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FACULTY EMERITI INTERVIEWS  
UNIVERSITY OF THE PACIFIC ARCHIVES



**Linda Carter (1985-2016)**  
**Professor of Law**

August 24, 2018

By John Sims

Transcription by Cindy Jackson, University of the Pacific,  
Department of Special Collections, Library

Subjects: The interface of practice, scholarship and teaching, including death penalty issues and international criminal law. The development of the field of international criminal law, McGeorge transitions over the years, and teaching methodology in law school.

## UOP ARCHIVES FACULTY EMERITI INTERVIEWS

Transcribed by: Cindy Jackson

### Interview with Professor Linda Carter by Professor John Sims

**August 24, 2018**

**Sims:** I would appreciate it if the emerita professor being interviewed would identify herself.

**Carter:** I am Linda Carter.

**Sims:** I'm John Sims, I'm a professor of law at the McGeorge School of Law in Pacific. Today is Friday August 24, 2018 and this is an emerita interview of Professor Carter with the intension that it will be transcribed and retained in the archives of the university as part of the program being conducted by the Emeriti Society. So perhaps we can begin. So Linda, if you don't mind me calling you that.

**Carter:** That is fine, John

**Sims:** Could you give the basics about the length of time that you served at the University, and the positions that you held during that time?

**Carter:** I came to McGeorge School of Law in June of 1985. I had graduated from law school in 1978 and I practiced for 7 years before I came to McGeorge, first in the Civil Rights Division of the Justice Department in Washington, DC, and then as a criminal defense lawyer in Salt Lake City, Utah. I mention that because that practice experience really helped me when I came into teaching in terms of having background and perspective. So I came to McGeorge in June of 1985 and I was full time in academia through August of 2016.

**Sims:** What were the formal titles that you held during the time you were on the law school's faculty?

**Carter:** I began as an assistant professor of law, then I became an associate professor of law, and then a full professor of law. I also was honored to be named a distinguished professor of law, I believe that was in 2013. I also served as co-director of the Global Center.

**Sims:** And you now are as I understand it, are an emerita professor at the University

**Carter:** Yes

**Sims:** Okay, maybe you can just tell us a little bit about your initial contact with the university. That is, as I understand it, sometimes faculty members are hired in law through a process in which they attend an event where they have an initial exposure to faculty from the university. You remember such a contact?

**Carter:** I do. I went to the AALS, the American Association of Law Schools conference which was in Chicago that year. The way that works is you submit a resume to the AALS, and then schools go through those resumes and choose whom they would like to interview in person. I actually had 24 interviews within 2 days, and I do remember interviewing with McGeorge. The people who were there where John Ryan, Jerry Curtis and Chris Blakesley.

**Sims:** And so John Ryan at that point if I recall correctly would have been the Associate Dean of Academic Affairs?

**Carter:** Yes

**Sims:** And did you have any later contact with those other individuals that you happened to meet that first time you had contact with the university?

**Carter:** Well, of course, the way the process works is, if you are successful in this initial first interview, then you will be invited to campus. I was invited to visit McGeorge--that must have been in January of 1985. I came to spend a couple days here at McGeorge interviewing with those three individuals and everybody on campus.

**Sims:** Where there other schools at which you also had that full process of being invited to campus and going through the full interviews?

**Carter:** I only went to one other school. I was invited, I believe if I remember correctly, to a couple of others but if it was possible, we wanted to stay in the West. I also knew John Myers from our time in law school at the University of Utah and at the Justice Department. John had been teaching here at McGeorge for a year so I had some inside information about McGeorge and wanted to pursue the possibility of coming here.

**Sims:** And if I understand correctly John Myers having joined the faculty a year before you still is a member of the law school faculty?

**Carter:** He is, yes.

**Sims:** And after you conducted the interviews here at school and you had inside information, what was it about McGeorge that lead you to make the decision that this is the place that you wanted to begin teaching law?

**Carter:** I'm thinking about that question--I think there were a number of factors. One was I really liked the people that I was meeting. I met people like Julie Davies and Michaela White, and of course, I knew John Myers. The younger, newer faculty were very friendly, very impressive, so I thought it was going to be a good group to work with. I also wanted to stay in the West if possible and I think another very deciding factor was that they were offering to let me teach exactly what I wanted to teach.

**Sims:** And so what subjects was it that you taught when you first joined the faculty?

**Carter:** I taught criminal law, criminal procedure, and evidence.

**Sims:** And I want to come back to that, about your substantive work at the school, but it might be useful to fill in a little more of the background that brought you here. You say you went to the law school at the University of Utah?

**Carter:** Yes.

**Sims:** And where had you gone to college?

**Carter:** Well, I went to two schools: I went to Lawrence University in Appleton, Wisconsin, and to the University of Illinois in Champaign-Urbana. I'm originally from Chicago.

**Sims:** And what had you studied as an undergraduate?

**Carter:** Primarily Psychology, that was my major; I had minors in Anthropology and English.

**Sims:** And at what point did you decide you were interested in studying law?

**Carter:** I'm trying to think back to that time. I was originally thinking about going to graduate school in another field, but it was a period where I was working for a year after I graduated from college. I was taking the various tests and so I started looking at law; I took the LSAT and started looking more seriously at law. I decided that one of the reasons I wanted to go to law school was it seemed to me that we had just come through a period in our society where there were so many protests in the Sixties and that was a way to try to change society. I appreciate that approach, but I also thought that law was a way in which one could work from the inside to change society, and so to me law became more and more interesting as a means to have an impact on society.

**Sims:** And how was it that you ended up with the University of Utah law school?

**Carter:** That was through a husband's career, and so we ended up in in Utah.

**Sims:** And in a general sort of way how would you characterize the University of Utah's law school compared with the size and modes of operating compared to McGeorge?

**Carter:** The University of Utah then and now is much smaller, so for instance, my entering class at Utah was 125 students. I will also add that there were only 25 women in my class when I started law school in 1975. McGeorge was much larger when I first came. It's downsized a little bit now, but it's still a larger law school than Utah. Also, when I started law school, there were not a lot of clinical programs, so that's changed dramatically there and here.

**Sims:** And when you say clinical program, what do you mean by that?

**Carter:** I mean the ability through the law school to be working on cases. For instance, I did a clinic in law school in juvenile court where I prosecuted one semester and defended the other semester, but that was rare in that era. Now today, of course, our students at McGeorge are able to work in our immigration clinic or our civil rights clinic or other clinics that we have on campus.

**Sims:** And you said there were 25 women in your entering class at law school at Utah out of how many?

**Carter:** 125

**Sims:** Any notable students at Utah while you were there?

**Carter:** Oh my goodness, you're probably referring to Ted Bundy!

**Sims:** The Ted Bundy?

**Carter:** Yes, the Ted Bundy, unfortunately. Ted Bundy was in the class ahead of mine, and if anyone does not know who he is, he was a very notorious serial killer. He was arrested in Utah; the woman he abducted in Utah escaped from him. She was not killed, but he was arrested and he was extradited to Colorado. He escaped to Florida where he killed again, and ultimately, was tried and executed. It was a very strange thing to have this person at the law school. I did not know him but it was interesting from a

psychological perspective because he apparently was well liked. Someone with dual personalities of some kind.

