



## Presidential Address

“Benefits from Challenge: The Continual Evolution of American Legal Education,” at the Second Meeting of the AALS House of Representatives, 2015 Annual Meeting

Blake D. Morant, AALS President  
January 4, 2015

Colleagues and friends, it is with humility and honor that I accept the presidency of the Association of American Law Schools for 2015.

I commence my address with a salute to Dean Dan Rodriguez for his magnificent work as president this past year. His outstanding leadership has raised the profile of legal education during one of the most challenging chapters in our history. I indeed have very large shoes to fill. I also salute Executive Director Judith Areen, AALS’s stellar roster of past presidents, and the extraordinarily dedicated colleagues on the Executive Committee for their energy and leadership. Collectively you have contributed mightily to the association and I consider it a privilege to work with you to continue the progress made in the last year. I would be remiss not to express my gratitude to my colleagues at the George

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## Highlights from the 2015 Annual Meeting

More than 2,500 law school faculty, deans, and staff attended the 2015 Annual Meeting of the Association of American Law Schools (AALS) from January 2-5, 2015. Programs focused on fresh perspectives and new ideas on the state of American legal education in keeping with the meeting’s theme of “Legal Education at the Crossroads.” Attendees had their choice of more than 300 sessions.

“The 2015 AALS Annual Meeting was a great success thanks to the hard work and thoughtful planning of our many volunteers in the legal academy,” said Judith Areen, Executive Director of AALS. “We look forward to building on the success of this meeting to provide additional professional development opportunities for the 2016 meeting in New York City.”

The President’s Program, “Implementing Innovation in Law Schools,” considered ways to spur new ideas at law schools and effectively implement needed changes. The Section on Law School Administration

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*benefits from challenge, continued from cover*

Washington University Law School, the Wake Forest University School of Law, and my many friends throughout the academy, as well as to my wonderful wife, Paulette Morant, for their invaluable support.

I have been active in the AALS for more than two decades and am deeply committed to its mission. My firm belief in the value of American legal education contributed immeasurably to my decision to accept the presidency of the association at this critical moment in history. We are indeed at a “crossroads,” as Dan Rodriguez underscored so well throughout his presidency. There has never been a more salient time to demonstrate the importance of American legal education and its crucial role in a modern, democratic society.

The AALS stands at the forefront of the conversation about legal education and continues to move deliberately to support academic excellence. Our core values include faculty vested in the mission of their institution, robust scholarly exchange that provides innovative insights into the efficacy of legal rules and principles, and sensitivity to diversity of backgrounds and viewpoints. With a global market in need of critical thinkers and innovative problem solvers, the association’s mission has never been more important.

My first encounter with the AALS occurred 22 years ago when, after practicing law, I scurried about the halls of the Marriott Wardman Park Hotel to interview for a law faculty position. I have since witnessed the positive impact of quality teaching, scholarship, and service, and how our work changes lives and benefits society. In the years since my entry into the academy, I have also witnessed a seismic change in the legal profession. As a result, American legal education has experienced challenges never imagined.

Today more than ever, American legal education requires our collective dedication and innovation. You have no doubt heard in recent years the cry that American legal education—indeed all of higher education—is in crisis. While the severity of the crisis is subject to debate, history demonstrates the confluence of a number of elements that created a “perfect storm.” This phenomenon has had a palpable impact on American legal education and

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## Presidential Report on 2014

### “Observations from the Trenches,” at the First Meeting of the AALS House of Representatives

Daniel B. Rodriguez  
January 3, 2015

Members of the House of Representatives, I am glad to be with you at my penultimate meeting as president of the association and am pleased to offer some brief remarks of reflection as I conclude my service. I know you all look forward, as do I, to the remarks of my colleague and successor as president, Dean Blake Morant, to be delivered at tomorrow’s second meeting of the House.

In my remarks at last year’s annual meeting in New York, I sketched my theme of the year, legal education at the crossroads. I invoked the popular song of the 1930s in order to make perhaps the too-clever point that we were facing a choice—and we needed to avoid the Faustian bargain that might take us away from our core values. Alas, I don’t have a song on offer to provide a bookend to this year. If I did, it might be something like “Smoke on the Water” or something similarly evocative, if a tad less alarming. But, in any event, I do appreciate the opportunity to reflect just briefly on the past year in legal education—at least the past year as I have seen it in my work as president of the association.

Let me first say just a word about this annual meeting and the theme. Looking over the program, I am struck by the ways in which legal educators are looking at old issues in creative new ways and at new issues with similar imagination and passion. In a presidential panel this morning, we gathered to talk about “implementing innovation in law schools”

and we heard some really ingenious strategies for improvement and perhaps even more significantly reflected on the opportunities and challenges to implementing change in our schools. The programs over the course of the remainder of this meeting are likewise valuable and give our community a sense that things are well in American legal education and great energy can be—and is—channeled to make constructive progress and to provide ever new ways of seeing our complex world.

But what I really want to reflect upon for just a few minutes is what I have observed and learned through this action-packed year, a year that has taken me to a large number of member schools and, in addition, engagement and dialogue with deans and professors at many other schools. Like my colleagues on the executive committee and, in particular, incoming president Blake Morant and president-elect-designate Kellye Testy, I have visited several law schools—more than two dozen all told—all in an effort to talk about the new AALS and to learn how law schools are adapting to this new normal.

Here are some observations from the trenches:

First, the pace of real innovation is ever growing. A number of law schools have encountered this period of substantial challenge in enrollment and post-graduate placement with diligent attention, with acceptance of the imperative of change, and with resolve to respond constructively in their academic choices. New courses and curricular initiatives, yes, indeed. But more far-reaching reforms are well in the works. At more than a few member schools, deans have reconfigured their clinical programs to emphasize a more comprehensive approach to new lawyer training through, for example, incubator programs and, in some cases, law school embedded law firms. Corporate labs and entrepreneurship



programs have become vehicles by which law schools have joined legal training with foundational business skills—this in an era in which the intersection of law and business is increasingly important. Design thinking has found its way into law school pedagogy and, with it, the shrewd metaphor of the T-shaped lawyer, she who has deep legal skills, but also the ability to collaborate across many disciplines. Public interest remains squarely in the canon of law school curricula—and I should pause to note this remarkable fact, given the temptation to deemphasize public interest in an era in which post-graduate employment is challenging to say the least and in which student debt is ubiquitous. Member law schools are making more sophisticated use of adjunct faculty and, as well, non-tenure-stream residential faculty who come to the law school with significant, valuable experience in legal practice.

To be sure, ABA and AALS regulations regarding faculty governance and tenure present challenges to this creativity but, as witnessed by various innovations in staffing models, these regulations have not proved to be serious obstacles to ingenuity,

but, instead, a broad structure to think about employment models that serve well the aims of student learning and academic freedom.

Moreover, imaginative revisions of the law school's essential structure are underway. A number of law schools have developed accelerated programs and pipelines from undergraduate institutions in order to shorten the aggregate time of postsecondary and professional education. And this has been a year in which many law schools have developed master's and post-graduate programs in order to open up legal education to foreign and non-traditional students, and also to provide specialized training to young lawyers in order to help them thrive in a complex profession.

Technology looms large as both an external source of pressure and as a focal point for law school innovation. Subject to resources available, a number of member schools are availing themselves of new modalities of technology to improve pedagogy, in both the doctrinal and experiential parts of the curriculum. In some instances, law schools have deployed technology to widen the scope of access, as through mostly online and blended programs and also public-facing initiatives such as MOOCs and ambitious uses of social media. More than 100 member schools have their own YouTube channel, something that would have been unimaginable 18 months ago. The next few years will make clearer whether technology represents principally an opportunity or a threat to professional education as we know it; for now, innovative law schools have captured some of the utility of technology in their curriculum, in their programs, in their strategic plans.

Change is well underway and progress in adaptation of core educational strategies to new exigencies is manifest and exciting. I have seen it first hand; and you can see it not only in your own institutions, but also, at least second hand, by looking at

law school websites and, happily, at the new and improved AALS website which collects these innovations.

I should pause here to express at least a bit of dismay about how law schools are still portrayed in the media. While the incessant and scurrilous attacks on law schools represented by the so-called "scamblogs" seem to have more or less run their course, the focal point of the media remains on the financial challenges facing law schools—not even so much the financial challenges facing law students, which is an important focus—but on the law schools themselves. And yet the media and

**“ I am proud to be part of a community of law professors and deans who are working resolutely and passionately, to improve legal education and to accomplish real change. ”**

blogosphere tells this story through a scrupulous focus on the decline of law school enrollment, holding a sort of deathwatch with Vegas-like projections of the over and under on which law schools will go under. Like many of you, I have encountered the pregnant pause where the reporter on the other end of a call listens closely to see whether I will choke up in the face of the big news that an entering class is down by x or y number of students.

