

# EQUIPOISE

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A state of balance, engagement and well-being in legal education

DECEMBER 2009

EQUIPOISE is the newsletter of the Association of American Law Schools Section on Balance in Legal Education

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## Greetings from the Chair

**Bruce J. Winick**

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In July of 2009, the AALS Executive Committee notified the Section on Balance in Legal Education that our petition for permanent section status had been approved. This achievement marks a significant milestone in what has been a journey of ten years or more. The recent activities of people who are engaged in the work of the Section, many of which are described in this newsletter, promise that this journey will continue, and will lead to new and exciting destinations in the years to come. At this moment in the Section's history, however, it seems fitting to pause and reflect on the Section's origins and objectives.

The Section can trace its roots to a listserv started by Professor Larry Krieger of the Florida State University Law School in 1999. The "Humanizing Legal Education" listserv quickly attracted a few hundred law faculty to discuss the state of legal education, the well-being of law students and lawyers, and potential improvements that might be made. The listserv apparently met a felt need for questioning some of the approaches, values, and institutions of legal education, and emerged as a lively discussion group.

Almost immediately listserv members began to organize programs with a humanizing legal education theme, and persuade existing AALS sections to sponsor them at established meetings. The group also began having informal organizational meetings at each AALS Annual Meeting. Moreover, humanizing legal education listserv members participated in a number of programs held by other organizations. In late 2004, Larry and others involved in this effort decided to form the Humanizing Legal Education Association, with an Executive Board to more effectively organize the activities of the growing interest group. In December of 2004,

an Executive Board of 10 members was elected, and began to meet regularly by telephone to organize activities.

The year of 2006 was a pivotal one. At the suggestion of Professor Ann Iijima of the William Mitchell College of Law, the AALS sponsored a full-day Workshop on Balance in Legal Education as part of its Annual Meeting. The topics coincided with the interest areas of the Humanizing Association, and many of the members of the organization served as speakers and discussants at the Workshop. The program attracted more than 300 attendees, and generated its own momentum for both dialogue about legal education and ultimate formation of a related section. In response to the robust attendance at the Balance Workshop, the Board determined to immediately proceed with the section petition.

Ever since, the Section has sponsored provocative, well-attended and well-received programs at the AALS Annual Meetings. In 2007, the proposed Section provided a program as a follow-up to the Balance Workshop: "Balance in Legal Education, One Year Later." At the 2008 Annual Meeting, the provisional Section held a program entitled "What Does 'Balance in Legal Education' Mean?" In 2009, the provisional Section sponsored a dialogue on the topic of "Educating Lawyers and Best Practices for Legal Education: A Mandate to Humanize the Law School Experience?" With the upcoming program at the 2010 AALS Annual Meeting, "Who Am I? The Role of Legal Education in Shaping Professional Identities," we celebrate our first program as a permanent part of the AALS structure.

"Balance in legal education" is an intentionally broad and ambiguous

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## GREETINGS FROM THE CHAIR

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phrase. The title is a Rorschach, a projection test, inviting people from differing perspectives to examine the many aspects of legal education and to think creatively about how, to the extent they seem unbalanced, the balance could be restored.

In what ways can legal education be thought of as being out of balance, and how can balance be restored in each such area? Raising these questions is the mission of the Section on Balance in Legal Education. We seek to hold up a mirror to the legal academy and to call for a broad examination and re-examination of all aspects of legal education. Legal educators pride themselves on the many virtues of legal education – its sharpening of conceptual and communicative skills, its preparation of students for professional life, its rigors and its pleasures. Yet, many questions can be raised about its basic approaches to teaching, testing, and socialization into professional life. In our annual programs, as well as our many and increasing other activities, we seek to raise these questions. Answers will vary widely, of course. We pose the questions in the spirit of stimulating further dialogue and debate about legal education and how it can be improved.

— Bruce

## Mark Your Calendars

### *January 7, 2010*

#### **SECTION BUSINESS MEETING**

6:30-7:30 p.m., Cambridge Room, Second Floor, Hilton New Orleans Riverside

#### **INFORMAL GATHERING AT THE**

**SAZERAC BAR** following the Section Business Meeting, The Roosevelt Hotel, 123 Baronne Street, New Orleans, (504) 648-1200

### *January 8, 2010*

#### **SECTION PROGRAM**

4:00-5:45 p.m., *Who Am I? The Role of Legal Education in Shaping Professional Identities*, Jefferson Room, Third Floor, Hilton New Orleans Riverside



## Do You Know What It Means, To Miss New Orleans?

### Who Am I? The Role Of Legal Education In Shaping Professional Identities

The Section has planned a provocative and engaging program for the 2010 AALS Annual Meeting in New Orleans. The program, which is scheduled for 4:00 p.m. on Friday, January 8, will explore the question “Who Am I? The Role of Legal Education in Shaping Professional Identities.” Marjorie Silver will moderate, and an interactive panel consisting of Susan Daicoff, Rhonda V. Magee, John McShane and Bruce Winick will present the program. Drawing on perspectives from therapeutic jurisprudence, contemplative practice, collaborative law, critical race theory and the world of legal practice, participants will explore the role law schools play in shaping the professional identities of their students. The program is designed to explore ways law students might discover their core values and develop strategies to express those values in their professional futures, and in particular, to consider what role legal educators should play in this process. For the benefit of those who seek simple yet effective means to nurture the development of students’ professional identities, participants will offer exercises and interventions with practical application. Thanks to Marjorie Silver, David Hall, Bob Schuwerk, Bruce Winick and Josh Rosenberg for organizing this excellent event.

This year’s program follows a highly successful Section program at the 2009 AALS Annual Meeting in San Diego. In that program, presenters and members of the audience explored the connections among the prospect of humanizing the law school experience

and the recommendations of *Educating Lawyers* and *Best Practices for Legal Education*. Nearly two hundred participants attended the program. Presenters explored various perspectives on the factors that contribute to law student well-being, reported results of their research, and provided practical strategies for incorporating the results of their research into the law school experience.

The presentations at the 2009 Annual Meeting were rich. Larry Krieger explored factors that allow law students and lawyers to thrive, and discussed some of the results of his research with Ken Sheldon. Mike Schwartz connected the recommendations of *Best Practices* to teaching and learning research, as well as research directed more specifically at humanizing the law school classroom. Allison Martin reported on some of the preliminary results of her research with Kevin Rand, and in particular emphasized the importance of hope as a predictor of academic performance and psychological well-being in law school. Leah Christensen explored the different motivations students might have for learning, and in particular distinguished between students who exhibited performance goals, versus those who expressed mastery goals. Her study correlated students’ goal orientations with class ranks, LSAT scores and undergraduate GPAs. The study also explored the relationships among goal orientation, class rank and self-efficacy. According to Leah, her most surprising finding was

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## DO YOU KNOW WHAT IT MEANS...

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that law students with higher class rank reported lower academic self-efficacy, a result that contradicted results in prior goal orientation studies. Denise Roy introduced the audience to William Mitchell's Pathways and Keystone Programs. The Pathways Program is a web-based curricular planning tool, while the Keystone Program consists of advanced courses that both build on prior learning and provide a transition to practice. A demonstration of the Pathways Program is available at <http://www.wmitchell.edu/pathways/demo/>, while more information about the Keystone Program is available at <http://www.wmitchell.edu/curriculum/keystone-program.asp>.

