



## 2011 AALS Presidential Lecture

### Academic Freedom and Academic Duty

Michael A. Olivas, University of Houston Law Center

The following is the Presidential Address of Michael A. Olivas before the House of Representatives at the AALS Annual Meeting on January 7, 2011.

In preparation for this talk, I went into training, but I always knew what my theme would be. I read and produce higher education literature for a living, and began to narrow the focus to threats to tenure and to academic freedom and the concomitant academic duty obligations that arise out of our status as tenured professors. There have been so many serious threats in law schools that it seemed a natural observation trail: a William Mitchell law faculty member arrested in Rwanda for his pro bono representation in an election matter there;<sup>1</sup> a New York University School of Law faculty-journal editor sued for criminal libel in France for publishing a book review;<sup>2</sup> law school clinics reviled for their work, and

threatened in Maryland, Louisiana, Michigan, New Jersey, and in several other states;<sup>3</sup> a law scholar sued for her research on family law, where her university chose not to indemnify her;<sup>4</sup> a law review that pulled a piece from publication, due to threats from the company that was being written about;<sup>5</sup> other law faculty, such as University of California, Berkeley's John Yoo, punished for their views, as have been others who were not on law faculties.<sup>6</sup>

The zone where professorial speech is protected is shrinking, so that law professor habitat is akin to that of the disappearing savannahs



Michael A. Olivas at the Second Meeting of the AALS House of Representatives

and rain forests. Exhibit number one is the 2006 *Garcetti v. Ceballos* case, where the Supreme Court ruled that when public employees speak "pursuant to their official duties, the employees are not speaking as citizens for First Amendment purposes, and the Constitution does not insulate their communications from employer discipline," regardless of whether or not the speech involves a "matter of public concern."<sup>7</sup> The majority allowed that "there is some argument that expression related to academic scholarship or classroom instruction implicates additional constitutional interests that are not fully accounted

#### [in this issue]

- 4 2011 Annual Meeting Sightings
- 6 2011 AALS Conference on the Future of the Law School Curriculum
- 7 A Congratulations to Southern University Law Center
- 8 2011 AALS Conference on Clinical Legal Education
- 10 2011 AALS Workshop on Women Rethinking Equality
- 13 AALS Recognizes Teachers of the Year
- 19 Section Chairs Named for 2011
- 23 2011 New Law Teachers Workshops
- 25 Proposals for Professional Development Programs
- 26 Nominations for AALS Executive Committee and President-Elect
- 27 Call for Proposals: Crosscutting Programs at the 2012 AALS Annual Meeting

1 Josh Kron, "Lawyers Report Intimidation by Rwanda," *NY Times*, June 13, 2010, A16.

2 Jennifer Howard, "Libel Case, Prompted by an Academic Book Review, Has Scholars Worried," *Chron. of Higher Educ.*, April 25, 2010, available at: <http://chronicle.com/article/Libel-Case-Prompted-by-an/65224/>; see also, Jennifer Howard, "British Libel Law Chills U.S. Scholars' Speech, but Change Is Afoot," *Chron. of Higher Educ.*, April 23, 2010, A8, 10 (UK libel case).

3 See, e.g., Robert R. Kuehn and Peter A. Joy, "Kneecapping" Academic Freedom, *Academe*, 8-15 (November-December 2010) [including Table: Publicized Instances of Interference in Law School Clinics, at 12-13, available at: <http://www.aap.org/AAUP/pubsres/academe/2010/ND/feat/kuehchart.htm>].

4 Scott Jaschik, "Twisting in the Wind," *InsideHigherEd.com*, November 30, 2005, available at: <http://www.insidehighered.com/news/2005/11/30/liability> (including other examples of lawsuits against scholars). The chilling legal effect upon scholarship has been widely chronicled; see, e.g., Benedict Carey, "Academic Battle Delays Publication by 3 Years," *NY Times*, June 12, 2010, A13 (psychology publication delayed); Amy Gajda, *The Trials of Academe: The New Era of Campus Litigation* (2009).

5 Peter Monaghan, "A Journal Article Is Expunged and Its Authors Cry Foul," *Chron. of Higher Educ.*, December 8, 2000, A14, available at: <http://chronicle.com/article/A-Journal-Article-Is-Expunged/15905/>; Peter Monaghan, "Professors Settle Suit With U. of Denver Over Retracted Article," *Chron. of Higher Educ.*, September 7, 2001, A25, available at: <http://chronicle.com/article/Professors-Settle-Suit-With-U/22321/>.

6 Peter Jaschik, "Torture and Tenure," *InsideHigherEd.com*, April 14, 2008, available at: <http://www.insidehighered.com/nes/2008/04/14/yoo> (reviewing calls for firing Professor Yoo for White House memos); Frances Tobin, "Torture Memos' John Yoo Greeted at Berkeley by Protesters," *PoliticsDaily.com*, September 2, 2009, available at: <http://www.politicsdaily.com/2009/09/02/protests-welcome-torture-memo-writer-john-yoo-back-to-berkeley/>. His class location has had to be hidden from non-class members, so as to avoid disruptions. "Class in Hiding," *Nat'l Jurist*, February 2010, 12, available at: <http://www.nxtbook.com/nxtbooks/cypress/nationaljurist0210/#/12>. Perhaps the most prominent academic punished for his views was Ward Churchill, who has exhausted virtually all his options, although a jury found him to have been wrongly dismissed from his tenured position at the University of Colorado. Scott Jaschik, "A Loss for Ward Churchill -- and Others?," *Insidehighered.com*, November 29, 2010, available at: <http://www.insidehighered.com/news/2010/11/29/churchill>; Christopher N. Osher, "Churchill loses bid to return to CU job," *Denver Post*, November 24, 2010, B1.

7 547 U.S. 410, 421 (2006). See, e.g., Sheldon H. Nahmod, "Public Employee Speech, Categorical Balancing and § 1983: A Critique of *Garcetti v. Ceballos*," 42 *U. Rich. L. Rev.* 562 (2008). See also Matthew W. Finkin and Robert C. Post, *For the Common Good: Principles of American Academic Freedom* (2009). While threats to academic freedom and tenure are thought of as the province of liberal academics, these issues cross partisan lines, as with Professor Yoo and with Professor Richard J. Peltz, who has written at length about his own situation, where he felt he was "mobbed" for his viewpoints. See Richard J. Peltz, "Penumbral Academic Freedom: Interpreting the Tenure Contract in a Time of Constitutional Impotence," 37 *J. Coll. U. L.* 159, 160-162 (2010) (recounting his experience at University of Arkansas, Little Rock).

Continued on page 2

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## President's Message

*Continued from page 1*

for” and held, “We need not, and for that reason do not, decide whether the analysis we conduct today would apply in the same manner to a case involving speech related to scholarship and teaching.”<sup>8</sup> Nonetheless, almost immediately, this limited decision was used by lower courts to allow public colleges to sanction faculty who would not have been punished for their views before *Garcetti*. Recognition that this case will likely frag its way through college governance policies and practices is dawning upon legal scholars and the academy.<sup>9</sup>

These external threats must be recognized and dealt with, as appropriate in each instance, as they arise both in legal education and in many other fields of study. I will also be drawing additional attention to international threats to law professors and academics around the world, as exemplified by the admirable work conducted by Scholars at Risk, who try and rescue these imperiled colleagues to safer situations.<sup>10</sup> Attention must be paid to these examples, which are too-common and which diminish us all, even when remote threats, or threats that seem remote, arise. In truth, if any one of us is in danger for our discourse or our work, we are all endangered: the bell tolls on behalf of all of us. In the final section, I spell out the correlative obligations to undertake service and draw attention to the features inherent in academic duty.

### Threats to Academic Freedom and Tenure:

Perhaps more disturbing, there are many internal threats as well, such as the ABA Council Standards Review Committee (SRC) considering decoupling its tenure requirements from its insistence upon academic freedom, and no longer requiring a system of tenure or security of position.<sup>11</sup> Not only are these immediate and pending threats to the clear and long-standing ABA requirement that its accredited law schools must have a tenure system or equivalent, but there is even a revisionist attack upon the history of the requirement itself, including the extraordinary assertion that there never was or ever had been a tenure requirement (what one press report called in July, 2010 an “interpretation of current policy [that] is being met with much skepticism.”)<sup>12</sup> This was such a shocking interpretation that I was, however implausibly and temporarily, struck silent. Applicant institutions such as Husson University thought there was a tenure requirement, and brought suit; the Court deciding the case certainly thought there was a tenure requirement as well.<sup>13</sup> When I served on the ABA Council and then on the panel that drafted the 2008 Report of the Committee (of the Section on Legal Education and Admission to the Bar) on Security of Position, I certainly also thought there was a tenure requirement.

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<sup>8</sup> 547 U.S. 410, 425 (2006).

<sup>9</sup> A very large literature has arisen to analyze this rise in the legalization of colleges. See, e.g., Gajda, *supra* at note 4; Barbara A. Lee, “Fifty Years of Higher Education Law: Turning the Kaleidoscope,” 36 *J. Coll. U. Law* 649 (2010).

<sup>10</sup> The organization’s work is featured at: [scholarsatrisk.nyu.edu](http://scholarsatrisk.nyu.edu). To see a 2010 example of an Iranian legal scholar, Nasrin Sotoudeh, jailed for his views, see: <http://scholarsatrisk.nyu.edu/Education-Advocacy/Alerts-Scholars-in-Prison.php>.

<sup>11</sup> For example, see <http://apps.americanbar.org/legaled/committees/comstandards.html> (summary of documents proposed and considered by ABA Council, Section of Legal Education and Admissions to the Bar, 2010).

<sup>12</sup> Scott Jaschik, “Law School Tenure in Danger?” *InsideHigherEd.com*, July 26, 2010, available at: <http://www.insidehighered.com/news/2010/07/26/law>.

<sup>13</sup> In *Re* Petition of Husson University School of Law, 989 A.2d 754, 756-757 (Supreme Ct., Maine, 2010).

## President's Message

Continued from page 2

It is quite extraordinary that in the decades during which Standard 405(c) required for regular full-time faculty a policy on academic freedom and tenure, apparently no one ever advanced a serious view that this requirement could be satisfied by a law school asserting its policy is “we do not have a tenure system here.” Moreover, it is odd that clinicians must, under the present Standards, be accorded security of position “similar to tenure,” while a law school may (under the SRC panel’s proposed reading) provide only that much, or apparently even less, to traditional full-time faculty. Surely the clinical Standard has been widely understood to accord lesser protection to clinicians than it did to traditional faculty, and even less to legal writing instructors. If the SRC, The Council, or the ABA wish to change this, they should say so, and do so without attempting to hide the ball or rewrite history. To do so would be a bad—dreadfully bad—idea, and this discourse requires better than “it was never so” or “’twas never thus.” Our Association will continue to work with its long-term sister organization, with whom we collaborate in the re-accreditation process by virtue of our own membership review efforts, but this development must be seen for what it is: a plan to reconstitute the law professoriate into a contingent, part-time, untenured faculty, apparently to strengthen the hand of school administrators in the service of “flexibility” and “business-like efficiencies.” It is hard to square these developments with the increased attention we at AALS have paid to our core values. Perhaps the ABA is unwittingly doing us a favor by acting in a way that has highlighted these fracture lines. But likely not.

