



**REMARKS BY ATTORNEY GENERAL JANET RENO ACCOMPANIED BY BILL LANN LEE
CIVIL RIGHTS DIVISION**

**U.S. DEPARTMENT OF JUSTICE TO THE AMERICAN ASSOCIATION
OF LAW SCHOOLS**

MARRIOTT WARDMAN PARK

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ATTY GEN. RENO: (Applause.) Thank you, Greg. And I thank each and every one of you. I've had a chance to see some of your lawyers in action, both in the Department of Justice and around the country and indeed, in some instances, around the world.

Law school deans I think have one of the hardest jobs of anybody I know: a faculty, students who think they're lawyers already, boards of trustees and lawyers in the profession. You do a wonderful job. You are responsible for some wonderful lawyers, and I salute you.

I'd like to talk to you about two subjects today. One, how we create together a diverse bar and a diverse law school student body so that our profession can deal with the issues of all America, and how we deal with the issues of all America through problem-solving and through peacemaking.

There is on the side of the Justice Building, on the Ninth Street side, an inscription that says: "The common law is the will of mankind issuing from the life of the people, framed through mutual

confidence, sanctioned by the light of reason."

The law must include and represent the will of all humankind, not just some. But in this country today, too many people are left out -- left out of the profession and left out of access to the law so that they stand on the sidelines looking in. The results are anger, frustration, a lack of confidence in the law and a conclusion that the law is ineffective and that it does not work.

We must restore confidence in the law by making sure that the law issues from the life of all the people, not just some.

We must solve or try to solve all the people's problems, or otherwise we have a system in which our people feel defeated, hopeless, disenfranchised and as if they are on the outside looking in.

Abraham Lincoln said that "A house divided cannot stand" and that a nation divided cannot stand. We can't have a nation divided, part given to access to the finest educational or legal opportunities and part denied that access. Unfortunately, over 100 years after Abraham Lincoln reminded us of that great truth, certain segments of our society are still isolated and less inclined to think of themselves as engaged in a common struggle.

This is a sad reality, but one we must acknowledge and confront. Whether you look at hate crimes or at the treatment that minorities face in the workplace or on the streets or the obvious and oftentimes voluntary segregation in our city and suburban neighborhoods, it is evident that many people in our country on both sides of the racial divide still do not believe that the law speaks for them.

How do we escape this legacy? How is progress possible? I believe that one of the ways to overcome racial divisiveness is to focus on quality and diversity in our schools, our law schools and in all our educational opportunities. It is in these places that we plant the seeds of positive change.

And that is why President Clinton has asked Deputy Attorney General Eric Holder to convene a group of attorneys to discuss what lawyers can do to speed our search for equality under the law. Some of you here, including Greg and Dean Jeffrey Lehman (ph) from the University of Michigan served on the planning committee for that effort. Many

great lawyers committed to diversity joined the effort.

Ideas took shape, thoughts progressed quickly into concrete plans. Eric Holder has told me how excited he is by the energy, the wisdom and the dedication of this group. The team produced a plan of action, a plan that concentrated on the unique talents lawyers can bring to solving the problems that Americans face.

On July 20th, 1999, President Clinton issued his "Call to Action" to the bar. The "Call to Action" asked lawyers to do two things: to improve diversity in all sectors of the legal profession and to improve the quality and quantity of legal services in underserved minority communities. Your participation has been absolutely vital. We cannot enhance diversity in the legal profession without our law schools.

How can we believe that we are truly preparing students for life professionally and personally if our schools do not include a cross-section of students that bear a resemblance to the world around us? If a democratic republic as diverse and as sometimes divided, as 21st century America is to survive and flourish, it must cultivate common spaces where citizens from every corner of society can come together to learn how to live together -- how others think, how others feel. If not in universities and professional schools, then where? If not in (youthhood ?), when? Education depends on dialogue, not just between student and teacher but between the teacher and his or her class and the student and his or her classmates. Exposure to differing perspectives is both enlightening and stimulating. It encourages students to question and to challenge themselves and to challenge others. If students develop a mutual respect, they learn to communicate across cultural barriers and they negotiate their differences.

