

FIELD NOTES



Empirical Study of Legal Education and the Legal Profession Spring 2020 Newsletter

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MESSAGE FROM THE CHAIR

We learn who we are, and we clarify meaning and purpose, when we are confronted with adversity. As I write these remarks today, we are in the midst of the gravest public health challenge faced in a century. The pace of adversity and the transformation within legal education to address the intertwined nature of threats to public health, economics, and safety and human welfare has been staggering.



Law schools across the country have been forced to make countless, challenging decisions in the face of the unpredictable and evolving pandemic. In mere months, law schools have moved teaching from podiums and powerpoint to virtual classes, with some lectures contemporaneous others recorded, for the spring semester. Many law schools have shifted from grading on binding bell curves to pass/fail systems.

Law schools and universities across the country have closed residential housing; cancelled or postponed speakers, symposia, and commencement; shifted faculty, students, staff to convening and working remotely. Many have frozen hiring and spending, are contemplating furloughs and layoffs, as the crisis presses finances and concerns about admissions and revenue in the next academic year.

Many students are seeing the impacts of this crisis on their aspirations for future employment, and in the timing of bar exams, and many are encountering urgent needs and unemployment within their families. Many students are experiencing distress in different forms, including threats to housing, food, and unexpected hospital bills. As a result, law schools have encountered a rising need for student services, from advising to mental health counseling, to provide for the welfare and well-being of students.

While these changes are the visible, immediate impacts of the pandemic, the long-term, distal impacts on legal education, the legal profession, access to justice, and the rule of law, are far from clear.

And yet this is the world in which we now find ourselves. Together, we know that our own lives, and the lives of our colleagues and students have rapidly altered, as the country faces its largest crisis of our lifetimes. Many of us are trying to adapt, to figure out how to keep our research and teaching going while navigating new health and familial needs. We have concerns about our family's health or have lost colleagues and loved ones.

We have experienced a massive challenge and transformation in legal education, an overnight revolution in legal education. Nothing like this has ever happened to legal education in as compressed a time, under similar conditions. The challenges we face involve change and disruption. By necessity, well-laid plans have been altered and abandoned. We are scrambling and learning to teach and connect in new ways with new methods. Perhaps we can find meaning in confronting these challenges and learning from them together.

Disrupted Gatekeeping: An Empirical Look at Gatekeeping That Influences Access to Legal Education and the Legal Profession and How This Decision-Making Has Been Impacted By COVID-19

With this in mind, our Section is organizing a panel at next year's annual gathering that will feature newly emerging empirical research related to key decision making that affects students' admission to law school, success during law school, and entry into the legal profession. We have circulated a call for panelists and encourage you to present empirical research on these critical moments and to discuss how these decisions may be, are being, or have been impacted and disrupted by COVID-19. Our goal is for panelists to first present empirical research on gatekeeping, broadly defined, that influences access to law schools, law student engagement and success, and entry into the legal profession. Next, in light of the disruption produced by COVID-19 in legal education and within our communities and home life, we encourage presenters to discuss how these regular processes, barriers, and opportunities may be, are being, or have been disrupted or changed by the pandemic. We encourage participants to theorize, hypothesize, discuss, or present data on how decisions may be disrupted, impacted, or changed by COVID-19, and/or how this disruption may be overcome.

Hosting Virtual Meetings for Researchers on Legal Education

Our Section, moreover, believes that empiricism and social science across the disciplines have a vital role to play in both learning from the impact of the pandemic, and in helping legal educators navigate and address these challenges. With this in mind, the Section plans to organize open Zoom meetings with our membership to create a forum to share and support ideas for empirical research on legal education and the profession. We believe this network can support existing research projects and junior scholars who wish to study these impacts, scholars who wish to share early stage drafts, and in general support and encourage the growth of this important discipline and growing field. Please be on the lookout for more information about how to join these Zoom meetings.

In closing these remarks, I wanted to express my gratitude for the work of Debra Moss Vollweiler, member of the Executive Committee in 2019, who has new deanship responsibilities that require her not to seek another term; and I wanted to express thanks in advance to two new members of the Executive Committee, Joel Chanvisanuruk and Meera Deo, for their energy and service. I also wanted to express my thanks to the many panelists, discussants, speakers, and audience who participated in our program at AALS, entitled, ***Investing in Our Law Students and the Public Good: Featuring Cutting-Edge Empirical Research That Prepares Our Law Students To Become Ethical Leaders Who Serve Others***, which we feature below. Finally, our Section wishes to express sincere thanks to all those at the front lines. To all of you, we express our most grateful thanks and best wishes for your health and safety.

