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# CLEPR Anniversary Remarks Regarding Judge Dorothy Wright Nelson

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# CLEPR ANNIVERSARY REMARKS REGARDING JUDGE DOROTHY WRIGHT NELSON

LISA A. KLOPPENBERG\*

In 1906, Roscoe Pound criticized the American courts, citing “popular causes of Dissatisfaction with the Administration of Justice.”<sup>1</sup> The speech was a clarion call for reform in the courts that resonated with judges, lawyers and legal educators. He became one of the more prominent scholars of his era and served as dean of Harvard Law School for 20 years. Later, he moved to the University of California at Los Angeles (UCLA) and continued to research, write and improve our system of justice.

Dorothy Wright Nelson was one of Roscoe Pound’s best students at UCLA. When Dorothy Nelson attended UCLA in the 1950s, there was only a handful of other women in her class and the women were only called upon on “Ladies’ Day.”<sup>2</sup> Roscoe Pound recommended Dorothy Wright Nelson to become a research fellow. She took up Dean Pound’s challenge and began her career as a legal scholar at the University of Southern California (USC) Law Center.

Dorothy Wright Nelson was one of the first dozen full-time female law professors in the United States and in 1967 she became interim Dean of USC Law Center.<sup>3</sup> She served as dean until 1980, when she became a federal appellate judge.<sup>4</sup> She continues to serve in a senior capacity on the United States Court of Appeals for the Ninth Circuit. She was truly a pioneer in many aspects of her work, including being one of the early female law deans and appellate judges. Upon this celebration of the 40th anniversary of the Council on Legal Education for Professional Responsibility (CLEPR), we focus on Judge Nelson’s pioneering role in clinical and skills education.

How did Judge Nelson continue Dean Pound’s legacy in her work in legal education? As a scholar, she authored one of the early Alternative Dispute Resolution (ADR) textbooks, which covered media-

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<sup>1</sup> Roscoe Pound, *The Causes of Popular Dissatisfaction with the Administration of Justice*, Lecture at Annual Convention of the ABA (1906).

<sup>2</sup> Interview with Dorothy Wright Nelson by Lisa Kloppenberg & Mark Zunich, at 9th Cir. Courthouse, Pasadena, Cal. (Dec. 17, 2002) (transcript on file with author).

<sup>3</sup> Herma Hill Kay, *The Future of Women Law Professors*, 77 IOWA L. REV. 5, 8 (1991).

<sup>4</sup> For more information on Dean Nelson’s tenure and accomplishments at USC, see Lisa A. Kloppenberg, *A Mentor of Her Own*, 33 TOL. L. REV. 99 (2001).

tion, other alternatives to litigation, and systemic court process issues.<sup>5</sup> She continued to author publications on judicial process and ADR during her time in the academy and on the bench.<sup>6</sup> In 2000, the American Bar Association (ABA) recognized her pathbreaking work and leadership in the field of ADR by presenting her with the Dispute Resolution Section's D'Alemberte Award. In addition to her scholarly contributions, Dean Nelson worked with many organizations actively engaged in reform efforts, from the American Judicature Society (including as Board Chair), the ABA, and the Association of American Law Schools.

She was an inspiring teacher, too. The most memorable law school course I took at USC was with (then) Judge Nelson. It was a hybrid of classroom work and field work in the various courts around Los Angeles, in which students observed proceedings, met with judges and lawyers to discuss court processes, ADR and law reform, and then wrote reflection papers weekly on these topics. For Judge Nelson, this work to improve the justice system related to the need to deal more effectively with the *people* caught up in it. She was proud that USC had been involved in clinical legal education since the 1920s and she expanded that work significantly with the Western Poverty Law Center, new offerings at USC and her national involvement in promoting clinical education.

In 1974, she spoke to the *Los Angeles Times* about being a dean and about clinical law.<sup>7</sup> The *Times* asked: "What does a dean do?" She responded: "Among other chores, a dean is expected to be an innovator. At USC we've pioneered in the field of clinical law."<sup>8</sup> The reporter asked what "clinical law" meant. Dean Nelson responded: "Doctors have been trained this way all along, but it's a bold step for lawyers. It means placing students in law offices, private or governmental, under the supervision of seasoned professionals. Essentially it means learning how to do it in the courtroom. Afterwards we ask them to give us critical judgments of what they've seen."<sup>9</sup> "To what end?" queried the reporter. Dean Nelson said: "If students can see some of the defects in the legal system before their attention is dif-

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<sup>5</sup> JUDICIAL ADMINISTRATION AND THE ADMINISTRATION OF JUSTICE (1975).

<sup>6</sup> See, e.g., *ADR in the Federal Courts – One Judge's Perspective*, 17 OHIO ST. J. ON DISP. RESOL. 1 (2001); *Alternative Dispute Resolution – A Supermarket for Law Reform*, 14 N.M. L. REV. 467 (1984); *The American Court System: Problems of Today, Prospects for Tomorrow*, COURT MGMT J. 261 (1982); *The Role of the Trial Judge in Clinical Legal Education*, 13 JUDGES J. 30 (1974).

<sup>7</sup> Marshall Berges, *Home Q & A: USC's Dean of Law, Dorothy Nelson*, L.A. TIMES, Aug. 11, 1974, at 22.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

fused with family responsibilities, before they're bogged down in personal worries about just surviving *within* the system, they'll be much better equipped to promote law reform."<sup>10</sup>

Dean Nelson sought to put a human face on the law and the justice system so that inspired law students could improve both the law and justice system. After nearly 30 years on the federal bench, with extensive activity in court administration during that time, Judge Nelson continues to believe that law students need to visit courts, talk to judges, and work closely with lawyers and other experts so that they can understand the impact of the law on actual human beings. She views clinical education broadly and was involved with others in the national reforms promoting in-house clinics, externships and other skills education in the 1960s and 1970s. Among the most important measures of her deanship, Nelson would count her commitment to clinical education, the flourishing of The Western Poverty Law Center, and the development of a generation of lawyers – whom she helped to shape – who committed themselves to reforming the law and the justice system.

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<sup>10</sup> *Id.*

