

2020 Newsletter



AALS Section on Professional Responsibility

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Chair's Message

Renee Knake, Chair
University of Houston Law Center

I hope this newsletter finds you safe and well amidst a season of closings and cancellations brought on by COVID-19. As I write this note, we are on week 10 of quarantine here in our home, where my partner is trying to operate his law firm and our middle-school- and high-school-aged children have been teaching themselves cello and calculus, among other things. I imagine all of you, like me, moved your classes online in March and became a much-needed support system for our students who are facing unprecedented challenges. We count ourselves lucky because, so far, we have remained healthy but I am mindful that this may not be the case for many of you. It is strange times, indeed. Thank you for taking a moment in all of the coronavirus chaos to read this. I have to admit, I've been procrastinating about writing to all of you because I have struggled to know exactly what to say in my capacity as the Chair of the Section on Professional Responsibility at a

time of such loss and uncertainty.

Many of us would have soon been gathering at UCLA Law School for the 9th International Legal Ethics Conference ("ILEC"). I attended my first ILEC in 2008, held in Australia, which planted seeds for my return a decade later as a Fulbright scholar in Melbourne last year. At the second ILEC I attended, held at Stanford Law School, I met Deborah Rhode and other leaders in our field, connections that have helped me navigate my academic career through tenure and rising to lead our Section as Chair now. Soon after, at a law review symposium on legal ethics, I met Russ Pearce who would go on to invite me to join his casebook along with Bruce Green and Laurel Terry, all of whom have been generous mentors to me, and those writing-relationships have expanded over the years to include our co-authors Lonnie Brown, Peter Joy, Sung Hui Kim, and Ellen Murphy. (I still have an email that Laurel wrote me when she was Section Chair offering helpful comments on a draft I had posted at the Legal Ethics Forum, even though she didn't even know me at the time!) Countless collaborations and friendships have been sparked by interacting with so many of you at conferences and symposia and meetings. We've spoken together on panels, shared conversations over coffee or wine, taken long walks, traveled to new cities and countries, cared for each other's kids, traded edits and revisions, critiqued each other's

work, and more. If I had enough space, I would name every single one of you...but you all know who you are. And my point here isn't just to keep name dropping.

I share all of this, because in the midst of coronavirus-life I frequently find myself wondering, would I be who I am today but for all of these interactions with so many of you? Would I have been able to successfully navigate the tenure stream? Would I have written certain articles or books? Would I have made a lateral move to Houston that came not only with a promotion, but also warmer weather and love. (One thing coronavirus hasn't canceled is the plan to marry Wallace Jefferson on July 4, though of course now it will be without guests. But look out for the new name!) I'm not sure that the answer to any of these questions is yes.

And, what about those of us who haven't met yet? We know what coronavirus canceled. What about those not-yet-known introductions and interactions that would be happening if we could be together? A hallmark of our Section on Professional Responsibility is its inclusiveness, and I know I'm not the only one of us who feels this way. How can we be inclusive when gatherings of more than 10 are banned in many parts of the country and best practices require that we remain six feet apart, wearing masks?

I do know that eventually we will return to a world where

scholars can regularly gather to share ideas, but I fear that time is much further off than any of us would like. How can we make sure to continue these organic connections and collaborations that are at the heart of so much of what we do as scholars and writers and teachers? And, for the newer professors and Section members among us, how can the rest of us create environments similar to that conference/symposium/meeting setting where networking and mentoring and friendships can develop?

FaceTime and Zoom can do a lot to keep us connected, but where I find these tools coming up especially short is sparking those initial, unformed connections in the first place. We are going to have to be much more intentional about reaching out to offer help and—importantly—to ask for help. To that end, I encourage you to seek a mentor or volunteer to be a mentor through the PR Section’s Judith Maute Mentoring and Outreach Committee. It’s easy – just email one of the committee members: Sung Hui Kim at kim.sung@law.ucla.edu; Veronica Root Martinez at veronica.s.root.5@nd.edu; or Paula Schaefer at paula.schaefer@tennessee.edu

AALS tells us they still are planning for an in-person meeting in San Francisco January 2021, and I sure hope that we can travel by then but I am also cautiously aware that may not be the case and we may find ourselves Zooming in.

