



## Public Service: An Obligation and Opportunity for Lawyers

Mary Jo White, Chair, U.S.  
Securities and Exchange  
Commission

AALS Annual Meeting, Showcase  
Speaker Program, Washington D.C.

Jan. 3, 2015

I am truly honored to have been asked to be the inaugural speaker in your Showcase Speaker Program. This is an impressive forum for a serious discussion of the most important issues

affecting law schools and the legal profession. And the theme of this year's annual meeting—"Legal Education at the Crossroads"—is an apt description of the critical juncture we are facing in 2015.

Many of the challenges confronting law schools today are well-known. Enrollment of first-year law students has not been this low since 1973, the year before I graduated from law school.<sup>1</sup> And while the job market for law school graduates has improved over the last few years, the financial crisis resulted in fundamental structural and market changes to more than just our financial system. There have been lasting changes to the legal job market that may, in the long run, affect the educational choices of college graduates

*continued on page 5*



## Robin West Leads *Journal of Legal Education* Advisory Committee

by James Greif

Published by AALS since 1948, *The Journal of Legal Education (JLE)* addresses issues of interest to legal educators, including curriculum development, teaching methods, and scholarship. It also serves as an outlet for emerging areas of scholarship and teaching. Northeastern University School of Law and the University of Washington School of Law co-publish the *JLE* and provide editorial leadership.

*continued on page 3*



### inside



**2**  
**President's  
Theme**  
2016 Annual  
Meeting: From  
Challenge to  
Innovation



**9** **Jennifer Brobst**  
Producing  
Better Prepared  
Graduates



**14** **New, Streamlined  
Approach to AALS  
Sections**

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2016 AALS Annual Meeting President's Theme

# From Challenge to Innovation: American Legal Education in 2016

The present state of American legal education raises pivotal questions: What is the relevance of legal education in a 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 able to equip 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 global market needs professionals who can think critically and provide innovative solutions to complex problems. American legal education has long addressed this need.

The current challenging times for legal education have prompted 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, more diverse market.

Many of the new programs that have emerged during these challenging times explore the intersection of classroom doctrine and real-world problems. Other innovations seek to add value and manage costs. The array of new programs underway continues to expand. At the same time, law schools continue their vital roles as both innovators and critics of law through the scholarship that their faculty members produce.

Challenge has truly prompted innovation. Law schools and faculties should work to foster the dynamism that comes from the academy's continual evolution. Although the challenges confronting law schools are significant, the resolve to meet them has never been stronger.



**Blake Morant**  
AALS President and Dean,  
George Washington University Law School



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## in this issue

- 9 Producing Better Prepared Graduates
- 10 Teachers of the Year
- 11 Law Students and Ethical Development
- 13 AALS Launches New YouTube Channel
- 14 AALS Unveils New Approach to Sections
- 15 Triennial Award Nominations
- 16 Spring Workshops
- 18 Workshops for New Law Teachers
- 19 References
- 20 AALS Calendar

JLE advisory committee, continued from cover

Robin West, Georgetown University Law Center was recently appointed the first chair of the journal's advisory committee. Professor West is a noted legal scholar who writes on gender issues and feminist legal theory, constitutional law and theory, jurisprudence, legal philosophy, and law and literature. In 2014, she published *Teaching Law: Justice, Politics and the Demands of Professionalism*. This year, she was elected to the American Academy of Arts and Sciences.

Professor West recently discussed her vision for the journal.

### Professor West, can you tell us about your background in legal scholarship?

**Robin West:** Legal scholarship; I've been at it now for 30 years. I started writing in the area of law and literature, as well as feminist legal theory, both of which were much less developed then than they are now. I've also been very involved with and interested in different sorts of interdisciplinary legal scholarly movements.

### What do you hope to see in future volumes of the journal?

**RW:** For most of its history the journal has focused on publishing articles that address particular pedagogical questions. There has been a fair amount published in the journal about clinical education, and about the legal academy generally, but with a focus on its educational role. I think the journal could sensibly shift or expand its focus so that it's not solely about the pedagogical mission, but also about the scholarly mission. I don't think that the journal has been as active as it could be in serving as a forum for thoughtful discussion of the issues facing higher education in general, and legal education specifically.

Some of the topics we've identified that could work well for future journal issue themes include: the scholarly mission of the law school; thinking about the various concerns and legal issues surrounding sexual assault at colleges and universities; and the impact of the police and public response to events in Ferguson, Missouri—and related issues—on legal pedagogy.

Funding for higher education is another area of tremendous concern and of interest to many in legal education. College continues to feel out of reach to a growing number of people because of the price tag. The journal could sponsor a symposium and invite people to think through some of the legal implications of the rising costs of education.

We could also devote some resources to thinking through interdisciplinary approaches to legal education.

If we can raise the visibility of the journal and expand some on our sense of what the journal is for, who the audience might be, and what sorts of purposes it might serve, I think we could build something that is very interesting and worthwhile within the legal academy, but also informative for higher education generally.

### Will you be looking at new ways to seek submissions to the journal?

**RW:** One of the main focuses this year is to think of ways to proactively identify articles, but also to articulate ideas that could trigger new articles for publication in the journal. One idea is to try to partner with more AALS sections to identify some possible submissions. We can accomplish this by asking section leaders to share with their members topics of symposia we're considering or would like to see addressed in the journal.



Another possibility is to work with the panel participants at the AALS Annual Meeting to find interesting topics. Many times, people agree to participate on those panels without having a paper in hand, but are making comments that can be turned into a paper.

### The Journal of Legal Education has been published since 1948. What has changed about legal scholarship over the years?

**RW:** One development is the rise of interdisciplinary scholarship. In the 1940s and 50s into the 60s, legal scholarship was not multidisciplinary. It was legal scholarship about law and used legal resources to substantiate the claims that were being made and aimed to improve the law marginally and that was about it. Since the 70s or so, there's been a sea change and a huge explosion of scholarship that is informed by economics, history, political theory, literature, the humanities, sociology, and psychology.

The second major development during the last 60 years is the rise and decline of more critical scholarship about law. The critical legal theories movement had its origin in the late 60s, but by the mid-90s, it had almost disappeared. It used to be relatively acceptable to write scholarship that was deeply critical of legal institutions without inviting the response of “what do you do about it?” or “how should this case be decided?” Discouraging scholarship that questions the very basic foundations of law limits our critical capacities as well as our legal imagination.

Law schools, until the last 10 years or so, have felt quite secure economically. For generations it’s been a safe degree for students to undertake and that their parents can encourage them to do if they just want to have a professional perch. There is a lot of insecurity about that now. Schools are shrinking rather than growing. For most of the 20th century, schools were growing, adding faculty, putting up buildings, adding clinics, and adding small seminars. These additions increased the intrinsic value of legal education, but also increased the cost. Now all of that is under scrutiny and law schools have to adjust to a new reality.

