

1971

I have taken a leave from USC and am working as a staff attorney with CRLA (California Rural Legal Assistance). I finally did take the California Bar a year ago, and during the last school year I got involved in a couple of criminal cases, which partly explains what I'm doing here now. In some ways I had reached a critical point in my teaching: having gotten over the initial nervousness, I think I had gotten to be pretty good at the standard form of teaching working from someone else's casebook, reading law review articles, posing "interesting" questions to the class about the ramifications of certain decisions, etc. My style was probably most like Abe Goldstein's among the Yale faculty straightforward, nothing tricky, trying to see that the students got through the materials with a pretty good grounding in the subject matter, plus some hope that some of them would be stimulated to look beyond the surface, etc. I was teaching criminal law, criminal procedure and con law, plus a couple of seminars. I liked the students, got on well in class, got to know several of them well outside of class. Yet, there was something that still felt wrong about the whole business. A couple of people on the faculty were experimenting with clinical concepts of education working with a small group of students for the entire semester on the theory and practice of lawyering itself handling cases, interviewing clients, negotiating with the other side, drafting pleadings, trial tactics, etc. I sat in on a lot of the classes and liked them a lot. Some of the problems with the regular curriculum began to come clear. We had talked about some of them while at Yale, in talking about whether three years' law school was necessary; whether the socratic technique was always a good idea, etc. What became clear is that almost all of us teaching the regular curriculum were teaching pretty much the same thing: none of us just wanted to teach "the subject matter" of contracts, torts, etc. -- for why use the socratic method for that, and why spend a full year on the black letter law of any subject. So we all said we were interested in teaching the students to "sharpen their thinking," to become, to a certain extent, fact-and-law sceptics, recognizing that neither the "facts" nor the "law" in an opinion were god-given and immutable, to parse cases and pull out holding and dictum and to realize some of the difficulties inherent in those very terms, to think about the "policy questions" hidden in the fabric of a body of law who gets what, and is it a good system for doing that. Yet, only very rarely did anyone have any ideas of his own on any of these matters worth teaching. The seat-of-the-pants sociology and philosophy was mostly garbage, and people sometimes thought they were the new Harts, but really weren't. At the same time, I realized that I really dug practice; and also, that I enjoyed working together on a joint effort with people, much more than trying to put others through their paces. And so, all of this came together into: I'd like to get some practical experience; I'd like to return to teaching clinically; why not now?

At the same time, we were becoming less and less enamored of Los Angeles, thought we'd probably get out of there soon enough, and again, why not now? L.A. was funny. I think, during my last year at Yale, before I got the job at USC, if you had asked me to name the ten or so cities where I might be working the following year, L.A. would not even have been on the list. My thoughts about it were sort of like my thoughts about India -- I guess a lot of people live there, but I'm not interested in seeing it myself. Yet, we found it, at first, quite a better place than we'd thought. Although it appears from the map to be about six thousand square miles of urban sprawl -- and actually most of it is -- there were a couple of old neighborhoods, actually in the downtown area, that were actually neighborhoods and were less than an hour and a half away from everything else by freeway. I don't know if you know L.A. at all, but we lived in Echo Park, between, say, Chinatown, downtown and Dodger Stadium, maybe a couple of miles from them and six miles from USC. The area was hilly, poor, lots of hippies, Chicanos, Chinese, and low-professionals like school teachers. We had a number of friends in the area, got to know about some restaurants and movies, and liked it well enough. This last semester (spring 1971) we wangled a visiting professorship for Garry Watson, who lived close to us, and who is a total pleasure to have around. (I guess that's another story -- Garry, his wife Nancy, and their daughter Sara who must be all of 4 1/2 months by now.) In fact, it even got to the point where it would put us uptight to have people say about L.A.: how could you live there? On the other hand, we began to ask ourselves the same thing, but for different reasons. In some ways, I was drawn to USC and Los Angeles for many of the reasons I dislike, say, Princeton. It's an urban environment, with all the problems that need to be dealt with -- schools, the police, cars, lack of community, distribution of wealth and power. The thing I liked about teaching was not just teaching for its own sake, but being in a situation where I could hope to combine work on my job" with work outside it. Yet, in a funny way, L.A. immobilized us. I got interested in the problems of the police and the community, but couldn't for the life of me figure out a single thing to do about L.A.'s 6,000-man police force and 6,000-man sheriff's department. Kate went to our neighborhood public school, hoping to work there, but found it shitty beyond belief and the public school system apparently incapable of improvement. We began to think of L.A. the way people describe Lake Erie -- biologically dead. We wanted to do things, but really didn't know where or how to begin. Also, the distances did start to get to us. We found that "my job" and "the problems outside it" and "our life- and-friends" were three separate worlds, separated by forty or fifty miles at times, and impossible to integrate. The smog and size and noise did start to get to us, especially after we had more animals and a baby. (Another story Joshua was born just about a year ago; and although I haven't talked about that yet, it was the most fantastic and important change in our lives.) Anyway, we talked more and more about leaving L.A. and going to New England, the

Northwest or rural California. One day last November, Don Kates came down to USC to hire students for CRLA. He asked me about several students; I asked him about CRLA; and Kate and I began to talk seriously about trying it. We spent some time over the Christmas break visiting offices and trying to figure out where we'd like to be. Modesto is what we settled on. It's about 90 miles east of the City, 90 miles west of Yosemite, and 75 miles south of Sacramento. It's got a population of perhaps 50,000, which is a little bigger than we thought we wanted, but not as big as L.A. There's the whole agri-business economy, with high seasonal unemployment. Poor people include blacks, Chicanos and poor whites. We're renting a house, fairly large, good large yard, six blocks from the office, which is the first time I've ever been so close Josh and the animals like it; Kate and I do, too. She has been learning to fly and is not far from beginning to solo. I guess the one thing that will be a problem is friends: we like the other people in the office, and have met some people in town unconnected with the office, whom we also like. But it doesn't seem like we'll have friends here like we had in New Haven, or even in L.A.

One thing you mentioned in your letter -- the Mineral King case. We've been camping up there several times, and I was interested to hear from you concerning the progress of the suit. I have just been working on a suit to declare unconstitutional part of this state's new welfare reform act. There are half a dozen such suits in already; mine attacks the residency requirements in the law. (California, trying to be clever and get around the cases already decided, set up its residency requirements to take effect whenever unemployment exceeds 6% and there is, therefore, "the most compelling state interest" -- it's a ridiculous attempt, and I have no doubts about winning the case.) In any event, before I got a name plaintiff, I thought about suing on behalf of CWRO (state welfare rights org). A number of California cases have established CWRO's ability to litigate issues on behalf of welfare recipients. I don't know if it's too late for you, or if you have these cases anyway, or if they'd even be useful, but if you want, try: *County of Alameda v. Carleson*, 5 Cal. 3d 730 (1971); *CWRO v. Carleson*, 4 Cal. 3d 445 (1970); and also try: *NWRO v. Finch*, 429 F.2d 725 (D.C.Cir. 1970); *Utah WRO v. Lindsay*, 315 F.Supp. 294 (D. Utah 1970); and *W.A.C.O. v. Weaver*, 294 F.Supp. 433 (N.D. Cal. 1968).

In fact, I should do some more work on my complaint and points and authorities this afternoon. I've done a draft of each and have circulated it to a couple of other attorneys who have been working in this area. If I finish this afternoon, I can have the thing typed and filed by Tuesday, which would be nice.