Either way, we have a terrific program planned: “Legal and Judicial Ethics in a Post-#MeToo World.” Jaime Santos, a founder of Law Clerks for Workplace Accountability and co-host of the acclaimed Strict Scrutiny podcast will be a panelist, along with speakers selected from a call for papers. There will also be a works-in-progress panel. You can read more about both in the newsletter. We also are tentatively planning for a panel on the pedagogy of teaching professional responsibility. I requested a slot for this long before COVID-19 pushed us all to Zoom teaching, and this program feels even more important in this brave new world we find ourselves. In whatever form the Annual Meeting occurs, I look forward to coming together early next year.

I want to thank all of our Section leaders for their work, especially during a time that is not going how any of us planned. You can find all of their names and roles at the end of the newsletter, and a special thanks to Ben Edwards who is Chair of the Newsletter Committee and the reason why you are reading this now.

I’ll conclude with one of my favorite quotes, which I find myself saying a lot these days. It is from the poet Rainer Maria Rilke: “Live the questions now.” It’s really all we can do at this moment. I hope that whatever life looks like for you during coronavirus season, that you keep living

and inspiring those around you to do the same.

Stay well,
Renee

Renee Knake (soon to be Jefferson)
Joanne and Larry Doherty
Chair in Legal Ethics
University of Houston Law
Center

“Go-eth Forth and Teach-eth On-Line,” So Sayeth the Dean... or Getting Dropped in the Desert: Law Teaching in the Midst of a Pandemic – Are “Best Practices” Just a Mirage?



By Cynthia G. Hawkins,
Professor, Stetson University
College of Law (May 2020)

We are always teaching on at least two levels. Clearly, we teach the essence of our disciplines, and at the same time, by virtue of our presence and approach, we model ways of being in the world. ... How we are with our students throughout this

pandemic will teach them at least as much as the content of our courses.

Harriet L. Schwartz (Carlow University), *Authentic Teaching and Connected Learning in the Age of COVID-19* (04/02/2020), <https://www.scholarlyteacher.com/post/authentic-teaching-and-connected-learning-in-the-age-of-covid-19>

Like for many of you, the world was different when my Spring Break began in mid-March 2020. It feels like a lifetime ago. Perhaps it is -- since we are now forever changed and living a (profoundly) new normal. Undoubtedly, even as we lower our masks, remove our gloves and step outside, there's no going back to the world as it was before the first "safer at home" decree and COVID-19 altered our lives.

The COVID-19 pandemic created a world-wide crisis that effected each and every one of us – professor, staff, and student. As law professors, we are expected to be ever-vigilant and adaptable – using the Socratic Method, we should be able to puzzle ourselves out of any quandary. However, many (if not most) law profs have little or no experience with On-Line Teaching or Distance Ed (e.g. a poll of faculty members and administrators at 600+ colleges revealed 97% of faculty had no prior on-line teaching experience). Although the classroom experience we endured/survived at the end of Spring 2020 wasn't actually

On-Line Teaching or even Remote Instruction, it was "In-Class Triage" during a world-wide pandemic – a crisis. For many, during the latter part of Spring 2020, our instruction could've been likened to the On-line-class version of Dr. Frankenstein's Monster (no matter our level of creativity, authenticity, or compassion). The Zen of perfection was thus unobtainable – a mirage in our desert.

During the pandemic -- as we squinted into our video cameras and puzzled out how to ZOOM in, join our ever-multiplying Teams, and get on Board -- there was no time for reflection. Now that the maelstrom has subsided (Note -- I do not say it has Ended), we can reflect on the past and plan for Fall 2020, I write this newsletter column to provide a compilation of information and advice from numerous and wide-ranging sources about the vagaries of On-Line Instruction.