The journal can’t solve these problems, but it could certainly address them. If the journal could play a role in re-enlivening

the most critical spirit in different sorts of strands of the legal academy, I think that would be a very good thing.

**There are some in the legal profession who say that legal scholarship is a luxury and that the core purpose of law schools should be to prepare students for practice. Why is scholarship important?**

**RW:** In my mind, what distinguishes legal scholarship from a good bit of the scholarship in the rest of the academy, is its blend of normativity and description. Legal scholarship, almost by definition, aims to deepen one’s understanding of what the law is.

Legal scholarship is like a mirror. It informs society of what the law is and what it’s like in a detailed and rich way. The legal academy is drawing people from other branches of the university into the law schools, in part because the conversations about law in law schools are so robust. You have people thinking about law—sometimes about the same bit of law—from very different perspectives, from economic, from humanities, from historic, from doctrinal perspectives, as well as from lawyerly perspectives, on what should happen on a particular issue. There’s no other place where there is that sort of cross-interdisciplinary dialogue

about law. That is something that the law schools should celebrate, if they weren’t feeling so defensive.

There’s one wing of critics that say that the problem with legal scholarship is that it’s overly normative and brief writing in disguise. There’s another camp within the legal academy that says legal scholarship has to be normative. I think the law schools should welcome both normative legal scholarship and non-normative scholarship, whether it is critical, descriptive, or interdisciplinary. Law schools are a big enough place to accommodate all these forms of scholarship.

One should try to imagine what the world will look like without legal scholarship before anyone advocates ditching it. If law schools were to abandon their scholarly mission, it is not as if it would get picked up elsewhere. You won’t get legal scholarship from the bar or from the bench, but you also won’t get it from the rest of the university.

This goes beyond anything the journal can address, but if the law schools were to become simply training institutions, that would really be a disaster. It wouldn’t be good for the students, and it wouldn’t be good for society.



## AALS TO LAUNCH NEW JOURNAL OF LEGAL EDUCATION WEBSITE

AALS is launching a new website for the *Journal of Legal Education*. For an early look, visit [www.aals.org/jle](http://www.aals.org/jle). The website will serve as a repository of current and past issues of the *JLE*, from 2009 to the present. If you have any questions or comments about the new website, please contact Keeley Kerrins, Information Systems Librarian, at [kkerrins@aals.org](mailto:kkerrins@aals.org) or (202) 296-1499.



*public service, continued from cover*

and the economic models of many of our law schools. I know you are studying these changes carefully and strategizing for the “new normal” and the financial challenges that come with it—for both students and your institutions.

One positive by-product of the market changes, however, has been the steady, perhaps slightly increased, number of recent law graduates employed in the public and public interest sectors.<sup>2</sup> And the graduates going into public service roles are increasingly subsidized in some fashion by the law schools—indeed, about a quarter of such jobs are supported by law school grants.<sup>3</sup> This is a far cry from what was happening when I graduated from Columbia Law School in 1974. At that time, it seemed like the vast majority of students exclusively sought employment in large law firms. There were no clinical programs to speak of, let alone financial subsidies and loan forgiveness programs to support public interest work. Those changes are very good ones—very good for students, the legal profession and society. I think we would all like to see these programs, and the opportunities that come with them, expand in the years to come.

My remarks tonight are inspired by the public service “silver lining” that is emerging in the current environment. What I will talk about is the overarching public service obligation of lawyers and the opportunities and benefits that public service jobs provide. As an initial matter, I believe that, as lawyers, we should broaden our perspective on our public service obligation and deepen our commitment to public service, irrespective of the particular job we currently hold. More of us should consider careers in public service or at least aim to work in the public sector at various stages of our professional lives. And, more broadly, we should view our public service—obligation as a long-term, continuous responsibility that guides how we conduct ourselves—whether working in the public or private sectors.

see references on page 19



SEC Chair Mary Jo White with AALS Executive Director Judith Areen

I will begin, as lawyers often do, by defining some terms. What do I mean, in the broadest sense, by the “public service obligation” of lawyers? I will offer my view that the public service obligation is something that should permeate everything we do as lawyers. Next, I will discuss some of the unique and significant benefits of public service. And, finally, I will encourage you in the legal academy to continue teaching and emphasizing the importance of the lawyer’s public service obligation and its benefits, to raise the bar for lawyer performance and to inspire an interest in a broader set of career choices for your students.

### A Lawyer’s Public Service Obligation

Law is a service business, with the emphasis on service.<sup>4</sup> Our responsibilities as lawyers indeed center on our ethical obligations related to the services we provide to our clients, to the profession and to the rule of law. And, as Ben Heineman, William Lee and David Wilkins recently wrote in their very thoughtful piece on “Lawyers as Professionals and Citizens,”<sup>5</sup> there is a fourth ethical responsibility or dimension

for lawyers that requires us to generally provide our services “in the public interest” in furtherance of a “safe, fair and just society.”<sup>6</sup>

To be sure, some lawyers have “pure” public service and public interest jobs, whether in government agencies, the military, the legal academy, public interest organizations, or non-profit work of various kinds. In those positions, the duty of public service is the essence of the job description. But this fourth ethical responsibility of public service for lawyers is by no means limited to those of us in public service roles. It applies to all lawyers throughout their careers, including private sector lawyers advising private sector clients. And it is an obligation that extends far beyond our still aspirational duty to provide 50 hours of *pro bono* legal services each year.<sup>7</sup>

As Roscoe Pound, the distinguished former Dean of Harvard Law School, so eloquently captured it, private sector lawyers also have an obligation to practice law “in the spirit of public service.”<sup>8</sup> For me, that means that we are obligated to ask our clients the “should” or “ought to” questions and include those considerations in the advice we give. Or, as Archibald Cox put it in terms we can all understand—lawyers should be willing to say to clients, “Yes, the law lets you do that, but don’t do it. It’s a rotten thing to do.”<sup>9</sup> Cox’s point is obviously that 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. That is how it should be.