One of the additional arguments for tenure is that the promise of continual employment gives faculty an incentive to work on behalf of the institution and that good faculty governance requires a tenure system. Even at major institutions, particularly publics with the decline of state support so evident, faculty governance is rapidly eroding as changed economic conditions are pushing administrators to make quick decisions: they don’t have the time to

be involved with a cumbersome faculty debate on issues. Or faculty will apprehend, perhaps correctly, that if they are only being hired for instructional outputs, they will act accordingly as subcontractors for hire—field hands like the United Farm Workers. At the same time as faculty governance is declining, the for-profit undergraduate colleges are generating much more faculty concern about learning outcomes than we are and they are actually rewarding faculty based upon what their students learn (largely unheard of in the rest of higher education). In this instance, the ABA concerns about learning outcomes may have a salutary effect, although both God and the devil will reside in the eventual details.

The 2012 Annual Meeting’s presidential sessions in Washington, D.C., will examine these and related issues, including the many moving parts of legal education in this new century. I urge the membership and leadership in the Sections to consider turning their attention, as appropriate, to issues we consider crucial. I suggest that some of these will include financing legal education and the implications for financial aid and student debt;<sup>14</sup> the restructuring of the professoriate;<sup>15</sup> the institutional balance of instructional technology, distance learning, and asynchronous faculty-student interaction;<sup>16</sup> service learning and skills training issues;<sup>17</sup> and more creative curricular developments in the third year of the J.D. Moreover, the General Agreement on Trade Services (GATS) and other international negotiations will affect bar membership and legal practice eligibility,<sup>18</sup> in ways we have not yet divined. All these issues are worthy of attention in our deliberations and ongoing dialogues, and if we do not get in front of these developments, we shall surely trail after them. I do not have a single answer for any of these complex and interlocking issues, and would insist that every school must find its own pH levels, but I feel that these likely are among the right questions, ones arising whether or not we like them. I trust all of you, my colleagues, to think these through with our usual gusto and commitment.

14 Michael A. Olivas, “Paying for a Law Degree: Trends in Student Borrowing and the Ability to Repay Debt,” 49 *J. Leg. Educ.* 333 (1999); Philip G. Schrag, “Federal Student Loan Repayment Assistance for Public Interest Lawyers and Other Employees of Governments and Nonprofit Organizations,” 36 *Hof. L. Rev.* 27 (2007).

15 There are virtually no data on law faculty time expenditures or the overall restructuring of the law professoriate. One exception examining clinical faculty is Center for the Study of Applied Legal Education, Report on the 2007 - 2008 Survey 29 (2008), available at: [www.CSALE.org](http://www.CSALE.org). See also, Ronald G. Ehrenberg, and Liang Zhang, “Do Tenured and Tenure-Track Faculty Matter?” 40 *J. of Hum. Res.* 647 (2005).

16 Bruce J. Winick, Foreword: “What Does Balance in Legal Education Mean?” 60 *J. Leg. Educ.* 107 (2010); see, e.g., Bradley E. Cox, Kadian L. McIntosh, Patrick T. Terenzini, Robert D. Reason, and Brenda R. Lutovsky Quaye, “Pedagogical Signals of Faculty Approachability: Factors Shaping Faculty-Student Interaction Outside the Classroom,” 51 *Res. in Higher Educ.* 767 (2010).

17 See, e.g., William M. Sullivan et al., *Educating Lawyers: Preparation for the Profession of Law* (2007); Nelson P. Miller and Bradley J. Charles, “Meeting the Carnegie Report’s Challenge to Make Legal Analysis Explicit—Subsidiary Skills to the IRAC Framework,” 59 *J. Leg. Educ.* 192 (2009).

18 See, e.g., the work of Professor Laurel S. Terry: “GATS’ Applicability to Transnational Lawyering and its Potential Impact on U.S. State Regulation of Lawyers,” 34 *Vand. J. of Transn. L.* 989 (2001); and 35 *Vand. J. of Transn. L.* 1387 (2002); “The Bologna Process and its Implications for U.S. Legal Education,” 57 *J. Leg. Educ.* 237 (2007).

## 2011 ANNUAL MEETING SIGHTINGS

The 2011 Annual Meeting attracted a record number of legal educators to San Francisco, California, January 5-8, 2011. The AALS would like to thank those involved in the Annual Meeting planning for helping to make the 2011 meeting a success!

In addition to the many superb programs, networking opportunities, poster sessions, publishers, exhibit hall, and receptions, AALS provided conference attendees the opportunity to organize informal gatherings with colleagues.



*2010 IALS President Mónica Pinto and  
2010 AALS President H. Reese Hansen*



*Thank you to all our exhibitors for filling our exhibit hall and providing a place for Annual Meeting attendees to interact, exchange ideas and learn about new publications, methods and resources for teaching and scholarship.*



*Poster Presentations were in record number  
this year and drew a great crowd!*



*The Special Committee to Review Scholarly Papers for the 2011 Annual Meeting selected two winning papers: (from left to right) Associate Professor Ashira Pelman Ostrow (Hofstra University) "Process Preemption in Federal Siting Regimes;" Grant S. Nelson, Pepperdine University School of Law; and Assistant Professor Melissa Murray (University of California, Berkeley) "Marriage as Punishment;"*

*The Committee chose these papers as co-winners from a strong field of 65 submissions. The winners presented their papers at the Annual Meeting on Friday, January 7, 2011*



*AALS Keynote Luncheon Speaker,  
Ohio State University President E. Gordon Gee*



*Food, friends and fun at an AALS Reception!*



*2011 AALS President Michael A. Olivas,  
President-elect Lauren Robel and  
Immediate Past President H. Reese Hansen*



*Executive Director, Chief Executive Officer  
Susan Westerberg Prager,  
AALS Immediate Past President  
H. Reese Hansen and  
Managing Director Jane La Barbera*

# 2011 Mid-Year Meeting Conference on the Future of the Law School Curriculum

June 11-13, 2011

Seattle, Washington

## Why Attend?

Every so often, there is a conference that leaves its mark on legal education for years to come. What sets these conferences apart is that they address a critical topic at a critical time. We are at a pivotal moment in the history of legal education. Forces from outside and inside the academy have generated a powerful impetus for legal educators to reconsider the law school curriculum. Outside the academy, changes in the legal profession driven by the economy, technology, and the law, are unsettling long-held views about the types of intellectual tools and skills our graduates require. We can no longer comfortably assume that students will receive apprenticeships in practice or that their professional endeavors will be confined to a single legal system and culture. Moreover, reformist initiatives fashioned outside the academy, such as the Carnegie Report, are calling on law schools to improve the way they prepare students for professional roles, offering their own distinctive vision of the law school curriculum and pedagogy. Simultaneously, new developments within the academy are generating momentum for curricular change as well. These developments include advances in learning theory, growth of experiential learning opportunities, new understandings of how the law operates, cost considerations associated with increased tuition, and a proliferation of faculty with advanced degrees in other fields relating to law. Among the ranks of both established law schools and recently founded institutions can be found instances of significant innovation in response to these forces.

As legal educators, our responsibility is to assess the need for change in light of core values of legal education, and to fashion a worthy law school curriculum. This conference will provide attendees with knowledge and ideas

that can inform curricular initiatives at their own schools. Day one will focus on challenges confronting legal education from without and within, drawing on social scientists and leaders in the legal profession as well as knowledgeable law faculty and university administrators. Days two and three, held jointly with the Clinical Conference, will concentrate first on core values, and then on particular responses to the forces pressing for curricular change, such as greater incorporation of experiential and multidisciplinary learning and a more "globalized" curriculum. Surveys of law school practices, as well as exemplary law school programs and experiences, will be included in these sessions. Challenges of achieving institutional change given the dynamics of law school governance and decision-making will also be addressed, both by experts in organizational behavior and thoughtful veterans of the process.

Throughout the three days, a mix of presentations and small group discussions will be livened by the ongoing role-play of a law school curriculum committee, which will be consulting regularly with its "faculty," consisting of the conference participants. This "faux" curriculum committee will be assessing the ideas put forward at the conference, modeling faculty decision making processes, and ultimately presenting a curriculum proposal for the attendees to consider in an interactive process. Participants will leave the conference with concrete ideas and strategies for action at their own institutions.

## Topics:

Dramatization (Faux Faculty Curriculum Committee meets); Forces from Outside the Academy; Forces from Within the Academy

## Joint Sessions with AALS Conference on Curriculum and Conference on Clinical Legal Education (June 13 and 14):

Core Values that Shape a 21<sup>st</sup> Century Legal Education; Understanding Law Across Borders and Cultures; Faux Faculty Curriculum Committee Reconvenes; Experiential Learning; Readiness for the Profession; Institutional Change; Faux Faculty Curriculum Committee and Final Proposal

## ~Planning Committee for Conference on the Future of the Law School Curriculum

Pat K. Chew, University of Pittsburgh School of Law  
 Elizabeth B. Cooper, Fordham University School of Law  
 Franklin Gevurtz, University of The Pacific Mc George School of Law  
 Carole E. Goldberg, University of California, Los Angeles School of Law, **Chair**  
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 Emily J. Sack, Roger Williams University School of Law

## Congratulations to Southern University Law Center for its admission to membership in the AALS!



*Left to right: Former AALS Deputy Director Elizabeth Hayes Patterson, AALS Immediate Past President H. Reese Hansen, Southern University Law Center Representative Evelyn L. Wilson, AALS Executive Director Susan Prager, and Southern University Law Center Chancellor Freddie Pitcher.*

*AALS would like to offer a warm welcome to Chancellor Freddie Pitcher and the Faculty of our newest member school, Southern University Law Center, of Baton Rouge, Louisiana.*

“Founded in the era when access to the state university was restricted for African-American students, the law school at Southern University has made an important difference in the history of its state. Today the Law Center remains devoted to its historic mission but also works to further diversity in a broader sense, steadfast in its focus on the need for access to legal education and the need for effective lawyers who will serve all segments of society. Through excellent leadership, the devotion of many faculty and staff, and a remarkably engaged student body, the school has embraced the core values of this Association. The Executive Committee has determined that it now meets the requirements of membership. Please join me in marking the significance of the admission of the Southern University Law Center to membership in the AALS, as the first of the state-sponsored historically black college law schools.”