**Sims:** Let's hope that that isn't too much of a commentary on lawyers in general.

**Carter:** I'm quite sure it is not! I think that it is really unique and as I said, unfortunate and hopefully never to be repeated.

**Sims:** So other than the clinical program you mentioned, did you engage in any notable activities while you were in law school in terms of moot court competitions or anything of that sort?

**Carter:** Everyone did a moot court during their first year of law school, so I did that. And I also made the Law Review. As you know, in the law school world, being on the Law Review, is important because you got to work on articles and you get to be published, and so I did the Law Review.

**Sims:** And would it be correct to think that the kinds of activity one would engage in on a Law Review in terms of research and writing articles would have a certain similarity to the kind of scholarly work one would do as a professor?

**Carter:** I think there is a complete connection, because that gives you a real appetite for what it is like to do that sort of in-depth research on a topic that you choose to write on and to then have a chance be part of the dialogue of the academic literature on the topic.

**Sims:** And, after you graduated from law school, did you get admitted into the Bar?

**Carter:** I did, I took the Utah Bar.

**Sims:** And then did you start working in Utah or somewhere else?

**Carter:** I then went to Washington, DC. I was incredibly lucky as I was offered a job in the Honors Program in the Justice Department in Washington. In particular, I was offered a job in the Civil Rights Division, which meant a lot to me; I wanted to work on civil rights. Jimmy Carter was President at that time and we were very active in cases all around the country. My work included initially voting rights and then education law as well as housing and credit discrimination. I was based in Washington, DC, but I spent a lot of time in the deep South where I had not been before and in federal courts all around the country.

**Sims:** And what was the date you started work in the Civil Rights Division of the US Department of Justice and what was the end of the service there?

**Carter:** I believe I started in September of 1978, either late August or September of 1978, and I worked there through March of 1981.

**Sims:** I know that Brian [Landsberg], who also worked in the Civil Rights Division of the Department of Justice, has been a long time member of the McGeorge faculty and so I'm curious if you had any contact with Brian while you were working at the Justice Department?

**Carter:** I did! Although I'm not sure Brian remembers me, I remember Brian very well. Brian was the head of the appellate section in the Civil Rights Division, which is a very important position. There was a case that I worked on where when it I worked on it at the trial level that was then going to go to the Fifth Circuit. The procedure in the Civil Rights Division was to do a moot court to prepare the lawyers

who are arguing it. I was asked to sit in on that moot court to pose questions and, of course, Brian was there as well to prepare his appellate attorney to argue it. This was the case of *Plyler v. Doe* that ultimately went to the U.S. Supreme Court. What I remember most about Brian is he posed the question that I just thought was great. He said: "Well, other than saying that a defense is your best offense, what else do you have to argue?" I've always thought that that is a great question to pose to somebody!

**Sims:** And as I understand it, a moot court is in effect a practice session in which the advocate will make a presentation and then other colleagues or or experts will ask questions basically impersonating or or simulating the process of the judge asking questions in an actual argument.

**Carter:** That's right and the goal is that the attorney is then prepared for any questions that he or she may get from the judges when they go into court.

**Sims:** You mention this case of *Plyler v. Doe* in which you participated personally. If you would, I'd appreciate a little more description of what you did in the case and then if you could, a little more about the ultimate significance of the case because if I if I'm correct I believe I've seen that case included in Constitution Law casebooks as being an unusually important precedent for certain propositions of constitutional law.

**Carter:** I think this is a case of being in the right place in the right time, because I was really a quite new lawyer. But the Civil Rights Division gave me the job of looking at what we call intervening in a case. The plaintiffs brought a case on behalf of undocumented children who were being barred from going to school in Texas because they were being charged a tuition that could not be paid. It was raising an equal protection issue under the 14<sup>th</sup> Amendment to the Constitution. In those types of cases, the Justice Department has the statutory authority to ask to intervene in the case and be a party in the case.

**Sims:** The United States is not initially named as a party, but inserts itself into the case under the applicable procedures?

**Carter:** That's right. The Justice Department, the Civil Rights Division, had been what we call an amicus curiae in an earlier case that was actually the *Doe v. Plyler* case. This case was *In re Alien Children Education Litigation* and it was a consolidation of lawsuits from all over Texas in one case in Houston. So the first case, *Doe v. Plyler*, was only in Tyler, Texas. Then they consolidated all the others in Houston and both cases went to the Supreme Court together as a consolidated case. The case was one of equal protection: Was the state of Texas denying these children equal protection of the laws by imposing such a prohibitive fee that the children could not go to school? It was a case where these children were not born in the United States so they were not citizens of the United States, although it was a very poignant situation because in many cases, the children had siblings who were born in the United States. This meant that their brothers or sisters could go to school and they couldn't go to school. These were also situations generally where children were in Texas and their parents had been here for a long time. They typically were paying taxes and they were working, so it was a very compelling situation and it was not the fault of the children. And yet they were being kept out of school. So we worked on the papers and filed to intervene and in fact we intervened. And then another attorney and I were the attorneys from the Justice Department who appeared in court in Houston. It was about a six-week trial. And the significance of the case--

**Sims:** Yes because I'm interested in the significance of the societal level but also if you have any observations about how that early intense exposure to actual litigation that affected your attitude as a professor and a scholar as a teacher later on.

**Carter:** Okay, so first the significance of the case is that at all levels--at the trial level, at the appellate level in the federal Circuit Court of Appeals, and then at the Supreme Court--the plaintiffs prevailed and in fact, this was a violation of equal protection. Texas could not bar the children from going to school in this way, and that was considered a significant victory on two levels. One is legally because the theory under equal protection that we developed was novel. We developed an argument for an intermediate level of scrutiny based on a confluence of education and alienage. For those who don't know that much about equal protection laws, there are essentially three levels of scrutiny (Professor Sims would be better at explaining this because he teaches Constitutional Law), but the bottom line is that if you can get into an intermediate or a higher level of scrutiny, then the State has to do more to justify its action. It was something that was new to try to combine two categories (education and alienage) that we typically protect a lot. On the societal level, of course, it was significant because it meant Texas could not bar the children from going to school. And I will point out that this issue came up in California a number of years later. I was actually at McGeorge by then and there was a proposition that passed to also bar undocumented children from school among other things, and it was invalidated by a federal judge on the basis of this *Plyler* case. So I was very fortunate, very honored, to have participated in that case. Then your other question was how did it affect me. Well, it triggered a huge interest in what one could do in academia in teaching and in writing on issues related to civil rights and, in fact, I wrote an article on the issue when it arose in California.

**Sims:** And once you left the Justice Department after your service in the Civil Rights Division what was the next stage of the preparation that ultimately brought you to the University of the Pacific?

**Carter:** I was going to be moving to Salt Lake City, Utah, because my husband had accepted a job there. We had both graduated from the University of Utah and we were members of the Utah bar, so it worked well to go back West. I wanted to stay in public interest and I have to say it was really by chance that I ended up doing criminal defense work.

**Sims:** Maybe you could just insert here an explanation of what one would be referring to in law if you talk about doing Public Interest Law as opposed to some other kind of law.

**Carter:** Public interest law is something like legal services and helping out those who cannot afford attorneys or serving the public interest. In criminal law, it could be as a public defender or as a prosecutor. It could be working with an NGO, a non-governmental organization, on issues of public concern like immigration, the environment, or other issues like that. This is as opposed to private law, which would be more typically going into a private law firm and working for clients whether they're individuals or corporations.