Perhaps if lawyers were better at fulfilling this aspect of our public service obligation, we could elevate our collective reputation, and finally make the list of most admired professions—a list where teachers and members of our military always rightfully do well. Lawyers, on the other hand, tend to trail way behind, sometimes barely ahead of telemarketers and lobbyists.<sup>10</sup>

But this was not always the case. Lawyers, for example, played a central role in the founding of our nation and enshrining the values that guide our country today. Thomas Jefferson was a lawyer, as was Abraham Lincoln.<sup>11</sup> There are more modern day heroes too. A number from my field, for example, have been singled out, including former SEC Chairman Manny Cohen—who rose from staff member to Chairman and brought about changes to allow SEC staff lawyers to provide *pro bono* legal services—and former Director of Corporation Finance, Linda Quinn, who was both a giant of the securities bar and the first woman to lead the division.<sup>12</sup> And there are, of course, other heroes from our ranks: Justices Thurgood Marshall, Sandra Day O'Connor and Ruth Bader Ginsberg. Their careers, before they joined the Supreme Court, centered on championing the civil rights of minorities and women, as well as a commitment to legal education and other public service.

A 2013 survey by the Pew Research Center's Religion and Public Life Project, however, paints a bleak picture of how our profession as a whole is regarded today. It asked how much certain professions contribute to society's well-being.<sup>13</sup>

Not surprisingly, 78 percent said members of the military contribute "a lot," and 72 percent said teachers do as well. Lawyers, on the other hand, got a disappointing 18 percent endorsement, with 34 percent of those surveyed saying that lawyers contribute very little or nothing to society.<sup>14</sup> That 34 percent hurts. Our image as a profession clearly needs work.

Public service though is about much more than image. It is about lawyers being good citizens as well as knowledgeable, well-trained practitioners. Personally, it has been one of the most satisfying aspects of my career, whether in the public or private sector. And make no mistake,



SEC Chair Mary Jo White with her brother, Former AALS Executive Director Carl Monk

private practitioners, not just public sector lawyers, need to absorb and live the public service mandate in order to raise the bar on our real worth as a profession. The "image part" will follow right behind.

### Public Service Jobs

Government lawyers and public interest lawyers are also bound by the public service obligation, but for them it is their core mandate. I used to say to the young prosecutors who worked for me when I was the U.S. Attorney for the Southern District of New York: "your conscience is your client," reminding them that, as representatives of the public, they should always, always take the "high road," both substantively and procedurally, as they carry out their responsibilities. The same applies to the SEC staff lawyers with whom I am now privileged to work. The primary responsibility of government lawyers is to serve the public—and that is also their primary source of job satisfaction. I see that every day with the SEC staff and the high levels of professional accomplishment and personal pride that comes from the work they do to protect investors, safeguard our

markets, and facilitate capital formation—the tripartite mission of the SEC. Doing what you think is in the public's best interest every day, and doing it in the most principled way, is a sure path to professional and personal fulfillment. Very good work if you can get it.

### The Rewards of Public Service

There are, of course, many other benefits and rewards that come from a public service job. I will highlight just three of them:

- exposure to an important segment of our profession that contributes directly to the public welfare;
- hands-on training and greater responsibility as a young lawyer; and
- the opportunity to work on cutting edge issues.

When young lawyers ask me about a choice between a career in the public or private sector, I invariably offer the following advice—if possible, try to spend time in both. Even if you think you are destined to be a life-long government or public interest lawyer, or to have a long career in private practice in a large law firm, it is still invaluable to experience as many different slices of legal life as you can.

As young lawyers begin their legal careers, they often have very little idea of what will actually interest and engage them, so it is important to take advantage of every available opportunity early on. Exploring both the public and private sectors will steepen and broaden their learning curves. Our careers as lawyers typically span many decades, often as many as 40 or 50 years—that gives us a lot of time to work with. So it is possible for your graduates, over the course of their careers, to seize any number of exciting and varied opportunities that come their way and ignite their interest.

This last piece of curbside advice is for the long-term too. More senior—or as I like to say “seasoned”—lawyers should look for opportunities to follow their hearts and dreams, especially when they involve providing public service on a more full-time basis. Both the lawyer and the public will be the beneficiaries.

At the SEC, for example, we have made an effort over the last several years to hire experts from the private sector, both lawyers and other market specialists. Our existing staff and the new private sector recruits learn from and complement each other. It unquestionably makes us a stronger agency and enhances our ability to protect investors and strengthen our capital markets. We also benefit enormously from those academics, market experts and others with very busy day jobs who give of their time and talents to our advisory committees. For example, in the coming days we will announce the members of the Market Structure Advisory Committee, a committee filled with market experts and academics that will assist our staff and the Commission in the very important work we are doing to comprehensively review the structure of our equity markets to optimize them for the benefit of investors and companies seeking to raise capital. The opportunities are many. Jobs in the government for lawyers range from short-term consultancies and fellowships, to full-time positions and even Presidential appointments, such as mine as Chair of the SEC and United States Attorney.

As a society, we need to attract talented, knowledgeable and genuinely committed professionals to public service and work to remove barriers that discourage giving back—whether the obstacles are financial, structural, educational or something else.

Of course, a major benefit of public service jobs for young lawyers is hands-on training and greater responsibility. There simply is no substitute for “doing it” to grow your competence and

expertise. Trying a case, however small, is qualitatively different than serving as one of a dozen associates on the biggest antitrust or securities fraud case. Having done both, I know that both can provide invaluable experience, but I would argue that young lawyers find the most vertical learning curves in the public sector, where you can handle your own cases and where the decisional “buck” often stops with you. Some of my most meaningful, and memorable, learning occurred when I was the one calling the shots as a young prosecutor.

**“[P]rivate practitioners, not just public sector lawyers, need to absorb and live the public service mandate in order to raise the bar on our real worth as a profession.”**

Another significant benefit of public service jobs is the importance and variety of the work. Prosecutors who worked for me when I was U.S. Attorney tried and convicted the terrorists who bombed the World Trade Center in 1993 and our embassies in East Africa in 1998, indicted Osama bin Laden, and investigated the terrorist attacks of 9/11. Others indicted and convicted major financial institutions for securities and other frauds.<sup>15</sup> Enforcement staff attorneys at the SEC root out fraudsters stealing millions of dollars in complex Ponzi schemes and recover money for harmed investors who count on their investments to fund their children’s education or their own retirements.<sup>16</sup> Others at the agency develop policy initiatives that enhance the resiliency of our equity markets and provide more useful information to investors before they decide whether and where to invest their money. In

other areas of the public sector, lawyers work to overturn unjust laws, exonerate the innocent, uphold our civil rights, or provide legal services to those who cannot afford a lawyer.

Motivation is almost never lacking in public service jobs. Indeed, the word that almost always pops up in discussing public service jobs is “fun”—a priority that has become far too elusive and scarce in our profession.<sup>17</sup> The late Judge Edward Weinfeld of the Southern District of New York, who routinely arrived at the courthouse before 6 AM and worked twelve-hour days, put it this way: “What one enjoys is not work. It is joy.”<sup>18</sup> I have been very fortunate in my career to share Judge Weinfeld’s view. Finally, trying hard not to sound like I am on a soapbox, when you engage in public service, every day you go to work, you have a chance to make a real difference in people’s lives. As I said earlier, very good work if you can get it.

