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THE LEGACY OF FRANK REMINGTON: A THRIVING CLINICAL PROGRAM

BEN KEMPINEN CONSIDERS HIMSELF the “senior citizen” of the Remington Center. A 1976 UW law graduate, he has been working steadily with the Remington Center and its predecessors for 24 years, first as a student and then as a professor. For the last eleven years, he has been director of the Center’s Prosecution Project. When asked to share some of his institutional memory, he begins with a tribute to Frank Remington.

“The power of his vision—his kindness: he always had time for the lowliest first-year law student, at the same time that he’d be taking a call from Warren Burger. Any discussion of the Remington Center has to start with the sense of debt—to carry on for Frank.”

Before Kempinen became a colleague of Remington’s at LAIP, Remington was his professor. Kempinen recalls the way Remington would correct his students’ papers: “Frank was so gentle, he’d write ‘This is a good start’ and what it would really mean was that the paper was terrible.” Kempinen tells an interviewer that he still has Remington’s handwritten comments on his course papers, and he returns to them periodically for guidance. Then, looking up toward the ceiling, he adds, “Frank, if you’re listening, I’m still trying.”

The Prosecution Project places students with district attorneys’ offices throughout Wisconsin. Kempinen travels each summer to every corner of the state, observing his 20 to 25 student interns and also keeping in touch with the practitioners who

employ them. He visits each county at least once when an intern is working there.

The Prosecution Project is a popular one, with a competitive application process: every year, about 50 to 60 students apply, more than two for each spot. Students spend ten weeks in a community, working for the D.A. and trying cases in court. They have an opportunity to conduct a complete jury trial, with supervision.

“This can be an incredible experience for students,” Kempinen says, “going to a community where they don’t know anyone. They learn that not only can they do this, but they can do it effectively. It creates clarity of who they are as lawyers, and ties together various strands of the law school experience.” Students get to know the lawyers in a community, and may even end up taking a job there, Kempinen says.

“Some people think of the Remington Center as a clinic basically for people who are going into criminal law. I think if they knew about some of our outstanding alumni who have gone on in other fields, it would tell them a lot about the Center.” The fundamental lesson of the experience is “how much you can learn in ten weeks of hard work—however you envision your future,” he says. “You’ll not only learn about the system—you’ll learn about yourself.”

THE PUBLIC DEFENDER PROJECT

The partner program to the Prosecution Project is the Public Defender Project, which places approximately 15 second-year students each year in public defenders’ offices in Wisconsin. The project

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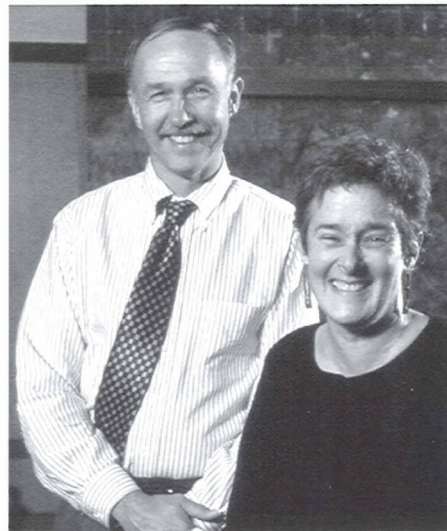
by Dianne Sattinger

is directed by Michele LaVigne, who earned her J.D. in 1978 at the George Washington University Law School and practiced for ten years as a state public defender in Madison before joining the clinical faculty here in 1988. (Both LaVigne and Kempinen are Clinical Associate Professors.)

Interns in the Public Defender Project, like their counterparts in the Prosecution Project, acquire the experience of attending arraignments, bail hearings, preliminary hearings, and trials. They research and prepare trial briefs, and negotiate plea agreements.

“When I get them in January,” comments Professor LaVigne, “they’re like a deer in headlights. They start with a very amorphous idea of what a public defender does. They’re afraid of taking positions—they’re more used to arguing both sides.” In contrast, by the time they have completed the experience, Professor LaVigne observes, “They’ve seen it, and they have ideas on how to make the system better. Usually, people start out not sure that this is what they want to do, and come out dying to be a public defender. They find it’s fun to be a lawyer—they’re happy to get up every morning and get a chance to go out there and do it.”