A poll conducted by The Chronicle of Higher Education (05/17/20) asking how colleges were planning to operate in Fall 2020 revealed that 64% of the 560 Colleges who responded were planning for In-Person classes; 12% had not yet decided; 10% were considering a range of options; 7% were planning for On-Line classes; and 6% were planning an On-line/In-Person Class Hybrid. According to varying medical predictions, it is possible that we will be social distancing and under self-quarantine well into Fall 2020

– and on-line classes will again be de rigueur.

Now, the observations and advice...

First, the obvious: the overarching goal of on-line and in-class teaching is the same – namely, to have students understand and engage with the course material while they interact with you and their classmates (unless the course is 100% lecture with 0% interaction). Actually, on-line courses can be just as or even more impactful than in-person courses. Remember that – even in law school – informal learning is as important as the formal.

Just because we are not teaching In Person, the experience does not have to be Impersonal! As a matter of fact, the prof may need to be high(er) touch with their students – especially during a pandemic. Students may miss the face-to-face interaction with their prof – they may feel disconnected, isolated, extremely stressed, overwhelmed, and/or fearful.

Understand that remote learning does not equate to exclusion and social isolation. As a result, students may want and need some form of interaction between classes. For example, the prof could e-mail tips or short videos covering particularly difficult issues (or to answer common student questions), assign mid-week quizzes (either weekly or less often as interim assessments), and/or require weekly check-ins (either via

email or live video/chat). A statement I read comes to mind: “Respond with flexibility, hospitality and care.” However, you must find the line between concern and overwhelming – high touch can become a barrage (to be avoided and ignored).

As you undoubtedly are aware, there are two types of on-line courses: namely, Synchronous and Asynchronous.

Synchronous means your class meets “live” and together – via your University’s Learning Management System (LMS)(Blackboard Collaborate Ultra (BBCU), for example). Synchronous classes allow a higher level of one-on-one/face-to-face student participation. How the “live” sessions are executed varies – from a lecture with Q&A to completely interactive. Polls and informal multiple-choice quizzes can be used as ad hoc performance checks.

Some educators liken synchronous on-line learning to the “flipped” classroom. In a traditional (in-person) flipped classroom, students learn the foundational material via prerecorded lectures and exercises. The in-person (albeit on-line) sessions are used for “synthesis, application, and discussion” of the foundational materials.

However, synchronous classes disadvantage students with special learning needs. Synchronous classes also create various unanticipated levels of inequity and access – for

example, a poll showed that 1/3 of respondents were prevented from going on-line by weak or non-existent internet connections. User overload can also create connectivity/access issues (for example, in Spring 2020, BBCU reported their daily user count rose by 36-times (or 3600%) from prior time-frames).

Asynchronous means that your lectures are pre-recorded and can be watched at the prerogative of each student (within a set time-frame). Discussion of the materials can be via on-line chat, discussion boards, and/or video conferencing. In some asynchronous classes, there is no live/synchronous interaction.

As a whole, on-line, remote courses – whether taught synchronously or asynchronously – demand more from students than in-person classes. In addition, studies show that engagement is a universal problem/issue with on-line classes. Cognitive over-load has been identified as a cause of reduced engagement – especially during a crisis. One’s cognitive load relates to an individual’s working memory capacity. The regular, day-to-day distractions inherent in taking an on-line course reduces one’s working memory capacity by approximately 25%. Stress also affects working memory and adds to cognitive overload.

Students with disabilities are even more challenged by remote learning. For instance,

the various LMS afford students differing levels of accessibility. The National Center for College Students with Disabilities reports that 20% of undergraduate students and 12% of graduate students have reported disabilities. Professors must be aware of the limitations of on-line teaching and strive to be inclusive. We should be cognizant of and embrace our students’ diversity at all levels. For example, approximately 1/3 of college students are 1st generation college attendees. These students fight barriers of exclusion and elitism. The types of barriers that are widely ignored.