Victor D. Quintanilla

Bicentennial Professor of Law

Co-Director, Center for Law, Society & Culture

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Indiana University

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STAYING SANE WHILE WORKING FROM HOME

Trent Kennedy, MA, JD

Georgetown University Law Center

COVID-19 has temporarily hollowed out campuses, postponed more than one Bar exam, and disrupted scholarship at law schools across the country. As more of us work from home and try to stay safe amid the “new normal”, the ensuing stress may be harder without full access to those colleagues and activities that bolster our identities as empirical scholars in a largely discursive field.

Others have written about self-care more insightfully (and more colorfully) than I could. I hope only to add a small piece to that discussion, sharing some recreational relief for a distinct crowd. Wash your hands, talk with friends and family, set up virtual head-to-heads with colleagues, and (if you’re looking for a little entertainment) consider these ideas to stay connected with your January 2020 self through the months to come.

#AssessmentMusic

Nathasha Jankowski of the National Institute for Learning Outcomes Assessment recently started the [#AssessmentMusic](#) hashtag for music recommendations (usually without lyrics) to help get through the new normal of remote work and online learning. Her first four recommendations are below. More are available on social media.

Song to Mourn the Loss of What We Thought This Semester Would Be:
[Kronos Quartet – Vasks: String Quartet #4: Meditation](#)

Song to Inspire Hope (recommend start at 3:06-5:20):
[Holst: The Planets: IV Jupiter the bringer of jollity / Bernstein · New York Philharmonic](#)

Song to Remind us of What Comes from a Fire...the Rebirth:
[Firebird Suite: Stravinsky – Finale, London Symphony Orchestra with Leopold Stokowski](#)

If You Just Need to Breathe:
[Yo-Yo Ma: Bach Cello Suite No. 1 in G Major, Prelude](#)

The PHD Movies

Jorge Cham started the [Piled Higher and Deeper comic strip](#) while pursuing his doctorate at Stanford. Before writing a bestselling book on known unknowns with particle physicist Daniel Whiteson and developing the TV show Elinor Wonders Why (coming to PBS this September), he made two very funny movies about life in the academy. If you can stand watching people come within six feet of each other on a university campus, both movies are now free to stream at [PHDComics.com](#).

FiveThirtyEight's Riddler Column

While FiveThirtyEight is famous for its political and sports modeling, that's not the only way a group of professional statistics nerds spend their time. Beginning in late 2015, they have published a weekly column of problems, puzzles and riddles in math, logic and probability. Aptly titled *The Riddler*, the column is perfect for researchers who want to stretch their brains a little when there's no new data coming in (and any high school or college students staying with them for the next few months). Pro Tip: Low-level combinatorics comes up often and your elementary and middle school children can probably make a very pretty Pascal's Triangle if they're in the mood.

Ready to Share Your Own Ideas?

If you have other ideas to stay sane and [as productive as you want to be](#) during this unprecedented moment, share them with the Section listserv at sectes@lists.aals.org. We're in this together, even if we're distancing separately.

NEW EXECUTIVE COMMITTEE MEMBER PROFILES



Meera E. Deo [@meeradeo](#)

*Director, Law School Survey of Student Engagement (LSSSE)
Visiting Professor, UC Davis School of Law
Professor of Law, Thomas Jefferson School of Law*

How does empirical data enrich your academic research?

All of my scholarly trajectories merge empirical data with socio-legal theory, whether I'm investigating raceXgender challenges in legal academia, opportunities to improve access and educational (e)quality for students of color, or the limitations of affirmative action and educational diversity in higher education. Much of traditional legal scholarship is normative—articles propose novel solutions to various problems drawing from relevant caselaw and legal theories. Empirical legal scholars can go a step further and test assumptions directly. For example, my book **Unequal Profession: Race and Gender in Legal Academia** not only theorizes about likely gender disparities among law faculty but also shares original empirical findings of mansplaining, hepeating, and biased evaluations based on interviews I conducted with almost 100 law professors. I suspect many in this Section use empirical data to enrich legal education as a whole.

