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Clinical Education at Loyola University Chicago School of Law: A Tradition in the Making

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CLINICAL EDUCATION AT LOYOLA UNIVERSITY CHICAGO SCHOOL OF LAW:

A TRADITION IN THE MAKING

By Henry Rose

For most of the Twentieth Century, American legal education was dominated by the case method of instruction. In this method, law students read and discussed appellate court decisions to discern techniques of legal analysis and to distill principles of substantive law. Law students were taught to “think like a lawyer” through the case method of instruction.

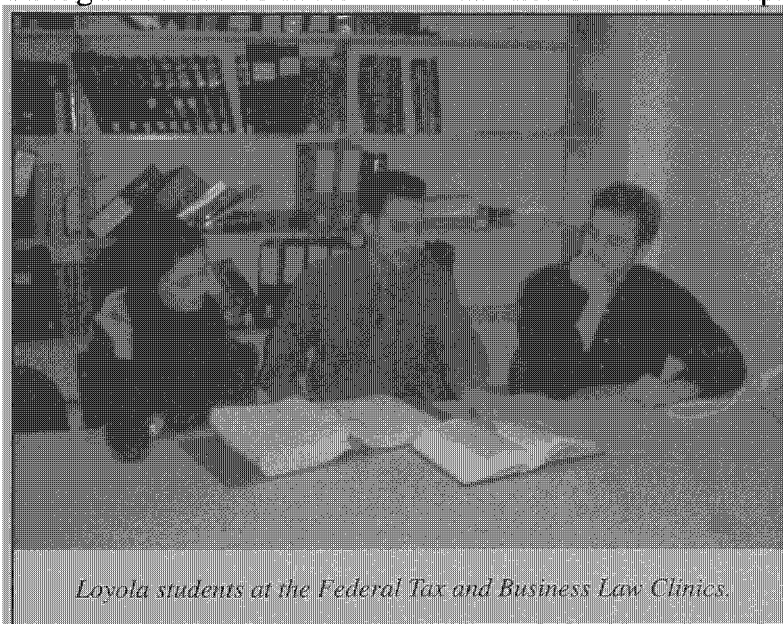
In the 1960s and 1970s, a powerful critique of traditional legal education began to emerge. This critique conceded that the case method taught law students how to analyze cases, research legal principles and argue points of law

other essential lawyering skills were not being taught in American law schools. These skills included client counseling, courtroom advocacy, fact development, negotiation and professionalism. The critique was blunt: it argued that a law school graduate who had not counseled a client, appeared in an advocacy setting on behalf of a client, or negotiated a legal dispute was not adequately prepared to practice law. The critique insisted that only experience representing real clients could fully prepare the law school graduate for legal practice.

The clinical education movement was a response to this critique of traditional legal education. It proposed that law schools create law offices where students could learn the entire range of legal practice skills under the close supervision of experienced practitioners. A law school clinic would be a teaching law office where students would learn important lawyering skills

where students would learn important lawyering skills and needy clients would receive legal representation from the students and their supervising clinical faculty.

In the late 1970s Professor Diane Geraghty, who had received



clinical training when she attended Northwestern University Law School, spearheaded efforts to open a clinic at Loyola Law School. Professor Geraghty advocated for clinical education among law school faculty and university administrators and she actively sought funding to open a clinic. Dean Charles Murdock supported these efforts. In 1980, Dean Murdock and Professor Geraghty's efforts bore fruit when the federal Department of Education provided initial funding for Loyola Law School to open a law clinic.

The first clinic, the Loyola University

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Community Law Center ("LUCLC"), opened its doors in January, 1981 in a storefront location on Broadway Avenue, near the Lake Shore Campus of Loyola. The first two supervising attorneys were Loyola alums, David Hambourger and Joanne Wasem. Students enrolled in the clinic course, community members with civil legal problems were accepted as clients and the clinical teaching model was up and running at Loyola.

The university was quickly confronted with a decision to commit financial resources to the clinic for the long-term. This was a significant decision for the university since clinical legal education is much more expensive than traditional legal education because of lower student-teacher ratios and the overhead expenses of operating a law office. Due to the educational success of the clinic and client satisfaction with its services, University President Raymond Baumhart, S.J., and Vice-President, Ronald Walker, PhD., approved university funding for Loyola's clinic in 1982.

The law school faculty and the university administration decided that the clinic should be directed by a tenure-track faculty member. As an experienced legal aid attorney, I was hired in this position in 1982. One of my first decisions was to relocate the clinic because the first storefront clinic was populated by as many mice as law students. The clinic moved to a space above a pizzeria on Sheridan Road, across the street from Loyola's Lake Shore Campus. Susan Burzawa, a Loyola Law School graduate and one of the clinic's first students, was soon hired with additional federal funds to supervise law students who were assisting clients with unemployment insurance problems. In short order, Loyola's clinic had increased the size of its supervising faculty to three, had expanded both the number of clients it could serve and the number of students it could educate, had obtained space more suitable to a teaching law office setting and had become secure in the university's financial commitment to clinical legal education.