One of the keys to inclusive teaching is course structure. Course structure includes clear expectations. As a result, your expectations should be fully outlined in your syllabus. If there are changes, deliver them in writing. Be transparent about the reasons for your requests – even seemingly mundane requests. Feedback is also important (it need not be individualized, but its quality is vital).

Please remember that professorial burn-out is always a risk. While we assist our students, we have to take care of ourselves. Setting and maintaining boundaries will be essential. Carve-out and routinize your personal respite. In conclusion, collectively, law profs must prepare ourselves to continue on-line classes into Fall of 2020. I hope this column is a step on that path. As the Latin proverb indicates:

“Praemonitus, Praemunitus” – forewarned is forearmed.

Postscripts:

1. On May 18, 2020, the “CALI Emergency Remote Teaching Law Faculty Survey” was released – I urge all of you to complete the survey.

2. I recommend – Kenneth Swift, *The Seven Principles of Good Practice in (Asynchronous On Line) Legal Education*, 44 MITCHELL HAMLIN L. REV. 105 (2018) (although written well-before the current pandemic, the article provides advice on planning future on-line courses).

3. In researching this column, I read dozens of articles and watched numerous video presentations. Although I don’t cite them directly, I utilized most (if not all) of them to craft this column. If you would like my list of resources, feel free to email me at chawkins@law.stetson.edu.

Remote Bar Exams in 2020

[The Collaboratory](#)¹

June 3, 2020

The Collaboratory includes 11 different legal scholars who have studied and written about the bar examination for many years.

A jurisdiction could substitute [supervised practice](#) or a [diploma privilege](#) for its bar exam this year. Otherwise, the pandemic pushes bar examiners to choose between the [health of participants](#) and the challenges of [remote testing](#). Even as jurisdictions subject test-takers to [state-imposed quarantines \(Florida\)](#), turn away applicants and suggest that they go elsewhere ([New York](#)), provide on-site nurses ([Mississippi](#)), or require examinees to sign waivers of liability for serious illness or death ([Mississippi](#) and [North Carolina](#)), most are trying to test in person. Why?

Examiners wary about remote testing are concerned about technology glitches, unequal access to the equipment and conditions needed to take a high-stakes test at home, and security. [Solutions](#) exist, however. Making the technology available early for test runs can reduce technology problems, and law schools can help ensure their graduates have testing space and equipment. Remote testing can make it easier for candidates to cheat by having the wrong person take the exam or by consulting notes or bar review materials. Remote testing platforms that [impede](#) such

cheating require test-takers to sacrifice [privacy](#) in their homes, but examinees are subjected to intense scrutiny (fingerprinting, clothing restrictions, strict monitoring) with in-person bar exams too.

Test security is a bigger problem. Remote testing makes it easier for test-takers to copy the questions. Bar examiners are balancing the safety of participants against the security of test materials, especially the multiple-choice questions, which may be re-used.

Jurisdictions rely on the National Council of Bar Examiners (NCBE) for bar exam components, including the Multistate Bar Exam (200 multiple choice questions used by every jurisdiction except Louisiana and Puerto Rico), Multistate Performance Tests (used by all but eight jurisdictions), and Multistate Essay Exams (used by all but fourteen jurisdictions).

MBE questions are to the NCBE what gold is to Fort Knox. Keeping MBE questions secret is key to bar examiners’ current methods of ensuring reliability. Reliability indicates the extent that scores mean the same degree of difficulty over

different test administrations, even if, for example, essays are graded more harshly, or this year's multiple-choice questions are easier than those asked last year.

To produce this reliability, each MBE includes some questions that are being tested for future years that are not scored and some questions that were asked in previous years. By examining performance on both repeated and new questions, psychometricians determine the difficulty of the exam and adjust the reported scores to account for that difficulty. The essay and performance test scores are then scaled to the equated MBE scores. This system requires keeping MBE questions secret.

