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In Memoriam: Gary Bellow

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IN MEMORIAM: GARY BELLOW

The editors of the Harvard Law Review respectfully dedicate this issue to Gary Bellow.

Gerald E. Frug*

Remarks from Gary Bellow's Memorial Service

Gary Bellow was my friend. This does not make me special. Gary was a friend of hundreds of people in this room — and of hundreds more who couldn’t be here today. I know that every one of Gary’s friends would like to say something today about Gary’s extraordinary capacity for friendship. But I have been given the responsibility — and the honor — of trying to do so. I will not speak as anyone’s representative. I will only speak of my own experience, hoping that it will resonate with yours.

Gary was not a saint. It’s not just that, unlike Mother Teresa, Gary liked to gamble — to mention only the most mentionable. His friendship was not saint-like either. Gary did not offer you a soft, enveloping embrace; he did not give off a warm, fuzzy feeling. Gary didn’t return your phone calls; sometimes he made you mad. Instead of being a soft, fluffy pillow, Gary’s friendship was electric. Like electricity, Gary provided you an enormous amount of warmth, along with a lot of light. Like electricity, Gary was a powerful, stimulating source of energy. His energy gave you energy — sometimes so much that it felt like an electric shock. And finally, again like electricity, Gary’s friendship was indispensable.

Not surprisingly, Gary seemed most indispensable at moments of crisis. In April 1991, my wife was murdered a few blocks from where we are today. Just to utter that horrifying sentence should generate in

* Professor Frug is Gary Bellow’s successor as the Louis D. Brandeis Professor of Law at the Harvard Law School.
your mind a virtually universal feeling: what could a friend say to me when something that devastating happened? Indeed, how could I begin to articulate myself the impact it had on me and my children? I want to make clear that there were many, many people — many in this room — who were wonderfully supportive to me at that time in my life. But there was really only one person I was ever able to talk to about this tragedy in any genuine depth. And that was Gary Bellow. What on earth did he say to me to make those conversations possible? The truth is that I really don’t know. We would be together, and he would say something, almost anything. And I would respond — and suddenly, without really knowing how, we would be talking in a way that was emotionally connected, that was imaginative and constructive, that got to the heart of the questions of the moment, that made me realize what the questions of the moment were. It’s not just that I could trust him absolutely, or that he cared about me. He was totally committed to being effective, to making progress on both the human and the practical level, to transforming the situation I was in. In being this way, he didn’t act unselfishly. He plainly got a lot out of our conversations himself — almost as much, it seemed, as I did.

Much the same story can be told when it was Gary’s crisis, not mine, that brought us together. Every time I visited him at Mass. General before his heart transplant, I thought to myself: What can I possibly say that would be any comfort to him? What can he say about what he’s feeling? Gary was hooked up to more machines than I could count; we didn’t know — no one knew — when, or if, a heart would arrive. I’d go into his room, I’d sit down and say something. And Gary would pick up on whatever I said, and we would suddenly be in an intense conversation that would range from his feelings to my feelings to issues in the world that interested him. As we talked, I could actually see him gaining strength and optimism, not because of anything I said, but because of the energy he got out of our human connection. Even at the hospital, our conversations were never — not once — just about him. I myself got ideas from whatever we talked about; I myself left the room more energized and optimistic.

Fortunately, our get-togethers were usually not at times of crisis. We would meet for breakfast or lunch at one of the absolutely terrible restaurants that Gary liked. When I would arrive, he’d typically already be there, with his messy pile of work before him. Often he’d be in conversation with the staff working at the restaurant. He was plainly connected to them, like he was to everyone else. I’d sit down and, sometimes, he’d ask me a question about something he was working on — a case or a problem with a student. Usually, I’d have no idea how to respond. No one knows less about law practice than I do, and any problem he’d raise about a student was sure to be a hard one. But I didn’t want to let him down, so I’d make an effort to say something that would at least not be embarrassing. And off we’d go.
The topic would change, and both of us would get deeply involved in whatever we were saying. Gary would come up with lists of things he wanted to do because of what we’d said, and I myself would leave filled with ideas that were new, exciting, fresh. This energizing experience was routine with Gary. I never had a boring conversation with Gary Bellow. I never had a superficial conversation with him. I never had an unchallenging conversation with him. I never had a conversation that didn’t make our connection stronger.

What I’m trying to say to you is that Gary’s relationship with me was like his relationship with his clients, and with his students, and with his colleagues at work. His warmth, creativity, energy, and critical imagination infused the way he practiced law, the way he defined being a law professor, the way he thought about his own positions on issues. And it infused his relationship with me. Gary cared about his students and clients and colleagues the way he cared about his friends. And to care meant to challenge them as well as to give them support, to force them to think and rethink the basic issues that informed their lives, to demonstrate that there was no distinction between friendship and political activism. Sometimes Gary’s critical stance would hurt his friends and allies, even hurt the people he loved. But the hurt was the pain of his constant challenge, a challenge he demanded of himself as much as he did of others. We must be self-critical, he insisted. We must be open to changing the way we approach our lives.