Professor Nina Appel replaced Professor Murdock as law school dean in 1983

and Dean Appel expressed her support for clinical education at Loyola. Dean Appel and I both believed that it was important that the clinic serve clients who could not afford legal representation. Consequently, the clinic focused on problems that bedeviled poor residents of Chicago, such as consumer, disability, family, housing and unemployment. The hope was that the experience of law students representing clients who, for example, had no telephone would sensitize the students to the legal needs of the poor and would encourage them to perform *pro bono* work upon graduation.

Dean Appel and I also concluded that the clinic needed to be located in closer proximity to the law school. One day, we literally walked the neighborhood west of the law school to try to locate suitable office space for the clinic. What we discovered to our dismay was that private office space near the law school was prohibitively expensive. It was at this time, however, that divine intervention came to the clinic's aid.

I had noticed that Catholic Charities operated a large social service center on LaSalle Drive, three blocks from the law school. I called Father Edwin Conway, then the administrator of Catholic Charities and now a bishop in the Chicago Archdiocese, to inquire about available office space. Father Conway replied that he not only had available space but that one of his visions for Catholic Charities was to have a legal services division to provide assistance to its thousands of clients. That phone call began a marriage made in heaven!

LUCLC relocated in 1984 from Rogers Park to the fifth floor of the Catholic Charities building at the corner of LaSalle Drive and Superior Street in Chicago. The building was a renovated orphanage. Many years after the relocation, one of the clinic law students surprised me by reporting that he had been born in the building.

The years that LUCLC operated at the Catholic Charities site were years of great growth. More students could enroll in the clinic course now that it was located near the law school.

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Catholic Charities made ample referrals of clients with legal problems. The clinic was successful at obtaining external funding to hire additional clinic attorneys to supervise students who represented clients facing employment, health and housing related legal problems.

One of the most significant additions to the clinical faculty occurred in December, 1987 when Theresa Ceko was hired to supervise students in family law cases. Professor Ceko has expertly supervised hundreds of students for more than 15 years and is currently the director of LUCLC. Other clinical faculty members who effectively supervised law students at the Catholic Charities site were Professors Lewis Check, Peggy Healy, Leticia Magdaleno and Jeff Smith.

Most of the clinic's cases focused on providing service to individuals but occasionally a case developed that had broader legal and social significance. One such case was supervised by Professor Check.

In 1990, Professor Check received a telephone call from a man whose family had just been evicted from their apartment by sheriff's deputies but the family had no idea why they had been evicted. They had never missed making a rent payment to the landlord. Upon investigation of the situation by LUCLC faculty and students, it was discovered that the family lived in an apartment building whose mortgage had been foreclosed. Even though the building owner was receiving rent from his tenants, he was not paying his mortgage and the lender foreclosed on the mortgage in court. Clinic staff and students also learned that it was customary in foreclosure proceedings involving apartment buildings for judges to order that the buildings be vacated by the sheriff without giving any prior notice to the tenant occupants of the buildings. Thus, these tenants would be forcibly evicted from their apartments and the first notice of the eviction that the tenants would receive would be, as it was in this case, when the sheriff's deputies arrived at their door to remove them and their possessions.

Professor Check and his students immediately began to research the

constitutionality of evicting tenants in foreclosed buildings without notice. Although there was not much precedent on point, Professor Check concluded that a good argument could be made that these types of evictions violated constitutional principles of due process of law.

A suit on behalf of the family was filed by LUCLC staff in federal court. This suit resulted in a court decision that the family's constitutional rights to due process were violated by eviction from their apartment without any advance notice. *See Scott v. O'Grady*, 760 F.Supp. 1288 (N.D. Ill. 1991). This decision also resulted in major changes to the Illinois foreclosure statute that provided additional protections to tenants in apartment buildings.

In the mid-1990s, plans were made to renovate the law school building. Dean Appel and I decided that LUCLC's many years of off-campus existence should end and it should be relocated to the renovated law school. In January, 1996, LUCLC moved into the second floor of the law school where it is located today.

When LUCLC moved to the law school it shared office space with the Federal Tax Clinic. The Federal Tax Clinic had begun in the early 1990s based on the tax faculty's desire to provide a hands-on clinical experience for law students who were interested in tax law. The Tax Clinic allowed these students to represent disadvantaged persons who had disputes with the Internal Revenue Service. The students were initially supervised by the tax faculty but eventually funding was obtained to hire clinical faculty. Professors Mary Lou Boksa, Mary Grossman and Patrick Sheehan served as directors of the Federal Tax Clinic in the 1990s. In 2001, the law school received a large grant from the federal government to expand the Tax Clinic. Today, its supervising attorneys are Professors Michael Novy and Daniel Pavlik. A detailed history and educational assessment of the Federal Tax Clinic was written by Professor Grossman and

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