What is the biggest current need or opportunity in organizing & supporting empirical study of legal education and the legal profession?

With COVID19 keeping all of us home, I see the current biggest challenge as navigating the faculty-student relationship remotely. LSSSE data from our 2018 Annual Report tell us that 93% of students believe their instructors care about student learning and success. Our students believe



Joel Chanvisanuruk

*Senior Assistant Dean, Academic Success and Bar Programs
University of Cincinnati College of Law*

How does empirical data enrich your academic research?

I tend to use empirical data to impact and inform practices. My data collection and research led to an amazing partnership with faculty colleagues at University of Cincinnati's School of Education, Drs. Amy Farley and Christopher Swoboda. Our partnership has informed the College of Law's policies regarding academic interventions. Our empirical research has permitted us to conduct meaningful academic interventions very early in a student's legal study. Moreover, because we work purely from law student performance data our interventions can be explained as demographically neutral. This makes the act of outreach more responsive and, I hope, helps to minimize stereotype threat.

What is the biggest current need or opportunity in organizing & supporting empirical study of legal education and the legal profession?

I would advocate for increased partnerships between legal education practitioners like myself and faculty peers in schools of education. Many attorneys are afflicted with acute overconfidence, rendering the idea of collaboration with an expert peer inconceivable. Rather, as expert interpreters, faculty and staff in legal education should actively seek partnerships with professionals who engage in empirical research as a central feature of their work. These collaborations pose

this because of our daily interactions with them—in the classroom, during office hours, in the hallways, at student events, and more. Distance learning has improved tremendously in the past weeks and we have more to learn to continue to engage our students and keep them on track. We also have to think carefully about how to simulate the non-classroom interactions we are used to having with our students so they still feel supported and encouraged even from afar.

What is the last good book you read?

I just finished two books in quick succession: Rebecca Makkai's *THE GREAT BELIEVERS* and *WHERE THE CROWDADS SING* by Delia Owens. They were both incredible at bringing a particular time and place alive for the reader. They were also both pretty heavy topics (HIV/AIDS, poverty, isolation) especially given ongoing events. This weekend I started Stacey Abrams' book *LEAD FROM THE OUTSIDE* and am excited to learn about her life and lessons on leadership.

What is one thing you wish more people would talk with you about?

Professionally, I love talking about LSSSE. Empirical scholars don't realize that we want to share the data! We will make it easy for you! The more faculty members and graduate students incorporating LSSSE data into existing studies or creating new projects around LSSSE, the better. It is free and publicly available. We can run analyses for you or sign a data sharing agreement so you can play with the data on your own. Everyone working on empirical research involving legal education should reach out to me directly to see how we can help. And anyone interested in dabbling in these topics should reach out too!

Personally: vegetarian cooking! I'm a huge foodie and love trading recipes, trying out new restaurants (which I always do at conferences), and enjoying a great meal with good friends.

What has helped keep you sane during your recent work-from-home time?

I take a long walk by myself in my neighborhood almost every afternoon. Sometimes I listen to a podcast or call a family member or friend. Other times it's more of an active meditation or mindfulness practice—where I purposefully notice things around me, appreciate the flowers, take in the sunshine (or the rain, as the case may be), and notice new paint on a house or leaves growing on nearby trees. Given my research focus, I'm especially concerned about how our response to COVID19 affects the professional trajectory of women and faculty of color. Women tend to take on more household labor than men and even as law students have an unhealthy work/life balance; with schools/campus closed this means many women are precariously managing cooking, cleaning, and homeschooling children while teaching classes and producing scholarship. Something has to give. Will women submit to law reviews at lower rates than last year? How will the composition of the legal academy change given widespread hiring freezes? These are pressing questions we cannot shy away from, though long walks give me an opportunity to sneak away and breathe deeply for a bit.

excellent opportunities for faculty research and produce meaningful outcomes for our law students.

What is the last good book you read?

I recently read Susan Choi's novel *TRUST EXERCISE*. Like the author, I attended a high school for the performing arts. Choi does a perfect job of capturing the experience of adolescence in that particular setting. She also depicts some of the consequences of educators treating exceptional youth as peers. The narrative structure is tricky and fun making for a good read.

What is one thing you wish more people would talk with you about?