\* \* \*

So, thus far, I have urged that all lawyers recognize our obligation to conduct ourselves in furtherance of the public interest, whether directly from the perch of a public service job or by practicing law “in the spirit of public service”—asking and advising on those “ought to” questions. I have also made a shameless pitch for greater pursuit of public service jobs throughout our legal careers. That brings me to my final point—close to home for this audience—how I believe law schools contribute so vitally to broadening law students’ perspectives and deepening their commitment to serving in the public interest.

## Role of the Law Schools

Let me hasten to say that I would not presume to lecture you on legal education. That is your expertise and one that I deeply respect. Rather, I want to commend you for some of the steps law schools have taken to foster and promote

public service and legal practice “in the spirit of public service.” I will be brief and again mention just three:

- exposing students to opportunities and direct experience in public service;
- providing encouragement and support for placement in public service jobs; and
- teaching professional responsibility beyond specific courses as a permeating guiding principle.

Law schools today offer a wide range of clinical programs, externships, and other direct opportunities for students to obtain on-the-job public service experience through working in government agencies and public interest organizations. I can tell you firsthand that the SEC has benefited greatly from these programs as we typically have law school interns from many different law schools working with us throughout the academic year—last year, some 800 students from more than 130 law schools participated in the programs we offer. Our interns provide a real contribution to our work, becoming valuable members of our teams—in enforcement, rulemaking and other areas of the agency’s responsibility. Most of our interns receive school credit, and many have come back to work for us after graduation.

On top of providing such valuable direct experience while still in law school, law schools have also instituted several important, and often creative, programs to encourage and support their students’ placement in public service jobs. These programs range from student loan deferral or forgiveness, fellowships and direct grants for a public service commitment after graduation to career fairs, symposiums, placement assistance, and public service mentorships.

More broadly, law schools have increasingly established centers focused on ethics and professional responsibility to prepare students for the difficult

and important ethical issues they will invariably face during the course of their careers. As typified by the Louis Stein Center for Law and Ethics at Fordham Law School, these programs go far beyond ensuring that the curriculum has a course or two on professional responsibility. Rather, they teach what they call at Fordham “a life in noble lawyering.”<sup>19</sup> These programs are a critically important component of a law school education that fosters a perspective that ethics and professional responsibility can and must serve as a life-long guiding principle. It is a public service perspective that reminds students that our profession rightfully demands giving something back, which is important no matter where law school graduates end up spending their professional careers.

**“There is in my view, no higher calling for a lawyer than public service.”**

The benefits of this greater public service emphasis thus extends far beyond providing first-year jobs or a more diverse set of employment choices to law school graduates. The enhanced focus will return real dividends in training a new generation of lawyers on the importance of public service in all of its forms and fostering the critical values of a public service ethic. All of this will have a positive impact on how graduates practice and how the profession is perceived.

As you continue such efforts, it is important to keep in mind that a career in public service should not be a hard sell to many of the millennials who decide to attend law school. There is a growing body of evidence suggesting that younger generations are generally more civic-minded and interested in community service than older—by which I mean “my” and possibly your—generations.<sup>20</sup>

There is also a trend of more law school graduates working in jobs that do not require passing the bar exam, including many in the public sector.<sup>21</sup> And some foresee a growing demand for individuals with a law school education in the fields of health care, housing, elder care, international commerce and digital security.<sup>22</sup> We should try to capitalize on all of these developments and opportunities as we think about the future of legal education. Although easier said than done, surely it is possible to recalibrate our economic models for legal education to harness the new normal for lawyers, including, I hope, a greater emphasis on and participation in public service.

## Conclusion

There is in my view, no higher calling for a lawyer than public service. And each of you is actively engaged in perhaps the most important aspect of public service for our profession—teaching, guiding and inspiring our future lawyers. You are the role models and primary drivers of how well lawyers will do in fulfilling their public service obligation. How well they do at that, in turn, will heavily influence what kind of society we will have. No pressure.

Just know how important you are and how important the decisions you make about legal education at the crossroads will be. Most importantly, know how much the profession admires what you do and how grateful we are for the public service choice you have made for your own careers.

Thank you.



## Producing Better Prepared Graduates

by Kathryn Fanlund

Debates about how law schools can and should best prepare students for law practice are common among deans, law faculty, and in the media. There is no one solution; the skills that graduating students most need depend on the type of work they pursue and the abilities they had before entering law school. There are skills, however, that are valuable to students in whatever career they ultimately pursue.

Professional maturity is one quality that Jennifer Brobst, committee member in the AALS Balance in Legal Education Section and Director of the Center for Health Law and Policy at Southern Illinois University School of Law, believes is critical for success. She was the moderator of a Balance in Legal Education panel at the Annual Meeting, “Pedagogy Promoting Practice-Ready Law Students: Lessons Learned from Recent Practice.” Professionalism is necessary for success in any field. Many students today come to law school without any work experience in an office setting.

“It’s easy to be frustrated by the idea of the ‘spoiled millennial,’ but there is a legitimate reason many lack these particular professional skills,” Brobst explains. “Today there are fewer professional work opportunities for high school and college students. Office temp jobs are more likely filled by adult breadwinners. Law students have the intellectual skills, but may not be sure how to comport themselves in a professional setting, much less envision themselves as attorneys.”

A possible solution lies in the classroom. “Law teachers should cultivate a classroom culture that encourages student buy-in,” Professor Brobst believes. “Professors can treat students

not as students, but as colleagues and emphasize that in two or three years they will be representing real people with real problems. Rather than calling adult law students ‘kids,’ an expectation of more formality and mutual respect in the classroom will better prepare them for professional practice.”

Law schools can help to instill doctrinal, practice, and professional maturity skills in their students at the same time. Professor Brobst maintains that law schools are most successful when they resist putting clinical programs and fieldwork programs into silos and instead incorporate all types of law teaching into the law school curriculum.

“Law schools can help to instill doctrinal, practice, and professional maturity skills in their students at the same time.”

Professor Brobst is not alone in that assessment. Panel members at the “Pedagogy Promoting Practice-Ready Law Students” session spoke positively about the impact on students when different types of faculty communicate with each other. “When doctrinal and clinical and legal writing faculty guest lecture in each other’s classes, consult with each other on curricula, and work together, the students benefit greatly,” Professor Brobst has found.

