

No. 99-30895

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

SOUTHERN CHRISTIAN LEADERSHIP CONFERENCE, et al.,

Appellants

v.

THE SUPREME COURT OF THE STATE OF LOUISIANA

Appellee.

Appeal from the United States District Court
for the Eastern District of Louisiana
District Court No. C-99-1205 SECTION "L" (4)

**MOTION FOR LEAVE TO FILE BRIEF OF
ASSOCIATION OF AMERICAN LAW SCHOOLS,
THE AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS, AND
THE CLINICAL LEGAL EDUCATION ASSOCIATION, AS
AMICI CURIAE, SUPPORTING REVERSAL**

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On the Motion Jillian Aldebron Barbara Antonucci Law Student Interns at Boalt Hall	SUZANNE J. LEVITT Drake Law School 27 th & Carpenter Des Moines, Iowa 50311 (515) 271-3851

Attorneys for *Amici Curiae*

MOTION

Amici Curiae, the Association of The Association of American Law Schools, the American Association of University Professors, and the Clinical Legal Education Association, three educational organizations devoted to sound educational policies made possible through the protection of the academic freedom of professors and institutions of higher education, seek leave to file the accompanying brief in support of the Appellants, supporting reversal.

As set forth in the accompanying brief, at pages 1-3, The Association of American Law Schools (AALS) is a non-profit educational organization that has as its purpose “the improvement of the legal profession through legal education.”¹ The AALS was formed in 1900, under the auspices of the American Bar Association (ABA). The AALS is recognized by the Council for Higher Education Accreditation as the national accrediting agency for law schools. Of the 182 ABA-approved law schools in this country, 162 have become members of the AALS. The AALS serves the legal community as a learned society of law teachers, and it

¹ Article 3, Articles of Incorporation of the Association of American Law Schools, Inc. Articles of Incorporation of the Association of American Law Schools, Inc.

is legal education's principal representative to the federal government and to other higher education organizations and learned societies.

The American Association of University Professors (AAUP), founded in 1915, is an organization of approximately 44,000 faculty members and research scholars in all academic disciplines, including law. Among the organization's central functions is the development of policy standards to defend academic freedom in higher education. AAUP's policies are widely respected as models in American colleges and universities, and have been cited by this nation's highest court. *See, e.g., Board of Regents of State Colleges v. Roth*, 408 U.S. 564 (1972) *Tilton v. Richardson*, 403 U.S. 672, 681-82 (1971) (citing the AAUP's Statement of Principles on Academic Freedom and Tenure).

The Clinical Legal Education Association (CLEA) is a non-profit educational organization formed in 1992 to improve the quality of legal education both in the United States and abroad. CLEA currently has over 1,060 dues-paying members representing more than 140 law schools from six continents. CLEA supports the integration of lawyering skills and professional values in law school curricula through clinical courses in which law students learn by doing. CLEA and its members are committed to training law students to be competent, ethical practitioners.

The AALS and CLEA offer their views to this Court because they believe that clinical legal education is an important component of the overall education of our nation's future

lawyers. These *Amici* firmly believe that the outcome of this appeal will affect the ability of law schools in Louisiana to provide a first-rate legal education, and this appeal may hold implications for legal education in other parts of the United States as well. The AAUP has joined this Brief because of its particular concern for academic freedom.

As set forth in counsel's declaration, the brief is timely filed and complies with the requirements of Fed. R. App. P. 29. The attorneys for the Appellants have consented to the filing of the annexed proposed brief of *amici curiae*, and the attorney for the Appellee has indicated his opposition.

Amici Curiae respectfully ask that their motion be granted and that the accompanying brief be filed, so that *Amici Curiae* may offer their assistance to this Court.

Dated: January 13, 2000

Respectfully submitted,

Peter A. Joy
Suzanne J. Levitt
Charles D. Weisselberg

By
Peter A. Joy

DECLARATION OF PETER A. JOY

I, Peter A. Joy, declare:

1. I am one of the attorneys for *Amici Curiae* in this matter.
2. *Amici Curiae* are the Association of Association of American Law Schools, the American Association of University Professors, and the Clinical Legal Education Association, three educational organizations devoted to sound educational policies made possible through the protection of the academic freedom rights of professors and institutions of higher education. The organizations and their interests in this case are described in the “Interests of *Amici Curiae*” section of the accompanying brief.
3. This case is the Appellants’ appeal from an order granting a motion to dismiss Appellants’ complaint challenging new restrictions on law school clinical legal education programs in Louisiana, including claims that the recent regulations constitute the government’s intrusion into what and how law professors in Louisiana may teach. The appeal raises important questions about the scope of the government’s power to limit the academic freedom of law professors in Louisiana, and that the outcome of this appeal will affect the ability of law schools in Louisiana to provide a first-rate legal education. This appeal may hold implications for legal education in other parts of the United States as well. *Amici Curiae* hope that their brief may assist the Court in resolving the complex issues on appeal.
4. *Amicus Curiae* Clinical Legal Education Association was granted leave to file a brief as *Amicus Curiae* in the district court. *Amicus Curiae* The Association of American Law

Schools has monitored the Louisiana Supreme Court's efforts to amend its Student Practice Rule and submitted its views to the defendant Court in December 1997.

5. *Amici Curiae's* brief accompanies this motion. The brief complies with the requirements of Fed. R. App. P. 29. It is under 7,000 words (i.e., half the permitted size of the principal brief).

6. The brief is timely filed. Pursuant to Fed. R. App. P. 29(e), the brief is due within 7 days of the Appellants' brief. The Appellants filed their brief on January 7, 2000. This brief is being submitted to the Court within 7 days of that date.

7. David Udell, one of the attorneys for the Appellants, consents to the filing of this brief. His letter of consent is attached to this declaration.

8. Michael H. Rublin, counsel for the Appellee, opposes the filing of this brief. His letter is attached to this declaration.

9. On January 7, 2000, counsel for *Amici Curiae* will deposit their motion and brief with Airborne Express for overnight delivery to the parties and will, on the same date, fax the brief and this motion to the parties.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 7th day of January, 2000, St. Louis, Missouri.

Peter A. Joy

ATTACHMENTS