While it is never useful to fight the facts, I continue to believe that this is not the real story, not where our attention should be. Yes, the evidence is clear that law schools have struggled to meet their enrollment targets and to maintain the quality of their entering classes. But, in

the main, this is not an existential threat to legal education, and not a predicament worth major public attention.

At the risk of coming across as insufficiently sensitive, let me say this: No law school has a right to a certain size entering class or a class of a certain level of credentials. The idea that a law school is struggling because it cannot maintain a size adequate to assure that the fixed costs of its faculty, its infrastructure, its financial contribution to the central campus is essentially a *non sequitur*.

The law school's structure can only be a function of how many qualified students can be persuaded to apply and to enroll. The turbulence in law school enrollment will no doubt continue and, although this will present real challenges to particular member schools as they manage their budgets, it is not the predicament which should and must occupy our attention. That predicament—the one worthy of our attention—is whether and to what extent law schools are serving the fundamental aim of providing high quality education to law students who have the requisite skills to be in our nation's law schools and who, with the benefit of this high quality education, will be able to serve clients and do justice as new lawyers. Let's make that our story, and get away from the law school deathwatch—for, at bottom, no law school deserves to live, no law school deserves to die. Indeed, there is no desert in this at all. Rather, the question is how best to assure that the architecture of American legal education is meeting the needs of a diverse, demanding public and of a profession in flux.

Because I raised the issue of cost, let me say this from the vantage point of someone who has been looking hard at law schools during the past year: Our member schools are taking significant steps to alleviate the debt burdens of our students. Tuition increases appear to be slowing; and, more to the point, the discount rate of law school tuition is increasing and, in some instances, skyrocketing. To be sure, the data here is difficult to collect and hard to parse, but there is at least strong anecdotal

information to support the claim that law schools are distributing more and more tuition revenue back to students, the consequence of which is surely likely to be a reduction in average student debt. In order to sustain these economic choices, law schools are making difficult budgetary choices, including some cuts. They are also working hard to raise external money and with considerable success in order to alleviate tuition dependence. Last, but not least, law school stakeholders, including organizations such as the AALS, Access Group, and the ABA Section on Legal Education are working hard to combat efforts at the federal level to stiffen the requirements for Income Based Repayment. In short, law schools are working hard at controlling costs and this is beginning to have a salutary effect.

But, just a moment Dr. Pangloss, not everything is rosy in law school land. We need to keep it real and reflect on the ways in which our challenges continue and, in one important respect which I'll mention in a moment, grow. Of the many concerns, I want to highlight two:

First, there are tough choices facing our member schools which are under economic stress and strain. One choice is whether and to what extent to invest in faculty development and well-being. We discuss in many venues the conspicuous issue of law school staffing—whether, for example, there will be a turn away from tenured faculty to others with less job security. But looming alongside these hot-button issues are the seemingly more mundane issues of faculty well-being. Will law schools continue to be able to support faculty research and travel? Will law faculty be assisted in their teaching work through, for example, use of technology? Law faculty members are the principal assets in the educational structure of law schools and they are at risk when law schools face economic pressure. A message made clear to me in many meetings at law schools was that the faculty is worried—not solely or even especially about their ability to keep their jobs, but about the support necessary for them to continue their important work of



teaching and scholarship and thus the ability to support the core educational mission of the law school.

The second concern I want to mention is one that has emerged with verve in the past year. While we are hard at work in our law schools at reforming and reshaping our programs in order to accomplish meaningful innovation and safeguard our core values, a number of external stakeholders have undertaken to add state-specific graduation requirements on law schools. The adoption of New York's mandatory *pro bono* requirement—a requirement imposed, remarkably, on law students, but not practicing lawyers and without the breadth and depth of input that befits such a major change—proved to be the opening salvo in a movement to impose new regulation on law schools. California is poised to drop the other shoe, with the imposition of significant new curricular mandates on law students who would sit for that state's bar.

Just taken in isolation, the new requirements in these two large states represent a real impact, and not a particularly positive one, on law schools whose graduates would look to practice in these states. Isn't this a remarkable puzzle? At the same time that the law schools' key accreditor, ABA, and its leading membership organization, the AALS, are adapting their requirements in order to provide greater flexibility and

room for more innovation and in this era in which such values are important, state bar leaders, typically with minimal input from the law schools or even from the general public, are adding burdensome new mandates.

The threats of these state-by-state mandates are three-fold: First, they add significant new costs to law schools at a time in which it is imperative for law schools to work together with the bench and bar to lower costs and thereby expand opportunity and access. Second, they layer on new, often ill-thought-through regulations without accounting for tradeoffs and synergies that are important elements in considering curricular reforms in a complex law school environment. And, finally, they emerge from processes that are insufficiently collaborative, not data-driven, and, frankly, disrespectful to those who are working constructively in the law school environment to foster and implement meaningful change. It is fire-ready-aim in a period in which a much more methodical and measured approach is called for.

So, as I look back at this year of change, I am heartened, but also worried. I am proud to be part of a community of law professors and deans who are working resolutely and passionately, and under difficult conditions, to improve legal education and to accomplish real change. Yet, I fret about the growing disconnect and discord between the legal academy and important external stakeholders, in the bar, in the bench, and in the legislature. I hope that in the coming years we can develop new ways to promote engagement and a multifaceted, respectful dialogue among all those who share an interest in the well-being of legal education. My exposure to the wonderful creativity of you all, deans and faculty alike, gives me great optimism that we will be able to do exactly that.

It has been a pleasure to serve the association as its president and I welcome the opportunity to continue to serve.



## Dean Robert Post Delivers AALS Luncheon Keynote

Robert C. Post, Dean and Sol & Lillian Goldman Professor of Law at Yale Law School, spoke on academic freedom and legal scholarship at the 2015 AALS Annual Meeting Luncheon. A Presidential Program followed his speech marking the 100th Anniversary of the American Association of University Professors' Declaration of Principles on Academic Freedom and Academic Tenure. The full transcript of his address is available on [www.aals.org](http://www.aals.org) and will be in the May 2015 issue of the *Journal of Legal Education*.

AALS Executive Committee members in attendance reflected on Dean Post's exploration of the concept of academic freedom and tenure for law faculty. "Dean Post's superb talk at the Association Luncheon gave us much food for thought as we think deeply and broadly as law professors about academic freedom," said Daniel Rodriguez, AALS Immediate Past President and Dean, Northwestern University School of Law.

AALS President-Elect Kellye Testy, Dean, University of Washington School of Law, agreed. "Dean Post's keynote address on academic freedom was extremely thoughtful and timely. In tackling the topic, he went right into the heart of one of the most misunderstood concepts in higher education," she noted. "His analysis could not come at a better time. As education becomes more connected with business and industry, it is critical for us to understand the history and the promise of our shared governance model and our deepest values, including academic freedom."

Dean Post addressed the complex relationship between academic freedom and legal scholarship. "At its root, academic freedom is about how universities can fulfill their function of producing new knowledge," Dean Post

explained. He observed that the concept of academic freedom did not always exist in the United States. It emerged as a result of a fundamental change in the mission of higher education. By the beginning of the 20th century, American universities had begun to orient toward producing new knowledge instead of merely passing down received truths. Today, Post noted, virtually every university understands its mission in terms of creating new knowledge. "The invention of the concept of academic freedom in the United States is a direct result of this change in the mission of higher education in American universities," Dean Post said.

"At the beginning of the 20th century, American universities were institutions that were owned," Dean Post explained. "Whoever paid the university budget believed it was their responsibility to control what was taught at their university and what was published by employees of their university, including

“At its root, academic freedom is about how universities can fulfill their function of producing new knowledge.”

their faculty.” He noted that professors feared that if what they published irritated or angered the owner of their university, they could be fired.

As a result of this predicament, professors formed the American Association of University Professors (AAUP) in 1915. The purpose of the AAUP was to defend academic freedom.

“[The AAUP] immediately published in 1915, what remains to my mind, the single greatest exposition of academic freedom in the United States—the 1915



Declaration of Principles on Academic Freedom and Academic Tenure,” Dean Post stated. “In fact, this year we celebrate the centenary of that great document which fundamentally altered the status of faculty throughout the United States.”

Dean Post noted that the Declaration defines academic freedom as consisting of three dimensions: freedom of inquiry and research, freedom of teaching within the university or college and freedom of extramural utterance and action. He focused his speech on the first of these dimensions, explaining that the Declaration conceives of academic freedom of research as the freedom to pursue the “scholar’s profession” according to the standards of that profession. Unlike First Amendment rights, Dean Post explained that academic freedom is not fundamentally about the rights of individual professors; it is about the autonomy of the scholarly profession. Academic freedom means that judgments of professional competence can be entrusted only to those who are themselves professionals, and they must employ accepted disciplinary standards, according to Dean Post.

