

2015 AALS Workshops for New Law School Teachers and Pretenured Law School Teachers of Color

June 3 – 6, 2015 | Washington, D.C.



PROGRAM



Association of American Law Schools

AALS.ORG/NLT2015

Exhibitors

Be sure to visit these exhibitors in the Colonial Room.





Workshop for New Law School Teachers

June 3-5, 2015 - Washington, DC

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IMPORTANT

The evaluation surveys will be emailed to you at the conclusion of the workshops.
Your comments and suggestions will assist the Planning Committee to plan next year's workshops.

Introduction

Welcome to the 2015 AALS Workshop for New Law School Teachers and to the legal academy! This is an exciting time as you begin to establish your career and identity as a scholar, teacher, mentor, and institutional citizen. This is also a challenging time as legal education and our roles as faculty members are undergoing significant transformations. You are uniquely poised to bring your energy, insights, and leadership to our profession's future.

Over the next few days, the Planning Committee members hope that you will gain some valuable insights and practical information on how to become an effective classroom teacher, a productive scholar, and an active citizen in your law school and beyond. We have recruited an outstanding group of professors with a wide range of experience and expertise. What all our presenters have in common, however, is a generosity of spirit and a commitment to helping you develop your new career. So please ask questions, share your concerns, and take advantage of the opportunities to learn from such a devoted and talented group of colleagues.

This workshop is unique in that it brings together new law school teachers from a multitude of fields, including clinical and legal writing. Our roles are more similar than they are different, and we become even better teachers and scholars when we integrate ideas and pedagogy from other disciplines. But as important as the knowledge that you will gain are the professional relationships and friendships that you will begin to build.

We are all delighted to be with you at the beginning of this journey and look forward to an exciting workshop.

Congratulations!

Donna M. Nagy, Indiana University Maurer School of Law, **Chair**
Planning Committee for the 2015 AALS Workshop for New Law School Teachers

Welcome to the Workshop

Dear Colleague:

On behalf of AALS President Blake D. Morant, and the Executive Committee of the Association of American Law Schools (AALS), it is my privilege to welcome you to the AALS and to the law teaching profession.

Established in 1900, the AALS is an association of 178 law schools, committed to promoting excellence in legal education. As the learned society for legal education, we are also very much your organization and that of your nearly 10,000 law faculty colleagues throughout the nation. Over the years, many of us have benefited from work we have done under the umbrella of the AALS. Our AALS involvement has connected us to faculty beyond our home law schools and has led to career-enriching collaborations in both scholarship and teaching.

The Association values and expects its member schools and their faculty to value:

- 1) a faculty composed primarily of full-time teacher-scholars who constitute a self-governing intellectual community engaged in the creation and dissemination of knowledge about law, legal processes, and legal systems, and who are devoted to fostering justice and public service in the legal community;
- 2) scholarship, academic freedom, and diversity of viewpoints;
- 3) a rigorous academic program built upon strong teaching in the context of a dynamic curriculum that is both broad and deep;
- 4) a diverse faculty and staff hired, promoted, and retained based on meeting and supporting high standards of teaching and scholarship and in accordance with principles of non-discrimination; and
- 5) the selection of students based upon intellectual ability and personal potential for success in the study and practice of law, through a fair and non-discriminatory process designed to produce a diverse student body and a broadly representative legal profession.

Association activities encompass many areas that may be of interest to you, particularly our professional development programs for law faculty. Later this month, for example, AALS will hold a Midyear Meeting that includes a Workshop on Measuring Learning Gains, a Workshop on Shifting Foundations: Family Law's Response to Changing Families, and a Workshop on Next Generation Issues of Sex, Gender and the Law. Detailed information on the professional development schedule for the coming academic year can be found on our website at <http://www.aals.org/aals-events/>

The work of the AALS is done largely by volunteers through its committees and sections. There are more than 90 AALS sections representing subject matter areas and other common interests. Becoming involved in one or more sections will connect you to colleagues all over the country. Sections also construct the majority of the Annual Meeting program, and will provide you throughout the year with an ongoing source of information on your fields of interest through the AALS web-based community platform that many sections use.

The next AALS Annual Meeting, which will be held on Wednesday, January 6 through Sunday, January 10, 2016, in New York City, will bring together more than 3,000 law faculty and administrators. At the Annual Meeting, each section presents a program of interest to its members. There are also day-long programs and other special programs, including some based on the theme selected by the president of the Association for the year. The theme of President Blake D. Morant is "From Challenge to Innovation: American Legal Education in 2016."

The AALS also sponsors a scholarly papers competition for those who have been in law teaching for five years or less. The winning author presents the paper at the Annual Meeting. The deadline for the 2016 Scholarly Papers Competition is August

7, 2015. To learn more about the competition go to <http://www.aals.org/members/other-member-services/deans-memos> and select AALS Deans Memo 15-04. The competition announcement is also included in this booklet. At the Annual Meeting we will celebrate the previous year's teaching award honorees from member schools. Faculty often tell us that perhaps the most important part of the Annual Meeting is the opportunity to meet colleagues informally across generations and to develop ongoing interactions with them over the years.

The Association has a number of standing and special committees, composed of law teachers appointed by AALS Presidents. Appointments are typically for three-year terms, and each standing committee includes members appointed by three successive Presidents of the organization. The subjects covered by the committees range from membership review to recruitment and retention of minority law teachers and students. Nominations for these committee positions are encouraged and should be made in the spring.

The Association's *Journal of Legal Education*, which is published quarterly and distributed to all law faculty, is an excellent platform for the exchange of ideas and information about legal education, legal scholarship, and innovative teaching. The *Journal* is currently co-edited at Northeastern University School of Law in Boston and The University of Washington School of Law in Seattle. The co-editors are Jeremy R. Paul and Margaret Y. Woo of Northeastern University School of Law and Kate O'Neil and Kellye Testy of University of Washington School of Law. The Association also co-sponsors the *Journal of Clinical Legal Education*. The *AALS Directory of Law Teachers* is published annually. Your Dean's office can assist in ensuring that you are included in the *Directory* listings.

As you begin your career in law teaching and are understandably focused on developing your own courses and advancing your scholarly agenda, I encourage you to become involved in the AALS as you begin what we hope will be a long, productive, and satisfying career.

Sincerely,

A handwritten signature in blue ink that reads "Judy". The signature is written in a cursive, flowing style with a large initial "J" and a long, sweeping tail.

Judith Areen
AALS Executive Director

Workshop for New Law School Teachers Schedule

Wednesday, June 3, 2015

4 pm – 8 pm

AALS Registration

Foyer of Colonial Room, Lower Level

6 pm – 7:15 pm

Small Group Discussions

See your handout for location of your small group meeting room.

7:30 pm

AALS Dinner

Colonial Room, Lower Level

Introduction

Donna M. Nagy, Indiana University Maurer School of Law, and Chair, Planning Committee for 2015 AALS Workshop for New Law School Teachers

The Future of Legal Education: The Role of Faculty

Frank H. Wu, University of California, Hastings College of Law

8:45 pm – 9:30 pm

Dessert and Coffee Reception

Colonial Room, Lower Level

After the opening dinner and presentation, attendees can mingle and enjoy a reception of mini desserts, coffee, and tea in a relaxed atmosphere.

Thursday, June 4, 2015

8 am – 8:45 am

AALS Section on Women in Legal Education Q&A with Coffee, Tea, and Breakfast Bakeries

Cabinet Room, Lobby Level

Moderators:

Okianer Christian Dark, Howard University School of Law
Kirsten Davis, Stetson University College of Law

Speaker:

Shaakirrah Sanders, University of Idaho College of Law

8:30 am – 8:45 am

Coffee, Tea, and Breakfast Bakeries
Colonial Room, Lower Level

8:45 am – 9 am

Opening Session

Colonial Room, Lower Level

Welcome

Judith Areen, Executive Director, Association of American Law Schools

Introduction

Donna M. Nagy, Indiana University Maurer School of Law, and Chair, Planning Committee for 2015 AALS Workshop for New Law School Teachers

9 am – 10:30 am

Plenary Session: The New World of Legal Academia: Planning for the Future

Colonial Room, Lower Level

Carissa Byrne Hessick, University of Utah, S.J. Quinney College of Law

Blake D. Morant, George Washington University Law School
Carol A. Needham, Saint Louis University School of Law
Sarah E. Ricks, Rutgers School of Law – Camden

Moderator: Vicki Jackson, Harvard Law School

New faculty members are beginning their careers at a time of major change in legal education. This plenary session encourages new law teachers to set their long-term professional objectives with an awareness of that broader

landscape. Panelists will also discuss the differences and similarities a new law teacher is likely to find across different institutional homes.