*–Professor Dean Hill Rivkin of the AALS Membership Review Committee and University of Tennessee College of Law at the First House of Representatives Meeting held on January 6, 2011 in San Francisco, California*

# Conference on Clinical Legal Education

## Learning for Transfer: (Re)conceptualizing What We Do in Clinics and Across the Curriculum and Clinical Directors' Workshop

### (Re)considering Security of Position and Academic Freedom in Clinical Legal Education

**June 13-17, 2011**  
**Seattle, Washington**

We are at a pivotal moment in the history of legal education. Forces outside and within the academy are creating a powerful impetus for legal educators to reconsider the law school curriculum. Clinical educators have a critical role to play in this process. As AALS President H. Reese Hansen said in his letter to the ABA Standards Review Committee dated June 1, 2010, clinical courses are the culminations of the substantive courses in the curriculum, reinforcing and extending the learning in substantive courses. Through clinical courses, Hansen said, "students typically develop problem-solving skills, learn to exercise critical judgment, and enhance analytical thinking as they bring substantive law to bear on practice experience. They represent some of the kinds of integrative education that are highly praised in the Carnegie Report." As clinical legal educators, we owe it to our students, our law schools, our non-clinical colleagues, and ourselves to review and reconsider what we do in clinical teaching, what we can teach our non-clinical colleagues, and what they can teach us, all with a view to improving the law school curriculum.

The conference this year will take place over four days in mid-June. We will spend the first two days of the conference (June 13 and 14) with non-clinical faculty and deans in a joint curriculum and clinical conference designed to

give us an opportunity to interact and exchange ideas about the law school curriculum on a macro level. During this phase of the conference we will use plenary sessions and facilitated small groups to examine five topic questions: what are the core values of a 21st century legal education; how can we understand and teach about practicing law across borders and cultures; how can we use experiential learning to enrich the curriculum; how can we prepare students to be ready for the profession; and how can we achieve institutional change. The sessions will be designed to explore both competencies (e.g., critical thinking, problem solving, professional judgment) and methods for achieving them (e.g., opportunities for students to merge doctrine, skills, and professional identity, to deal with situations in which client problems, facts, legal rules, and ethical principles are fluid and ill-defined, and to see how law and theory function in practice). An overall goal of this part of the conference is to identify and explore how to achieve the curricular changes that will promote learning for transfer – learning that will maximize students' ability to function as effective and ethical professionals in unfamiliar settings and under circumstances that we cannot now predict.

Throughout these first days of the conference, the plenary presentations and small group discussions will take place against the backdrop of an ongoing role-play of a law school curriculum committee. This committee will be consulting regularly with its faculty (i.e., the conference participants), and will be discussing and assessing the ideas put forward at the conference, modeling faculty decision-making processes, and ultimately presenting a curriculum proposal for the attendees to consider. Presentations and small group discussions, including the meetings and presentations of the "curriculum committee," will include a mix of clinical and non-clinical perspectives.

*Continued on page 9*

#### **~Planning Committee for Conference on Clinical Legal Education and Clinical Directors' Workshop**

Bryan L. Adamson, Seattle University School of Law

Amy G. Applegate, Indiana University, Maurer School of Law, **Co-Chair**

Elizabeth B. Cooper, Fordham University School of Law

Elliott S. Milstein, American University Washington College of Law,

**Co-Chair**

Carolyn B. Grose, William Mitchell College of Law

Donna H. Lee, City University of New York School of Law

Barbara A. Schatz, Columbia University School of Law

## Conference on Clinical Legal Education

*Continued from page 8*

We will spend the next two days of the conference (June 15 and 16) on our own as clinical faculty, reflecting on what we learned during the first two days, and drilling down into one of the core components of clinical legal education: problem solving. Through plenary sessions, concurrent sessions, and small group meetings, we will examine four areas of problem solving: (1) understanding the content and context of legal problems; (2) diagnosing or defining legal problems; (3) making decisions in the context of developing client-centered solutions; and finally, (4) integrating what students have learned in law school and transferring that learning into practice.

On June 17, there will be a Clinic Directors' Workshop addressing three main topics: (1) the status of proposed changes to the ABA accreditation standards with respect to security of position, and strategies for responding effectively to the proposed changes; (2) the recommendation made by the AALS Section on Clinical Legal Education's Task Force on the Status of Clinicians and the Legal Academy for a unitary tenure track that includes clinical faculty, in light of the proposed changes to the accreditation standards, and (3) effective strategies for enabling junior and senior clinical faculty to engage in scholarship, share their work, and receive helpful critique from both clinic and non-clinic colleagues.

*For more information go to: [www.aals.org/calendar/](http://www.aals.org/calendar/)*

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## President's Message

*Continued from page 3*

### **The Restructuring and Devaluing of the Faculty Role in Academic Governance:**

In particular, the decline of the full time, tenure-eligible professoriate is occurring obliquely and diagonally, without everyone's notice. Law teaching has not been re-structured as much as has the remainder of the academy, where the overall full-time teaching ranks have declined from 78 percent in 1970 to a disturbing 51 percent in 2007,<sup>19</sup> but legal education has also been subject to this same regression to the mean, and even full-time clinical law teaching has declined to only 34.2 percent in tenure track or clinical tenure positions in 2008.<sup>20</sup> As professors Peter A. Joy and Robert R. Kuehn have authoritatively demonstrated in their path-breaking work on the developing history of law faculty status: "The history of the Standards for clinical

faculty demonstrates that although some in legal education have been resistant, the ABA has long supported the full integration of clinical courses and the faculty teaching those courses into law schools. The history shows an unbroken movement by the ABA toward a system that provides a long-term relationship between the clinical faculty member and the law school so that the clinical faculty member has job security and the ability to participate in faculty governance comparable to other full-time law faculty teaching doctrinal courses."<sup>21</sup> It is precisely because of this long-standing stewardship of required faculty autonomy and security that the 2009 turn of direction by the various ABA components has been so sharply disappointing. Reforming the entire system, as appears to be underway, makes it impossible to gauge the overall effect, as with other complex system

<sup>19</sup> U.S Department of Education, Digest of Education Statistics: 2009 (Washington DC, 2010), table 249, available at: <http://nces.ed.gov/programs/digest/do89>.

<sup>20</sup> Center for the Study of Applied Legal Education, Report on the 2007 - 2008 Survey 29 (2008), available at: [www.CSALE.org](http://www.CSALE.org).

<sup>21</sup> Peter A. Joy and Robert Kuehn, "The Evolution of ABA Standards for Clinical Faculty," 75 *Tenn. L. Rev.* 183, 229 (2008).

## 2011 Workshop on Women Rethinking Equality

June 20-22, 2011

Washington, DC

Women seeking equality in America today face an uneven prospect. Women are represented in record numbers in all branches of government, yet also struggle in unprecedented numbers below the poverty line, and they remain notably absent from many corporate boardrooms. Two more women have been appointed to the Supreme Court, including the first Latina justice; yet the popular debate and confirmation hearings were marred by race and gender stereotypes and by homophobia.

Advocates of same-sex marriage and new reproductive technologies have challenged the traditional family, yet they have been met by efforts to re-naturalize marriage, childbirth, and the place of women in the private sphere. These same contradictions mark women's role in legal education. Women comprise a majority of students in many law schools, yet women are not equally represented in the professoriat. A recent AALS Report revealed a "tenure gap" affecting all women, which was particularly wide and increasing among women of color. The predominance of women in lower-paid, lower-status positions without job security in the legal academy mirrors their relative

absence from top positions in law firms, law schools, and other highly paid legal positions.

As we address the unfinished business of equality, women confront complex challenges. Some impediments stem from a public perception that the central problems of women's equality were solved a generation ago. Other obstacles – which women are often reluctant to confront – arise from the heterogeneity of the group itself. We are heterogeneous first in the ways we experience our lives as women: women share commonalities based on sex, while also differing along lines of race, ethnicity, class, immigration status, religion, sexual orientation, and disability. In the cities and rural areas of this country, as in the halls of law schools, these stark variations can give women widely different experiences of gender and sharply different stakes in its continued political amelioration.

Women also vary in our conceptualizations of the challenges we face: "sex discrimination" has ceased to be the only way of characterizing the social and institutional dynamics that reproduce the inequality of women. Theorists and activists have argued that we are subject not simply to the varied forms of exclusion and hierarchy that constitute "subordination." Our lives are also shaped by pressures to conform to bifurcated gender norms, to expectations of cross-sex sexual desires and the fulfillment of these desires within marital, nuclear, reproductive families. This concern with gender

norms and the constraining social patterns they produce creates potentially fruitful areas of intersection between feminism and LGBT and transgender theory and activism.

Finally we are heterogeneous in our personal and professional aspirations: Many women may not analyze sex or gender in these explicitly politicized ways, or may not use more formalized constructs to discuss them. We may be struggling to do our best work – and to achieve the recognition it merits – in fields and workplaces that are still dominated by men; we may be striving to combine work and family in the context of inevitable shortages of time and money. Yet we may want to commit our efforts not to unpacking or responding to gendered dynamics in a theoretical way, but to developing practical strategies for confronting them in our daily lives or individual workplaces. Such heterogeneity is hardly surprising in a group that includes more than half of the human race. Yet if women fail to understand and negotiate this heterogeneity in a self-aware, reflective way, we may end up chasing an elusive unity, or diffusing our efforts with unnecessary friction.

The 2011 Workshop on Women Rethinking Equality will address these challenges, in the broader society and in the specific context of legal education. In analyzing the remaining barriers, we will think specifically about how to understand and to bridge the heterogeneity our group reflects – by glimpsing our shared stake in struggles of particular subgroups, and by focusing on the immediate institutional environment

### ~Planning Committee for Workshop on Women Rethinking Equality

Kathryn Abrams, University of California Berkeley  
School of Law, **Chair**

Serena Mayeri, University of Pennsylvania Law School

Elizabeth A. Nowicki, Tulane University School of Law

Angela Onwuachi-Willig, The University of Iowa  
College of Law

Lisa Pruitt, University of California Davis School of Law

Stephanie Wildman, Santa Clara University School of Law

## Workshop on Women Rethinking Equality

*Continued from page 10*

that we all share. We will also ask how we might use many kinds of connections among women – networking, mentoring, sharing of information – to secure greater opportunity, and transform the institutional settings in which we live and work.

“Women Rethinking Equality” will appeal to a full range of teachers and scholars in all subject areas. The program creates opportunities for a rich dialogue about the meaning, contours, implications, and status of equality for women, specifically in the setting of legal education. Workshop sessions will focus on substantive law and scholarship, teaching concerns and professional development issues. The substance and format of the program will offer opportunities for networking and small-group discussion. We welcome participation by all AALS members, and particularly all women, whether or not their scholarship includes a gender focus.