A crucial issue at the heart of this discussion is who should go through the door in law schools, in law firms, in public service, and how -- just how -- do we define and measure merit? What really makes someone a good lawyer?

I ask each of you to give that question some thought, but I know full well that you've been giving it a great deal of thought.

But shouldn't the determination of what makes a good law student be

driven by what makes a young person a good lawyer and a good community leader? What are those qualities today?

These questions are relevant not only as you choose a student body but as you choose your faculty. What are the skills that your students need? What are the areas of research that will further the profession and our legal institutions? Given your answer, what qualities will make a good law professor?

We need to move beyond what a judge at the July conference called the "Mirror, Mirror On the Wall" philosophy. What he meant is that we all have a tendency to favor people who remind us of ourselves. When that happens, we perpetuate a closed system, a limited system, and we lose out on the real value of this nation -- the value of diversity, which is that diversity which makes us more understanding, more empathetic to others, and therefore more effective.

Let me give you an example. For 15 years, I served as the state attorney of Dade County, the chief prosecuting officer in Miami, Florida. I started in 1978. There were some 125 lawyers, in the office, very, very few minorities in a city with a large Hispanic population but very few Hispanic lawyers.

I worked hard to recruit. That was my first exposure to law school deans, and I saw just what you were doing across this country. We recruited. And now, when I go home to Miami, I can look with pride at judges on the bench who are just graduating from law school, partners in Miami law firms who are making a wonderful contribution to their law firm and to their community.

I left that office a stronger, better office, not because of me, but because of minority representation throughout that office.

So that an African-American lawyer could corral his colleagues in one corner of the secretarial pool and say "Man, you don't know anything about pickin' a jury. Let me show you." And he showed him, and the man he showed was a better trial lawyer and a better understander of people and a better person for that experience.

Or we would be involved in a police shooting. And witnesses would be leery about coming forward. There would be outreach and understanding, and people would come together, because people

understood and appreciated the lives of people and how this impacted on them.

Or there was a housing authority problem with the public housing project that didn't pay any attention to its tenants -- how to get them to come forward, how to get them to believe in us sufficiently to testify and to be prepared to testify. That's what the law is all about. It's not just Wall Street transactions or winning a trial. It's building a trust and an understanding and an empathy between all people.

How do we do it? I have often wondered why we talk about affirmative action in the university, affirmative action in the law school when we should have started a lot, lot earlier, in zero to three -- in building the foundation of human life that gives a solid foundation in learning, a solid foundation in the concept of reward and punishment and a conscience.

We've made some steps, we've got more to do. Why wait till the law school, though? You can speak, and your professors can speak in high school now. You can be invited to a program in the auditorium of the high school to talk about your subject matter or the law and ethics. And you can shape your comments to that student who finds the law so fascinating.

Or there are law classes in most high schools and most middle schools in the country today. Your law schools can be involved, and start identifying the student, and giving them a chance to learn how to take tests, to learn how to write papers, to learn how to do some basic things for which there's been nobody there to teach them along the way.

I am a product of affirmative action. My affirmative action was a grandfather who practiced law and took me to work with him, so that I looked at those law books and they began to be fascinating. My affirmative action was a reporter for the Miami Herald who covered the courts. He happened to be my father. He got me a job in the sheriff's office the summer I graduated from high school.

We're all the beneficiaries of affirmative action, but we need people along the way for those who have not been. Think about what law schools can do reaching out to the community, to youngsters to give

them programs that will prepare them for admission to law school.

Shortly before I left Miami, I spoke at a high school, as I was wont to do. About a week later, one of the young men in the office said "I want you to meet somebody." He said "I was at the high school the day you spoke, and here is a young lady who heard you speak, and she wants to be a lawyer now."

