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Jeanne Charn

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I. THE BELLOW SCHOLAR PROGRAM IN 2015

In November 2010, the University of the District of Columbia David A. Clarke School of Law hosted the fourth Bellow Scholar Workshop and subsequently published the work of two Bellow Scholars in Volume 16 of the UDC Law Review.[1] I was privileged to contribute a foreword to Volume 16 in which I commented on the legacy of my late husband, Gary Bellow, and offered a brief narrative of the origins of the Association of American Law Schools (AALS) Clinical Section's Bellow Scholar program.[2] Most of the earliest Bellow Scholars had worked with Gary or had taken his courses. We understood that we could best honor his legacy by building "a capacity for rigorous analysis and investigation, carried out in a community of activists willing to learn from each other and from other disciplines."[3] Our goal was to better understand and address significant problems in the lives of low- and moderate-income people.[4] We expected that we would also critically examine both the content and methods of our teaching and the learning goals we pursued in our clinics.

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* Director of the Bellow Sacks Access to Civil Legal Services Project, and Senior Lecturer in Law at Harvard Law School. In the 1970s, Gary Bellow and Jeanne Charn pioneered Harvard's clinical program, and for twenty-seven years Jeanne directed the Legal Services Center, Harvard's largest civil clinic that in peak years had twenty staff members, eighty clinical students, and closed more than 900 full representation cases annually.

[1] Jeanne Charn, *Foreword: The Work of the Bellow Scholars*, 16 UDC/DCSL L. REV. 1–15 (2012).

[2] *Id.*

[3] *Id.* at 5.

[4] *Id.*

In 2015, the program is thriving. Recently named Bellow Scholars report on the progress of their research in a designated session at the annual AALS Clinical Conference. Every fall, past and present Bellow Scholars and their research partners meet for a two-day workshop where they engage in extended discussions of their projects and deepen their understanding of research approaches and methods.[5] The common core of participants allows for a knowledge base that grows year by year and engenders a familiarity and trust that is conducive to frank exchange and debate.[6] As I noted in the 2012 Foreword, perhaps the most remarkable dimension of the Bellow Scholar program is that it is sustained by the interest of the participants, the quality of the projects, and the satisfaction of working collaboratively, across disciplines, on issues of consequence for our clients and our students.[7]

II. THE WORK OF JOSEPH TULMAN AND COLLEAGUES: ADVOCACY FOR AT-RISK YOUTH

This Volume includes two articles reporting on the important work of Bellow Scholar Joseph Tulman and his colleagues. Their research focuses on the connections between delinquency and schools, particularly the failure of schools to provide the special education services mandated forty years ago by federal law. In "Are There Too Many Due Process Cases?" Tulman and his practicing lawyer co-authors examine data on the number and distribution of parent-initiated due process hearings.[8] Their analysis reveals a remarkably low—and declining—rate of due process hearings in the vast majority of states. Three outlier jurisdictions, the District of Columbia, Puerto Rico, and New York (mainly New York City), account for a majority of filings and 85% of the fully adjudicated hearings. This data belies the generalized claims of public school representatives that hearings are a major drain on the time and resources of most districts.

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[5] In odd numbered years the Workshop meets concurrently with the Clinical Law Reviews writer's workshop. In even numbered years a Bellow Scholar hosts the workshop at his/her law school. To date the University of Maryland, Stanford University, University of Pennsylvania, UDC-DCSL, University of California-Irvine, and University of Notre Dame law schools have hosted Bellow Scholar Workshops.

[6] Charn, *supra* note 1, at 7.

[7] *Id.*

[8] Joseph B. Tulman, Andrew A. Feinstein, & Michele Kule-Korgood, *Are There Too Many Due Process Cases? An Examination of Jurisdictions with Relatively High Rates of Special Education Hearings*, 18 UDC/DCSL L. REV. 249 (2015).

The authors also examine changes in the number and types of hearings in the three outlier jurisdictions. They offer explanations for what the data show to be a sharp decline in due process hearings, particularly in the District of Columbia, where a combination of lawsuits and parent use of hearing rights has led to improvements in school compliance with special education laws. It is plausible that as compliance by schools improved, parents had less need for—and so initiated many fewer—due process hearings. This more nuanced, District-specific explanation of the data on both the rate and distribution of due process hearings requires an equally nuanced response that is consistent with the best available data. Improved outcomes for children and optimal functioning of public school systems are more likely to be achieved through a debate informed by data and attuned to changes over time.

