

The Vision and Inception of the Legal Aid Clinic at SMU School of Law

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When Robert G. Storey arrived at Southern Methodist University's School of Law¹ in the spring of 1947, the graduating class numbered just twenty² and the school facilities consisted of two classrooms in an undergraduate building.³ Over the law school's first two decades or so of existence beginning in 1925, the law school's goal had merely been to survive. Not only did the school have to endure the Great Depression and World War II, both severely depleting the law school's enrollment and faculty numbers,⁴ but the school also had competition for students from another law school in the area, the Dallas School of Law.⁵ However, once the economic outlook was more promising, the dust had settled from World War II, and the rival law school was merged into SMU,⁶ a new era was ushered in by the law school's new dean, Robert G. Storey.

¹ During the time period the topic of this paper is concerning, the law school was officially known as the Southern Methodist University School of Law, or SMU School of Law for short. *See, e.g., Potts Portrait Hung at SMU*, Dallas Morning News, Nov. 25, 1947, § I, at 23; *see also* Legal Center Bulletin, April, 1952. However, the law school is now called the SMU Dedman School of law. *See* ABOUT SMU DEDMAN SCHOOL OF LAW, <http://www.law.smu.edu/about> (last visited April 14, 2016) (“SMU School of Law was named Dedman School of Law in 2001.”).

² Minutes of the Meeting of the Faculty of SMU Law School (July 7, 1947) (on file with author) [hereinafter SMU Law School Faculty Meeting Minutes].

³ A. J. Thomas Jr., *In Memoriam: Dean Robert Gerald Storey*, 35 Sw. L.J. 553, 553–54 (1981–1982).

⁴ Charles O. Galvin, *Dean Robert Gerald Storey: Some Recollections*, 35 Sw. L.J. 550 (1981–1982) (“Potts had hardly begun when the Great Depression threatened the School and the University. Just as the School was making some recovery in the late thirties, the impact of World War II caused the rapid diminution of an already small enrollment, as faculty and students left for various military and government assignments.”).

⁵ LAW SCHOOLS, (<https://tshaonline.org/handbook/online/articles/khl01>) (last visited March 18, 2016).

⁶ *Id.*

The new goal of the law school was “not to be a large school, but to be *the* outstanding law school of the Southwest.”⁷

Just mere months after taking the reins as Dean, Storey laid out his plans as to how the law school would usher in this new era of illustriousness.⁸ Armed with funding from the Dallas community, Storey set about creating a groundbreaking Legal Center.⁹ This Legal Center would be one of the first of its kind, promote higher learning through innovative means, foster relationships between students and established lawyers,¹⁰ and advance justice.¹¹ A component of this Legal Center that satisfied all of these aims was the free Legal Aid Clinic,¹² which was as cutting-edge as the Legal Center itself.

This paper will first examine the state of legal education and legal aid that existed before Storey became the law school’s dean, and why deficiencies in both of those areas were thought to be addressed by the development of legal aid clinics in law schools around the country. The focus will then turn to why the SMU Clinic was specifically created. In addition to improving the quality of legal education and legal aid, the newness and stated aims of legal aid clinics were in line with Dean Storey’s overall goal of creating a cutting-edge Legal Center that would improve the school’s reputation and status among the community.¹³ Moreover, Dean Storey touted legal

⁷ *Southwestern Legal Center*, ROTUNDA, 1953, at 32 (emphasis added).

⁸ Robert W. Finklea, *SMU Legal Research Center to Tackle World Riddles*, DALLAS MORNING NEWS, May 25, 1947, § IV, at 1, 14; see also *Col. R. G. Storey Appointed Dean of SMU School of Law*, DALLAS MORNING NEWS, Feb. 5, 1947, § II, at 1.

⁹ *Proposed Legal Center to Fill Many Needs*, DALLAS MORNING NEWS, Feb. 29, 1948, § IV, at 2; see also *Legal Center’s Goal Attained*, DALLAS MORNING NEWS, Sept. 16, 1949, § II, at 1.

¹⁰ *SMU Legal Center Purpose Explained*, DALLAS MORNING NEWS, June 12, 1947, § I, at 2.

¹¹ *Proposed Legal Center to Fill Many Needs*, DALLAS MORNING NEWS, Feb. 29, 1948, at § IV, at 2. (“[The legal center] will be a rallying point for those who want to protect liberty, to promote justice and to work toward more efficient government and world peace.”).

¹² Throughout its existence, SMU’s Legal Aid Clinic has had different names. However, for the sake of consistency, this paper will refer to it as either the “Legal Aid Clinic” or “Clinic.”

¹³ *Southwestern Legal Center*, ROTUNDA, 1953, at 32.

aid clinics as being the viable solution to what he characterized as a growing threat—the socialization of legal aid by the American government and other governments around the world. Finally, this paper will analyze how the clinic actually worked and whether the clinic accomplished its objectives.

I. The State of Legal Education Prior to Storey’s Arrival as Dean

By the time that Storey became Dean of the law school in 1947,¹⁴ there was a widely-grown sentiment that the traditional legal education system in place in many law schools, including that of SMU’s, required reform in even the most fundamental of aspects.¹⁵ Many educators and legal theorists believed the major issue with legal education was its singular focus on theoretical learning.¹⁶ Although the American legal education system had initially started out as an apprentice-type system,¹⁷ over time the emphasis shifted toward the studying of case opinions in textbooks.¹⁸ This gradual shifting away from practical learning became even more pronounced when Harvard scholar Christopher Columbus Langdell founded the Harvard method in 1870.¹⁹ The Harvard method, also known as the case system, analyzes judicial opinions in

¹⁴ *Dinner to Honor Retiring SMU Dean*, DALLAS MORNING NEWS, March 5, 1947, § II, at 14 (“Dean Potts turned over the active deanship to Attorney Robert G. Storey on March 1.”).

¹⁵ See, e.g., Jerome Frank, *Both Ends Against the Middle*, 100 U. PA. L. REV. 20 (1951).

¹⁶ *Id.* at 22; see also K.N. Llewellyn, *On What is Wrong with Legal Education*, 35 COLUM. L. REV. 651, 677 (1935) “What with the case-book and the pseudo-Socratic monologue, we have grown sleepily comfortable among our conveyor-belts . . . It is time to challenge the regime of mass-production.”; Leon Thomas David, *The Clinical Lawyer-School: The Clinic*, 83 U. PA. L. REV. 1, 11 (1934) “The non-litigious procedures of successful conciliation, compromise, arbitration, declaratory relief and legislative relief have great importance at the Bar, and law schools teach but little concerning them.”

¹⁷ Robert Storey, *Law School Legal Aid Clinics Foreword*, 3 JOURNAL OF LEGAL EDUCATION 533, 533 (1951) (“All legal education in our country was originally apprenticeship training.”).

¹⁸ Jerome Frank, *Why Not A Clinical-Lawyer School?*, 81 U. PA. L. REV. 907, 909 (1933).

¹⁹ *Id.* at 908.

search of the legal principles or rules that shaped their outcomes.²⁰ Law schools across the country adopted or were largely influenced by the Harvard method, and theoretical learning dominated the legal pedagogy for decades.²¹

According to Harvard method critics, the problems arising from students solely learning from judicial opinions were vast. Learning theories of the law simply did not prepare students for *practicing* law. Commentators remarked how silly it would be if other professions adopted the legal field's theoretical focus: "What would we say of a medical school where students were taught surgery solely from the printed page? . . . Who would learn golf from a golf instructor, contenting himself with sitting in the locker-room analyzing newspaper accounts of important golf matches that had been played by someone else several years before?"²² Just as a patient would not desire a doctor who has never performed a surgery before, a client would likely not desire a lawyer who has never tried a case before. Moreover, law students themselves recognized the difficulty in learning how to practice law without actually practicing law. For example, Marvin Levin, who was a graduate of SMU School of Law in the mid 1950's, recalls the difficulty he had when he first graduated law school: "One of the things about law school is they

²⁰ Edmund M. Morgan, *The Case Method*, 4 JOURNAL OF LEGAL EDUCATION 379, 383 (1952) ("The principle, rule or generalization applied by the court is the objective sought.").

²¹ Jerome Frank, *Why Not A Clinical-Lawyer School?*, 81 U. PA. L. REV. 907 (1933); *see also* Jerome Frank, *Both Ends Against the Middle*, 100 U. PA. L. REV. 20, 22 (1951).

²² *See, e.g.*, Jerome Frank, *A Plea for Lawyer-Schools*, 56 YALE L.J. 1303, 1311 (1947); *see also* K.N. Llewellyn, 35 COLUM. L. REV. 651, 658 (1935) "[Medical schools] have a longer theoretical training than ours. But they insist on *ordered* practical experience, before their graduates are certified to the helpless layman. Is medicine then more complicated than the law? I say, no. It is only the standards for the law are lower"; *see also* Charles Bunn et al., *The Place of Skills in Legal Education*, 45 COLUM. L. REV. 345, 364 (1945) "It is striking that other professions devote much schooling time to one or another form of the *applied arts* which the student is expected later to practice. Apart from the clinical work and internship of the medic, apart from the practical summers or years of the engineer, we find the theologian receiving instruction not only in his doctrine but in how to build sermons, how to parish problems, and the like; we find schools of business administration focused on not only learning principles but solving problems of practical conduct of enterprises."

teach a lot about theory, but as to the things you have to know when you get out . . . if you tell a law student, ‘Okay, you have to go down on a pre-trial,’ they respond, ‘*What’s a pre-trial?*’”²³

The need for practical legal education resonated deeply with legal realists, including Jerome Frank. As a legal realist, Frank believed that the “rules” and “principles” that students learned in law school were not nearly as static and sacrosanct as formalistic scholars like Langdell believed them to be.²⁴ According to Frank, students could not be adept lawyers without first understanding that the outcome of a case largely depended not upon its legal rules or facts, but rather upon the human players involved, such as witnesses, judges, lawyers, and the clients themselves.²⁵ For example, Frank regarded judges as “fallible human beings” and believed students should learn that “legal rights often depend on the unpredictable reactions of those fallible human beings to a multitude of stimuli, including the rules, but also including the fallible testimony of other human beings called witnesses.”²⁶ Fellow legal realist Karl Llewellyn echoed Frank’s sentiments during a lecture to students: “The notion that you should prepare for a bar exam by taking courses with names instead of taking people with brains is an awful thing to think about.”²⁷

II. The State of Legal Aid Prior to Storey’s Arrival as Dean

Prior to Dean Storey’s arrival in 1947, available legal aid for the indigent population was greatly lacking. Numerous city-run legal aid societies existed across the country, with the first

²³ Telephone Interview with Marvin Levin, Clinic Participant in 1956 (March 4, 2016).

²⁴ Jerome Frank, *Why Not A Clinical-Lawyer School?*, 81 U. PA. L. REV. 907, 919 (1933).