10:30 am – 10:45 am
Refreshment Break
Colonial Room, Lower Level

10:45 am – 12 pm
Small Group Discussions

Legal Writing and Clinical Faculty Small Group – Preparing Practice-Ready Lawyers
Constitution, Lower Level

Sarah E. Ricks, Rutgers School of Law – Camden

First-Time Faculty Appointees Small Group
Colonial Room, Lower Level

Carissa Byrne Hessick, University of Utah, S.J. Quinney College of Law
Blake D. Morant, George Washington University Law School

Faculty with Some Prior Experience Small Group
Independence, Lower Level

Vicki Jackson, Harvard Law School
Carol A. Needham, Saint Louis University School of Law

12:15 pm – 1:45 pm
AALS Luncheon - The Role of the Legal Scholar in a Changing World: The Why
Cabinet Room, Lobby Level

Angela J. Davis, American University, Washington College of Law

2 pm – 3:30 pm
Concurrent Sessions – Scholarship: The How

Concurrent Session for Experienced Writers
Colonial Room, Lower Level

Randy E. Barnett, Georgetown University Law Center
Pamela Samuelson, University of California, Berkeley School of Law

Concurrent Session for First-Time Writers
Independence, Lower Level

Dawn E. Johnsen, Indiana University Maurer School of Law
Jide O. Nzelibe, Northwestern University School of Law

Concurrent Session for Legal Writing Faculty Writers

Constitution, Lower Level

Kirsten Davis, Stetson University College of Law
Kristen K. Tiscione, Georgetown University Law Center

3:30 pm – 3:45 pm
Refreshment Break
Colonial Room, Lower Level

3:45 pm – 5:15 pm
Plenary Session – Distributing Your Ideas
Colonial Room, Lower Level

Randy E. Barnett, Georgetown University Law Center
Dawn E. Johnsen, Indiana University Maurer School of Law
Jide O. Nzelibe, Northwestern University School of Law
Pamela Samuelson, University of California, Berkeley School of Law

In addition to producing scholarship, new law teachers have to find ways to distribute it and build their reputations. Key challenges include deciding which audiences you want to reach, figuring out how to engage with the world outside legal academia, and developing a reputation through your scholarship. Panelists will offer advice on how to think about getting your scholarship out into the world.

5:30 pm – 6:30 pm
AALS Reception
Cabinet Room, Lobby Level

6:30 pm – 7:30 pm
AALS Section on Sexual Orientation and Gender Identity Issues Informal Gathering
Constitution Room, Lower Level

Moderators:

John G. Culhane, Widener University School of Law
Timothy R. Holbrook, Emory University School of Law
Shaakirrah Sanders, University of Idaho College of Law

Friday, June 5, 2015

8 am – 8:45 am

AALS Section on Minority Groups Q & A with Coffee, Tea, and Breakfast Bakeries

Cabinet Room, Lobby Level

Moderators:

Dawinder Sidhu, University of New Mexico School of Law

Andre Smith, Widener University School of Law

Kevin Tu, University of New Mexico School of Law

8:30 am – 9:00 am

Coffee, Tea, and Breakfast Bakeries

Colonial Room, Lower Level

9 am – 10:15 am

Plenary Session - Teaching

Colonial Room, Lower Level

Susan J. Bryant, City University of New York School of Law

Lawrence C. Levine, University of the Pacific, McGeorge School of Law

Nancy Levit, University of Missouri-Kansas City School of Law

Stephen I. Vladeck, American University, Washington College of Law

Effective teachers often use a variety of teaching methods to maximize student engagement and learning. In this session, panelists will identify some of the teaching methods they use and discuss how these methods apply to a variety of learning environments, such as large and small classes, podium courses, and clinics.

10:15 am – 11:15 am

Concurrent Sessions - Designing a Course

These concurrent sessions will build on the prior session, as successful law professors discuss how knowledge about teaching and learning can be incorporated into law courses across the curriculum as best practices.

Concurrent Session - Clinical

Constitution, Lower Level

Susan J. Bryant, City University of New York School of Law

Concurrent Session - Legal Writing

Independence, Lower Level

Anne M. Enquist, Seattle University School of Law

Concurrent Session - Podium

Colonial Room, Lower Level

Lawrence C. Levine, University of the Pacific, McGeorge School of Law

Nancy Levit, University of Missouri-Kansas City School of Law

Stephen I. Vladeck, American University, Washington College of Law

11:20 am – 12 pm

Plenary Session - Learning Theory

Colonial Room, Lower Level

Michael H. Schwartz, University of Arkansas at Little Rock, William H. Bowen School of Law

Effective teachers understand that what learners bring to the classroom is just as important as what the teachers bring. This plenary session will connect the current academic research on student learning with the teaching strategies that were modeled during earlier sessions. Awareness of this research can help teachers to promote a positive classroom experience.

12 pm – 1:15 pm

AALS Luncheon - Thoughts on Academic Freedom, Tenure, and Shared Governance

Senate Room, Lobby Level

Judith Areen, Executive Director, Association of American Law Schools

1:30 pm – 2:30 pm

Concurrent Session - Assessment

Colonial Room, Lower Level

Rory D. Bahadur, Washburn University School of Law

In this interactive session, participants will learn different methods to evaluate students and provide feedback throughout the semester. The session will also cover exam creation, grading, and post-exam review.

Concurrent Session - Assessment in Legal Writing Courses

Independence, Lower Level

Joan M. Rocklin, University of Oregon School of Law

One of the most challenging, time-consuming, and important aspects of teaching legal writing is effectively assessing students' written work and communicating that assessment to the students. During this session, Professor Rocklin will explore approaches to critiquing, methods for efficiently and effectively critiquing student effort, and challenges new professors may face in critiquing student work.

2:30 pm - 2:45 pm
Refreshment Break
Colonial Room, Lower Level

2:45 pm - 4:00 pm

Plenary Session - Managing Institutional Relationships

Colonial Room, Lower Level

Christine Hurt, Brigham Young University J. Reuben Clark
Law School
Peggy Smith, Washington University School of Law
Michael P. Van Alstine, University of Maryland Francis King
Carey School of Law

In addition to producing influential scholarship and facilitating effective student learning, law professors are also expected to build and manage multiple institutional relationships—both formal and informal—with students, staff, faculty, university officials, community members, alumni, and other practicing lawyers and judges. New law teachers are increasingly called upon to interact with these groups very soon after joining a faculty. Such interactions can present exciting opportunities, but balancing the competing demands on one's time can be difficult.

Committees

Planning Committee for 2015 AALS 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 at the Workshop for New Law School Teachers

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

Planning Committee for Workshop for Pretenured Law School Teachers of Color

Karen E. Bravo, Indiana University McKinney School of Law
Devon W. Carbado, UCLA 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**

2015 Task Force on Professional Development

Bennett Capers, Brooklyn Law School
Susan D. Carle, American University Washington College of Law, **Chair**
Sheila Foster, Fordham University School of Law
Shauna I. Marshall, University of California, Hastings College of the Law
Elizabeth E. Mertz, University of Wisconsin Law School
Jason Palmer, Stetson University College of Law
Barbara Schatz, Columbia University School of Law
Michael Waterstone, Loyola Law School

AALS Executive Committee

Blake D. Morant, The George Washington University, **President**
Kellye Y. Testy, University of Washington School of Law, **President-Elect**
Daniel B. Rodriguez, Northwestern University School of Law, **Immediate Past President**

Devon Wayne Carbado, University of California, Los Angeles
Guy-Uriel E. Charles, Duke University School of Law
Darby Dickerson, Texas Tech University School of Law
Vicki C. Jackson, Harvard Law School
Wendy C. Perdue, The University of Richmond School of Law
Avi Soifer, University of Hawaii, William S. Richardson School of Law

Biographies of Planning Committee Members, and Presenters

AREEN, JUDITH C. Executive Director, Association of American Law Schools (since 2014). Paul Regis Dean Professor, Georgetown University Law Center (on leave). JD, 1969, Yale; BA, 1966, Cornell. Interim Dean, Georgetown University Law Center (10-10); Exec. V.P. & Dean, Georgetown (89-04); Fellow, Woodrow Wilson Int'l Cntr. for Scholars DC (88-89); Assoc. Dean, Georgetown (84-87); Prof., Community & Fam. Med. Georgetown Med.Cntr. (82-89); Gen. Counsel & Domestic Reorg. Coord'r (79-80); Dir., Fed. Leg. Rep. Proj. Pres.'s Reorg. Proj. Off. Mgt. & Budget DC (77-79); Prof.; Vis. Assoc. Prof., Michigan (75-76); Assoc. Prof., Georgetown (72-76); Fellow & Dir., Educ. Voucher Study Cntr. for the Study of Public Policy Cambridge MA (70-72); Prog. Planner for Higher Educ., Budget Bur. Off. of the Mayor NYC (69-70) *Subjects:* Family Law (35); Judgement & Decision making (15); Higher Education Law (8). *Books and Awards:* Cases and Materials on Family Law (with Spindelman and Tsoukala), 6th Ed...; Higher Education and the Law (with Peter Lake), 2d ed.; Cases and Materials on Law, Science and Medicine (with King, Goldberg, *Memberships:* ALI; ABF (Fellow).

BAHADUR, RORY D. Associate Professor of Law, Washburn University School of Law. JD, 2003, St. Thomas University; MA, 1992, Rosenstiel School of Marine and Atmospheric Science, University of Miami; BSc, 1990, University of the West Indies. Associate, Downs & Associates, P.A. (03-04) *Books and Awards:* West Outstanding Scholastic Achievement Award: (03); West Outstanding Scholastic Achievement Award: (01).