The first full day of the meeting will open with a morning plenary on “The Unfinished Business of Women’s Equality in Legal Education,” which will focus attention on our shared context in contemporary legal academia. This panel will focus on issues that continue to impede women’s equal opportunity in legal academia: from the lack of women in certain substantive areas of law teaching to continuing challenges faced by women teachers in the classroom, with particular attention to those faced by younger women, women of color, LGBT women, and pregnant women; to problems confronting women as visitors; to the devaluation of scholars who write outsider scholarship in all forms, including feminist legal theory, critical race theory, and queer theory; to the effect par-

enting leaves on consideration for tenure; to the continuing reluctance to integrate issues of gender equality in scholarship and teaching in all substantive areas of the law. Breakout sessions will take place in the plenary room, allowing participants to discuss in small groups the issues raised by the plenary.

The second plenary, “The Workplace as a Site of (In)Equality,” will feature work by social scientists and others who have analyzed barriers to gender equality in a range of contemporary workplaces. Focusing on issues such as women and negotiation, subtle sexism, harassment of female supervisors by male supervisors, “pink collar ghettos,” and work/family conflict, they will describe research from other workplace contexts that offers women faculty tools for thinking about our own work environments. This panel, too, will be followed by breakout groups, which will convene in the plenary room for further discussion.

Following lunch, the afternoon sessions will step back from the immediate context of the workplace to explore broader questions of sex and gender equality. The first afternoon plenary, “Meanings and Contexts of Equality” will examine the roles of sex, gender, and sexuality in producing women’s inequality, including their intersection with attributes such as race or socioeconomic status. Panelists will also explore different ways of conceiving equality, such as substantive notions of equality emerging in Canadian and European contexts. These conceptual tools will help participants to think about inequality in a range of contexts, including legal academia. After the panel discussion, concurrent sessions

will provide participants with opportunities for more in-depth examination of sex and gender in a range of substantive law contexts, including but not limited to international human rights, reproductive rights, corporate and tax law, criminal justice, and economic equality. The first day’s meetings will be followed by an evening poster presentation and reception. The reception will be structured to enable participants to meet others within their substantive fields; it will feature posters on forthcoming and recent scholarship by women faculty. It will be followed by a “Dine-Around” option, in which participants, who will be invited to sign up in advance, can meet in small groups for dinner at nearby restaurants.

The second day of “Women Rethinking Equality” will return to the law school setting to focus on women’s professional development and institutional change. The first plenary, “Women as Scholars,” will examine the obstacles faced by particular groups of women scholars, such as junior faculty, women of color writing in feminist legal theory, or women striving for visibility and influence in male-dominated fields. It will also explore newer or less conventional vehicles for the dissemination and promotion of scholarly work, such as popular books, university press monographs, or blogging. This panel will be followed by concurrent sessions on scholarship. In these sessions, faculty selected through a call for papers will present works-in-progress in small group sessions, receiving feedback from assigned commentators and other participants.

## Workshop on Women Rethinking Equality

*Continued from page 11*

The afternoon session will open with a plenary on “Women as Teachers.” This session will consider evidence of a gap between the ways that today’s students and many faculty members talk about sex, gender, and sexuality; it will ask how we can bridge that gap in the often-vexed discussions these topics create. This plenary will examine presumptions of incompetence, which, continue to affect all women faculty, but pose particular challenges to women of color and younger women, as well as other issues in the evaluation of women as teachers. This panel discussion will be followed by breakout sessions which will take place in the plenary room. The final session of the conference, “Reshaping Institutions” will proceed in three

phases. First a plenary discussion will highlight a series of potential areas for action, including: increasing the recruitment, promotion and retention of women of color; securing positions of leadership for women in law schools; establishing structures that support mentoring of women faculty and students; re-valuing legal writing and clinical work in the currency of salary and full academic “citizenship;” and accommodating the care responsibilities of all faculty members. Participants will then break into small groups to discuss strategies for addressing these issues within their individual law schools; finally, these groups will come together to share their suggestions in a concluding session.

### Topics:

Unfinished Business of Women’s Equality in Legal Education; The Workplace as a Site of Gender (In) Equality; Meanings of Gender Equality; Women as Scholars; Women as Teachers, Gender in the Classroom; Reshaping Institutions; Concurrent Sessions: Meanings and Contexts of Gender Equality (From Reproductive Rights to Reproductive Justice; Gender and Economic Equality; Gender and Criminal Law; Gender and Justice System; Larry Summers and Tax Lawyers; Theorizing Gender); Concurrent Sessions on Scholarship Call for Papers.

*For more information go to:  
[www.aals.org/calendar/](http://www.aals.org/calendar/)*

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## 2011 Annual Meeting Podcasts Now Online

Over 130 sessions from the 2011 AALS Annual Meeting have been digitally audio recorded. These recordings, known as ‘podcasts,’ are available at no charge to faculty and professional staff from AALS member and fee-paid schools.

A user name and password is required to access the podcasts. Your user name is your primary e-mail address. If you do not have or do not remember your password, click the ‘forgot password’ link on the bottom of the login screen.

You can browse the Annual Meeting podcast program by scrolling down, or search for a specific session by typing ‘Ctrl F’ and then typing a keyword.

Click the Section name of the session you are interested in and your media player should open and begin playing the recording. Longer sessions have been broken up into multiple recordings—they will have several links (such as ‘morning’ or ‘afternoon’) directly beneath the session name.

Visit [www.aals.org/am2011podcasts/](http://www.aals.org/am2011podcasts/) to listen to the recorded sessions.

## 2010 Teachers of the Year

*The AALS was pleased to celebrate the following teachers for their contributions to legal education. The AALS Core Values promote member law schools' faculty to be "engaged in the creation and dissemination of knowledge about law, legal processes, and legal systems, and who are devoted to fostering justice and public service in the legal community." The following teachers are to be commended for their work in furthering the mission of the AALS in improving legal education.*

Marjorie C. Aaron, *University of Cincinnati College of Law*  
Jasmine C. Abdel-Khalik, *University of Missouri-Kansas City School of Law*

Paula L. Abrams, *Lewis and Clark Law School*

Arthur Acevedo, *The John Marshall Law School*

Vincent C. Alexander, *St. John's University School of Law*

Craig H. Allen, *University of Washington School of Law*

Patti Alleva, *University of North Dakota School of Law*

Samuel J. Astorino, *Duquesne University School of Law*

Steven E. Averett, *Brigham Young University, J. Reuben Clark Law School*

Rory D. Bahadur, *Washburn University School of Law*

Paul R. Baier, *Louisiana State University Law Center*

C. Edwin Baker, *University of Pennsylvania Law School*

Paul D. Bennett, *The University of Arizona, James E. Rogers College of Law*

Eric Berger, *University of Nebraska College of Law*

John M. Bickers, *Northern Kentucky University, Salmon P. Chase College of Law*

Lynda Black, *The University of Memphis, Cecil C. Humphreys School of Law*

R. Thomas Blackburn, *University of Louisville, Louis D. Brandeis School of Law*

Frederic M. Bloom, *Brooklyn Law School*

Karen M. Blum, *Suffolk University Law School*

Richard T. Bowser, *Campbell University, Norman Adrian Wiggins School of Law*

Kathleen F. Brickley, *Washington University School of Law*

Howard W. Brill, *University of Arkansas, Fayetteville, Leflar Law Center*

Richard Brooks, *Yale Law School*

Christopher J. Buccafusco, *Chicago-Kent College of Law, Illinois Institute of Technology*

Elizabeth Chamblee Burch, *Florida State University College of Law*

Alafair S. Burke, *Hofstra University School of Law*

Robert K. Calhoun, *Golden Gate University School of Law*

Donald Campbell, *Mississippi College School of Law*

Derrick A. Carter, *Valparaiso University School of Law*

R. M. Cassidy, *Boston College Law School*

Eric C. Chaffee, *University of Dayton School of Law*

Leah M. Christensen, *Thomas Jefferson School of Law*

Allison Christians, *University of Wisconsin Law School*

David S. Cohen, *Drexel University, Earle Mack School of Law*

John M. Conley, *University of North Carolina School of Law*

Stephen R. Cook, *University of Akron, C. Blake McDowell Law Center*

Geoffrey Corn, *South Texas College of Law*

Nancy A. Costello, *Michigan State University College of Law*

Von R. Creel, *Oklahoma City University School of Law*

Gregory S. Crespi, *Southern Methodist University, Dedman School of Law*

Michael E. DeBow, *Samford University, Cumberland School of Law*

Sidney W. DeLong, *Seattle University School of Law*

James W. Diehm, *Widener University School of Law*

John Shahr Dillbary, *The University of Alabama School of Law*

Don L. Doernberg, *Pace University School of Law*

William V. Dunlap, *Quinnipiac University School of Law*

William G. Eckhardt, *University of Missouri-Kansas City School of Law*

Joel B. Eisen, *The University of Richmond School of Law*

Kimberly K. Ferzan, *Rutgers School of Law - Camden*

Clifford Fishman, *The Catholic University of America, Columbus School of Law*

James L. Flannery, *University of Pittsburgh School of Law*

Harry M. Flechtner, *University of Pittsburgh School of Law*

Heidi L. Forman, *University at Buffalo Law School, State University of New York*

Christopher W. Frost, *University of Kentucky College of Law*

Ronald R. Garet, *University of Southern California, Gould School of Law*

James Garland, *City University of New York School of Law*

Tracey E. George, *Vanderbilt University Law School*

Thomas Earl Geu, *University of South Dakota School of Law*

A. Thomas Golden, *Thomas Jefferson School of Law*

Patrick D. Goodman, *University of California, Los Angeles, School of Law*

James R. Gordley, *Tulane University School of Law*

Kathy T. Graham, *Willamette University College of Law*

Sonia B. Green, *The John Marshall Law School*

James R. Hackney, *Northeastern University School of Law*

Richard B. Hagedorn, *Willamette University College of Law*

Matthew R. Hall, *University of Mississippi School of Law*

Danielle K. Hart, *Southwestern Law School*

Michael W. Hatfield, *Texas Tech University School of Law*

Kevin L. Hopkins, *The John Marshall Law School*

Justin Hughes, *Benjamin N. Cardozo School of Law, Yeshiva University*

Allan Ides, *Loyola Law School, Los Angeles*

Marco Jimenez, *Stetson University College of Law*

Leslie A. Johnson, *Widener University School of Law*

RonNell Andersen Jones, *Brigham Young University, J. Reuben Clark Law School*

Samuel Jordan, *Saint Louis University School of Law*

Kristin Kalsem, *University of Cincinnati College of Law*

Sarah F. Kaltsounis, *University of Washington School of Law*

John M. Kang, *St. Thomas University School of Law*

## 2010 Teachers of the Year

Continued from page 13

Michael J. Kaufman, *Loyola University, Chicago, School of Law*  
Kevin Kelly, *University of the District of Columbia, David A.*

