

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)

**REPLY OF ASSOCIATION OF AMERICAN LAW SCHOOLS,
THE AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS, AND
THE CLINICAL LEGAL EDUCATION ASSOCIATION, TO RESPONSE
OF APPELLEE TO REQUESTS FOR *AMICUS* STATUS**

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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*

REPLY

Amici Curiae, the Association of The Association of American Law Schools (AALS), the American Association of University Professors (AAUP), and the Clinical Legal Education Association (CLEA), hereby reply to the Appellee's Response. *Amici Curiae* seek to make only four brief points in support of their motion for leave to file their *amicus* brief.

First, the Appellee does “not specifically object[.]” to the filing of the brief of *Amici Curiae*. See Response at 1. Thus, the motion to file the brief of *Amici Curiae* is unopposed. Instead of opposing the motion, the Appellee takes the position that, once filed, the Court should not give the brief any weight. *Id.* But surely that is not a position that can or should be advanced in response to the motion to file the brief of *Amici Curiae*. Once the brief is filed, it is up to this Court to decide what weight to give to the brief, just as the Court will decide what weight to accord any *Amicus Curiae* briefs that may be filed in support of the Appellee. Since there is no opposition to the filing of the brief of *Amici Curiae* by any of the parties, the Clerk of this Honorable Court has the authority to rule on the motion pursuant to the rules of this Court. See 5th Cir. 27.1.13.

Second, both the AALS and CLEA submitted materials to the Louisiana Supreme Court as the Court was in the process of amending Supreme Court Rule XX, the rule at issue here. It was appropriate for both organizations to do so. In their submissions to the Louisiana Supreme Court, both organizations discussed the history and function of clinical legal education as a part of modern legal education. That their views were submitted to the Appellee Court simply means that *Amici Curiae* sought to assist the Appellee in the same fashion as they have sought to assist this Court. The fact of the prior submissions does not somehow make it inappropriate for *Amici Curiae* to file their brief here. AAUP did not previously participate in this case.

Third, that counsel for *Amici Curiae* have privately written articles setting forth their own personal views of Appellee's actions does not mean that the brief contains counsel's personal views, rather than the views of their clients. The Executive Committee of the AALS approved the filing of the brief for this Court. The President of the AALS, Elliot S. Milstein, and its Executive Director, Carl C. Monk, both personally read drafts and the final version of the brief. At AAUP, the President, General Secretary and General Counsel approved that organization's participation as *amicus* before this Court. The Board of Directors for CLEA

received copies of the brief, and the Board of Directors approved the filing of the brief.

Finally, *Amici Curiae* submit that their brief will assist this Court in resolving the case at hand. By discussing the history and role of clinical legal education, the brief should assist this Court in understanding that the clinical work of Louisiana law faculty and students forms an integral part of their education. By addressing the academic freedom interests of faculty and students, the brief should assist the Court in resolving the difficult constitutional issues in this case. For example, AAUP has been filing amicus briefs in appellate litigation involving academic freedom for several decades, starting with an amicus brief in the U.S. Supreme Court in *Barenblatt v. United States*, 360 U.S. 109 (1959).

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

Dated: February __, 2000

Respectfully submitted,

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

By

Peter A. Joy
CERTIFICATE OF SERVICE

I, Peter A. Joy, attorney for *Amici Curiae* AALS, AAUP and CLEA, certify that on February 3, 2000, I filed this Reply of *Amici Curiae* with the Clerk for the United States Court of Appeals for the Fifth Circuit by depositing the original and three copies of the Reply by OVERNIGHT DELIVERY duly addressed to the Clerk. Additionally, on this day I served counsel of record for the Appellants and Appellee with this Reply by depositing envelopes for delivery by OVERNIGHT DELIVERY, addressed to each of the individuals listed below and containing copies of the Reply:

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I further certify that on February 3, 2000, I served a copy of the pleadings on counsel for all parties seeking *amicus* status by placing a copy of the pleading in the U.S. Mail, postage prepaid, addressed to the individuals listed below:

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St. Louis, Missouri, this 3rd day of February, 2000.

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