I am a great admirer of Gary’s professional career. Like everyone in this room, I find his career truly inspiring, and I join with those who want to carry on the work to which he dedicated his life. But for me Gary’s importance is greater than his work. I ask you to reflect, for a moment, about the twentieth century. How did we — the human race — do, do you think? If one focuses on things like improvements in technology — like, say, the provision of electricity — we did pretty well. But if one focuses on human relationships, I’d say we’ve made no progress at all, and probably have moved backwards. The twentieth century, after all, was the century of the Holocaust; it was the century of conflicts from Sri Lanka to Northern Ireland, from Rwanda to the central cities of America, from the agricultural fields of California to Kosovo. Who in the twentieth century demonstrated how to live a life in a way that offers a standard for human relationships better than the general standard the human race has set for itself? Saints, I suggest to you, set too high a standard. It’s not realistic for us to try to be Mother Teresa. Creative geniuses set the wrong standard. Jackson Pollock did a lot to advance human creativity, but you wouldn’t have wanted to have dinner with him. The standard I want to offer you is the life of Gary Bellow. Gary was an ordinary human being, with faults and defects, who approached his life with energy, warmth, enthusiasm, and critical self-consciousness. We can all strive to do that. We can all learn to treat our friends with affection and transformative
energy and to do our jobs in the very same way. And each of us has the capacity to live this way not because it is selfless but because it is life-enriching. To live the kind of life Gary lived, we wouldn’t have to represent the Black Panthers or help create legal services for the poor. We wouldn’t have to have the incredible courage with which he faced his heart transplant and its aftermath. We would simply have to realize that no aspect of our lives, no human interaction, no problem we face, needs to be treated as routine. Everything can be engaged; everything can be transformed.

I admit that living up to this standard is an enormous challenge. On the morning that Gary died, he called me to say that he wanted to get together that afternoon. He said he was coming in to teach, and that we should see each other after his class. I was teaching that morning too. In the middle of my class, my assistant came in and stood in the back of the room. I went up to him, and he told me that Gary had collapsed in his office and was asking for me. I canceled class and raced to his office. What was I supposed to do when I got there? I imagine that he wanted me to help him re-energize himself, as our conversations always did. And if that didn’t work, I imagine that he wanted me to realize that it’s my turn now — that it’s our turn now. Now we must do what Gary did for us for each other. We must honor Gary’s life in the way we lead ours. We shouldn’t just remember Gary Bellow, although we will. Even if we fail, we should try to be him.

John D. Hamilton, Jr.*

Reflections on the Legacy of Gary Bellow

I didn’t know Gary Bellow in our law school days or in the early years of his career as a public defender, pioneer in legal services, and advocate for the farm workers in California. Yet even in those days the force of his personality and the strength of his intellect inevitably made his classmates aware of his accomplishments even if they didn’t really know him. When I read in the early 1970s that he had returned to teach at Harvard Law School, I remember thinking that the intensity and variety of his experiences must have equipped him to become a particularly good teacher. Little did I appreciate just how much im-

* Chairman, Hale and Dorr LLP. Mr. Hamilton was a fellow member of Professor Bellow’s Harvard Law School Class of 1960.
pact he would have on legal teaching — not just at Harvard, but at law schools throughout the nation. Nor did I anticipate the contribution he would continue to make in the field of legal services.

The image I had of Gary at that time was that of a storefront lawyer in shirtsleeves, ready to help all comers who sought his services. Somehow that image always included a smile, not the smile of a pollyanna do-gooder, but rather the smile of someone who really loved what he was doing and the people for whom he was doing it. As I grew to know Gary better, I realized how accurate that image was.

After his return to Cambridge, I learned of the work he was doing to introduce clinical legal training and combine it with legal services for low-income households and individuals. As a lawyer practicing in a law firm with a long tradition of encouraging its lawyers to engage in pro bono legal work, I thought Gary’s combined approach offered a much needed model. Not only would it help meet the needs of its pro bono clients, but it would also help address the lack of practical skills demonstrated by new associates fresh out of law school.

In the early 1990s, Gary approached Dean Clark to request a modest amount from the Law School’s capital budget to replace the Legal Services Center’s increasingly inadequate facilities. Appreciative of Gary’s success and cognizant of the growing importance of the Center to legal education, the Dean stunned Gary by urging him to consider a first-class state-of-the-art facility funded by the gift of a large corporate law firm. Given his background in storefront neighborhood legal services offices, Gary’s initial reticence was understandable. However, he quickly saw how this collaboration among a law school, a legal services center, and a private law firm could provide, physically and programmatically, a better experience for the students undertaking clinical legal studies and better service to the less fortunate members of society. Ever the innovator and always on the lookout for ways to leverage the delivery of quality pro bono legal services, he became excited by the prospect of this experimental venture.

Dean Clark also made his suggestion to my predecessor as managing partner, Jack Cogan, who was chairing the Law School’s ambitious capital campaign. Jack quite understandably counted on Hale and Dorr and its Harvard Law School alumni partners to provide a leadership contribution.

Without understanding its full potential or significance, one often embarks on a venture in reliance on the vision, the intellectual prowess, the prior accomplishments, and the force of personality of the venture’s prime mover. Such was the case when I was given the privilege of spearheading Hale and Dorr’s funding of a new facility for Gary’s creation, the Legal Services Center of the Harvard Law School.

When the proposal came to me in my role as managing partner, I embraced it enthusiastically as a way to support the endeavors of a classmate whom I greatly admired and whose exemplary career stood...
out in a class with many outstanding members. The proposal seemed particularly appropriate because Gary's extraordinary work in the latter part of the twentieth century was taking to new levels the cause for legal services, a cause that Reginald Heber Smith, Hale and Dorr's first managing partner, had led earlier in the century.

