul Fisher, professor of journalism. Second-class postage paid at Columbia, Missouri, and at additional mailing offices. Annual membership is \$5.

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## THE CASE FOR CLINICAL EXPERIENCE



By Ginny Glass

**A**t the 1969 American Bar Association Convention, Chief Justice Warren Burger called for law schools' devoting far more time to providing students practical experience in dealing with "raw facts and real life problems." Burger contended: "The modern law school is not fulfilling its basic duty to provide society with people-oriented counselors and advocates to meet the expanding needs of our changing world. Rare is the graduate," he said, "who knows how to ask questions—simple, single questions, one at a time, in order to develop facts in evidence either in interviewing a witness or examining him in a courtroom."

An attempt to bridge this gap between the theoretical world of the law student and the techniques and procedures used daily by the lawyer is being made by the Columbia campus School of Law.

Several programs already offer the student some practical experience. Students selected for Law Review gain valuable experience by writing notes on recent cases and comments. For first year students, moot court is required, and for second year students the program is optional. In both instances, the student handles hypothetical appellate cases. Trial practice, a third year course, gives students who are paired together as law partners the experience in carrying a case through the trial stage. An increased number of writing seminars for second and third year students also provides additional experience in legal writing.

Many legal educators feel, however, that this litigation experience, based on the transcript of an actual case or on hypothetical facts, lacks the impact of real life. Clinical training on the Columbia campus brings in the live element.

The step toward increased clinical training for law students was taken in 1964 with the establishment of a criminal law program, now directed by Assistant Professor Gary L. Anderson, a former prosecutor who became interested in this area while a teaching fellow at the Harvard Law School. Eight students work with the prosecuting attorneys in Columbia and Jefferson City and six work with the circuit defender in Columbia for a minimum of eight hours per week. For both courses, a paper is required for one or two hours of credit, depending on the length and topic of the paper. Seminar sessions in both projects are held one hour each week to discuss the students' work and problems of criminal practice.

A good deal of the work in these programs involves research and interviewing clients and witnesses. The law student must respond to these situations in a fundamentally different way than he might respond to a written problem. In clinical experience the facts usually do not come in an orderly sequence as they do in a classroom situation, and the student must learn how to develop his case so he can advise and assist the prosecutor or defender.

Another advantage of student clinical experience



Students in the prosecutor program (opposite page) Harry Jones (left), Robert Linton and Mike Thompson and in the circuit defender program (left), Greg Hoffman and assistant prosecutor Mrs. W. R. Fleming, AB '66, JD '69, have an opportunity to interview clients.

is the increased availability of representation for the indigent. In Columbia, the current circuit defender, W. Hampton Ford, BS BA '58, JD '64, serves on a part-time basis in conjunction with his private practice. With law student assistance on research, interviews and the like, Ford is able to represent more of these non-paying clients.

The need for clinical experience in civil practice also has been recognized by the law faculty. A course in civil clinical practice is scheduled for both next semester and the summer session.

This course will offer the law student several additional areas of practical experience. With Mrs. Joan Krauskopf acting as director and attorney, the students will help the attorney with cases of domestic relations and related areas, including separate maintenance, divorce, support problems, child custody and perhaps matters of juvenile neglect and abandonment. The student, however, will be required to have had or be taking the course in domestic relations.

According to Mrs. Krauskopf, who is a lecturer in law, "The Boone County Bar Association's Referral Committee will determine cases to be handled by law students under my supervision, and the bar association itself will determine indigency."

The clinical program, says Mrs. Krauskopf, will offer the law student increased opportunity to draft petitions, written motions and other legal documents. Each student will be supervised in interview techniques, an area where law students are currently given little training. In the event that the actual caseload does not afford sufficient experience in these skills, Mrs. Krauskopf explains, hypothetical situations or work with practicing attorneys and legal agencies may be utilized.

This pilot clinical course will be limited initially to five second and third year students. In clinical training, the faculty-student ratio needs to be low to have an effective program. Thus, not all students can be exposed to this type of training.

In an effort to broaden this program, the Law School has applied for a grant from the Council on Legal Education for Professional Responsibility (better known as CLEPR). CLEPR officials have said that the organization will allocate funds each year to support clinical law school programs, but applications far exceed available funds.

Another important step in allowing students more active participation in clinical programs in

Missouri law schools would be the adoption of a Missouri Supreme Court rule authorizing third-year students to appear in court as "legal interns." Anderson has submitted a "Proposed Missouri Rule Relative to Legal Assistance by Law Students" and an extensive brief in support of the rule to the Missouri Supreme Court.

The proposed Missouri rule is based on a model rule of the American Bar Association, recently adopted in Kansas and South Dakota. According to Anderson, some 26 jurisdictions have adopted a rule or statute authorizing third year students to appear in court.

The basic safeguard in this proposed rule is the provision that all student activities are to be performed under the supervision of a member of the bar. The student may not receive compensation or remuneration from the indigent person on whose behalf he renders services.

In a practical sense, Anderson feels there is no better way to upgrade the adequacy of representation in general than by giving law students this supervised on-the-job training prior to their entry into practice. "The absence of tutorial experience in a larger law firm or in a public agency for most law school graduates," says a CLEPR folder, "and the absence of this kind of experience in law school, is directly related to a lower standard of performance by so many who have to start practicing faced with the immediate necessity of meeting a payroll."

Perhaps the most pertinent analogy to legal internships is found in the medical profession. As Anderson puts it, unlicensed medical students work regularly in teaching hospitals, always under supervision, but with increasing responsibility for diagnosis and treatment as their clinical experience grows. Thus, the needs of educating medical students for the profession gives them an exemption from what might be the unauthorized practice of medicine if done by other laymen.

Justice Burger compares law students to this situation, doubting that doctors could be adequately trained "simply by having them do autopsies for five years in medical school and then finish up with one course on how to examine, question and diagnose a live patient with a pain."

The clinical practice program on the Columbia campus promises to provide better training for the law student. □