Joe Tulman's other article, co-authored with a practicing attorney who is an alumna of Joe's clinic, reports on a clinic project focused on reversing the school–to-prison pipeline.[9] The goal was to "transform delinquency defendants into special education plaintiffs."[10] The project is described in detail in the paper, but the result was an army of lawyers trained (by UDC-DCSL clinicians) in special education entitlements and available to represent the parents of at-risk youth, including children who are involved in the delinquency system. This effort to train and mobilize special education attorneys to represent low-income parents and their children coincided with lawsuits challenging both the school system's non-compliance with special education mandates and the appalling conditions in the District's juvenile incarceration facilities.

Whatever the causal vectors, the interactions and interdependencies between (i) skilled individual representation; (ii) litigation seeking institutional reforms; (iii) reform efforts by public officials; and (iv) increased parent involvement coincided with a dramatic decrease in youth incarceration, improved special education services, and more students benefitting from those services. As in "Are There Too Many Due Process Cases?," the authors in "Reversing the

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[9] Joseph B. Tulman & Kylie A. Schofield, *Reversing the School-to-Prison Pipeline: Initial Findings from the District of Columbia on the Efficacy of Training and Mobilizing Court-Appointed Lawyers to Use Special Education*, 18 UDC/DCSL L. REV. 215 (2015).

[10] Joseph B. Tulman, *The Best Defense is a Good Offense: Incorporating Special Education Law into Delinquency Representation in the Juvenile Law Clinic*, 42 WASH. U. J. URB. & CONTEMP. L. 223, 225 (1992), *quoted in* Tulman & Shofield, *supra* note 9, at 223.

School-to-Prison Pipeline" suggest plausible explanations and invite alternative, nuanced and data-based alternative explanations. They also call for more and better data. They do not prescribe their context-specific approach to advocates monitoring special education and delinquency systems in other states or regions. Rather, they invite contrasts and comparisons, a focus on outcomes for children and youth, and collaborations that might produce a menu of strategies adaptable to varied regions, demographics, and institutional cultures.

III. PRACTICE RESEARCH AND CLINICAL EDUCATION

Clinics focused on direct client service are well positioned to document the actual functioning of law in people's lives and the workings of the lower trial courts and administrative agencies where people experiencing the legal problems of everyday life seek remedies.[11] Whatever the outcomes, the vast majority of problems taken to lawyers and to the legal system begin and end in these ground-level institutions. We direct-service clinicians are present at what Rebecca Sandefur has called "the intersection of civil law and everyday adversity."[12] We are uniquely situated to analyze and help our students make sense of the realities of practicing law for people of modest means in fora where they may find not the ideal type moot court but "the two minute examination, the fifteen minute trial, the law of substantial justice—without rules and often without limits."[13] These realities of law in people's everyday lives are not well understood and are therefore under-researched and under-theorized. The contributions of Joe Tulman and his colleagues in this Volume are examples of the type of research and scholarship that begins to fill this void.

Like the Bellow Scholar workshops, our clinics can be communities of learning in, through, and about practice. We can model respect for data and evidence, welcome critique and challenge, and learn not only from our successes but also from our failures. An

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[11] A large body of survey research suggests that most problems with legal dimensions never reach a legal advisor or a legal institution of remedy. *See, e.g.*, Charn, *supra* note 1, at 12–13; William L.F. Felstiner, Richard L. Abel & Austin Sarat, *The Emergence and Transformation of Disputes: Naming, Blaming, Claiming . . .*, 15 LAW & SOC'Y REV. 631 (1980/1981); Rebecca Sandefur, *The Importance of Doing Nothing: Everyday Problems and Responses of Inaction*, *in* TRANSFORMING LIVES: LAW AND LEGAL PROCESS, 112, 113 (Pascoe Pleasance et al. eds., 2007).

[12] Sandefur, *supra* note 11, at 113.

[13] Gary Bellow, *The Limits of Humanistic Law Teaching*, 53 N.Y.U. L. REV. 644, 645 (1978).

empirical disposition serves as an antidote to complacency, perceived constraints, and attachment to our "fondest pet notions,"[14] freeing us to attack hard problems in new, perhaps unorthodox, ways. As we develop such communities, we better embody the deepest and best meaning of a "learned profession" that earns, and can be trusted with, some degree of self-regulation. We also carry on Gary Bellow's legacy of hard work, high standards, and unceasing critical reflection and analysis.

[14] Frank Michelman, *The Legal Profession and Social Change: The Challenge to the Law Schools*, *in* ARTHUR E. SUTHERLAND, THE PATH OF THE LAW FROM 1967 (1968); Jeanne Charn & Jeffrey Selbin, *The Clinic Lab Office*, 2013 WIS. L. REV. 145 (2013).