Collaborating with Gary to make a reality out of this proposal was a delight. We were both determined that Hale and Dorr's contribution be more than "bricks and mortar." We wanted the joint undertaking to involve ongoing interaction among the staff of the Center, the law students, and the lawyers and staff of the law firm. Gary had a remarkable ability to sit in a meeting of his staff and our lawyers, listen to a wide range of ideas, and then distill the best of them into a workable course of action that he would then implement. Once again, Gary seized an opportunity to develop a working model which, if successful, could be replicated in other settings, thereby expanding the resources available for pro bono work.

True to his life's work, Gary was constantly seeking ways to deliver quality legal service to those unable to afford it. To Gary, equal access to justice always meant that regardless of ability to pay, everyone needed a high level of commitment to service from well-trained, able practitioners. Gary's emphasis was on quality, not just quantity, even though he recognized the enormity of the unmet need. Therefore practical legal training was of critical importance. Since the 1960s, Gary had ardently advocated the use of technology and trained paralegals (within appropriate limits) to enhance the limited resources available for legal aid. Through our collaboration, the Center and Hale and Dorr shared best practices in these areas of technology and training, which are both important to the delivery of quality legal services.

Another of Gary's efforts to expand resources was to educate future transactional lawyers in the importance and benefits of engaging in pro bono work. With Gary's strong encouragement, one of our former partners, Nancy Kelley (HLS '88), designed and taught at the Center a clinical course entitled "Corporate Law and Community Renewal," which included student externships in nonprofit organizations and small inner city businesses. Those students received training and supervision from both the staff of the Center and lawyers at our firm. During their externships, the students helped effect transactions and addressed issues of corporate structure, governance, and compliance. Through this opportunity students not only learned substantive corporate law, but also experienced the satisfaction of helping clients fulfill their missions or achieve profitability. That course has since become the popular "Community Economic Development" course, with several Clinical Instructors. The increasingly diverse practice that it has spawned continues to benefit from the teamwork of students, the Center's staff, and Hale and Dorr lawyers.
As the Center became more involved with courses and cases involving economic development and job creation, certain incongruities evolved. No longer were the rights of tenants, customers, and employees the only ones to be protected. What about the inner city owner of a two-family house who was now a landlord? Or the inner city owner of a small business who had problems with customers or employees? Despite his previous single-minded advocacy on behalf of tenants, customers, and employees, Gary showed the full measure of his character by his willingness to encourage the students and staff at the Center to protect, in appropriate cases, the other side on these issues. He taught that what was truly important to assure equal access to justice was that each side have its day in court represented by a qualified lawyer.

Gary constantly stressed to his students the importance of learning not only the "how to" but also the "why" of a particular course of action. He challenged students not to do something only because "that's the way it's always been done." Rather, he encouraged them to reflect on why something was being done in a particular way and to ask whether there was a better, more efficient or effective way. He also recognized that analytical ability and knowledge of substantive law were not alone sufficient tools with which to serve clients. He urged students also to use their emotional intelligence and to listen carefully to a client's story in order to determine whether there were underlying issues that the client was unable to articulate.

By exposing students to pro bono opportunities and encouraging them to reflect more on why, not just how, they did certain things, Gary enriched the lives of countless young lawyers. Hopefully, the Bellow generation of students will continue to remember his lessons and apply them throughout their careers, whether they be in public interest work or private law firms.

I consider myself most fortunate to have been among those inspired by Gary to support his multifaceted undertakings. Even in a brief encounter, Gary could convey the depth of his feeling and the level of his understanding about the serious threat to justice posed by the lack of equal access to legal services. While those around him could sense his frustration that solutions weren't more readily available, his optimistic outlook gave us the courage to continue the struggle against heavy odds. Even in a time of serious illness, he was always the source of encouragement to others.

Throughout these reflections I have referred to Gary's work as though it was his alone. He would have been the first to protest that whatever he accomplished was the result of a great deal of effort by a talented staff and his colleagues on the faculty of the Law School. First and foremost among these would have been his partner in both his family and his professional life, Jeanne Charn. Their devotion to each other and to this important work was evident to everyone privileged to work with them. No one better understands and can better
articulate his vision and goals. Jeanne deserves our encouragement and support as she carries on without the benefit of the daily sharing of challenges and solutions with Gary. Gary gave us the model. Now we must accept his legacy and build on the solid academic, pragmatic, and service-oriented platform he established.

Bea Moulton*

Late on a Sunday afternoon in June 1968, my knocking on the door of the California Rural Legal Assistance Office in McFarland, California, failed to raise a response. The door was locked, the blinds were drawn, and all signs indicated that no one was there. This puzzled me, for I had been told that CRLA was coordinating a project on farmworker health, staffed primarily by law students like me, and that this was the time and location at which an organizational meeting would be taking place. “Downtown” McFarland at that hour was hot, dusty, and deserted, and the CRLA office wasn’t the only place that was closed. The few small businesses in sight were also shut up tight, and I began to wonder if I would have to turn around and drive the four hours back to Palo Alto.

Fortunately, the names of the staff attorneys in the McFarland office were painted on the door, and I wrote them down. The name “Gary Bellow” I knew: the possibility of working with him had drawn me to the Central Valley and McFarland. A friend had described him not only as the best lawyer he had ever met, but also as someone who had concrete strategies for helping the poor and disenfranchised to gain power and change their lives. Like many others in the sixties, I had entered law school with a strong desire to work toward those very goals but only the vaguest idea of what that would entail. My summer with the NAACP Legal Defense and Educational Fund in Jackson, Mississippi, had already shown me the potential of litigation and legislative advocacy, and from Gary Bellow I hoped to learn how lawyers could work with organized groups of poor people and support organizing efforts.