BARNETT, RANDY E. Carmack Waterhouse Prof. of Legal Theory, Georgetown University Law Center. JD, 1977, Harvard; BA, 1974, Northwestern University. Prof., Georgetown; Vis. Prof., Harvard fall 1992 (02-02); Austin B. Fletcher Prof., Boston Univ. (93-06); Vis. Prof. (90-91); Vis. Scholar, Northwestern (88-89); Norman & Edna Freehling Scholar (88-93); Prof. (88-93); Assoc. Prof. (86-88); Ass't Prof., Chicago-Kent (82-86); Res. Fellow, Univ. of Chicago (81-82); Ass't St.'s Att'y, St.'s Atty's Off. Cook Cty. Chgo. (77-81) *Subjects:* Constitutional Law (15); Contracts (15); Recent Books on the Constitution *Books and Awards:* Constitutional Law: Cases in Context (2d Ed); Oxford Introduction to U.S. Law: Contracts; Perspectives on Contract Law, 4th ed. Guggenheim Fellowship: (09) *Memberships:* Law & Society Association; American Political Science Association; Int'l Ass'n for Phil. of Law & Soc. Phil DC.

BRYANT, SUSAN J. Professor, CUNY School of Law. JD, 1973, Georgetown University Law Center - Test; BA, 1970, Xavier; LLM, 1980, Georgetown. Acting Assoc. Dean, Acad. Affrs. (94-96); Dir., Clinical Programs (89-08); professor, CUNY School of Law; Dir., Clin. Prog. Hofstra (76-83); Dep. Dir., Com. on Defense Servs. DC Bar (75-76); Fellow, Prettyman Legal Intern Prog. Georgetown (74-76); Att'y, Defender Ass'n of Phila. (73-74) *Subjects:* Clinical Teaching (36); Family Law (15); Legal Research & Writing (15); Trial & Appellate Advocacy (10); Evidence *Books and Awards:* Transforming the Education of Lawyers AALS Clinical Section Award Contributions to Clinical Education: (96) *Memberships:* SALT, Board of Governors, CLEA; AALS (Chair, Sect. on CLE, 1981-83).

CULHANE, JOHN G. Dist. Prof. of Law, Widener. BA, 1978, Wm. & Mary; JD, 1982, Fordham. Admitted: NY, 1984. Clerk, Hon. Joseph M. McLaughlin E.D.N.Y. Brooklyn, 1982-1983; Assoc., Cahill Gordon & Reindel NYC, 1983-1986; Bigelow Tchg. Fellow, Lect. & Instr. Univ. of Chicago, 1986-1987; Ass't Prof., Delaware, 1987-1991; Assoc. Prof., Widener, 1991-1996; Prof., since 1996; Assoc. Dir., Grad. Progs., 1996-1997; Dir., Grad. Educ. & Int'l Progs., 1997-1999; Vis. Prof., Southern Methodist, 1998-1998. Assoc. Ed., Fordham L. Rev. *Subjects:* HIV/AIDS & the Law (S); Corporations; Public Health Law; Contemporary Tort Theory (S); Torts; Family Law.

DARK, OKIANER CHRISTIAN Professor & Assoc. Dean for Academic Affairs, Howard University School of Law. BA, 1976, Upsala Coll.; JD, 1979, Rutgers, Newark. Assoc. Dean; Prof., Howard; Ass't U.S. Att'y, Off. of U.S. Att'y Dist. of OR Portland (95-01); Prof. (90-97); Assoc. Prof. (87-90); Ass't Prof., Richmond (84-87); Trial Att'y, Civil Div. DC (83-84); Trial Att'y, Antitrust Div. U.S. Dep't of Just. DC (79-84) *Subjects:* Gender & Law (15); Torts (15); Antitrust (10); Products Liability (10); Health Law *Books and Awards:* Warren Rosmarin Prof. of Law Excellence Award in Tchg. & Serv.; Univ. of Richmond Dist. Educ'r Award, 1990.

Speaker Biographies

DAVIS, ANGELA J. Professor. American University Washington College of Law. JD, 1981, Harvard; BA, 1978, Howard. Prof.; Assoc. Prof. (97-01); Vis. Assoc. Prof., American (96-97); Vis. Assoc. Prof., Geo. Wash. (95-96); Exec. Dir., Nat'l Rainbow Coalition DC (94-95); Dir. (91-94); Dep. Dir. (88-91); Staff Att'y, Public Defender Serv. DC (82-88); Clerk, Ch. Judge Theodore R. Newman Jr. DC Ct. of Apps. (81-82) *Subjects:* Criminal Law (15); Criminal Procedure (15); Criminal Defense: Theory & Practice (5) *Books and Awards:* Basic Criminal Procedure (with Saltzburg & Capra), 5th ed.; Association of American Publishers 2007 Professional and Scholarly Publishing...; Arbitrary Justice: The Power of the American Prosecutor Pauline Ruyle Moore award for scholarly contribution in the ar: (09); American University Faculty Award for Outstanding Scholarship, Research, Creative Activity, and Other: (09); American University Faculty Award for Outstanding Teaching in a Full-Time Appointment: (02) *Memberships:* Thurgood Marshall Inn of Ct. (Barrister, 1990-91).

DAVIS, KIRSTEN K. Professor & Director of Legal Writing, Stetson University College of Law. BA, 1992, The Ohio State University; JD, 1995, The Ohio State University; PhD, 2012, Arizona State University. Prof. & Dir. of Leg. Writing, Stetson University College of Law; Assoc. Prof. & Dir., Legal Writing Stetson (07-11); Acting Dir., Legal Method & Writing Prog. & Acad. Success Prog. (04-05); Assoc. Clin. Prof. of Law, Ariz. State (00-07); Assoc., Jones Day Reavis & Pogue Columbus OH (98-99); Assoc., Steptoe & Johnson Wheeling WV (97-98); Clerk, U.S.D.C. N.D. WV (95-97) *Subjects:* Legal Research & Writing (12); Professional Responsibility (5); *Other/Non-Listed *Books and Awards:* My Legal Writing Coach: Memos (mobile app) Dean's Award for Service: (11); Outstanding Service Award: (11) *Memberships:* Board of Directors: Association of Legal Writing Directors; WILE Section Secretary: Association of American Law Schools Ohio; West Virginia; Arizona.

ENQUIST, ANNE M. Director of the Legal Writing Program, Seattle University School of Law. BS, 1972; BA, 1972, New Mexico State; MA, 1977, University of Washington. Director of the Legal Writing Program, Seattle University School of Law; Professor of Lawyering Skills, Seattle University School of Law; Lect., Puget Sound (79-81) *Subjects:* Legal Writing (32); Gender & Justice (5) *Books and Awards:* The Legal Writing Handbook; Just Research; Just Writing AALS Section Award: (07); Burton Award for Legal Writing Education: (14) *Memberships:* Legal Writing Institute; Association of Legal Writing Directors.

HESSICK, CARISSA BYRNE Professor of Law, Utah. BA, 1999, Columbia; JD, 2002, Yale. Yale Law Jour. Admitted: NY, 2003. Clerk, Hon. Barbara Jones SDNY, NYC, Pres; Clerk, Hon. Raymond Randolph, DC Cir., Pres; Associate, Wachtell Lipton Rosen & Katz, New York NY, 2002 - 2003. *Subjects:* Criminal Law; Criminal Procedure I; Criminal Sentencing Seminar (S); Federal Criminal Law.

HOLBROOK, TIMOTHY R. Assoc. Dean of Fac. and Prof. of Law, Emory. BS, 1993, North Carolina St. University; JD, 1996, Yale. Admitted: NY, 1997; DC, 1998. Clerk, Judge Glenn Archer Jr. U.S.C.A. Fed. Cir., 1996-1998; Assistant, Danubia, 1998-1998; Assoc., Wiley Rein & Fielding, 1998-2000; Vis. Assoc. Prof., Chicago-Kent, 2000-2001; Ass't Prof., Chicago-Kent Coll. of Law, 2001-2006; Assoc. Prof., Chicago-Kent Coll. of Law, 2006-2009; Prof. of Law, Emory Univ. Sch. of Law, since 2009. Pubs. Dir., Yale J. Reg.. *Subjects:* Introduction to Intell'l Property; Patent Law; Trademark Law; Int'l Intell'l Property; Int'l Patent Law (S); Property; Patent Litigation. *Books and Awards:* Patent Litig. (3d Edition, with Moore and Michel), 2008.

HURT, CHRISTINE Rex J. and Maureen E. Rawlinson Professor, Brigham Young University, J. Reuben Clark Law School. BA, 1990, Texas Tech; JD, 1993, Univ. of Texas. Manuscript Ed., Tex J. Women & Law. Admitted: GA, 1993; TX, 1994. Professor, Guy Raymond Jones Fac. Scholar, Co-Director, Prog. in Bus. Law & Policy, Brigham Young; Assoc., Paul Hastings Janofsky & Walker Atlanta, 1993-1994; Assoc., Baker & Botts L.L.P. Houston, 1994-1997; Skadden, Arps Slate Meagher & Flom L.L.P. Houston, 1997-1998; Tchg. Fel., Texas Tech, 1998-1999; Dir., Legal Res. & Writing Houston, 2000-2003; Ass't Prof., Marquette, 2003-2006; Assoc. Prof., Illinois, Since 2006. *Subjects:* Business Associations; International Business Transactions (S); International Commercial Arbitration; Mergers & Acquisitions; Torts. *Books and Awards:* Interactive Citation Workbook & Workstation (with McGaugh & Holloway), 2004. *Memberships:* SCRIBES.; Ass'n of Legal Writing Dirs.; Legal Writing Inst.

