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## Foreword

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## FOREWORD

Douglas R. Heidenreich<sup>†</sup>

Although I don't spend a lot of time thinking about the past, when I consider my time as Dean of William Mitchell College of Law, I sometimes wonder what I could have been thinking when I made certain decisions. ("Why in the world did I ever hire that guy?") One thing that I have never regretted, however, was giving the go-ahead for the creation of the clinical program. This is not the place to go into detail about the early history of the program; Roger Haydock did that twenty years ago.<sup>1</sup> I would, however, like to make a short comment about how it all started.

In the early 1970s law schools were beginning to realize that their graduates often entered law practice pitifully unprepared to deal with live people who had real problems that lawyers were expected to understand and try to solve. The perceived solution to this problem was the establishment of clinics that would allow law students to work under the supervision of "real lawyers" with live clients on real cases. With encouragement and the promise of funds from some charitable foundations, law schools, inspired to a degree by the medical school model, began to experiment to see whether a clinical system might work in the context of a law school.

William Mitchell law students were, at that time, part-time evening students. Almost everyone worked during normal working hours and attended classes in the evening. Many students worked at law-related jobs with law firms, corporate law departments, or public agencies, and many of them, upon graduation from law school, had already accumulated some years of experience in the worlds of law or business. Furthermore, the college had a long history of requiring students to participate in an extensive moot court program that tried to simulate the experience of developing and trying a lawsuit.

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<sup>†</sup> Professor Heidenreich has been on the William Mitchell faculty for over forty years. He was Dean of the college from 1964 to 1975.

1. Roger Haydock, *Clinical Legal Education: The History and Development of a Law Clinic*, 9 WM. MITCHELL L. REV. 101 (1984).

Still, because of the rules governing the unauthorized practice of law, these students had never been able to do real “lawyer work” with real clients. As the idea of law school clinical programs began to take hold, states began to amend their rules to allow law students, working under supervision, to represent indigent civil litigants and to prosecute or defend against minor criminal charges.

Although some of our students had been able to take a Poverty Law Seminar and work on real cases under the supervision of Legal Aid lawyers, it was not until the fall of 1973 that William Mitchell established its own formal clinical program. The designers and engineers of this program were Professors Roger Haydock and Rosalie Wahl. Roger, who had been working with Legal Assistance of Ramsey County, had been teaching part time for us since the spring of 1970, when he first taught a Consumer Law course. In 1972 he came on full time, continuing to teach Consumer Law and adding a section of Contracts to his teaching load.

I had thought that it would be difficult for our students, most of whom worked at regular jobs during the day, to find the time to interview and counsel clients, and I had worried that they would be unable to make court appearances. Roger, working with a group of committed students, discovered that a significant number of our students could make time available for these duties. We concluded that a clinical program might work in a law school like ours with a part-time student body. Thus, with some trepidation, I agreed with Roger that we might be able to make a clinical program work on a regular basis at William Mitchell and told him to begin the process based on a rough plan that he and his group had worked out.

Roger had already determined that we could find plenty of clients through referrals from Legal Assistance of Ramsey County (LARC). He had also lined up a group of enthusiastic prospective student directors who had some experience from working on an ad hoc basis with clinical programs such as Legal Assistance for Minnesota Prisoners, headquartered at the University of Minnesota Law School.<sup>2</sup> In order to make the proposal work, we needed two

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2. Professor Mel Goldberg, then a University of Minnesota Law School faculty member, managed this program, which provides legal assistance in civil matters for inmates of Minnesota prisons. He later joined the William Mitchell faculty, where he served as a talented and dedicated teacher and administrator; he was the college's Acting Dean during a difficult time in its history. Professor Goldberg died in 1998.

more things: more professional staff and physical space.

The professional staff quickly doubled. We soon hired as Co-Director, Rosalie Wahl, an alumna who had already accomplished much and was destined for even greater things.<sup>3</sup> Rosalie managed the criminal law clinics and Roger handled the civil law side of things. We persuaded Alberta Dowlin, who had been the office manager at LARC, to take over the daily management of the clinical program as administrator/secretary. “Bert,” as she was known, handled the mundane daily details of the program effectively and efficiently.

In the early 1970s, we were operating in cramped space at the college’s home at 2100 Summit Avenue. The clinic needed space—space that we didn’t have. We needed space for private interviews with clients, secure space for files, space for students to do research and to prepare material involving confidential client information, space for private offices for the Directors. At exactly the right moment I received a phone call from a local lawyer who advised me that one of his clients had died and had left to William Mitchell College of Law a small house located at 2093 Grand Avenue, just across the alley from the back of our building. This neighbor, Mr. John Webster, had come to know some of our students, and, having no close relatives who might be interested in this home, had decided to leave it to the law school.

As far as our space problems were concerned, Mr. Webster was our *deus ex machina*. We had to spend a bit of money to turn living space into office and workspace, but the building suited our needs almost perfectly. It would be disingenuous to say that the program functioned from the first without a glitch. On the other hand, the enthusiasm and talent of students, lawyers from LARC and elsewhere who supervised them, and Rosalie, Roger, and Bert<sup>4</sup> carried us through.

As the essays that follow demonstrate, the clinic has thrived and grown. It has become known nationally for its high quality. The staff members who have succeeded the initial group have, virtually without exception, demonstrated talent and dedication

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3. Professor Wahl, a William Mitchell graduate, had been an Assistant State Public Defender and an adjunct faculty member at the University of Minnesota Law School before assuming her duties at her alma mater. In 1977 she became the first female member of the Minnesota Supreme Court, where she served with distinction until her retirement in 1994.

4. The order of these names has no significance other than that this seems to be the most euphonious. It sounds a bit like the name of a folk trio.

beyond anything that the college could have hoped for. They are great teachers and scholars of whom we all are proud. Although no one knows just what course legal education may take in the coming years, one thing is certain: At William Mitchell, the clinical program will play an ever more significant role in training lawyers for the future.

Happy Thirtieth Birthday, WMCL Clinics.