

of civil justice.” “Liberty and justice for all” remains far from a reality.

### “Legal policy is where medicine was in the 1930s and 1940s”

FORMER HLS DEAN Martha Minow was among the minority of deans whose mark on their law schools strongly reflected their scholarly interests. From the start of her career as a professor in 1981, she showed a passion for exposing inequities embedded in American law and for helping create a more egalitarian society. As vice chair of the Legal Services Corporation, she has pushed for what’s possible from the government and the legal profession. As dean, she pushed for what neither of those institutions has done—for imagining and creating what is necessary to address the justice gap. She helped spark much of the school’s scholarship and innovation that hold the promise of reshaping legal practice and broadening access to legal services.

Minow emphasized HLS’s mission as a *justice* school, as much as a law school, by expanding opportunities for public-interest work and by bringing the curriculum and clinical offerings closer together—so theory informs practice and vice versa. She told me, “Ours is a nation founded on a set of civic ideals, not on an ethnicity, not even on a common history. It’s an experiment. What holds us together as Americans is a commitment to recognition of the worth and dignity of each individual, regardless of identity or background, and to equality under law. There’s an aspiration to create a mechanism for each individual to be heard and to be

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able to secure the predicates for a good life, the same that any other individual could, especially under law.”

About 80 percent of recent HLS graduates have “taken a clinic,” in law-school vocabulary—just as they took traditional academic courses and received credit for them. The school now offers three dozen choices for experiential learning. They begin with the Harvard Legal Aid Bureau (HLAB), the oldest student-run legal-services office in the United States, where students earn credit for doing law-reform activities like litigation that can change public policy, or for representing low-income clients in housing, family law, and other civil legal issues), and extend to the WilmerHale Legal Services Center, which houses five distinct clinics and remains the largest of the school’s legal-services providers.

HLAB involves a two-year commitment for 2Ls and 3Ls of at least 20 hours a week during term-time, and often 40 or even 60 hours, on top of other academic requirements. Current students in the bureau choose 25 new students each year, in an onerous process designed to deter any dabblers. They favor applicants whose experiences are likely to help them empathize with clients. Many students accepted are the first in their families to go to college or law school. Most are people of color. Seeing themselves as gatekeepers, since the HLAB receives far more pleas for legal aid than it can handle, they feel a duty to use their time and talent on behalf of clients who are especially needy even if the need is different from those the bureau has traditionally tried to meet.

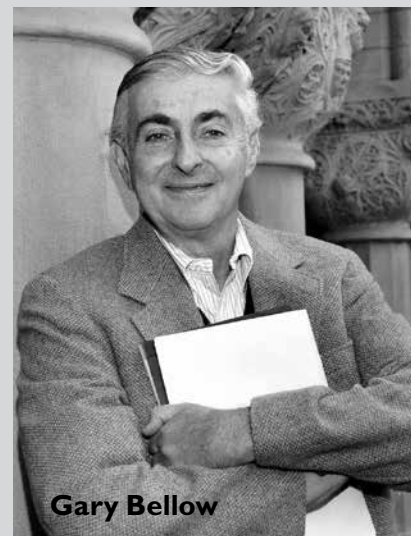
## “Nothing rankles more than the feeling of injustice”

REGINALD HEBER SMITH’S *Justice and the Poor* is in the library of Harvard Law School’s Legal Services Center, in the Jamaica Plain neighborhood of Boston, about five miles from Harvard Square, along with many other books from the personal collection of the late Gary Bellow, LL.B. ’60, who co-founded the center in 1979. Among them is a first edition of *The Lawyering Process: Materials for Clinical Instruction in Advocacy* (1978), the first American textbook designed to teach law students about the role, craft, and values of lawyering—how to practice law—which Bellow co-authored.

Bellow had prepared for creating the law school’s clinical program without planning to. For three years, he was one of the first lawyers at what became Washington, D.C.’s exemplary Public Defender Service and an uncommonly successful criminal-defense lawyer; for another three years, he helped run the Office of Economic Opportunity’s community-organizing agency in Washington. He also spent a couple of years as deputy director of California Rural Legal Assistance, where he riled Ronald Reagan by representing Cesar Chavez and members of the United Farm Workers, and three years at the University of Southern California Law School, representing the UFW and the Black Panthers and building the school’s clinical program.

When Albert Sacks became HLS’s dean in 1971, he invited Bellow to visit as a clinical professor and asked him to build a clinical program at the school. Bellow agreed to do that for five years. At the end of that stint, when he said it was time for him to return to practicing law in a neighborhood legal-services center, Sacks asked, “What would you like to do? I don’t mean, ‘What would you like to do *here*?’ I mean, ‘What would you like to do?’”