**Sims:** So you leave the Department of Justice and you were getting to describe how you start doing criminal defense work in Salt Lake City, Utah.

**Carter:** Once again, this was not a plan on my part, but it worked out very well for me. I ran into a friend with whom I had gone to law school, who was a public defender. I say public defender, although in Salt Lake, they actually don't have a county public defender system as we have in many counties in



California. However, it is Salt Lake Legal Defender Association, which has a contract to represent all indigent individuals in the city and county, so it is called a public defender office because it operates that way. I had not thought about doing criminal law in the Justice Department--I was doing civil cases on civil rights litigation, and I had not done jury trials because we were seeking equitable relief in the Justice Department. But, my friend was so enthused about the work she was doing and there was an opening, so I thought that I would look into this. I applied and was fortunate to get an offer to represent individuals and be part of that office.

**Sims:** And so in that job, you were doing jury trials on behalf of indigent criminal defendants and how long did you continue that work?

**Carter:** I stayed there from March 1981 until May of 1985, so four years. I tried quite a few jury trials, I think about 30 jury trials during that period. I did many preliminary hearings and sentencing hearings. Being a public defender is to me a very active practice, a very exciting practice to be in, because you're in court all the time, and you're dealing with people's lives and really significant legal issues as well.

**Sims:** And so you are engaged in that practice, which you obviously enjoyed and and felt deeply about. How was it that you made the decision that you wanted to become an academic and a teacher and a scholar rather than continuing as a practicing criminal defense lawyer?

**Carter:** It was a tough call for me because I really enjoyed what I had done in practice. I enjoyed the Justice Department and I enjoyed being a criminal defense lawyer. I was simply ready to try something new. In my particular office in Salt Lake, we handled not only trials but appeals, and so I was appearing before the Utah Supreme Court as well as trying cases at the trial level. I found that I really liked the research and writing for the briefs for the appeals, and so I thought being in academia would give me a chance to expand that interest in writing on issues, plus I could choose the issues instead of having the cases dictate the issues to me. And I had done a little bit of teaching in [trial] advocacy and enjoyed that, so I thought that it would be very rewarding and challenging to try academia.

**Sims:** What were the circumstances under which you did that early teaching? Was that in prep programs for practicing lawyers or was it for special classes for students? How did that work?

**Carter:** It was at the University of Utah Law School, so it was as an adjunct.

**Sims:** Oh so you were working as practicing lawyer but then you were then also doing on the side, some teaching at the University of Utah?

**Carter:** That's right.

**Sims:** And so did you have your own classes there or were you helping at somebody else's class?

**Carter:** I was helping out in a class.

**Sims:** Can you describe then how you made the transition from practicing law in Utah to teaching at McGeorge and before we get into the substance of your teaching at McGeorge, maybe you could just give me your impression what joining the McGeorge faculty, you become a teacher after having worked in these other positions and having been a student before that. What was the nature of the administration at the law school at the time you joined? Who were the administrators at McGeorge and then I'm going ask you to follow up and describe what was the nature of the law school. Because my

impression is that every law school even though you know the structure may be similar there's a different type of interaction among the individuals and different styles of leadership, and of course for this history which is in the context of the University and I think some of those structural and institutional issues are of potential interest. And then of course we'll get back to the substantive legal issues in a few minutes.

**Carter:** Gordon Schaber was the Dean and John Ryan was the Associate Dean for Academic Affairs and those are in any law school, the two highest positions. McGeorge was somewhat different from a typical State University law school because Gordon Schaber was really the founding father of the law school and had brought McGeorge from a stand-alone law school to being part of a University. Another thing that was unusual at that time when I came in 1985 is that the law school had decided to bring in a number of a newer, younger professors-- not necessarily a younger age, but it turned out to be younger in age--but newer professors with the idea that they would really start building on having professors engage in scholarship. Although some people engaged in scholarship, McGeorge was more of a teaching institution prior to this time. You came in, I think a year, a year after me and there were quite a few of us that came in right about that time. The law school was an interesting place because I would say that at the time that I came in, we had a group of what, maybe 6 or 7 of us that came in within a couple years of each other, that really formed a core group who encouraged each other and gave each other feedback on teaching and scholarship. So that may have been a unique period to come in.

**Sims:** Did most of the people in the group that you are describing end up having a fairly long tenure with the University?

**Carter:** Yes, in fact many are still here because it would include John Sims who is sitting across from me right now, Julie Davies, Ray Coletta, who has since retired, Frank Gevurtz, I'm trying to think of others.

**Sims:** John Myers you mentioned.

**Carter:** John Myers, of course, and Micaela White, who did leave to go to another law school later on after a few years.

**Sims:** And and in terms of of your role as a longtime member of the faculty, and whatever satisfaction you derived from that was having a cohort of colleagues that were with you for an extended of time relatively important?

**Carter:** It was incredibly relevant and actually I want to say that it wasn't just those of us who had come in within a few years of each other because when you were asking me about this cohort and who was significant, I would also include Chris Blakesley and George Gould, who were already here at the law school. They were engaged in a lot of scholarship and there was a lot of interaction among all of us at that time. That was really quite an incredible atmosphere to be in because for many of us coming into academia, we really did not have much experience in teaching. I don't know if you were going to ask me about this, but I really I don't think most of us had the skill set for teaching when we started out. That is something we had to acquire. One can acquire it a number of different ways, but that is something that I found I had to work very hard at.

**Sims:** For somebody like you coming out of a law practice going into teaching, is there any real instruction in on how to teach in a law school?

**Carter:** There was none at that time, I would say. Nowadays, there are programs in teaching methodology; there's a lot more going on. I remember being about ten years into teaching before I went to a conference that focused on learning theory for law professors. That was incredibly helpful and led me to read a lot about learning theories to try and understand how to develop teaching methodology. Practice did not prepare me for teaching. Practice prepared me on the substance of what I was teaching but not on the teaching methodology

**Sims:** So when you joined the faculty, what was the first course that you taught?

**Carter:** The first course that I taught would have been criminal law.

**Sims:** And my understanding is that sometimes at McGeorge in the first term, the professor might have a reduced load to go through this complete change of circumstances and have time to assimilate the process. Was that the case for you?

**Carter:** That was the case for me, and it was criminal law that I taught.

**Sims:** And at that point was McGeorge on a quarter system or a semester system?

**Carter:** It was on a quarter system.

**Sims:** So there would be approximately 10 weeks of instruction in each quarter.

**Carter:** That's right.

**Sims:** With exams coming at the end?

**Carter:** Yes, and grading exams every 10 weeks.

**Sims:** And in those days, if one had a class like criminal law or the other classes that you regularly taught, approximately how large would the class be?

**Carter:** I don't remember the exact number but I think typically it was about 120, 100 to about 120.

**Sims:** And the primary means of examination would be essay exams.

**Carter:** That's right, and reading those essay exams.

**Sims:** I'd like you to describe your approach to teaching. That is, what your methodology would be. You have a large group of 120 students or maybe less in some classes, you are dealing with areas like criminal law, criminal procedure that you practiced in, how do you go about conveying to the students what you know about these subjects?