In both the Prosecution and the Public Defender projects, says Professor Kempinen, “We hope to light a spark that will always burn in them. How can we improve, and use the gifts we have to contribute to the community as a whole? I think that what you see in many alumni from our programs is not being satisfied being a partner in a firm; there is a sense of humility and obligation to the community—imparted by Frank.” ♦



Ben Kempinen and Michele LaVigne

BOB RASHID

THE POWER OF HIS VISION—
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STUDENT V THE REMINGTON

CLINICAL EDUCATION IS FLOURISHING at the UW Law School.

This issue of the Gargoyle features the Law School's oldest and largest clinic, the Frank J. Remington Center, which has grown to house nine projects: LAIP (Legal Assistance to Institutionalized Persons Project), Public Defender Project, Prosecution Project, Restorative Justice Project, Criminal Appeals Project, Wisconsin Innocence Project, Patient Advocacy Center, Family Law Project, and Neighborhood Law Project.

The center was founded in 1963, under the guiding hand of the legendary Professor Frank Remington, and it was re-named to honor him in 1996, two years after his death. Now, under the direction of faculty director Walter J. Dickey and clinical faculty director Meredith Ross, the Center handles approximately 1,700 cases a year. It gives hands-on experience to 100 law student interns each summer, and 100 more during the academic year. Its staff consists of 15 supervising attorneys.

ROISIN BELL ('00) LEARNED about the Remington Center in her Criminal Law class, when students already participating in the Center's programs came to encourage others to apply. "Something about it really appealed to me," Ms. Bell recalls. "It sounded like a safe place to get some initial practice with people. They were more than willing to give us an opportunity, and I was glad to take it."

Deborah Davidson ('99) reminisces about a similar introduction to the Remington Center. "I remember very clearly the day that [Professor] Walter Dickey came into our Criminal Law class—he gave an impassioned speech on the value of doing this—that it's so different from law school classes. He said that no matter what you want to do in law, it gets you working with clients early. I remember just being inspired—ran right out and signed up."

The opportunity that most students mention immediately is the chance to work with "real life" clients. "I'd recommend it for anyone—you start right off working with clients after one year in law school," says Ben Doherty ('99), who came to the Remington Center after his graduate work in African-American Studies led him to law school with an interest in civil rights, which in turn led him to the issue of prisoners' rights.

The Legal Assistance to Institutionalized Persons (LAIP) Project is the Remington Center's largest clinical project. Under supervision, law students travel to Wisconsin prisons to work with inmates on any legal issues that they may have. Students are prepared for the experience first, with a variety of sessions conducted by the Remington Center's supervising attorneys. When the training period is over, students find

ADVICES FROM REMINGTON CENTER

by Dianne Sattinger

themselves driving to one of Wisconsin's prisons, to meet the inmates who will be their clients.

"I was nervous as all get-out," recalls Deron Cook ('00). "I had one year of law school—which isn't legal experience. By the third time I went, though, I was pretty much over it. As I look back on my notes of the first interview, I see how much I progressed over the summer."

INTENSIVE LEARNING

Ask a Remington Center "alum" what skills he or she learned through working at the Center, and the answers are immediate and specific: phone skills, legal writing, interview skills, time management, the client-centered approach, "writing real documents submitted to real courts." After the lists of concrete skills, however, there are some thoughtful, quite personal reflections:

"I learned how to explain things to a wide variety of people," says Lora Cerone ('99). "I had to work to find ways of dealing with people who were hostile with me at first, of dealing with some inappropriate behavior. I learned a lot about people different from me who had different values."

Cerone also learned that she liked working in family law as well as criminal law. "It was serendipitous to find that out," she comments, adding, "Not only did I learn how much I love criminal law, but I realized I want *clients*."

Deron Cook realized that he learned about "speaking to people—to walk into a room where there are six or seven or eight people you've never met before, and you have no idea of what their issue is—it's invaluable in terms of walking in, introduc-

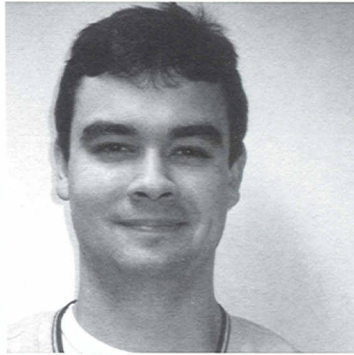


Roisin Bell



Deron Cook

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Chris Hanewicz



Jina Jones

ing yourself, having a certain measure of confidence that you can deal with their issue.”

