

Brooklyn Law School BrooklynWorks

Faculty Scholarship

Fall 2001

When A Clinician Grew in Brooklyn: A Tribute to Kathleen Sullivan

Minna J. Kotkin

Brooklyn Law School, minna.kotkin@brooklaw.edu

Stacy Caplow

stacy.caplow@brooklaw.edu

Follow this and additional works at: <https://brooklynworks.brooklaw.edu/faculty>

Recommended Citation

8 *Clinical L. Rev.* 25 (2001-2002)

This Article is brought to you for free and open access by BrooklynWorks. It has been accepted for inclusion in Faculty Scholarship by an authorized administrator of BrooklynWorks.

WHEN A CLINICIAN GREW IN BROOKLYN: A TRIBUTE TO KATHLEEN SULLIVAN

THE BROOKLYN LAW SCHOOL CLINICAL FACULTY

When she came to Brooklyn Law School in 1985 to teach in our new Federal Litigation Clinic, Kathleen was still Kathy. Even after she moved to New Haven, her Brooklyn cohorts never made the transition to this more formal personification. During her eight years here, our clinical program grew in size and complexity, in step with clinical education generally. But our prosperity during the “Kathy years” was not a coincidence or fortuity. Kathy was instrumental in developing every aspect of our programs, and in transforming the entire law school community by force of her character and values. As a lawyer, teacher, colleague, scholar, and most importantly, as a friend, Kathy gave of herself freely and openly, and enriched our lives. Almost ten years after her departure, her echo is often heard around the clinic office, reminding us to be the best lawyers, teachers and colleagues possible.

As a lawyer, Kathy was the ultimate role-model in her persistence and commitment to her clients. She was fiercely loyal to them, devoting years to their causes. There are innumerable examples at Brooklyn, at Yale, and while Kathy worked in legal services and at Cornell of her dedication and lack of self-interest when it came to protecting or assuring rights or obtaining relief for her clients. We remember vividly one case that most exemplified this indomitable side of Kathy. A female police officer who accused another officer of rape was then fired. The Civil Rights Act and Title VII case theory was complex and innovative. As with many of the clinic’s cases, this one spanned generations of students, each of whom Kathy taught the values of imaginative lawyering, perserverance, and loyalty. From her, they also learned that these traits might sometimes ultimately produce justice even after a long uphill legal struggle. Kathy supervised students over the years in opposing summary judgment, successfully appealing the granting of the motion to the Second Circuit, conducting a jury trial which resulted in a verdict of several hundred thousand dollars, and successfully appealing – again – the judgment notwithstanding the verdict. The client finally received her damage award, but she would tell you that the money was less important than the confidence and self-respect that she gained through the experience of having Kathy as her lawyer. In turn, Kathy would say that this hard fought result was

less gratifying than the empowerment she achieved for her client.

Kathy was the epitome of academic collegiality. She was always available to consult, to read drafts, or to offer, but never to impose, professional and personal advice. While many clinicians talk about the importance of collaboration, she called to our attention, in her non-confrontational way (so familiar to her students and colleagues that we can almost hear her hesitancy, her deferential tone, and see her lean forward to speak and draw us to her) that our clinical faculty hardly set a good role model. Until Kathy stepped in, each of our clinics was a separate enterprise. She corralled us and our students into an experiment in team teaching. We planned and taught a series of joint clinic classes each semester, the result of which was that we were able to watch each other teach and finally began regularly to talk to each other about clinical pedagogy and lawyering. It was like being at a clinical teachers' workshop all year long.

Despite her self-effacing demeanor, Kathy was never deterred by her untenured, short term appointment. Her voice was heard at faculty meetings and on committees, and she collaborated with other faculty members with particular expertise, enabling them to participate in and appreciate the satisfaction and the challenge of clinical teaching. She refused to be limited by notions of academic hierarchy any more than she wanted her clients to feel under-valued in their community, their workplace, or the legal system. Her authenticity, sincerity and determination earned her the admiration and affection of everyone at the law school. It was Kathy's example that led our faculty to understand the importance of and adopt long-term contracts.

When Kathy began teaching in the Federal Litigation Clinic, the program was only a year old. She brought to it a wealth of experience as a legal services lawyer, where she rode in a van through the Adirondack Mountains, representing desperately disadvantaged clients, and as a clinical teacher at Cornell. But beyond experience, she brought her values at a time when we were still trying to figure out how to teach skills. She forced us to look at the social utility of what we were doing: Did it make sense to invest our limited resources in a sexy first amendment case when there was no one to handle social security appeals? She forced us to take seriously client-centered decision making: How far can you go in counseling about an excellent settlement offer when the client really wants to tell her story in court? The hard questions were central to Kathy's supervision, and often she was the only one in the classroom or the office to even recognize that there were questions to be asked. Sometimes her questions, but never her manner of raising them, made the rest of us feel a little inadequate

as teachers for failing to see the issues on our own. But Kathy never dictated or forced – she just guided her students and her colleagues to see better for themselves.

Kathy's scholarship flowed seamlessly from her teaching experience. The genesis of her groundbreaking article on intimacy in supervision was apparent to us.¹ Kathy was constantly questioning boundaries. Is it okay to go running with a student in the clinic? How will the other clinic students react? What should I say to the students who may have noticed that I teared up in court out of frustration? How is a relationship between two students affecting the clinic dynamic? Should we talk about it? Kathy transformed these questions into a powerful and scholarly contribution to clinical pedagogy. What she learned from her clients and her students, and her personal values, permeated her writing, and because her writing was so widely read, she had a profound influence on clinical teachers all over the country.

On a personal level, we shared with Kathy many happy milestones while she was at Brooklyn. She married Stephen, and good naturedly withstood our teasing about marrying a former student. She gave birth to Victoria – the light of her life – and joyously participated in our reading groups and clinical faculty meetings that sometimes devolved into a new mothers support group. And she became a New York sophisticate, trading in Laura Ashley for Ann Taylor, and eventually even Armani. Her country girl look was gone for good after eight years, but her fundamental nature never changed.

We *admired* her essential morality and goodness, *envied* her unwavering commitment to her clients and her ability to inspire students and clinical colleagues around the country, *delighted* in her constant good humor and (sometimes salty and sometimes spicy) wit, and *respected* her innovative and thoughtful views about teaching and lawyering. Above all, we will miss her and never will stop expecting her to come around the corner with another great idea, enthusiastic suggestion, or an invitation for a good, heart-to-heart conversation.

¹ Kathleen A. Sullivan, *Self-Disclosure, Separation, and Students: Intimacy in the Clinical Relationship*, 27 IND. L. REV. 115 (1993).