I found a telephone booth with a newish telephone book and proceeded to dial the numbers of the CRLA lawyers. There was no answer at the Bellow residence, or the next one. The third lawyer on the list told me that he didn’t know anything about the project or an organizational meeting, but that if I wanted to stay over until morning to

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see if anyone else knew anything, the motel just north of town was clean and cheap. I took his advice, had a good night’s sleep, and was relieved to find the office bustling with activity when I returned sometime after 9:00 a.m. the following morning.

Gary was then both Deputy Director of CRLA’s statewide program and managing attorney of the McFarland office. The receptionist scarcely hesitated before deciding that Gary was the best person to deal with a walk-in volunteer babbling about nonexistent projects and meetings. Before I knew it, I was ushered into the office of the famous Gary Bellow himself.

I am sure many of you reading these recollections knew Gary as a teacher, colleague, friend, and/or mentor over the years, and I would guess that many of you also remember your first meeting with Gary as vividly as I remember mine. For me, the clarity of this memory has to do with the fact that Gary was so present — so engaged in finding out who I was and why I had popped up in his office on a Monday morning — that the air seemed to vibrate.

Well, yes, he thought there was a project, but no, CRLA wasn’t really involved. Did I want to help out anyway? He was the only lawyer in the office without a law student assistant that summer, and he could certainly use one. He had a client who needed surgery and was going to be sent fifty miles away to the county hospital, where her family and friends wouldn’t be able to visit her. Didn’t that seem wrong? Would I like to do some research to find out whether it was also illegal? I would, and I did, and that began a ten-year collaboration that set the course of my professional life. Gary was firmly on his own course, but I have always hoped that for those ten years, at least, I helped make his life a little easier.

At the end of that first summer, as I went back to complete my third year at Stanford, Gary moved to Los Angeles to teach at the University of Southern California Law Center and continue his legal services work at the Western Center on Law and Poverty, then located at USC. Gary never left law practice to go into teaching, as his friends at Harvard will tell you; for the rest of his life he did both. In Los Angeles he handled a large and eclectic caseload at the same time that he was teaching a full course load and inventing clinical legal education. I joined him in the fall of 1969 to help on cases and soon found myself drawn into the rest of his work as well.

When I first arrived at USC, I did much of the day-to-day work on discovery, drafting, and research for the cases in which he had somehow become involved in the previous year, and on new cases as they came in. Title VII of the Civil Rights Act was relatively new then, and we were handling several Title VII claims, including one involving a class of female, African-American coach cleaners whom the Southern Pacific Railroad had laid off after many years of service. We were local counsel for the United Farmworkers’ Organizing Committee, de-
fending them in some lawsuits, on call on weekends in case picketers were hassled by the police, and negotiating the ground rules for larger demonstrations. We were representing the survivor of a group of four Black Panthers who had become involved in a shootout with the Los Angeles police, a younger brother who had indeed been in the car but had not committed the several serious felonies with which he was charged. And then there were the high school students on whose behalf we sued the parks department, to force them to issue a permit for a peaceful demonstration against the war in Vietnam; the fiery welfare rights organizer charged with destruction of property after a demonstration at a Catholic Church; the community college students who blocked a freeway; and an assortment of individuals seeking Social Security Disability payments and other government benefits, among other clients. I realized then that Gary had great difficulty saying “no” to anyone, especially to clients who actually found their way to his office. He seemed to be exploring the extent of his own endurance, trying to find out if there was a limit to the number of clients he could take on, the range of substantive issues he could master, and the favorable results he could attain (we were phenomenally successful, with Gary making most of the court appearances). For me, trying to help him or even keep up with him was a crash course in lawyering.

Meanwhile, Gary was wowing the law students at USC with his course in civil litigation and laying the groundwork for a course in which students would receive a full semester’s credit for doing clinical work: representing real clients in real cases, within a framework established by an intensive, highly innovative classroom component. He enlisted the help of close friends from his Washington days and from CRLA and pulled it off, establishing a successful model of clinical education that attracted nationwide attention. Consequently, in his third year of teaching and my second year as his assistant at USC, he agreed to go to Harvard for a “look/see” visit in 1971.

In the minds of many people, my name is linked with Gary’s because we co-authored a seminal textbook entitled The Lawyering Process: Materials for Clinical Instruction in Advocacy.\(^1\) Our collaboration on the book actually began at USC, when we tried to pull together readings for Gary’s clinical students and discovered how inadequate the practice literature really was — and how much about the work of lawyers was yet to be analyzed and explained. Because tasks like interviewing and negotiation were not unique to legal work, we began to explore literature in other fields that might shed some light on various lawyering tasks and to develop explanatory frameworks.
that might provide coherent links between these materials and the day-to-day work of lawyers. It was not an equal partnership; Gary brought over ten years of criminal and civil practice experience to these efforts, and I brought at best a compelling desire to make sense of the complex legal world in which I had so quickly become immersed. Still, there was a wealth of material to discuss. The tricky part, as always with Gary, was finding the time for discussion.