We talked. She would come in. She took the bus across town, volunteered, and helped him about three hours a week as he taught her -- taught her how to read the newspaper, taught her how to open a bank account, taught her some basic rudimentary things. And she learned so much. She got a four-year scholarship to the University of Miami, and I bet she's a lawyer now.

You can make such a difference. But identifying real merit is not easy. Certainly it's not as easy as looking at numbers.

And some of you have told me "Sorry, but we don't have time to do anything but look at the numbers."

It takes real time and real effort to try and figure out who's going to make the most of an educational opportunity, or who is going to excel in corporate practice, or who is going to make a fair and effective judge. But it is time well spent.

And if I have a criticism of lawyers, it is that they don't want to spend time -- time to dig for the facts, time to dig for the solutions, time to dig through the raw human emotions of divisiveness to get to understanding. We've got to change that concept, and we've got to begin in the law schools.

A lawyer who is interested in trust-building, in serving people, in solving their problems can't be identified just by test scores and grades alone, because it's real life that we're talking about. And that's why diversity is part of the assessment of what kinds of skills are really required to succeed as a lawyer and as a leader is so important.

That brings me to my second subject: problem-solving and peacemaking. Those two roles complement the advocate and the defender, and all four roles are vital for lawyers. But I think lawyers too often

neglect the problem-solving/peacemaking role.

What can you do? What are the issues? How can you address these problems? First of all, I think we've got to do what Winston Churchill talked about and use small, old words. Lawyers can solve people's problems if they can't talk in ways that people can understand. And I had thought that we had made some progress until I came to Washington. We've got to teach federal lawyers to talk in small, old words without Roman numerals and title this-es and that-es and all sorts of words that we've used because we're too lazy to explain what we mean.

The second thing that we're going to have to address in law schools is how we get out of the specialty. It has taken me 35 years to learn about public health. And what a wonderful compliment to the criminal justice system it is that lawyers linked with public health specialists can far more effectively address the problems of domestic violence, of youth violence, of drug and alcohol abuse.

Why did we have to wait that long? There was the public health school with the law school. Why didn't they merge together to at least provide subject matter and reference procedures, so that lawyers wouldn't have to learn by experience?

And in domestic violence, in social work, there can be so many opportunities to learn together. And in the field of finance, and in the field of transactional law the same is true.

We got too specialized after World War II, and the lawyers went down their little pig trails and then got into little intrapig trails. (Laughter.) We've got to branch out and learn that in your great universities, there are wonderful opportunities for learning and collaboration.

And then we've got to learn that the law can't do it by itself. We can build institutions, we can pass laws. But the law won't be worth the paper it's written on unless that community comes together in safety and comes out and starts demanding that the law work for it, and that people feel safe enough to come down to the local civic center to make their voice heard.

We have got to develop comprehensive efforts in the community. And

law schools can be so good about that. Think about what you could do if you reached out and took a community where your law school is located -- a neighborhood -- and reached out to the social work department, to the urban planning department, to the other disciplines in your university and said "What can we do with the Department of Education to build a comprehensive community program from zero through three, K through 12, school to work, supervision in the afternoon and the evening?"

You as deans say "I've got enough trouble with the board of trustees, with the faculty, with the president, with the provost.

Don't give me this. And the alumni." (Laughter.) "Don't give me a community to worry about."

But I have seen too often what you and your law schools are doing by becoming involved in the community. Teach your students to look at problem-solving from a comprehensive point of view.

And then there is something we're all going to be prepared for, and I don't think we are yet. We've got to recognize that the law is going to become global in its impact and in its consequence. When a man can sit in a kitchen in St. Petersburg, Russia, and steal from a bank in New York, we're going to have to be able to work together around the world. And our problem-solving is going to have to extend around the world. And lawyers are going to have to learn together around the world.