Faculty members can benefit from sharing with colleagues innovative ideas, resources, and solutions to the challenges they have encountered in their teaching careers. The panel’s suggestions for faculty included exploring new technologies,



Jennifer Brobst  
*photo courtesy of Southern Illinois University School of Law*

attending boot camps on practice administration, becoming involved in bar activities, nurturing stronger connections with practicing attorney and adjuncts, and seeking out alumni who practice in their relevant doctrinal areas. All of these experiences will enable professors to better understand what student preparedness might look like.

Technology can also play a role in preparing students for the challenges they will face upon graduation. “A good professor tries out technology, but doesn’t adopt it simply because it’s new,” Brobst explained. “In terms of technology, it is very helpful to see and experience what other law teachers are doing.”

She noted that many lectures are recorded, making it easy to view what other professors are trying out in their classrooms. “For example, we have a professor at my school who records online reviews of each student’s essays and puts it on a private YouTube channel. Lots of professors are doing wonderful things with these new tools, including

training students in the use of litigation software.” The panel discussed how a mix of direct and remote exposure to the practice of law develops a stronger sense of the reality of law practice today.

This commitment to sharing teaching ideas among law teachers is what led to the “Pedagogy Promoting Practice-Ready Students” session at the 2015 Annual Meeting. Professors Nermeen Arastu, City University of New York School of Law; Emily Chiang, University of Utah, S. J. Quinney College of Law; Nicole Iannarone, Georgia State University College of Law; and Jarrod F. Reich, Florida State University College of Law shared pragmatic examples and ideas with attendees for improving graduate readiness to practice law. The pedagogy panel was deliberately crafted to include only panelists with five or fewer years of teaching, but significant practice experience. This gave senior faculty the opportunity to learn from junior faculty who have more recent exposure to an evolving professional field.

They agreed professionalism is underdeveloped in many students. Fortunately, it is a skill that can be imparted by law professors throughout the curriculum. Doing so can sometimes necessitate a difficult conversation with students. One panelist described the importance of talking to students who miss scheduled office hours and to stress to them the need for a measure of formality in their communications with professors. Presenters also relayed the importance of students learning how to exercise good judgment and gaining the confidence to make reasoned decisions. Another panelist described how students are often good at spotting all of the legal issues in a case, but lack the confidence to exercise judgment and assert which issues are key. Instead they insist on looking for answers and validation from others.

Professors can also help students strengthen their judgment and confidence. They can explain that many legal questions are indeed judgment calls and support students as they independently grapple with what would

be the right approach to a legal problem. It is important that they experience this struggle while still in school as a way to gain critical lawyering skills. Professors can stress that this is an ongoing process for new attorneys, sharing examples of common mistakes or dilemmas from law practice.

The panelists, which included doctrinal, clinical, and legal writing professors, emphasized how their own practice experience helped them in identifying and developing the qualities that are important to career readiness in students.

Many law schools and law faculty are engaging in innovative strategies to better prepare students for their diverse careers. Professor Brobst encouraged the law school community to share strategies for developing career readiness in students, including strengthening the professional maturity needed to become responsible, confident, and independent advocates.



### TEACHERS OF THE YEAR

Excellence in teaching is an important value to AALS and its member law schools. Each year, AALS recognizes professors who have been honored by their schools as Teachers of the Year. A complete list of honored faculty for 2015 with links to their biographies can be found online at [www.aals.org/TeachersOfTheYear](http://www.aals.org/TeachersOfTheYear).



*photo courtesy of  
Duke University School of Law*

## Law Students and Ethical Development: Ideas for Teaching Professional Identity

by Kathryn Fanlund

No matter what career law graduates pursue, they will face the challenge of balancing ethical obligations to their clients, the profession, and themselves. They will likely be called to exercise precise judgment under unclear circumstances.

The Carnegie Foundation for the Advancement of Teaching's report, *Educating Lawyers: Preparation for the Profession of Law*, explored the need for law graduates to understand professional identity and what law schools could do to further that ideal. That report maintained that teachers can promote more mature moral thinking in students, but that "unless they make an explicit effort to do so, law schools do not contribute to greater sophistication in the moral judgment of most students."

Debate on how students can best develop their professional identities and incorporate a moral code and responsibility predate the 2007 Carnegie Report and continue today. The interaction between ethical values and professional skills is one of AALS President Blake Morant's themes for 2015. With conversations about legal ethics limited at some schools largely to professional responsibility courses, how can law professors work to foster students' professional identity development? And what does the concept of professional identity entail?

AALS spoke with Deborah L. Borman, Northwestern University School of Law, about the need to prepare students to incorporate their beliefs and values into their professional sense of themselves as attorneys. Professor Borman moderated the "Incorporating Teaching Professional

Identity into the Legal Education Curriculum" session at the 2015 AALS Annual Meeting.

**It appears that there is more conversation lately on teaching professional identity. Is there growing recognition that this is something that needs to be emphasized to law students?**

I hope so. After the publication of the Carnegie Report there was a surge of activity on the part of law school administrations to meet the criteria of Carnegie's "three apprenticeships," and to incorporate the teaching of professional identity into the law curriculum. Meetings and conferences were held, programs and courses were designed and implemented, and law schools waited to see what kinds of changes the ABA would make to accreditation based on Carnegie's findings. There is a small and thoughtful segment of law faculty around the country who have always incorporated the recognition of professional identity into teaching, and a growing base of faculty who are beginning to incorporate these teachings, having recognized professional identity as vital to the whole being of the practicing attorney.

The biggest challenge in teaching professional identity is that it remains difficult to define. If you go research it, you will find people interchangeably using "professional ethics," "professional responsibility," or "professionalism" and the idea of professional identity under one of those umbrellas.

There is also no clear consensus as to what it entails. In the summer of 2014, I participated in a 12-person discussion group to share ideas for teaching professional identity. Almost all of us



Deborah L. Borman, Northwestern University School of Law

defined professional identity in a slightly different manner. We also had different conceptions of how professional identity should (or could) be taught in the law curriculum.

**It seems that for some law students, conversations about legal ethics are largely limited to professional responsibility courses. Is there an impact on law students when professional identity is not emphasized in other places in the curriculum?**

Indeed there is. I define professional identity this way: an attorney's professional identity is not a costume that is donned at the beginning of the workday and discarded again at five o'clock. When students learn ethics in professional responsibility courses, they are generally memorizing concepts of fiduciary duty for a series of exams. When we talk about professional identity, we mean identifying your entire being within the context of the law—it is a holistic approach. For me, professional identity is about identifying your entire self within the context of the law.

The legal profession is not a job; it is a license and a privilege. Along with that license and privilege comes a multi-tiered responsibility: as an attorney you are responsible to your client, to the court system, to society, to your family and friends and to yourself. You wear your responsibility at all times, not just before an exam. That is your professional identity.