*Clarke School of Law*

Michael S. Kirsch, *Notre Dame Law School*

Michael Klarman, *Harvard Law School*

Alexandra B. Klass, *University of Minnesota Law School*

Richard D. Klein, *Touro College, Jacob D. Fuchsberg  
Law Center*

Reynold J. Kosek, *Mercer University Law School*

Susan S. Kuo, *University of South Carolina School of Law*

Patricia Leary, *Whittier Law School*

Margaret H. Lemos, *Benjamin N. Cardozo School of Law,  
Yeshiva University*

Elizabeth Weeks Leonard, *University of Kansas School of Law*

Janet K. Levit, *The University of Tulsa College of Law*

Vicki J. Limas, *The University of Tulsa College of Law*

Thomas G. Lininger, *University of Oregon School of Law*

Anne Marie Lofaso, *West Virginia University College of Law*

William C. Lynch, *California Western School of Law*

Thomas O. Main, *University of the Pacific, Mc George  
School of Law*

Dylan Malagrino, *University of La Verne College of Law*

Justin Marceau, *University of Denver, Sturm College of Law*

Paul Marcus, *College of William and Mary, Marshall-Wythe  
School of Law*

Lucy A. Marsh, *University of Denver, Sturm College of Law*

Barry D. Matsumoto, *University of Iowa College of Law*

Thomas A. Mauet, *The University of Arizona, James E. Rogers  
College of Law*

Margaret Sova McCabe, *University of New Hampshire  
School of Law*

Celestine R. McConville, *Chapman University School of Law*

Daniel S. Medwed, *University of Utah, S. J. Quinney  
College of Law*

Ajay K. Mehrotra, *Indiana University, Maurer School of Law*

Luke Meier, *Baylor University School of Law*

Robert E. Mensel, *St. Thomas University School of Law*

Deborah J. Merritt, *The Ohio State University, Michael E.  
Moritz College of Law*

Darrell A.H. Miller, *University of Cincinnati College of Law*

James R. Monroe, *Drake University Law School*

Kelly Moore, *University of Toledo College of Law*

Michelle Bryan Mudd, *University of Montana School of Law*

Eric L. Muller, *University of North Carolina School of Law*

Ann M. Murphy, *Gonzaga University School of Law*

John E. B. Myers, *University of the Pacific, Mc George  
School of Law*

Eboni S. Nelson, *University of South Carolina School of Law*

Julie A. Nice, *University of San Francisco School of Law*

Helen L. Norton, *University of Colorado Law School*

Dan O'Gorman, *Barry University, Dwayne O. Andreas  
School of Law*

Kevin Francis O'Neill, *Cleveland State University, Cleveland-  
Marshall College of Law*

Timothy P. O'Neill, *The John Marshall Law School*

J. W. Parker, *Wake Forest University School of Law*

Amagda Pérez, *University of California, Davis, School of Law*

Michael J. Pitts, *Indiana University School of Law-Indianapolis*

Richard Abraham Primus, *The University of Michigan  
Law School*

Alex Raskolnikov, *Columbia University School of Law*

Rene Reich-Graefe, *Western New England College  
School of Law*

Barak D. Richman, *Duke University School of Law*

Lori Ringhand, *University of Georgia College of Law*

Larry J. Ritchie, *Roger Williams University School of Law*

Hillary A. Sale, *Washington University School of Law*

Victoria S. Salzmänn, *Phoenix School of Law*

Ted Sampsell-Jones, *William Mitchell College of Law*

Richard H. Seamon, *University of Idaho College of Law*

Daniel P. Selmi, *Loyola Law School, Los Angeles*

Joshua M. Silverstein, *University of Arkansas at Little Rock,  
William H. Bowen School of Law*

Mitchell Simon, *University of New Hampshire School of Law*

Karen R. Smith, *Southwestern Law School*

Peter J. Smith, *The George Washington University Law School*

Donald Smythe, *California Western School of Law*

Richard Squire, *Fordham University School of Law*

Glen Staszewski, *Michigan State University College of Law*

Julie Steiner, *St. John's University School of Law*

Otis H. Stephens, *University of Tennessee College of Law*

Stephanie Stevens, *St. Mary's University of San Antonio  
School of Law*

James A. Strazzella, *Temple University, James E. Beasley  
School of Law*

David A. Super, *University of Maryland School of Law*

David H. Taylor, *Northern Illinois University College of Law*

David A. Thomas, *Brigham Young University, J. Reuben Clark  
Law School*

Karen Throckmorton, *University of Miami School of Law*

Lee-ford Tritt, *University of Florida, Fredric G. Levin  
College of Law*

Rodney J. Uphoff, *University of Missouri School of Law*

Kenneth J. Vandeveld, *Thomas Jefferson School of Law*

Stephen I. Vladeck, *American University Washington  
College of Law*

David Ira Walker, *Boston University School of Law*

Byron L. Warnken, *University of Baltimore School of Law*

Blake A. Watson, *University of Dayton School of Law*

Kathryn Ann A. Watts, *University of Washington School of Law*

Sean Watts, *Creighton University School of Law*

Susan L. Waysdorf, *University of the District of Columbia, David  
A. Clarke School of Law*

Roederick C. White, *Southern University Law Center*

## President's Message

Continued from page 9

changes. One thinks of the complexity of health care reform or comprehensive immigration reform, with their own centripetal forces.

I am most concerned with the subtleties of this realignment, the effects upon governance and upon academic duty. I believe, as does former AALS president Judith Areen, that disappointing rulings are already flowing from the decision of the U.S. Supreme Court in *Garcetti v. Ceballos* to allow the government to control the speech of its employees.<sup>22</sup> Many of these cases are detailed in a 2009 report from the American Association of University Professors, "Protecting an Independent Faculty Voice: Academic Freedom after *Garcetti v. Ceballos*."<sup>23</sup> Though comprehensive, the report does not have the space to list the dozens of cases currently moving through the system, and it could not possibly identify instances where government employees have chosen the path of least resistance by not speaking out or not challenging employer decisions, knowing how the deck is now stacked against them. Because of this, when discussing *Garcetti*, college faculty and others defending faculty members' free speech need to highlight what it really means to individuals affected by the Supreme Court's crabbed reading of the First Amendment. As I vigorously and frequently exercise my First Amendment and academic freedom privileges, I often have felt the sting from running afoul of authoritarian interests, several of whom have complained directly to my University of Houston president(s), especially after I had been involved in issues concerning undocumented college students,<sup>24</sup> public college admissions (the top ten percent plan),<sup>25</sup> and a law that precluded state employees, including professors, from serving as consultants or expert witnesses

*"As I vigorously and frequently exercise my First Amendment and academic freedom privileges, I often have felt the sting from running afoul of authoritarian interests..."*

against the state in legal actions (aimed in part at my activities).<sup>26</sup> My then-president indicated that if so many legislators were going to complain about me to him, as they were, I should have at least kicked up more dust.

But none of these earlier controversies prepared me for the fire storm that hit when it became known that I had helped end a practice of legacy point admissions at a different public institution, Texas A&M University. When *Hopwood*<sup>27</sup> was overturned by *Grutter v. Bollinger*,<sup>28</sup>

this institution nevertheless continued to quietly practice reverse affirmative action through the legacy point system, while announcing it would not follow *Grutter*, but would emphasize "merit." Two black colleagues (one a key legislator and the other Professor John Brittain, now teaching at the University of the District of Columbia David A. Clarke School of Law) and I wrote an opinion column calling the institution's leadership out for its hypocrisy.<sup>29</sup> Within days, the legacy policy was discontinued. I had more than a dozen letters, several e-mails and many phone calls calling for my scalp. I

even received a remonstrance from an inmate in federal prison, who excoriated me in a letter for "helping eliminate the Aggie Legacy, which [he] had hoped to pass to [his] own children." Many of these letters were copied to my president, who called me and congratulated me for the column and its results. He told me that he was proud to have me on his faculty, and would I please let him know next time I was going to do this kind of thing, so he could be prepared to defend me. Recounting the several instances where I had been complained about, he also said, "This is why we need tenure and academic freedom," a generous sentiment that many college presidents would neither hold nor acknowledge.

22 Judith Areen, "Government as Educator: A New Understanding of First Amendment Protection of Academic Freedom and Governance," 97 *Geo. L.J.* 945, 1000 (2009).

23 REPORT: *Protecting an Independent Faculty Voice: Academic Freedom after Garcetti v. Ceballos* (2009), available at: <http://www.aaup.org/NR/rdonlyres/B3991F98-98D5-4CC0-9102-ED26A7AA2892/0/Garcetti.pdf>

24 Andrew Guy, "Big Man on Campus, Law professor fights for issues dear to his heart," *Hous. Chron.*, June 4, 2001, A1.

25 Rick Casey, "Of Fairness, Privilege and Top 10 Percent," *Hous. Chron.*, August 22, 2010, B1, B4, available at: <http://www.chron.com/disp/story.mpl/metropolitan/casey/7164545.html>.

26 146 F.3d 304, superseded by *Hoover v. Morales*, 164 F.3d 221 (5th Cir. 1998). I served as an expert witness against the University of Texas Health Science Center. *University of Texas v. Than*, 901 S.W.2d 926, 931-32 (Tex. 1995) [TX Supreme Court]; 188 F.3d 633 (5th Cir. 1999).

27 *Hopwood v. Texas*, 861 F. Supp. 551 (W.D. Tex. 1994), aff'd, 78 F.3d 932 (5th Cir.), cert. denied, 116 S. Ct. 2581 (1996).

28 539 U.S. 306 (2003).

29 Sen. Rodney Ellis, Michael A. Olivas, and John Brittain, Editorial, *Hous. Chron.*, January 11, 2004, Outlook-1 (calling upon Texas A&M to employ affirmative action and to discontinue legacy preferences).

## President's Message

Continued from page 15

In my more-than-30 years of teaching, scholarship and public service, I have leaned into the wind and called out wrongdoing when I discovered it. Many of you know my activities with the Annual Dirty Dozen List,<sup>30</sup> making my selection as AALS President all the more unlikely. I have not been seriously threatened, but only because I use footnotes, briefs, and r-squares, not more militant means or lunchroom protests. When I was the American Association of University Professors (AAUP) General Counsel, the Unabomber was still at large, sending letter bombs to university faculty and officials around the country.<sup>31</sup> (His moniker was in tribute to his status as the University and Airline Bomber.) I had serious discussions about my safety with college security and mail facility officials, at the suggestion of another of my University of Houston presidents, who was worried about my high profile. She told me quite memorably that tenure would not protect me from a letter bomb. Today, more than I fear any letter bomb or physical threat, I am concerned about the more generalized *Garcetti* chilling features and silencing that occur in hard times, whether economic or political. Each of you will likely have your own personal set of experiences, especially if you are afflicting the comfortable, rather than comforting the afflicted. Law professors are blessed with many opportunities to do both.