**Carter:** Before I comment on that, since you raise the point about quarters and semesters, if you were to ask me a change that I thought was a very good change in McGeorge since I've been there, one of the main ones would be changing from quarters to semesters. I think that pedagogically it is much better to be teaching in a semester. I think the idea of the quarter is the students got feedback more often because they were getting feedback every 10 weeks, at the end of the quarter. But the problem with that is the students then had a final grade or close to a final grade. There was so much stress for the students with that. A semester gives the students a longer time to think about the material, to digest the material, and to learn the material, and yet you still have the capability of giving them feedback in the

middle at various points through quizzes or through non-graded exercises. To me, it wasn't just that I didn't have to grade three times a year and only had to grade twice a year after that. It was that it made a huge difference, a huge improvement for the students.

**Sims:** And how long after you joined the faculty did McGeorge make that transition from the quarter system to the semester system?

**Carter:** I'm not sure, but I believe about two years.

**Sims:** OK... And then, you were, I hope, going to describe a little bit about what your life in the classroom or maybe what you're like in the classroom then and maybe when you got further along in your career you adopted different techniques. But I guess the availability of your comments as an expert and distinguished and really renowned teacher, is the kind of material that might help other people figure out how to go about teaching.

**Carter:** Well, as a point of history, I will say that I'm afraid I have to say that when I came in to teaching, I was in essence mimicking the professors I had in law school. At that time the idea was to use what was called the Socratic method, but it was only one form of the Socratic method, where you were questioning one student at a time, trying to draw out a lot of information but not giving answers to the students. There is some value to that technique as one technique in teaching methodology. When you are teaching a very large class, however, what it means is that there are a lot of students sitting there without being engaged in what is going on. Over time, as I understood learning theory a little better, watched other people teach, and learned more methodologies, I was able to develop a better game plan for what I wanted to do at any point and time in the class. There would be times where I wanted to question one student and see if a student could really give me the facts of the case, and the reasoning of the case, that kind of thing. But, in addition to hypotheticals that almost all law professors use, I started to use a methodology where I would have the students, for instance, work in small groups and they would be given a fact pattern in which they would be given a role, for instance prosecution or defense or sometimes judges. I would give them some time to prepare their position and then as a class we would engage in presenting those positions. One of the reasons I did that is because of going to a learning theory conference where the person who was teaching it was an education person from Harvard, I believe, who said that people will feel much more confident in speaking up in a large group if they've been able to vet those ideas in a small group. That may sound very simple, but it wasn't something that I knew out of practice. That type of thing and developing more elaborate simulations I believe works very well in law school because the students are then engaged. They are performing even if they are not the group that was called on, they have vetted this issue in their group and they are more likely to comment on it and be part of the discussion. Importantly, in my view, when students have to actually figure out their argument or what they would do, they are more likely to internalize both the law and reasoning and the interpretation.

**Sims:** So as I understand it, your teaching methods and methodology really evolved substantially over your time on the faculty?

**Carter:** Absolutely. For the better.

**Sims:** Could you just describe you know I guess we've already talked about what would go on in a classroom, what would go on in terms of evaluation process which would involve written exams. What

other sorts of interactions would you have with students in the course of the term or the course of their time at McGeorge?

**Carter:** I've been fortunate in that I've always had students coming into my office to talk about the class, to talk about the substance, and to talk about their careers. Especially once students knew that I had practiced in criminal defense, I would get lots of students interested in either becoming defense lawyers or prosecutors coming in and talking to be about the criminal justice system. So that's one of the major ways that I interacted with a lot of my students.

**Sims:** Wouldn't you have regular office hours?

**Carter:** Yes, I had regular office hours. I also had research assistants throughout, and to me having a research assistant of course is very helpful in writing one's articles and books. It's also a way to get to know students much better and so I had a wonderful cadre of research assistants over the years.

**Sims:** Well this is probably as good a time as any just to ask you about the the long term experience that you've had in terms of your contact with students. So that those students that originally had in 1985 are now well along in their legal careers and you had sounds like large numbers of students for a number of years, some of them in the classrooms, some that you're working with in a special way as they are assisting in your research, and what effect did that relationship have on you and what's your impression of what effect it had on them?

**Carter:** It had an effect on me, and it's very rewarding for all of us in academia to see students really master material and develop confidence in being young lawyers, in finding what it is they most want to do, finding the intellectual excitement and finding the skills in what they are going to do. I've always enjoyed that, and just knowing them as people and what their interests are. One of the things that I found rewarding over the years is having graduates, who were in classes of mine, contact me and let me know what is going on in their cases or to ask me questions about what I think about some of their legal issues. One that I think we'll get to in a little while actually has to do with the Vienna Convention on Consular Relations. I also want to mention that this really warmed my heart--I received an email at one point from a graduate, Kristine Koo, who was a defense lawyer at that time in Florida, and what she wanted was to know if I could send her a flow chart that I developed and used in teaching criminal procedure for the 4<sup>th</sup> Amendment, which is on unreasonable searches and seizures. I thought this is just nice feedback for a professor to know that a student remembers how helpful something like that was. I didn't have it typed up, I just always wrote it on the blackboard, but--

**Sims:** So how did you respond?

**Carter:** I typed it up.

**Sims:** Wow.

**Carter:** And sent it to her.

**Sims:** How energetic of you.

**Carter:** Well it's about time (ha ha).

**Sims:** Well I mean I think what you are describing is a process that, you know, can sometimes be labeled mentoring, that is having students that you not only teach, in the short run, or supervise as research

assistants in the short run, but as to whom you have a continuing relationship maybe not constant but at least at intervals, at which you are doing what you can to advance their career helping them make decisions about their career encouraging them to find the right career path and maybe occasionally helping them substantively on something. Are there any other aspects of that process that come to mind for you because it seems that that that was something you find satisfying and that your students found important to them.

**Carter:** The other aspect that I did in more recent years is to help students find internships in international settings. I found this was really rewarding. I was able to do that in large part through contacts that I had developed through my work, especially with international criminal courts around the world and with judges in those courts. We have had any number of students that have interned in those settings. It is just a remarkable experience for the students to be able to do that and to engage in that. I've enjoyed facilitating that and having them tell me about their experiences. The other thing that I wanted to mention as long as I am thinking of The Hague, which is the Netherlands and is the seat of a lot of these international criminal courts, is even if I did not have constant contact with former students, it is very rewarding to cross paths with them a number of years later. One person I crossed paths with, probably I want to say 6, 7, 8 years ago, was Cynthia Tai, who had been in one of my early classes at McGeorge in criminal procedure, and she was, at that time, working in the prosecutor's office at the International Criminal Court. To have a McGeorge graduate there and to be able to reconnect with her (we are still in touch now) was very rewarding.

**Sims:** I will want to follow up in just a couple minutes about international law because I know that's an area you've been very active in for a number of years. Let me just ask you generally, just to finish out this aspect of mentoring, did you often have an occasion as a law professor to write letters of recommendation for students, or to call potential employers or the like on behalf of students?

**Carter:** Many, many, many times. All the above, and in fact I just talked with an employer as a reference for one of my former research assistants last week. So yes, that's something that's very important for all of us to do to help our students gain employment.