“Reduced to its essence, the complex argument advanced by the 1915 Declaration rejected the image of the modern university as an ‘ordinary

business venture.’ The Declaration instead conceptualized universities as unique institutions bearing a public responsibility to preserve, enhance, and distribute knowledge,” he said. This responsibility entailed respecting the autonomy of the scholarly disciplines that defined and advanced knowledge.

Dean Post addressed the implications of academic freedom for those who dedicate their lives to legal scholarship. He noted that many have doubted whether law is truly a scholarly discipline capable of producing knowledge. Post argued that contemporary legal scholars study law in two distinct but interconnected dimensions: from an external perspective, using accepted methods of social science to study how legal institutions and systems actually work, and from an internal perspective, with is the point of view adopted by those who actually participate in the making of law.

“It is a premise of modern legal education that lawyers will better practice their craft, and be of greater use to society, if they understand how legal institutions and systems actually work,” Dean Post said. He observed that law faculty should seek not merely to instruct students how to think like lawyers, but also to “transmit the knowledge we produce by the internal and external study of law.”

“We are engines of improvement and knowledge. This is the vision for which AALS has always stood, and we ought not to lose sight of it now.”

“We are the only institution within the university comprehensively to study legal institutions in all their many manifestations,” Dean Post pointed out. “Lawyers and judges may claim an expertise in the internal dimensions of law, but neither lawyers nor judges can systematically claim the kind of external knowledge of legal institutions that is routinely wielded by legal scholars.”

“Law schools are the only place on earth where the internal study of law is systematically interrogated by external accounts of how legal institutions actually operate,” Dean Post explained, also stating that the AALS was correct to claim that legal scholarship merited the protections of academic freedom of research. “Of course we should make every effort to ensure the future careers

and livelihood of our graduates. But at this time of ‘Legal Education at the Crossroads,’ we should also remember that we have something important to contribute to the world, something that cannot be duplicated anywhere else,” Dean Post maintained.

“We are engines of improvement and knowledge. This is the vision for which AALS has always stood, and we ought not to lose sight of it now,” Dean Post concluded. “This is the vision that justifies our claim to academic freedom of research and that testifies to our proper position within the modern research university.”

Wendy Collins Perdue, Dean, University of Richmond School of Law, joined her AALS Executive Committee colleagues in praising Dean Post’s talk as particularly timely. “In the current climate, the scholarly enterprise is sometimes attacked as an unnecessary luxury,” she noted. “Dean Post offered a spirited defense of the importance of legal scholarship, arguing that it not only increases the knowledge and understanding of legal institutions, but also creates a superior learning environment in which future lawyers, judges and leaders acquire the tools they will need to assure the vitality and responsiveness of our legal system.”



*benefits from challenge, continued from page 2*

has caused some to question the efficacy of our pedagogical model.<sup>1</sup> I would like to take a few moments to review the elements of this “perfect storm.”

When I became Dean of the Wake Forest University School of Law in 2007, the economy was robust with money flowing into law schools and jobs for new graduates were abundant. All of that changed with the great recession of 2008. American legal education became caught in a conundrum of high tuitions, a depleted job market (particularly in large law firms), and students saddled with debt. The situation left the academy scrambling for normalcy. Law school applications plummeted and schools began to downsize.<sup>2</sup> Unlike economic downturns of the past, students were no longer willing to take refuge from a stagnant economy by pursuing a law degree. Many were wary of the accumulation of a six-figure debt without the promise of a job to pay for it.<sup>3</sup>

Adding to the storm has been a seemingly nonstop tide of negative press. A trio of New York Times articles suggested that law schools were insensitive to the realities of the market and that the value of a legal education was questionable.<sup>4</sup> The author suggested that law schools were out of sync with the economic realities facing current students and were oblivious to the challenges confronting law graduates in a challenging job market.<sup>5</sup> Other publications and blogs contributed to the angst about the value of a law degree.

Another element of the “perfect storm” has been ubiquitously negative perceptions of lawyers. Our profession has had a perennial problem with image. The common perception of lawyers has often been less than flattering, and often derogatory. The plethora of lawyer jokes reinforces this image.<sup>6</sup> A heart-stopping example of the negative public image of lawyers in popular culture can be seen in



the blockbuster film “Jurassic Park,” in the scene which shows a *Tyrannosaurus rex* pursuing human prey. The lawyer is the first in the group to be devoured.<sup>7</sup> Indeed, when I viewed the movie in a theater, the audience erupted in applause at the sight of the lawyer meeting his demise.

The “perfect storm” has had devastating impacts. Fewer individuals are applying to law schools. The latest figures of the Law School Admissions Council (LSAC) revealed that the academy has experienced an approximate 30 percent drop in applicants during the past four years.<sup>8</sup> In fact, the number of people applying to law school today equals the number of applicants in 1977.<sup>9</sup> There has been a commensurate drop in the number of individuals taking the Law School Admission Test, with the steepest decline among students with the highest LSATs.<sup>10</sup> The data suggest that many college graduates no longer see a legal education as a path to professional fulfillment.

The present state of American legal education raises pivotal questions: What is the relevance of legal education in this complex and global market? Has its value diminished in light of the significant investment required to pursue a law degree? Perhaps more seminal, is American legal education adaptable to ensure that it properly equips students with the tools needed to succeed in a global marketplace?

Despite questions of value, the need for quality legal education has never been more acute. The competitive global market requires professionals who can think critically and provide innovative solutions to complex problems. American legal education has long addressed this need. Now the “perfect storm” has become an accelerant for change and innovation. Of course, the academy is no stranger to change. In fact, American legal education has been in a constant state of evolution throughout history.

Recall that legal education in America began with the birth of our nation. During the 18th century, individuals who sought to become lawyers were trained and sometimes mentored by practicing attorneys.<sup>11</sup> This system of apprenticeship not only imparted substantive knowledge of the law, but also inculcated an appreciation for the professionalism required of a successful lawyer. Professionalism in this context embodied the recognition of the significance of the human dynamic and the historic responsibility of lawyers to foster society.<sup>12</sup>

The duty of lawyers to promote societal good predates colonial America. My study of the legendary Sir Thomas More, Lord Chancellor of England during the reign of King Henry VIII, reveals that truly responsible lawyers represented their clients adroitly and assisted less fortunate citizens who lacked representation.<sup>13</sup> This more altruistic mandate has remained an important tenet of the legal profession.

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John Adams, the second president of the United States, whose father wanted him to enter the ministry, decided to become a lawyer. He recognized that the legal profession provided a living and the important opportunity to foster the democratic principles of a fledgling nation.<sup>14</sup> President Adams believed that a great democracy was one in which every person, regardless of their status or popularity, was entitled to justice and representation.<sup>15</sup> A free and democratic society required nothing less.

In the 19th century, the legendary Christopher Columbus Langdell, Dean of the Harvard Law School, established the principle of law as science and promoted the “case method” of instruction. That legal template, which continues to be used extensively today, requires professors to stimulate students to think critically and logically.<sup>16</sup>

Although the Langdellian model has dominated our educational landscape,<sup>17</sup> American legal education has continued to evolve. Skills-based instruction has become more salient, evidenced by the fact that clinical legal education has become *de rigueur* in law schools.<sup>18</sup> Toward the end of the 20th century and responding to critiques from the profession, law faculties have placed greater emphasis on communication skills.<sup>19</sup> Today we find an acceleration of this evolution prompted by elements of the “perfect storm.”

Challenges brought on by the “perfect storm” have prompted innovation. The current tough times have compelled us to think more creatively about pedagogy and curriculum. The academy’s continued evolution has led to more dynamic programs that produce adroit professionals who can better function in a complex, global market.

Many of the new programs that have emerged during these challenging times explore the intersection of classroom doctrine and real-world problems.<sup>20</sup> Experiential education in many different forms, including clinics, externships, and

internships, have emerged in law schools across the country. These programs also inculcate tenets of professionalism. The term “professionalism” conjures many different themes—from thoroughly understanding one’s craft to working well with diverse constituents and contributing to society through volunteerism. It essentially embodies an appreciation of human interaction and the inherent importance of relationships. As a result, professionalism remains a critical ingredient of success for law school graduates.

