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Kenneth R. Margolis[†]

TRIBUTE TO PROFESSOR JUDITH LIPTON

Judith Lipton is an outstanding lawyer, communicator, administrator, teacher, and mentor to her students. Throughout the thirty-five years that I have known and worked with her, I consistently have admired her intellect, commitment to social justice, work ethic, collaborative spirit, sense of humor, and many other qualities.

Many times, I have been reminded how wonderfully she relates to administrators, colleagues, staff, clients, and students. I have witnessed her remarkable skill relating to clients and defendants facing serious emotional and legal consequences in family-law or criminal matters, and I have heard her diplomatically disarm some of the most adamant opponents in cases she handled in court. I know that countless colleagues and students have sought Judy's counsel when they were experiencing challenging personal or professional situations. Judy always expressed deep concern and empathy for anyone she engaged with, while offering sound practical and responsible advice, if requested. With her students and novice lawyers, she has a profound ability to explain difficult legal concepts and offer complex practice advice in ways that they will remember and benefit from. Her understanding of human nature and interpersonal dynamics enables her to share with her students and new lawyers her successful strategies for navigating the mysteries of a court system that at times appears unjust and unforgiving.

Judy and I first met when I joined the Law School's clinical faculty in August of 1984. Judy had joined the Clinic recently as well. Our offices (along with the other clinic staff's) consisted of modest yet comfortable rooms across the street from Gund Hall in the old Glidden House mansion. Judy and I had the mixed blessing of sharing the upstairs offices, which, though spacious, had a scarcity of heat in the winter and felt like an oven in the summer. Nevertheless, Judy and I used this opportunity to share what would become many, many hours of stimulating, insightful, and helpful conversations about a wide range of topics. We talked about the nuances of the various cases the clinic students were working on; what clinical and law teaching generally ought to be about; how our program might develop, politics at the national, local, law school, and university levels; our personal dreams and goals for ourselves and our families; music; theater; social work; and myriad other topics. Very often her side of the conversation was laced with a good dose of humor that put a healthy perspective on the whole enterprise!

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After a couple of years in Glidden House, and as a result of a generous gift from the Kramer family, we were able to move into the Law School building. Among her many other talents, Judy has a flair for interior design, and she led the effort to create a clinic space that felt professional, comfortable, and welcoming to everyone who entered. Due in large part to her efforts, the Clinic always felt like a second home to those of us who had the privilege to work there.

One of the recurring themes in Judy's career at the Law School was her desire and talent for collaboration. Judy used to say that we (in the Clinic) were "pathologically collaborative," which, though said with her characteristic laugh and a twinkle in her eye, captured the spirit of those times. Judy championed inclusion and believed that no decision should be made without a meaningful discussion that took everyone's input into account. Judy taught us all that the best decisions were the ones made together by everyone affected.

Perhaps due at least in part to her background in social work, Professor Lipton has been a powerful advocate for interdisciplinary strategies to address a wide range of social problems. She was instrumental in establishing the law-and-social-work program at the Law School, having been its coordinator while she was teaching at the Mandel School of Applied Social Sciences. Most recently, her work in addressing family violence and the rights of immigrant victims of such violence (through the Human Trafficking Program), exemplifies the promise of what can be accomplished through those approaches.

Another of Judy's guiding principles was that clinical faculty ought to be fully integrated into the Law School's teaching and governance mission—both sharing in the benefits of being on a faculty, but also taking on a fair share of a faculty member's overall responsibilities. One of the first opportunities to pursue that goal was when Professor Hugh Ross retired. Hugh had taught Family Law for decades (among many other foundational courses at the Law School.) The Law School needed someone to pick up the course and Judy and I decided we could do it together, even though it was not a clinical course. We had already been co-teaching our Family Law Clinic for years and both of us had extensive experience in family law practice. Judy also saw this as an opportunity to experiment with what might be a new model for law-school teaching: integrating practical, lawyering-skills training with doctrinal teaching.

Professor Lipton developed for the students extensive and detailed problems of the type lawyers in family law practice would encounter, and assigned each student a portion of the problem as if they were representing a particular client. Students were asked to submit written arguments and argue their positions in front of the class. As a teacher, Judy was able to focus on the doctrine involved, but also on the important lawyering skills implicated including issue-spotting, legal writing, legal analysis that focused on the specific facts of the scenario, strategic thinking, oral advocacy, and responsiveness to an audience.