For those who were not able to attend the 2009 Program, the AALS website contains more information on the program and copies of the materials provided by the presenters. The 2009 Program was an inspiring demonstration of the thought and care with which scholars and administrators are approaching questions of student well-being. The presenters also left the audience with concrete suggestions for implementing change in their law schools and classrooms. The 2010 Program promises to follow in this tradition, and to provide both inspiration and practical suggestions. We hope that you are able to attend, and encourage others to do the same.

We also invite you to join us for a brief business meeting for the Section, scheduled for the evening before our Section's program. In the business meeting, we will elect new board members and other officers, and will discuss plans for the upcoming year. The business meeting will also give us a chance to gather and set off for what is becoming a tradition for our Section, an informal social event at the AALS Annual Meeting. Last year, Dean Steven Smith graciously hosted a reception for our Section at the California Western School of Law. (We extend many thanks to Dean Smith for that wonderful gathering.) This year, we invite anyone who is interested to join us in an expedition to the historic Sazerac Bar, located at The Roosevelt Hotel and only a short walk away from the main conference hotel, the Hilton New Orleans Riverside. [See *Sazerac, Anyone?* for more details.]

# Sazerac, Anyone?

If you are attending the 2010 AALS Annual Meeting in New Orleans, please join us on our informal expedition to the historic Sazerac Bar. The Sazerac Bar is old New Orleans; it is one of several eating and drinking establishments in the legendary Roosevelt Hotel. Hurricane Katrina badly damaged the hotel, and the structure remained closed for several years. After undergoing an extensive renovation, the hotel reopened with great fanfare earlier this year, and now is part of the Waldorf-Astoria chain. Some herald the return of The Roosevelt as a symbol of the resurgence of New Orleans, and its reopening has evoked strong emotions among some of those who remember its long history.

The Roosevelt, which has gone by several names in its past, has hosted a vibrant slice of New Orleans' past. It was a favorite haunt of one-time Governor Huey P. Long. Elvis Presley stayed there with his entourage. Frank Sinatra, Ella Fitzgerald and Ray Charles were among the many musical greats who played its Blue Room. New Orleans artist Paul Ninas painted Art Deco murals for the hotel in the 1920s, which visitors can enjoy once more in the newly

refurbished Sazerac Bar.

The Sazerac Bar is famous (some might say infamous) in its own right. Its signature drink, the Sazerac of course, is claimed by some to be the first cocktail, ever. The Louisiana legislature recently designated the Sazerac as the official cocktail of New Orleans.<sup>1</sup> The Sazerac Bar is also famous for its Ramos Gin Fizz, reputed to be a local invention as well. The Sazerac Bar's place in history transcends its libations, however. This fall, The Roosevelt invited citizens of New Orleans to reenact the day over sixty years ago when women "stormed the Sazerac." On September 26, 1949, women of New Orleans demanded entry to the bar, and ultimately reversed the bar's long-standing policy of being open to men only.

We will storm the Sazerac Bar in our own way; after our business meeting on January 7, 2010, some of us plan to walk over there together. Please join us (or drop in later if you choose) for a taste of New Orleans history, some light-hearted conversation and a celebration of our shared interests.

<sup>1</sup> La. Stat. Ann. §1420.2 (2008).



# Some Fun Facts About Professor Calvin G. C. Pang



*Calvin Pang is the Co-Director of the Clinical Law Program and an Associate Professor of Law at the William S. Richardson School of Law at the University of Hawai'i at Mānoa.*

Many of you know Calvin Pang. Calvin was interested in the work of the Section, long before there was a Section. He currently serves on the Section's Executive Board, and frequently arises in the wee hours of the morning to join conference calls scheduled for Hawai'i-hostile times. In Hawaiian legal circles, people speak of Calvin's long commitment to access to justice. They may point to his service at the Legal Aid Society of Hawai'i, his role as Director and Founding Member of Hawai'i's Lawyers for Equal Justice, or any one of many projects he has undertaken in hopes of reducing barriers to effective dispute resolution through the courts. Clinical professors among you may know Calvin for his work with AALS, including his service as past chair of the Section on Clinical Legal Education, and his work on the AALS Task Force on Clinicians and the Academy. Others of you may know him from his work on the AALS Standing Committee on the Recruitment and Retention of Minority Law Teachers. Many of you have heard him speak; many others of you have read his inspiring and eloquent scholarship relating to spirituality in legal education and law practice. Some of you might describe him as a man of quiet wisdom. Practically anyone who has met him would say he appears to be a genuinely nice guy. But who is this Calvin Pang, really? Can he really be as great as he seems?

Sometimes it is possible to gain deeper insight into a person by asking those who work closely with him. Calvin's colleagues seem remarkably reluctant to reveal any skeletons, however. Associate Dean Laurie Tochiki writes "Calvin is in many ways the moral center of our school. Since we're talking about balance, I think he's the fulcrum." Well, one opinion does not a full picture paint. Perhaps someone else might

have a different view. Kelly-Ann Liang is a faculty support specialist who works closely with Calvin. When asked to comment on her impressions of Calvin, Kelly-Ann volunteered that he is "one of the most brilliant, intellectual, and hard-working professors here. He values his work, devotes his time to the law students, and he truly enjoys teaching." And, yes, Kelly-Ann continued, he "is definitely the most kind and warm-hearted person I've ever met."

Calvin's reputation among his colleagues is well-earned. His colleagues report that the law students at his school have elected him to give an address at several graduations, and he has provided wise counsel with much affection. Calvin's contributions go beyond speeches. He invented and single-handedly organizes an annual event at the law school called "Stew Day." On Stew Day, the professors at the school dress up in goofy hats and aprons and serve a stew lunch to the students. Calvin also originated and orchestrates the "red socks award" – "red socks" because Dean Aviam Soifer *loves* the Boston Red Sox. The award celebrates not (only?) baseball, but stories of heroism and inspiration. Students submit stories about classmates who extend themselves in ways that inspire others. One year, an awardee had nearly died rescuing a friend in rough waters. In another, the law school fêted a young man who quietly, humbly,

willingly and consistently helped law school classmates in need, often at his own expense. Had his best friend not submitted the story, no one, including some of his beneficiaries, would have known.

Calvin himself does not claim perfection. Instead, he writes:

*Staying in the present and the ordinary to touch the transcendent also helps me to stay within myself and not escape my inadequacies. In our professional culture, we radiate an aura of competence and power which we learn to wear as naturally as a coat and tie. The aura, however, can be as illusory and transient as any external projection and when it goes away, imperfections remain, sore and exposed. An attention to spiritual opportunities helps me to accept my weaknesses and even construe them as gifts.<sup>1</sup>*

Among Calvin's vices, or gifts if you prefer, is a secret fondness for saimin. Saimin is a local version of what those on the continent call "ramen." When he chooses to indulge himself, it is often with the noodle soup of his childhood. Stew, saimin, Calvin himself – warm, comforting and nourishing all.

<sup>1</sup> Calvin G.C. Pang, *Sojourner to Sojourner*, in Marjorie A. Silver, *The Affective Assistance of Counsel: Practicing Law as a Healing Profession* 493, 501 (Carolina Academic Press 2007).