### Academic Duty:

An increasing number of scholars have noted that the professoriate is being restructured, and that it is occurring on cats' feet. In the thermodynamics of faculty governance, if tenure were not available, why should faculty commit to any institution, and not act as if they are solo, independent contractors? Why take duty seriously? I think it a likely result that a contingent and part-time and adjunct faculty will regress down to the mean, and will not perform the many ancillary activities that full-time faculty are expected to undertake in their institution building. I have always considered academic citizenship an important requirement of being a professor, and have felt called to the vocation of service as an essential component of my teaching and scholarly obligations. Being a faculty member carries a number of unenumerated responsibilities, particularly institutional service to improve the life of the organization, and also to professional groups, growing from our singular status as lawyers and professors. On almost a daily basis, I have come to appreciate the organic way that these different facets of one's professional life become intertwined and enrich the other parts. Surely I am a better scholar of higher education law and casebook author for my service as an expert witness, for and against colleges, and these skills will assist me in making certain that the

results of the repeal of Don't Ask, Don't Tell<sup>32</sup> and of *CLS v. Martinez*<sup>33</sup> are figured into our law school policies, as the tenets of *Grutter* have informed and helped shape admissions practices. Just as all members of a polity or community determine their civic duties and involvement, so should professors choose among many alternatives, whether they are in AALS, in other legal organizations, or in other important sectors where our skills and interests reside.

Here, to elaborate upon the concept of academic duty, I take my lead from the estimable 1997 Harvard University Press book written by the former Stanford President and distinguished biologist Donald Kennedy, *Academic Duty*. In his thoughtful and provocative reflections upon his long Stanford career, he sets out an entire ethos of "academic duty," across all the traditional categories of faculty life. However, when I read the book a dozen years ago, I was struck by his old-fashioned sense of dignity in facultywork, and the corresponding and reciprocal obligations that flow from academic freedom. He wrote, "The terms responsibility and ethics are often used interchangeably in speaking of the [academic] professions, and it is tempting to elide them here and let it go at that. But there is a distinction between two different kinds of obligation, one worth making at the outset. Responsibility suggests the duty one

30 Ediberto Roman and Christopher B. Carbot, "Freeriders and Diversity in the Legal Academy: A New Dirty Dozen List?" 83 *Ind. L.J.* 1235, 1238-1239, 1245 (2008) (outlining Dirty Dozen project and reputational damages).

31 The FBI has posted Unabomber information at: [http://www.fbi.gov/news/stories/2008/april/unabomber\\_042408](http://www.fbi.gov/news/stories/2008/april/unabomber_042408).

32 Carl Hulse, "Senate Ends Military Ban on Gays Serving Openly," *NYTimes*, December 19, 2010, A1. For the policy's application to law schools, see Barbara J. Cox, "AALS as Creative Problem-Solver: Implementing Bylaw 6-4 (A) to Prohibit Discrimination on the Basis of Sexual Orientation in Legal Education," 56 *J. Leg. Educ.* 22 (2006).

33 Michael A. Olivas, "Who Gets to Guard the Gates of Eden?" *InsideHigherEd.com*, June 29, 2010, available at: <http://www.insidehighered.com/views/2010/06/29/olivas>.

## President's Message

Continued from page 16

owes to the institution—and first and foremost, to one's students. It means meeting one's classes well-prepared and maintaining one's standards of scholarship. It means giving a student the time he or she needs to work out a problem. It means retaining some detachment and objectivity about highly partisan issues in which it might be possible to exert an unfair influence over students. In essence, it means delivering full support to a set of institutional objectives. . . . Academic life in America, despite its diverse institutional forms, presents common experiences and challenges. Every professor teaches; most write papers or books and review those written by others; most have relationships, friendly or otherwise, with peers; many get grants to support scholarly work; many publish their findings in scholarly journals or books. And all are looked upon, by students and others, as persons somehow responsible for advancing

the capacities and potentialities of the next generation. That is a very large responsibility, and it is the essence of academic duty."<sup>34</sup> Every reader may sketch in his or her own definition of this concept, a synoptic and contextual term that allows personal reflection and invites self-reference.

I decided upon a personal case study, even at the risk of appearing self-serving. (How legal academics spend their actual time is a subject on which virtually no data exist.) In order to apply these exacting norms of Kennedy's academic duty in case study fashion, I recorded my own activities for a week at random, and as many junior associates in firms do, maintained a log in fifteen-minute increments for seven days. I live a life quite different than do many others, and come in every day during the week before 7:00 a.m., and leave after 7:00 p.m. (I tell my friends that I spend "half-days" at work.)

By definition, everyone's time aggregated and apportioned will be different, and as an AALS board member and president-elect, my time may even be more idiosyncratic than that of others. But it was very clear from the surprising logs that I spend a great deal of time in work that does not redound directly to my own direct and personal benefit, quite apart from my AALS duties. I am certain that this proportion of externally directed time has shifted since I entered the academy in 1982, and when I was first making my own way and establishing myself in my career. This has resulted in a more satisfying mix of time spent with students, especially my research assistants, and this has been true for many years. If I had measured a different week this or another semester, the mix would be different, and I would have recorded more dissertation advising and less lecture preparation. I just ended a long period of work in

Michael A. Olivas' Week of October 18-24, 2010, Non-travel Week	
Hours	Activities
4	Teaching class (reduced load)
4	Preparing for teaching (new text)
7	Class advising/review student papers/office hours (arranged)
3	Committee/faculty meetings (UH/UHLC)
5	Faculty development (lunch speakers and lectures, proposal reading and review)
2	Student development (speaking invitation, faculty advisor to student organization)
10	AALS (calls, drafting, oppressing minorities and immigrants)
2	Letters (faculty, staff, student recommendations)
10	Research, scholarship (reading, writing, drafting, computer searches, editing galleys, meeting with RA's)
4	Other phone (professional, referrals, other)
2	Proposal writing, IRB protocols
10	Lecture preparation (four different upcoming lectures, including AALS)
5	Miscellaneous (coffee, bathroom breaks, music recording, messing around, schmoozing, Prairie Home Companion)
2	E-mails (surfing, googling, snarking)
<b>TOTAL</b>	<b>70 hours [7:00 a.m.-7:00 p.m. M-F; 10 hrs on weekend]</b>

34 Donald Kennedy, *Academic Duty* 19, 21-22 (1997).

## President's Message

*Continued from page 17*

which I served as an expert witness in a protracted legal matter, so the many hours I had billed dropped off. Earlier in the fall term, I wrote six letters for promotion and tenure cases, so none of these complex drafting issues showed up on this log. But one thing is crystal clear: I give away a great deal of my time to pro bono and other service work, and this is how it should be. When I kid that I am paid to grade papers, but throw in a lot of other things, it is only partially in jest.

Many of you do what I have done, and more, or less. One of the glorious, unwritten parts of our job descriptions is that we get to spend our time on important service duties, defined as we see fit, but which lawyers alone may undertake. Examples are known to all of us: forays into federal government;<sup>35</sup> service on the U.S. Civil Rights Commission;<sup>36</sup> acting as interim Attorney General for the State of Ohio;<sup>37</sup> serving as a tribal court judge with the Pueblo of Laguna, presiding judge with the Isleta Court of Tax Appeals, or appellate judge with the Southwest Intertribal Court of Appeals;<sup>38</sup> leaving a deanship to become the United Nations Deputy High Commissioner for Refugees.<sup>39</sup> Many, if not most law schools have well-trodden pathways between the classroom and various governmen-

tal and non-governmental organization (NGO) service. The Bible admonishes that those of us with many talents must use them for the good of the whole and toward society, as much is expected of us. Our own bar organizations, academic societies, and professional associations need the very best we have to offer, and our society needs us to be active and generous with our time. Virtually all of us do some of this academic duty, but it is devalued and unrewarded for the most part. Yet who will do this sometimes-thankless and unrecognized but essential work in a world of contingent faculty, which will also require us to add countless hours of assessment activities to evaluate all the visitors passing through?

Professor Kennedy (the former Stanford president) notes that the "instructions for fulfilling [academic duty] are left vague even for the prospective practitioners. For this reason confusion and misunderstanding often prevail inside academia, and the public is equally confused. Thus, understanding the professional responsibilities that constitute academic duty is important for those who will fulfill them. But it is equally important that they be understood in the same way by the public."<sup>40</sup> Part of our social contract is that we contribute,

particularly to legal reform—however defined—and not just work for hire and pay. In fair exchange for extraordinary discretion and deference accorded us, we must repay these privileges with our academic duty. We need not merely speculate about this responsibility, as it is explicated in substantial detail in the AALS Handbook Statements of Good Practices, Statement of Good Practices by Law Professors in the Discharge of their Ethical and Professional Responsibilities ("Responsibilities to the Bar and General Public"), available on the AALS website.<sup>41</sup> These are aspirational, but lay out the premise of Academic Duty of which I am speaking.

I hope to spend this year on my watch of this extraordinary enterprise that is the AALS, learning and listening about the academic duty that is at our core and then working with you to elevate it in our public lives. I promise to all of you that I will not squander this wonderful gift you have given me, and I will work hard to be worthy of it. Representing you and our members, I will defend tenure and academic freedom, especially in the legal academy, and will raise my voice in chorus with yours for an expanded reading and recognition of academic duty into all our professional lives. Thank you for this opportunity.

<sup>35</sup> At the present, consider the examples of Elizabeth Warren [<http://www.law.harvard.edu/faculty/directory/index.html?id=82>] and Neal Katyal [[http://www.law.georgetown.edu/faculty/facinfo/tab\\_faculty.cfm?Status=Faculty&ID=272](http://www.law.georgetown.edu/faculty/facinfo/tab_faculty.cfm?Status=Faculty&ID=272)], among many.

<sup>36</sup> See, for example, Gail Heriot [<http://www.sandiego.edu/law/academics/faculty/bio.php?id=701>] and Cruz Reynoso [<http://www.law.ucdavis.edu/faculty/Reynoso>].

<sup>37</sup> Dean Nancy H. Rogers of Ohio State stepped in when the Ohio AG position was vacated: <http://moritzlaw.osu.edu/news/newsrel.php?ID=249>.

<sup>38</sup> Christine Zuni Cruz of the UNM Law School has held all these positions while engaged in law teaching: [<http://lawschool.unm.edu/faculty/zuni-cruz/index.php>].

<sup>39</sup> T. Alexander Aleinikoff took a leave from the Georgetown law deanship to assume this position, as he had done to serve as General Counsel of the then-Immigration and Naturalization Service: [http://www.law.georgetown.edu/faculty/facinfo/tab\\_faculty.cfm?Status=FullTime&ID=208](http://www.law.georgetown.edu/faculty/facinfo/tab_faculty.cfm?Status=FullTime&ID=208)

<sup>40</sup> Kennedy, *supra* note 34, at 22.

<sup>41</sup> The Statement is online at: [http://www.aals.org/about\\_handbook\\_sgp\\_eth.php](http://www.aals.org/about_handbook_sgp_eth.php).