Those who knew Gary understand that there were always incredible demands on his time; students, local legal service lawyers, colleagues, friends, potential clients, and countless others were always lined up outside his door. If you actually had to see him about cases for at least a few minutes a day, as I felt I did, his resulting unavailability was nerve-wracking. A few months after I moved to L.A. and started working those seventy-hour weeks, I realized that the Bellows and their close friends, Earl and Barbara Johnson, were the center of my social life as well as my work life, and I moved to Manhattan Beach where they all lived. From then on, Gary and I carpooled back and forth to work at USC, and that uninterrupted half hour (or more) at the beginning and end of each day became crucial to our work on cases and a variety of other projects. I would fill him in on research results and other developments in our cases, ask the questions I had stored up and answer his, and we would still have time to discuss other matters, including the teaching materials we had begun to put together.

"Bea," Gary might begin, "What's the first thing you do when you start planning fact development in a case?" And I would fumble a bit, and perhaps come up with some ideas, and Gary would play off those ideas for a while and put out his own thoughts, and eventually we'd come up with a concept, such as "generating an explanatory hypothesis," and pin down some features of the process that seemed constant. And the next question would be "Who might have something to say about that?" and we might come up with a list that included private investigators, historians, research scientists, and so forth. In these early efforts I would often be the one to do some preliminary research, because Gary was so busy, and gradually we pulled together a set of readings from both legal and nonlegal sources that had struck us as helpful in understanding legal work. When I accompanied Gary to Harvard as a teaching fellow, that exploration process continued, and the wealth of material in the Harvard libraries made those wide-ranging searches exciting and productive.

It was also exciting to be part of Gary's first year as director of the emerging clinical program at Harvard. There were five of us clinical teaching fellows, and we all taught and took classes as well as supervised students in local legal services offices. True to form, Gary was teaching the main classroom component of both the civil and criminal clinical courses and overseeing a complex set of arrangements with lo-
cal agencies. The program has grown and changed a lot since then, and others are in a much better position than I am to describe its accomplishments.

I continued to function as a kind of super-assistant to Gary in getting the clinical program up and running: I produced videotapes, created "teaching files" in hypothetical cases, and compiled successive drafts of the teaching materials, which by then were in great demand by the clinical programs that were springing up around the country. I could probably have stayed at Harvard indefinitely — Gary could have finagled an administrative slot — but it was time for me to move on and establish some independence. When I left, in the late summer of 1972, Gary and I agreed that the teaching materials were the one project on which we would continue to work together. Clinicians were starting from scratch in school after school, helping students represent thousands of poor people. They needed a book.

I will not recount the considerable difficulties of working with Gary at a distance on so ambitious a project as *The Lawyering Process*. A challenge to find when you could lurk at his office door, he was impossible to track down by telephone. Fortunately, the hot summers in Tempe, Arizona, where I had begun teaching at Arizona State, made long stays in Cambridge a welcome change, and over a five-year period we gradually pulled the book together in those summers. Our 1128-page text was published in 1978, accompanied by problem sets and videotapes for use in both civil and criminal courses. And although the book was never a big seller (the general consensus seems to be that it was "too difficult" to be assigned to students, at least in its entirety), it has been influential. A representative of Foundation Press once told me that they had sent out more *free* copies of *The Lawyering Process* than of any other book they had published.

In a way, the book we wrote together stands as an enduring part of Gary’s legacy, but I hope I have conveyed that it is really a very small part, produced in the spare moments he could squeeze out between obligations to the students, clients, colleagues, friends, and family who peopled his incredibly busy and productive days. It is those of us who had personal contact with Gary — and there are thousands of us — who carry the real legacy. He taught us a great deal. But more importantly, he touched our souls at some level. He made us believe that meaningful work is not only possible but necessary in a just and humane world. If anyone ever did, he lives on in us and what we do.
A Tribute to Gary Bellow: The Visionary Clinical Scholar

Gary Bellow was a creative scholar, a gifted teacher, an extraordinary advocate, and a visionary in the clinical legal education movement. At a professional level, the law has lost one of its great leaders, whose accomplishments evince both an extraordinary depth and breadth. At a personal level, I have lost an inspired teacher, ideal mentor, and dear friend.

Professor Bellow’s books,1 articles,2 and speeches3 offer a treasure trove of critical insights and provide path-breaking approaches that address the persistent patterns of poverty in America. Furthermore, Professor Bellow’s willingness to offer objective criticism as much as deserved praise offers an opportunity to examine the nuanced, chaotic, conflicting, and celebratory nature of the clinical legal education movement. By tracing Professor Bellow’s career from his early years as a lawyer to his most recent reflections on the critical tasks for future advocates of the poor, we see the extent to which Professor Bellow has not only shaped our practice and scholarship, but also forced us to alter our course as we try to meet the ever-changing needs of an ever-changing community of clients.4

I. THE EARLY YEARS OF PROFESSOR BELLOWS ADVOCACY

After graduating from Yale College and Harvard Law School, Gary Bellow began his career at the Public Defender Service (PDS) in

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1 E.g., GARY BELLOW & BEA MOULTON, ETHICS AND PROFESSIONAL RESPONSIBILITY (1981); GARY G. BELLOW & BEA MOULTON, THE LAWYERING PROCESS: MATERIALS FOR CLINICAL INSTRUCTION IN ADVOCACY (1978); LAW STORIES (Gary Bellow & Martha Minow eds., 1996). Professor Moulton describes her work with Professor Bellow on their path-breaking textbook, ETHICS AND PROFESSIONAL RESPONSIBILITY, in her tribute to Gary in this volume. See supra pp. 416–20.