*Professors at the William S. Richardson School of Law on Stew Day*



Members of this Section work actively to improve the lives of law students. Many devote significant amounts of energy researching, teaching and engaging in the broader community with that object in mind. How often do we pause, and take time to reflect on the extent to which we are able to maintain balance in our own professional and personal lives? Here, we feature one strategy to achieve better balance as a professor, administrator or other law school professional.

Lawrence S. Krieger, Clinical Professor and Director of Clinical Externship

Programs at Florida State University College of Law, writes:

*This is a practice that has consistently provided me mental, physical, and emotional balance whenever I use it, whether at work or in my personal life. It is derived from the writings of Eckhart Tolle. It is not intended to do justice to the full intent of his work, but it is an adaptation that, for me, has some advantages. It only takes a minute or two of engagement to provide the results I am seeking, and it is easy to remember and hence to “follow.” I have found it helpful in the moment, if I*

*am disturbed, pressing, irritated, etc., and have found it particularly effective for an intentional few minutes of “meditation,” to create a frame of mind which supports my clearest thinking while creating a palpable sense of peacefulness. If you try it, I would appreciate a note regarding your experience – if it was useful or not; thoughts for improvement, etc.*

## The ABCs of Clarity and Peacefulness

This practice uses a few prompts from the English alphabet. Entertain them easily in your mind, spending perhaps half a minute or so on each prompt. Doing them once will take a minute or so this way, and is useful when more clarity or peacefulness is desired during your activity. When more time is available, or if you wish to set aside a period of some minutes for meditation, go through the prompts, in order, more than once. If you are inclined to use this approach for a meditation practice, I am expanding these ideas with a few more prompts and am happy to send the full set to you; just let me know. Now let's begin the practice . . .

### A: Alert and Allow

Use the letter “A” to bring two key thoughts to mind. The first is “Alert”: be Alert. Notice what is going on, both around you and inside you. This does suggest that you be on guard, or be active; simply stop your activities, open your senses, and *notice* as much as you can of this moment in your life. Notice what you are doing, what you are working on, what is in your environment, and what you are thinking and feeling. This step is EASY (as are the rest) – you are ONLY noticing what is going on at this moment in your life, inside and outside. There is no need to think, decide, approve, or disapprove of anything (although you may certainly have positive or negative feelings about what

you are noticing). So this is just a moment to stop and check in with what is going on. This may take a few moments, to get an awareness of what is happening in your inner and outer life right now.

The second key thought to entertain is “Allow.” This means: just allow everything that you are noticing to be, as it is. Whatever situations you are aware of – allow them to be as they are.<sup>1</sup> Whatever thoughts you have, or feelings you notice, allow them to be just as they are.

Note that the first several times you do this step of allowing things to be, it will likely feel strange or vaguely uncomfortable. This is because we are typically so actively engaged with everything when we are awake, trying to figure things out, change what seems to need changing, and improve what needs improving, etc. Don't worry, the rest of your life will still be devoted to all of that; just take these moments to get comfortable with this new way of experiencing things – it will add important dimensions for you. Over time you will find yourself becoming more physically relaxed and mentally clear, resulting in thoughts and actions becoming more purposeful and effective.

During this quiet time of being alert to the inner and outer reality of the moment, and allowing it to be, you may notice a tendency to want to mentally “jump in” to the situation, feeling, or thought, to pursue or eliminate it (depending on whether

you find it to be “good” or “bad” situation, feeling, or thought). If you do notice this, it is fine, stay with the two prompts thus far: be alert to notice, and allow that desire to be there. If you do notice this, it is significant: You have become aware of your internal judging faculty in operation. This will turn out, over time, to be a key to finding greater clarity and peacefulness, because this part of the mind, the “judge,” plays a large part in our negative emotions.

When your mind is judging situations, it of course is categorizing them as good or bad, and this begins a dynamic of internal resistance to the “bad.” That internal resistance then gives rise to our negative emotions. The answer? – simply allow things to be as they are, without resisting. So this takes us back to our practice, to notice and allow. The prompt to Allow extends to everything you notice, including any negative emotion or this natural impulse to judge and resist. When you notice them occurring within you, also just allow them to be as they are (do not judge or resist them either, or you again create negativity). This practice cuts off the judging and resisting dynamic and produces, both mentally and emotionally, a settled, unswayed experience of your present situation. It will also begin to produce physical relaxation, because that internal resistance is a huge source of tension in the body: When the mind attempts to resist a situation or

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<sup>1</sup> One of Mr. Tolle's most striking teachings is that negative emotions (anger, irritation, impatience, worry, anxiety, etc.) always result from internal resistance to reality, and that, conversely, any inner resistance to reality will create a negative emotion. After long examination, I have found this to be true – hence the focus on these interludes of noticing and allowing things to be as they are.

## THE ABCs OF CLARITY AND PEACEFULNESS *continued from page 5*

circumstance, the body corresponds by tightening or blocking its energy and/or breath.

### **B: Breathe**

The next (and last) step in this segment is therefore to put your attention on breathing for half a minute or so. You have spent a little time being alert to what is happening both within and outside of you, and then intentionally allowing it all to be. Those steps create mental and emotional ease with the flow of life as it is happening. Breathing intentionally now adds a physical complement to those mental processes, creating more flow within your body and eliminating the physical tension points that accompany the mental process of resisting reality. (After all, a situation you are judging exists in reality. Inner resistance inevitably fails, and creates tension between what “is” and what you would like it to be.)

So this practice step is to Breathe several times, freely and easily. To extend the relaxing effect, feel your breath flowing into your chest, then into your abdomen, and then throughout your body. As this energy reaches each part of your

body, allow that area to relax. After a few breaths like this, notice this feeling of open energy flow within together with the sense of allowing all that you had previously noticed. You are becoming at ease with what is, within and outside of yourself. If you notice tight places in your body (if you have a moment, mentally check your jaw, neck, shoulders, eyes, chest, and stomach), allow this easy awareness to include those areas, still allowing them to be as they are. Continue breathing easily with this body awareness. You are experiencing open flow within your body, and at the same time allowing the rest of life to flow without your resistance. You should notice some peace, relaxation, and a greater sense of harmony both within and with the many outside situations in your life. (Remember that you may also be experiencing some discomfort from deactivating conditioned responses and allowing all the things you had been resisting to be as they are for the moment; just continue to allow whatever combination of feelings and experiences that present themselves.)

If you have time, go back through these steps easily, generating more harmony and

ease with what is happening, and more open, unobstructed flow of life within you. From this place of easy breath throughout your body, it is natural, and reinforcing, to go back to the first step, the noticing and allowing awareness of your overall life. So return easily, be Alert, notice what is happening within and without; Allow it all to be just as it is; and Breathe fully throughout your body. Spend from one to twenty minutes to put yourself at ease in this way. When you return to your normal activity you should be more able to evaluate situations and make good choices about actions that you should undertake. You may also notice health benefits, including greater energy, less stress and tension, or improved sleep as you continue this practice. Best wishes!

If you would like to contact Larry Krieger and share your reactions to this exercise, you may reach him at [LKrieger@law.fsu.edu](mailto:LKrieger@law.fsu.edu). Or do you have an idea or strategy for law school professionals who seek to achieve better balance in their own lives that you would like to share? Please e-mail any ideas to [bushaw@lclark.edu](mailto:bushaw@lclark.edu).