Pausing a moment, Cook adds: “Another thing I learned is getting lied to: you walk in and a guy looks you straight in the face and lies to you. You learn that it can be dangerous to just rely on what the client has told you.”

Ben Doherty adds, “It helped at first to know you don’t have to have all the answers right away. It’s important not to open your mouth and say anything that turns out not to be true—or gives false hopes—or not enough hope.”

Chris Hanewicz (‘99) learned important lessons about a lawyer’s time: “You think of being a lawyer as controlling your own time, but it’s amazing how much of being a lawyer is waiting—for a call-back or a letter or someone to be available. It could drive you crazy or drive you out of the business.”

Hanewicz adds, “I have learned: don’t waste time complaining—just do it. If you can’t find a way to do it, move on.”

Patricia O’Neil (‘99) recalls learning “Tackling uncertainty: being able to take on a task without knowing how to do it.”

For Munish Sharda (‘99), his Remington Center experience meant “learning how to actually prepare for a case for the court of appeals; I realized how to do something methodically and clearly—reading through. Sometimes what you need is in a footnote; if you gloss over it, you’re not going to find that glimmer of hope [for the client].”

He stresses the importance of “reading cases clearly, in the context of applying it to a specific person. If this were in class, you’d get the extra point. Here, a guy’s life is involved.”

“NOT JUST CRIMINAL LAW”

Students and faculty who work with the Remington Center often mention the misconception that legal work at the Center involves only criminal law. They point out that, in helping their clients, students find themselves working with family law, bankruptcy, trusts and estates, property law, custody and visitation issues, and others areas of law.

Holly Jensen (‘99), for example, found she was dealing with “warrants and traffic tickets people

needed cleared up to get through the system. The cost of a telephone call is so prohibitively expensive that they can't do it. For us, we just pick up a pen or phone and we take care of it. Sometimes it seems there are problems that are easily fixable."

Jensen adds, "It takes you a while to learn that you *can* just pick up a phone."

Jina Jonen, whose undergraduate degree is in social work, was "really interested in family law, and I asked for those cases—divorce, paternity—as well as sentencing and appellate issues. That's something I really like about the program: I could say 'I haven't done a paternity case, and I'd really like to do one' and they'd give me one. I found it a great way to use my social work degree."

Deron Cook reminisces on the range of his Remington Center cases: "Everything from a couple of individuals who claimed innocence, a lot of family law, child support modification, one individual wanted his name put on his child's birth certificate, one wanted his kids to be able to visit him, various sentence modifications, including one that was basically a paperwork error that had doubled his sentence." (Cook was able to work through this last case and get the client released.)

"So many people look at it right away as criminal law," comments Holly Jensen. "It's unfortunate that most people don't see it as more than that. The attorneys are really good about getting the issue you want to work on."

THE SUPERVISING ATTORNEYS

The Remington Center's supervising attorneys hold a special place in the esteem and affection of their student trainees.

"One thing I think it's important for people to understand is how good the attorneys are who work at LAIP," says Chris Hanewicz. "They are all great attorneys—intelligent and very capable." Hanewicz adds, speaking of the two attorneys who were his supervisors, Meredith Ross and Michele LaVigne, "One of the things I really like about Merry and Michele: they give you the reins. I never felt they were glaring over my shoulder. They were there if I needed them—and I did need them, often."

Hanewicz continues, "Both supervisors stay up; nothing gets them down. Both are really intelligent

and just—skilled. And they have a really good grasp of what it is to be an attorney.

"One of the best things I learned from them," he says, "is that you have to accept the limitations of the law and the program—you have to learn to work in an imperfect environment."

Ben Doherty adds, "Another good thing about the Remington Center: there are enough different supervising attorneys so you learn contrasting styles of dealing with problems. Some appeal to me and some don't, but you get exposed to the whole range."

THE CLIENTS

"Dealing with a client is the best skill you can learn from the Remington Center," says Roisin Bell.

"We really focused a lot on client interaction," explains Holly Jensen. "The supervising attorneys are very client-focused. We were continually writing to them, issue-spotting. You can talk to a client for three hours about everything under the sun, and after, sift through and find they have one issue."

Students come away from their Remington



Lora Cerone

Not only did I learn how much I love criminal law, but I realized I want *clients*.