As for how to teach it, professional identity can be integrated into doctrinal courses. Teaching professional identity is something all professors can do in all classes, at all times. We do this by encouraging their students to comment on what they thought or felt about legal decisions and by encouraging them to think about how a decision would impact them as legal professionals.

**Does the absence of students learning to align their lawyering skills and personal values affect how the legal profession is viewed?**

Absolutely. For instance, prosecutors who conceive of their job as obtaining a conviction of obviously guilty defendants might not reflect on what a certain decision means for society or close themselves off to other options that are available. If students aren't constantly aligning their personal values with what they're reading and using their critical thinking skills to understand the whole picture that is a problem.

The most cited study about lawyer self-perception and the public's perception of attorneys is probably that of Stanford Law School's Deborah Rhode, whose research revealed not only that attorneys whose priority is money were personally unhappy, but also that society believed lawyers to be "greedy." I like to bring in practicing attorneys to my classes to explain how they have integrated their lives into their profession and the importance of aligning personal values with the law. This will impact how the profession is viewed.

**“ Students and new lawyers constantly have to align and re-align themselves to meet the demands of a supervisor or a client, or the courts, while at the same time being true to themselves. ”**

**You've written that "teaching professional identity requires faculty to prepare students to exercise judgment under conditions of inherent uncertainty in ways that both fulfill their professional obligations to their clients and others and that allow them to integrate personal and professional values to live fulfilling lives." What are examples that new attorneys may face of this uncertainty when they embark on their careers?**

All of the practice of law is uncertain because of the American legal system. There are no "right answers," there are only arguments to support a proposition. This is a difficult concept for students who are focused on exams and grades. There are always two or three ways to view the resolution to a problem, despite a governing law or principle. If a case was easy, there wouldn't be a lawsuit. There are no right answers, just arguments to support a proposition.

New attorneys may be faced with taking direction from supervisors with whom they personally or professionally disagree. They may be required to write a brief to support an argument that is legally incorrect or suspect. Many new graduates who go to practice in "Big Law" tell me that they are a bit shocked to see that all

of their clients are defendants, and that the playing field is quite uneven between the plaintiff and the defendants. Students and new lawyers constantly have to align and re-align themselves to meet the demands of a supervisor or a client, or the courts, while at the same time being true to themselves. Sometimes this alignment may mean that they do not stay in the job. Sometimes it means a hard focus on the law, such as in the case of work on behalf of the public as a prosecutor or criminal defense counsel. It is hard work to see the legal needs of every client without becoming jaded or dogmatic.

A solid sense of self within the context of the law and a separation of self from the work of the law can help.

**Are there ways for law professors to assess how successfully students are developing their professional identities?**

Assessment of professional identity must be done by the student as a self-assessment, not by the professor as a "test." Rather than having law schools provide an entire course on professional identity, I believe that all professors should incorporate some personal self-reflection into their lessons.

One way to achieve this goal in any class is to ask students to speak or write about their own reactions to the outcome of a case they read or a problem they resolved. The assessment by the professor would then be to ascertain whether the student has demonstrated an effort to examine the legal or ethical problem with an ability to see problematic outcomes. Another way is to bring identity concepts into a doctrinal course. Many years ago my contracts professor assigned readings from the Socialism movements at the turn of the 20th century, about artists and craftsmen and had us consider not only business contracts, but also the "social contract." I have never forgotten that.

**Suggested further readings:**

Borman, Deborah L., *Teaching Professional Identity* (August 19, 2012). *THE LAW TEACHER*, Fall 2013, p.3. Available at SSRN: <http://ssrn.com/abstract=2132210>.

Brooks, Susan L., *Meeting the Professional Identity Challenge in Legal Education Through a Relationship-Centered Experiential Curriculum* (September 23, 2011). *UNIVERSITY OF BALTIMORE LAW REVIEW*, Vol. 41, 2011; Drexel University Earle Mack School of Law Research Paper No. 2011-A-05. Available at SSRN: <http://ssrn.com/abstract=1932864>.

Coquillette, Daniel, *Professionalism: The Deep Theory* *NORTH CAROLINA LAW REVIEW*, Vol. 72, pp. 1271-1277, 1994. Available at SSRN: <http://ssrn.com/abstract=753492>.

Wellford Slocum, Robin, *An Inconvenient Truth: The Need to Educate Emotionally Competent Lawyers* (July 19, 2011). Chapman University Law Research Paper No. 11-31. Available at SSRN: <http://ssrn.com/abstract=1889756>.

Wendel, W. Bradley, *Should Law Schools Teach Professional Duties, Professional Virtues, or Something Else? A Critique of the Carnegie Report on Educating Lawyers*, 9 *U. ST. THOMAS L. REV.* 497 (2011). Available at <http://scholarship.law.cornell.edu/facpub/632>.

For more on teaching legal ethics and professionalism, download the podcast from the AALS Section on Teaching Methods program, "Incorporating Teaching Professional Identity into the Legal Education Curriculum."

Speakers at this 2015 AALS Annual Meeting session included:

Patti Alleva, University of North Dakota School of Law  
 Daisy H. Floyd, Mercer University School of Law  
 Timothy W. Floyd, Mercer University School of Law  
 Patrick E. Longan, Mercer University School of Law  
 Michael S. McGinniss, University of North Dakota School of Law  
**Moderator:** Deborah Lee Borman, Northwestern University School of Law

Panelists at the session discussed how faculty can best prepare students to fulfill their professional obligations to their clients while integrating personal and professional values into their own lives. Specifically, speakers described innovative approaches to teaching professional identity formation at Mercer University School of Law and at the University of North Dakota School of Law.

To listen to the session, along with more than 150 podcasts from the 2015 Annual Meeting, visit [aals.org/am2015/podcasts](http://aals.org/am2015/podcasts).

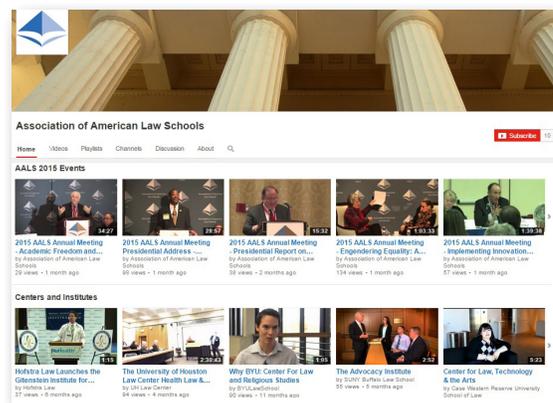


## AALS LAUNCHES YOUTUBE CHANNEL

Over the last year, AALS has been using social media to communicate the latest news and innovations at our member schools. To further these efforts, AALS has launched an official YouTube channel, available at [www.aals.org/youtube](http://www.aals.org/youtube). On the channel, you will find videos from AALS member schools featuring programs, clinics, faculty, lectures and advice for prospective students.