**Sims:** So, you described your process of teaching, and your interactions with students, and your mentoring of students. Let's go back you know to that early time at McGeorge. I don't know if you have anything more you want to say about the nature of the law school or the interaction between the administration and the faculty apart from your own. I want to pursue an investigation of your substantive work on the faculty and your scholarship but let's just see if there's any more institutional angle you want to develop before we move on.

**Carter:** I think that has been another evolution at McGeorge that I think is a very positive one. When I first arrived, it was a very, what I guess I would call, a top heavy administration so there was quite a separation between the administration at the Dean level and the upper levels from those of us coming in. Over time McGeorge has evolved to have much more faculty participation in all aspects of the law school and in decision making. I think that is a positive because I think you need to have faculty involved in making all of those decisions. That's been a change that's come about while I've been here that I've been pleased to see. Of course, it does mean more committee work for the faculty which is not always easy to do and balance teaching and scholarship, but overall I would say it is a positive development.

**Sims:** And when you joined the faculty, did you have much contact with the University in Stockton, or the administration in Stockton?

**Carter:** No, although I was on the Academic Council a couple times and one stint was fairly early on and the other was much more recently. I enjoyed that very much because one thing about McGeorge that is different from a lot of law schools is we are in Sacramento and the main University is in Stockton, so there's less interaction with faculty in other fields in the University. In this area, too, there has been a very significant positive change in trying to have people collaborate more despite the distance between our campuses. I've enjoyed that and, in fact, when we did a program on intercultural legal competence, we had Susan Sample from the Main Campus come and speak. It, of course, enriches any discussion and any scholarship to have an interdisciplinary approach.

**Sims:** Just at the structural level, you joined the school as an assistant professor, you eventually were a tenured full professor, ultimately a distinguished professor, do you have any comments that you want to make about that process of evaluation and tenure? So that's a core aspect of an academic institution is that faculty members are evaluated by their peers and there's a process then in which ultimately those that are found to be performing at a very high level are given tenure and of course that is a guarantee of academic freedom and you know involves basically a long term commitment on the part of the University and potentially a long term relationship on the part of the professors. Of course some professors will get tenured and then move to another school but you described a number of people that got tenured at McGeorge and stayed here including you. So do you have comments about that process? You know, how the evaluation is conducted and the stresses that are involved in it or the procedural aspect of it that seem worth noting. I mean, you went through it, and you were endorsed by your colleagues as being an excellent teacher and a very effective scholar, which is why you were tenured but you know from the point of view of someone being subjected to the process, it's not necessarily a comfortable one.

**Carter:** Well it's not a comfortable one because you are being evaluated along the way. You are getting criticism--you're going to be tenured or not. I think one thing again that has changed for the better at McGeorge is, when I was going through that process at least initially, we didn't have written standards for scholarship. So we used to say, those of us non-tenured folks used to talk about what we called the "common law" with regard to a scholarship requirement, and by common law what we meant was unwritten rules about what was required for us. That was an added stress that was unnecessary and was remedied as we developed written standards later on. There are a lot of stresses associated with the tenure process and one thing that I've learned out of it is that it's important to take into account a lot of different teaching styles and approaches, and I think we do that today. And I think that you know people can be very effective in their classroom and in their scholarship coming from all different approaches. The bottom line is, is this person being an effective teacher? Are the students mastering what they need to master and are they gaining the thinking skills that they need, the analytical skills that they need to have? As for scholarship, one of the important things about academia is the freedom to be able to comment on any topic because it will contribute to the discourse in the field. I think it's important to keep that perspective. I think I was fortunate in being able to write on many topics that I wanted to write on and in developing my own teaching style.

**Sims:** Well, as you described, you were able to go from an intense practice background in civil liberties and criminal defense into teaching courses that were closely related to that, evidence and criminal

procedure and criminal law. So it would be interesting if you could now describe the areas that you choose to focus your scholarly research and writing on and how that went. What path you chose, how you decided to write an article about this topic rather than something else, and where that took you on your course as a member of faculty and participant in the broader world of academic discussion and practice of criminal law and other legal principles that affect society.

**Carter:** As a starting point, I would say that, when I think about what I chose to write on, there was a strong interconnection with teaching. And I'll give you an example. The first article I wrote was on a death penalty issue. I chose it because it was an issue that had come up in practice, so again there was also this connection with practice where I saw this issue that was an unresolved one and I thought it was important that there was commentary on it. I don't separate academic pursuits at the theoretical level and at the practical level that much because I think they are very important to each other. For example, in addition to the article, I ultimately developed a course on capital punishment law for the law school that I taught, so I had a complete circle here with practice and teaching. And I chose that topic because it was on my mind coming into academia as something that was worthy of writing on.

**Sims:** And over your career at McGeorge did you continue to deal with death penalty issues?

**Carter:** Yes. I wrote in a number of areas, but the death penalty was an area that I stayed with, that I focused on and wrote a number of articles on. I also did a clemency project on clemency in capital cases with our colleague Mary-Beth Moylan. That actually is again another good example of the connection with teaching and with practice because from that clemency project, Mary-Beth and I have been asked to comment on aspects of a clemency petition that is pending right now.

**Sims:** Can you just describe what a clemency petition is?

**Carter:** Clemency is basically a pardon, a commutation or a reprieve from a sentence. It could be from a death sentence; it could be from a term of years. What clemency is, is a non-judicial proceeding, so it's not in a court. It goes to an executive--in California it's the Governor of California who can grant a pardon, commutation, or reprieve. There's a requirement in some cases for concurrence of a majority of the Supreme Court of California, but that is very unusual. In all other states, it's either a governor or a group that is appointed by the executive that will grant clemency. The idea of clemency is that there are times where, despite everything going well or because things have gone poorly in the criminal justice system in the courts, there is a reason to take action. For instance, someone could be dying of a terminal illness and a governor decides to commute the sentence so the person can be released from prison for their final days. Clemency serves a mercy function; it also serves as a final check on the system if, for instance, an innocent person has been convicted, as a way in which to remedy what has happened.

**Sims:** Yes, as I understand you and professor Moylan did a study of this clemency process and then published it as an academic article.

**Carter:** We did. We were asked to do the study, and this is a nice connection with the practical world. We were asked to do the study by the California Commission on the Fair Administration of Justice. We presented the study to that Commission and then we published it as an article and because it is available, attorneys have read it and contacted us about clemency. It's also part of the course I taught on the death penalty to look at clemency issues.



**Sims:** Are there, as long as we are on this topic, are there other crossovers that come to mind where you were working on a topic in an academic capacity or a scholarly capacity and then there was a direct connection to what was going on out there in the real world in terms of real cases or other projects that work on campus or directly to what was going on at the school?

**Carter:** It has happened many times because I have engaged in projects that involve real world issues. I'm doing one right now with regard to a case at the International Criminal Court, so it has come up a number of times. I'll also say that, for two years, I did a clinic at McGeorge that was the criminal appellate defense clinic, so our students were working with the attorneys at the Central California Appellate Project on real cases. Our clinic was a direct crossover into practice

**Sims:** So in addition to being a classroom teacher in classic sense, you also took on additional duties as a supervisor in a clinic in which law students would participate in actual cases?