“ While the speed of change remains debatable, there is little doubt that law schools across the country are constantly seeking ways to adapt to today’s challenging environment. ”

Innovative new programs offered at AALS member schools continue to mount. For example, Notre Dame Law School, the University of Illinois College of Law, and a number of other law schools offer semester-long externships in major cities around the country.<sup>21</sup> The University of Denver Law School has partnered with the University of Colorado Law School to develop a legal residency program for graduates during their first year of practice.<sup>22</sup> Law schools at the University of Montana, Temple University, Wake Forest University, Indiana University Bloomington, and The George Washington University offer creative programs that introduce first-year students to the intricacies of legal practice and the professionalism required to be successful. Some of these programs include practicing lawyers and judges in some aspect of the instruction.<sup>23</sup>

Other innovations seek to add value and tackle costs. A number of law schools offer flexible degree programs that allow individuals to accelerate their study, while others allow students to augment their legal studies with degrees and certificates and complementary programs.<sup>24</sup> Other law schools have implemented cost reductions to minimize tuition.<sup>25</sup> The use of technology has increased dramatically, thereby expanding the opportunities for experiential instruction.<sup>26</sup> Other law schools have integrated international elements into their J.D. programs, thus preparing students for the global market that awaits them.<sup>27</sup>

The array of new programs continues to expand and I look forward to highlighting these and others during my year as president. In some ways, American legal education has come full circle. It began with the apprenticeship model in which the educational experience was primarily experiential, and then became a primarily classroom-based experience. It now moves back to embrace an ever-growing array of experiential opportunities.

Critiques of the academy will undoubtedly continue and should be welcomed as the academy continues to evolve. I recognize that the academy’s evolution is neither complete nor as swift as some critics would like. Some maintain that American legal education remains staid, with only modest changes to the dominant, Langdellian model.<sup>28</sup> While the speed of change remains debatable, there is little doubt that law schools across the country are constantly seeking ways to adapt to today’s challenging environment.

The continuing evolution of American legal education ensures the fostering of programs that Mary Jo White, Chair of the U.S. Securities and Exchange Commission, says will provide lawyers with the opportunity to use skills to uplift and give back to society.<sup>29</sup> The experiential programs, and *pro bono* opportunities in most law schools both offer assistance to disadvantaged clients and inculcate in students the historic, but not always recognized, duty that lawyers owe to society.

### AALS EXECUTIVE COMMITTEE LEADERSHIP

At the Second Meeting of the House of Representatives on Sunday, January 4, 2015, Blake Morant, The George Washington University Law School, assumed the Presidency of AALS. The following individuals were elected to the AALS Executive Committee:

#### President-Elect

Kellye Y. Testy, University of Washington School of Law

#### Members of the Executive Committee (Three-Year Term):

Darby Dickerson, Texas Tech University School of Law

Avi Soifer, University of Hawai'i, William S. Richardson School of Law

#### Members of the Executive Committee continuing in 2015

##### Term Expiring 2015

Wendy Collins Perdue, University of Richmond School of Law

Daniel B. Rodriguez (Immediate Past President), Northwestern University School of Law

Guy Uriel-Charles, Duke University School of Law

##### Term Expiring 2016

Devon Wayne Carbado, University of California, Los Angeles, School of Law

Vicki C. Jackson, Harvard Law School

#### Retiring Members of the Executive Committee

With the conclusion of the Second Meeting of the AALS House of Representatives, two committee members concluded their service on the Executive Committee:

D. Benjamin Barros, Executive Committee Member, Widener University School of Law

Leo P. Martinez, Immediate Past President, University of California, Hastings College of the Law

We extend our thanks and appreciation to these faculty members for their service.

Innovation, however, must not result in the abandonment of other important missions. Law schools must continue their vital roles as critics of law through the scholarship they produce. As Robert Post, Dean of the Yale Law School, said in his speech at the AALS Luncheon during the 2015 Annual Meeting, “[the academy is] the only institution [that can] look both internally and externally at the law.”<sup>30</sup>

Although the challenges confronting law schools remain, the resolve to meet them has never been stronger. We must not retreat to mere survival, but work concertedly to foster the dynamism that comes from the academy’s continual evolution.

It will be my privilege to work with our many colleagues, both within and outside the academy, to foster and highlight the exciting evolution of American legal education. As John Adams observed over 200 years ago, lawyers stand as architects of a functional democracy.<sup>31</sup> This credo galvanizes our resolve, supports the worthiness of our cause, and demonstrates the essentiality of American legal education. Many thanks indeed for your support, energizing commitment, and steadfast determination.



### ANNUAL MEETING PODCASTS NOW ONLINE

More than 150 audio podcasts from the 2015 AALS Annual Meeting in Washington, D.C. are available at no charge to faculty and professional staff from AALS member and fee-paid schools.

Please visit [aals.org/am2015/podcasts](http://aals.org/am2015/podcasts) to listen to the Annual Meeting podcasts.

A user name and password are required to access the podcasts. Your user name is your primary email address. If you do not have or do not remember your password, click the “forgot password” link on the bottom of the login screen.

## AALS Celebrates Jane La Barbera's 34 Years of Service

At the 2015 Annual Meeting, Jane La Barbera's 34 years of service to AALS were celebrated as colleagues and friends came together at the First Meeting of the AALS House of Representatives to honor her tenure and extend well-wishes as she leaves the association.

"There is one person who has contributed more to the AALS over the past 34 years than any other single person and that is Jane La Barbera," AALS Executive Director Judy Areen said at the meeting. "Jane has been the go-to person for anything to do with the Annual Meeting, and other meetings and activities, for most of her time at AALS. Her efforts have contributed to making the Annual Meeting such an important event for the legal academy. I extend to her my personal thanks for her dedication and for her hard work that have accomplished so much for the association."

Daniel Rodriguez, AALS Immediate Past President and Dean, Northwestern University School of Law, agreed with Areen's summation of La Barbera's importance to AALS. He said that through his years of service on the Executive Committee, he came to value La Barbera as an administrator and a friend: "As she makes this professional transition, I wish her the very best in what will undoubtedly be a fruitful new endeavor. The AALS certainly won't be the same without her."

Blake Morant, AALS President and Dean, The George Washington University Law School, thanked La Barbera for her tireless energy and efforts on behalf of the association. "Jane



has been the face and lifeblood of this organization and it has been a privilege and a pleasure for me to work with her."

Former AALS President Michael Olivas, University of Houston Law Center spoke of their more than 30 years of friendship and witnessing first-hand her leadership abilities. "She has all the exceptional qualities one would want in an association leader," Olivas noted. "She's cheerful, dedicated, hard-working, and like many leaders, stubborn when it counts. More to the point, she's been a friend to all, including almost everyone in this room and at this Annual Meeting. I will miss you, deeply. And so will your many friends at the AALS."



### VISIT AALS.ORG FOR ADDITIONAL HIGHLIGHTS FROM THE 2015 AALS ANNUAL MEETING

#### Full text and video of addresses by:

Robert Post, Dean, Yale Law School  
 Mary Jo White, Chair, U.S. Securities and Exchange Commission  
 AALS President Blake Morant  
 AALS Past President Dan Rodriguez

#### Audio podcasts of more than 150 sessions

#### Links to coverage by C-SPAN

#### Videos of select panels, including:

A Conversation with Justice Ginsburg  
 Implementing Innovation in Law Schools  
 Higher Ed and Legal Ed: Partnering for Success in Challenging Times  
 The Future of Educating Effective Lawyers



**Justice Ruth Bader Ginsburg** discussed her legacy and the history of women's equality with Georgetown Law Professor Wendy Williams.

*annual meeting highlights, continued from cover*

and Finance's program, "Differential Affordability: Understanding the Net Cost of Law School," featured a study by Jerome M. Organ, University of St. Thomas School of Law, that detailed how students may be able to obtain a more affordable legal education through strategic admission choices.

Other programs examined the modernization of traditional educational and economic models of legal education, including the Section on Post-Graduate Legal Education's program, "The Exploding Post-Graduate Degree: Alternative Degrees, Online Degrees, and Economics," the Section on Pro-Bono and Public Services Opportunities program, "The Bridge to Practice: Law School Incubator and Fellowship/Bridge-to-Practice Programs as Pathways to Public Service," and the AALS Advisory Committee on Global Engagement's program, "New Challenges and Opportunities in Globalizing Legal Education."

For the first time, several AALS sections held additional sessions focused on new law teachers. Works-in-progress sessions brought together junior and senior law scholars and other sessions focused on pedagogy to assist new law school professors as they develop their teaching skills. They included the Section on New Law Professors' program, "Potential and Pitfalls: Harnessing Your Teaching to Inform Your Scholarship" and the Sections on Commercial and Related Consumer Law and Contracts joint program, "Teaching in the Contracts/Commercial/Consumer Law Curriculum: Challenges and Innovations."

Two U.S. Supreme Court Justices took part in the meeting. Justice Ruth Bader Ginsburg was featured in "Engendering Equality: A Conversation with The Honorable Ruth Bader Ginsburg, Associate Justice, Supreme Court of the United States" on January 3. During the session, Justice Ginsburg joined Wendy

W. Williams, Georgetown University Law Center, in a conversation about ideas and strategies for advancing equal rights for women that shaped her career.