And that leads to our responsibility in terms of institution-building and democracy-creating. One of the great joys of this job has been to see a Minister of Justice from an emerging democracy in Eastern Europe come to the Justice Department. He literally comes with stars in his eyes, and you realize how magical, how wonderful democracy is.

We won't solve the problem of helping that democracy unless we reach out to other disciplines and go together in a more comprehensive way that not only addresses court systems, but law enforcement, correctional systems, educational opportunities and so many other disciplines.

The final point is the peacemaker. So many of you tell me: "I wish I

could do something. I want to use this time as dean to do something about returning civility to the law." You're doing some wonderful things, in terms of conflict resolution. And let me just tell you about a wonderful experience that I had.

I got interested in ADR, as many of you know. I spoke on it. I met with the ADR administrators of the courts of appeal.

And one has just sent me a wonderful executive summary of a program at the College of Law at Georgia State University, exploring the questions of how we learn conflict resolution and problem-solving skills with a pilot clinical service learning program in which law students, teamed with other university students and mentored by members of the local bar in Atlanta are developing conflict resolution programs in the public schools and teaching conflict resolution to the children in the public schools.

Look at what you have done in your law schools to speed alternative and appropriate dispute resolution. Look at what can be done with proper evaluation and extension of this effort in terms of teaching America to be more civil, to be more thoughtful, to be more understanding.

To do all this, though, you're going to have to teach lawyers to be better managers. They love to think in concepts, but they know very little about budgets. They love to think in terms of rights, but they don't think in terms of the dollars necessary to defend those rights.

They love to think in terms of the truth, but they don't get themselves geared up to learn how to use modern technology, develop modern databases that dig and dig and dig and collate and correlate facts and figures so that you get to the truth.

For all the talk about problem-solving and peacemaking, I urge you to make sure that your students never forget their duty to protect and defend the rights of others. But if we can do something in this century, it is to make the rights and the law worth something more than the paper they're written on for all Americans everywhere.

Just think of what we can do if instead of focusing -- and let me self-critical for a moment. We've got an EEO backlog at the Justice Department. There's a great emphasis on doing something about the

backlog. But I said "Let's do something about the problem that caused the backlog in the first place, in terms of training people to be managers, training people for promotional opportunities, training people to work together and to learn together. And lawyers can be a vital player in that effort."

Let's get in there and solve the problems in the workplace. Let us not only pay attention to racial profiling, but let us get into communities where it is occurring, and bring police officers and young people together to learn together how to resolve conflicts, how to work together, how to appreciate each other. And that is happening and lawyers have been a vital force.

Let us get in there together, and instead of waiting for law school to deal with affirmative action, let's make sure that in our communities, there is affirmative action for children zero to three so that every child is given a foundation upon which to grow.

You have a wonderful opportunity, and I'd like to issue you a challenge. As I said, many of you talked to me about how can I build confidence in the law? How can I create better attitudes of stability?

These past three weeks have been an extraordinary time as we prepared for the new millennium -- to stand there and watch history move round the world for 18 hours, wondering what was going to happen as it reached each new time zone, was an experience I will never forget.

With the concerns that had been expressed, to see the world come into that day of history as the world turned was something remarkable. And it came with peace, and it came with good will -- whether it was in the shadow of the Sphinx or Times Square or the Mall.

Let us go into this new century with the law schools leading the way, teaching confidence in the law by giving children a chance to grow, by giving them the understanding and the self-confidence and the appreciation that they do have rights, and that their rights make a difference, teaching people that we are listening to them, that we can solve their problems.

Let us go into this new century with lawyers leading the way. We get bashed an awful lot. Let's turn the tables. And let us show people

how to talk to each other in civil, thoughtful, understanding, people-caring terms. Let us show people how, instead of destructive, divisive debate, we have thoughtful, collegial discussion as to how we solve the problem, not just of America in a general concept, but every individual in America.