JACKSON, VICKI C. Thurgood Marshall Professor of Constitutional Law, Harvard Law School. BA, 1972; JD, 1975, Yale. Assoc. Dean, Transnat'l Legal Stud., Georgetown University Law Center (09-10); Assoc. Dean, for Res. & Acad. Progs. (04-05); Assoc. Dean, Res. (01-04); Prof.; Assoc. Prof., Georgetown (86-92); Att'y, Rogovin Huge & Lenzer DC (78-85); Clerk, Hon. Thurgood Marshall DC (77-78); Clerk, Hon. Morris Lasker S.D. NY (76-77); Clerk, Hon. Murray Gurfein 2d Cir. NY (75-76); Thurgood Marshall Professor of Constitutional Law, Harvard Law School *Subjects:* Comparative Constitutional Law (17); Constitutional Law

(15); Federal Courts (15); Supreme Court (10); Gender & Federal Courts (5) *Books and Awards*: Federal Courts Stories (with Resnik); Constitutional Engagement in a Transnational Era; Comparative Constitutional Law (with Tushnet) *Memberships*: Int'l Ass'n Women Judges (Managerial Bd., since 2003); Executive Committee member: Int'l Ass'n Const'l Law (Bd., since 1999).; ALI; Executive Committee member: American Association of Law Schools.

JOHNSEN, DAWN E. Walter W. Foskett Prof., Indiana University Maurer School of Law -- Bloomington. BA, 1983, Yale; JD, 1986, Yale. Prof.; Assoc. Prof., Ind. Bloomington (98-04); Acting Ass't Att'y Gen. (97-98); Dep. Ass't Att'y Gen., Off. of Legal Counsel Dep't of Just. DC (93-96); Legal Dir., Nat'l Abortion Rts. Action League DC (88-93); Staff Counsel Fellow, ACLU NY (87-88); Clerk, Hon. Richard D. Cudahy U.S.C.A. 7th Cir. Chgo. (86-87) *Subjects*: Constitutional Law II (15); Separation of Powers *Books and Awards*: Indiana University Trustees Teaching Award: (04).

LEVINE, LAWRENCE C. Professor of Law, Pacific McGeorge School of Law. JD, 1981, Cal., Hastings; BA, 1976, Allegheny Coll. Vis. Prof., New York L.S. fall 2000 (02-07); Dir., Min. Support Prog. (94-96); Prof.; Assoc. Prof. (88-91); Ass't Prof., McGeorge (85-88); Assoc., Morrison & Foerster San Fran. (83-85); Adj. Prof., Cal. Hastings (82-82); Clerk, Judge Eugene Lynch U.S.D.C. San Fran. (82-83); Assoc., Steinhart Falconer & Morenstein San Fran. (81-82) *Subjects*: Sexual Orientation & the Law (15); Torts (15); Criminal Law (10); Professional Responsibility *Books and Awards*: Tort Law and Practice (with Vertri, Vogel, and Gassama), 4th ed.; Understanding Torts (with Diamond & Bernstein), 4th ed.; A Torts Anthology (with Davies & Kionka), 1993, 3d ed. *Memberships*: ALI; SALT; Order of the Coif.

LEVIT, NANCY Curators' & Edward D. Ellison Prof., University of Missouri-Kansas City School of Law. BA, 1980, Bates Coll.; JD, 1984, Kansas. Prof.; Assoc. Prof. (93-98); Ass't Prof. (90-93); Vis. Ass't Prof., Mo.-Kan. City (88-90); Assoc., Stinson Mag & Fizzell Kan. City KS (87-88); Clerk, Hon. Frank G. Theis U.S.D.C. D. KS (84-87) *Subjects*: Jurisprudence (15); Torts (15); Women & the Law (15); Constitutional Law (10); Criminal Law (10); Defamation & Privacy (10); Employment Discrimination *Books and Awards*: MO Govnr's Award for Excellence in Tchg.; The Happy Lawyer: Making a Good Life in the Law (with D. Linder); Feminist Legal Theory: A Primer (with R. Verchick) UMKC Chancellor's Award for Excellence in Teaching: (11); Curators Professorship; Edward D. Ellison Professorship: (09) *Memberships*: Phi Beta Kappa; Phi Kappa Phi.

METZGER, GILLIAN E. Vice Dean & Prof., Columbia Law School. JD, 1995, Columbia; Non US Undergrad, 1990, Oxford Univ.; BA, 1987, Yale. Prof., Columbia; Assoc. Prof., Columbia (01-07); Staff Att'y, Brennan Cntr. for Just. New York Univ. (98-01); Clerk, Just. Ruth Bader Ginsburg U.S. Sup. Ct. DC (97-98); Clerk, Hon. Patricia N. Wald DC Cir. (96-97) *Subjects*: Administrative Law (10); Constitutional Law (10); Contemporary Issues in Federalism.

MORANT, BLAKE D. Dean, The George Washington University. JD, 1978, Univ. of Va.; BA, 1975, University of Virginia. Dean and Professor of Law, Wake Forest University (2007-2014); Assoc. Dean, Acad. Affrs. (06-07); Vis. John Stone Prof., The University of Alabama School of Law (02-02); Dir., Frances Lewis Law Cntr. (01-06); Prof., Washington and Lee University School of Law (00-07); Assoc. Prof. (97-00); Vis. Prof., Wash. & Lee (96-96); Vis. Assoc. Prof., Michigan (94-94); Assoc. Prof., Toledo (92-97); Prof'l Lect., American (88-92); Ass't Gen. Counsel, DC Metro Transit Auth. (87-92); Sr. Assoc., Braude Margulies et al. P.C. DC (85-87); Ass't Staff Judge Advocate, USA J.A.G. Corp DC (78-85) *Subjects*: Contracts (10); Administrative Law (5); Communications Law - Law & Journalism (5); Law & Education (5); Legal Method *Books & Awards*: Law Touched Our Hearts -- A Generation Remembers Brown v. Board of Education...; Communications Law: Media, Entertainment, and Regulation (with Lively,... *Memberships*: Raven Society; Phi Beta Kappa; Executive Committee President: American Association of Law Schools.

NAGY, DONNA M. Executive Associate Dean and C. Ben Dutton Professor of Law at Indiana University Maurer School of Law -- Bloomington, Indiana University Maurer School of Law -- Bloomington. BA, 1986, Vassar Coll.; JD, 1989, New York Univ. C. Ben Dutton Prof., Bus. Law Ind. Bloomington; Interim Dean (04-05); Assoc. Dean, Fac. (02-04); Vis. Prof., Illinois (01-01); Charles Hartsock Prof., Cincinnati (01-06); Prof. (99-01); Assoc. Prof. (98-99); Ass't Prof., Cincinnati (94-98); Assoc., Debevoise & Plimpton DC (89-94) Executive Associate Dean and C. Ben Dutton Professor of Law, Indiana University Maurer School of Law -- Bloomington; Executive Associate Dean for Academic Affairs, Indiana University Maurer School of Law -- Bloomington. *Subjects*: Securities Litigation (20); Securities Regulation (20); Corporations (15); Constitutional Law *Books and Awards*: Securities Litigation and Enforcement: Cases and Materials 3rd ed. (with...; Ferrara on Insider Trading and the Wall (with Ferrara & Thomas) *Memberships*: Order of the Coif; Phi Beta Kappa; ALL.; Cochair, Task Force on Fed. Gov't Initiatives: ABA Corporate Laws Committee.

NEEDHAM, CAROL A. Professor of Law, Saint Louis University School of Law. MA, 1982, Univ. of Va.; JD, 1985, Northwestern; BA, 1979, Northwestern. Prof.; Assoc. Prof. (97-01); Ass't Prof., St. Louis (92-97); Att'y, Chadbourne & Parke L.A. (90-91); Att'y, Gibson Dunn & Crutcher L.A. (86-90); Clerk, Ch. Judge Harold M. Fong U.S.D.C. Honolulu (85-86). *Subjects:* Alternative Dispute Resolution (15); Civil Procedure (15); Legal Profession (15); Remedies (10); Business Law & Ethics (5) *Books and Awards:* Lawyers and the Legal Profession (with R. Simon & B. Powell), 4th ed. *Memberships:* Central Sts. Law Schs. Ass'n (V.P., 1996-98, Pres., 1998-99); Ass'n of Prof'l Respon. Lawyers.

NZELIBE, JIDE O. Prof., Northwestern Law. BA, 1993, St. John's Coll.; MA, 1995, Princeton; JD, 1998, Yale. Ass't Prof., Northwestern; Lect. Fellow, Univ. of Chicago (02-04); Assoc., Kellogg Huber Hansen Todd & Evans DC (99-02); Clerk, Hon. Stephen Williams U.S.C.A. DC Cir. (98-99) *Subjects:* Contracts (5); Foreign Relations Law (5); International Trade *Books and Awards:* Ford Fdn. Fellowship; Woodrow Wilson Fellowship *Memberships:* Am. Law & Econ. Assn.; ASIL.