²⁵ *Id.*

²⁶ *Id.*

²⁷ Elements Lecture by Karl N. Llewellyn, University of Chicago Law School, Series O2 at 1–20 (October 4, 1954). *See also* Leslie E. Gerwin and Paul M. Shupack, *Karl Llewellyn’s Legal Method Course: Elements of Law and its Teaching Materials*, 33 JOURNAL OF LEGAL EDUCATION 64, 71 (March 1983).

society being established in New York in 1876.²⁸ Although Dallas went through preliminary steps to create a municipal free legal aid bureau as early as 1915,²⁹ the program's existence was shaky and controversial, as it ran on city-provided funds.³⁰ In 1924, the Bar Association began funding the bureau, which greatly stabilized its functioning.³¹ However, the funding only provided for one attorney to run the entire department.³² This was still the case in 1939, when the bureau's one lawyer, Mabel Spellman Barber, was swamped with more than 1,900 cases in just that year alone.³³ Some of the cases Barber dealt with were domestic in nature, which the local newspaper described as involving "bewildered women who had been deserted by their husbands [and] penniless men and women in domestic difficulties."³⁴ The bureau also handled cases involving "angry, helpless laborers who put in hard work for an employer only to be refused their pay."³⁵ Barber and other legal professionals in Dallas, including District Judge John A. Rawlins,³⁶ believed Dallas needed to expand its legal aid services by employing more personnel, such as law students. As early as 1936, the creation of a legal aid "clinic" was proposed.³⁷ A municipal legal aid adviser would be in charge of all of the work, but students from SMU School

²⁸ Quintin Johnstone, *Law School Legal Aid Clinics*, 3 JOURNAL OF LEGAL EDUCATION 535, 535 (1951).

²⁹ *Free Legal Bureau is Proposed by City*, DALLAS MORNING NEWS, June 10, 1915, at 4.

³⁰ *Will Not Abolish Work of Free Legal Aid Bureau*, DALLAS MORNING NEWS, May 20, 1917, § I, at 9.

³¹ *Will Be in Charge of Legal Aid Bureau*, DALLAS MORNING NEWS, June 30, 1924, § II, at 9.

³² *Id.*

³³ *Lawyers Plan More Aid for Poor Litigants*, DALLAS MORNING NEWS, Nov. 9, 1940, § II, at 11.

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Free Legal Aid Clinic Advocated by Judge*, DALLAS MORNING NEWS, Dec. 5, 1936, § I, at 4. Then-Dallas Mayor George Sergeant also facilitated the possible expansion of Dallas legal aid, *see Students of Law May be Enlisted in Free Legal Aid*, Dallas Morning News, Dec. 29, 1936, § I, at 11 ("Continuation of the free legal aid work and possible expansion of the program by obtaining co-operation of Dallas law schools will be discussed in a conference called . . . by Mayor George Sergeant.").

³⁷ *City Legal Clinic May be Enlarged*, DALLAS MORNING NEWS, Dec. 23, 1936, § I, at 6.

of Law would assist in the work, “somewhat on the order of interns in a hospital.”³⁸ However, the idea was abandoned after Dean C. S. Potts said he doubted whether students could meaningfully participate, since they “could not spare that much time from their regular work.”³⁹ The Dallas community watched as the University of Texas Law School followed through on the clinic concept a couple of years later in 1940.⁴⁰ By 1944, only four types of legal aid services were available to the poor in Texas: the Dallas Legal Aid Bureau, the University of Texas’s Legal Aid Clinic, the San Antonio Welfare Department, and services furnished by the Houston and San Antonio local bar committees.⁴¹ Legal aid clinic advocate J. S. Bradway suggested that establishing legal aid clinics through law schools in the state would meet the need for free legal aid on a more organized level.⁴² In 1947, Dean Storey followed Bradway’s advice, and created such a clinic.⁴³

III. Why Storey Created the Clinic at SMU

Mere months after Robert G. Storey took over as Dean in 1947, he initiated the creation of the SMU Legal Aid Clinic.⁴⁴ According to Storey, the purpose of the clinic was twofold: it would provide students with much needed practical experience and would provide the indigent

³⁸ *Id.*

³⁹ *New Ideas Given for Legal Clinic*, DALLAS MORNING NEWS, Dec. 30, 1936, § I, at 5; *see also Naming of Legal Adviser is First Job for Moseley*, DALLAS MORNING NEWS, Jan. 3, 1937, § I, at 5.

⁴⁰ *Legal Clinic at Texas U. Receives OK*, DALLAS MORNING NEWS, Aug. 7, 1940, § I, at 7.

⁴¹ *Wider Legal Aid to Poor Advocated*, DALLAS MORNING NEWS, April 16, 1944, § I, at 8.

⁴² *Id.*

⁴³ *SMU Legal Center Purpose Explained*, DALLAS MORNING NEWS, June 12, 1947, § I, at 2.

⁴⁴ Robert W. Finklea, *SMU Legal Research Center to Tackle World Riddles*, DALLAS MORNING NEWS, May 25, 1947, § IV, at 1, 14; *see also Col. R. G. Storey Appointed Dean of SMU School of Law*, DALLAS MORNING NEWS, Feb. 5, 1947, § II, at 1.

community of Dallas with legal assistance.⁴⁵ Storey believed the clinic was the proper instrument to provide students with practical experience for many reasons. First, the clinic concept already had a proven track record with a small number of other schools in the country. Second, clinics provided benefits that could not be derived from other practical learning instruments, such as moot court. In addition, the newness of the clinic's concept nicely coincided with the innovative Legal Center that Storey envisioned for SMU. Finally, Storey felt that bodies such as law schools and bar associations needed to provide the indigent community with legal aid, because of who might take up the slack otherwise—the government.

A. Evolution of Legal Aid Clinics: Signs of Success

Legal aid and law schools worked together before clinics came into existence—in the beginning, law students would merely assist their local legal aid associations with cases.⁴⁶ SMU participated in the early version of this experiment as well.⁴⁷ Then third year law students began working with legal aid attorneys who were also staff of the law schools.⁴⁸ Finally, schools began creating full-fledged legal “clinics” in their law schools, with a director in charge, clients coming directly to the clinic, and cases being handled as they would be in a lawyer's office.⁴⁹ SMU was

⁴⁵ *SMU Opens Free Clinic in Legal Aid*, DALLAS MORNING NEWS, March 17, 1948, § 2, at 1.

⁴⁶ Justin Miller, *New Developments in Law Schools*, 145 THE ANNALS OF THE AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE 114, 118–19 (Sept. 1929).

⁴⁷ *Lawyers Plan More Aid for Poor Litigants*, Dallas Morning News, Nov. 9, 1940, § II, at 1. (“[One of the lawyers on the senior panel] will act as an executive on the case, having the help of one young lawyer from the junior panel and one student from the SMU panel. The younger men will do the interviewing, work up the case, and assist at the trial if a trial is necessary.”).

⁴⁸ Justin Miller, *New Developments in Law Schools*, 145 THE ANNALS OF THE AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE 114, 119 (Sept. 1929).

⁴⁹ *Id.*

one of the first to create this latest version, and this is the version that exists today in most law schools around the country.⁵⁰

The idea for full-fledged legal clinics acting as subsidiaries of law schools was inspired by the clinics run by medical schools.⁵¹ Medical schools greatly relied on free medical clinics to educate their students, whereas the earlier programs of students assisting local legal aid associations got minimal, if any, backing from law schools.⁵² For example, as already mentioned, Dean Storey's predecessor C. S. Potts quickly shot down the idea of students assisting the local legal aid society, saying he doubted students could participate in such a program, since they could not spare that much time from their "regular work."⁵³ According to some critics, the practice of students assisting the local legal aid associations was an undesirable use of their time.⁵⁴ Because the legal aid societies were not staffed by the most highly skilled lawyers and were financially limited in their capabilities, students would not be able to learn much; nor would they help the community to a great degree.⁵⁵ However, if legal clinics were an arm of law

⁵⁰ Douglas A. Blaze, *Déjà vu All over again: Reflections on Fifty Years of Clinical Education*, 64 TENN. L. REV. 939, 940 (1997) ("By the late 1950s, five schools had established in-house [clinical] programs . . . The five schools were Duke University, Indiana University at Indianapolis, Southern Methodist University, the University of Tennessee, and the University of Texas.") (citing *Report of Committee on Legal Aid Clinics*, 1959 A.A.L.S. PROC. 122).

⁵¹ See, e.g., Jerome Frank, *Why Not A Clinical-Lawyer School?*, 81 U. PA. L. REV. 907, 917 (1933) ("Medical schools rely to a very large extent on the free medical clinics and dispensaries. There exist today legal clinics in the form of the Legal Aid Society . . . Suppose, however, that there were in each law school a legal clinic or dispensary.").

⁵² *Id.*

⁵³ *New Ideas Given for Legal Clinic*, DALLAS MORNING NEWS, Dec. 30, 1936, § I, at 5.

⁵⁴ *Id.*; see also Jerome Frank, *Why Not A Clinical-Lawyer School?*, 81 U. PA. L. REV. 907, 917 (1933).

⁵⁵ See, e.g., Jerome Frank, *Why Not A Clinical-Lawyer School?*, 81 U. PA. L. REV. 907, 917 (1933).

schools, the community would receive help from the same type of quality personnel and financial support as that of the free medical clinics.⁵⁶

The creation of SMU's clinic came at a perfect time, because while SMU was still one of the first schools to pioneer such a program, it was not *the* first. Dean Storey was thus able to follow in the footsteps of those clinical programs that had already found success, including that of the University of Texas, which was established in 1940.⁵⁷ Moreover, Dean Storey surely took solace in the fact that by the time SMU's clinic program came into existence, the controversy regarding practical legal education had subsided for the most part, and it was a relatively popular concept.⁵⁸ According to Alfred Z. Reed of the Carnegie Foundation, the three main obstacles hindering widespread support for Legal Clinics were the beliefs that (1) volunteer students would not be able to contribute much value to the cases at hand, (2) only a small number of students would be able to participate in such programs, and (3) the students would only be able to divert a small amount of their time from their "regular work."⁵⁹ In fact, these beliefs were held by Dean Storey's predecessor, C. S. Potts.⁶⁰ However, the first clinic programs proved these fears to be

⁵⁶ *Id.*

⁵⁷ *Legal Clinic at Texas U. Receives OK*, DALLAS MORNING NEWS, August 7, 1940, § I, at 7.

⁵⁸ *See, e.g.,* Quintin Johnstone, *Law School Legal Aid Clinics*, 3 JOURNAL OF LEGAL EDUCATION 535, 552 (1951) ("Mild but persistent demands for the expansion of the legal aid clinic idea promise to continue.").

⁵⁹ J. S. Bradway, *The Legal Aid Clinic—A Means of Coordinating the Legal Profession*, 79 U. PA. L. REV. 549, 552–53 (1931) (citing Reed, *Annual Review of Legal Education*, 16 (1929) "The three principal obstacles to the spread of this movement are: first, doubts often felt by the legal aid authorities as to the value, for their own purposes, of volunteer assistants; second, inability, in any case, to accommodate more than a small proportion of the students that attend law schools in our large cities; third, the small amount of time—a few hours weekly during a single year or less—that any individual student can be permitted to divert from the regular work of the school.").