But bar examiners are learning that the pandemic does not permit them to keep doing the same things in the same way. After having counseled that “[careful study](#)” of online or remote options would be needed before changes could be made, the NCBE [announced](#) on June 1st that they will make a bar exam with shortened versions of their components available to be given remotely on October 5-6 for jurisdictions not able to give in-person exams in September. But the NCBE “continues to strongly advocate that a full-length, standard, in-person administration of the bar

exam/UBE is best for a number of reasons.” [California](#) and [Massachusetts](#), both of which typically use the MBE, may have pressed the NCBE to offer a remote version by having already announced that they would consider giving the test remotely if necessary.

Three states have announced plans to offer their July 2020 test remotely, meaning that the candidates can take the test from their homes, without NCBE test components.

[Indiana](#) will give a remote one-day exam (instead of two) consisting of Indiana essay questions and new, [short answer](#) questions. [Michigan](#) will give a remote one-day (instead of two) test of state essays.

[Nevada](#) will give a remote two-day test (reduced from the usual two-and-a-half-days) that will include eight state essays and a Nevada performance test. Nevada's plan is noteworthy because of its decision to include a performance test, the bar exam component most closely related to practice, and because Nevada has announced an open book format. As noted by Nevada Board of Bar Examiners Chair Richard Trachok, “the open-book component also incorporates what we as lawyers do every day: look up the applicable law.” Making the exam open-book also eliminates the need

to monitor the test-takers' access to reference materials.

States that test without the MBE will use psychometricians to design new methods of scoring to achieve reliability, as the [Nevada board described](#). The NCBE has announced that it will not offer its usual equating and scaling scoring services to jurisdictions that use the NCBE remote exam in October.

The pandemic has raised difficult questions about the ethics of testing and the depth of our commitment to multiple choice exams, [long-criticized](#) as the bar exam component least connected to actual practice. Bar examiners have the professional responsibility to license based on minimum competence to practice law, and, certainly, to [avoid inflicting harm](#) in carrying out those duties. Optimists can hope that the forced innovations of 2020, including Nevada's open book bar exam, could ultimately lead to attorney licensing more closely aligned with attorney competence.

Announcements

Fred C. Zacharias Memorial Prize

Submissions and nominations of articles are being accepted for the eleventh annual Fred C. Zacharias Memorial Prize for Scholarship in Professional Responsibility. To honor Fred's memory, the committee will select from among articles in the field of Professional Responsibility with a publication date of 2020. The prize will be awarded at the 2021 AALS Annual Meeting in San Francisco. Please send submissions and nominations to Professor Samuel Levine at Touro Law Center: slevine@tourolaw.edu. The deadline for submissions and nominations is September 1, 2020.

New White Paper on Rule 5-4

In a new [white paper](#) from the Stanford Center on the Legal Profession, "How Reforming Rule 5.4 Would Benefit Lawyers and Consumers, Promote Innovation, and Increase Access to Justice," Deborah Rhode, Jason Solomon and Annie Wanless look at the available evidence on Rule 5.4 in the U.S. and around the world. They conclude that forbidding outside ownership and investment in legal services providers contributes to the low innovation and high cost of services that characterize the U.S. legal market today. The evidence that has emerged from England's use of alternative

business structures indicates that they have led to more choice for consumers, better service, and lower prices. Firms in both England and Australia - where nonlawyer ownership has also been permitted -- have developed mechanisms to ensure compliance with ethics rules, and there is evidence that this kind of approach has decreased complaints. In short, as states such as Utah, Arizona and California move toward relaxing the restrictions of Rule 5.4, the potential benefits of such reform appear to be well worth the manageable risk.