RICKS, SARAH E. CLIN. Prof., Rutgers School of Law - Camden. BA, 1985, Barnard Coll., Columbia; JD, 1990, Yale. Clinical Prof. & Co-Dir. Pro Bono Research Project, Rutgers School of Law - Camden; Legal Writing Fac., Rutgers Camden (01-06); Sr. Att'y, Law Dep't City of Phila. (95-01); Litig. Assoc., Pepper Hamilton & Scheetz Phila. (92-95); Clerk, Hon. Thomas N. O'Neill Jr. U.S.D.C. E.D. PA Phila. (90-92) *Subjects:* Legal Writing & Moot Court (15); Constitutional Litigation (10); *Books and Awards:* Book chapter, Federal Legal Research; Teacher's Manual, Current Issues in Constitutional Litigation; Contributions to Techniques for Teaching Law Lawyering Prof. of the Year: (09); Chancellor's Award for Teaching Excellence: (09) *Memberships:* AALS (Exec. Comm., Legal Research and Reasoning); LWI (Chair, Coop'n. Pro Bono, Clinic, Legal Writing Fac.; Global Legal Skills).

ROCKLIN, JOAN Senior Instr., Legal Res. & Writing.; Director, Clinics & Externships, University of Oregon School of Law. JD, 1998, Pennsylvania; BA, 1993, Williams Coll... Instr., Legal Res. & Writing Oregon; Assoc., Paul Weiss Rifkind Wharton & Garrison *Subjects:* Legal Writing *Memberships:* Order of the Coif; Legal Writing Inst.

SAMUELSON, PAMELA Richard M. Sherman Distinguished Professor of Law; Professor of Information, University of California, Berkeley, School of Law. JD, 1976, Yale; BA, 1971; MA, 1972, Hawaii. Visiting professor, New York University School of Law (11-11); Dir., Cntr. for Law & Tech.; Prof., Cal. Berkeley; Vis. Prof., Cornell (95-96); Vis. Prof., Columbia (94-94); Vis. Prof., Emory (89-90);

Prof. (87-96); Assoc. Prof. (84-87); Ass't Prof., Pittsburgh (81-84); Vis. Ass't Prof., Hawaii (80-81); Assoc., Willkie Farr & Gallagher NYC (77-81); Res. Assoc., Vera Inst. of Just. NYC (76-77) *Subjects:* Intellectual Property (15); Legal Protection for Computer Programs *Books and Awards:* Software and Internet Law (with Lemley, Menell & Merges), 4th ed. American Academy of Arts & Sciences (Fellow): (13) *Memberships:* ALI. Ass'n for Computing Machinery (Fellow); John D. & Catherine T. MacArthur Fdn. (Fellow).

SANDERS, SHAAKIRRAH Assoc. Prof. of Law, Idaho. BS, 1997, Trinity College; JD, 2001, Loyola, New Or.. *Admitted:* LA, 2001; NY, 2005; WA, 2006. Jud. Law Clerk (E.D. Louisiana), Hon. Ivan Lemelle, 2001-2002; Associate, Locke, Liddell & Sapp (currently Locke Lord Bissell & Liddell), 2002-2004; 8th Cir. Law Clerk, Hon. Lavenski Smith, 2004-2005; Associate, K&L Gates (formerly Preston Gates & Ellis LLP), 2005-2008; Staff Attorney, The Defender Association, 2008-2010. Index/Casenote Editor, Loyola Law Review. *Subjects:* Const'l Law II; Crim. Procedure; Const'l Law I.

SCHWARTZ, MICHAEL H. Prof. & Assoc. Dean, Fac. & Acad. Dev., University of Arkansas at Little Rock, William H. Bowen School of Law. JD, 1987, Cal., Hastings. BA, 1984, Cal., Berkley. Att'y, Hufstедler Miller Kaus & Beardsley Los Angeles (87-89) *Subjects:* Contracts (15); Remedies (15); Insurance Law *Books and Awards:* What the Best Law Teachers Do; Teaching Law by Design: Engaging Students from the Syllabus to the Final...; Contracts: A Context and Practice Casebook (with Riebe) Educating Tomorrow's Lawyers Fellow: (12) *Memberships:* Chair Elect: AALS Section on Teaching Methods.

SIDHU, DAWINDER Assoc. Prof. of Law, New Mexico. Adj. Professor, Univ. of Balt. Sch. of Law, 2011-2011; Adj. Professor, Georgetown Univ. Law Center, 2014-2014.

SMITH, ANDRE Assoc. Professor, Widener. BS, 1992, Maryland; JD, 2000, Howard; LLM, 2003, Georgetown. *Admitted:* DC, 2002. Res. Dir., Off. of African-Am. Outreach Gore Campaign Democratic Nat'l Com., 1999-2000; Dep. COO, Nat'l Voter Fund NAACP DC, 2000-2001; Att'y Adv'r, Hon. Maurice B. Foley U.S. Tax Ct. DC, 2001-2003; Vis. Ass't Prof., Penn State-Dickinson, 2003-2004. How. L.J. *Subjects:* Estate & Gift Tax; Admin. Law; Fed. Income Tax; Sports & Entertainment Law. *Books and Awards:* Acad. Honors, Howard, 2000.

SMITH, PEGGIE Charles Nagel Professor of Employment and Labor Law, Washington University School of Law. MA, 1990, Yale; JD, 1993, Harvard; BA, 1987, Yale. Prof., Wash., St. Louis; Prof., Iowa (03-10); Assoc. Prof. (02-03); Ass't Prof., Chicago-Kent (96-02); Charles Hamilton Houston Fellow,

Harvard (95-96); Clerk, Hon. Michael Boudin U.S.C.A. 1st Cir. Boston (94-95) *Subjects*: Contracts (15); Employment Relationships (15); Feminist Legal Theory (10); *Books and Awards*: Principles of Employment Law (with Hodges, Stabile & Gely) Memberships: Labor Law Group.

TISCIONE, KRISTEN Konrad Prof., Legal Res. & Writing, Georgetown University Law Center. BA, 1982, Wellesley; JD, 1987, Georgetown. Prof., Legal Research and Writing, Georgetown University Law Center; Litig. Assoc., Kirkland & Ellis DC (87-94) Legal Research & Writing (15) *Books and Awards*: Rhetoric for Legal Writers: The Theory and Practice of Analysis and Persuasion...Cum Laude - Law: (87); Phi Beta Kappa: (82); Magna Cum Laude - BA: (82) *Memberships*: The Journal of the Legal Writing Institute.

TU, KEVIN Assoc. Prof. of Law, New Mexico. *Admitted*: WA, 2006. Adj. Professor, Univ. of Washington Sch. of Law, 2011-2011; Vis. Ass't Professor, Univ. of Oregon Sch. of Law, 2011-2012; Ass't Professor, Univ. of New Mexico Sch. of Law, since 2012. Dir. of Operations, Pacific Rim Law & Policy Journal.

VAN ALSTINE, MICHAEL P. Professor of Law, University of Maryland Francis King Carey School of Law. Dr Jur, 1994, Univ. of Bonn, Germany.; Magister Juris Comp, 1993, Univ. of Bonn, Germany; BA, 1983, St. Norbert Coll.; JD, 1986, Geo. Wash.. Assoc. Dean for Res. & Fac. Dev., Univ. of Maryland School of Law; Prof., Univ. of Maryland School of Law; Vis. Prof., Univ. of Maryland School of Law (01-02); Prof., Univ. of Cincinnati College of Law (99-02); Vis. Assoc. Prof., George Washington Univ. School of Law (98-99); Assoc. Prof., Univ. of Cincinnati College of Law (97-99); Ass't Prof., Univ. of Cincinnati College of Law (94-97); Assoc., Holters & Elsing (91-94); Assoc., Foley & Lardner (85-90) *Subjects*: Contracts (15); International Business Transactions (15); Sales & Sales Financing (15); International Law *Books and Awards*: U.S.- Amerikanisches Handels- und Wirtschaftsrecht; Fehlender Konsens beim Vertragsabschluss nach dem Einheitlichen U.N.-Kaufrecht *Memberships*: Order of the Coif; ASIL.

VLADECK, STEPHEN I. Professor of Law and Assoc. Dean for Scholarship, American University Washington College of Law. JD, 2004, Yale; BA, 2001, Amherst Coll. Associate Dean for Scholarship, American University (11-14); Professor of Law, American University; Assoc. Prof., American Univ. (07-09); Assoc. Prof., Miami (05-07); Clerk, Hon. Marsha S. Berzon U.S.C.A. 9th Cir. San Fran. (04-05) *Subjects*: Civil Procedure (10); Constitutional Law (10); Federal Courts (10); National Security Law (10); Immigration Law (5); International Law *Books and Awards*: Potter Stewart Prize, Yale; Harlan Fiske Stone Prize, Yale WCL / SBA Teacher of

the Year: (09); Emalee C. Godsey Faculty Scholarship Award: (08); NIMJ Kevin J. Barry Writing Award for Excellence in Military Legal Studies: (10); American University Faculty Award for Outstanding Scholarship, Research, Creative Activity, and Other Professional Contributions: (13) *Memberships*: New York; District of Columbia.