To truly support student success on the bar exam and research into this area, I wish more people would ask about the differences between jurisdictions' bar exams. To illustrate, in any given year I may be working with students to prepare for the Ohio, Kentucky and Florida bar exams. Prior to this year's inaugural Uniform Bar Exam, candidates sitting for the Ohio bar exam completed twelve essay questions and two multistate performance tests. Students targeting the Kentucky bar exam prepare for a minimum of nine essay questions and a *possible* multistate performance test. Florida candidates gear up for a bar exam containing no performance tests, three essay questions and 300 multiple choice questions. As we strive to not only improve but explain student performance on bar exams, we have to consider the differences in instruments. If we are to rely on the bar exam as a measure of student knowledge and skills and validation of legal education and training, then our research questions must focus on the subscales of bar exam components—which, of course, requires jurisdictions to report scores at the component level.

What has helped keep you sane during your recent work-from-home time?

My husband is a Professor of Medieval English Literature, so together we have weathered the impacts of a quarantine on teaching. My sanity has been preserved by having a spouse who understands my frustrations with Canvas or Blackboard or Zoom as both a means and barrier to teaching. A year ago, I bought a video game system on a whim. Previously, I'd played games only sporadically. But during quarantine this gaming platform has been a great way to pass the time and distract me from the news and isolation. I'm deeply caught up in a game called *Civilization VI*, which I've convinced myself is wholly educational.

INVESTING IN OUR LAW STUDENTS AND THE PUBLIC GOOD

Featuring Cutting-Edge Empirical Research that Prepares Our Law Students to Become Ethical Leaders Who Serve Others

Victor D. Quintanilla, Section Chair

Can empiricists collaborate with legal educators to help students cultivate leadership skills, nurture an interest in public interest, and at the same time enhance access to justice and the rule of law? The exceptional panelists, moderators, discussants, and break-out participants in last year's program revealed how with cutting-edge research, and shared a new vision with style, grace, and a sense of passion and purpose. The theme for AALS 2020 conference was *Pillars of Democracy: Law, Representation, and Knowledge*. Consistent with this theme, our section organized a dynamic extended-program at AALS featuring newly emerging empirical research on leadership and Service to Others, entitled *An Empirical Look: How Well Are We Preparing Law Students to Become Ethical Leaders*, in cosponsorship with the Section on Leadership, the Section on Professional Responsibility, the Section on Pro Bono & Public Service Opportunities, the Section on Student Services, and the Committee on the Recruitment and Retention of Minority Law Teachers and Students. In this edition of our Newsletter, we've collected highlights of what we learned.

How Well Are We Preparing Law Students To Become Ethical Leaders

The first arc of the program entailed cutting-edge research presentations on how well law schools are preparing law students to become ethical leaders. Our first panel, moderated by Dean Kevin Johnson (UC Davis), focused on law schools and the legal curriculum and centered on the following questions:

How well are law schools imparting the importance and value of serving the public interest, pro bono legal services, and serving low-income members of the community?

How well are law schools training law students to develop empathy, perspective-taking, and respect for others?

How well are law schools grounding law students in experiential apprenticeships, such as within clinical and public interest settings, helping law students develop professional identities, integrity, and ethical values, including diversity and inclusion?

How are these programs being assessed and evaluated?

Jeff Alum (Director of Research, AALS) and Kathryn Kempner (Data Analyst, AALS) presented their project, entitled *Student Interest in Public Service: Highlights from Before the JD*. We learned that *The Before the JD Report* offers good news for law schools, particularly those who are interested in fostering dedication to public service among their students and graduates. Many 1L students want to "do good." The most salient evidence of this is that regardless of where 1Ls want to work, the opportunity to be helpful or give back to society is important to them – over 80% of them in fact. We see even stronger evidence of this desire to do good when we look at how students with a stated interest in public service think about why they went to law school and what they value in a career. Yet these aspirations can be challenged by the realities of student debt and jobs prospects. Students who think they want to work in public service were passionate about social change and giving back to society before they got to law school. This raises questions, and perhaps provides opportunities for law schools to foster these values in order to maintain student interest in public service jobs.