**Carter:** Yes, yes.

**Sims:** Did you volunteer to do that?

**Carter:** Yes, I asked to do it. In fact, I asked for several years to do it because I really enjoy law practice. I think law is an intellectual endeavor; it's also a tool for helping people. For me, the clinic was a perfect opportunity to do both because we were teaching the students on the substance as well as the skills involved in appellate practice and they were getting real sense of what they could do for people through that process.

**Sims:** With regard to capital punishment, which is the death penalty, you've described that you have taught in that area, you've written a lot of articles in that area. Did you ever try to pull together and synthesize your work on the death penalty into, you know, a more permanent form or a form that would be more easily accessible to those who are doing research or handling cases on capital punishment?

**Carter:** Yes, and I wanted to add into that mix that I also second chaired on a capital case in practice, so I knew capital litigation before I came into McGeorge.

**Sims:** When you say second chair, at a trial. . .

**Carter:** What does that mean?

**Sims:** What does that mean?

**Carter:** That means there's a lead counsel and then there's an assistant counsel. The assistant counsel is second chair, so I was the assistant counsel on that case. Trying a capital case is a very stressful thing to do and you realize how important it is to have very dedicated prosecutors and defense counsel in order to handle a case like that. And yes to answer your question--I decided at one point that we needed to have some kind of treatise on capital punishment law. There is a series in law that is "understanding" a topic, Understanding Criminal Law, Understanding Torts, Understanding Constitutional Law, and so I wrote, along with another person, Understanding Capital Punishment Law.

**Sims:** So this would be a publisher who had a series of books that take the same approach to different topics.

**Carter:** Yes.

**Sims:** And yours was one. And do you remember when you did that for the first time, more or less?

**Carter:** I want to say it was about 2004, but I will check on that for the transcript.

**Sims:** But then as I understand it then, that would involve you as a scholar at the University of the Pacific, McGeorge school of law working directly and intensely with a scholar or scholars at other law schools.

**Carter:** Yes, my co-author on the first edition was Professor Ellen Kreitzberg from Santa Clara Law School, and then for the second, third, and fourth editions we added Professor Scott Howell from Chapman University. I really enjoyed that--I like collaborating with other people on writing. I find it very helpful to bounce ideas off of other people and I think it is a better product as well.

**Sims:** Okay, so capital punishment is definitely one substantive area that you've been exposed to in practice, it was relevant to your teaching at McGeorge, you wrote in the area, continued to teach in the area, ultimately published this series of books on that topic. Now are there other areas of academic interests and scholarly interests that you've worked in besides capital punishment?

**Carter:** There were some articles that I did, for instance, on the equal protection issue related to undocumented children and on some evidence issues, but the other major area would be international criminal law that I've written on.

**Sims:** Well had you had any exposure to international law before you started teaching at McGeorge?

**Carter:** No, and I would like to tell a story now because I think this is an interesting anecdote for how one may develop an interest in another field and have the ability to do that when you are in academia, which I think is very important. A certain John Sims, who is a colleague of mine, came into my office one day (and, of course, John Sims is sitting across from me interviewing me right now) and John Sims says to me, "Linda, you were a public defender weren't you?" and I said "Yes". John said, "When you were a public defender, did you ever use the Vienna Convention on Consular Relations?" My response was "the what?" I had never heard of it. As it turns out, it is a treaty that the United States is a party to--we say a country is "party" when they have signed and ratified a treaty. The treaty requires that you give notice to any detained foreign national that they can contact their consulate, if their country is also a party to that treaty. When we are talking about detained foreign nationals, as a public defender, my clients were detained and indeed I had clients that were foreign nationals. They had not been notified, nor was I as the attorney aware of that treaty. It turned out that I was not alone in the public defense field, and most public defenders were completely unaware of this treaty until about 1996, and so I suspect that is when John Sims came into my office, right around 1996. It was fascinating to me because this meant one could raise a treaty issue in a capital case, and I knew nothing about that. I started teaching myself international law. Fortunately, I had a great collaborator in John Sims because we wrote a couple articles together about the Vienna Convention on Consular Relations and its application in criminal cases in the United States.

We also had countries, Paraguay, Germany, and ultimately Mexico, that brought actions against the United States in the International Court of Justice, or what we sometimes call the World Court. I went to The Hague in the Netherlands, where that court is based in the Peace Palace, and watched the entire

argument in a case called *Avena*, which is the case Mexico brought against the United States. That hands-on type of experience in gaining knowledge for one's research is just invaluable.

**Sims:** Well I want to pursue substantively your involvement in international law, but maybe just to fill in because I think it's quite relevant to the comment you just made. During the time you were teaching at McGeorge, did you teach at any other law schools? And also, did you teach in any of the overseas programs being run by McGeorge in so we can kind of sketch that out and then maybe pick up the substantive development in international law.

**Carter:** Okay, I've visited twice, well maybe three times because I taught a summer course at the University of Utah many years ago. I visited for a full semester at both Louisiana State University (2008) and the University of Nevada, Las Vegas (2012).

**Sims:** And were you focusing on international law in those visits?

**Carter:** At LSU, no. I was focusing on criminal law primarily there. At UNLV, yes. In fact this was a nice connection with McGeorge because I co-taught international criminal law with Professor Chris Blakesley, who was here at McGeorge the first two years that I was here and was very instrumental in helping me gain confidence in teaching and writing articles. You know one thing I'm going to say before I forget is one of the things that was so important about that cohort of us who came in about the same time and adding into it somebody like Chris Blakesley, who was much more accomplished and had been in academia much longer, was having people who would read your work and give you honest feedback and help you to get it out the door and get it published. But in terms of overseas programs, I taught in the Salzburg program twice, in 2006 and 2010, and I taught in our Saint Petersburg program in 2008.

**Sims:** And I think you were starting to describe how you got interested in international law, or international criminal law. It's not an area you traditionally worked on or been exposed to. So how did you go about pursuing that? Did it relate to the McGeorge overseas programs, did it relate to your teaching assignments at McGeorge, or did it ultimately get hooked onto something else?

**Carter:** I think there was a confluence of events that that came together that were perfect for allowing me to pursue this. One thing you should know about what we call international criminal law, which is typically crimes of genocide, war crimes and crimes or crimes against humanity, is that after Nuremberg, post- WWII, there was nothing really being done, or very little being done until 1993, when the United Nations Security Council created the International Criminal Tribunal for the former Yugoslavia or the ICTY. So at the point that you, John, came into my office around 1996, raising the Vienna Convention on Consular Relations, we also had this fledgling international criminal court, the ICTY, starting to build. The other part was that we had our program in Salzburg for many years, and in 2003, our program in Salzburg was occurring at the same time as the Brandeis Institute for International Judges. As an interesting part of that, Justice Kennedy, who has been involved in our Salzburg program for many years, was friends with Richard Goldstone. Richard was a judge on the Constitutional Court of South Africa, and was the first active prosecutor of the ICTY. Justice Kennedy and Justice Goldstone realized they were going to be in Salzburg around the same time that year, so Richard arranged to have Justice Kennedy come speak to the judges' program, and Justice Kennedy suggested to Richard, "would you like to have some McGeorge students come and be note-takers?" When that request got relayed back to McGeorge, Claude Rohwer from our faculty said, "rather than students, why don't we look for faculty members?" Claude sent out an email to the whole faculty basically asking, "does anybody want to go to

Salzburg, Austria, and be a rapporteur for this program, The Brandeis Institute for International Judges?” I responded yes as did Greg Weber, so the two of us went off to Salzburg. I realized from the first two years that I participated in the Brandeis Institute for International Judges that international criminal law was a field that was a natural for somebody coming from a domestic criminal background to look at these issues on an international level. The Brandeis Institute actually involves judges from all types of courts, human rights courts, the International Court of Justice, the Caribbean Court of Justice, not just criminal courts, but of course my interest was in the criminal courts.