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Center experience with a knowledge of how important their help can be to their clients, and especially to these first, incarcerated clients. “They’re out on a limb, and you are their only connection to the system—a system they think is unfair,” says Chris Hanewicz. “You can give them a way back—some faith in the system.”

“You’re working for them and they know that,” says Jina Jonen. “On some level, they’re very smart people and they know you’re the only person listening to them.”

Munish Sharda sums up the views expressed by several fellow students who look back with pride on how much they learned over the course of their Remington Center experience: “You don’t realize the learning curve of how to get comfortable with a client until you see someone new to the program who isn’t comfortable yet.”

MEMORABLE ACHIEVEMENTS

Students who work at the Remington Center take away from this experience the memory of some very specific achievements.

Holly Jensen, for example, remembers, “When you draft a document, and it comes back [from being reviewed] and you file it pretty much as you drafted it—that does something for you.”

For Chris Hanewicz: “I remember a case where a guy had three issues, and we did all three. We helped him with his legal issue, his family issue, and one other question.”

Deron Cook realized: “Sometimes a student who is 22 has more wisdom than a 35-year-old who made mistakes and is sitting in a jail cell. Sometimes just talking helps. I walked into one prison, and the client wanted a divorce. If I had just been a lawyer, I could have started asking questions like, ‘How many children do you have?’ but my first question was, ‘Why do you want to get a divorce?’ He said he felt his wife was better off without him. I was able to talk with him, and make him realize that divorce was maybe not the best option. He has four kids. That was my best experience... I certainly could have done the paperwork for this guy’s divorce.”

For Cook, this experience illustrates a significant point: “There’s always an aspect that a legal solution

is not necessarily the best solution—the law doesn't always give the right answer.”

“THE BEST PART OF LAW SCHOOL”

When asked what message they would send to other students about the value of the Remington Center, these students came straight to the point:

“The Remington Center is the best place on campus!” smiles Patricia O’Neil. “You’re really missing out on something” if you don’t get involved. “A lot of us feel that the Remington Center has been the best part of law school for us—that’s just how we learn.”

“The best thing I did in law school,” affirms Jina Jonen. She would advise other students: “Take advantage of at least one clinical before you graduate. I can’t stress enough how much it put law school in perspective for me.”

For Lora Cerone, the Remington Center meant, “A lot of emotion, a lot of learning, a lot of good people there who let you design your own program. It just connected the dots—everything made so much more sense; I started making connections in my head and it really clicked.”

“You get such a close working relationship with the attorneys you work with,” says Holly Jensen. “It’s an opportunity to have close bonds with 50 people—to get to know a small group closely. It becomes a huge support network through the rest of law school; the people you talk to about everything. It puts you in an environment that fosters those kinds of relationships. It’s a very welcoming place to be.”

“Regardless of whether you are interested in criminal law,” states Deron Cook, “I’d say absolutely participate. You’re going to be trusted to go in and talk with real people. To have the responsibility of people relying on you is tremendous.”

Cook adds, “I have to admit it would be a bit much to require clinics for graduation, but any clinic you get involved in is really worth it. It’s detrimental not to.” ♦

*For an excellent overview of the Remington Center, see the article published in October 2000 in the UW-Madison publication **Updating the Wisconsin Idea**, on the Web at <http://www.cals.wisc.edu/wfsp/no-10/no-10.html>.*

FOUR OTHER UW LAW CLINICS COMPLEMENT REMINGTON CENTER

UW LAW BOASTS four other in-house clinical programs in addition to the Frank J. Remington Center: the Legal Defense Program, the Center for Public Representation, the Consumer Law Litigation Clinic, and the Family Law Clinic.

The Legal Defense Program (LDP) teaches students the principles and skills necessary to become effective criminal defense attorneys by representing low-income individuals charged with misdemeanor criminal and traffic offenses. Under close supervision of seasoned trial lawyers, LDP students are directly responsible for all phases of representation, from the client’s first court appearance to the final disposition.

Founded in 1974, the Center for Public Representation (CPR) is a public interest law firm providing advocacy, research and training on issues relation to health care, telecommunications, and access to justice. Students work on legislative drafting and lobbying, administrative agency advocacy, coalition organizing, and community legal education. A seminar, “Lawyering in the Public Interest,” provides substantive law knowledge.