2 An abbreviated bibliography and collection of Professor Bellow’s articles was prepared in 1995 on the occasion of the Political Lawyering Conference at Harvard Law School. SELECTED WRITINGS BY GARY BELLOW (1995) (on file with the Harvard Law School Library).


4 Professor Bellow’s legacy is captured in the many comments and observations of his former colleagues, students, and friends. The rich diversity of his accomplishments can be viewed at the website established in his honor, found at http://www.garybellow.org.
the District of Columbia. In 1962, when he began working as a public defender, the position paid what can only be called a stipend, not a salary. But money didn’t matter to Gary — he sometimes seemed more warrior than lawyer. He worked in the trenches, created light in the darkness, instilled hope in his clients when they were overwhelmed with despair. He made a way where there was no way.

And warrior is the right word for him, for kind as he was, he always fought for the causes he believed in. He would challenge judges, prosecutors, police officers, witnesses, victims, jurors — everyone in the courtroom knew they might at some point have to contend with him. By the time I joined PDS in 1978 — following in Gary’s footsteps, as I have had the honor to do a number of times in my career — his reputation had achieved legendary proportions. He is remembered at PDS today as a fierce advocate who earned the respect of all he encountered.

As a public defender, Professor Bellow developed a reputation as a zealous advocate on behalf of his clients. He won most of his cases, including complicated and extremely difficult murder cases, using both great legal arguments and commonsense analogies that clarified why acquittals were warranted. Professor Bellow was always facile in making legal arguments, persuading judges to protect the rights of the indigent accused, even in cases where the rights in question were only subsequently identified as constitutional requirements by the Supreme Court in such important criminal law cases as *Miranda v. Arizona*, *Mapp v. Ohio*, and *Terry v. Ohio*. While judges would often push Professor Bellow, his logic and reasoning were so persuasive that a ruling in his favor seemed near-inevitable.

After he left PDS, Professor Bellow went on to create change in significant ways in California, representing the Black Panthers in many political cases and working with Cesar Chavez as an advocate for the civil rights of migrant farm workers. Chavez, considered by one Chicano leader to be “the principal figure in the Chicano civil rights awakening,” organized and led the United Farm Workers (UFW) in its struggle against some of the largest and most powerful growers in the country. Perhaps the UFW’s best-known effort was the international boycott of Delano table grapes — the UFW thunderbird
seals on grape crates in supermarkets today testify to Chavez’s perseverance and eventual victory in that battle.

Professor Bellow took profound pride in adding his own strong commitment to legal representation as a complement to the moral leadership provided by Chavez, and it was through his exemplary representation of the UFW in California that Professor Bellow transformed the national and international perception of poverty law most notably. Indeed, the UFW did much more than lead a few boycotts and rattle some large corporations. It gave a voice to the previously silent and unseen Chicano farm workers in Southern California, and it established itself as part of the broader, worldwide movement known as *La Causa*. Professor Bellow helped to shape the legal strategies that the UFW employed, and it is evident that Chavez’s great work benefitted from the visionary legal perspectives articulated by Professor Gary Bellow. Chavez realized that the struggle resonated far beyond the California fields and picket lines: “Regardless of what the future holds for our union, regardless of what the future holds for farm workers, our accomplishments cannot be undone. The consciousness and pride that were raised by our union are alive and thriving inside millions of young Hispanics who will never work on a farm.”

Professor Bellow’s work with Chavez in California evidenced his conviction to fight for decent wages for the underpaid, appropriate health standards for the mistreated, and political rights for the disfranchised. Professor Bellow was so successful in this task that he drew the attention — and ultimately the wrath — of then-Governor Ronald Reagan. Despite adversaries as strong as this, Professor Bellow continued to pursue his aggressive advocacy on behalf of workers and developed procedures that still stand as monumental protections of the rights of workers.

Through his work on behalf of individual clients and causes, Professor Bellow recognized that his true calling was to move to larger forums and to take on bigger battles. He accomplished this goal by articulating a vastly expanded vision of the delivery of civil legal services and by helping to build a movement in law schools — the clinical legal education movement — that ultimately provided representation by dedicated, trained, and supervised law students to hundreds of thousands of indigent clients in wide-ranging areas of legal need. Professor Bellow created a model for the delivery of legal serv-

11 The dispute between Professor Bellow, when he was serving as Deputy Director of California Rural Legal Services, and then-Governor Reagan is documented in Jerome B. Falk, Jr. & Stuart R. Pollak, *Political Interference with Publicly Funded Lawyers: The CRLA Controversy and the Future of Legal Services*, 24 HASTINGS L. J. 599, 605–34 (1973).
ices, and a model of clinical legal education, that not only brought him much deserved recognition, but also enabled many clients finally to feel empowered despite the persistent and often devastating poverty in which they lived.

II. PROFESSOR BELLOW’S CRITIQUE OF THE DELIVERY OF CIVIL LEGAL SERVICES

Professor Bellow’s contribution to the system of civil legal services is a prime example of both his tremendously high standards and the power of his critical gaze. Beginning in the mid-1970s, when many were still content to celebrate the recent creation of federally funded legal services programs, Professor Bellow began to critique systematically the delivery of civil legal services. His criticisms generated a dialogue and debate that ultimately transformed the system.12

In his landmark essay, Turning Solutions into Problems: The Legal Aid Experience, Professor Bellow outlined the shortcomings of the system of legal services as it stood in 1977.13 Professor Bellow first noted the important goals that informed the creation of the legal services system, and he acknowledged that the system as created was motivated by an admirable vision of access for all to the protections of the law:

If each poor person or family has access to a lawyer (and thereby, the “law”) what more can be wanted or asked of the profession?