⁶⁰ *New Ideas Given for Legal Clinic*, DALLAS MORNING NEWS, Dec. 30, 1936, § I, at 5 ("Dean C. S. Potts of the Southern Methodist University law school said he doubted if students in his classes could participate much in a free legal aid clinic since they could not spare that much time from their regular work.").

exaggerated, as they were well received by students and clients alike.⁶¹ In fact, according to one of the first directors of SMU's Clinic Program, Talbot Rain, by 1952, "almost all vestiges of opposition to organized legal aid ha[d] disappeared."⁶² Indeed, the then-Attorney General of Texas praised the creation of the University of Texas clinic program, by stating "the proposed plan is a worth-while exercise of a power vested by law in the school of law of the state university in the education and training of candidates for a law degree and membership in the Texas state bar."⁶³ Furthermore, Professor Quintin Johnstone published in 1951 a comprehensive survey of the usefulness and success of the law school legal aid clinics in existence at the time.⁶⁴ The survey asked former legal aid students about the value of education they received from participating in such clinics, and "the responses received were unanimous to the effect that the clinic was of value to those questioned, and the most frequent recommendation for change was that the students spend more time in such work."⁶⁵

B. Why Legal Aid Clinics Were the Chosen Instrument for Practical Education

Although it was widely accepted by the 1940s that practical learning should be infused into the legal education scheme, the creation of legal aid clinics did not necessarily follow, as there were other ways that students could obtain practical experience. However, SMU's Clinic was created because it was considered the best option for the kind of practical education the school hoped to teach. First, participating in Clinic broke up the monotony of learning the law

⁶¹ See Quintin Johnstone, *Law School Legal Aid Clinics*, 3 JOURNAL OF LEGAL EDUCATION 535 (1951).

⁶² Talbot Rain, *Report of the Research Study in Legal Aid, Low Cost Legal Service and Small Claims Courts*, Legal Center Bulletin, April, 1952, at 14.

⁶³ *Legal Clinic at Texas U. Receives OK*, DALLAS MORNING NEWS, August 7, 1940, § I, at 7.

⁶⁴ Quintin Johnstone, *Law School Legal Aid Clinics*, 3 JOURNAL OF LEGAL EDUCATION 535 (1951).

⁶⁵ *Id.*

through strictly lectured classes.⁶⁶ Dean Storey explained it as such: “Law school teachers know that after a year or two of reading case after case and doing nothing else, the students tend to become stale. Law begins to look like an abstract, bloodless system of theories entirely divorced from reality. My students have told me that they yearned for a ‘live client with a live case.’ The stimulating and invigorating effect of such contact with reality is remarkable.”⁶⁷ Past SMU student Marvin Levin, who participated in the Clinic in 1956, agreed with Dean Storey’s assessment, saying that being in the clinic “was something to do that got you *interested* in the practice of law.”⁶⁸ Lowell Dushman, who participated in the Clinic in 1955, agreed that the hands-on aspect of the Clinic was definitely an incentive for participating.⁶⁹

Indeed, working for real clients with real problems brought “practical learning” to a whole other sphere as opposed to the moot court arena. “The student attorney takes very seriously, indeed, the problem of the legal clinic client; the artificiality and unreality of moot court cases disappear.”⁷⁰ As Jerome Frank put it, “why use fake witnesses and fake clients? Why this masquerading, this pretense [of moot courts]? It sounds like children ‘playing house.’ No medical school has its students indulge in a child’s game of ‘playing doctor,’ with make-believe patients who must ‘manufacture’ their ailments.”⁷¹ While moot courts were still useful for other leaning objectives, Dean Storey agreed with the importance of students working with real situations: “Legal problems come from human beings, not books. The clinical method exposes

⁶⁶ Telephone Interview with Marvin Levin, Clinic Participant in 1956 (March 4, 2016).

⁶⁷ Robert Storey, *Law School Legal Aid Clinics Foreword*, 3 JOURNAL OF LEGAL EDUCATION 533, 533 (1951).

⁶⁸ Telephone Interview with Marvin Levin, Clinic Participant in 1956 (March 4, 2016).

⁶⁹ Telephone Interview with Lowell Dushman, Clinic Participant in 1955 (March 4, 2016).

⁷⁰ Justin Miller, *New Developments in Law Schools*, 145 THE ANNALS OF THE AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE 114, 118 (Sept. 1929).

⁷¹ Jerome Frank, *Both Ends Against the Middle*, 100 U. PA. L. REV. 20 (1951).

the student to actual problems by confronting him with actual people who are in actual trouble.”⁷²

The gravity of working on real cases not only brought more liveliness to the legal education experience; real cases with real people also forced students to face ethical problems similar to those they would see outside of law school later on. “The student, under no pressure at all to make fees, in fact under obligation to accept no compensation, carries through on the highest possible basis of professional ethics . . . [the student] gets a more intimate contact with practice, especially in its social aspects.”⁷³ Clinics, with the safety of supervising attorneys in charge, were an ideal atmosphere for future lawyers to experience their first ethical dilemmas. Legal clinic proponent J. S. Bradway wrote that clinics protected clients “from the mistakes of inadvertent juniors and [conduct] the whole proceeding on the basis of no charge to the client, which inevitably tends to raise the standards of practice and ethics as the Bar would like them to be raised.”⁷⁴ In addition, proponents of clinics hoped that having law students provide legal aid would increase the chances that they would continue helping the community later on in their careers. As one proponent of clinics explained it, “exposure to a problem as it appears in real life is the most effective way of arousing student interest, concern and a feeling of responsibility about that problem . . . The effect of those hours [participating in legal aid] is to fire the soul of at

⁷² Robert Storey, *Law School Legal Aid Clinics Foreword*, 3 JOURNAL OF LEGAL EDUCATION 533, 533.

⁷³ Justin Miller, *New Developments in Law Schools*, 145 THE ANNALS OF THE AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE 114, 118 (Sept. 1929).

⁷⁴ J. S. Bradway, *The Legal Aid Clinic—A Means of Coordinating the Legal Profession*, 79 U. PA. L. REV. 549, 554 (1931).

least a few so as to want to make them devote some of their time, effort and money in helping to solve the problems of implementing our basic ideal of equal justice for all.”⁷⁵

C. The Legal Center and the Legal Aid Clinic: Similarity in Vision

Another reason Dean Storey created the Clinic was that it perfectly coincided with his vision of a Legal Center. Dean Storey aimed to create an innovative Center that would infuse the standard Harvard learning method with practical learning measures, foster relationships between students and established lawyers, and promote justice.⁷⁶ Dean Storey believed such objectives could be accomplished through: (1) holding seminars and institutes in which professors, lawyers, and judges could gather to conduct research, (2) creating foreign exchange programs with students and professors of friendly foreign governments, and (3) establishing a free legal aid clinic.⁷⁷ A free legal aid clinic accomplished the goals Dean Storey had for the Legal Center overall. As already discussed, a clinic run by the law school was an original concept and an innovation in learning, as SMU’s clinic would be one of only five law schools in the entire country with such a program by the late 1950s.⁷⁸ The clinic also fostered relationships between students and established lawyers in the Dallas community, as it was a “joint project of the SMU law school, the Dallas Junior Bar, the welfare department, and the Southwestern Legal

⁷⁵ Howard R. Sacks, *Education for Professional Responsibility: The National Council on Legal Clinics*, 46 AMERICAN BAR ASSOCIATION JOURNAL 1110, 1111–12 (Oct. 1960).

⁷⁶ *Proposed Legal Center to Fill Many Needs*, DALLAS MORNING NEWS, Feb. 29, 1948, § IV, at 2; see also *Legal Center’s Goal Attained*, DALLAS MORNING NEWS, Sept. 16, 1949, § II, at 1.

⁷⁷ Robert W. Finklea, *SMU Legal Research Center to Tackle World Riddles*, DALLAS MORNING NEWS, May 25, 1947, § IV, at 1, 14.

⁷⁸ Douglas A. Blaze, *Déjà vu All over again: Reflections on Fifty Years of Clinical Education*, 64 TENN. L. REV. 939, 940 (1997) (“By the late 1950s, five schools had established in-house [clinical] programs . . . The five schools were Duke University, Indiana University at Indianapolis, Southern Methodist University, the University of Tennessee, and the University of Texas.”) (citing *Report of Committee on Legal Aid Clinics*, 1959 A.A.L.S. PROC. 122).

Foundation.”⁷⁹ In addition, Dean Storey believed the clinic would advance justice. “The legal profession must guarantee equality of justice. In practical terms that means an adequate system of legal aid offices. The law schools cannot be indifferent to this danger because they are not immune. Their future is bound up with the legal profession.”⁸⁰

D. Threat of Socialization: Clinics to the Rescue

For Dean Storey, legal aid clinics served as a buffer to what he perceived as the growing threat that legal services might soon be socialized in the United States. When Dean Storey was a prosecutor at Nuremberg prior to his arrival at SMU,⁸¹ he observed first hand the perils that existed when a country’s system was not grounded in the rule of law.⁸² After Nuremberg, Storey focused on preserving the rule of law in America and sought to advance it in other countries.⁸³ Although the Nazi regime had been eradicated in WWII, other threats to the American way of life, such as communism and socialism, remained real. In particular, Dean Storey perceived there to be a growing threat of socialism to the realm of law. “To me, the greatest threat, aside from the undermining influences of Communist infiltration, is the propaganda and campaign for a

⁷⁹ *SMU Opens Free Clinic in Legal Aid*, DALLAS MORNING NEWS, March 17, 1948, § II, at 1.

⁸⁰ Robert Storey, *Law School Legal Aid Clinics Foreword*, 3 JOURNAL OF LEGAL EDUCATION 533, 533.

⁸¹ Robert W. Finklea, *SMU Legal Research Center to Tackle World Riddles*, DALLAS MORNING NEWS, May 25, 1947, § IV, at 1, 14.

⁸² As Executive Trial Counsel in the trial of the major Axis war criminals, Storey participated in poring over a massive number of captured German documents that detailed the defendants’ war crime atrocities, searching for the documents that best proved the defendants’ guilt. *See Trial of the Major War Criminals Before the International Military Tribunal*, International Military Tribunal (Nov. 14, 1945–Oct. 1, 1946), available at (http://www.loc.gov/rr/frd/Military_Law/pdf/NT_Vol-XXV.pdf); see also Robert G. Storey, *Foreword to Whitney R. Harris, Tyranny on Trial*, at xi, xii (1954).