Call for Papers

AALS Section on Professional Responsibility 2021

Co-Sponsored by AALS Sections on Civil Rights, Employment Discrimination Law, Leadership, and Minority Groups

Legal and Judicial Ethics in the Post-#MeToo World

The Section on Professional Responsibility seeks papers addressing the role of legal and judicial ethics in the Post-#MeToo world. This program calls for scholars to confront big questions facing the profession about sexual discrimination, harassment and other misconduct. In 2016, the American Bar Association amended Model Rule 8.4(g) to say that it is professional misconduct to "engage in conduct that the lawyer knows or reasonably should know is harassment or discrimination on the basis of race, sex,

religion, national origin, ethnicity, disability, age, sexual orientation, gender identity, marital status or socio-economic status in conduct related to the practice of law." Few jurisdictions have adopted this change, and some explicitly rejected it on First Amendment grounds. In 2019, the federal judiciary amended the Code of Conduct for U.S. Judges to make clear that misconduct includes engaging in unwanted, offensive, or abusive sexual conduct and to protect those who report misconduct, but some argue the reforms do not go far enough and they do not apply to state judges or to the U.S. Supreme Court. Congress held hearings on sexual misconduct in the federal judiciary in early 2020. Lawyers and members of the judiciary have avoided investigations into credible allegations of sexual assault, discrimination, and harassment by resigning their positions, only to move on in other positions in the legal profession and, in some instances, repeating the same misconduct. Headlines regularly feature attorneys and their involvement in sexual misconduct in the workplace and beyond, whether as bystanders, facilitators, or perpetrators. This program seeks contributions to address these complex and controversial issues. Panelists will discuss the role of lawyer and judicial ethics as a means to remedy the enduring sexual misconduct in the legal profession and beyond. Jaime Santos, founder of Law Clerks for Workplace Accountability and commentator for the

acclaimed podcast *Strict Scrutiny*, is confirmed as a presenter. At least two additional presenters will be competitively selected from this call for papers.

Topics discussed at the program might include:

- Does ABA Model Rule 8.4(g) addressing sexual harassment run afoul of the First Amendment?
- Is ABA Model Rule 8.4(g) merely a values statement or is it a source for discipline?
- What obligations, if any, do disciplinary authorities have to investigate credible, public information about alleged sexual misconduct by the lawyers licensed to practice in their jurisdictions?
- Should regulators adopt new rules or policies to address sexual misconduct, including the ability of lawyers and judges to avoid investigations by resigning their positions?
- If other areas of law (criminal, civil) do not cover aspects of sexual misconduct, is there a role for professional conduct rules to do so because of the lawyer's special role in society?
- What reporting obligations do law schools have as they certify students' fitness in bar admission applications?

How does this fit within the Title IX framework?

- Should ethical rules on sexual misconduct that apply to the

federal judiciary also apply to the U.S Supreme Court?

To be considered, please email your paper to Renee Knake, Chair of the Section on Professional Responsibility, no later than August 1, 2020 at rknake@uh.edu Preference will be given to completed papers, though works-in-progress are eligible for selection.

Call for Papers

The AALS Section on Professional Responsibility invites papers for its program "Professional Responsibility 2021 Works In Progress Workshop" at the AALS Annual Meeting in San Francisco. Two papers will be selected from those submitted.

WORKSHOP DESCRIPTION:

This workshop will be an opportunity to test ideas, work out issues in drafts and interrogate a paper prior to submission. It will pair each work in progress scholar with a more senior scholar in the field who will lead a discussion of the piece and provide feedback. Successful papers should engage with scholarly literature and make a meaningful original contribution to the field or professional responsibility or legal ethics.

ELIGIBILITY:

Full-time faculty members of AALS member law schools are eligible to submit papers. Preference will be given to junior scholars focusing their work in the area of professional responsibility and legal ethics.

Pursuant to AALS rules, faculty at fee-paid law schools, foreign faculty, adjunct and visiting faculty (without a full-time position at an AALS member law school), graduate students, fellows, and non-law school faculty are not eligible to submit. Please note that all faculty members presenting at the program are responsible for paying their own annual meeting registration fee and travel expenses.