WRIGHT, RONALD F. Professor, Wake Forest University School of Law. JD, 1984, Yale; BA, 1981, Wm. & Mary. Executive Associate Dean for Academic Affairs, Wake Forest University (07-10); Vis. Prof., Wash. & Lee (06-06); Vis. Prof. of Law & Criminology, No. Car. St. Univ. Raleigh (04-04); Prof.; Assoc. Prof. (91-94); Ass't Prof., Wake Forest (88-91); Trial Att'y, U.S. Dep't of Just. Antitrust Div. Atlanta (85-88); Clerk, Hon. Frank M. Johnson Montgomery (84-85); *Subjects*: Criminal Procedure (15); Criminal Law (10); Criminal Justice (10); Legislation *Books and Awards*: Sentencing Law and Policy: Cases, Statutes & Guidelines (with Demleitner...; Criminal Procedures: Cases, Statutes and Executive Materials (with Miller... *Memberships*: Am. Soc. of Criminology; ALL.

WU, FRANK H. University of California Hastings College of the Law. JD, 1991, Michigan; BA, 1988, Johns Hopkins. Chancellor & Dean, University of California Hastings College of the Law (10-14); Visiting Professor, George Washington (09-09); CV Starr Visiting Professor, Peking University (Transnational) (09-09); Professor, Howard (09-10); Visiting Professor, Maryland (08-08); Dean, Wayne State (04-08); Visiting Professor, Michigan (02-03); Professor, Howard (01-04); Clinic Director, Howard (00-02); Associate Professor, Howard (98-00); Assistant Professor, Howard (95-98); Fellow, Stanford (94-95) Associate, Morrison & Foerster (92-94); Judicial law clerk, Hon. Frank J. Battisti (N.D. Ohio) (91-92); *Subjects*: Civil Procedure (10); Professional Responsibility (5); Evidence *Books and Awards*: Yellow: Race in America Beyond Black and White; Race, Rights, Reparations: Law and the Japanese American Internment Chang-Lin Tien Leadership Award: (08); NAPABA Trailblazer Award: (07) *Memberships*: Trustee: Deep Springs College; Member: Dept. Of Ed. NACIQI California; Washington, D.C.

Exhibitors

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Discussion Outlines and Materials

Workshop speakers were invited to submit discussion outlines for those in attendance.
These outlines and other materials are presented in sequence of the program.

The Role of the Legal Scholar in a Changing World: The Why

Angela J. Davis

American University Washington College of Law

- I. Introduction
 - The Life of a Law Professor – Teaching, Writing and Serving our Communities
- II. The Importance of Scholarship
 - A. The privilege
 - B. The responsibility
 - C. Situating scholarship in your life and why it should be a priority
- III. Why We Produce Scholarship
 - A. The Practical Reasons
 - 1. Pre-tenure
 - 2. Post-tenure
 - B. The Purposeful Reasons
 - 1. To Effect Change and Achieve Social Justice
 - 2. To Influence the Legal Profession
 - 3. To Inform and Improve Your Teaching
 - 4. To Learn and Develop Ideas and Expertise (yours and others)
 - 5. Many other reasons
 - C. Why We Write Different Types of Scholarship
 - D. The Convergence of the Practical and Purposeful Reasons
- IV. Conclusion

Legal Writing Scholarship and Scholarship Issues Unique to Legal Writing Faculty

Kirsten K. Davis

Stetson University College of Law

Kristen K. Tiscione

Georgetown University Law Center

1. The Importance and Challenges of Producing Scholarship
 - a. Importance Generally
 - b. Importance to Legal Writing Faculty
 - i. Those With a Writing Requirement
 - ii. Those Without a Writing Requirement
 - c. Importance to the Discipline of Legal Writing
 - i. Defining the Field
 - ii. Establishing Credibility in the Field
 - iii. Improving the Connection Between Scholarship and Practice
 - d. Challenges of Writing For Legal Writing Faculty
 - i. Timing in the Semester with Feedback Schedule
 - ii. Finding Funding/Getting Institutional Support
 - iii. Writing When your Job Does Not Require It
 - iv. Developing Confidence
 - v. Finding a Writing Community
2. What to Write About
 - a. “Legal Writing” Topics
 - a. Doctrinal and Theoretical Foundations
 - i. “Legal” Doctrines
 1. Rules of Procedure (Civil and Appellate)
 2. Administrative Law
 3. Professional Responsibility
 4. Legislation/Legislative Drafting/Statutory Interpretation
 - ii. Interdisciplinary Foundations
 1. Composition
 2. Technical Writing
 3. Argumentation
 4. Communication
 5. Rhetoric
 6. Psychology (social, educational, cognitive)
 7. Sociology
 8. Linguistics
 9. Literary Theory
 10. Education
 - b. Empirical Research
 - c. Trending Topics in “Legal Writing”
 - b. Other Doctrines

3. When to Write
 - a. Generally
 - b. Unique Considerations for Legal Writing Faculty
4. Testing Out Your Ideas
 - a. Generally
 - b. For Legal Writing
 - i. National Conferences
 - ii. Regional Conferences
 - iii. Legal Writing Institute Writer's Workshop
5. Planning a Scholarly Agenda
6. Submitting Your Work
 - a. Where to Submit
 - i. General Considerations
 - ii. Legal Writing Outlets
 - b. Advice on Submissions
 - c. Doing Something Different
 - i. Books
 - ii. Blogs
 - iii. Mobile Applications
 - iv. YouTube/Video
7. Q&A

Bibliography on Interdisciplinary Approaches to Legal Scholarship

Jide O. Nzelibe

Northwestern University School of Law

Dear Colleagues:

I have a bibliography that discusses some of the trends regarding interdisciplinary approaches to the study of law. The first part of the bibliography looks at what I might call the first generation debates, which cover the autonomy of law as a discipline. The second part deals with more recent debates which methodological approaches are the most useful.

The Old Terrain

There is a longstanding debate about whether or not law can be viewed as an autonomous discipline in its own right, or whether you need to deploy methodological orientations borrowed from other social science disciplines in order to make any concrete headway in the study of law. The articles below describe the contours of these debates, although many of you may already be familiar with the broad outlines of these intellectual controversies. For those who want a brief and succinct version, Richard Posner's article on Legal Scholarship today will suffice.

Richard A. Posner, Legal Scholarship Today, 115 Harv. L. Rev. 1314, 1317 (2002)

Harry T. Edwards, The Growing Disjunction Between Legal Education and the Legal Profession, 91 Mich. L. Rev. 34 (1992).

George Priest, The Growth of Interdisciplinary Research and the Industrial Structure of the Production of Legal Ideas: A Reply to Judge Edwards, 91 Mich. L. Rev. 1929 (1993).

George L. Priest, Social Science Theory and Legal Education: The Law School as University, 33 J. Legal Educ. 437, 441 (1983).

Richard A. Posner, The Decline of Law as an Autonomous Discipline: 1962-1987, 100 Harv. L. Rev. 761, 766-77 (1987).

The New Terrain

Beyond the debates about the autonomy of law as a discipline, there are now newer and ongoing debates as to which methodologies and or interdisciplinary approaches are the most useful or have the highest payoffs to the study of the law. Along the lines, there are questions about the level of rigor or the depth of various methodological approaches. There are also additional questions of conflating normative and positive approaches to the study of law, or more broadly, selectively deploying positive approaches that are often pregnant with deep normative assumptions.

Robert D. Cooter, Maturing into Normal Science: The Effect of Empirical Legal Studies on Law and Economics," 5 Ill. L. Rev. 147 (2011).

Eric A. Posner & Adrian Vermeule, Inside or Outside the System?, 80 U. Chi. L. Rev. 1743 (2014)

Lee Epstein and Gary King, The Rules of Inference, 69 U Chi L Rev 1 (2002).

Frank Cross et al., Above the Rules: A Response to Epstein and King, 69 U. Chi. L. Rev. 135 (2002).

Jack Goldsmith & Adrian Vermeule, Empirical Methodology and Legal Scholarship, 69 U. Chi. L. Rev. 153 (2002)

Edelman, Lauren (2004) "Rivers of Law and Contested Terrain: A Law and Society Approach to Economic Rationality," 38 Law & Society Rev. 181-98.

Lee Epstein and Lauren Edelman, Building the Bridge from both Sides of the River: Law and Society and Rational Choice, 38 Law & Soc'y Rev. 207 (2004).

Josh Fischman and David Law, What is Judicial Ideology and Should we Measure It? 29 Wash. U. J.L. & Pol'y 133

Richard Posner, A Tribute to Dworkin, 63 N.Y.U. Ann. Surv. Am. L. 9 (2007).

Advice for New Law Teachers Concerning Dissemination of Your Ideas

Pamela Samuelson

University of California, Berkeley School of Law

The conventional advice that seasoned academics offer to new law teachers is to write the best law review articles you are capable of, get feedback from colleagues as you revise the articles for submission to law reviews, make sure to submit the articles in polished form in early February and no later than mid-March, and place the articles in the best journals that accept them. This is good advice. I got it from senior people when I was a new law teacher, and I followed this advice for my first several articles. (I deviated from it later, but not until after I got tenure.)