... In a law-dominated society such as ours, it would be hard to imagine a process of change on behalf of the poor without access to, or at least protection from, the legal system.14

Professor Bellow continued, however, by asserting that this vision, though well-intentioned, was divorced from the day-to-day reality of actually delivering those legal services: "[I]t appears that the legal aid system (like the welfare system, the public housing system and other government-funded social services that preceded it,) may be supporting the very inequalities that brought a federally financed legal aid program into being."15

Professor Bellow did not attempt to ignore the problems inherent in creating a large system of civil legal services and the impossible task of

12 It is a tribute to Professor Bellow’s monumental contributions to clinical legal scholarship that, even when his points were controversial, they nonetheless defined the terms of the debate. See, e.g., Gary Bellow & Jeanne Kettleson, From Ethics to Politics: Confronting Scarcity and Fairness in Public Interest Practice, 58 B.U. L. Rev. 337 (1978); Paul R. Tremblay, Practiced Moral Activism, 8 St. Thomas L. Rev. 9, 25 n.82 (1995) (discussing the debate surrounding Professor Bellow’s assertion that legal services lawyers must selectively apply their resources).
14 Id. at 108.
15 Id.
trying to solve every problem faced by every client. Rather, he offered strong support for his criticisms by pointing to a number of problems endemic in the system of legal aid as it then operated. Among the many flaws he identified were the routine and perfunctory processing of cases, the lack of client autonomy in attorney-client relationships, an unwillingness of lawyers to pursue legal claims outside those initially and narrowly presented, and attorney pressure to settle for outcomes that may be inadequate from the client's perspective. Given these systemic flaws, Professor Bellow argued that "it seems a certainty that the cases are being superficially and minimally handled." Professor Bellow identified a number of factors that perpetuated the superficial treatment of most cases at legal services centers. Most significantly, he noted the profound disconnect between legal education and the responsibilities of legal services lawyers. He argued that, because of the structure of American legal education at the time, "a lawyer certified by the bar to practice is generally not competent to do so. That is, he or she has, in most instances, never handled a case, interviewed a client, examined a witness or negotiated a settlement." Consequently young legal services lawyers did most of their learning on the job, and in the process they internalized the existing, flawed norms prevalent in the system.

What is significant is that Professor Bellow identified these pervasive systemic problems at a time when others, thankful for the very existence of any system of federally funded legal aid, thought it best to leave well enough alone. The dominant line of thinking was that legal services centers provided clients with legal assistance in circumstances in which they would not have received any assistance in the past, and so a poorly qualified and inexperienced lawyer was better than no lawyer at all. Professor Bellow sharply dismissed this paternalistic attitude in his advocacy for mandatory and competent representation.

It is in this regard that Professor Bellow's critique of the delivery of legal services has had its most profound impact. By focusing on the failure to equip young lawyers with the skills necessary to pursue advocacy work for the poor, Professor Bellow shifted to educational institutions much of the responsibility for the shortcomings of legal services

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16 Id. at 108-09.
17 Id. at 109.
18 See id. at 117-19. Professor Bellow identified three major factors that contributed to shortcomings in the delivery of legal aid: the tremendous pressure to settle rather than litigate cases, the failure of law schools to prepare students for legal work outside the mainstream large-firm environment, and the general societal biases against the poor and those who work with them. Id.
19 Id. at 117-18 ("Unfortunately, very little in the lawyer's training or education provides the skill, confidence, or orientations necessary to protect clients in a [highly bureaucratized legal] system.").
20 Id. at 118.
systems. To appreciate the full extent to which Professor Bellow's critique transformed the delivery of legal services, we need only look at the response of law schools to his challenge and the transformation in the institution of clinical legal education that has occurred in the past twenty-five years.

III. PROFESSOR BELLOW'S VISION OF CLINICAL LEGAL EDUCATION

One of Professor Bellow's most significant contributions to the law was his pioneering work in clinical legal education. Professor Bellow observed that the separation of the study of law from its practice created a system of legal education that ignored entirely the application of legal theory to the real world. As a result, "little attention [was] paid to the effects of class and race on the ordinary person's experience of the legal system, and why there [was] so little reference to the realities of lawyer behavior and decision making in law school discourse." Professor Bellow observed a connection between the bifurcation of legal education and the lack of a "moral sensibility" among many lawyers:

The isolation of law teacher and lawyer from each other avoids the conflict and potential growth offered by such interchanges. Combined with an often uncritical pragmatism that pervades legal culture, the separation of law study from law practice may make both legal education and professional activity much less effective, informed, and self-critical than it might otherwise be. It may also account for some of the moral obtuseness displayed by so many members of the Bar. Moral sensibility is obviously not simply a function of character or knowledge. It is nurtured and developed by constantly examining and publicly justifying the consequences of one's choices.

Professor Bellow advocated the use of clinical legal education to eliminate this "moral obtuseness."

Professor Bellow defined clinical legal education as a "method of teaching law in practical contexts," with the goal of "develop[ing] law-

21 For a detailed discussion of the development of clinical legal education programs in American law schools, including a valuable perspective on the contributions that Bellow and others made, see Margaret Martin Barry, Jon C. Dubin & Peter A. Joy, The Third Wave: Clinical Education for This Millenium, 7 CLINICAL L. REV. (forthcoming 2000).