The law is one of the great institutions I've ever, ever been in touch with. It will be seven years, very shortly, that I have been attorney general. To try to use the law the right way to help the American people is the greatest challenge that anyone could ever have.

But after seven years of watching this nation's lawyers in action, I am absolutely convinced that we can lead the way in giving people access to the law, access to justice, access to equal opportunity, and access to a more peaceful nation in which the culture of violence that we have known for too long has been eliminated and people come together with diversity, with wonderful traditions, with wonderfully different backgrounds, and solve their problems together.

Thank you for leading the way. (Applause.)

MODERATOR: Madam Attorney General, I would like to thank you for those very thoughtful remarks. You are a true leader of our time, and I would like to personally thank you for being willing to stand up to the courage of your convictions and to carry the message of the challenges that are facing us in terms of enhancing diversity and training lawyers as problem-solvers. So we appreciate you and all that you've done. And you certainly have given us a lot of things to talk about.

Now I understand that the attorney general would be willing to answer questions. We're also fortunate to have with her Bill Lann Lee, assistant attorney general, as well. So we have a couple of folks up here I'm sure that would be glad to entertain any questions or comments that you might have.

ATTY GEN. RENO: Or suggestions. If you were attorney general, what would you do? (Laughter.) I'm very serious about that question. I get wonderful answers. If you were the attorney general of the United States, what would you be doing now?

MODERATOR: Yes.

Q Hi. My name is Nancy Polokoff (sp). I teach at American University. By way of suggestion, which is also the question, it seems to me perhaps your comments about the value of diversity in our student body needs to be made to U.S. News & World Report. As long as a ranking system exists that every law school pays attention to, and that ranking system gives weight to entering LSAT schools but no weight at all to the diversity of the student body, it's going to be very hard to get law schools wholeheartedly behind the idea of defining merit differently from the way law school rankings exist today. I wonder if you have considered giving that talk to the editors of U.S. News & World Report. (Laughter/applause.)

ATTY GEN. RENO: I don't know whether they would listen to the talk. But why don't I begin with a letter?

Q That's great. (Applause.)

ATTY GEN. RENO: Now, I realize, too -- I just remember, as a child growing up, my mother was always different. She was building a house or doing something outrageous or being a Seminole Indian princess. And I always felt a little different.

And she told me, "Don't worry about being a little different. It's a lot better than being like the smoothest stone and the roundest pebble in the stream."

I know you've got the economics of law schools, but I think, on the other side of the coin, by creating law schools where people can see the direct result in the community of diversity, you also create an opportunity that will serve the law school as well. But I understand the problems. And now I'm going to address the letter.

MODERATOR: Yes.

Q My name is David Jaffee (sp). I'm associate dean for student affairs at American University. And I first want to laud you and thank you for what has been and continues to be a tremendous performance in the public service. Your work allows me and gives me a tremendous source of inspiration to work with our students and to convince them that the work in public service is a lofty goal, and I

salute you for that.

And I do have a suggestion in the form of a request for advice. I have in my hand a piece of federal legislation, particularly 5 USC 5379, which is a student loan repayment form of legislation which allows the heads of federal agencies to provide loan repayments in order to attract or retain qualified professional administrative personnel. This is a tremendous piece of legislation. It's something that many schools, including ours, who are interested in the public sector, can use to send our students, who are burdened with loans when they graduate, into the public sector and know that they're going to receive some support. That's the good news.

The bad news is that this legislation was enacted in November of 1990, and everybody I've spoken with in the last six months since it's come to my attention has had no knowledge of it. It has not been implemented. The Office of Personnel Management has not taken any action. So I look to you for advice and suggestions on what we can do to get something like this going.

ATTY GEN. RENO: You've got another person who didn't know about it either. Let me check on it right away.