## *Journal of Legal Education to Publish Essays on Balance in Legal Education*

The Section sponsored a provocative panel at the 2008 AALS Annual Meeting. A panel of law deans and students spoke to the topic, “What Balance in Legal Education Means to Me.” The panelists’ remarks were electrifying, but were not recorded. The Section’s scholarship committee decided to generate a symposium to capture some of those remarks, and invited the presenters to contribute essays on the same theme. Susan Daicoff and D’lorah Hughes spearheaded

the effort to solicit, collect and submit the essays for publication. The *Journal of Legal Education* recently informed us that it will publish the essays in an upcoming issue. We are grateful to Bruce Winick for writing an introduction to the symposium, and to Deans Ed Rubin, Bill Rich, Daisy Floyd, Lawrence Raful and then-law student Ben Gibson for contributing essays. We look forward to seeing the essays in print sometime this coming spring.

## Congratulations, David

David Hall stepped down from the Section’s executive board last spring. David, who was formerly a Provost, Law Dean and Law Professor at Northeastern University, left legal education in June to assume the presidency of the University of the Virgin Islands. Thank you for your many contributions to legal education, David, and best of luck in your new presidency.

Members report that humanizing issues have been at the forefront of many conferences and events this year. Any list risks omitting marvelous conferences or events of interest to members of the Section. Yet even a partial listing is impressive. It is enheartening to see that so many people are discussing the broader effects of law school on law students, as well as the effects of law practice on lawyers and the clients they serve. Those discussions appear vibrant and broad-based, and in some cases are leading to concrete action. As described elsewhere in this newsletter, the Section's own program at the 2009 AALS Annual Meeting engaged a broad audience, and the organizers hope that the Section's program at the 2010 meeting will energize and inspire attendees as well. Short descriptions of some of the other happenings this year, including some that are forthcoming, follow.

On April 2-5, 2009, the Center for Contemplative Mind in Society sponsored a retreat for legal professionals and students on **Effective Lawyering: The Meditative Perspective**. The Center, along with the National Lawyers Guild, co-sponsored a Meditation for Lawyers CLE in Oakland on December 9, 2009. The Center's website, [www.contemplativemind.org](http://www.contemplativemind.org), lists a number of lawyers groups that meet regularly to engage in contemplative practices.

The Center for the Interdisciplinary Study of Conflict and Dispute Resolution at Case Western University School of Law sponsored a day-long symposium on **Forgiveness, Reconciliation and the Law** on April 10, 2009. Law professors Calvin William Sharpe, Kathy Hessler, Solangel Maldonado and Susan Daicoff joined colleagues from the fields of philosophy and psychology. Professor Jens Meierhenrich of Harvard University, author of *Legacies of Law* (Cambridge 2008), provided the keynote address. Podcasts of the symposium are available through Case Western's website.

The National Conference of Bar Examiners met in Baltimore on April 24, 2009 to discuss **Faculty Support, Wellness, and Bar Exam Success: Empirical Findings**. Larry Krieger, who participated in the meetings, reported that they were all about ways that faculties could improve bar exam passage rates, as well as promote professional values and positive career motivation in their students. Larry found the conference to be of particular interest, because his recent research with Ken Sheldon shows that faculty autonomy support of students is a significant factor in promoting these values and motivation.



Mike Schwartz organized a workshop at Washburn University School of Law on **Innovative Teaching Methods & Materials**. The conference was for authors in Carolina Academic Press' "Context and Practice" series. Mike designed the series of casebooks as an implementation of the ideas in *Best Practices* and *Educating Lawyers*. The casebooks incorporate materials to address some humanizing issues. For instance, they include large sets of multiple choice questions to allow law teachers to provide at least some opportunities for practice and feedback. They also include practice-focused problems, such as drafting pleadings and contracts, and also provide opportunities for students to reflect on career satisfaction, professionalism, legal ethics and their own values. Mike's own casebook, *Contracts: A Context and Practice Casebook*, was published by Carolina Academic Press in the summer of 2009.

The International Positive Psychology Association held its first **World Congress on Positive Psychology** on June 18-21, 2009 in Pennsylvania. Conference materials

are being added to the association's website, and some may relate directly to interests of members of the Section.

Gerry Hess and Mike Schwartz, who together are the Co-Directors of the Institute for Law Teaching and Learning, organized a conference entitled **Implementing Best Practices and Educating Lawyers: Teaching Skills and Professionalism Across the Curriculum**. Gonzaga University School of Law hosted the conference on June 23-24, 2009. The conference included a plethora of humanizing-related presentations, only some of which are listed here. Colin James, for instance, encouraged legal educators to incorporate notions of positive psychology into their teaching. Andrew Faitlin applied student development theory to the law school context. Paula Manning and Mary Basick conducted a workshop on providing autonomy support to law students. Tim Floyd described and demonstrated ideas for fostering the formation of law students' professional identities. Josh Rosenberg presented and participants practiced techniques to foster more effective interpersonal dynamics. Many presentations, although focused on particular academic contexts or teaching techniques, incorporated recommendations directly related to law student well-being. This summer, the Institute's annual conference will take place at Washburn University School of Law on June 16-18, 2009. The Institute invites proposals for workshops on the broad theme of **Teaching Law Practice Across the Curriculum**. Proposals are due on or before February 12, 2010. Materials for the 2009 Conference and more information about the upcoming 2010 Conference are available on the Institute's website, <http://lawteaching.org>.

David Thomson and Mike Schwartz co-chaired a conference on assessment in legal education, which was hosted at the University of Denver's Sturm College of Law on September 11-13, 2009. The conference was entitled **Legal Education at the Crossroads**,

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## CONFERENCES AND EVENTS *continued from page 7*

### v. 3 – A Conference on Assessment.

Among their other recommendations, *Educating Lawyers* and *Best Practices* called for better methods of student, teaching, and institutional assessment. This conference was designed to respond to those calls. In addition to the conference organizers, speakers included Greg Munro, Steven Bahls, Christopher Johnson and John Garvey, among others. More information on the conference is available at <http://www.law.du.edu/index.php/assessment-conference>.

The first “Colonial Frontier” Legal Writing Conference was held at Duquesne University School of Law on December 5, 2009. The Conference explored the theme of **Engendering Hope in the Legal Writing Classroom: Pedagogy, Curriculum, and Attitude**. The conference grew out of the work of Allison Martin and Kevin Rand on hope, some of which Allison Martin presented in our Section’s program at the 2009 AALS Annual Meeting in San Diego. [See the article on the upcoming

AALS Annual Meeting in New Orleans for more details.] The conference was co-sponsored by Aspen Law & Business, the University of Pittsburgh School of Law and the West Virginia College of Law. The *Duquesne Law Review* will be publishing an issue containing the proceedings of the conference.