⁸³ For example, Storey helped South Korea establish their own legal center so that American lawyers could “aid friendly nations in their legal problems in the fight against Communism.” *Storey Tells of Legal Aid for Koreans*, DALLAS MORNING NEWS, Feb. 22, 1955, § I, 13.

federal subsidy to finance a nationwide plan for legal aid and low-cost legal service.”⁸⁴ Just as Storey had seen with his own eyes the perils of leaving too much power in the government’s hands in Nazi Germany, Storey saw the potential peril in allowing the government to control the legal field: “Can we trust our government in the creation of a bureau or agency to finance and supervise a nationwide plan of legal assistance? Speaking for myself, I am eternally opposed to any federal subsidy for legal assistance. The law office of an independent practitioner is the proper place for any worthy and unfortunate citizen to receive necessary legal assistance in solving his problems.”⁸⁵ As one clinic student recalled, “I think [Storey’s] general belief and the thing [the professors] wanted us to understand is, lawyers should be free to express themselves in any way in any situation, and they didn’t want the government regulating what they could or could not do . . . [Storey] believed that the judiciary should remain independent.”⁸⁶ Clinic faculty director Talbot Rain also echoed this view, stating that “a government subsidy would be the first step to the loss of an independent legal profession. And the legal profession is the great bulwark between the citizen and organized government.”⁸⁷

Storey believed that Britain’s enactment of the British Legal Assistance Act of 1949 was a sign of the growing trend toward socialism.⁸⁸ Through the act, the British government subsidized legal services for those who were unable to pay for services.⁸⁹ This type of

⁸⁴ Robert G. Storey, *The Legal Profession Versus Regimentation: A Program to Counter Socialization*, 37 AMERICAN BAR ASSOCIATION JOURNAL 100, 101 (Feb. 1951).

⁸⁵ *Id.* at 168.

⁸⁶ Telephone Interview with Marvin Levin, Clinic Participant in 1956 (March 4, 2016).

⁸⁷ *Welfare Unit Criticized by Social Agent*, Dallas Morning News, March 1, 1952, § I, at 1.

⁸⁸ Robert G. Storey, *The Legal Profession Versus Regimentation: A Program to Counter Socialization*, 37 AMERICAN BAR ASSOCIATION JOURNAL 100, 101 (Feb. 1951) (“Although outstanding United States’ lawyers have contended that the British plan is not a trend towards socialism or regimentation of the legal profession, I respectfully differ with them.”); *see also Legal Aid Program in Britain Criticized*, N.Y. TIMES, Feb. 23, 1953, at 18.

⁸⁹ *Legal Aid Program in Britain Criticized*, N.Y. TIMES, Feb. 23, 1953, at 18.

subsidization threatened the independence of the legal profession that Storey so highly valued.⁹⁰ According to Storey, 80 percent of the cases handled under the British act were divorce related, and he believed that the act's rules forced the hand of many lawyers in how they were able to help their clients.⁹¹ According to Storey, the result of the act was that more attorneys were encouraging their clients to divorce rather than reconcile: "No money was provided for legal services or services in a lawyer's office. Lawyers couldn't get any pay for *reconciling* couples. The result was that the more contests the lawyers handled, the more fees they got and the Government paid the cost."⁹² In comparison, in a legal aid clinic run by a law school where fee collection was not a consideration, the students and clients would have the ability to pursue other options than divorce.

Another reason Storey believed socialism to be an imminent threat was that the concept did not face animosity from the American legal profession. "I firmly believe that we are on the threshold of a [socialist] movement by our enemies, assisted by the indifferent and apathetic members of our profession," Storey said.⁹³ Drawing a comparison to the medical field, Storey said he could not understand why the medical field had taken proactive steps to protect itself from socialism, yet the legal field had not done the same: "The medical profession of the United States has voluntarily raised millions of dollars to fight socialization of medicine, while we in the legal profession have done nothing except pass numerous resolutions. Resolutions against such vicious attacks are worthless unless followed by vigorous action."⁹⁴ Moreover, in some instances,

⁹⁰ *Id.*

⁹¹ *Id.* The author of this paper has been unable to substantiate this statistic through any independent sources.

⁹² *Id.* (emphasis added).

⁹³ Robert G. Storey, *The Legal Profession Versus Regimentation: A Program to Counter Socialization*, 37 AMERICAN BAR ASSOCIATION JOURNAL 100, 167 (Feb. 1951).

⁹⁴ *Id.* at 103.

members of the legal profession seemed not so much apathetic, but rather supportive of socialized legal aid. In a 1951 article calling for the legal field to band together against socialism, Storey discussed how the National Lawyers Guild had recently passed a resolution “calling upon the Federal Government to provide a system of free legal aid at government expense,” and how the Guild cited the British Act as a precedent for their proposal.⁹⁵

Storey made it clear even at the outset of his term as Dean that he intended to combat the threat of socialism, and that the Legal Aid Clinic was one of the ways he would combat it. During his first proposal of the creation of the Legal Center, Storey said its design was to “help bring order out of threatened legal and governmental chaos.”⁹⁶ Storey recommended that the legal profession combat socialized legal aid by having local bar associations fund and manage legal aid associations, and in addition to that, have “each of the accredited law schools of the nation operate a legal clinic as an aid to local legal assistance projects.”⁹⁷ As past clinic participant Marvin Levin saw it, the fear of socialism “was why [Storey] authorized the legal clinic.”⁹⁸ However, another possible perspective is that the fear of socialism was why Storey was able to drum up the necessary support and funding for the clinic.⁹⁹ Either way, Storey aimed to have the school legal aid clinic work in harmony with the local legal aid clinic, as they both had

⁹⁵ *Id.* at 101.

⁹⁶ Robert W. Finklea, *SMU Legal Research Center to Tackle World Riddles*, DALLAS MORNING NEWS, May 25, 1947, § IV, at 1, 14.

⁹⁷ Robert G. Storey, *The Legal Profession Versus Regimentation: A Program to Counter Socialization*, 37 AMERICAN BAR ASSOCIATION JOURNAL 100, 103 (Feb. 1951).

⁹⁸ Telephone Interview with Marvin Levin, Clinic Participant in 1956 (March 4, 2016).

⁹⁹ *See, e.g.*, Allen Duckworth, *Stassen Stresses Need for Unity Against War*, DALLAS MORNING NEWS, Nov. 22, 1946, § II, at 1; Raymond Moley, *Russian Interpretation of GOP Victory is in Error*, DALLAS MORNING NEWS, Dec. 6, 1946, § II, at 2; Lynn W. Landrum, *Socialism's Weakness*, DALLAS MORNING NEWS, Mar. 19, 1947, § II, at 2.

a common objective in providing non-governmental legal services.¹⁰⁰ Indeed, Marvin Levin perceived the clinic's role as such: "We were sort of the second legal clinic in Dallas, in the fact that there was a Dallas legal clinic set up by the Bar."¹⁰¹

IV. Inception of the Clinic: Whether Vision Aligned With Reality

Dean Storey wished to create a clinic that was one of the first of its kind, educated students through unconventional means, fostered relationships, and advanced justice.¹⁰² But did the finished product of the Clinic live up to its vision?

A. One of the First of Its Kind

A clinic that was completely a byproduct of a law school, rather than of a local legal aid association, was a concept that had not been largely effectuated by 1947. Although there were numerous programs uniting law schools and local legal aid associations across the country, there were less than five legal aid "clinics" that were created and managed by law schools by the mid 1950s.¹⁰³ The new in-house clinic concept was gathering momentum in Dallas, as is evidenced by the multiple newspaper articles discussing such a concept prior to 1947.¹⁰⁴ It is thus not hard to imagine that such rumblings made an impression on Storey. In fact, during one of Storey's first faculty meetings, he discussed the Duke Law School and its legal aid clinic when talking

¹⁰⁰ Robert G. Storey, *The Legal Profession Versus Regimentation: A Program to Counter Socialization*, 37 AMERICAN BAR ASSOCIATION JOURNAL 100, 103 (Feb. 1951).

¹⁰¹ Telephone Interview with Marvin Levin, Clinic Participant in 1956 (March 4, 2016).

¹⁰² *Proposed Legal Center to Fill Many Needs*, DALLAS MORNING NEWS, Feb. 29, 1948, § IV, at 2; see also *Legal Center's Goal Attained*, DALLAS MORNING NEWS, Sept. 16, 1949, § II, at 1.

¹⁰³ Douglas A. Blaze, *Déjà vu All over again: Reflections on Fifty Years of Clinical Education*, 64 TENN. L. REV. 939, 940 (1997).

¹⁰⁴ See, e.g., *Wider Legal Aid to Poor Advocated*, DALLAS MORNING NEWS, April 16, 1944, § I, at 8.

about the future plans for SMU.¹⁰⁵ Storey envisioned creating state-of-the-art law school facilities, and creating a separate clinic office area in the new facilities, and supporting it financially and academically was in line with this vision.¹⁰⁶ In vigorous fundraising efforts to raise money for his envisioned Legal Center, Storey would discuss the programs the Center would provide, always making sure to mention the innovative in-house clinic that would be created.¹⁰⁷ When the Legal Center facilities were completed in 1951,¹⁰⁸ the clinic moved from their temporary offices downtown¹⁰⁹ into the bottom floor of Florence Hall.¹¹⁰ Its set up resembled exactly that of an actual law office, with various office areas, a workspace for a secretary, and a waiting area for potential clients.¹¹¹ It was at this time that SMU moved into rare territory, as it was just one of five law schools in the entire country with its very own clinic facility and program.¹¹²

In addition to being a novel facility structure, the newness of the school-run clinic also allowed for the duties of the clinic students to evolve. Before clinics, when students would go to the local legal aid offices, they would merely assist with menial tasks and did not contribute much in the way of productivity, since they could only be at the offices for a small amount of

¹⁰⁵ SMU Law School Faculty Meeting Minutes (June 11, 1947).

¹⁰⁶ *Proposed Legal Center to Fill Many Needs*, DALLAS MORNING NEWS, Feb. 29, 1948, § IV, at 2.

¹⁰⁷ *See, e.g.*, Robert W. Finklea, *SMU Legal Research Center to Tackle World Riddles*, DALLAS MORNING NEWS, May 25, 1947, § IV, at 1, 14

¹⁰⁸ Robert G. Storey, *Equipment Offered for Law Studies*, DALLAS MORNING NEWS, April 15, 1951, § VII, at 8.

¹⁰⁹ *Free Legal Aid Clinic*, DALLAS MORNING NEWS, May 23, 1948, § IV, at 2.

¹¹⁰ *SMU Law Students Will Continue Offer of Free Legal Aid*, DALLAS MORNING NEWS, July 22, 1951, § II, at 7.

¹¹¹ *3 Buildings Hold Law Center's Facilities*, DALLAS MORNING NEWS, April 17, 1951, § I, at 8.