**Sims:** Just a couple points before you plunge on in this fascinating area. What is a rapporteur?

**Carter:** A rapporteur is a note taker, but is somebody who needs to be knowledgeable about the substance because the rapporteur is going to put together the notes of what occurred. You need to know the significance of the actual content but also the significance of what occurred.

**Sims:** Where does this concept come from?

**Carter:** I am not entirely sure, but it is used a lot in international circles from the United Nations, various United Nations agencies.

**Sims:** But, linguistically, this is a French word?

**Carter:** It’s a French term, sure.

**Sims:** So a French term that is used in the international world?

**Carter:** Yes.

**Sims:** To designate somebody who is somehow transmitting the results of some process.

**Carter:** Yes.

**Sims:** And could you just describe just a little bit structurally, let’s talk about the Brandeis program, about how Brandeis gets involved in this and then how you get involved in Brandeis?

**Carter:** Brandeis University, despite being named after Louis Brandeis, does not have a law school. However, they have a very active justice focus, social justice focus. They have a Center, it’s the International Center for Ethics, Justice and Public Life, and Richard Goldstone was on their Board. Richard was the one to come up with the idea for having this Institute to bring judges together from all different international tribunals because they don’t have a typical association such as we have within a domestic entity. So that’s how they created it. I was not part of the Institute the very first year that they did it, but starting in 2003, I was part of it for, I believe, for the next twelve years.

**Sims:** Could you describe what your involvement with the Brandeis Institute involved, and if you could, how it affected your teaching at McGeorge, your scholarship as a member of the law school faculty, and ultimately your career at large?

**Carter:** Sure. I started out as a rapporteur and I did that for a couple years. Then I was asked to be a co-director of the program with Richard Goldstone, which was amazing. I mean it was such an honor to do that! I worked closely with Richard and with Dr. Leigh Swigart, who is a cultural anthropologist at Brandeis, and Dr. Dan Terris, who is an historian and political scientist. For one thing, I absolutely loved the interdisciplinary nature of this. My role was to help develop the theme for the program. We did the

program initially every year and then it went to every 18 months. To develop the topics for the panels and then to put together reading materials to lead panel discussions takes considerable time. It's a program where they only bring together about 25 individuals because it is only one judge, sometimes two, from a tribunal, so it's very small. Everything is confidential, although they produce a report. The discussions were very rich because the judges were comfortable that nothing was going to be attributed to any individual. We talked about topics like ethics, the use of precedents, and the fragmentation of international law by having so many tribunals. There are all sorts of very rich topics, so then I started thinking about it in terms of my own scholarship.

As an outgrowth of that connection with Brandeis, a number of things happened. One is that we were able to invite a number of these judges to campus to teach or to speak, such as Justice Goldstone, who came several times. We had Judge Fausto Pocar from the International Tribunal for the former Yugoslavia come a number of times. We also had Judge John Hedigan, who was on the European Court of Human Rights at that time, come as well to the campus. The students were excited when we had people of this stature and this experience come to campus.

**Sims:** And sometimes even the faculty members were excited at such distinguished people coming to campus.

**Carter:** Yes, and that was rewarding, too. As an outgrowth of these interactions, I ended up writing a book with Judge Pocar that was based on our mutual interest in looking at the civil law and common law differences in legal systems and how that played out in the procedure of the international criminal courts. I also arranged with Navi Pillay, who had been a judge at the International Criminal Tribunal for Rwanda (ICTR) and then was at the International Criminal Court (ICC), to be a visiting professional and work in the ICC Appeals Chamber and then with another judge whom I'd met through this program, Judge Eric Mose, who was the President of the ICTR, to work there. While on sabbatical or a leave, I worked 3 months in one court and 2 months in the other. Not only did that give me a practical experience which I find very helpful in teaching in general, but it also gave me an inside look at the courts, so it enhanced my teaching when I taught about the courts as well as giving me all sorts of ideas to write on. One other thing I'll mention is that I also devised and did a study of Gacaca trials in Rwanda, where I did field research in Rwanda and then used that information in teaching as well as in writing. The field research was a trip where our colleague Omar Dajani came with me, so I had that collaboration that I like so much in that research. My interest in Gacaca trials grew out of learning about it through this Brandeis connection.

**Sims:** And if I am correct in recalling it there was also a member of the Stockton faculty that was involved in doing research in Rwanda at more or less the same time?

**Carter:** Oh, a tremendous amount, it was Margee Ensign, who was Dean of the School of International Studies. In fact, Margee is the person who really introduced Omar and me to the various people in Rwanda. That connection with the main University was wonderful because we were able to gain a lot of knowledge and we were able to talk to each other's classes. I also want to mention a person who facilitated so much of what we did in Rwanda. It was Maggie Baingana, who is a Rwandan lawyer who had come to McGeorge to pursue an LLM. She had come to McGeorge because she had met Margee Ensign from the main campus in Rwanda, so we had this complete connection of Rwanda and the main campus and McGeorge.

**Sims:** So it sounds like the aspects of international law that you got into were very much interdisciplinary, maybe more than some other areas of law would be.

**Carter:** That was one of the things that is so fascinating--to look at issues through the lens of a different perspective, whether it was an anthropology perspective or a political science perspective.

**Sims:** OK, for what it's worth, we have been more or less on this topic, I don't know if there is any other observations you want to make about the role of the sabbatical process plays for one that's chosen an academic career, or other leaves that you took where you did something that had the potential to enhance your teaching or supplement your teaching.

**Carter:** Yes, I think that's a very good question and it's very important when we think about the institutional structure of the university. For instance, when I did work at the two courts, it wasn't actually a sabbatical. I was able to teach four courses in the Fall Semester, and have the Spring semester open then to do this, so that was arranged by the administration here at McGeorge. When I went to Rwanda, Margee Ensign assisted Omar and me in obtaining a grant from the University that helped fund part of our trip, which we could not have done only on our own travel budgets, although the travel budgets we had from McGeorge obviously were very instrumental as well. It was a combination of that support and funding as well as recognizing the significance of that research for us, that helped us do that. I would also say that the administration here at McGeorge, throughout the period I was working with the Brandeis Institute and asking to bring people here to enrich our students' experience with their expertise, was tremendous. That support, to me, was a very important thing from the law school and University administration, and I was fortunate to have it. An administration that can look at what a faculty member's interest are and try to facilitate it the best they can within budgetary concerns is really significant for the development of scholarship. I'll also say Omar's research assistant came with us on that trip to Rwanda and I believe the Global Center funded the research assistant. Having the Global Center also made a huge difference.

**Sims:** You've mentioned the Global Center before, and mentioned you played a leadership role in it for a number of years. Maybe at this point you can just describe what the Global Center is, and institutionally how the Global Center has advanced McGeorge's programs, McGeorge's Scholarship, and helped to develop the faculty.