Justice Ginsburg reflected on her career path and the discrimination she and other female academics confronted. Upon graduating, she received no law firm job offers, despite being third in her class. "I described my situation as having three strikes against me," Justice Ginsburg explained. "First, I was Jewish and some of the downtown firms were just overcoming their resistance to hiring Jews. Then I was a woman, more of an impediment. Worst of all, I was a mother." Despite setbacks, she ultimately secured a clerkship, but watched her female peers similarly struggle and succeed in their fields. "It was very hard to get the first job, but once you got the job and did it better than anyone else there was a chance to advance." Justice Ginsburg also attended the Section on Women in Legal Education Luncheon to



**Justice Antonin Scalia** and panelists exchanged thoughts on the role of history in federal courts jurisprudence.

confer the section's Ruth Bader Ginsburg Lifetime Achievement Award to Herma Hill Kay, University of California, Berkeley School of Law.

Justice Antonin Scalia participated in the Section on Federal Courts program "The Role of History in the Federal Courts Canon," on January 4. The panel considered the role of history in federal courts jurisprudence and the influence of founding and reconstruction perspectives. Justice Scalia took part in the discussion of the value and limits of originalism. "I'm a believer in what you might call indirect history. Words do not define themselves," he explained. "These are cases where the public meaning is not clear, which is to say that originalism is not perfect. It will not always give you the easy answer,"

Justice Scalia stated. "But it is better than anything else. The fact is that ordinarily, especially with respect to the most controversial issues, the original meaning is absolutely clear."

U.S. Securities and Exchange Commission (SEC) Chair Mary Jo White served as the inaugural AALS Showcase Speaker; she discussed the importance of public service. During her address, she encouraged those in the legal academy to continue teaching and emphasizing to students the overarching public service obligation of lawyers and the opportunities and benefits that public service jobs provide. "More broadly and perhaps most importantly, [lawyers] should view our public service obligation as a long-term continuing responsibility that guides how we conduct ourselves whether working in the public or private sectors," Chair White said. "Our role as lawyers transcends the technical; it requires us to consider the public's welfare in addition to the interests of a private client."

Many Annual Meeting programs addressed pressing legal issues confronting the country. These included "Beyond Michael Brown and Ferguson, Effective Responses to Police Force," focusing on the racial dimensions of deadly police force and the effectiveness of current responses and remedies. "The Tipping Point, How the Recent Migrant Children's



**SEC Chair Mary Jo White** emphasized the importance of public service for lawyers at the inaugural AALS Showcase Speaker program.

Crisis Highlight the U.S.'s Systemic Failure to Address the Needs of Unaccompanied Children" explored how best to resolve gaps in the federal government's capacity to address children in need of international sanctuary. "Citizens Invited: Scholars and Professors in the Campaign Finance Wars" featured a panel of political advocates, candidates, legislators, and lobbyists who evaluated the fallout from the defeat of many of the legal strategies used to regulate money in politics.

Several panels tackled societal issues dominating news headlines, including the Section on Biolaw's program, "Ebola and the Law," and the Section on Civil Rights' program, "Voter Suppression, the 2014 Elections and Beyond." Other



**C-SPAN** provided live coverage of the Academic Symposium, "Congressional Dysfunction and Executive Lawmaking During the Obama Administration."



**Anita Hill** discussed the political implications of Justice Clarence Thomas's confirmation hearings after a screening of the documentary, "Anita."



**NOW President Terry O'Neill** explored the link between income inequality and reproductive rights at the Section on Socio-Economics Luncheon.

sections took advantage of legislative anniversaries to explore substantive legal issues, such as "The Higher Education Act at 50," "Employment Discrimination and the Americans with Disabilities Act at 25 Years," and "The Voting Rights Act at 50." On January 4, Robert Post, Dean, Yale Law School, addressed attendees of the Association Luncheon, exploring the American Association of University Professors' Declaration of Principles on Academic Freedom and Academic Tenure, which marks its 100th anniversary this year (see page 6).

Anita Hill, Senior Advisor to the Provost and Professor of Social Policy, Law, and Women's Studies, Brandeis University Heller School for Social Policy and Management took part in the Crosscutting Program "Anita F. Hill, Supreme Court Confirmation Hearings, and a Screening of the Film 'Anita.'" Professor Hill described the historical and legal significance and her role in the confirmation hearings for now Justice Clarence Thomas, whom she accused of sexual harassment while working for him at the U.S. Department of Education and the Equal Employment Opportunity Commission. "The way the issues were presented to the American public did a disservice not only to the process of the Supreme Court confirmation, but certainly a disservice to the whole idea of sexual harassment and what it is about. We are still dealing with those issues now," she

said. Professor Hill also spoke at the Section on Minority Groups Luncheon about the importance of setting an example of gender and racial equality in academia.

The Annual Meeting also included the Section on Institutional Advancement's program, "Collaborating During Times of Transition and Transformation," on January 4-5. This program featured plenary sessions on fundraising, media relations and working with faculty. It also offered separate tracks focused on communication, development and alumni relations. Participants traded tips and shared insights on advancing their schools' missions over the two-day program. A panel of reporters from National Public Radio, Reuters, USA Today, and the Washington Post provided advice to law school communication professionals on getting their schools and faculty in the news.

The Academic Symposium "Congressional Dysfunction and Executive Lawmaking during the Obama Administration" brought legal scholars together to debate the nature and scope of executive power, especially as it relates to President Obama's record. The symposium was covered by C-SPAN, which also covered the Section on Socio-Economics Luncheon with National Organization for Women (NOW) President Terry O'Neill.

Annual Meeting sessions also caught the attention of national media with reporters from ABC, Businessweek, Chronicle of Higher Education, National Law Journal, National Public Radio, NBC, and several others covering the meeting. Social media was also buzzing with Annual Meeting activity with the hashtag "#AALS2015" trending nationally on Twitter on January 3, spurred in large part by Justice Ginsburg's appearance at the meeting and use of the official AALS Annual Meeting Mobile App.

Throughout 2014, AALS worked on developing better programs for deans and exploring additional ways to gather law school leadership. These efforts led to the creation of the Steering Committee of the Deans Forum to identify issues affecting legal education and to develop strategies to assist law school deans in improving legal education. Through a combination of roundtable discussions and breakout groups, the AALS law school deans attended the first program of the Deans Forum. The session, "Thriving as a Dean in Today's World," discussed approaches for building and leading successful teams as well as strategies for fostering adaptability and creativity.

In addition to attending programs at the AALS Annual Meeting, several organizations chose to hold meetings and programming in conjunction with the event, including the Federalist Society, the Society of American Law Teachers (SALT), and the Society of Socio-Economists.

Planning for the 2016 AALS Annual Meeting, January 6-10, 2016 in New York City, is already underway with details and registration information available in the coming months.



## New Program Committee Announced for the 2016 Annual Meeting

**A**ALS is making important changes to how Annual Meeting programming is reviewed and implemented. A new AALS Program Committee for the 2016 Annual Meeting will be responsible for reviewing open-submission programming for the Annual Meeting. These include Hot Topic Programs, Crosscutting Programs, Academic Symposia, and—new for the 2016 Annual Meeting—Discussion Groups and Academy Programs. Ben Barros, Widener University School of Law, will serve as chair of this newly formed committee.

The committee’s goal is to improve and expand programming at the Annual Meeting and to revamp the proposal process to make it more efficient. Its members are working to develop clear and specific standards, which will be included in the calls for submissions. “The Annual Meeting increasingly features programming that does not come from the sections,” Professor Barros explained. “It made sense to take all of these programs and place them under one committee. The Committee on Sections will continue to work with the sections and support their programming for the Annual Meeting. The Program Committee will be responsible for the rest of the Annual Meeting.”

Crosscutting and Hot Topics programs remain crucial aspects of the Annual

Meeting. “They were originally intended to get at types of programs that couldn’t easily be developed by sections, either because of timing (such as the Hot Topics Programs) or because they are interdisciplinary (such as the Crosscutting Programs),” Professor Barros explained. “We are now moving in a direction where we want to encourage good programming, regardless of whether it was developed by a section or one of the other mechanisms. These programs give the meeting the benefit of the creativity and energy of people in the academy who have great ideas but who aren’t necessarily section leaders.”

While chair of the Committee on Sections and Annual Meeting, Professor Barros originated the initial concept of a symposium track at AALS Annual Meetings to encourage high-level scholarship and to provide another avenue for open-submission programming. The AALS Academic Symposium, now in its third year, will continue to be an important part of the Annual Meeting. The Program Committee will be tasked with selecting these programs. “Not every program at the Annual Meeting has to be focused on serious scholarship, but serious scholarship should always be a fundamental part of the meeting,” Professor Barros said. “The symposia we have had so far have been outstanding.”