¹¹² Douglas A. Blaze, *Déjà vu All over again: Reflections on Fifty Years of Clinical Education*, 64 TENN. L. REV. 939, 940 (1997).

time per week.¹¹³ Having their own headquarters and offices allowed the students to take on more meaningful tasks. For example, the way students received cases and interacted with clients altered significantly with the creation of the on-campus facilities. Before the clinic's facilities were completed, the clinic would receive those cases that the Legal Aid Board considered to be overflow, as they were usually "swamped" with work at this time and were "glad for some help."¹¹⁴ The students would accompany Professor Masterson or his co-worker, Professor Emery, down to the temporary clinic offices downtown, and would take cases that were pre-screened by the local Legal Aid Board.¹¹⁵ The screening process ensured that the clients really could not afford to pay for an attorney.¹¹⁶ This arrangement coincided nicely with Dean Storey's vision of the school's Clinic working in arms with the local Legal Aid office, combating the threat of socialized legal aid together.¹¹⁷ However, when SMU's clinic opened, things began to change. Knowledge of the clinic began to spread by word of mouth, and the clinic began directly receiving letters from hopeful clients.¹¹⁸ Moreover, the clinic's "office-like" facilities, with small interview rooms, allowed the students to interview and screen potential clients themselves.¹¹⁹ Having their own facilities also meant that students were in charge of answering the phones and being present in case a client showed up.¹²⁰ Therefore, the innovative facilities and program

¹¹³ See, e.g., Jerome Frank, *Why Not A Clinical-Lawyer School?*, 81 U. PA. L. REV. 907, 917.

¹¹⁴ Frank X. Tolbert, *Woman With 'Ornery' Spouse Gets Aid from Legal Clinic*, DALLAS MORNING NEWS, Jan. 16, 1949, § I, at 10.

¹¹⁵ *Id.*

¹¹⁶ *Id.*

¹¹⁷ Robert G. Storey, *The Legal Profession Versus Regimentation: A Program to Counter Socialization*, 37 AMERICAN BAR ASSOCIATION JOURNAL 100, 103 (Feb. 1951).

¹¹⁸ See, e.g., Frank X. Tolbert, *Woman With 'Ornery' Spouse Gets Aid from Legal Clinic*, DALLAS MORNING NEWS, Jan. 16, 1949, § 1, at 10 ("The clinic received a letter from a felon in the Michigan State prison.").

¹¹⁹ Appendix to SMU Law School Faculty Meeting Minutes (May 30, 1951).

¹²⁰ *Id.*

allowed the students to have a much more hands-on experience in dealing with the clients who sought their help.

Another example of students having more responsibility was the creation of the chief counsel position. The chief counsel was a student who acted as senior to the other clinic students, yet still reported to the faculty supervisor, for the entire semester.¹²¹ The chief was selected from the entire student body, and the honor of the position was on par with the Editor of the Law Journal.¹²² The chief performed managerial duties, like assigning cases to student attorneys, and sometimes sought out particular students to participate in the clinic.¹²³ In addition, the chief acted in a supervisory capacity to the new clinic participants who were starting on their first cases.¹²⁴ As Ray North recalls, he “would go over the case with almost every other student that had a case assigned to them that was in their first semester with legal aid.”¹²⁵

The mechanics of the clinic program seemed to evolve with the different supervising directors that took over the program. Because the student attorneys could not yet obtain bar cards, the supervising directors were liable for the handling of the cases, and therefore had a large amount of discretion in how the clinic program ran.¹²⁶ In the first few years of its existence when the clinic did not have offices, it essentially acted like the other clinic programs in existence across the country. Professor Masterson, the first supervising director of the program, would accompany the students to the local legal aid office once a week.¹²⁷ However, once the clinic

¹²¹ *Id.*

¹²² *Id.*

¹²³ *Id.*; see also Telephone Interview with Marvin Levin, Clinic Participant in 1956 (March 4, 2016).

¹²⁴ See Telephone Interview with Ray North, Clinic Participant in 1962 (April 15, 2016).

¹²⁵ *Id.*

¹²⁶ *Legal Clinic at Texas U. Receives OK*, DALLAS MORNING NEWS, August 7, 1940, § I, at 7.

¹²⁷ Frank X. Tolbert, *Woman With ‘Ornery’ Spouse Gets Aid from Legal Clinic*, DALLAS MORNING NEWS, Jan. 16, 1949, § I, at 10.

moved into its official offices and had more autonomy from the local legal aid association, the new supervising director, Professor Rain, was able to usher in a slightly more formal atmosphere to the clinic. Rain set about prescribing various procedures, including establishing the requirements for students who wanted to participate in the program and dictating hours of operation.¹²⁸ But even with these new rules, students were largely left to their own devices,¹²⁹ and there was a slightly ad-hoc feeling to the clinic.¹³⁰ When Professor McKnight took over the program in the late 1950s, he began establishing benchmarks that clinic participants had to meet before receiving their class credit.¹³¹ For example, students were required to continue working on a case until it was completed, even after the student had finished working in the clinic.¹³² But even these types of rules still left the discretion of how to actually handle the cases with the students. As Marvin Levin recalled, Professor Wimbish, who was in charge of the program in the mid 1950s,¹³³ would “ma[k]e us do our own thing. He would answer the question if we were *wrong*, but he made us come up with the different answers on it. He tried to keep us from making any major mistakes.”¹³⁴ Likewise, when Professor McKnight was the supervisor in the early 1960s, students would first attempt to handle disputes regarding the handling of cases among themselves, with the Chief Counsels acting as referees.¹³⁵ According to clinic participant Ray North, if Professor McKnight ended up getting involved, “then his decision was always the one we followed . . . he was really good at working *with* the students.”¹³⁶

¹²⁸ Appendix to SMU Law School Faculty Meeting Minutes (May 30, 1951).

¹²⁹ Telephone Interview with Lowell Dushman, Clinic Participant in 1955 (March 4, 2016).

¹³⁰ Telephone Interview with Marvin Levin, Clinic Participant in 1956 (March 4, 2016).

¹³¹ *See, e.g.*, SMU Law School Faculty Meeting Minutes (March 11, 1958).

¹³² SMU Law School Faculty Meeting Minutes (March 11, 1958).

¹³³ *See* SMU Law School Faculty Meeting Minutes (Nov. 1, 1955).

¹³⁴ Telephone Interview with Marvin Levin, Clinic Participant in 1956 (March 4, 2016).

¹³⁵ Telephone Interview with Ray North, Clinic Participant in 1962 (April 15, 2016).

¹³⁶ *Id.*

B. Education Through Unconventional Means

The clinic promoted higher learning through innovative means, simply because interacting with actual clients on real cases was an unprecedented experience in the Harvard-method run law schools, as well as in the proprietary law school models that preceded and competed with it.¹³⁷ Clinic students were required to answer all phone calls made to the clinic office.¹³⁸ When interviewing potential clients, students had to probe into difficult topics regarding financial capabilities, since the clinic was designed only to help those who “could not in any way, means, or fashion, hire their own attorney.”¹³⁹ Students had to maintain client files and records in the same way that an office would.¹⁴⁰ Students drafted documents, negotiated with opposing parties, and researched questions of law and fact that actually existed in real cases for their clients, all of which were unheard of activities in their other typical case method-style classes.¹⁴¹

C. Fostering Relationships

Working in the clinic allowed the students to form valuable relationships with the pro bono attorneys who worked with the Clinic. Students had to get their work product approved by the attorneys, which allowed students to bounce ideas off and learn from the experienced

¹³⁷ Jerome Frank, *Both Ends Against the Middle*, 100 U. PA. L. REV. 20, 22 (1951); see also Bruce A. Kimball, *The Proliferation of Case Method Teaching in American Law Schools: Mr. Langdell’s Emblematic “Abomination,”* 46 HISTORY OF EDUCATION QUARTERLY 192, 229 (summer 2006).

¹³⁸ Appendix to SMU Law School Faculty Meeting Minutes (May 30, 1951).

¹³⁹ *Id.*; see also Telephone Interview with Marvin Levin, Clinic Participant in 1956 (March 4, 2016); see also Telephone Interview with Ray North, Clinic Participant in 1962 (April 15, 2016).

¹⁴⁰ Appendix to SMU Law School Faculty Meeting Minutes (May 30, 1951).

¹⁴¹ *Id.*; see also Telephone Interview with Marvin Levin, Clinic Participant in 1956 (March 4, 2016).

attorneys.¹⁴² The attorneys would even let the students attend court with them on cases and introduced them to judges and other attorneys at the courthouse. Attending court with the attorney was a very exciting thing for Levin: “In some instances [the attorney] would say, ‘Your Honor, do you mind if this student at SMU that has been working on this case presents this part of [the case]?’ We’d shake in our boots, address the judge, and [the judge] would be very complimentary that we were law students trying to do this, and it always felt good.”¹⁴³ Lee Vendig also recalled going down to the courthouse and meeting the judges.¹⁴⁴

Working in the Clinic also allowed the students to form relationships with each other. As they were working on real cases for real clients, a feeling of comradery spread amongst the students, according to clinic participant George Elliott.¹⁴⁵ Indeed, clinic participant Ray North recalls staying in contact with and receiving cases from fellow clinic students after leaving law school.¹⁴⁶ Moreover, as already discussed, students had a unique relationship with the supervising directors of the clinic. Students worked much like associates in a law firm, where they were left to their own devices most of the time, but they still had the input of the supervising director when it really mattered.¹⁴⁷ Professor McKnight in particular fostered genuine

¹⁴² Telephone Interview with Marvin Levin, Clinic Participant in 1956 (March 4, 2016) (“What we had to do is get a pro bono lawyer to come in and handle the case, and you know we’d try to do the paper work for him, as primitive as it was at the time, on the case. And then he would have to approve them and sign them.”)

¹⁴³ Telephone Interview with Marvin Levin, Clinic Participant in 1956 (March 4, 2016).

¹⁴⁴ Telephone Interview with Lee Vendig, Clinic Participant in 1954 (March 4, 2016) (“I know that they did take us down where we were introduced to some judges and got to see where the courthouse was.”). Similarly, the University of Tennessee’s legal aid clinic took each student to the courthouse at the beginning of each clinic term. *See The U-T Law Letter*, 2 ISSUED QUARTERLY BY THE FACULTY OF THE COLLEGE OF LAW OF THE UNIVERSITY OF TENNESSEE 1, 1 (Nov. 1948).

¹⁴⁵ Telephone Interview with George Elliott, Clinic Participant in 1954 (March 4, 2016) (“We were comrades, but of course it was real competitive too”).

¹⁴⁶ Telephone Interview with Ray North, Clinic Participant in 1962 (April 15, 2016).

¹⁴⁷ Telephone Interview with Marvin Levin, Clinic Participant in 1956 (March 4, 2016).

relationships with many of his clinic students: “[McKnight] helped a lot of us after we got out in the practice of law. Anybody that had been a student of SMU could go to McKnight and pick his brain on any case he had . . . Three or four times I’d pick his brain when I had cases.”¹⁴⁸

D. Promoting Justice

a. Types of Cases Handled

One of the earliest supervisors of the clinic, Talbot Rain, estimated that more than 3,500 Dallas persons needed legal aid each year in the early 1950s.¹⁴⁹ The SMU Clinic was able to make a significant dent in this number, the dent growing each year. In the very first year of opening, the clinic handled 50 cases.¹⁵⁰ By 1949, the clinic was able to handle 146 cases.¹⁵¹ Less than 10 years later in 1957, the clinic opened 256 new cases and closed 281 cases.¹⁵² But because there was such a significant need for legal assistance, the clinic had to be selective about the cases it took on. In addition to denying services to those who could afford an attorney,¹⁵³ the clinic strictly denied any case that had a potential for recovering fees.¹⁵⁴

¹⁴⁸ Telephone Interview with Ray North, Clinic Participant in 1962 (April 15, 2016).