Golden Gate University School of Law and the Society of American Law Teachers (SALT) are co-sponsoring a conference on **Vulnerable Populations and Economic Realities: An Interdisciplinary Approach to Law Teaching** on March 19-20, 2010. On a related note, the theme of next year’s SALT teaching conference will be **Teaching in a Transformative Era: The Law School of the Future**. The conference, conducted in partnership with the Conference of Asian Pacific American Law Faculty, will be held at the William S. Richardson School of Law in Honolulu on December 10 and 11, 2010. The deadline to respond to the call for panels and papers for next December’s conference is January 15, 2010. You can find

further information about both conferences through SALT’s newly-designed website, <http://www.saltlaw.org>.

On April 10, 2010, there will be a one-day conference for new and experienced legal educators on the topic of **Teaching Law for Engaged Learning** at Elon University School of Law in Greensboro, North Carolina. The conference is co-sponsored by The Institute for Law Teaching and Learning (Gonzaga and Washburn) and the Center for Engaged Learning in the Law (Elon). More information on the conference can be found at <http://sites.google.com/site/centerforengagedlegallearning/home>.

The Australasian Institute of Judicial Administration and Monash University Faculty of Law are sponsoring a conference on **Non-Adversarial Justice: Implications for the Legal System and Society**. The conference will be held in Melbourne, Australia on May 4-7, 2010. Bruce Winick and David Wexler are among the keynote speakers scheduled for the conference.

# RECENTLY IN PRINT



### Readers may be interested in some of the following books and articles.

Kathryn Abrams, *Barriers and Boundaries: Exploring Emotion in the Law of the Family*, 16 Va. J. Soc. Policy & L. 301 (2009)

Bryan Adamson, Lisa Brodoff, Marilyn Berger, Anne Enquist, Paula Lustbader & John M. Mitchell, *Can the Professor Come Out and Play? – Scholarship, Teaching, and Theories of Play*, 58 J. Leg. Educ. 481 (2008)

Anthony V. Alfieri, *Against Practice*, 107 Mich. L. Rev. 1073 (2009)

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Susan A. Bandes, *Victims, “Closure,” and the Sociology of Emotion*, 72 L. & Contemp. Probs. 1 (2009)

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Astrid Birgden, *Therapeutic Jurisprudence and Offender Rights: A Normative Stance is Required*, 78 Rev. Juridica U.P.R. 23 (2009)

Robert F. Blomquist, *The Pragmatically Virtuous Lawyer*, 15 Widener L. Rev. 93 (2009)

Susan L. Brooks & Robert G. Madden, *Relationship-Centered Lawyering: Social Science Theory for Transforming Legal Practice*, 78 Rev. Juridica U.P.R. 23 (2009)

Jennifer Gerarda Brown, *Reform at the Micro Level: Planning for a Life in the Law*, 43 Harv. Civ. Rights-Civ. Libs. L. Rev. 645 (2008)

Patrick Brown, *Ethics as Self-Transcendence: Legal Education, Faith, and an Ethos of Justice*, 32 Seattle U. L. Rev. 293 (2009)

Erwin Chemerinsky, *Rethinking Legal Education*, 43 Harv. Civ. Rights-Civ. Libs. L. Rev. 595 (2008)

Leah M. Christensen, *Enhancing Law School Success: A Study of Goal Orientations, Academic Achievement and the Declining Self-Efficacy of Our Law Students*, 33 L. & Psychol. Rev. 57 (2009)

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Beth D. Cohen, *Legal Learning for Life: Legal Immersion Fluency Education (LIFE)*, 43 Harv. Civ. Rights-Civ. Libs. L. Rev. 605 (2008)

John M. Conley, *Can You Talk Like a Lawyer and Still Think Like a Human Being?: Mertz’s the Language of Law School*, 34 L. & Soc. Inquiry 983 (2009)

Andrea A. Curcio, *Assessing Differently and Using Empirical Studies to See if It Makes a Difference: Can Law Schools Do It Better?*, 27 QLR 899 (2009)

Susan Daicoff, *Collaborative Law: A New Tool for the Lawyer’s Toolkit*, 20 U. Fla. J.L. & Pub. Policy 113 (2009)

Susan Daicoff, *Growing Pains: The Integration vs. Specialization Question for Therapeutic Jurisprudence and Other Comprehensive Law Approaches*, 30 Thomas Jefferson L. Rev. 551 (2008)

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## RECENTLY IN PRINT *continued from page 8*