(Laughter.) Let me point out, though, because I'm one of those that had large numbers of loans, it is always talked about as loan forgiveness. And I always worry, when I looked at some of the lawyers that left my office and the amount of dollars they were making not too long thereafter, it shouldn't be loan forgiveness. It should be loan forbearance, or something like that, because so many people use, and correctly and very properly so, the opportunity for public service to learn, to develop a reputation that holds them in good stead in the private sector, and then return. So I'm very interested in it, and that will be the second thing I do after I address the letter issue.

Q Thank you.

Q I'm Paul Rothstein from Georgetown. Madam Attorney General, we were all inspired by your comments. Tell me if I am out of order, but I have a technical question and do not mean to imply a value judgment either way; a technical question about something that was not dealt with by your speech. I was wondering -- and I do not mean to imply

that I prefer either solution -- but I was wondering why the courts, the family courts of Florida, which you were so much involved in in your previous life, did not have jurisdiction over the Elian Gonzalez case and that the INS did. It's a technical legal question.

ATTY GEN. RENO: Well, I won't comment, except to say that INS has to make determinations with respect to immigration law and made those determinations. I won't comment on whatever jurisdiction the state of Florida might have.

Q Madam Attorney General, wonderful, wonderful remarks. Eric Smith, Florida Coastal School of Law. I had a two-part question. One is your opinion on the prospects for the victims' rights amendment in Congress this year to the Constitution.

And question two is, in Florida, Governor Jeb Bush recently asked the judicial qualification commissions statewide to begin submitting at least a decent amount of nominees from minorities so that he could select from -- (inaudible). And the JQCs, of course, responded that they weren't going to do that and that they were selecting just the most qualified people. What would be your read on how law schools in Florida could get involved in molding public opinion to back the governor?

ATTY GEN. RENO: Well, one of the things that I've learned is when you leave Florida, don't get involved in those issues that you don't know anything about. (Laughter.) I think the way -- let me answer the question generally. The way you can get involved is to give some of your young lawyers hope that they can be judges, how they can be judges, what they do, how they address financial issues, how can they be prepared.

Do you have any course in judging? Think about that for a moment. I'm amazed at the number of people who are going to the bench. They are committed to public service. They look at the bench as a place to go for continued public service and for challenge. And think about having a course on how to be a judge.

Q Good morning. Madam Attorney General, thank you very much for your remarks. David Harris, University of Toledo College of Law. You mentioned the subject of racial profiling and you mentioned the idea of building trust between police and community members. I wonder if I

could ask what the Department of Justice is doing now to advance the legislation in Congress that would require data collection from police departments around the country as a first step in helping to address the subject of racial profiling.

ATTY GEN. RENO: What we're trying to do is develop pilot projects within the department itself in terms of racial profiling and maintaining records to show just how it can be done and what can be done to show people that it's feasible.

One of the things I'm also exploring is how we show it. And one -- I just received from a British colleague a description of a program in England where they are furnishing -- when they make a stop, they just fill out a small piece of paper, give a copy to the person stopped, so that the data is there and can be correlated between the person stopped and the person doing the stopping.

It is amazing what happens when you have information that shows that either there is no profiling or that the stop is appropriate. And so we're trying to show people that it can be done in a reasonable way without interfering with the general operations of the police department, that it can be fair and that it can be extraordinarily helpful for police departments who are not engaged in the effort. Bill, would you --

MR. LEE: A number of police departments have voluntarily adopted record-keeping regimens for their officers, and it's something that the attorney general has tried to encourage through conferences in which we've brought together both community and police and police unions. We also have our enforcement program. And recently we settled a case in New Jersey in which the state police agreed to maintain such records as well.

We have found that when such records are maintained, it tends to clear the air somewhat. And community police officers' management then know what, in fact, is happening. In our New Jersey litigation, we're particularly gratified that the local unions, in fact, supported the consent decree. One of the big problem areas is not just restoring the faith of police management and communities, but also making sure that the line officers and union members feel that we're engaged in trying to promote effective and respectful policing and that we appreciate their efforts and are not trying to denigrate

them.