In 1999, the year before Bellow died at 64 when the heart he had received in a transplant gave out, he recounted in an oral history, “I said, ‘Well, I think the thing that’s most needed are legal-services schools.’” He had in mind what he called “teaching law offices,” like teaching hospitals where medical students learn to be doctors by caring for patients; in a 1977 essay, he had writ-



**Gary Bellow**

HARVARD PUBLIC AFFAIRS AND COMMUNICATIONS

During the financial crisis of 2008 and after, students expanded their housing practice from representing tenants who were being evicted from apartments to people who owned property and faced foreclosure because they couldn't pay the mortgage. For the past 12 years, they have had a wage-and-hour practice, which represents victims of wage theft: by employers who owe employees money and don't pay them, or who don't pay the minimum fair wage, overtime pay, or vacation pay they owe under state and federal law. Many of the clients are undocumented immigrants. Esme Caramello, a clinical professor who is the bureau's faculty director, told me, "Within five years of graduating from the law school, a lot of students who did HLAB are in public-interest jobs, doing legal services and otherwise. They feel compelled to do this work."

For students, the draw of these opportunities to practice law is the responsibility they require. "Without removing the safety net that clinical teachers provide, to ensure ethical and competent practice," Nagin says, "we want students to feel the weight of the case on their shoulders. Students are not just implementers, where we tell them what to do and then they have to go do it. We want them to understand that the outcome in the case depends on their performance. The point isn't to cause students stress. It's that responsibility is a really important component of effective learning."

A major premise of the Legal Services Center is that the United States is not going to solve the problem of scarce access to justice by providing a lawyer for everyone who needs, yet can't afford to pay for, counsel. Instead, the Harvard center pursues what Stanford law professor Deborah Rhode terms "adequate access to justice": this includes, she wrote, "increased simplification of the law; more self-help



initiatives; better protection of unrepresented parties; greater access to non-lawyer providers; and expanded opportunities for informal dispute resolution in accessible out-of-court settings"—in other words, different levels of intervention, depending on need and circumstance.

The most powerful simplification of the law today comes from technology. William Palin, whom Nagin described as a one-of-a-kind, out-of-this-world software developer, is HLS's first Access to Justice/Technology Fellow. A graduate of Boston's Suffolk Law School, he taught himself how to write code using books from the Cambridge public library, where he had set up a one-man practice in family law. In 2014, he won a contest co-sponsored by Suffolk (please turn to page 103)

ten that legal education was so incomplete, "a lawyer certified by the bar to practice is generally not competent to do so. That is, he or she has, in most instances, never handled a case, interviewed a client, examined a witness, or negotiated a settlement." As Climenko professor of law Charles Ogletree summarized in a posthumous tribute to Bellow, "The dominant line of thinking was that legal services centers provided clients with legal assistance in circumstances in which they would not have received any assistance in the past, and so a poorly qualified and inexperienced lawyer was better than no lawyer at all. Professor Bellow sharply dismissed this paternalistic attitude in his advocacy for mandatory and competent representation."

The Legal Services Corporation agreed to fund a pilot project to teach law students how to practice law, and to explore how best to make use of clinical teachers' and law students' time by expanding the roles of legal assistants in providing legal services and of technology in providing legal services, and then teaching how to do that well. Sacks agreed to match the funding and the Harvard Model of clinical education was born in 1979. Called the Legal Services Institute, it was a partnership between HLS and Greater Boston Legal Services, where 25 students (from HLS, Northeastern Law School, and other schools) did an 11-month apprenticeship of courses, supervised practice, clinical seminars, research, and writing. It was the first major law-school clinical program that had broad delivery of legal services at its core.

The experiment ended in 1982, after the Reagan administration

cut off its LSC funding, but two years later, the program morphed into a partnership with the Boston-centered firm Hale & Dorr (where Reginald Heber Smith was the first managing partner after he left the Boston Legal Aid Society). The Harvard Model evolved into a teaching law office where HLS students learned from clinical teachers and from experience, and practiced alongside and learned from Hale & Dorr lawyers. After the program outgrew its quarters, what's now the WilmerHale Legal Services Center of Harvard Law School opened in 1993 in a repurposed Jamaica Plain factory.

As community legal needs have changed, the center's services have, as well. It now has a Project on Predatory Student Lending, in response to the rise of for-profit higher education and the resultant scams. It has a Tax Clinic, because welfare reform in the 1990s embedded much of the social safety net in tax credits. In addition, while much of its work remains rooted in the local community, some is national in scope and in impact through class-action lawsuits, public-policy efforts, and otherwise.

Daniel Nagin, faculty director of the center, says, "I tell students that, if they really want to make a difference, they should explore all of the things Congress has tried over the years to restrict grantees of the Legal Services Corporation from doing: class actions; lobbying the government; efforts to change and improve the law on behalf of groups."