- Susan Daicoff, *Lawyer, Be Thyself: An Empirical Investigation of the Relationship Between the Ethic of Care, the Feeling Decisionmaking Preference, and Lawyer Wellbeing*, 16 Va. J. Soc. Policy & L. 87 (2008)
- Peggy Cooper Davis, *Slay the Three-Headed Demon!*, 43 Harv. Civ. Rights-Civ. Libs. L. Rev. 619 (2008)
- Maksymilian Del Mar, *At the Lectern: Moral Education in Law Schools and Law Firms*, 59 J. Leg. Educ. 298 (2009)
- Mary R. Falk, "The Play of Those Who Have Not Yet Heard of Games": Creativity, Compliance, and the "Good Enough" Law Teacher, 6 J. ALWD 200 (2009)
- Timothy W. Floyd & John Gallagher, *Legal Ethics, Narrative, and Professional Identity: The Story of David Spaulding*, 59 Mercer L. Rev. 941 (2008)
- Peter Gabel, *Critical Legal Studies as a Spiritual Practice*, 36 Pepp. L. Rev. 515 (2009)
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- Stephen Gerst & Gerald F. Hess, *Professional Skills and Values in Legal Education: The GPS Model*, 43 Val. U. L. Rev. 513 (2009)
- Nisha C. Gottfredson, A.T. Panter, Charles E. Daye, Walter T. Allen, Linda F. Wightman & Meera E. Deo, *Identifying Predictors of Law Student Life Satisfaction*, 58 J. Leg. Educ. 520 (2008)
- Harvey Gilmore, *To Failure and Back: How Law Rescued Me from the Depths*, 10 Fla. Coastal L. Rev. 567 (2009)
- Oliver R. Goodenough, *Institutions, Emotions, and Law: A Goldilocks Problem for Mechanism Design*, 33 Vt. L. Rev. 395 (2009)
- Jeffrey L. Harrison, *Happiness, Efficiency, and the Promise of Decisional Equity: From Outcome to Process*, 36 Pepp. L. Rev. 935 (2009)
- Gerald F. Hess & Sophie M. Sparrow, *What Helps Law Professors Develop as Teachers? – An Empirical Study*, 14 Widener L. Rev. 149 (2008)
- Clare Huntington, *Happy Families? Translating Positive Psychology into Family Law*, 16 Va. J. Soc. Policy & L. 385 (2009)
- E. Tammy Kim, *Who's Learning What? Toward a Participatory Legal Pedagogy*, 43 Harv. Civ. Rights-Civ. Libs. L. Rev. 633 (2008)
- Michael King, Arie Freiberg, Becky Bagatol & Ross Hyams, *Non-Adversarial Justice* (Federation Press 2009)
- Jess M. Krannich, James R. Holbrook & Julie J. McAdams, *Beyond "Thinking Like a Lawyer" and the Traditional Legal Paradigm: Toward a Comprehensive View of Legal Education*, 86 Denv. U. L. Rev. 381 (2009)
- Patrick E. Longan, *Teaching Professionalism*, 60 Mercer L. Rev. 659 (2009)
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- Rhonda V. Magee, *Toward an Integral Critical Approach to Thinking, Talking, Writing, and Teaching about Race*, 43 U.S.F. L. Rev. 259 (2008)
- Melissa J. Marlow, *It Takes a Village to Solve the Problems in Legal Education: Every Faculty Member's Role in Academic Support*, 30 UALR L. Rev. 489 (2008)
- Lance McMillian, *Tortured Souls: Unhappy Lawyers Viewed Through the Medium of Film*, 19 Seton Hall J. Sports & Ent. L. 31 (2009)
- John E. Montgomery, *Incorporating Emotional Intelligence Concepts into Legal Education: Strengthening the Professionalism of Law Students*, 39 U. Toledo L. Rev. 323 (2008)
- Patricia H. Murrell & Philip D. Gould, *Educating for Therapeutic Judging: Strategies, Concepts, and Outcomes*, 78 Rev. Juridica U.P.R. 129 (2009)
- Roslyn Myers, *Truth and Reconciliation Commissions 101: What TRCs Can Teach the United States Justice System About Justice*, 78 Rev. Juridica U.P.R. 95 (2009)
- Joshua E. Perry, *Therapeutic Pedagogy: Thoughts on Integral Professional Formation*, 78 Rev. Juridica U.P.R. 167 (2009)
- Todd David Peterson & Elizabeth Waters Peterson, *Stemming the Tide of Law Student Depression: What Law Schools Need to Learn from the Science of Positive Psychology*, 9 Yale J. Health Policy, L. & Ethics 357 (2009)
- Douglas E. Ray & Heather S. Karns, *Job Search Skills for the New Economy*, 40 U. Toledo L. Rev. 403 (2009)
- Leonard L. Riskin, *Awareness and Ethics in Dispute Resolution and Law: Why Mindfulness Tends to Foster Ethical Behavior*, 50 S. Tex. L. Rev. 493 (2009)
- Sheila Rodriguez, *Using Feedback Theory to Help Novice Legal Writers Develop Expertise*, 86 U. Det. Mercy L. Rev. 207 (2009)
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- Karen J. Rothenberg, *Recalibrating the Moral Compass: Expanding "Thinking Like a Lawyer" into "Thinking Like a Leader,"* 40 U. Toledo L. Rev. 411 (2009)
- John H. Scheid, *De Minimis Curat Lex: Secrets to Success for 1st Year Law Students*, 37 Cap. U. L. Rev. 631 (2009)
- John Henry Schlegel, *Eighteen or Thirty, but not Twenty-Two*, 43 Harv. Civ. Rights-Civ. Libs. L. Rev. 629 (2008)
- Michael Hunter Schwartz, Sophie M. Sparrow & Gerald F. Hess, *Teaching Law by Design: Engaging Students from the Syllabus to the Final Exam* (Carolina Acad. Press 2009)
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- Susan J. Stabile, *The Practice of Law as Response to God's Call*, 32 Seattle U. L. Rev. 389 (2009)
- Kathryn M. Stanchi, *Step Away from the Case Book: A Call for Balance and Integration in Law School Pedagogy*, 43 Harv. Civ. Rights-Civ. Libs. L. Rev. 611 (2008)
- Cass R. Sunstein, *Some Effects of Moral Indignation on Law*, 33 Vt. L. Rev. 405 (2009)
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- Carol L. Wallinger, *Moving from First to Final Draft: Offering Autonomy-Supportive Choices to Motivate Students to Internalize the Writing Process*, 54 Loy. L. Rev. 820 (2009)
- David B. Wexler, *Therapeutic Jurisprudence in Puerto Rico: An Introduction to the Special Issue*, 78 Rev. Juridica U.P.R. 1 (2009)
- David B. Wexler, *Therapeutic Jurisprudence, Legal Landscapes, and Form Reform: The Case of Diversion*, 10 Fla. Coastal L. Rev. 361 (2009)
- Bruce J. Winick, *Therapeutic Jurisprudence Perspectives on Dealing with Victims of Crime*, 33 Nova L. Rev. 535 (2009)
- Emily Zimmerman, *An Interdisciplinary Framework for Understanding and Cultivating Law Student Enthusiasm*, 58 DePaul L. Rev. 851 (2009)

**Have you published something recently of interest to the members of the Section that doesn't appear on this list? Please e-mail a description of it to [bushaw@lclark.edu](mailto:bushaw@lclark.edu).**

# Balance in the Blawgosphere

One of the Section's projects this year is to create a Section website. Carol Wallinger chairs a committee to develop a user-friendly and informative portal to resources of interest to the Section. The new Section website will build on the humanizing law school website created by Larry Krieger at Florida State University ([http://www.law.fsu.edu/academic\\_programs/humanizing\\_lawschool/humanizing\\_lawschool.htm](http://www.law.fsu.edu/academic_programs/humanizing_lawschool/humanizing_lawschool.htm)). Larry's website was one of the first to collect themes related to balance in legal education, and remains an important resource for professors, administrators, law students and lawyers. Larry modestly claimed that exciting developments in the field have outpaced the existing humanizing law school website, and proposed that the Section develop a website to more thoroughly capture some of the resources that relate to the Section's mission. Florida State University has generously offered to host the website in its new incarnation, and the Section's website committee hopes to launch it sometime this upcoming spring.

Some of us of a certain generation have an uneasy relationship with technology. We note its advantages, but rue its potential to distance ourselves from one another, to disconnect us from the emotions and humanity of others, to pacify us. Yet who among us can deny the power of the internet to bring exposure, insights and perspectives to bear on almost any topic. If we know where or how to look, we can access remarkable materials, at any time and any place that works for us, and can connect with others who share our interests. The new Section website will join a rich array of internet-based resources that speak to issues of interest to members of the Section.

Law schools and law professors are, of course, no stranger to internet-based resources. We have long depended on Westlaw, LEXIS and other internet-based resources to gain access to some of the latest research in our fields. Many academic websites gather resources of particular relevance to particular interest groups. For instance, the International Network on Therapeutic Jurisprudence,

directed by David Wexler, hosts a website at <http://www.law.arizona.edu/depts/upr-intj/>. The INTJ website serves as a clearinghouse and resource center for information about the law's effect on emotional life and psychological well-being, and provides an entrée into much of the literature in the field of therapeutic jurisprudence. Some legal publications are now available exclusively online. For instance, John Sonsteng at William Mitchell School of Law recently announced that the school is hosting a new online journal dedicated to innovative curriculum and teaching methods. The journal, *The Renaissance Report*, is available at <http://renaissancereport.wordpress.com/>.

More informal resources also abound. Some law schools, organizations and individuals have established blogs that regularly discuss matters related to the mission of the Section. The law professor blogs network (<http://lawprofessors.typepad.com/>), which was founded by Paul L. Caron and Joe Hodnicki, hosts any number of topical blogs created by and for law professors. Some of these regularly post news items and other thoughts directly relevant to humanizing the law school experience. For instance, the Legal Writing Professors blog frequently mentions innovative teaching techniques and addresses other matters directly relevant to student well-being. Nancy Soonpaa, who serves on the Section's executive board, joins Sue Liemer, Colleen Barger and Mark Wojcik as editors of the Legal Writing Professors blog, and James Levy is a contributing editor. David Thomson's blog, located at <http://www/lawschool2.org>, discusses change in legal education, and the role technology can play in facilitating that change. Susannah Pollvogt also has recently launched a blog dedicated to "Thriving in Law School." She invites those with thoughts to share, links to post, students to send or time to kill to visit the blog at <http://susannahpollvogt.wordpress.com/>. Countless organizations and individuals involved in legal education have established

a presence on Facebook and other social media networking sites. A few have even established Twitter "handles."