The channel also hosts a selection of videos from the 2015 AALS Annual Meeting and other AALS meetings.

Subscribe to the AALS YouTube channel at [www.aals.org/youtube](http://www.aals.org/youtube) to keep up with the latest videos related to legal education and the legal profession.



## AALS Unveils a New, More Streamlined Approach to Sections

by Kathryn Fanlund

Sections are an essential part of AALS. They work to enhance scholarly fields and the professional lives of their members, encouraging communication and collaboration. With nearly 100 sections covering different subject matters and interests, sections reflect the diversity of legal education and the law as an academic discipline.

Tracie Thomas, AALS Senior Meetings Manager, has worked for more than 25 years with section officers on planning Annual Meeting programs as well as their day-to-day operations. She sat down recently to discuss changes related to sections and Annual Meeting programs.

### Why are sections important? What are some of the benefits of belonging to a section?

**Tracie Thomas:** Sections are the lifeblood of the AALS Annual Meeting. They organize the majority of the programs that are held at the conference. The stronger their programs are, the more interesting the meeting is. Section members benefit by being able to learn from, and participate in, these quality programs in whatever is their interest area.

The section listservs are a great resource for members throughout the year. We are working on improvements to our communication platform in order to make it easier for new and existing section members to participate in discussions with their counterparts at law schools across the country. There are great resources available on listservs that members might be missing (newsletters, links to events, teaching materials, and

other helpful documents) and we hope to make it easier for everyone to find these resources and connect with one another.

### What are some of the changes to the way AALS works with sections and how will members benefit from them?

**TT:** One of the things we're trying to do is relieve sections of the administrative burdens and duties that we've placed on them in the past. There has been considerable work asked of section officers, involving following a confusing set of rules (outlined in a lengthy handbook) and filling out various program and budget forms. We've shortened the handbook and renamed it a planning guide. Additionally, we've streamlined the process so that officers can primarily focus on planning great programs for the Annual Meeting.

We have also made the budget process easier. Sections will no longer be required to request section budgets or fill out budget forms. Audiovisual equipment will be provided for each section program. A section will still need to request funds if they want to reimburse a non-law school speaker, but we've also made it easier for them to make that request as well.

We've also created an online electronic submission form for sections to request a program at the Annual Meeting. This new system eliminates paper forms as well as the need to email or send a fax. The online form allows program planners to indicate preferred program time slot, if the program will be joint or co-sponsored, if it will be published in an academic journal, and if the section



Tracie Thomas, AALS Senior Meetings Manager

wants a meal event scheduled. One of the interesting features of the online submission system is that we can view analytics for online submissions and have seen that the average completion time is under eight minutes. That is a huge improvement over the sometimes confusing paper forms.

Another change is that sections will now have the option of holding a virtual business meeting in advance of the Annual Meeting via email or on their listservs. Using the virtual business meeting option, sections can easily solicit nominations and elect their officers. At past Annual Meetings, the section business meeting was typically held in the final 15 minutes of the program when people were coming and going and so ended up being rushed. Sections now have options for how they want to conduct this meeting. They can continue to hold it as part of their program or as a separate in-person meeting or a virtual business meeting. We'll be interested in hearing from the sections who have selected to hold a virtual business meeting and whether it was successful. Perhaps more sections will choose the virtual option in the future.

### What prompted these changes involving AALS sections?

**TT:** Allowing sections to concentrate fully on planning an excellent program at the Annual Meeting was one of our highest priorities. We realized that relieving some of the bureaucratic hurdles was important to help sections be active and productive. In general, AALS is trying to make things streamlined and more efficient in all areas, not only in sections.

I was particularly excited to work on these changes for sections because we required so many administrative tasks to be completed. I want section leaders to have a better experience planning programs and completing their section business. I am hoping that once the word gets out, people will be more enthusiastic

about volunteering for section leadership which in turn will lead to active and exciting sections for members and officers. My hope is that faculty who served as section chairs in the past and found the administrative responsibilities burdensome will consider becoming involved once more.

### How will this impact planning for the Annual Meeting program?

**TT:** I think these changes will have a positive impact and reduce the time section chairs must spend checking with AALS on rules and procedures, and instead provide more time to focus on their program, speakers, and coordinating their session. Our primary goal is to help sections have the opportunity to plan engaging and informative programs.

### Do you have advice for people who want to get more involved in sections?

**TT:** When faculty attend their first AALS Annual Meeting, they may feel overwhelmed or unsure of where to start. We want to smooth that transition. For the first time, AALS will offer an orientation session for first-time meeting attendees at the 2016 Annual Meeting on the opening evening of the conference. One of the goals of this session will be to inform attendees how they can express interest and become involved in sections.




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## Nominations for the Triennial AALS Award for Lifetime Service to Legal Education and the Law

In 2006, the Association of American Law Schools established the “AALS Award for Lifetime Service to Legal Education and the Law,” an award presented only every three years. The award was designed to formally recognize lifetime service to legal education by a faculty member or retired faculty member at an AALS member school.

The 2015 recipient will be selected by a subcommittee of the AALS Executive Committee. The 2006 award was presented to Norman Dorsen, New York University School of Law; the 2009 award was presented to the Honorable Guido Calabresi, United States Court of Appeals for the Second Circuit; and the 2012 award was presented to Derrick Bell (posthumously).

AALS encourages nominations for this award to be submitted no later than May 8, 2015. The nomination should detail the nominee’s specific contributions to legal education and to the law. Additionally, you may include other materials that demonstrate the contributions of the nominee, including articles by the nominee or news or magazine articles that describe the nominee’s service accomplishments.

Nominations should be emailed to [2016award@aals.org](mailto:2016award@aals.org). Hard copies may be submitted to:

Award for Lifetime Service Nomination  
Association of American Law Schools  
1614 20th Street, NW  
Washington, DC 20009

The AALS looks forward to recognizing the importance of service through this award, which will be presented at the 2016 Annual Meeting in New York City.



## 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 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 [www.aals.org/midyear2015](http://www.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 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 [www.aals.org/midyear2015](http://www.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 [www.aals.org/midyear2015](http://www.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, DC  
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 [www.aals.org/nlt2015](http://www.aals.org/nlt2015) for detailed program and registration information.