**Carter:** A number of years ago, there were three centers that were created at McGeorge, and one of them was the Global Center. The Global Center was set up to capture the reputation and the focus of McGeorge on international and transnational issues. It's done a number of things over the years, one of which is to host a symposium every year. We tended, and I think this is a very good thing to do, to allow faculty members' interests to guide us on the topic of the symposiums. We also, through the Global Center, focus on finding internships for students abroad. In general, the Global Center ties together the tremendous interests on the faculty in international issues.

**Sims:** What formal role did you have at the Center?

**Carter:** I was first the director of the infrastructure institute, but then we blended the institute into the Center, and so I became co-director with Frank Gevurtz of the Global Center. I thought it worked well when I think about it from an institutional perspective. My area was public international law and Frank's

is private international law. That was a good combination to look at the different fields in international and transnational law.

**Sims:** Am I correct in recalling that one of the annual conferences run by the Global Center focused on the role of Linda Carter's scholarship in the international community?

**Carter:** Well I think you're exaggerating the role of Linda Carter's scholarship there, but Linda Carter's scholarship was used as a springboard for the topics. I can't tell you how honored I was that they wanted to do that. That was in my last semester here at McGeorge. We used my areas of interest in international criminal law to create this conference. Of course, quite a few of our members of our faculty participated as well as others from other law schools.

**Sims:** So we talked quite a bit about the Global Center and your international law activities here at McGeorge. We talked about the Brandeis Institute, which was a major aspect of your activities for a number of years. Are there any other outside organizations or groups that you participated with on a regularly enough basis or a continuing basis that is worth mentioning? I think occasionally you've talked a little bit about the International Bar Association and I wasn't sure if there was enough activity there to merit exploration here.

**Carter:** There are a couple things, yes. Through former Dean Elizabeth Rindskopf Parker, I met Mark Ellis, who is the executive director of the International Bar Association. From that connection with Mark, we co-wrote a book, so it's one of those things where it's very helpful to be able to go to conferences and be able to interact or to meet people through academia because it really expands the opportunities to then engage in scholarship like we did on that occasion. We also brought Mark here to speak to students and so that was also very good.

I also want to mention the American NGO Coalition for the International Criminal Court (AMICC), that I participated with for the last four or five years. The reason I want to mention that is because, through my volunteering to help with that organization at an annual meeting of the Assembly of States Parties to the International Criminal Court, I was able to have two students come with me to The Hague to participate with that organization. One of my themes, whether I designed it that way initially or not in academia, I certainly was conscious of it as time went on, is that what the faculty does in terms of research can really benefit the students and students can be involved. Our teaching is very significant, but it's much more than our teaching; it's also these other activities where we can give our students opportunities, whether it's through internships or direct involvement with me this way, through something like AMICC.

**Sims:** Well at this point I think we've covered the main topics I had in my mind and so I wanted to give you a chance to deal with anything that we haven't touched on so far. And I'll just mention you know are any on relationships or activities concerning particular faculty member or administrators and things that they did that you cooperated with or worked with or had an occasion to interact with. Any instructional issues about the structure of the law school or the structure of the University as a whole, or particular processes that either stimulated and assisted your scholarly activity or potentially inhibited it or didn't advance it as enthusiastically as was possible. And again, your interactions with students, in mentoring and other processes by which you are teaching students and evaluating them and ultimately sending them out into the world and hoping that they're successful and doing what you can to to advance those. So I mean you've been here so long and done so much, you've described a lot of it in

these minutes we've been able to spend together. But if I don't want you to leave here if we can avoid it and think 'Oh, I should have mentioned this other thing that meant a lot to me at a certain time or that this obstacle that I encountered I was able to remove or maybe this obstacle I encountered and I looked back and I say well it's too bad that I wasn't able to get more help from the University on this because maybe it would have led to something good things.'

**Carter:** Okay, let me start with perhaps one comment I have that I think still could be something that we could remedy institutionally. I think everyone of us in academia understands that what really hinders us in being able to do all these types of things is time. It is funding to a certain extent, but I would say even a greater issue is time. It's gotten better as we've become more flexible, such as giving somebody the opportunity to teach courses in one semester and then have a leave, or that type of thing. But the ability to do research, especially international research, means that one has to be able to travel abroad and so time is really important for all scholarship but that travel takes even more time. I think in the early years we did not have much flexibility in terms of what people were teaching, what the course loads were, and when there would be time to engage in much research. We all want to dedicate a lot of time to teaching and we do. We want to do University service and all of that is important but we also need to have protected time for scholarship. To the extent that the University has been able to move, and McGeorge in particular, towards accommodating time that is allowed to the professor to be able to pursue some of the research, I think that's just been an immense improvement. I realize it is always a struggle in terms of balancing things back and forth. So that's one thing I wanted to say. Secondly there are two things that I wanted to mention that involve students that I'm very proud of having participated in. One is when you (John Sims) and I were co-coaching a moot court team that went to a competition at Pace University and one year actually went on to compete in the finals in The Hague in the Netherlands. This was a moot court competition that involved the students arguing a mock case before the International Criminal Court. Not only did I very much enjoy working with John Sims on this, but I think it is such a testament to the quality of our students and the dedication of our students that they immersed themselves in that law. As you and I know, it is a very complicated area, not something the students are familiar with and so for the, I believe three years, I was involved in that, the students really deserve a lot of credit. I can't name all the students that I have found so impressive over the years, so I won't even try to name one, but those students were very, very impressive, as well as many others that I have taught.

The other thing I wanted to mention was that I was very proud and pleased to create and direct a program in Uganda for both McGeorge students and Ugandan students, Eleven McGeorge students came with me in the summer of 2013, to Kampala, Uganda. The program involved the students interning with judges of the high court, which is the basic trial court level in Uganda, working on cases in Uganda law in all fields--property, corruption cases, criminal cases and land cases--and then engaging in a seminar that we did with the Ugandan law students. It's a program we didn't continue after that year, but I think the model for that program is one that I hope perhaps will someday be used again in a program in another country. The students to this day get together for reunions. It was that special of an experience for them and for the Ugandan students as well.

For my final word, I will come back to colleagues. I think that the institution of McGeorge and the University of the Pacific has been a very good one for me, in large part because of students, who have made a difference over the years and it's been very rewarding to teach, and equally colleagues here at McGeorge. I could not have had a better group of individuals both as friends and as professional



colleagues in interacting on issues. To name just a few--John Sims, Julie Davies, Omar Dajani, John Myers, Frank Gevurtz, many, many people--I have greatly valued those connections.

**Sims:** Well Professor Carter, after you became emerita, did you stop working as a scholar and devote yourself exclusively to gardening and reading?

**Carter:** I thought I was done, but I will comment on that since you have asked. No, I am still working on a number of projects and I have actually still been able to have some students work with me on some projects. I am still teaching in two programs abroad, one for a United Nations entity, and one for the Nuremburg Principles Academy. I am also providing some background work on a case for the International Criminal Court and some other activities like that.

**Sims:** Great. Well I believe we've covered the basics, I'm sure we can supplement this if the occasion arises later if we realize that something major has been left out, but I believe we've covered the broad outlines of your distinguished really quite remarkable career at McGeorge so I'm willing to close this off unless there's anything further you'd want to say.

**Carter:** No, thank you very much John. This has been a pleasure.

End.