PAPER SUBMISSION PROCEDURE:

Two papers will be selected by the Section's Executive Committee for presentation at the AALS annual meeting. There is no formal requirement as to the form or length of proposals. However, the presenter is expected to have a draft for commentators one month prior to the beginning of the AALS conference. The paper **MUST** be a work in progress and cannot be published at the time of presentation. It may, however have been accepted for publication and be forthcoming.

DEADLINE:

Please email submissions to Ben Edwards, Associate Professor of Law, William S. Boyd School of Law, University of Nevada, Las Vegas at Benjamin.Edwards@unlv.edu on or before September 30, 2020 The title of the email submission should read: "Submission – 2021 AALS Section on Professional Responsibility"



By Jim Rich
Research Librarian
& Assistant Professor
University of Nevada, Las Vegas
William S. Body School of
College of Law

[Publications were assembled with database searches as of May 15, 2020]

PUBLICATIONS

Agamy, Deena, Note, *Off with Their Heads: How China's Controversial Human Head-Transplant Procedure Exceeds the Parameters of International Ethical Standards in Human Experimentation*, 47 GA. J. INT'L & COMP. L. 491 (2019).

Andrabi, Nayef, Note, *How the Fusion of Technology and the Law Will Serve as a Catalyst for Legal Evolution*, 36 SANTA CLARA HIGH TECH. L.J. 345 (2020).

Arden, James Ellis, *Technical Stupidity Shouldn't Be Unethical*, 36 GPSOLO 76 (November/December 2019).

Ashley, Mary, *The Value in the 3 Ps of Wellness Peer Programs for Prosecutors*, 34 CRIM. JUST. 15 (October 2019).

Baker, Casey W., *Attorney-Client Sexual Relationships in the #metoo Era: Understanding Current State Approaches and Working Towards A Better Rule*, 49 SW. L. REV. 243 (2020).

Bassingthwaight, Mark, *Surcharges for Expedited Work Can Be Ok – But Let's Be Reasonable*, 45 MONT. LAW. 26 (February 2020).

Beety, Valena E., *Changed Science Writs and State Habeas Relief*, 57 HOUS. L. REV. 483 (2020).

Benecchi, Stephanie K., *Suicide: Risk Assessment and Ethical Considerations for Pennsylvania Attorneys*, 42 PA. LAW. 38 (May/June 2020).

Bentley, Melinda, *The Ethical Implications of Technology in Your Law Practice: Understanding the Rules of Professional Conduct Can Prevent Potential Problems*, 76 J. MO. B. 20 (January 2020).

Bingaman, Anne Marie, Comment, *Pennsylvania's Need for Permanency: An Argument in Support of Workable Standards for Representing Children in Involuntary Termination of*

Parental Rights Proceedings, 124 DICK. L. REV. 431 (2020).

Blackman, Josh, *ABA Model Rule 8.4(g) in the States*, 68 CATH. U. L. REV. 629 (2019).

Bliss, John, *The Legal Ethics of Secret Client Recordings*, 33 GEO. J. LEGAL ETHICS 55 (2020).

Bradt, Andrew D. & D. Theodore Rave, *It's Good to Have the "Haves" on Your Side: A Defense of Repeat Players in Multidistrict Litigation*, 108 GEO. L.J. 73 (2019).

Browning, John G., *It's A Brave New World Out There: The Emerging Duty of Technological Competence*, 67 LA. B.J. 240 (2020).

Browning, John G., *The New Duty of Digital Competence: Being Ethical and Competent in the Age of Facebook and Twitter*, 44 U. DAYTON L. REV. 179 (2019).

Burman, John M. & Cameron T. Pestinger, *Extending Standing to Non-clients Moving to Disqualify Opposing Counsel in Wyoming*, 19 WYO. L. REV. 259 (2019).

Call, Keith A., *Can We Still Be Friends? Judicial Disclosure and Recusal in Lawyer Friendship Cases*, 33 UTAH B.J. 34 (January/February 2020).