Next, KT Albiston (UC Berkeley School of Law) presented, *In it for Good: How Law School Affects Long-Term Public Interest Careers*, which reported findings from a National Science Foundation funded study of public interest careers conducted with Scott Cummings and Rick Abel. The study addresses a long-standing concern in the legal professions field – the decline of idealism in law school. This research examines the determinants of commitment to public interest law--

public interest persistence--investigating the factors related to graduates choosing PIL and staying in it for good, including endowment factors, education factors, and environmental factors. The research has implications for law schools seeking to admit students who will go on to PIL careers: certain demographic characteristics are related to PIL careers: race, LGBT status, age, gender (at later career stages); college experiences may be useful for identifying promising PIL candidates; and life challenges are relevant criteria for assessing public interest potential, even after controlling for class and identity characteristics. Finally, PIL experiences and programming in law school may matter by: creating a subcommunity that counteracts broader sense of alienation/lack of support, providing PI experiences that reaffirm existing commitments; and providing mentoring for navigating the quirky PI career path.

Third, Alexi Freeman (University of Denver Sturm College of Law) presented on Embedding Public Service Strategically, Intentionally, and Deliberately: How a Culture Shift Can Establish a Community of Students Positioned to Serve Others. She described a comprehensive approach to launching initiatives on the public good, recently adopted by the University of Denver Sturm College of Law, along with impacts on students and the community. The three categories included student engagement, such as a pledge for the public good, which entails embedding public good in 1L and upper level courses, dedicating lectures to topics related to public good; a public good distinction, which entails public good courses, capstone workshops, reflective essays; and finally, a 1L public good fellows program with monthly professional identity workshops, identity mapping, and visions of justice. Moreover, the program entails externship programs and seminars on specific advocacy and balance, and postgraduate pipelines into public interest positions in Colorado. While preliminary, impacts include increased enrollment in public sector externships and post-graduate employment in public service positions, along with increased funding for unpaid public sector positions.

Finally, Susan Brooks (Drexel University, Law) and Sarah Fishel (Drexel University, Psychology) presented, Beyond Pro Bono: Assessing Whether a Relational Lawyering Curriculum Can Instill Principles of Ethical Leadership and Service in Law Students. This research presented the impact of a relational lawyering curriculum adopted at Drexel Law School as an 8-week program in the 1L curriculum. According to Brooks and Fishel, relational lawyering entails understanding theories about the person-in-context; promoting procedural justice; and appreciating interpersonal, cultural, and emotional issues. They measured learning outcomes such as demonstrating awareness of emotions: self and other, the ability to engage in reflective practice: making sense of disorienting moments, the ability to analyze a situation using multiple perspectives, the ability to examine assumptions and biases. Their finding, while preliminary, is that the program improves the ability of law students to be able to see a situation from multiple perspectives.

Our second panel, moderated by Aaron Taylor (Executive Director, AccessLex Center for Legal Education Excellence), focused on other stakeholders, including state bar associations and public service loan forgiveness programs. The discussion centered on the following:

How might other stakeholders, such as State Bar Associations and federal loan forgiveness programs, affect how these leadership skills and public service values are imparted?

What are the short term and long term effects of these programs?

Janet Calvo (CUNY Law) and Vanessa Merton (Pace Law) presented, Does New York's New Bar Admission Requirement Make a Difference in Legal Education and Lawyer Performance, How Will We Know Whether it Does? In this regard, the New York Court of Appeals has recently incorporated a professional skills and values competency requirement for admission to the bar, which requires every applicant for admission to practice to demonstrate that they possess the skills and values necessary to provide effective, ethical, and responsible legal services in the State of New York. As New York admits more applicants than any other state, does this new requirement make a difference? What these professional skills and values are is being decided by each law school, with a starting point from the MacCrate Report, which centers on competent representation, promoting justice, fairness, morality; improving the profession; and professional self-development. By and large, most New York law schools choose to emphasize the first pathway for certifying that their U.S.

law students have learned these skills and values. On the one hand, information is still lacking, and it appears that many law schools may not be going beyond what is required by ABA standards or altering the curricula to inculcate these skills and values. On the other, law schools have engaged with the need to address many types of lawyering competence and the concept of defining success by outcomes rather than solely inputs. Law schools are providing clearer communication about whether and how they teach and assess graduates' development of professional skills and values.