Not only did I get tenure as a consequence of following that advice, but writing those early articles gave me the opportunity to join a community of scholars whose interests and mine have intersected over the decades. My tenure article, which was published more than thirty years ago, considered what kind of intellectual property protection should be available to computer programs and why copyright law was ill-suited to the task of providing appropriate protection. When I wrote that article, I had no intention to focus my scholarship on digital technology issues. But as it happened, that article started me on a path that I have pursued throughout my career. That article has been a gift that has kept on giving.

Since 1984, I have written well over a dozen law review articles on the issues I first analyzed in my tenure article. I expect to write another article this year about the *Google v. Oracle* case, which is now before the Supreme Court. That article will explain why copyright protection should not be available to application program interfaces (APIs) of computer programs. Much of the analysis will build on points first made in my tenure article.

In preparing for this new law teachers conference, I asked myself what I could possibly say that would be useful beyond the conventional advice offered above (which you have probably already gotten from your mentors). I decided to start by suggesting that you ask yourselves the following questions:

- What audiences are or would (or should) be interested in your work?
- What kinds of writings should you prepare to reach those audiences?
- Where should you try to publish your work to reach those audiences?
- What opportunities are there to work with other people and institutions that will further the causes for which you and your audiences care about?
- When is open access a better option for you and your dissemination goals than a proprietary publication venue?

AUDIENCES

The most obvious and initially most important audience for your scholarship is the tenured faculty at your law school. A second obvious audience for your work is the community of scholars who work in your field. The judgments of a select few of those scholars will several years from now be writing the letters that will persuade first your colleagues and then campus reviewers that your work is original, significant, and otherwise meets the tenure standards of your university.

Get to know some of those scholars by attending conferences and other events where they are presenting or likely to be present. If you read their work and give them feedback on it, they'll be more likely to read and comment on your work as well. Many senior scholars once reached out to senior scholars when they were newbies in the field; they may be willing to "pay forward" to folks like you the debt of gratitude they felt when they got more and better feedback than they expected way back when. In my third year of law teaching, I sent a draft of my tenure article to two senior copyright scholars whose work I admired but whom I had never met. I'll never forget the rush of gratitude I felt when I received ten pages of single spaced comments from one of them and some very encouraging feedback from the other.

When you get good feedback and take senior scholars' advice in revising your articles, they are more likely to give your work a positive review when the time comes. At most schools, you will have a chance to suggest the names of senior scholars to write letters for your tenure case. Those who know you and your work are the most likely to sing your praises.

While impressing your colleagues at your own and other law schools is important, most law professors aspire, I think, to reach broader audiences. Our work typically aims to influence the way the law is understood and applied in the world. To the extent this is true, there are wider audiences we can and should try to reach. Because I have, for instance, written a great deal about computer programs and other types of digital technologies, the field of computing professionals has been a very important audience for my work.

What communities might be or become the broader audiences for your work depends on who you are and what kind of work you do. If you are a contracts scholar, for instance, you might want to reach business school audiences. If you are an administrative law scholar, you might want to communicate with political science or public policy professors. If you are an international law professor, you might want people in the State Department to know of your work. If you are a social justice scholar, you might want to publish in venues that sociologists or nonprofit groups that work on the issues you care about are likely to be subscribers. If you are a civil procedure scholar, you might want trial or appellate lawyers to read about your research. And so on.

It is, of course, a mistake to concentrate so much on reaching broader audiences while you are untenured that you neglect to produce the scholarship your colleagues expect of you. But often it is possible to spin off from a major law review article a shorter version of its main points, which you can tailor to be more accessible than a law review article would be (e.g., no or very few footnotes) to the broader audiences you want to reach.

Sometimes policymakers may be among the audiences you want to reach. When bills have been introduced in Congress or a state legislature, you may want to prepare, in addition to the major law review article that offers your recommendations about the bills and analysis in support of them, a one- or two-pager that distills what you recommend and why so that legislative staffers can have something to work with and show to their members. Give the staffers the law review article if you want; just know that the one- or two-pager is all that you can reasonably expect them to read.

WHAT, WHERE AND WITH WHOM TO WRITE AND PUBLISH

Once you have figured out which wider audiences you want to reach, you should think about how best to reach them. Each field of scholarship has its own hierarchy of journals, expected length and style of research articles, and criteria for acceptable scholarship. To place your articles in the publication venues that will reach those audiences, you will need to conform to the norms that apply in that field.

There are several strategies for figuring out what you need to do to conform to those norms. Obviously it helps if you have a degree in the field you want to reach, so you will already be familiar with which journals are the top ones and what research papers in those fields are expected to look like. Another strategy is to get to know people in that field at your home institution and ask them about optimal publication venues for work in that field. A third option is to find a co-author who is well-known in that field whose interests overlap with, but are complementary, to yours.

One of the best articles I ever wrote in my life was with an economist named Suzanne Scotchmer with whom I taught a seminar on the law and economics of intellectual property. Out of that seminar, we collaborated on an article on the law and economics of reverse engineering, which was published in the *Yale Law Journal*.

Sometimes you may even want to reach non-scholarly audiences. Because most of my work assesses judicial decisions, lawsuits, legislation, or other policy developments that will affect the public generally, I have written quite a few articles in non-scholarly venues when I thought this would reach audiences for particular points of view. I've written, for example, for *WIRED* magazine, the *Huffington Post*, *IEEE Software*, the *LA Times*, the *San Francisco Chronicle*, and *The Nation*.

I also sometimes blog for LinkedIn and for the Authors Alliance, a nonprofit organization of which I am a co-founder, which represents the interests of authors whose motivations to create are primarily to share knowledge and products of their imagination with the world. I typically tweet about my publications and about events I am speaking at or have organized. Self-promotion does not come easily to me, but sometimes I can persuade myself that this is the best way to promote the ideas about which I am passionate.

More than twenty years ago, I started to write a regular column for *Communications of the ACM*, the flagship journal of the Association for Computing Machinery, after I met its editor-in-chief at a conference where my spouse was speaking. This editor wanted a lawyer to write columns for *CACM* to explain in plain English what was at stake in some lawsuits then pending in the courts that were certain have significant implications for computing professionals. ACM has more than 100,000 members worldwide. More people read my ACM columns than have ever read any of my law review articles. Because of these columns, I've been asked to speak at many computing conferences and other events where I've met some amazing people in the computing field who feel like they know me because they read my columns.

When you think about how best to disseminate your ideas to audiences you want to reach, you may want to identify organizations that hold regular conferences where you might be able to speak or organize a panel on the issues of concern to you that you think conference attendees would be interested in. Write to the conference chairs or just submit a proposal. The worst thing that can happen is that they say no, and then you'll have the satisfaction of knowing you tried.

If there are public interest organizations that care about your issues, volunteer to serve as an advisor on the issues on which you are a deep expert. Often those organizations are eager to have access to deep expertise, particularly when it comes from a more independent source than lobbyists will provide. Sometimes these organizations have advisory boards, which you may be able to join.

Sometimes the optimal audience is one that you'll only have a chance to reach once or on rare occasions. This year, one of my major goals is to reach the U.S. Supreme Court in the *Google v. Oracle* case. I will, of course, write a law review article on the issues in the case, but I will almost certainly write an amicus curiae brief, if the Court takes the case, to explain why an appellate court erred in holding that copyright law protects the Java interface command structure that Google reimplemented in its Android platform software. I taught a seminar this spring to a dozen or so students who helped me think fresh thoughts about which, among several possibilities, would be the most persuasive way to analyze the issues. When you think you know the issues cold, it may be hard to think new thoughts about them. Working with a group of motivated students is a good way to shake yourself up and learn something new. That will make you a better disseminator of your ideas.

OPEN ACCESS?

In many fields of scholarship, publishers insist on assignments of copyrights in articles that faculty members submit for publication to top journals. For some scholars, the prestige of a top journal may make it worthwhile to suffer the cost of substantial restrictions on access to your work. Publishers often restrict access in order to charge users for viewing or downloading its publications.

Some top law reviews also insist on copyright assignments, although law reviews are generally more flexible about open vs. proprietary access than other journals. You will have more leverage with a law review about copyright and other contract terms when you have an offer in hand and are trying to decide whether to accept it or possibly another offer. So use that leverage either to hold onto your copyright and grant them a license to publish the work (which is all they really need to get from you) or retain a non-exclusive license to post your work on your own website, in an open access digital library, or at other online venues where people who are interested in your work can find it.

Law professors ought to be better at reading and negotiating over publishing contracts than other scholars, but often they too simply sign whatever contract proposal is sent their way. Don't be a chump. At least read the contract and know what you are being asked to do. If you object to terms, cross out the parts you don't like or put in qualifying language that better serves your needs. And push for open access, which will allow people who do not subscribe to Lexis or Westlaw to access and be able to download your work. You aren't going to get a royalty stream from your articles, so while it's good to place them in the best possible venue, you can do the public and all those interested in your issues a world of good by choosing to make your work available on an open access basis, as by adopting a Creative Commons license for it.