Q Hi. My name is Ben Bradman (sp). I teach at the State University of New York at Buffalo Law School. First, I just wanted to thank you, Madam Attorney General, for your remarks, tell you one thing, and then ask a question. I teach legal research and writing, and I want you to know that there's a movement within the teaching of legal research and writing to teach what we call plain English for lawyers. So there is a movement about to follow one piece of your advice from your speech.

My question -- and it might be considered a softball, but I wanted to ask both of you, actually, your experiences as law students, where you went to law school, and how diverse your law schools were, and just generally how your experiences were as law students.

ATTY GEN. RENO: I graduated from Harvard Law School in 1963. There were very few minorities, certainly not enough minorities to learn about the lives and to develop understanding. And by the time I had graduated from high school, which was 1956, our high school was still not integrated. So my experience was one of concept, except for four years at Cornell, which had, though not much diversity at the time, far more than most universities in terms of different ethnic backgrounds, different races, different disciplines. And I found that experience extraordinary and very wonderful, and it has marked most of my experience.

I think my law school education was probably the best, and I've often said one of the best parts of my overall education, because the process taught me how to think. And I still approach things from the way people pushed me into thinking. But I don't think it really taught me about the real world. They asked me, "What about the drunken person who had purchased oil wells and then given them away?" And I looked up at the professor, who was very kind to me, and I said, "I haven't decided whether I'm a Stevensonian Democrat or a Goldwater Republican. I don't know the answer to it." It was Saturday morning, and it brought down the house. I just found that there was a lack of reality at some points to the issues that I was going to face when I came out of law school.

One thing I would urge you to do in terms of legal research -- I will see lawyers beautifully prepared on the law but without a command of

the facts. And it is particularly problematic in private-sector litigation, where too many of them don't have a whole cadre of police department or agents or others who can prepare the case on the facts. I just think -- I call it the dig, dig, dig, dig, and then dig again and question, question, question, and get to the bottom of the issue. And I would urge you to stress that as part of legal research.

MR. LEE: Well, I supervise the litigating division of the department, and sometimes I feel that the law schools have done a tremendous job producing graduates for one of my sections, the appellate section. (Laughter.) And I'm not sure that they do quite that good a job for the other sections, like the criminal section or the fair housing section or the employment section.

And I guess I figured out, at some point in my life, I shifted over to management. I think the law schools have done a tremendous job training what I myself was, appellate lawyers, but there's a lot more to the practice of law and litigation than the appellate practice. And I think that would be very helpful to us.

ATTY GEN. RENO: I would go a step further. Even if you train them in the real facts of the case, I use the example of the public defender and the state attorney who think they've won the battle when they win them a conviction or they win the motion to dismiss, and yet their client walks out in the grips of a crack addiction that's worse than prison and nobody's addressed his problem, or if he's convicted, he returns from prison without re-entry opportunities, without a program that helps him come back to the community where he got into trouble in the first place. If he's gone away for anger or robbery or agg assault, he comes back without conflict resolution skills. And so I think we've got to think beyond the facts of the litigation to the solution to the litigation.

Q Once again, thank you on behalf of all of us for sharing your comments this morning. I'm Karen Rothenberg. I'm the interim dean at the University of Maryland. And I wanted to pick up on the easy letter to the U.S. News & World Report and ask you for a more difficult problem that many of us in state schools around the country are now facing. There is a major movement by those opposed to diversity in law schools to target state schools all around the country right now, looking for more and more potential lawsuits. And the challenge is, of course, in considering diversity in admissions and financial aid issues, as you know.

And one of the real challenges for us as an academy, and I think for the attorney general's office as well, is to be able to better rationalize, with empirical data, the importance of diversity in legal education, as well as the importance in education.