¹⁴⁹ *Welfare Unit Criticized by Social Agent*, Dallas Morning News, March 1, 1952, § I, at 1.

¹⁵⁰ *SMU Legal Clinic Handles 50 Cases During First Year*, THE SMU CAMPUS, Nov. 13, 1948, at 2.

¹⁵¹ Ben Hawkins, *SMU Legal Aid Clinic Helping Many Persons*, DALLAS MORNING NEWS, Aug. 29, 1949, § I, at 3.

¹⁵² *Roger Copple to Head Legal Clinic*, THE SMU CAMPUS, Mar. 5, 1958, at 8.

¹⁵³ *Free Legal Aid Clinic*, DALLAS MORNING NEWS, May 23, 1948, § IV, at 2.

¹⁵⁴ Telephone Interview with Marvin Levin, Clinic Participant in 1956 (March 4, 2016) (“It was pretty restricted because we had to be really careful that we didn’t infringe on lawyers. We had to actually go in and verify that the people came to us could not in any way, means, or fashion hire their own lawyer.”). *See also* Telephone Interview with Ray North, Clinic Participant in 1962 (April 15, 2016).

Like the majority of other similar clinics across the country,¹⁵⁵ many cases the SMU clinic dealt with in its early years were divorce-related. For example, out of the 34 new cases the clinic took on in the fall of 1954, 22 were family related, 9 were property related, and 3 were economic related.¹⁵⁶ This large number of family-related cases is on par with Lowell Dushman's recollection of the cases he dealt with while in the Clinic. "I don't remember anything *other* than divorce."¹⁵⁷ Dean Storey strongly disliked it when lawyers were denied the ability to pursue other avenues in cases, like the lawyers affected by the British Legal Assistance Act who had to obtain divorces for their clients to receive payment, even if those divorces were contested.¹⁵⁸ However, the types of divorce cases handled by the clinic were different, because, as past clinic student Lowell Dushman recalled, neither spouse typically wished to contest the proceedings.¹⁵⁹ But while both spouses typically wanted a divorce, there was usually an issue regarding who was at fault for the divorce. As clinic participant Ray North remembers, divorces in Texas used to only be granted if one of the spouses was at fault.¹⁶⁰ North recalls having a wife as a client who was trying to prove that her husband was the one at fault in the divorce.¹⁶¹ "Each accused the

¹⁵⁵ Quintin Johnstone, *Law School Legal Aid Clinics*, 3 JOURNAL OF LEGAL EDUCATION 535, 543 (1951) ("In probably every clinic in the country, a majority of the cases assigned to students involve domestic relations . . . the domestic relations cases are nearly all divorce.").

¹⁵⁶ Legal Aid Clinic: Summary of Operations for the Period September 1, 1954 to January 31, 1955 (Found on page 24 of the SMU Law School Faculty Meeting Minutes for the period of 1955–1958). This ratio is on par with that of the University of Tennessee's clinic program, which in its 1947-48 year received 83 family-related cases, 31 property-related cases, and 11 economic-related cases. See *The U-T Law Letter*, 2 ISSUED QUARTERLY BY THE FACULTY OF THE COLLEGE OF LAW OF THE UNIVERSITY OF TENNESSEE 1, 1 (Nov. 1948).

¹⁵⁷ Telephone Interview with Lowell Dushman, Clinic Participant in 1955 (March 4, 2016).

¹⁵⁸ *Legal Aid Program in Britain Criticized*, N.Y. TIMES, Feb. 23, 1953, at 18.

¹⁵⁹ Telephone Interview with Lowell Dushman, Clinic Participant in 1955 (March 4, 2016) ("I think the type of divorce matters we delved into were mainly uncontested").

¹⁶⁰ Telephone Interview with Ray North, Clinic Participant in 1962 (April 15, 2016). No-fault divorce was not introduced in Texas until 1970. See also Divorce and Dissolution of Marriage, 39 TEX. JUR. 3D FAMILY LAW § 347.

¹⁶¹ Telephone Interview with Ray North, Clinic Participant in 1962 (April 15, 2016).

other one of clobbering them, or hitting them, or stealing money from the other, all sorts of allegations. After [Judge Sarah T. Hughes] heard the case, [she] said, ‘Divorce denied, because I’ve never seen people who deserved each other more!’”¹⁶²

Other cases the clinic dealt with were probate or property in nature. “The students draw up wills for elderly people who have a little property but not enough income to afford a lawyer. Recently, one of the boys took down the last will and testament of a century-old Negro woman who wanted to leave her river shack and her mule and wagon to a favorite grandson. ‘God bless you, lawyer boy!’ she cried when she left.”¹⁶³ The clinic also handled an injunction to prevent the sale of a homestead, and set aside an improper foreclosure on real estate.¹⁶⁴ Marvin Levin recalls being specifically asked to join the clinic by the chief counsel because he had background experience in forcible entries and detainers.¹⁶⁵ As Levin remembers, “[forcible entries and detainers were] the kind of basic thing no one wanted to do, there wasn’t a whole lot to go to trial on. It was someone getting kicked out of their house because they couldn’t pay the rent. But every now and then we could work with the other side or do something. It helped us learn about negotiations.”¹⁶⁶

Some of the cases the clinic first dealt with were partly criminal in nature, involving cases on appeal, writs of habeas corpus, and petitions for review and rehearing.¹⁶⁷ One Texas prisoner who heard that another person was bragging about the crime he had been convicted for

¹⁶² *Id.*

¹⁶³ Frank X. Tolbert, *Woman With ‘Ornery’ Spouse Gets Aid from Legal Clinic*, DALLAS MORNING NEWS, Jan. 16, 1949, § I, at 10.

¹⁶⁴ Ben Hawkins, *SMU Legal Aid Clinic Helping Many Persons*, DALLAS MORNING NEWS, Aug. 29, 1949, § I, at 3.

¹⁶⁵ Telephone Interview with Marvin Levin, Clinic Participant in 1956 (March 4, 2016).

¹⁶⁶ *Id.*; see also Telephone Interview with Ray North, Clinic Participant in 1962 (April 15, 2016).

¹⁶⁷ *Expansion of Legal Aid Clinic Urged*, DALLAS MORNING NEWS, April 20, 1954, § I, at 9; see also Telephone Interview with Ray North, Clinic Participant in 1962 (April 15, 2016).

wrote directly to Storey, asking for help.¹⁶⁸ The students in the clinic investigated the prisoner's claim, and took the case all the way to the United States Supreme Court.¹⁶⁹ Another prisoner wrote from Michigan asking for help.¹⁷⁰ He claimed that during his trial, the judge had been absent several times.¹⁷¹ The clinic students thoroughly researched Texas law on whether the judge's absence meant the case could be reversible, and mailed their research to the prisoner.¹⁷² However, students and professors alike began to feel like the subject matter handled by the clinic was limited in nature.¹⁷³ One area the clinic expanded their work in was with criminal law, when students began assisting court appointed counsel in criminal cases in the District Courts.¹⁷⁴

b. Was Socialism Thwarted?

Another aspect of justice that Dean Storey contended legal clinics could assist with was the thwarting of socialism and preventing its spread throughout the free world. But was this accomplished? As Dean Storey¹⁷⁵ and Professor Rain both expressed,¹⁷⁶ in their eyes, a federal subsidy for legal aid *was* socialism. Professor Rain once warned that “a government subsidy would be the first step to the loss of an independent legal profession. And the legal profession is

¹⁶⁸ Ben Hawkins, *SMU Legal Aid Clinic Helping Many Persons*, DALLAS MORNING NEWS, Aug. 29, 1949, § I, at 3.

¹⁶⁹ *Id.*

¹⁷⁰ Frank X. Tolbert, *Woman With 'Ornery' Spouse Gets Aid from Legal Clinic*, DALLAS MORNING NEWS, Jan. 16, 1949, § I, at 10.

¹⁷¹ *Id.*

¹⁷² *Id.*

¹⁷³ Telephone Interview with Lee Vendig, Clinic Participant in 1954 (March 4, 2016); *see also* Robert G. Storey, *Report of the Dean of the Law School, 1956–1957* (“In past years the weakness of the Legal Aid Clinic has been that the type of cases submitted were rather limited in range.”).

¹⁷⁴ SMU Law School Faculty Meeting Minutes (Feb. 25, 1958).

¹⁷⁵ Robert G. Storey, *The Legal Profession Versus Regimentation: A Program to Counter Socialization*, 37 AMERICAN BAR ASSOCIATION JOURNAL 100, 101 (Feb. 1951).

¹⁷⁶ *Welfare Unit Criticized by Social Agent*, DALLAS MORNING NEWS, March 1, 1952, § I, at 1.

the great bulwark between the individual citizen and organized government.”¹⁷⁷ In the beginning, the Clinic was independently financed through the Southwest Legal Foundation and SMU.¹⁷⁸ But soon after Dean Storey retired in 1959,¹⁷⁹ the then-acting director of the clinic Professor McKnight requested during a faculty meeting that the school request a financial grant from the Ford Foundation.¹⁸⁰ This Foundation was a government subsidy aimed at supporting clinics across the country.¹⁸¹ Because the grant was not available for consideration while Storey was Dean of the law school,¹⁸² it is difficult to imagine whether the faculty would have approved of such a request during that time. Nevertheless, the faculty unanimously approved McKnight’s request, and from that point forward, the clinic was no longer independently financed.¹⁸³

V. Conclusion

¹⁷⁷ *Id.*

¹⁷⁸ *Law Students Open Clinic for Legal Aid*, THE SMU CAMPUS, Oct. 12, 1956, at 4 (“The school of law of SMU and the Southwestern Legal Foundation provide all funds for the operation of the clinic. No money is obtained from the Community Chest or from any public or governmental source.”).

¹⁷⁹ *Lee Memorial Dedicated*, DALLAS MORNING NEWS, April 30, 1959, § IV, at 1.

¹⁸⁰ SMU Law School Faculty Meeting Minutes (Sept. 30, 1960) (The Faculty discussed a proposal by Professor McKnight as to whether the Law School should seek a grant from the National Council of Legal Clinics for the improvement of the program for the education of the law students in professional responsibility. The Council is administering a Ford Foundation grant for the improvement of legal clinic aid internship programs in law schools . . . It was unanimously resolved by the Faculty that the School of Law should endeavor to participate fully in the above program, and that this program would be fully supported by the Faculty.”).

¹⁸¹ Douglas A. Blaze, *Déjà vu All over again: Reflections on Fifty Years of Clinical Education*, 64 TENN. L. REV. 939, 941 (1997).