Carpenter, Leonore F. & Bonny Tavares, *Learning by Accident, Learning by Design: Thinking About the Production*

of Substantive Knowledge in the LRW Classroom, 88 UMKC L. REV. 39 (2019).

Chatman, Carliss N., *Myth of the Attorney Whistleblower*, 72 SMU L. REV. 669 (2019).

Chen, Daniel L., Vardges Levonyan, S. Eric Reinhart, & Glen Taksler, *Mandatory Disclosure: Theory and Evidence from Industry-Physician Relationships*, 48 J. LEGAL STUD. 409 (2019).

Cicchini, Michael D., *Combating Judicial Misconduct: A Stoic Approach*, 67 BUFF. L. REV. 1259 (2019).

Coco, Amy, *Working from Your Kitchen Table New Location, Same Ethics*, 22 LAWYERS J. 1, (May 8 2020).

Conley, John M., *A Lawyer's Guide to CRISPR*, 97 N.C. L. REV. 1041 (2019).

Couch, Jordan L. & Greg McLawsen, *Social Media Marketing Ethics*, 37 GPSOLO 36 (January/February 2020).

Creo, Robert A., *Our Chosen Business: Beyond Civility to A Culture of Collegiality*, 42 PA. LAW. 14 (March/April 2020).

Croy, Skylar Reese, *When "Ministers of Justice" Violate Rules of Professional Conduct During Plea Bargaining: Contractual Consequences*, 33 GEO. J. LEGAL ETHICS 201 (2020).

Croy, Skylar Reese, *"Leave Me My Name!": Why Competitive Keyword Advertising Is an Ethical*

Landmine for Attorneys, 103 MARQ. L. REV. 627 (2019).

Crystal, Nathan M., *Dealing with the Vast Unmet Need for Legal Services-Utah Steps Up*, 31 S.C. LAW. 15 (November 2019).

D'Angelo-Corker, Kristy, *When Less Is More: The Limitless Potential of Limited Scope Representation to Increase Access to Justice for Low- to Moderate-Income Individuals*, 103 MARQ. L. REV. 111 (2019).

Day, Terri R., *Revisiting Masterpiece Cakeshop-Free Speech and the First Amendment: Can Political Correctness Be Compelled?*, 48 HOFSTRA L. REV. 47 (2019).

DeFabritiis, Sabrina & Kathleen Elliott Vinson, *Under Pressure: How Incorporating Time-Pressured Performance Tests Prepares Students for the Bar Exam and Practice*, 122 W. VA. L. REV. 107 (2019).

Del Mundo, Carmina Franchesca S., *How Countries Seek to Strengthen Anti-Money Laundering Laws in Response to the Panama Papers, and the Ethical Implications of Incentivizing Whistleblowers*, 40 NW. J. INT'L L. & BUS. 87 (2019).

DePalo, Gary, *Public Financing of Judicial Elections: An Ethical Analysis*, 32 GEO. J. LEGAL ETHICS 483 (2019).

Dempster, Brian K., *Surreptitious Recording by*

Attorneys: Ethical Issues and Possible Remedies, 44 SETON HALL LEGIS. J. 115 (2020).

Dessem, R. Lawrence, *Emeritus Attorney Pro Bono: From Rules, to Programs, to Law School Clinics*, 44 J. LEGAL PROF. 83 (2019).

DiCioccio, Rachel L. & Laura E. Little, *Comedy Collides with the Courtroom*, 92 TEMP. L. REV. ONLINE 1 (2020).

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Roy Simon has written our most anticipated and read column, *Developments in the Regulation of Lawyers*, for 28 years, providing an invaluable service to our Section. As noted in last year's column, Roy would like to pass the torch and we are looking for a potential co-author or columnist in training to take over the column. This is a great opportunity to stay up to date, deepen substantive expertise, and serve the PR community. .

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