## AALS Section Chairs for 2011

### Academic Support

Robin A. Boyle, St. John's University School of Law

### Administrative Law

M. Elizabeth Magill, University of Virginia School of Law

### Admiralty and Maritime Law

Jonathan M. Gutoff, Roger Williams University School of Law

### Africa

Margaret Maisel, Florida International University College of Law

### Agency, Partnership, LLC's and Unincorporated Associations

Rutheford B. Campbell, Jr., University of Kentucky College of Law

### Ageing and Law

Lawrence A. Frolik, University of Pittsburgh School of Law

### Agricultural Law

Joseph G. Hylton, Marquette University Law School

### Alternative Dispute Resolution

Kelly Browe Olson, University of Arkansas at Little Rock, William H. Bowen School of Law

### Animal Law

Taimie L. Bryant, University of California, Los Angeles, School of Law

### Antitrust and Economic Regulation

Bruce H. Kobayashi, George Mason University School of Law

### Art Law

Julie Cromer Young, Thomas Jefferson School of Law

### Balance in Legal Education

Marjorie A. Silver, Touro College Jacob D. Fuchsberg Law Center

### Biolaw

Christopher M. Holman, University of Missouri-Kansas City, School of Law

### Business Associations

Hillary A. Sale, Washington University School of Law

### Children and the Law

William W. Patton, Whittier Law School

### Civil Procedure

Thomas O. Main, University of the Pacific, Mc George School of Law

### Civil Rights

Alexander A Reinert, Benjamin N. Cardozo School of Law, Yeshiva University

### Clinical Legal Education

Alan Kirtley, University of Washington School of Law

### Commercial and Related Consumer Law

Neil B. Cohen, Brooklyn Law School

### Comparative Law

Padideh Alai, American University, Washington College of Law

### Conflict of Laws

Michael S. Green, College of William and Mary Marshall-Wythe School of Law

### Constitutional Law

Garrett Epps, University of Baltimore School of Law

### Continuing Legal Education

Jill Castleman, Georgetown University Law Center

### Contracts

Keith A. Rowley, University of Nevada, Las Vegas, William S. Boyd School of Law

### Creditors' and Debtors' Rights

Rafael I. Pardo, University of Washington School of Law

## AALS Section Chairs for 2011

*Continued from page 19*

### **Criminal Justice**

M. Katherine B. Darmer, Chapman University School of Law

### **For the Law School Dean**

Aviam Soifer, University of Hawaii, William S. Richardson School of Law

Kellye Y. Testy, University of Washington School of Law

### **Defamation and Privacy**

Frank A. Pasquale, Seton Hall University School of Law

### **Disability Law**

Robert D. Dinerstein, American University, Washington College of Law

### **Education Law**

Emily Gold Waldman, Pace University School of Law

### **Employee Benefits and Executive Compensation**

Barry Kozak, The John Marshall Law School

### **Employment Discrimination Law**

Julie C. Suk, Benjamin N. Cardozo School of Law, Yeshiva University

### **Environmental Law**

Carmen G. Gonzalez, Seattle University School of Law

### **Evidence**

Michael S. Pardo, The University of Alabama School of Law

### **Family and Juvenile Law**

Vivian E. Hamilton, College of William and Mary, Marshall-Wythe School of Law

### **Federal Courts**

Thomas H. Lee, Fordham University School of Law

### **Financial Institutions and Consumer Financial Services**

Anna Gelpern, American University, Washington College of Law

### **Graduate Programs for Non-U.S. Lawyers**

Matthew Cox, Santa Clara University School of Law

### **Immigration Law**

Nancy Morawetz, New York University School of Law

### **Indian Nations and Indigenous Peoples**

R. Hokulei Lindsey, Southern Illinois University School of Law

### **Institutional Advancement**

Peter Cronin, Cornell Law School

### **Insurance Law**

Daniel Schwarcz, University of Minnesota Law School

### **Intellectual Property**

Mark P. McKenna, Notre Dame Law School

### **International Human Rights**

Erin Daly, Widener University School of Law

### **International Law**

Daniel H. Derby, Touro College, Jacob D. Fuchsberg Law Center

### **International Legal Exchange**

John F. Cooper, Stetson University College of Law

### **Internet and Computer Law**

Lydia P. Loren, Lewis and Clark Law School

### **Islamic Law**

Russell Powell, Seattle University School of Law

### **Jewish Law**

Samuel J. Levine, Touro College, Jacob D. Fuchsberg Law Center

## AALS Section Chairs for 2011

*Continued from page 20*

### **Jurisprudence**

Benjamin C. Zipursky, Fordham University School of Law

### **Labor Relations and Employment Law**

Ann C. McGinley, University of Nevada, Las Vegas,  
William S. Boyd School of Law

### **Law and Anthropology**

Melissa L. Tatum, The University of Arizona, James E.  
Rogers College of Law

### **Law and Economics**

Scott Hemphill, Columbia University School of Law

### **Law and Interpretation**

David T. Ritchie, Mercer University Law School

### **Law and Mental Disability**

Leslie P. Francis, University of Utah, S. J. Quinney  
College of Law

### **Law and Religion**

Nelson Tebbe, Brooklyn Law School

### **Law and South Asian Studies**

Jayanth K. Krishnan, Indiana University, Maurer  
School of Law

### **Law and Sports**

Erin E. Buzuvis, Western New England College School  
of Law

### **Law and the Humanities**

Jessica Silbey, Suffolk University Law School

### **Law and the Social Sciences**

Kevin M. Quinn, University of California, Berkeley,  
School of Law

### **Law Libraries**

Barbara A. Bintliff, The University of Texas School of  
Law

### **Law, Medicine and Health Care**

Joan H. Krause, University of North Carolina School  
of Law

### **Legal History**

Paul Finkelman, Albany Law School

### **Legal Writing, Reasoning and Research**

Mark E. Wojcik, The John Marshall Law School

### **Legislation & Law of the Political Process**

Anita S. Krishnakumar, St. John's University School  
of Law

### **Litigation**

Ettie Ward, St. John's University School of Law

### **Mass Communication Law**

Amy Gajda, Tulane University School of Law

### **Minority Groups**

Penelope Andrews, City University of New York School  
of Law

### **National Security Law**

Mary-Rose Papandrea, Boston College Law School

### **Natural Resources Law**

Joyce E. McConnell, West Virginia University College  
of Law

### **New Law Professors**

Stephen I. Vladeck, American University, Washington  
College of Law

### **Non-Profit Law and Philanthropy**

Norman I. Silber, Hofstra University School of Law

### **North American Cooperation**

Charles A. Marvin, Georgia State University College  
of Law

*Continued on page 22*

## AALS Section Chairs for 2011

*Continued from page 21*

### **Part-Time Division Programs**

Dennis R. Honabach, Northern Kentucky University,  
Salmon P. Chase College of Law

### **Post-Graduate Legal Education**

Howard N. Fenton, III, Ohio Northern University,  
Pettit College of Law

### **Poverty Law**

Davida Finger, Loyola University, New Orleans,  
College of Law

### **PreLegal Education and Admission to Law School**

Traci D. Howard, California Western School of Law

### **Pro-Bono & Public Service Opportunities**

Eden E. Harrington, The University of Texas School  
of Law

### **Professional Responsibility**

Peter Joy, Washington University School of Law

### **Property Law**

Steven J. Eagle, George Mason University School of  
Law

### **Real Estate Transactions**

Carol N. Brown, University of North Carolina School  
of Law

### **Remedies**

Tracy A. Thomas, University of Akron, C. Blake  
McDowell Law Center

### **Scholarship**

Robert G. Bone, The University of Texas School of Law

### **Securities Regulation**

William K. Sjostrom, Jr., The University of Arizona,  
James E. Rogers College of Law

### **Sexual Orientation and Gender Identity Issues**

J. Kelly Strader, Southwestern Law School

### **Socio-Economics**

Irma S. Russell, University of Montana School of Law

### **State and Local Government Law**

Kenneth M. Murchison, Louisiana State University  
Law Center

### **Student Services**

Nancy L. Benavides, Florida State University College  
of Law

### **Taxation**

James R. Repetti, Boston College Law School

### **Teaching Methods**

Rachel E. Croskery-Roberts, The University of  
Michigan Law School

### **Torts and Compensation Systems**

Michael L. Rustad, Suffolk University Law School

### **Trusts and Estates**

Bridget J. Crawford, Pace University School of Law

### **Women in Legal Education**

Danne L. Johnson, Oklahoma City University School  
of Law

## Workshop for Beginning Legal Writing Teachers

**June 22-23, 2011**

**Washington, D.C.**

### Why Attend?

The workshop is designed to offer new law faculty an introduction to the teaching of legal writing, research, and analysis. The workshop will address the basic tasks of the teacher of legal writing: classroom teaching, designing problems, conducting effective individual conferences, incorporating the teaching of legal research, and critiquing students' written work. Additionally, the workshop will address new teachers' scholarly development and institutional status issues.

### Who Should Attend?

The workshop will be of interest to new legal writing teachers and to all new teachers whose responsibilities include some teaching of legal writing. The program will be particularly valuable for (1) full-time professors and adjunct professors who will be teaching legal research and writing for the first time, (2) new directors of legal writing programs, if those individuals have taught full-time for four or fewer years, (3) newer legal writing professors who have not had an opportunity to attend a national conference on teaching legal writing.

### Plenary Topics:

- Legal Writing in the Academy
- Designing Assignments and Assessments
- Critiquing and Feedback
- Holding Effective Student Conferences
- Course Design
- Legal Scholarship

### Concurrent Session Topics:

- Working with the Director
- New Directors
- Directorless Program

## Workshop for New Law School Teachers

**June 23-25, 2011**

**Washington, DC**

### Why Attend?

At the 29<sup>th</sup> annual workshop, new law teachers will share their excitement, experiences and concerns with each other and with a roster of senior and junior faculty chosen for their track record of success and their diversity of scholarly and teaching approaches. These professors will pass along invaluable advice about teaching and testing techniques and tips for developing, placing and promoting one's scholarship. Speakers will also address how to manage the demands of institutional service, as well as the expectations of students and colleagues, along with special challenges that arise when confronting controversial topics.

### Who Should Attend?

The workshop will benefit newly appointed faculty members, including teachers with up to two years of teaching experience, and those with appointments as visiting assistant professors.