Next, CJ Ryan (Roger Williams University School of Law) presented *Paying for Law School: The Public Service Loan Forgiveness Program and Careers in the Public Interest Law Sector* and began by highlighting several important data points. Law school graduates owe approximately \$7 billion in law student debt. The average cost of tuition and fees at private law schools was \$49,095 and \$40,725 at public law schools, for out-of-state students, in the 2018-2019 academic year, to say nothing of living expenses and other costs that students pay out of pocket. As a result, many law school graduates carry significant student loan debt upon completing their studies. In fact, the average amount borrowed by law school graduates totaled \$115,481 for the graduating class of 2018. Thus, unsurprisingly, students from the lowest socio-economic backgrounds borrow the most to finance their legal education and are on the hook for the largest debt sums as a result. Furthermore, students from underrepresented racial minority groups in law schools account for the largest expected law school debt loads. Of the students surveyed by LSSSE who expected to owe more than \$200,000 in law school loans following their graduation, 53 percent identified with a racial group other than White. Thus, the impact of the highest law school loans is greatest among underrepresented racial minorities. The challenge is that debt reduces the probability that students will choose low-paying public interest jobs. This lack of financial incentive for law-trained graduates to pursue careers in public interest positions is acutely felt in rural areas, who make 2-3 times less, on average, than their counterparts in private practice. Ryan presented findings from his survey, which revealed that a student's career intentions may drift away from public interest if the student's: parents are higher earners; GPAs are better; and cost of attendance is higher. Students who most need relief for their substantial law school loans—students from lower socio-economic backgrounds, students from diverse racial backgrounds, students considering careers in public interest law, and students carrying the highest debt loads, most of whom are the same students across these four categories—are the students most likely to enroll in the PSLF program. As such, according to Ryan, eliminating the PSLF program, and the important goals that it accomplishes, would be a mistake.

Remarks on Leadership, Public Interest Lawyers, and the Legal Profession

In the second arc of our program, we turned to rousing reflections and remarks on leadership, public interest lawyers, and the legal profession by Robert Grey, Jr. (President, Leadership Council on Legal Diversity; Board of Directors, Legal Services Corporation). Grey underscored the importance and value of nourishing students with interest in leadership and public interest as pillars for the rule of law, democracy, and the betterment of society. He spoke about the importance of what we as legal educators do to shape and impact the next generation, and the way in which our efforts go on to have a ripple effect of hope across our communities and the world. He concluded by offering remarks linking the past, present, and future, from the Civil Rights Era to the current societal moment and urgent needs of the future, the importance of training for the whole law student in legal rules, skills, and values, and helping to grow the abilities and capacities of our students to address the needs of the current socio-political moment and challenges in the future.

Reporting Out Findings from Interactive Breakout Sessions

The final aspect of our program entailed 30-minute breakout groups and reporting back by the cosponsors of our program, which formed community and connections around common interests and enhanced audience experience by allowing for direct input. Each of these breakout groups addressed a single charge: *What are the pressing questions relating to your current and future work that you wish to have answers to in the next three to five years?* We've distilled these questions and provided them below. We were left with a major takeaway from several of the groups: mainly, there is

considerable need for an inventory or clearing house with best practices on leadership development, professional responsibility programs, and pro bono initiatives within law schools.

(1) Leadership: Rachel Moran and Leah Teague

When, where, and how are law schools teaching leadership development across the curricula, including within courses, centers, and programs?

What lessons can be drawn into law schools from effective leadership development programs found outside law schools?

Can and do these programs impart higher order purposes and meaning through leadership development to help students grow?

(2) Professional Responsibility: Neil Hamilton and Sande Buhai

When, where, and how are law schools teaching professional responsibility across legal education, including within curricula and courses?

Does teaching professional responsibility in rule-based vs. experiential ways affect performance on the MPRE?

Are there personality traits or behaviors in law school that predict bar-related discipline?

(3) Pro Bono & Public Service Opportunities: Jennifer Gundlach and Stephen Rispoli

When, where, and how are law schools integrating pro bono into the curriculum, such as through experiential components?

What are the short-term impacts of these programs on learning, professional identity formation, and early career opportunities, and what are the long-term impacts carried out across one's career? For example, do different forms of pro bono requirements or recognition awards influence commitment to pro bono after graduation?

How might these programs be evaluated to identify best practices?

(4) Student Services: Trent Kennedy and Rosemary Queenan

How do law students make decisions about debt? Under what conditions are law students likely to make tradeoffs between rankings because of concerns about debt?