Students in the Consumer Law Litigation Clinic develop their lawyering skills by working on lawsuits on behalf of consumers who cannot afford private attorneys. Individual and class action cases cover such issues as misrepresentation and fraud, bad-faith denial of insurance claims, anti-trust violations, credit scams, and unfair debt collection practices. Students participate in every aspect of the civil litigation process, as well as working on legislative and administrative advocacy projects.

The Family Law Clinic provides legal counseling and representation to families in need of services in a variety of areas, such as charges of child neglect or abuse; preparation for juvenile court hearings where children are alleged to be in need of protective services; and questions ranging from establishing paternity to child support and legal guardianship of children. Working closely with guardians ad litem, students become familiar with family court proceedings.

To learn more about these and other clinical experiences at UW Law, visit www.law.wisc.edu/clinics.

WISCONSIN INNOCENCE PROJECT: FIGHTING WRONGFUL CONVICTIONS

ONE OF THE NEWEST PROJECTS at the Remington Center is the Wisconsin Innocence Project, founded in September 1998 by Keith Findley and John Pray, both Clinical Associate Professors. Students working on the Innocence Project investigate and help to litigate cases for prison inmates whose direct appeals are over, yet who have arguable cases that they are not guilty. "You learn something about representing an inmate at the stage of the process when you are their last, best hope," says Professor Findley. "There's a lot of pressure to handle the case properly."

"Students work in pairs, reinvestigating the case from the beginning as if it were a brand new case," Findley says. They interview witnesses, gain access to physical evidence, and get experts to analyze it. They learn how to develop leads, brainstorm cases, and study forensic science—visiting the state crime lab, learning about polygraphs and DNA. Says Findley, "They learn the importance of not taking anything for granted—approaching every case as if everything is in doubt, and they find that a lot of things that were assumed as given are not a given."



Keith Findley (left) and John Pray

The Innocence Project sponsored the Spring 2000 visit to the Law School of well known New York attorneys Barry Scheck and Peter Neufeld, who originated a similar Innocence Project at Cardozo Law School and have written a book on their experiences using DNA testing to exonerate wrongfully convicted individuals. (To read about this visit on the Law School Web site, go to <http://www.law.wisc.edu/news/index.asp?type=main>.)

Co-directors Pray and Findley both brought hands-on experience to their work as supervising attorneys: Pray took his law degree after earning a Master of Social Work, and Findley came to teach at the LAIP program after clinics had been the focus of

his legal education at Yale Law School.

Findley spent seven years away from the Law School to work at the Wisconsin Public Defender's Office, gaining experience at full-time litigation, before returning to education in 1997, when the Remington Center hired him back. The combination of "real world" experience and a love of coaching students is commented on repeatedly by Remington Center alumni who praise the Center's highly skilled supervising attorneys.

The Innocence Project has been featured in news articles across the country recently because of the work of Pray, Findley and three of their students in securing the release of a Texas inmate, Chris Ochoa, who spent 12 years in prison after being wrongfully convicted of a murder that is now known to have been committed by another man. DNA testing of evidence that had been preserved from the crime scene exonerated Ochoa and implicated a man who came forward to confess, eight years after the crime. (Ochoa had confessed to the crime in order to spare himself the death penalty, and was subsequently sentenced to life in prison.)

"The Ochoa case is an example of, and it serves to highlight, the phenomenon of false confessions caused by fear of the death penalty," says Findley.

Keith Findley probably speaks for all his fellow supervising attorneys when he describes the effect of the Center on the students who participate: "My sense is that just about everyone is changed by the experience," he says. "Most students walk away with greater empathy and understanding. Some become very committed to working in the criminal justice field. The Remington Center becomes the focus of their law school experience—their home at the law school. A lot of students tell us that this is where they learn the most; their classroom experience is important, but this brings it all together." ♦

LAND TENURE CENTER “EXTERNSHIPS” PROVIDE REAL-WORLD EXPOSURE

by Bill Lueders

Editor’s Note: This article, reprinted with permission from the March 1, 2000 edition of Wisconsin Week, explores the significant work being done by UW Law students in bringing legal aid to rural Southern communities threatened with losing their land.