### Plenary Topics:

- State of the Legal Academy in the 21st Century Law School (Changing Nature of Law Students, Legal Scholarship and Curriculum and Teaching); Your Evolution as a Scholar
- Nuts & Bolts and Tips & Tricks of Scholarship; Teaching: Learning Styles; Teaching: Preparation and Methods
- Testing and Assessment of Students, Feedback about Yourself, How You Measure Your Own Progress and Effectiveness as a Teacher

### Concurrent Session Topics:

- Teaching Your First Law School Course
- Integrating Skills and Doctrine
- Integrating Technology into Your Teaching
- Integrating Comparative Law
- Tenure Track (service and professionalism for junior faculty)
- Entry Level/Job Market Track (Visiting Assistant Professors, Fellowship)
- Alternative Tracks (Adjuncts, Contracts, Grant Positions, and other tracks)

# Workshop for Pretenured People of Color Law School Teachers

**June 25-26, 2011**

**Washington, DC**

## Why Attend?

From their first day of teaching until tenure, minority law teachers face special challenges in the legal academy. At this workshop, diverse panels of experienced and successful law professors will focus on these issues as they arise in the context of scholarship, teaching, service and the tenure process. The workshop dovetails with the AALS Workshop for New Law School Teachers by providing sustained emphasis on the distinctive situations of pretenured minority law school teachers.

## Who Should Attend?

The workshop will be of interest to newly appointed minority law teachers as well as junior professors who are navigating the tenure process and looking for guidance and support.

## Plenary Topics:

- Strategies to Success: Teaching, Service and Scholarship
- Teaching
- You Can Do This
- Scholarship (Getting Started with Scholarly Agenda: Identity, Scholarship, Networking; Those Who Have Already Written – Where are you on Scholarly Agenda?)
- Service: When to Say No, When to Say Yes

*For more information go to [www.aals.org/calendar/](http://www.aals.org/calendar/)*

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**Planning Committee for the 2011 Workshop for New Law School Teachers, Workshop for Pretenured People of Color Law School Teachers, and Workshop for Beginning Legal Writing Teachers**

Okianer Christian Dark, Howard University School of Law, **Chair**  
Darby Dickerson, Stetson University College of Law  
Luz E. Herrera, Thomas Jefferson School of Law  
Kellye Y. Testy, University of Washington School of Law

## Proposals for Professional Development Programs

The Professional Development Committee invites AALS Sections to submit a proposal for a professional development program in 2013. To ensure a comprehensive review of these proposals and facilitate the request for any additional information, the deadline for submission is May 27, 2011. Proposals received by May 27th will receive preference in the selection process.

The Association's professional development programming consists of one-day workshops at the Annual Meeting and two-day workshops and three-day conferences at the Mid-Year Meeting. Programs need not fit any particular format, but many past conferences and workshops have fallen into one of the following categories:

1. subject matter programs aimed at faculty who teach particular subjects or types of courses such as the 2009 Mid-Year Meeting Conference on Business Associations and 2010 Mid-Year Meeting Workshop on Civil Procedure;
2. programs for groups with similar interests other than subject matter such as the 2010 Mid-Year Meeting Workshop on "Post Racial" Civil Rights Law, Politics, and Legal Education: New and Old Colorlines in the Age of Obama and 2011 Workshop on Women Rethinking Equality;
3. programs that cut across subject matter lines or integrate traditional subject matter such as the 2008 Annual Meeting Workshop on Local Government at Risk: Immigration, Land Use and National Security and the Battle of Control and the 2006 Mid-Year Meeting Workshop on Integrating Transnational Legal Perspectives;
4. programs that focus upon a type of skill or discipline as in the 2011 Mid-Year Meeting Conference on Curriculum: Understanding Law Across Borders and Cultures and the 2009 Annual Meeting Workshop: Progress? The Academy, Profession, Race and Gender: Empirical Findings, Research Issues, Potential Projects and Funding Opportunities;
5. programs dealing with matters of law school administration or legal education generally such as the 2011 Annual Meeting Workshop for Deans and Law Librarians and the 2012 Annual Meeting Workshop on Academic Support; and
6. programs exploring the ramifications of significant developments in or affecting the law such as the 2008 Annual Meeting Workshop on Courts: Independence and Accountability.

Proposals should be as specific as possible, including a description of the areas or topics that might be covered, in as much detail as possible, and an explanation of why it would be important and timely to undertake such a program in 2013. The Professional Development Committee particularly encourages proposals for programs that are sufficiently broad that they will interest more than the membership of a single AALS section. The AALS strongly encourages proposals that contemplate different or innovative types of programming or develop interdisciplinary themes. A sample of a well-developed proposal is available for review on the AALS Web site at: <http://www.aals.org/profdev/>

The Association welcomes suggestions for members of the planning committee and potential speakers, along with a brief explanation as to their particular qualifications. It is helpful to the planning committee to have as much information as possible about potential speakers in advance of its meeting. Since planning committees value diversity of all sorts, we encourage recommendations of women, minorities, those with differing viewpoints, and new teachers as speakers. Specific information regarding the potential speaker's scholarship, writings, speaking ability, and teaching methodology is particularly valuable.

Proposals are solicited from sections and those proposals are extremely valuable as a starting point for the planning committee. Planning the actual program, including the choice of specific topics and speakers, is the responsibility of the planning committee, which is appointed by the AALS President. The planning committees normally include one or more individuals who are in leadership positions in the proposing section, and other teachers in that subject area.

As indicated above, proposals should be submitted to AALS Managing Director, Jane LaBarbera, by May 27, 2011. Please send an electronic copy of your proposal by e-mail to [profdev@aals.org](mailto:profdev@aals.org) Jane LaBarbera would be pleased to discuss proposal ideas with you and to answer any questions you have about the Association's professional development programs. Please send your questions by e-mail to [jlabarbera@aals.org](mailto:jlabarbera@aals.org).

The AALS  
Directory of Law  
Teachers  
2011-2012



Association of American  
Law Schools

Printed for Law Teachers as a Public Service by  
West Law School Publishing and Foundation Press

## Update your 2011-2012 *Directory of Law Teachers* listing today!

The AALS *Directory of Law Teachers* updating process is now open online.

Faculty at member and fee-paid schools need to update their own profiles. This online process has replaced the hard copy forms that have to be mailed from, and returned to AALS each spring.

While hard copies of the *Directory* will continue to be mailed to all member and fee-paid schools, this new process allows faculty and schools to keep their information updated year-round, while making production of the hardcopy more streamlined and efficient.

Please visit [www.aals.org/dlt/](http://www.aals.org/dlt/) for instructions, FAQs and to login or update your personal information.

An e-mail with instructions and your current biographical listing will be sent to full-time faculty shortly.

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## Nominations for AALS Executive Committee and President-Elect

The Nominating Committee for 2012 Officers and Members of the Executive Committee, chaired by Kevin R. Johnson, University of California, Davis, invites suggestions for candidates for President-elect of the Association and for two positions on the Executive Committee for a three-year term. The nominating committee will recommend candidates for these positions to the House of Representatives at the January 2012 Annual Meeting in Washington, D.C.

Suggestions of persons to be considered and relevant comments should be sent to Executive Director Susan Westerberg Prager, 1201 Connecticut Avenue, N.W., Suite 800, Washington, DC 20036 or [sprager@aals.org](mailto:sprager@aals.org). To ensure full consideration please send your recommendations by July 15, 2011. President Michael A. Olivas has appointed an able, informed, and representative Nominating Committee. The Nominating Committee would very much appreciate your help in identifying strong candidates. To be eligible, a person must have a faculty appointment at an AALS member school.

In addition to Dean Johnson, the members of the Nominating Committee for 2012 Officers and Members of the Executive Committee are: Alicia Alvarez, The University of Michigan; Barbara J. Cox, California Western School of Law; Thomas D. Morgan, George Washington University, Immediate Past Chair; Victor C. Romero, Pennsylvania State University; Rosemary C. Salomone, St. John's University; and John Valery White, University of Nevada, Las Vegas.

## Call for Proposals for Crosscutting Program Proposals for 2012 AALS Annual Meeting

AALS is requesting proposals for Crosscutting Programs for the 2012 AALS Annual Meeting in Washington, DC. These proposals are due April 15, 2011.

The Crosscutting Programs bring back and build on a well-received feature of prior years' Annual Meetings, formerly called "Open Source Programs." Crosscutting Programs should feature an innovative approach to presenting legal topics. It can also be interdisciplinary. These programs should attract a wide audience of those teaching in multiple subjects, and be creative in topic and presentation.

When developing the proposal, one should consider the following:

- Is the format innovative?
- Will the program attract a broad audience?
- Is there a diversity of presenters and multiplicity of planners?
- Is there junior and senior teacher involvement?
- Does the topic cross over common issues and transcend a particular subject area?
- Would there be a publication coming out of the submission?

To ensure exceptional topics for the Crosscutting Programs, proposals should not feature a program or subject that could be offered by an AALS Section or conflict with other program topics being presented at the 2012 AALS Annual Meeting. Thus, the Crosscutting Selection Committee will evaluate all proposals in light of AALS Section programs.

For your proposal to be considered, you must provide the following submission requirements:

- Program title
- Detailed description and explanation of what the program seeks to accomplish
- Names of the planners of the program and description of how the program idea was generated
- Names of speakers to be invited including their full names and schools with a link to or copy of their vita
- Presentation format of program
- Program publishing information: Will the program be published? If so, where would it be published?

Examples of past Crosscutting Programs, formerly called Open Source Programs, include the "The Business of Tax Patents: At the Crossroads of Patent, Tax and Business Law" and "New Legal Realism."

### Who Can Submit a Proposal?

Faculty members of AALS member and fee-paid law schools are eligible to submit a proposal for a Crosscutting Program. Foreign, visiting and adjunct faculty members, graduate students, and fellows are not eligible to submit a proposal.

Please mail your submissions and required information to [crosscutting@aals.org](mailto:crosscutting@aals.org) by April 15, 2011.

# aalscalendar

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## 2011 Mid-Year Meeting

June 11-17, 2011  
Seattle, Washington

### Conference on the Future of the Law School Curriculum

June 11-14, 2011

### Conference on Clinical Legal Education: Learning for Transfer: (Re)conceptualizing What We Do in Clinics and Across the Curriculum

June 13-16, 2011

### Law Clinic Directors' Workshop: (Re)considering Security of Position and Academic Freedom in Clinical Legal Education

June 17, 2011

## 2011 Workshops for New Law School Teachers

### Workshop for Beginning Legal Writing Law School Teachers

June 22-23, 2011  
Washington, DC

### Workshop for New Law School Teachers

June 23-25, 2011  
Washington, DC

## Workshop for Pretenured People of Color Law School Teachers

June 25-26, 2011  
Washington, DC

## 2011 Workshop on Women Rethinking Equality

June 20-22, 2011  
Washington, DC

For more information go to [www.aals.org/calendar/](http://www.aals.org/calendar/)

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## Future Annual Meeting Dates and Locations

- January 4-8, 2012, Washington, D. C.
- January 4-8, 2013, New Orleans

## Future Faculty Recruitment Conference Dates Washington, D. C.

- October 13-15, 2011
- October 11-13, 2012
- October 17-19, 2013
- October 16-18, 2014



Association of American  
Law Schools

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