How, if at all, does the Public Service Loan Forgiveness program factor into their decision-making?

Truth or fiction: are academic success and interest in public service opportunities inversely related in law school? Can this be disaggregated and measured? How does public interest drift affect these relationships?

(5) Recruitment and Retention of Minority Law Teachers and Students: Yolanda Ingram and Veryl Miles

How can we better support underrepresented students who wish to pursue leadership development and public interest careers?

How does emphasizing leadership development and public interest in law school affect the recruitment and retention of underrepresented students? How well is this emphasis being imbued with concerns for diversity, equity, and inclusion?

To what extent does emphasizing public service and leadership broaden the criteria at recruitment, beyond traditional predictors such as LSAT and UGPA, to include other personal skills and traits, such as perseverance in the face of challenges, emotional intelligence, team skills, and perspective taking? To what extent does this emphasis affect the criteria for bar licensure?

Kudos and Thank You!

Finally, we wanted to close with a note of gratitude to the many excellent panelists, moderators, and speakers who attended the program, and the audience who remained engaged throughout our extended program. This program certainly took a village to create. For their efforts and many insights, I wanted to thank the co-members of the program committee including Trent Kennedy (Georgetown University Law Center); Catherine Christopher (Texas Tech University School of Law); Jennifer A. Gundlach (Hofstra University Law); Rachel F. Moran (UCLA Law); Jeremy Paul (Northeastern University School of Law); and Debra Moss Vollweiler (Nova Southeastern University Shepard Broad College of Law). Kudos and a big thank you to all of you.

MEMBER PUBLICATIONS AND PRESENTATIONS

Hyperlinks in titles if available.

Angelos, Claudia and Berman, Sara and Bilek, Mary Lu and Chomsky, Carol L. and Curcio, Andrea Anne and Griggs, Marsha and Howarth, Joan W. and Kaufman, Eileen R. and Merritt, Deborah Jones and Salkin, Patricia E. and Wegner, Judith W., *The Bar Exam and the COVID-19 Pandemic: The Need for Immediate Action* (March 22, 2020). Ohio State Public Law Working Paper No. 537 (2020).

Arnold, Theresa and Whalen, Madison and Dixon, Amanda and Gulati, Gaurang Mitu, *The Myth of Optimal Expectation Damages* (April 10, 2020). Marquette Law Review, Forthcoming.

Ghodoosi, Farshad, *Fall of Last Safeguard in Global Dejudicialization: Protecting Public Interest in Business Disputes*, 98 Or. L. Rev. 99 (2020).

Jiménez, Dalié and Glater, Jonathan, *Student Debt is a Civil Rights Issue: The Case for Debt Relief and Higher Education Reform* (October 15, 2019). Harvard Civil Rights- Civil Liberties Law Review (CR-CL), Vol. 55, No. 1, 2020.

Li, Miranda and Yao, Phillip and Liu, Goodwin, *Who's Going to Law School? Trends in Law School Enrollment Since the Great Recession* (March 30, 2020). 54 U.C. Davis Law Review, Forthcoming.

Ryan, Christopher, *Paying for Law School: Law Student Loan Indebtedness and Career Choices* (January 29, 2020). University of Illinois Law Review, Forthcoming 2021.

Thomson, David I. C. and Daniels, Stephen, *If You Build it, They Will Come: What Students Say About Experiential Learning* (August 30, 2017). U Denver Legal Studies Research Paper No. 17-25; AccessLex Institute Research Paper No. 17-08.

Varsava, Nina, "What Judicial Opinions can tell us about the Gender Roles and Biases of Judges: An Empirical Study of the Federal Courts of Appeals," Annual Meeting of the Law and Society Association, May 28 – 31, 2020 (online).

Want to see your work featured here? Respond to the next Call for Content with citation information and we will gladly highlight your recent presentations and publications for other Section members to consider.