### Planning Committee for Workshop for New Law School 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, DC  
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 [www.aals.org/poc2015](http://www.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 “public service,” cover, pp. 3-4

- <sup>1</sup> Elizabeth Olson and David Segal, “A Steep Slide in Law School Enrollment Accelerates,” *New York Times* (December 17, 2014), available at [http://dealbook.nytimes.com/2014/12/17/law-school-enrollment-falls-to-lowest-level-since-1987/?\\_r=1](http://dealbook.nytimes.com/2014/12/17/law-school-enrollment-falls-to-lowest-level-since-1987/?_r=1).
- <sup>2</sup> “American Bar Association Releases Class of 2013 Law Graduate Employment Data,” (April 9, 2014), available at [http://www.americanbar.org/news/abanews/aba-news-archives/2014/04/american\\_bar\\_associa4.html](http://www.americanbar.org/news/abanews/aba-news-archives/2014/04/american_bar_associa4.html).
- <sup>3</sup> “Employment for the Class of 2013 – Selected Findings,” National Association for Law Placement (2014), available at <http://www.nalp.org/uploads/Classof2013SelectedFindings.pdf>.
- <sup>4</sup> Many have written about the dichotomy that can be drawn between the “service” and “business” aspects of legal practice and legal competition. As has been pointed out, the danger for the profession is that the balance can be struck too far on the business side. While that is certainly a risk in the current environment, it must be avoided if we are to maintain and enhance the quality of legal services and our commitment to public service. See, e.g., Ben W. Heineman, Jr., William F. Lee, and David B. Wilkins, “Lawyers as Professionals and as Citizens: Key Roles and Responsibilities in the 21st Century,” Harvard Law School Center on the Legal Profession (November 20, 2014), available at [https://clp.law.harvard.edu/assets/Professionalism-Project-Essay\\_11.20.14.pdf](https://clp.law.harvard.edu/assets/Professionalism-Project-Essay_11.20.14.pdf).
- <sup>5</sup> *Id.*
- <sup>6</sup> *Id.* at p.12.
- <sup>7</sup> ABA Model Rules of Professional Conduct Rule 6.1 (“A lawyer should aspire to render at least 50 hours of pro bono public legal services per year.”), available at [http://www.americanbar.org/groups/probono\\_public\\_service/policy/aba\\_model\\_rule\\_6\\_1.html](http://www.americanbar.org/groups/probono_public_service/policy/aba_model_rule_6_1.html).
- <sup>8</sup> Roscoe Pound, *The Lawyer From Antiquity to Modern Times*, West Publishing Company (1953).
- <sup>9</sup> Reported in Gary Hengster, “News,” *American Bar Association Journal* (April 1989) as cited by Mary Ann Glendon. *A Nation under Lawyers*, Harvard University Press (1996).
- <sup>10</sup> See, e.g., “Honesty/Ethics in Professions,” Gallup Poll (December 2013), available at <http://www.gallup.com/poll/1654/honesty-ethics-professions.aspx>.
- <sup>11</sup> Dan Slater, “Barack Obama: the U.S.’s 44th President (and 25th Lawyer-President!),” *Wall Street Journal Law Blog* (November 5, 2008), available at <http://blogs.wsj.com/law/2008/11/05/barack-obama-the-uss-44th-president-and-24th-lawyer-president/>.
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- <sup>13</sup> “Public Esteem for Military Still High,” Pew Research Center Religion & Public Life Project (July 11, 2013), available at <http://www.pewforum.org/2013/07/11/public-esteem-for-military-still-high/>.
- <sup>14</sup> *Id.*
- <sup>15</sup> See, e.g., Peter Truell, “Daiwa Bank Admits Guilt In Cover-Up,” *New York Times* (February 29, 2009), available at <http://www.nytimes.com/1996/02/29/business/daiwa-bank-admits-guilt-in-cover-up.html>; Reed Abelson, “Bankers Trust Is Ordered to Pay Fine,” *New York Times* (July 27, 1999), available at <http://www.nytimes.com/1999/07/27/business/bankers-trust-is-ordered-to-pay-fine.html>; and Kenneth Gilpin, “Republic New York Pleads Guilty to Securities Fraud,” *New York Times* (December 18, 2001), available at <http://www.nytimes.com/2001/12/18/business/republic-new-york-pleads-guilty-to-securities-fraud.html>.
- <sup>16</sup> See SEC Spotlight on Enforcement Actions Against Ponzi Schemes, available at <http://www.sec.gov/spotlight/enf-actions-ponzi.shtml>.
- <sup>17</sup> Philip G. Schrag, “Why Would Anyone Want to Be a Public Interest Lawyer?,” Georgetown Public Law Research Paper No. 10-52 (October 9, 2009), available at <http://ssrn.com/abstract=1486246>.
- <sup>18</sup> David Margolick, “A Lifetime of Law and Quiet Diligence for Judge Weinfeld,” *New York Times* (August 18, 1985), available at <http://www.nytimes.com/1985/08/18/nyregion/a-lifetime-of-law-and-quiet-diligence-for-judge-weinfeld.html>; and Arnold Labasch, “Judge Edward Weinfeld, 86, Dies; On U.S. Bench Nearly 4 Decades,” *New York Times* (January 18, 1988), available at <http://www.nytimes.com/1988/01/18/obituaries/judge-edward-weinfeld-86-dies-on-us-bench-nearly-4-decades.html>.
- <sup>19</sup> Steve Wilson, “The Work Ethic of Legal Ethics,” *Fordham Lawyer Magazine* (Spring 2013), available at [http://www.flipdocs.com/showbook.aspx?ID=10005364\\_360503&p=18](http://www.flipdocs.com/showbook.aspx?ID=10005364_360503&p=18).
- <sup>20</sup> See Karen Sayre, “Civic generation rolls up sleeves in record numbers” *USA Today* (April 13, 2009); Connie Cass, “Young Generation No Slouches at Volunteering” AP (December 29, 2014), available at [http://hosted.ap.org/dynamic/stories/U/US\\_AP\\_POLL\\_YOUNG\\_VOLUNTEERS?SITE=AP&SECTION=HOME&TEMPLATE=DEFAULT](http://hosted.ap.org/dynamic/stories/U/US_AP_POLL_YOUNG_VOLUNTEERS?SITE=AP&SECTION=HOME&TEMPLATE=DEFAULT).
- <sup>21</sup> “Employment for the Class of 2013 - Selected Findings,” (2014), available at <http://www.nalp.org/uploads/Classof2013SelectedFindings.pdf>.
- <sup>22</sup> See Elizabeth Olson and David Segal, “A Steep Slide in Law School Enrollment Accelerates,” *New York Times* (December 17, 2014), available at [http://dealbook.nytimes.com/2014/12/17/law-school-enrollment-falls-to-lowest-level-since-1987/?\\_r=1](http://dealbook.nytimes.com/2014/12/17/law-school-enrollment-falls-to-lowest-level-since-1987/?_r=1).

## AALS Calendar

### **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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