**D. Benjamin Barros**, Associate Dean for Academic Affairs and Professor of Law, Widener University Law School-Harrisburg

Discussion Groups will be a new feature beginning at the 2016 Annual Meeting in New York City. They will provide a less formal setting for discussions among faculty, with the total number of participants capped at 20. Academy Programs are also a new addition, intended for programs that do not fit into any other program category. “The general aim is to provide a venue for less formal discussion of topics among a larger group of people at the Annual Meeting,” Professor Barros explained.

The Program Committee encourages faculty to consider submitting Annual Meeting program proposals. “The Annual Meeting is a wonderful place to present your ideas,” Professor Barros noted. “It is the location where you will find the most law professors in one place. Plus, it will make your dean happy.”



Panelists discussed responses to deadly police force and its racial dimensions at the Hot Topic program, “Beyond Michael Brown and Ferguson, Effective Responses to Police Force.”



# photos from the 2015 annual meeting

More than 2,500 law school faculty, deans, and staff attended the 2015 Annual Meeting at the Washington Marriott Wardman Park.



Panelists David Oppenheimer, David Koelsch, D'lorah Hughes, Alli Gerkman, and Heather Bock on "The Future of Educating Effective Lawyers."



**Retired U.S. Senator Tom Harkin (Iowa)** discussed the impact of the Americans with Disabilities Act (ADA) on its 25th anniversary.

2014 Past President Leo Martinez, 2015 President Blake Morant, House Parliamentarian Elliott Milstein, and House Clerk Regina Burch at the House of Representatives.



Representatives from Wolters Kluwer demonstrated new products and services.



Panelists debated potential regulatory frameworks for "Bitcoin" during "Designing a Regulatory System for the Age of Decentralized Virtual Currencies."



ABA Delegate Lauren Robel, 2015 President-Elect Kellye Testy, and 2014 President Dan Rodriguez after the AALS House of Representatives meeting.



**Justice Ruth Bader Ginsburg** presented the Section on Women in Legal Education's Lifetime Achievement Award to Professor Herma Hill Kay, University of California, Berkeley School of Law.



**Deans from Chinese law schools** discussed the challenges for U.S. and Chinese legal education.



## Call for Scholarly Papers for Presentation at 2016 AALS Annual Meeting

In order to foster the next generation of legal scholars and to recognize outstanding legal scholarship, AALS is sponsoring a call for papers for the 30th annual AALS Scholarly Papers Competition. Full-time law teachers at an AALS member or fee-paid school for five years or less on July 1, 2015, are invited to submit a paper on a topic related to or concerning law. A committee of established scholars will review the submitted papers with the authors' identities concealed.

Papers that make a substantial contribution to legal literature will be selected for presentation at the AALS Annual Meeting in New York City in January 2016.

To be considered for the competition, an electronic version of the manuscript should be emailed to [scholarlypapers@aals.org](mailto:scholarlypapers@aals.org) no later than August 7, 2015, 11:59 p.m. EST. For more information, please visit [aals.org](http://aals.org).



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## Call for Symposium Proposals for the 2016 Annual Meeting

The Association of American Law Schools is pleased to request proposals for the Symposium to be held at the 2016 AALS Annual Meeting in New York, New York. These programs are full- or half-day sessions that focus on in-depth scholarly exploration of a topic of academic interest.

Symposium programs are expected to be published in a journal or edited volume and proposals must address publication arrangements. The inaugural AALS Symposium was held at the 2014 Annual Meeting. It offered an in-depth look at constitutional change from a comparative perspective. Papers from this symposium were published in the *American Journal of Comparative Law* and the *International Journal of Constitutional Law*. The Symposium at the 2015 Annual Meeting was on "Congressional Dysfunction and Executive Lawmaking during the Obama Administration." Papers from the 2016 Symposium will be published in the *Chicago-Kent Law Review* and the *American University Law Review*.

Symposium proposals should include:

- An abstract of up to 750 words describing the overall symposium program and its anticipated contribution to legal scholarship.
- Abstracts of up to 250 words describing each proposed symposium paper.
- A description of the publication arrangements for the program.

In reviewing proposals, the committee will consider the following:

- The overall quality of the program, with a focus on the potential scholarly impact of the program. In considering overall quality, the committee will consider:
  - Is the program well thought out?
  - Is the program well-written and well-organized?
  - Do the program and individual paper abstracts add up to a coherent and compelling program?
  - Will the proposed program make a substantial impact on the scholarly literature in the topic area?
- Is there a diversity of presenters, including diversity of schools, viewpoints, and diversity based on identity characteristics?
- Are junior participants included in the proposal?

The AALS welcomes comments and questions about the Symposium. Questions should be directed to [symposium@aals.org](mailto:symposium@aals.org).

Proposals are due May 12, 2015 and should be sent to [symposium@aals.org](mailto:symposium@aals.org). To see the successful proposals for the 2014 and 2015 Symposia, please see the full call for Open-Submission Programs at [aals.org/aals-events/rfyps](http://aals.org/aals-events/rfyps).



# 38th Annual Conference on Clinical Legal Education and Law Clinic Directors Workshop

## Law Clinic Directors Workshop

Rancho Mirage, CA  
May 3-4, 2015

The Law Clinic Directors Workshop will focus on the changes confronting directors in the “new normal” for legal education. Directors will hear information on:

- The role that clinic directors play in leading the reform of legal education, both within and outside the clinical curriculum (“Who Leads in the New Normal”);
- The impact on clinic staff of changes in funding and in programmatic demands (“Who Does the Work in the New Normal”); and,
- The cost/value equation for clinical courses.

Informed by data from the newest Center for the Study of Applied Legal Education (CSALE) survey, the sessions will leave ample time for discussion and consultation between directors on these and other concerns.

Law Clinic Directors Workshop	
Faculty of AALS member and fee-paid law schools	\$210
Faculty of non-fee-paid law schools	\$260
Conference on Clinical Legal Education	
Faculty of AALS member and fee-paid law schools	\$450
Faculty of non-fee-paid law schools	\$500
Faculty of international law schools	\$450



The Clinical Conference will take place at the Westin Mission Hills in Rancho Mirage, California.

photo courtesy of Westin Mission Hills

## Conference on Clinical Legal Education

### Leading the New Normal: Clinical Education at the Forefront of Change

Rancho Mirage, CA  
May 4-7, 2015

Legal education confronts a period of intense change. These changes include a drop in law school enrollment, a difficult job market for graduates, transformations in law practice, and a rethinking of the roles of and the need for lawyers. Some argue that law schools must address these changes or lose control over legal education. A “new normal” seems to be taking hold.

“Leading the New Normal: Clinical Education at the Forefront of Change” will explore this new situation and ask whether and how clinicians should lead in the “new normal” of legal education. The presentations and workshops will help us to understand and to engage productively with the situation we now face. Sessions will prepare participants for new uses of technology in teaching and practice, changes in the structure and delivery of legal services, and new opportunities for leadership in legal education. Participants should take away ideas for how to change their work and how to help students to participate fully in the world of practice after graduation.

“This conference explores what happens as clinical ideas and methods begin to pervade others parts of the law school curriculum,” Planning Committee Chair Alexander Scherr, University of Georgia School of Law, explained. “It also encourages clinicians to engage with pressures for us to change in turn, including new economic realities, new technology, and new ways to advocate for social justice.”

For more information on the conference and workshop and to register, visit [aals.org/clinical2015](http://aals.org/clinical2015).

### Planning Committee for Conference on Clinical Legal Education

Kimberly Ambrose, University of Washington School of Law  
Claudia Angelos, New York University School of Law  
Eduardo R. Capulong, University of Montana School of Law  
Michele R. Pistone, Villanova University School of Law  
Laura L. Rovner, University of Denver Sturm College of Law  
Alexander Scherr, University of Georgia School of Law,

**Chair**



## AALS Spring Workshops

### Workshop on Shifting Foundations in Family Law: Family Law’s Response to Changing Families

Orlando, FL  
June 22-24, 2015

Family life and family law have undergone sweeping transformations in recent decades. Family life is becoming more diverse as alternative forms of family organization have gained prominence, including cohabitation, LGBTQ relationships, single parent households, one-person households, and other care networks. Family life is also becoming more unequal. The shifting demographics of the family provide the context for the workshop.

It has now been more than a decade since the American Law Institute published its Principles on the Law of Family Dissolution and since the Supreme Judicial Court of Massachusetts issued its *Goodridge v. Department of Public Health* decision. The U.S. Supreme Court’s 2013 *United States v. Windsor* opinion has already effected broad changes far beyond its invalidation of part of the Defense of Marriage Act.

This workshop considers foundational principles in family law at a time of sweeping transformations in family life. The plenary sessions cover:

- Changes in families and family law;
- The various meanings of inequality in family law;
- Core principles in family law; and,
- Projections for the future.