Call for Proposals

AALS Section on the Empirical Study of Legal Education and the Legal Profession

in Co-Sponsorship with

AALS Sections on Student Services, Academic Support, and
PreLegal Education and Admission to Law School

January 2021 Annual Meeting in San Francisco, CA

Disrupted Gatekeeping: An Empirical Look at How Gatekeeping Influences Access to Legal Education and the Legal Profession & How This Decision-Making Has Been Impacted By COVID-19

The Section on the Empirical Study of Legal Education and the Legal Profession is organizing a panel featuring newly emerging empirical research related to gatekeeping, key decision making stages that affect students' admission to law school, success during law school, and entry into the legal profession. In light of the pandemic underway across the United States and world, we encourage presenters to present empirical research on these critical gatekeeping moments and to discuss how this gatekeeping may be, is being, or has been impacted and disrupted by COVID-19.

In short, our goal is for panelists to present: (1) first, empirical research on gatekeeping, broadly defined, that influences access to law schools, law student engagement and success, and entry into the legal profession, and (2) second, to theorize, hypothesize, discuss, or present data on how these processes may be disrupted, impacted, or altered by COVID-19.

1. *Gatekeeping*. Panelists will first present research spotlighting one of three critical gatekeeping stages in a law student's career. While not an exhaustive list, possible topics for discussion might include any of the following, including how any of these gatekeeping stages impact members from underrepresented and disadvantaged backgrounds:

Getting into Law School: Proposals examining the use of data to determine access to and admission to law school. Possible topics might include the use of LSAT, or other exam scores in admission determinations, policies and practices in the award of financial aid or scholarships, access to legal education (pipeline) programs and topics relating to the affordability of legal education. Proposals may also examine change in the number of law school applications over time, and change in the composition of these applications.

During Law School: Proposals examining data related to the law student well-being and the impact of legal education on student learning, growth, belonging, decision-making, trajectories, or success. Possible topics might include changes in law students' perception of career paths and opportunities including movement away from prior public interest practice goals (i.e., public interest drift), and the extent to which institutional decisions and practices or law teaching, grading, and clinical experiences influence law student well-being, learning, belonging, growth, or trajectories. Possible topics may also include gatekeeping to student services and prestigious opportunities within law school.

After Law School: Proposals examining either the use of data or data related to law school graduates' entry and engagement in the profession. Possible topics might include empirical analysis relating to bar exams and licensure systems, use of data in hiring and employer selection processes, the data collection practices and reporting by trade and accreditation organizations, and debt and income considerations in career pursuits.

2. *Disruption*. In light of the disruption produced by COVID-19 in legal education and within our communities and home life, we encourage presenters to discuss how this gatekeeping may be, is being, or has been disrupted or changed by COVID-19. We encourage participants to theorize, hypothesize, discuss, or present data on how gatekeeping decisions may be disrupted, impacted, or changed by COVID-19, and/or how this disruption may be overcome.

Last year, we jointly sponsored a successful program on leadership co-sponsored by the Sections on Leadership, Professional Responsibility, Pro-Bono & Public Service Opportunities, and Student Services, which attracted a large and diverse audience. This year, we seek to develop a program that has similar breadth and appeal. *The Journal of Legal Education* has graciously agreed to consider for publication papers presented in connection with our program, with particular consideration given to papers exploring changes to legal education and the profession engendered by the response to COVID19.

Proposals. Proposals should contain an explanation of both the substance of the presentation and the methods used in it. The planning committee would prefer to highlight talent across a range of law schools and disciplines and is especially interested in new and innovative research. Please share this call with colleagues—both within and outside of the legal academy and the academic support community.

Proposals must include the following information:

1. A title for your presentation.
2. A brief description of the objectives or outcomes of your presentation.
3. A brief description of how your presentation will support your stated objectives or outcomes.

4. An explanation of how your presentation can accomplish its goals in an allotted 15 minutes.
5. A description of both the substantive content and the presentation techniques to be employed, if any, to engage the audience.
6. Your current CV.

Proposals will be reviewed on a rolling basis, so please send yours as soon as possible, but no later than Monday, June 15, 2020 to Professor Jennifer Gundlach. If you have any questions, please email jennifer.gundlach@hofstra.edu or call (516) 463-4190.

**Section on Empirical Study of Legal Education and the Legal Profession
Program Committee:**

Program Chair: Jennifer A. Gundlach, Maurice A. Deane School of Law at Hofstra University

Section Chair: Victor D. Quintanilla, Indiana University Maurer School of Law

Secretary: Joel Chanvisanuruk, University of Cincinnati College of Law

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Rachel F. Moran, University of California, Los Angeles School of Law

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