Outside of law school circles, the breadth and depth of resources relevant

to the mission of the Section is staggering, and can seem overwhelming, especially to the uninitiated. The December, 2009 issue of the ABA Journal contains its third annual list



of the best legal blogs, as selected by the Journal's editors.

This might be a useful starting point for people who are seeking to explore the broader "blawgosphere" for the first time. Members of the Section might also find Kim Wright's website, [www.cuttingedgelaw.com](http://www.cuttingedgelaw.com), fascinating. The website poses the question, "what if lawyers were peacemakers, problem solvers, and healers of conflict?," and describes itself as a multi-media history of the various aspects of the comprehensive law movement. You may see some familiar faces on the website; it features an expanding array of video interviews of pioneers and leaders in the movement to infuse balance into legal education. You can access the videos directly through the website. Bruce Winick, Cindy Adcock, Daisy Floyd, Erica Ariel Fox, Josh Rosenberg, Larry Krieger, Len Riskin, Susan Daicoff and Tim Floyd all make an appearance – as do many others. The website also includes articles, and Mike King provides a blog.

As the Section establishes its own web presence, the challenge will be to add a useful and effective voice that reaches the broader community potentially interested in our work. If you have ideas about ways the Section could use the internet to enhance balance in legal education or would like to contribute to the effort, please contact Carol Wallinger at [cwalling@camden.rutgers.edu](mailto:cwalling@camden.rutgers.edu). All ideas are welcome.

## Five Ideas for Uncertain Economic Times

The economic downturn has hit certain sectors of the legal profession with particular force. Some bar associations and legal employers have adopted measures to support lawyers during these tough times. The ABA has dedicated a portion of its website to Economic Recovery Resources for Lawyers ([http://new.abanet.org/economic recovery/default.aspx](http://new.abanet.org/economic%20recovery/default.aspx)). Many state bar associations have established or ramped up programs for lawyers in transition. Of note is the New York State Bar Association's Committee on Lawyers in Transition, which became a standing committee of the NYSBA in November of 2008. According to its website, available through <http://www.nysba.org>, the committee "develops initiatives to enable lawyers to remain connected to other lawyers and the profession before and during a career interruption, and to help lay the groundwork for future re-entry." Some law firms have responded to the economic crisis by furloughing incoming associates, and offering stipends to tide the associates over. Some offer more generous stipends to those lawyers who work in public interest positions while awaiting their opportunity to join the law firm. This approach is not without its critics. While some laud it as a particularly compassionate means of dealing with economic exigencies facing law firms, others claim it has the unintended effect of crowding out those lawyers who have sought to enter public interest practice from the get go. Although not all sectors of the legal profession have experienced the same level of turmoil, it is clear that substantial turmoil exists and is likely to continue, at least in the near future. This fact is not a secret to our students, and it is no surprise that the uncertain economic climate is a source of substantial anxiety to many of them.

Of course, anxiety has long played a role in law school culture. Many of us keep copies of Larry Krieger's booklets on *The Hidden Sources of Law School Stress* and *A Deeper Understanding of Your Career Choices* in our offices, and hand them out liberally to students. The current economic climate provides just one more reason to do so. A number of law schools have responded directly to the financial crisis, however, and have instituted new

programs to support law students who are nearing graduation or who have recently graduated and are seeking employment. Some schools, such as the University of Minnesota Law School, have created post-JD fellowships for recent graduates who have not yet found employment. Other schools, such as the University of St. Thomas School of Law, have established peer support and mentoring groups, with the mission of easing the transition from law student to lawyer in these difficult times. Yet others have enhanced programs to refine professional skills and provide career guidance to students nearing graduation. For instance, Lewis & Clark Law School instituted a new Graduate Fellow Program this fall. The program provided opportunities for recent graduates to meet with professors, practicing lawyers and other active members of the legal profession to discuss such topics as finding a job, honing research and writing skills, developing effective communication skills, project management and professional development, technology for lawyers and risk management. The program was offered at no cost, and met four evenings a week over a course of six weeks.

If somebody were to ask you, what is one small thing a law school or an individual professor or administrator might do to help students prepare for uncertain economic times, what would you say? Your colleagues offered the following insights on this question:

Margaret Drew, Director of Clinics and Experiential Learning and Associate Professor of Clinical Law at the University of Cincinnati College of Law, suggested: "We can assist students in seeing the wider range of opportunities than the job that they may have focused on finding. We can help students look beyond their fear and

not miss any alternative opportunities that may come their way. The less that they try to control their futures the more satisfied they may be professionally."

Libby Davis, Associate Dean for Career Services and Alumni Relations at Lewis & Clark Law School, wrote: "I think the one small thing a professor or administrator can do to help students prepare for uncertain economic times is to be honest, yet supportive, about what the job search will entail - I refer to it as 'tough love'. Students need to know that searching for a job is going to take time and determination. They need positive suggestions about what they can/should do to look for a job (not a comment like, 'yeah, it's really tough out there; I can't imagine how difficult it must be to find a job.'). They also need networking suggestions and 'tough love' to get them out there talking to people about what they want to do."

Keith Sealing, Assistant Dean at Widener University School of Law, offered: "I have one suggestion for turning the wretched economic situation into a possible win-win. Even as law firms are shrinking summer associate programs and hiring in general - and simultaneously demanding first year associates that are ready to hit the ground running with practical legal skills - the need for pro bono or public service work is growing ever greater as publicly supported programs lose funding and shrink and the ranks of people that are facing foreclosure and other economy-related legal issues expand. Law students need to consider that they are fortunate to be able to advance their education in an economy like this. With the help of their law schools, they need to put greater emphasis on exploring pro bono opportunities and unpaid positions where they can provide valuable and needed service to the victims of the economic slump and at the same time network and enhance their marketability. When I was a summer associate we were fêted with a series of pool parties at partners' various estates; I think those days may be over. But I'm not sure that's such a bad thing, many students come to law school with lofty public service goals and end up battling fiercely for the handful of starting slots that start at over \$100,000 a year.

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## FIVE IDEAS FOR UNCERTAIN ECONOMIC TIMES

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Perhaps the economy will give them an opportunity to re-focus on the idealistic vision that brought them to law school. In that sense, a renewed emphasis on pro bono service while still in law school is indeed a win-win situation.”

Nancy Soonpaa gives the following advice to law students: “Be flexible and generate options, including non-law options, for post-graduation. Think expansively about why you want to be a lawyer (to help people? to make a difference? to work in [broad subject matter area]?), not narrowly (to be a prosecutor in Harris County). Have a list of short-term goals, as well as long-term ones. Many jobs could meet your short term goals, such as gaining experience in a law office, going to court, or talking to and representing actual clients, while giving you time to meet the long-term ones (eg., practicing corporate law). This piece of advice is a bit tougher to give, because it may not serve institutional interests at all. But consider whether this law school is the best institution for you to be attending in consideration of the above and the uncertain economic times.”