WHEN MELISSA KINIYALOCTS RETURNED to the Law School last fall, some of her fellow students asked a typical question: “What did you do last summer?” Her answer was anything but typical. Kinyalocets and another first-year Wisconsin law student, Jennifer Binkley, had spent 10 weeks working as legal “externs” at a North Carolina-based non-profit group called the Land Loss Prevention Project. The assignment came through the Summer Law Extern Program, a nationally unique project begun in 1997 by the Land Tenure Center. It pairs law students with programs in communities that have “extreme unmet legal needs” regarding issues of land ownership. In exchange, the students gain invaluable real-world experience.

Among other assignments, Kinyalocets and Binkley did legal research in support of a lawsuit challenging Wake County’s decision to site a second landfill in a predominantly black mobile home community in Holly Springs, outside Raleigh. The suit was a success: In September 1999, an administrative law judge ruled that the county had broken the rules in obtaining its permit, handing the community a key victory in its ongoing struggle to stop the landfill.

“I was surprised [by the decision],” says Kinyalocets, noting that Wake County was represented by lawyers from the state Justice Department, whose resources vastly exceeded those of the Land Loss Prevention Project. She was also delighted: “Some of the language I used in my memos had ended up in the administrative law judge’s opinion. Not many first-year law students have an opportunity like that.”

Not all of the students who have taken part in the Summer Law Extern Program during its first three years have met with such dramatic success. Some have handled heartbreaking cases of people separated from land that had been in their families for generations and for whom there is nothing they can do—except to confirm that nothing can be done. But even these students have come away enlightened and energized, with a keener understanding of how property law—literally the law of the land—affects people’s lives.

“All of my student externs have really gained something,” says professor Thomas Mitchell, who oversees the program for the UW Law School. “They have all come back and said, ‘My summer proved to be a very meaningful experience.’”

The origins of the Summer Law Extern Program trace to a meeting in the mid-1990s between Gene Summers, head of the UW Land Tenure Center’s North American Program, and John Zippert, head of the Federation of Southern Cooperatives.

Recalls Summers, “I asked him: ‘If there was one thing we could do that you would find most helpful, what would it be?’”

Recalls Zippert, “I said we really need lawyers and law students to help us with the large number of individual cases from people who come to our offices with legal problems.”

Summers, with the help of grant funding from three major foundations—Ford, W.K. Kellogg and Otto Bremer—established a program using Law School students. In its first year, the program dispatched a single extern, Brenda Haskins, to the Federation’s headquarters in Epes, Ala. The following summer, in 1998, two externs were sent. Last summer, the program was expanded to five students, and to the two new sites in Texas and North Carolina. It was also expanded to include a law student from the Howard University School of Law.

Philosophically, the extern program is an ideal

The number of black-owned farms in the United States plummeted from 925,000 (14 percent of the total) in 1920 to just 18,000 (1 percent) in 1992.

match for the larger mission of the Land Tenure Center. Funded in 1962 to serve the U.S. government's need for research and analysis on land-reform issues in Latin America, the center branched out over the years to include other countries and, ultimately, North America. One key area of concern is the southern U.S. where, says Summers, "the decline in ownership of land among African-Americans is just astronomical."

Indeed. The number of black-owned farms in the United States plummeted from 925,000 (14 percent of the total) in 1920 to just 18,000 (1 percent) in 1992. And the amount of land belonging to black farmers has dropped from 15 million acres to less than three million acres. White farmers have also seen substantial losses, but the rate of land loss among blacks is much greater.

Several factors account for this trend. One is systematic discrimination against black farmers—by banks, white farmers, even the federal government. Last year, the federal government decided to settle a class-action lawsuit alleging that the U.S. Department of Agriculture systematically discriminated against black farmers through loan-approval decisions made by predominantly white local commit-

What often happens is that an opportunistic lawyer or land speculator will acquire a partial interest from a distant and unwitting relative, then use this to force a sale and acquire the entire property. Mitchell, the extern program coordinator, wrote his 1999 law thesis on this very issue.

tees. Qualifying farmers are entitled to payments of \$50,000 plus forgiveness of existing debt. One of the major tasks assigned to student externs, at the Federation and Land Loss Prevention Program, has been helping farmers see whether they qualify and, if so, completing the voluminous paperwork required to file a claim.

Perhaps the biggest culprit in black land loss is the failure of many poor rural farmers to leave wills. Absent a will, the property is divided among the deceased person's heirs—and later among the heirs of these heirs—in accordance with state intestacy laws.