And it's clearly something you feel passionate about. And I was looking for both of your perspectives on the way it gets articulated. And it is becoming increasingly an issue that is something we can have sleepless nights over in terms of being deans throughout the country right now dealing with these issues. So if either of you would like to share your perspectives on it and how we might continue to pursue the development of our arguments and empirical data in this area.

ATTY GEN. RENO: This is one of the most -- you're right, it's hard, because I've been trying to do that, trying to find ways that I could quantify it and demonstrate to people what's involved. Part of it is so time-intensive. It comes back to how we measure merit. If you have the time to interview your applicants and you have applicants and you carefully go through it, you can, I think, build a system where you can accept people and it can stand up under scrutiny in terms of both excellence in all categories and diversity, trying to show how that works and what the product is, particularly since we don't have that long a period -- I mean, I go back to when minorities first started coming out of the law schools in sufficient numbers to begin to make up for the attrition that I had in the state attorney's office -- and so we don't have too much of a track record to build on. But frankly, I would welcome any suggestions you have as to any opportunities that we might pursue with your university, with your law school, to make those judgments and to develop the evidence and to make the argument persuasively.

MR. LEE: Some people have described the phenomenon you spoke about as an assault, but I know that's probably wrong.

It's very difficult to come up with a thoughtful admissions process, to think about the mission of your school and the mission of your university, in the middle of a lawsuit. So the attorney general is right; it's just the worst possible time to try to think about these issues.

But if there is a silver lining in any of this, for those of us who've been involved in a number of these challenges, sometimes I am struck by the fact that there hasn't been the kind of thought that you would hope for in going into how these admissions policies and these mission statements and however were devised and how they were debated and how they were implemented. It's obvious that it needs to be looked at. What, in fact, is the compelling interest, if we're going to follow the Bakke standard? What, in fact, are the narrow tailoring? Is there a narrow tailoring? You know, the temporal limitations, the other limitations.

Granted, it's a hard task to do this in the middle of litigation, but we've known the standards for quite a number of years.

And I think that we do have to pay attention to the standards. The department has the amicus briefs in a number of cases in which there have been challenges, notably in Michigan. And we have filed them to argue in behalf of the continuing vitality of the Bakke opinion.

I think that one of the good things that's come out of the Michigan litigation is a sustained effort to provide for some social science backup for some of the things that I guess we all basically assumed, and that's long overdue. The importance of the (Bach and Bowen?) book is something that we all can attest to. It actually addresses issues that, if you step back, should probably have been addressed decades ago. It provides a documentation about affirmative action programs that has largely been absent.

I think we do need to make a sustained effort to pull together whatever research there is and to look at them and to let that inform our views. And it's not just to bulk up the programs but to shape them in ways that are not only educationally effective and in compliance with the mission of your schools, but also to meet the demands of our society, which is changing every day, pretty much.

ATTY GEN. RENO: I'd like to make a point, too. And it's, I think, a critical, critical point for this nation. You touched on it. We are still -- we've made some progress, but we are still neglecting our children. And there are too many children growing up without proper supervision, without role models, without an opportunity to be what they can be.

I talk to young people who are in detention facilities, and they've got such good sense when they put their minds to it.

They've got such talent. There are too many of those young people going from detention facilities into prison because we are not developing after-care programs. And we are now going to have a significant part of the population that could be in law school and in medical school and in other graduate schools. They're going to be in prison or they're going to be back out on our streets without an opportunity to get off to a fresh and positive start.

I think the law schools and all of us have got to reach down early enough to provide a role model and opportunities for that kid when he's in the sixth grade, the seventh grade. We can't say that's somebody else's problem. We've got to work together, because that kid can get into your law school if he's given the platform upon which to grow.

And then we've got to figure out what we do. There are going to be between 400,000 and 500,000 people coming out of state, federal, local prisons each year for the next five years. Unless we address those offenders with good re-entry programs (END OF AVAILABLE AUDIO) END.

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