A concluding session jointly sponsored with the Workshop on Next Generation Issues of Sex, Gender and Law will also cover marriage equality and inequality. During concurrent sessions, participants will explore family law’s relationship to other areas of law, differing approaches to family formation, and pedagogy and practice.



The AALS Midyear Meetings will be held at the Doubletree by Hilton at the entrance to Universal Studios in Orlando, Florida, near the newly opened Wizarding World of Harry Potter.

photo courtesy of Universal Parks & Resorts

“The workshop is set up to create opportunities for a rich dialogue among junior and senior faculty about the meaning, contours and status of changes in family structure and changes in family law,” Planning Committee Chair Naomi Cahn, The George Washington University Law School, said.

The workshop will address such questions as:

- How should family law respond to the changing shape of families and to the implications of rising inequality for families?
- How are the “essential” foundations of family law evolving?
- What, today, is involved in teaching family law?

For more information and to register for this workshop, please visit [aals.org/midyear2015](http://aals.org/midyear2015).

### Planning Committee for Workshop on Shifting Foundations in Family Law: Family Law’s Response to Changing Families

Brian H. Bix, University of Minnesota Law School  
Naomi R. Cahn, The George Washington University Law School, **Chair**  
Solangel Maldonado, Seton Hall University School of Law  
Linda C. McClain, Boston University School of Law  
Sean H. Williams, The University of Texas School of Law

Type of Registration	by May 17	after May 17
<b>Workshop on Measuring Learning Gains and/or</b>		
<b>Workshop on Shifting Foundations in Family Law: Family Law’s Response to Changing Families</b>		
Faculty of Member and Fee-Paid Schools	\$525	\$575
Faculty of Non Fee-Paid Law Schools	\$620	\$670
<b>Workshop on Next Generation Issues of Sex, Gender, and the Law</b>		
Faculty of Member and Fee-Paid Schools	\$525	\$575
Faculty of Non Fee-Paid Law Schools	\$620	\$670
<b>All Three Workshops</b>		
Faculty of Member and Fee-Paid Schools	\$790	\$870
Faculty of Non Fee-Paid Law Schools	\$945	\$1025

## Workshop on Measuring Learning Gains: Institutional Effectiveness for the New Era

Orlando, FL  
June 22-24, 2015

Law schools are entering a new era, one in which they will be expected to seriously evaluate what their students have learned throughout their law school careers. New accreditation requirements imposed by the ABA, regional accreditors of colleges and the federal government are the driving forces for such attention to educational effectiveness. But so, too, is the intellectual curiosity and commitment to delivering high quality, effective education that animates legal educators.

“We are excited to present this interactive and instructive workshop on outcomes assessment from an institutional perspective,” Planning Committee Chair Catherine Carpenter, Southwestern Law School, said. “As faculty and law school administrators, we are not especially versed in the terminology or the tools needed for effective institutional assessment. Conferences, such as this one, with experienced and skilled presenters will help us navigate the fairly steep learning curve we face.”

This workshop is designed to provide participants with in-depth understanding and experience with the issues, goals, and strategies associated with the assessment of institutional effectiveness. The program will provide participants with a true “workshop” experience that helps them:

- Identify a starting point for assessment planning at their individual schools;
- Draft an assessment plan for their program or school;
- Develop a communications plan to increase understanding, acceptance, and participation in the assessment plan; and,
- Identify resources that will help them improve assessment of student learning.

For more information and to register for this workshop, visit [aals.org/midyear2015](http://aals.org/midyear2015).

### Planning Committee for Workshop on Measuring Learning Gains

Raquel E. Aldana, University of the Pacific, McGeorge School of Law  
Catherine L. Carpenter, Southwestern Law School, **Chair**  
Thomas F. Geraghty, Northwestern University School of Law  
Todd D. Rakoff, Harvard Law School

## Workshop on Next Generation Issues of Sex, Gender, and the Law

Orlando, FL  
June 24-26, 2015

After more than 40 years of formal sex equality under the law, this workshop will ask academics to look ahead to the future and identify, name, and analyze the next generation of legal issues, challenges, and questions that advocates for substantive gender equality must be prepared to consider.

“Our hope is to explore new and forward-looking ideas for scholarship, law reform, and advocacy that can bring about equality,” Planning Committee Chair Angela I. Onwuachi-Willig, University of Iowa College of Law, said. “Sessions will explore the institutional strengths and weaknesses of courts, legislatures, and administrative bodies for bringing about change and offer suggestions for legal reforms that can better meet women’s needs.”

The goal of this workshop is not only to pinpoint and examine future law-related concerns about gender equality, but also provide innovative new approaches to achieving equality for women and those who challenge gender norms in our society. Employment, violence against women, reproductive rights, women’s poverty, and women in legal education will be particular focuses.

Sessions will address the ways in which characteristics other than gender—including race, sexual orientation, immigration status, socioeconomic class, and disability—impact women’s lives.

For more information and to register for this workshop, visit [aals.org/midyear2015](http://aals.org/midyear2015).

### Planning Committee for Workshop on Next Generation Issues of Sex, Gender, and the Law

William Eskridge, Yale Law School  
Aya Gruber, University of Colorado School of Law  
Angela I. Onwuachi-Willig, University of Iowa College of Law, **Chair**  
Kimberly Yuracko, Northwestern University School of Law  
Rebecca E. Zietlow, University of Toledo College of Law



## 2015 AALS Workshops for New Law Teachers

### Workshop for New Law School Teachers

Washington, D.C.  
June 3-5, 2015

The 33rd Workshop for New Law School Teachers will be held June 3-5, 2015 in Washington, D.C. The workshop is designed for new law teachers regardless of subject area. Law teachers enter the academy on different paths, but also have much in common as they begin their careers. Sessions will be led and facilitated by a group of inspirational senior and junior faculty chosen for their commitment to legal education, track record of success in their own careers, and diversity of scholarly and teaching approaches. New law teachers will have the opportunity to share their excitement, experience and concerns with each other in a supportive environment.

“Law schools are facing unprecedented challenges brought about by a nationwide downturn in student applications and a host of other changes and transformations,” Planning Committee Chair Donna M. Nagy, Indiana University Maurer School of Law, said. “New law teachers, including those joining law school faculties as tenure-track, lecturer, clinical, or visiting appointees, must understand and appreciate these challenges in order to succeed in their new careers as scholars, classroom teachers, mentors, and institutional citizens.”

For new legal writing faculty, the workshop offers additional specialized training sessions on teaching legal writing; designing legal writing course materials; establishing learning outcomes and being successful in the classroom; producing quality scholarship while teaching legal writing, and; providing students with valuable feedback on and fair assessment of their legal writing assignments.

Please visit [aals.org/nlt2015](http://aals.org/nlt2015) for detailed program and registration information.

### Planning Committee for Workshop for New Law School Teachers and New Legal Writing Teachers

Gillian E. Metzger, Columbia University School of Law  
Donna M. Nagy, Indiana University Maurer School of Law, **Chair**  
Ronald F. Wright, Wake Forest University School of Law

### Planning Committee for New Legal Writing Teachers Workshop at the New Law School Teachers Workshop

Kirsten K. Davis, Stetson University College of Law  
Anne M. Enquist, Seattle University School of Law

### Workshop for Pretenured People of Color Law School Teachers

Washington, D.C.  
June 5-6, 2015

The Workshop for Pretenured People of Color will be held immediately following the Workshop for New Law Teachers, from June 5-6, 2015. Minority law teachers face special challenges in the legal academy, starting from their first day of teaching. At this workshop, diverse panels of experienced and successful law professors will focus on these challenges as they arise in the context of scholarship, teaching, service and the tenure process.

“This workshop builds on the New Law Teachers Workshop by providing additional opportunities to explore a range of matters that uniquely confront faculty of color from the start of their academic careers through the tenure process at their law schools and beyond,” Professor Nagy stated.

Participants can register for one or both workshops. Please visit [aals.org/poc2015](http://aals.org/poc2015) for more information.