¹⁸² Orison S. Marden, *CLEPR: Origins and Program*, THE COUNCIL ON LEGAL EDUCATION FOR PROFESSIONAL RESPONSIBILITY, CLINICAL EDUCATION FOR THE LAW STUDENT: LEGAL EDUCATION IN A SERVICE SETTING 3, 5 (1973) (stating that starting from 1959 and continuing until 1965, the Ford Foundation made grants of \$500,000 to numerous law schools across the country).

¹⁸³ SMU Law School Faculty Meeting Minutes (Sept. 30, 1960); *see also* Linda Darnell, *Aid Clinic Also Helps Needy “Normal,”* THE SMU CAMPUS, Nov. 6, 1964, at 4 (The clinic is “sponsored by a grant from the Ford Foundation”).

When Storey resigned as Dean of the Law School in 1959,¹⁸⁴ he left the school's façade and composition in a completely different fashion than how he had discovered it in 1947. Storey established numerous new programs while Dean, including a successful foreign exchange program¹⁸⁵ and, the subject of this paper, a free legal aid clinic.¹⁸⁶ The clinic's finished product was exactly what Dean Storey envisioned it would be. The clinic provided practical hands-on experience to numerous students, furnished free legal aid to hundreds of Dallas indigents, connected the students with the Dallas legal community, and staved off the encroachment of government-provided legal services, although the program itself was later funded by a governmental grant. The clinic, as well as the other programs Storey created, indeed advanced Storey's goal of creating the preeminent law school of the Southwest.¹⁸⁷

¹⁸⁴ SMU Law School Faculty Meeting Minutes (Sept. 14, 1959).

¹⁸⁵ Telephone Interview with Lee Vendig, Clinic Participant in 1954 (March 4, 2016); *see also* Robert W. Finklea, *SMU Legal Research Center to Tackle World Riddles*, DALLAS MORNING NEWS, May 25, 1947, § IV, at 1, 14 ("The foundation plans to exchange students and professors with friendly foreign governments.").

¹⁸⁶ *SMU Opens Free Clinic in Legal Aid*, DALLAS MORNING NEWS, March 17, 1948, § 2, at 1.

¹⁸⁷ *Southwestern Legal Center*, ROTUNDA, 1953, at 32.

Appendix: Transcript Interviews with Clinic Participants

Telephone Interview With Marvin Levin, Clinic Participant in 1956 (March 4, 2016)

How did you join the clinic? Were you asked to participate, or did you apply?

Back at that time, we had an office there, and it was . . . No, I just think I had done some work on forcible entries and detainers. I think I had written something on there, and they had those that they were handling, and I think at one point, it may have been during the time Homer Brown was the student chief counsel there. They were in my study group, and he asked me to come on in and help them with some of those, and it was sort of fun at the time.

Did you have an impression of legal aid in general before you participated in the Clinic?

Then, it was pretty restricted because we had to be really careful that we didn't infringe on lawyers. We had to actually go in and verify that the people that came to us could not in any way, means, or fashion, hire their own lawyer. We did it just through questioning them and all that business. If it was anything that attorneys fees could be recovered or so, we wouldn't refer them to a lawyer, we'd just tell them we couldn't handle it and they had to get a lawyer. But anything else, we were really limited on what we could do . . . One of the professors I think was in charge of it and sort of overlooked us, but we never could walk into a courtroom without another lawyer being with us actually. What we had to do is get a pro bono lawyer to come in and handle the case, and you know we'd try to do the paper work for him, as primitive as it was at the time, on the case. And then he would have to approve them and sign them. And then when he went to court, if it was a matter of going to court, he would have to go with us at the time. We had no standing in court at all except if he was there. In some instances he would say, "Your Honor do you mind if so and so, a student at SMU that has been working on this case, presents this part of it?" We'd shake in our boots, address the judge and you know, he'd be very complimentary that we were law students trying to do this, and it always felt good. All of a sudden you'd have to put on a coat and tie and make an appearance, or even just to sit in the chair next to the lawyer. It was a handy thing, there were a lot of people coming in on a defense to a forcible entry and detainer which there was very little defense to back then, but we'd just have to try to advise them to what they'd have to do, and they'd have to pay, or else the court was going to do what it was going to do.

Do you have any recollections to how different the Clinic was to other classes?

It was usually people who couldn't pay for their cars or their cars had been retaken or so, and, or they were behind in their house payments and they were getting foreclosed on or something like that. It was really just a matter of I guess advising and then telling them when to get a lawyer and if they couldn't, then trying to get a pro bono lawyer that would work with us on it. And then also checking, briefing the law on it, sometimes for lawyers or so.

What was the feeling among the students in the Clinic? Was there a feeling of comradery, or was it more competitive?

It's not like it is today, I don't think. It was sort of a stepchild to the law school. Because they had also the Dallas Legal Aid at that time, they were trying to start it up also, or they had started

up. So it was just by happenstance that people would come to us to do anything on it. But whatever we got, we tried, we did what we could, and it was a good experience because that's one thing the Professors at that time were geared for, was not only teaching us a theory of the law but also, you know, day to day practice.

So the professors were helpful teaching that kind of thing?

Yeah, well that's why my interest at the time was forcible entry and detainer, because that was the kind of basic thing no one wanted to do, there wasn't a whole lot to go to trial on. It was someone getting kicked out of their house because they couldn't pay the rent. But every now and then we could work with the other side or do something. It helped us learn about negotiations because a lot of lawyers, there weren't that many paralegals and law clerks, it was just legal secretaries at the time. But we could work with them. And you got to know a lot of the clerks down at the court house . . . one of the things about law school is they teach a lot about theory, but as to the things you have to know when you get out, you know, the bottom end of the law practice, because you're specializing at whatever walks in, and usually that's the bottom of the thing or so, and no one says well "file a petition," and it's like, "yeah okay, well what's a petition?"

Do you think clinic helped you on learning the practical side?

Yes. That's one of the main things it did do. Because you know, if you tell a law student, "okay you have to go down on a pretrial," they respond, "what's a pretrial?" So anyway, it was good for that purpose. And it made us feel good, it made some of our clients feel good, and it was something to do that got you interested in actually the practice of law.

While you were a student, what was your impression of Dean Storey? Did you ever interact with him? Did you think Dean Storey's actions, including creating the Legal Center and the Clinic Program, made the law school better?

He was pretty much hands on, but he had a lot of influence in Dallas also. He was actually THE law school as far as the face of it at that time. He was fairly well respected. Students didn't interact with him too much because in those days, he was out getting donations and everything else. He put a pretty good core of people around him that he depended on that helped the law school. When I was there, Jack Riehm was just starting as a professor around there. My freshman year he was teaching Ethics and he also interviewed new students who wanted to come in, in those days we didn't have a SAT or LSAT . . . it was just an application and you got in, and he would interview you. When I went to law school, I had just come back from the service, and I was in the real estate business at the time and I told him about it, and he said he thought I ought to stay in the real estate business and get into law school. Because I wasn't real keen on practicing law, I just wanted to have the education. I got into law school anyway, I said I'd rather go, so I did get in, and the first class he taught me, I think he gave me the lowest grade I got my first year. Then when I graduated, he says, "you know, I think if they had an award for the person that increased their grade point average the most while they were in law school, I think you'd get it."

Dean Storey seemed to be worried about the government providing legal services, similar to the fear of socialization of health care. Do you remember any of that talk?

I think that was why he authorized the legal clinic, because we were sort of the second legal clinic in Dallas in the fact there was a Dallas Legal Clinic set up by the Bar. I think his general belief and the thing they wanted us to understand is, lawyers should be free to express themselves in any way in any situation, and they didn't want the government regulating what they could or could not do. Similar to the judges, although they're elected and have to answer to the electorate here, they still, most of them have that attitude that they're not bound by anything but the law, and they can make their interpretations as they seem them, except the city attorneys who are paid by the city and instructed by the city on what to do. He believed that judiciary should remain independent.

Did you have to stay on cases after you graduated?

Usually I think they got passed on. I think we got into the Legal Aid Clinic probably our second year, and then usually stayed into it our third year, and then that was the end, but by that time we either wound them up or just left them there, and then the next student would pick it up. It was a very ad-hoc situation at that time, there was no formal things in, and I guess the professor that there overseeing it . . . Wimbish, he made us do our thing, he would answer the question if we were *wrong*, but he made us come up with the different answers on it. He tried to keep us from making any major mistakes.

Do you recall interacting with any of the clients?

None specifically. I do remember talking to clients that came in there, and it was usually someone that had a traffic ticket and you had to explain to them what they had to do, or something like that, but we felt important at the time, but things weren't that spread out. I understand nowadays some of the judges would give them assignments in ongoing cases that were being held, but there was not that much, we were just trying to do our best. It was sort of a byproduct of the law school, it wasn't like the Law Journal or some of the other organizations there.

Looking back, do you think participating in the clinic was a good experience?

Certainly, if you're going to go into the practice of law. I can see how different people operate if you get the opportunity. I think now everyone goes down to the court house from time to time, I have seen from time to time groups from the law clinic come down to the courthouse and meet the judges and things of that nature.

Telephone Interview With George Elliott, Clinic Participant in 1954 (March 4, 2016)

Do you remember how you joined the Clinic at the school?

I joined it because I thought it would teach me something.

Did you think participating in the Clinic was a good experience? Did you think it helped you practicing law?

Not really, I don't remember.

When you were a student, did you ever interact with Dean Storey? What did you think of him?

I thought he was a great guy.

Did you think the things Storey did made a big difference?

Yeah, I did.

Did you ever interact with Dean Storey?

Unfortunately, I don't think I was someone for him to interact with much.

Do you remember what kind of cases you dealt with?

Oh, just about every kind.

Any memorable ones in particular?

Not really, too long ago.

Did you interact much with attorneys?

I don't recall any.

Do you have any memories of interacting with clients, in particular? What were they like?

You're catching me when I don't remember.

Do you have any fond memories of SMU, being there?

Yes.

Do you remember if you lived on campus?

Some of it, yes.

How was it?

Did I like it? Yeah. I worked in the library, and that was a really good experience for me.

How did participating in the Clinic compared to your other classes?

It was, for me, pretty tough. They all were. The teachers were all good. I had to work harder than most there to get through it. But somehow I made it.

Do you recall any talk about government socialization?

I don't remember anything like that, I don't think I ever had that fear.

I had multiple problems. I came out of high school and went into the Navy, and when I came out of the Navy, I had the GI Bill. That was the only reason I got into law school. The GI Bill got me in. I couldn't get in now, you have to have good grades and everything.

The only thing I can add to this I guess would be, I graduated and got a job in Dallas, and it lead me to Saudi Arabia, where I was defending a man who thought he had a contract to get oil. I went over there and so forth. Anyway, I was able to strike that thing down as being a fraud, and

that lead me into a reputation in Dallas, and I was hired several times to do the same thing, and I ended up spending a world of time in Saudi Arabia.

Do you remember there being a feeling of comradery among the students, or was it competitive?

We were comrades, but of course it was real competitive too. I just barely passed and started on a career I wouldn't trade 'em for.