The result is that a given piece of property can have dozens of partial owners, under what is known as a tenancy in common. This is an inherently unstable form of ownership since any one tenant can file a petition to terminate the co-tenancy, which can lead to an order that the property be sold.

What often happens is that an opportunistic lawyer or land speculator will acquire a partial interest from a distant and unwitting relative, then use this to force a sale and acquire the entire property. Mitchell, the extern program coordinator, wrote his 1999 law thesis on this very issue.

"If the losses are not reversed or at least halted," he warns, "African-Americans will enter the 21st century effectively shut out of the agricultural sector as producers and rural black people will own less land than rural black people owned in the years immediately following the Civil War."

Mitchell, citing the "well-established links between land ownership, community and democratic participation," calls for new laws governing heir property that would leave landowners less vulnerable to being bought out. Society, he writes, "has a clear moral obligation to reverse the processes that have stripped black landowners of their land."

Underpinning these situations is a lack of access to lawyers and legal advice, especially among poor rural blacks. Mitchell, in his thesis, calls on Congress to expand assistance to poor land owners by hiring attorneys with experience or training on such issues as estate planning, real estate, property and tax law. "In order to begin building a cadre of lawyers interested in work with poor, rural landowners," he writes, "these legal services offices should establish internship programs that allow law students to acquire specific expertise in land-related cases."

This is essentially what the Summer Law Extern Program is already doing. "[W]e aim to cultivate a

national population of law students with experience in and commitment to a rural public interest practice,” states a program prospectus prepared by the Land Tenure Center. “Th[is] program is more than just a great summer job; we hope it will change the way students think about the law and, ultimately, about their own career paths and identities.”

Mitchell, who is now processing applications for the coming summer, weighs several criteria for selecting students. One is the student’s level of interest in public interest law. Another factor is whether the student has particular skills relevant to certain assignments. Lastly, Mitchell considers the potential value of the experience to the student’s personal and professional growth. “One of the purposes of law school—of education in general—is to expose people to things they would not normally be exposed to,” he says.

If funding can be secured, the Summer Law Extern Program hopes to expand significantly over the next three years. The goal is to have 16 students serving four populations: African-Americans, Latinos near the U.S.-Mexico border, Native Americans and Appalachians. And it also wants to involve students from schools other than UW-Madison. Already, there is plenty of interest.

“In the last year or so, we’ve heard from four or five other schools,” says Mitchell. “They’ve asked if their students can participate.”

For students here, the externship includes a fall seminar taught by Mitchell for law school credit. The students do projects related to their experience. And Mitchell plans to beef up the program’s training component, perhaps by bringing in staffers from the Farmers Legal Action Group in St. Paul, which has a lot of experience training people.

Finally, the program plans to do much more in the way of legal education—what Mitchell calls “preventive medicine.” Rather than only dealing with farmers who have lost their land, students could be helping teach them to protect their interests, from making investments to drafting wills. “Let’s not get to the point where the wolf is at your door, knocking.”

Previous steps in this direction include a “land loss prevention” seminar for farmers and landowners that externs helped organize last summer.

The projected cost of the extern program over the next three years is \$730,000, or about \$20,000 per extern. This includes administration, training,

travel and a \$4,000 per-student stipend for living expenses. The program is seeking grant funding from foundations as well as contributions from law firms eager to meet their pro bono obligations. Recently, the Land Tenure Center and Tuskegee University snared a four-year, \$3.5 million federal grant to preserve minority ownership of rural land, including a legal aid component.

Mitchell, sizing up the program’s first three years, is enthusiastic: “It’s been well received by the communities we serve and organizations we work for.”

Marcus Jimison, executive director of the Land Loss Prevention Project, where Kinyalocets and Binkley were stationed last summer, agrees wholeheartedly. “Melissa and Jennifer were just a godsend,” he says. “They helped out so much. It’s hard to overstate how valuable they were.” He especially credits the students’ work on the landfill litigation: “No one gave us a prayer of winning this case and yet we did. There was no way we could have done it without them.”

Jimison is hoping the Summer Law Extern Program will again send students to help this year: “We’ll take as many as we can get.” ♦

Underpinning these situations is a lack of access to lawyers and legal advice, especially among poor rural blacks. Mitchell, in his thesis, calls on Congress to expand assistance to poor landowners by hiring attorneys with experience or training on such issues as estate planning, real estate, property and tax law.