Nancy adds “someone once told me that he didn’t believe in having a Plan B because it conceded the possibility of failing at Plan A. The fallacy of this attitude is that it assumes one has control over all factors that might affect one’s success and path in life. The current economic situation supports the wisdom of having a Plan B. ‘Not my first choice’ is NOT the same as ‘not my best choice.’”

Gordon J. Beggs, Clinical Professor at Cleveland-Marshall College of Law, noted: “I have found myself quoting Roger Baldwin (1884-1981), founder of the ACLU, who I met in my early days with that organization, to graduating students facing an uncertain future. Roger lived through some harrowing times in our history, but ultimately saw the flowering of the Civil Rights Movement. He used to say ‘One must always travel hopefully!’”

# Winter Reading

As the holidays approach, many of us anticipate a break from our usual workaday routines. Although many of us enjoy the new-found flexibility in our schedules, grading responsibilities loom, and a flurry of seasonal activities may crowd our calendars. At times, we may feel as frantic as we do joyful. Sometimes, we may long to escape for an hour or two, and pick up a book that is engaging, enriches our thinking, but is on the lighter side. If you’re looking for some books you might dip into this season that are relevant to the work of the Section, a few suggestions might come in handy. David Thomson, for one, highly recommends *Learner Centered Teaching*, by Maryellen Wiemer (Jossey-Bass 2002). Judge Charlie Schudson lauds one of Malcolm Gladwell’s latest, *Outliers* (Little, Brown 2008). He recommends this book to law students, educators, and just about everyone – he deems it a fast and fascinating read. Here are a couple more suggestions for you to consider:

Howard Gardner, *Five Minds for the Future* (Harvard Business School Press 2007): Harvard psychologist Howard Gardner extends his multiple intelligence theory to examine the cognitive abilities that he believes will best equip us for the future. Among these are, in his words, the disciplinary mind, the synthesizing mind, the creating mind, the respectful mind and the ethical mind. There is a lot here to inform any of us who question the kinds of capabilities and habits we should seek to nurture among our law students.

Jonah Lehrer, *How We Decide* (Houghton Mifflin Harcourt 2009): Science writer Jonah Lehrer draws on the

insights of neuroscience to examine how we make decisions. He argues that analytical thinking and emotion are both essential components of good decision-making. He includes engaging examples – ranging from the decision-making processes of high school teachers to those of serial killers – and introduces readers to quite a bit of neuroscience in the process.

Julie Morgenstern, *Never Check Email in the Morning* (Simon & Schuster 2005): Organization guru Julie Morgenstern tackles the workplace. Even if you’ve mastered your own work life (haven’t we all?), you might find this an entertaining and interesting read. Although Morgenstern bases many of her examples on the business world, the message translates well to non-profit and academic environments. She advocates engagement in self-reflection to focus on the reader’s individual goals and values. She also provides strategies to organize working time around those goals and values, rather than around externally imposed priorities. If you’re looking for something to recommend to law students who struggle with organizational and time management issues, this book (or one of Morgenstern’s earlier offerings, *Organizing from the Inside Out* or *Time Management from the Inside Out*) might serve your purposes nicely.

Jill Bolte Taylor, *My Stroke of Insight* (Penguin 2008): The author, a neuroanatomist who suffered a stroke, describes her eight-year journey of recovery. The stroke damaged the left side of her brain, and she found the rational, analytical abilities she had relied on as a scientist were largely unavailable. In the void, she found herself newly aware of her intuitive powers and discovered fresh emotional dimensions in her life. She paints a fascinating picture of the joy and euphoria she experienced, as well as the frustrations she faced, as she sought to heal. She couples scientific insights with personal experience to create a compelling tale of the function and meaning of the human brain.



## Other News

The University of Miami School of Law dedicated its new Therapeutic Jurisprudence Center on September 24, 2009, under the direction of our own Bruce Winick. The Center sponsors and publishes research, conducts training, academic conferences and educational programs, and participates in educational reform. Colleagues from other departments in the University, including those working in psychiatry, epidemiology and public health, ethics, education and psychology will work with the center and collaborate in its research. We extend our congratulations to Bruce, and look forward to the future contributions of the Center.

Members of the Section report many other developments in their law schools related to balance in legal education. For instance, several professors describe ways they are addressing humanizing themes in their classes. Amy Jean Schmitz at the University of Colorado School of Law teaches a Consumer Empowerment service-learning class. The class combines academic inquiry with development and presentation of a “consumer skills” workshop for the public. They also publish a consumer skills booklet through the class. Amy, along with three of her colleagues, presented a panel at a conference last spring for the whole University of Colorado system, in which they described their efforts to incorporate outreach and a more “human” pedagogy into their law classes. Elsewhere, Judge Charlie Schudson taught his “Preparing Lawyers for Life” course at both Marquette and Wisconsin law schools this fall. He continues to speak at law

schools around the country and consult with law faculty about offering similar courses at their schools.

In particular, there appears to be an increasing role for contemplative practices in law school curricula. For instance, Victor Goode and Maria Arias taught a course on Contemplative Practices at CUNY School of Law this fall. The course is an outgrowth of the Contemplative Practices Program at CUNY, which began in 2001. The new course allows for a systematic integration of contemplative practice with lawyering skills, in a way that is central to the students’ education. David Zlotnick at Roger Williams University School of Law offered a class last spring on mindfulness for trial lawyers. Julie Sandine at Vanderbilt University Law School offers a non-credit course for 1Ls that teaches mindfulness meditation, Qi Gong, cognitive strategies and other mechanisms to combat stress.

Law students are developing new programs as well. Vanderbilt students, for instance, have created a new organization called the Vanderbilt Law Students Health and Wellness Association. The organization sponsors wonderful programming to help students combat stress and learn new and healthier ways to deal with the challenges of law school. The Vanderbilt Alternative Dispute Resolution Organization has become rejuvenated, and co-sponsored a conference on collaborative law last August. Julie Sandine believes that the renewed interest grew out of the “Lawyers as Peacemakers, Lawyers as Problemsolvers” conference at the University of Memphis in the fall of 2007.

## Please Keep in Touch

If you have any comments or suggestions for future editions of this newsletter, please send them to the editor, Amy Bushaw at bushaw@lclark.edu. Our plan is to use the information we gather from time to time to help build content on our Section’s website, so your contributions are always welcome.

Section newsletters only come out sporadically. The humanizing legal education listserv is available every day. If you do not yet subscribe to the listserv, we encourage you to do so. To subscribe, go to <https://lists.fsu.edu/mailman/listinfo/law-legealed> and follow the instructions. If you do subscribe to the listserv, please post your thoughts, questions, insights and accomplishments on a regular basis. You will find you have an appreciative and responsive audience.



## Please Become a Member of the Section

If you are not yet a member of the Section on Balance in Legal Education, we encourage you to join. Section membership is open to faculty and professional staff of AALS membership schools; others may join as associate members. To become a member or an associate member, please contact the AALS National Office at (202) 296-8851 or [aals@aals.org](mailto:aals@aals.org), and indicate your interest in joining the Section.

This newsletter is a forum for the exchange of points of view. Opinions expressed here are not necessarily those of the Section and do not necessarily represent the position of the Association of American Law Schools.