22 Gary Bellow, Clinical Studies in Law, in LOOKING AT LAW SCHOOL: A STUDENT GUIDE FROM THE SOCIETY OF AMERICAN LAW TEACHERS 237-39 (Stephen Gillers ed., rev. & expanded ed. 1984); see also JOEL SELIGMAN, THE HIGH CITADEL: THE INFLUENCE OF HARVARD LAW SCHOOL 166 (1978) (quoting Professor Bellow's identification of "shocking gaps between America's traditional pluralistic ideals and what is going on in the legal system" (internal quotation marks omitted)).

23 Bellow, supra note 22, at 239.

24 Id. at 240.
yer and learning skills while critically examining law practice itself."25 By using the clinical method, Professor Bellow challenged his students to explore the relationship between the decisions that they made as lawyers and the consequential effects of those decisions upon clients and the legal profession.26 His emphasis was to remind students continually that they were representing not only causes, but real people. Every decision made by a lawyer had intended — and unintended — consequences on the client.

Professor Bellow viewed his mission as an instructor as twofold. First, he wanted his students to “have a rich appreciation of practice as a human enterprise, as a way of solving problems, as a way of thinking of the world.”27 Second, he wanted his students to be able to work within the legal culture. This entailed helping students to “develop the skill needed to work within a legal culture that involves a set of thoughts and actions . . . . Among these are self understanding, a capacity to deal with one’s emotions, the ability to project oneself into the life of another, all of which are required of any good lawyering.”28

To incorporate the clinical method into the legal environment in a meaningful way, Professor Bellow envisioned that the primary emphasis should be the “experience-based instruction and inquiry”29 of the law. This vision involved the integration of “[l]egal scholarship and teaching [that] should embody a wide range of perspectives and emphases, encouraging attempts to integrate the normative and descriptive, the concrete and the abstract, the reflective and the action-oriented.”30 Professor Bellow also believed that “[l]awyer skills should be approached in the same way, reflecting concerns for developing performance competency as well as fostering an understanding of the social relationships and dynamics involved.”31

Professor Bellow also voiced some concern about the evolution of the very program of clinical legal education he helped to create and nurture. With the explosion of clinical legal education following the Supreme Court’s decision in Argersinger v. Hamlin32 and Justice Brennan’s praise of law school clinics as a new means to provide rep-

26 For an interesting discussion of Professor Bellow’s teaching style and his focus on these goals, see SELIGMAN, supra note 22, at 164–73.
28 Id.
29 Bellow, supra note 22, at 241.
30 Id.
31 Id.
presentation to indigents, Professor Bellow immediately recognized that “more” was not always an indication of “better.” Due to the conflicting goals of clinical legal education after *Argersinger* and the financial constraints imposed by limited program funding, he objectively noted a number of problems with the expanding system of legal education:

First, the ratio of supervisors and instructors to students is slowly being diluted or redefined to permit larger numbers of students to get credit for clinical work at the same cost. . . .

Second, there has been a disproportionate increase in the substitution of simulated for fieldwork experience. . . .

Third, pressures have mounted on clinicians to devote time and energy to more “acceptable” scholarly efforts. . . .

Finally, it seems to me that the pressures of cost and continuation have begun to diminish some of the critical and experimental tone of many of the early efforts in clinical studies. Courses have become somewhat more routinized, the teaching more patterned, and the willingness to experiment with varying forms of group interaction among students more limited.  

Despite Professor Bellow’s concerns about the future of clinical legal training, his vision was not altered. He still emphasized that clinical legal education should embody a “normative concern for fairness, accessibility, and justness of the legal system.” As a result, the study and practice of law and clinical practice “should be transformative, giving content at every point in time to particular values and visions of social order.”

IV. CONCLUSION

From his early days as a young advocate to his more recent reflections as a scholar, Professor Bellow has left us an unbroken chain of visionary thinking about the delivery of legal services and the provision of clinical legal education. His view of political lawyering is a prescient vision as well as a challenge to new generations to “define an adequate social vision and self-consciousness for today’s complicated times.” This social vision must eliminate the passivity that “func-

33 *Id.* at 44 (Brennan, J., concurring) (“I think it plain that law students can be expected to make a significant contribution, quantitatively and qualitatively, to the representation of the poor in many areas . . . .”). Chief Justice Burger also called for expanded law school skills programs. Warren E. Burger, The Special Skills of Advocacy: Are Specialized Training and Certification of Advocates Essential to Our System of Justice?, 42 FORDHAM L. REV. 227, 233–34 (1973).
34 Bellow, *supra* note 22, at 243–44.
35 *Id.* at 242.
36 *Id.*
37 Bellow, *supra* note 5, at 302.
tions as a kind of blinder, relieving us from taking responsibility for
the way the systems we create actually work."

While taking stock of Professor Bellow's significant contributions
as an advocate and scholar, we must never forget that every step he
took was driven by his concern for the real-world implications of legal
activity; his entire legal career was informed by his view of a legal sys-
tem that failed to serve millions of poor people throughout the country.
In Gary's own words, "the use of law and legal skills in the pursuit of
social ends is a critical component of a complex democracy, particu-
larly one that treats so many in its populace so unfairly and inhu-
manely." For the fairness and humanity that Gary struggled to bring
to the law, we will always remember him.

38 Gary Bellow, Legal Services in Comparative Perspective, 5 MD. J. CONTEMP. LEGAL ISSUES
39 Bellow, supra note 5, at 309.