### Planning Committee for Workshop for Pretenured People of Color Law School Teachers

Karen E. Bravo, Indiana University Robert H. McKinney School of Law  
Devon Wayne Carbado, University of California, Los Angeles School of Law  
Ruben J. Garcia, University of Nevada, Las Vegas, William S. Boyd School of Law  
Donna M. Nagy, Indiana University Maurer School of Law, **Chair**



Type of Registration	by May 13	after May 13
<b>Workshop for New Law School Teachers</b>		
Faculty of Member and Fee-Paid Schools	\$650	\$700
Faculty of Non Fee-Paid Law Schools	\$700	\$750
<b>Workshop for Pretenured People of Color Law School Teachers</b>		
Faculty of Member and Fee-Paid Schools	\$255	\$305
Faculty of Non Fee-Paid Law Schools	\$330	\$380
<b>Both Workshops (discounted fee)</b>		
Faculty of Member and Fee-Paid Schools	\$780	\$830
Faculty of Non Fee-Paid Law Schools	\$830	\$880

from “benefits from challenge”, cover, page 2, pages 8-10

- <sup>1</sup> See DAVID THOMAS, *LAW SCHOOL 2.0* 11-24 (2009) (using the term Perfect Storm to refer to the confluence of dissatisfaction with law school programs and a new generation of students prepared to leverage the advances in web technologies); Paul Campos, *The Law School Scam*, ATLANTIC, (Aug. 13, 2014), <http://www.theatlantic.com/features/archive/2014/08/the-law-school-scam/375069/>; Jordan Weissmann, *Is Law School a Good Deal After All?*, THE ATLANTIC, (July 19, 2013), <http://www.theatlantic.com/business/archive/2013/07/is-law-school-a-good-deal-after-all/277927/>.
- <sup>2</sup> Debra Cassens Weiss, “Massive Layoffs” Predicted in Law Schools due to Big Drop in Applicants, ABA JOURNAL, (Jan. 31, 2013), [http://www.abajournal.com/news/article/massive\\_layoffs\\_predicted\\_in\\_law\\_schools\\_due\\_to\\_big\\_drop\\_in\\_applicants](http://www.abajournal.com/news/article/massive_layoffs_predicted_in_law_schools_due_to_big_drop_in_applicants)
- <sup>3</sup> Ben Brody, *Go to Law School. Rack Up Debt. Make \$62,000*, CNN, (July 15, 2014, 11:53 AM), <http://money.cnn.com/2014/07/15/pf/jobs/lawyer-salaries/> (study estimates median law school debt to be \$141,000).
- <sup>4</sup> See David Segal, *Is Law School a Losing Game?*, N.Y. TIMES, (Jan. 8, 2011), <http://www.nytimes.com/2011/01/09/business/09law.html?pagewanted=all&r=0>; David Segal, *Law School Economic: Ka-Ching!*, N.Y. TIMES, (July 17, 2011), <http://query.nytimes.com/gst/fullpage.html?res=9A0CE0DC1E3DF934A25754C0A9679D8B63>; David Segal, *What They Don't Teach Law Students: Lawyering*, N.Y. TIMES (Nov. 19, 2011), <http://www.nytimes.com/2011/11/20/business/after-law-school-associates-learn-to-be-lawyers.html>.
- <sup>5</sup> See Segal, *Is Law School a Losing Game?*, *supra* note 7.
- <sup>6</sup> There are scores of books devoted solely to “lawyer jokes.”
- <sup>7</sup> JURASSIC PARK (Universal Pictures 1993).
- <sup>8</sup> Daniel O. Bernstine, *The State of Law School Admissions: Where Are We in 2014?*, 83 BAR EXAMINER 12 (2014).
- <sup>9</sup> *Id.*
- <sup>10</sup> *Id.*
- <sup>11</sup> See Sean P. Farrell, *The Lawyer's Apprentice*, N.Y. TIMES, (July 30, 2014), <http://www.nytimes.com/2014/08/03/education/edlife/how-to-learn-the-law-without-law-school.html>.
- <sup>12</sup> *Id.*
- <sup>13</sup> See Blake D. Morant, *Lessons From Thomas More's Dilemma of Conscience: Reconciling the Clash Between a Lawyer's Beliefs and Professional Expectations*, 78 ST. JOHN'S L. REV. 965 (2012).
- <sup>14</sup> See generally, DAVID McCULLOUGH, JOHN ADAMS (2001).
- <sup>15</sup> *Id.*
- <sup>16</sup> See Bruce A. Kimball, *Christopher Langdell: The Case of an “Abomination” in Teaching Practice*, NEA HIGHER EDUC. J., Summer 2004 at 23, 24 (detailing the development of the case method).
- <sup>17</sup> *Id.*
- <sup>18</sup> See generally, Laura G. Holland, *Invading the Ivory Tower; The History of Clinical Education at Yale Law School*, 49 J. LEGAL EDUC. 504 (1999).
- <sup>19</sup> *Id.*
- <sup>20</sup> See generally, Michelle Weyenburg, *25 Innovative Ideas*, PRELAW, Oct. 1, 2013 at 30.
- <sup>21</sup> *Id.* at 34.
- <sup>22</sup> *Id.* at 31.
- <sup>23</sup> *Id.* at 31-33; Lisa Snedeker, *Wake Forest Law Requires First-Year Student to Take Inaugural Professional Development Course*, WAKE FOREST SCH. OF L. (Aug. 15, 2013), <http://news.law.wfu.edu/2013/08/professional-development-course-for-first-year-students-required-for-first-time/>; *Your Personalized Pathway: Inns of Court*, GEO. WASH. U. L. SCH., <http://www.law.gwu.edu/News/newsstories/Pages/InnsOfCourt.aspx> (last visited Jan. 14, 2015); *Skills & Simulation*, GEO. WASH. U. L. SCH., <http://www.law.gwu.edu/Academics/curriculum/Pages/Skills.aspx> (last visited Jan. 15, 2015); *Doctor of Jurisprudence (JD)*, IND. U. SCH. L., <http://law.indiana.edu/degrees/jd/curriculum.shtml> (last visited Jan. 15, 2015).
- <sup>24</sup> See Delece Smith-Barrow, *Determine if a Two-Year Law School Program is a Good Fit*, U.S. NEWS, (Apr. 18, 2013, 9:00 AM), <http://www.usnews.com/education/best-graduate-schools/top-law-schools/articles/2013/04/18/determine-if-a-two-year-law-school-program-is-a-good-fit> (point to Dayton, Drexel, Pepperdine as law schools with accelerated study options).
- <sup>25</sup> See Delece Smith-Barrow, *Experts: Financial Planning Key for Law Students Despite Tuition Cuts*, U.S. NEWS, (Mar. 18, 2014: 9:02 AM), <http://www.usnews.com/education/best-graduate-schools/top-law-schools/articles/2014/03/18/as-law-schools-reduce-cost-experts-say-financial-planning-still-key>.
- <sup>26</sup> See John Schwartz, *This is Law School?*, N.Y. TIMES, (Aug. 1, 2014), <http://www.nytimes.com/2014/08/03/education/edlife/socrates-takes-a-back-seat-to-business-and-tech.html>; see also Monica Bay, *Big Law Whipped for Poor Tech Training*, LAW TECH. NEWS, (May 22, 2013), <http://www.lawtechnologynews.com/id=1202601218054> (discussing study by Kia Motors corporate counsel D. Casey Flaherty that highlights poor technical competency of lawyers).
- <sup>27</sup> See THE INTERNATIONALIZATION OF LAW AND LEGAL EDUCATION (Jan Klabbers & Mortimer Sellers eds., 2008).
- <sup>28</sup> See Segal, *What They Don't Teach Law Students: Lawyering*, *supra* note 7.
- <sup>29</sup> Mary Jo White, Chair, U.S. Sec. & Exch. Comm'n, Showcase Speech at Association of American Law Schools Annual Meeting (Jan. 3, 2015).
- <sup>30</sup> Robert C. Post, Dean of Yale Law School, “Academic Freedom and Legal Scholarship” at the Association of American Law Schools Annual Meeting (Jan. 3, 2015).
- <sup>31</sup> See McCullough, *supra* note 14.

# AALS Calendar

## Law Clinic Directors Workshops

Monday, May 4, 2015, Rancho Mirage, CA

## Conference on Clinical Legal Education

Monday, May 4 – Thursday, May 7, 2015, Rancho Mirage, CA

## Workshop for New Law School Teachers with Additional Sessions for New Legal Writing Teachers

Wednesday, June 3 – Friday, June 5, 2015, Washington, DC

## Workshop for Pretenured People of Color Law School Teachers

Friday, June 5 – Saturday, June 6, 2015, Washington, DC

## Midyear Meeting

Orlando, FL

## Workshop on Shifting Foundations in Family Law: Family Law's Response to Changing Families

Monday, June 22 – Wednesday, June 24, 2015

## Workshop on Measuring Learning Gains

Monday, June 22 – Wednesday, June 24, 2015

## Workshop on Next Generation Issues of Sex, Gender, and the Law

Wednesday, June 24 – Friday, June 26, 2015

## Faculty Recruitment Conference

Thursday, October 15 – Saturday, October 17, 2015, Washington, DC

## Conference on Clinical Legal Education

Saturday, April 30 – Tuesday, May 3, 2016, Baltimore, MD

## Future Annual Meeting Dates and Locations

Wednesday, January 6 – Sunday, January 10, 2016, New York, NY

Wednesday, January 4 – Sunday, January 8, 2017, San Francisco, CA

Wednesday, January 3 – Sunday, January 7, 2018, San Diego, CA

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