Telephone Interview With Lee Vendig, Clinic Participant in 1954 (March 4, 2016)

On Dean Storey:

Dean Storey wasn't there very much. Actually Jack Riehm I believe was there the whole time I was in law school, and Storey was traveling overseas. He did extensive travels overseas, bringing graduate lawyers from particularly Europe and South America to be in the law school. And which was an interesting program because they lived in Lawyers Inn, and I lived in Lawyers Inn. Interacting with them was terrific because you got a whole different view because they were all graduate lawyers and judges and they were all older, you got a view of what life was like in South America and in Germany. But Dean Storey just wasn't there.

In my research, I've found that during the early 50s, the Clinic handled cases dealing with things like child support, adoption, insurance, divorce, guardianship, recovery of personal property, problems with landlords, and boundary dispute cases. Do you remember what types of cases you dealt with? Any memorable ones in particular?

No, that was more than 60 years ago, a lot of water under the bridge, I don't recall what kind of cases we did, or how we handled things. I know that they did take us down, where we were introduced to some judges and got to see where the courthouse was.

What was the faculty supervisor/director's role in the Clinic? Were they hands on, or did you sort of wing it?

Wimbish, yeah he taught criminal law, and he was a good friend actually. He lived in Ava, Oklahoma and my girlfriend at that time lived in Oklahoma and I took him home several times on trips where I was going to Oklahoma and dropped him off. The only thing I had from Professor Wimbish was Criminal Law and I don't recall at this point what we did in other areas.

Do you have any memories of interacting with the clients?

I really don't.

Do you remember any talk of fears that the government would start paying for legal aid, if school-run clinics didn't step in?

I don't remember anything Dean Storey wrote on that subject, but certainly I think legal aid services like equal access like the Texas Bar has is a good program and is much better than having any type of government run services, legal service.

Looking back, do you think participating in the Clinic was a good experience? Did it make any impact on your practicing law after you graduated?

Yeah, it was very limited though, we didn't really do that much at that point in time, but it was a good experience. In fact, my whole three and a half years at the law school was a real good experience.

Telephone Interview With Lowell Dushman, Clinic Participant in 1955 (March 4, 2016)

Who was the director of the Clinic?

It was either Masterson or Clyde Emery.

Were you left to your own devices with cases, or did you have some instruction?

I don't remember that it had a lot of input by the professors. I recall that for the most part, we were left to our own devices, but there was definite supervision. We didn't do it all on our own.

Do you remember how/why you joined the Legal Aid Clinic?

Sure, interest in becoming a lawyer.

Was the practical side of the things what interested you in joining the clinic? Being more hands on than in the typical class?

The hands-on was definitely an incentive.

What types of cases did you deal with?

Nothing absolutely that was memorable. All I really can recall is that it involved family matters, that's about it. I don't even recall any property subjects of any kind.

Do you mean divorce-type cases?

Yes. I don't remember anything *other* than divorce. There weren't any other family matters that I can recall.

Did you interact with attorneys much?

No.

Did you ever go to the courthouse?

No.

Do you have memories of interacting with the clients?

I don't specifically remember, but they would have had to come in. I think the type of divorce matters we delved into were mainly uncontested. We didn't get into anything that could extremely involved, as I recall it.

Do you have any memories of your impressions of Dean Storey while you were in law school?

He was very hands on, very personable, he was very visual. His presence, you knew he was there. He even lectured some, particularly I recall he specifically lectured on the Nuremberg trials, and as I recall he was involved in the Nuremberg trials . . . there was some film of the prosecution of the war criminals. He did a lecture on that, and some of it was about his personal experience, but what that was I couldn't tell you now.

On Dean Storey and socialization of legal services:

I have no idea. I don't think that was a reason, but I shouldn't say that, because no I don't recall anything where he connected, I don't recall any specific reason why the clinic was created. What I mean by that is any social purpose or movement against social legalism. But no, as I recall it, it was strictly to give law students some hands on experience with the legal system. That's what I recall about it.

Was the legal clinic different from the other classes you took?

Yes, because we were involved in drafting petitions, and you weren't doing that in classes. It was strictly lecturing in classes.

Did clinic have any effect on your practicing law after you graduated?

No, once you got out into the real world, to me it was different. Compared to what you get involved in once you get out . . . I'm glad we as law students had the opportunity to participate, but as far as any major impact on us getting out in the real world, I don't think so.

Telephone Interview With Ray North, Clinic Participant in 1962 (April 15, 2016)

How did you join the clinic? Were you asked to participate, or did you apply?

Professor McKnight offered the opportunity, and I said yes. As I recall, Don Keck was a friend of mine and was chief counsel the semester before me. He and I were friends and we both were inclined towards helping people. That was kind of the way we practiced law, we were inclined to help people that needed help and weren't so interested in making money, although I did very well as a lawyer. Making money was a part of it because you have to live, but Don and I practiced law that way.

Why did you choose to participate in the clinic?

To help people and the opportunity to go to court and actually present a case with the supervision of Joe McKnight. That was appealing because I liked the idea of being a trial lawyer.

Did you ever get to try a case?

Oh yes. They were divorce cases, and back then I think we handled one which is probably, it probably never will happen again. The woman judge, Sarah T. Hughes, was a divorce court judge, and in those early days, you had to prove wrongdoing by one spouse in order to get the divorce, it wasn't just the automatic thing of "you can't live together." But in those days you had to prove it was a wrongdoing, had to prove they had an affair with someone else, or beat and whipped you, or did something illegal, so there was a lot of fictitious reasons why. Even some of the lawyers knew some of the allegations weren't really true, but they went along with it to try to

get the divorce and that was part of the reason they changed the law. I had a case with a man and woman that fought all the time. Each accused the other one of clobbering them, or hitting them, or stealing money from the other, all sorts of allegations. Both were saying the same thing, that he's a drunkard, he's been in the jail, she's been in the jail, they were having trouble doing things in life. After she heard the case the judge said, "Divorce denied, because I've never seen people who deserved each other more!" I'm sure that was one of the last times she denied it, because shortly after, they changed the law and you didn't have to prove fault.

Was Professor McKnight with you when you tried the case?

Yes, Joe had to be there because you couldn't practice otherwise. As I recall, the lawyer on the other side was a recent graduate of SMU and he had been a former member of the Legal Aid Clinic. Joe helped a lot of us after we got out in the practice of law. Anybody that had been a student of SMU could go to McKnight and pick his brain on any case he had. McKnight would volunteer to help give us legal advice, and 3 or 4 times I'd pick his brain when I had cases.

While you were a student, what was your impression of Dean Storey?

I didn't personally have any personal conversation with him, but students in Lawyers Inn did, and I was sitting in the Lawyers Inn lounge and I was privy to the dialogue, but wasn't really a participant. He was a really neat person and very caring and obviously a big promoter of the law students and encourager to the law students, and that's just from what I got sitting in the Lawyers Inn. I knew who he was and respected him and everyone in the school did.

How would you describe the majority of work you did while in the Clinic? Was there a lot of fact-finding? Drafting of documents? Memo writing for the lawyers on the cases?

You'd talk to the clients and get their background and their history and you had to establish that they were making less money, or you know, weren't able to hire a lawyer by the standards they had. They had standards, so if you had three children and were raising three children, you could make more money than a single person. The first thing we did was to make sure they qualified for legal aid. We didn't have anyone I recall that cheated on that, most everyone needed legal aid pretty bad. Much of it was divorce cases, a lot of landlord and tenant cases where they were being evicted for non-payment. And child support, a lot of child support, and then they had a division on criminal law where the client would write a letter from prison and ask for counsel or advice. We did a couple of those, I don't recall the exact cases that were involved, but we did a couple of those. I was in legal aid one semester anyway and then we were required to take summer school the first year, and I was the Chief Counsel one summer. It was really in between my junior and senior year I think. Don Keck had been the student chief counsel the semester before, so I was a student chief counsel during the summer term where there wasn't as many students there.

What was being a Chief Counsel like?

The deal was I really talked to every other first term student. I would go over the case with almost every other student that had a case assigned to them that was in their first semester with legal aid, so if that was their first semester and they hadn't done it before, then I'd sit down with them and we'd go over their case. There was a tall lanky guy, Hughes, he would come in and he wore a hat and he'd come in and he was a member of legal aid, he'd take off his hat and would pull little pieces of paper from under the hat bend, and he had little pieces of paper on both sides

and would go through those papers and would move some from left side to right side, and he'd do that every morning and go to work on whatever the cases he had. He did that almost every morning he'd come in. It drove me crazy. I asked him what those pieces of paper were. He said, "I sell high chairs for babies that you can't tip over, no one can tip the chairs over, so the baby can't fall off the high chair, other kids can't knock it over. You can pick it up and turn it over but it takes a lot of effort. I sell those and look in the newspaper and every morning I get the births and cut out their little birth notice in the paper and put them all in left side of the hat and I go through them and if it's their first child I call them." He wouldn't go to the families that were having a second baby. He was really one of those lawyers that would help people. He in fact had a case that got bolloxed up and asked me to take a case over because a client was upset with him, this was 15 years after school mind you, and I did, so those kinds of relationships with those people that were in the SMU Clinic, we kind of had contact with them. 'Course I had contact with the lawyers that were in the big law firms too.

What was the atmosphere among clinic students like? Was there a feeling of comradery?

Oh yes. And you know, typical of any organization, there's always someone who's got a little anger over something, and that was one of the things the chief counsel would try to work out. If there was a dispute as to how a case ought to be handled, we'd try to solve that without an argument. But Professor McKnight was so good because if he stepped in, then his decision was always the one we followed because he was the lawyer and he was really good at working *with* the students, he never got upset with them. He just tried to talk it through with everyone and encouraged them to do what he thought was right, so it was good. And it wasn't really highly formal . . . we'd go in there when we didn't have classes into the clinic and we could study or work in there or work on a case or answer the phone. It was kind of like a library for the legal aid clinic and we could go in there and study and get a cup of coffee.

Looking back, do you think participating in the Clinic was a good experience? Did it make any impact on your practicing law after you graduated?

Oh yes, I think that solidified my idea . . . I grew up in small town in Kansas and I had a lawyer there that I admired and was kind of one of those people that encouraged me to go into law, and I think my idea was a country bumpkin lawyer in Kansas, going back to my hometown and practicing law. I married a girl from Los Angeles, California, and a little town in Kansas didn't appeal to her, so we stayed in Dallas to practice. And I think the clinic confirmed that I really kind of wanted to be a country lawyer in the big city . . . After law school, I did a lot of juvenile work. They court appointed attorneys to represent clients for a while and you were required to take them. That went out of the way. Even in federal district court, they required you take court appointments. I got a trial in juvenile court and it was a little case that everyone thought the little girl was guilty and I convinced the jury to find her not guilty. I talked to the jury after the case, and the jury said, "yeah we thought she was guilty, but after this she'd never do this again." Because I won that case, the trial judges started appointing me a lot on juvenile cases and you get paid what county agrees to pay you . . . but I was doing my calling, representing people who really needed the help.