Judy's ideas for problem development and how to structure the class were always interesting and creative, and in the classroom she was able to create a level of fun and excitement that inspired her students to want to do well. This was one of their earliest opportunities to act like family lawyers and they loved it. As a result, many of Judy's students have gone on to become successful and highly effective family law advocates.

After the Law Clinic's director, Peter Joy, left the Law School to take a position elsewhere, Dean Gerry Korngold asked Judy and I to be co-directors of the Clinic. This was a really enjoyable and productive experience and it lasted for several years. Judy always offered an objective and insightful approach to the issues we faced, and we never had a problem coming to decisions that all of us in the Clinic could support. Part of the reason for this was that Judy never let us lose sight of the fact that the Clinic belonged to the Law School, not to the clinical faculty personally. This recognition kept her focused on the right goal: what was best for our students. Keeping this as the Clinic's priority enabled the Clinic to increase the number of clinical faculty and the number of students we could serve, as well as the standing of the clinical program in the community.

Throughout her time as co-director, the Clinic also made important advances in the quality of its programs. Professor Lipton oversaw the improvement of the classroom component, where substantive and procedural issues could be addressed for the benefit of all the students in the clinic, not just those who were actually working on the cases that raised them. The Clinic also expanded the types of cases it took. For example, during that period, in her Criminal Defense Clinic, she began taking more complex cases (such as referrals from the Innocence Project) and assigning representational teams of students to them. This allowed her and her colleagues to teach the skills of collaboration in the representation of clients and how to work in a team, skills that lawyers and law firms greatly value.

In 2004, the Law School established one of the first fully integrated lawyering-skills training programs in the nation—the CaseArc Integrated Lawyering Skills Program—which provided that all of our students would receive substantial training in the fundamental skills and values required to be an effective practicing lawyer. Judy was an integral and essential leader in that venture (which was especially noteworthy since she continued to co-direct the Clinic at that time). As one might expect, all important decisions were made in a collaborative way. Judy taught in the new program as an overload to her teaching assignments, and she was always a powerful voice when challenges arose. This program allowed the School to further develop her idea of a law school curriculum that focused not only on the law itself, but on the skills, values, and attitudes of effective practitioners who use the law to address real societal problems.

In 2014, Professor Lipton became the Law School's Associate Dean for Experiential Education. As Associate Dean, it fell upon Judy to skillfully manage the expansion of the CaseArc program into its successor: the LLEAP program (Legal Writing, Leadership, Experiential Learning, Advocacy, and Professionalism). Under Dean Lipton's leadership, the program has thrived and gained a national reputation as one of the premier practical-skills training programs in the country. Judy implemented several new experiential opportunities for the students at the Law School. She created and supervised a first-year practice program in which newly entering law students are able to interview potential legal clients under the watchful eye of volunteer practitioners. She oversaw the creation of the Human Trafficking Program, which includes an annual symposium and a research lab, and the Health and Human Trafficking Clinic (in collaboration with the Cleveland Municipal Court) to help address the problems of violence and sexual abuse inflicted upon adult and juvenile victims. She expanded the externship offerings in which first- and second-year students are able to work in public interest, government, and private law offices. Under her direction, through the Capstone program, every student engages in at least one semester of full-time, faculty-supervised practice before graduation.

In recognition of her many accomplishments and her importance to the Law School, Dean Lipton was named the Blanche E. Krupansky and Frank W. Vargo, Jr. Professor of Law. She was the first clinical faculty member at Case Western Reserve Law School to receive this significant honor.

As awe inspiring as Judy's professional contributions and accomplishments are, I do not want to end this essay without commenting on Judy's personal qualities that made her such a valuable member of the academy. Judy's understanding of people and their motivations, her ability to find common ground among those who might never otherwise agree, her sincere concern for the welfare of her students and clients, and her fierce dedication to the pursuit of justice and equality make her not only a fantastic lawyer, teacher, and role model for her students, but also a great friend and colleague. I am sure I speak for countless others when I say she will be sorely missed at the Law School.