An increasing number of universities these days are adopting open access policies. The Harvard faculty, for instance, voted to grant the university a non-exclusive license in faculty articles. Harvard makes those articles available in an open access repository. When publishers ask Harvard faculty to assign copyrights, the faculty can say "gee, I really can't do that; my university has a non-exclusive license that you and I both must respect." The University of Michigan claims copyright in faculty articles

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as though they were works made for hire in which the university owns the copyright, but the university grants back a non-exclusive license to the faculty so they have authority to license in turn to a publisher. The University of California has adopted an open access policy that grants the university a non-exclusive license in faculty articles, but faculty can opt out of that if they think this is necessary for publication of their work. So find out if your university has an open access policy. Even if not, start the conversation about open access at your institution.

If you have questions about open access and whether it's right for you, please look in the fall at the authorsalliance.org website where we will have a guide that you may find useful.

Welcome to the field of law teaching and scholarship. Enjoy yourself as you hone your teaching and writing skills. May you find a niche for your scholarship that will give you as much intellectual stimulation and satisfaction as my niche has given me.

Experiential Learning Demonstration¹

Susan J. Bryant

City University of New York School of Law

Tell me, and I will forget. Show me, and I may remember. Involve me, and I will understand. Confucius, circa 450 BC.

I. INTRODUCTION

A. A Word on Experiential Learning

Using the “experiential learning” model, educators intentionally engage learners in direct experience and focused reflections to accomplish various teaching goals, which may include increasing knowledge, developing skills, and clarifying values. Clinical faculty often summarize the model with three stages that form a cycle: **Plan, Do, Reflect**. Others add additional steps such as **Generalize/Hypothesize** to explicitly recognize that from the reflection students are expected to develop or refine ideas that will influence planning the next time the activity is repeated. What sets this model apart from simply “learning by doing” is the reflective processing that comes after the doing.

Experiential Learning is a point in the range of Active Learning strategies or techniques devised to better engage students in the learning process. Active Learning is the opposite of Passive Learning, which occurs when students simply await the dispensing of information from instructors. While all of Experiential Learning is Active Learning, not all of Active Learning is Experiential Learning.

In Experiential Learning, students are asked to pay attention to the process: (1) to plan it (2) do it; (3) think about what happened; (4) figure out what was important from the experience; (4) find general trends or truths in the experience; and (5) apply these to a similar or different situation. Plan, Do, Reflect, and Plan again.

In law schools, Experiential Learning reaches its zenith in the clinical legal education program where experiences with real clients or simulated lawyering activities provide fertile opportunities to Plan, Do, and Reflect. However, non-clinical faculty can add Experiential Learning to the mix of teaching techniques employed in doctrinal or “casebook” courses to enhance doctrinal learning and prepare students for their clinical work in later years.

Experiential learning bridges the divide between knowledge and ideas and where and how they might be used. Authentic learning increases motivation and integration promotes transfer.

B. Experiential Learning Opportunities in the Doctrinal Classroom

In a more traditional “casebook course,” Experiential Learning typically takes the form of periodic role playing in a simulated lawyering task, or in other role-playing that provides support for traditional case analysis. To illustrate, here are ways that Charles R. Calleros uses Experiential Learning in a contracts class, starting from the end of the spectrum in which the experiential component is most subtle:

- Conducting a simulation simply to make some doctrinal material more concrete or subject to visualization, such as acting out an exchange transaction or inviting students to work through documents and transcripts in a file to immerse them in the facts of a judicial opinion or a hypothetical case prior to group discussion;
- Relating classroom lessons to the “real world,” such as through students taking note of contracts or warning labels that they encounter in their daily lives and explaining how they illustrate doctrine being discussed in the classroom;

¹ This is an edited version of a handout prepared for a panel on experiential learning by Susan J. Bryant, City University of New York School of Law, Charles R. Calleros, Arizona State University Sandra Day O'Connor College of Law, Mehmet K. Konar-Steenberg, William Mitchell College of Law Calvin Pang, University of Hawaii William S. Richardson School of Law. With permission, I have edited it and repurposed it for this conference.

- Asking students to prepare for class by writing a segment of a brief for each side of a dispute presented in a problem, or by writing a majority and dissenting opinion in resolution of the problem;
- Using simulation to walk students through legal matters that are difficult to teach through readings, charts, and lecture, such as by assigning roles and leading students through an international sales negotiation and letter-of-credit financing through the banking system;
- Helping students consolidate their study of doctrinal law while developing professional identity, skills and values by asking them to work with the doctrine in a professional task, such as by drafting an enforceable non-competition agreement, simulating the counseling of a client about legal rights, or advocating for a client in simulated oral argument or brief writing.

II. BENEFITS OF EXPERIENTIAL LEARNING²

A. Deep Learning through Doing: Experiential learning engages students, requiring more in-depth understanding to apply knowledge and the knowledge is more likely “to stick” when the student uses it. The learning is multidimensional, engaging emotional, cognitive and skill dimensions.

B. Adding Variety to Teaching Methods: Experience shows that the risk of students “zoning out” is lessened when they are actively engaged and when the teacher varies teaching techniques. For example, simply switching for a few minutes from traditional Socratic method to small-group discussions can dramatically increase the energy and breadth of participation in a classroom. Breaking up the traditional case method with an occasional supporting simulation can result in additional intellectual stimulation.

C. Helping Students to Imagine Themselves as Professionals: Leading students in role-playing can help them to identify as lawyers rather than simply as students. For some students it is their first introduction to the work of lawyers. Experiential learning helps them contemplate the responsibilities and challenges that arise from client representation. When they see how their learning is connected to their future work, they are motivated to learn not just for learning sake but for future clients.

III. CHALLENGES TO ACCOMPLISHING LEARNING GOALS

A. Scarcity of Time: In the typical casebook course, the perennial challenge is to squeeze critically important topics into the allocated classroom hours. Much ground can be covered through assigning reading and providing lecture, but engagement and deep learning is unlikely to take place. Socratic method takes time, and Experiential Learning typically requires significantly more time. Consequently, deriving benefits from the exceptional engagement provided by Experiential Learning requires reduced coverage or covering some topics through lecture.

Potential Solutions:

- *Let Go of Topics:* Or as a compromise, cover some topics through lecture, not for deep learning but simply to highlight them as issues.
- *Adopt A Text That Incorporates Experiential Learning:* Many new texts are including experiential exercises in the book and teachers’ manuals include ideas about how to teach from the exercises.
- *Add Time:* If you have control over the time allotted to your course, such as by converting a 2-unit upper-division course to a 3-unit course, expand your course to permit Experiential Learning and reinforcing currently covered topics rather than cutting them.

2. A growing body of learning theory and empirical scholarship backs these claims. See, e.g., Carole Silver, Amy Garver, Lindsay Watkins, Unpacking the Apprenticeship of Professional Identity and Purpose: Insights from the Law School Survey of Student Engagement, 17 J. Legal Writing Institute (forthcoming) (empirical study of how clinical experience furthers professional identity and purpose learning); ROY STUCKEY, BEST PRACTICES FOR LEGAL EDUCATION 149-157 (2007) (early exposure to simulation and actual law practice vital to development of problem-solving skills and judgment); Paul S. Ferber, Adult Learning Theory and Simulations—Designing Simulations to Educate Lawyers, 9 Clinical L. Rev. 417 (2002-2003) (simulations enhance motivation and develop self-teaching capacity).

B. Added Preparation: Adding Experiential Learning to a course may require additional infusions of creative pedagogy, preparation of supporting materials, and planning the logistics of executing the exercise.

Potential Solutions:

- *Add Experiential Learning Incrementally:* To minimize the burdens of pedagogic change, add one or two new Experiential Learning exercises each year.
- *Benefit from In-House Collaboration:* Ask a colleague who teaches a skills course to lend you a time-tested exercise or teach the class for you.
- *Benefit from the Work of Colleagues Throughout the Academy:* Books, articles, listserv discussions, and web sites can provide classroom-tested ideas and resources for you to adopt or adapt to your needs. For example, the new Lexis-Nexis Skills and Values series and accompanying web course material; various websites on teaching like:
 - <http://educatingtomorrowlawyers.du.edu/>
 - <http://library.law.umn.edu/researchguides/teachingtools.html>
 - http://www.ssrn.com/update/lisn/lisn_lisn-educator.html
 - Bridge to Practice Series from West Publishers
 - The Skills and Values Series from Lexis Nexis
 - <http://educatingtomorrowlawyers.du.edu>

C. Difficulty of Using Experiential Learning in Large Classes: Actively engaging a large class is difficult. Using Experiential Learning in a large class may appear even more difficult. In reality, it increases engagement throughout the classroom, including in the back row. When a teacher moves from Socratic questioning of a single student to assigning students to negotiate a contract in pairs, the engagement of all students increases. Experiential Learning activities provide great benefits to a large classroom, albeit while raising some logistical challenges. Potential Solutions to Logistical Problems are discussed more fully in section IV, below.

D. Fear of Negative Reactions for Departing from Traditional Methods: Because many law faculty who teach doctrinal courses have never had instruction in pedagogy, we often replicate the teaching methods that we experienced as law students. Faculty who break out of this mold may wonder whether other faculty will view non-traditional teaching methods as less rigorous, or may fear that some students will believe that the time devoted to Experiential Learning in a “casebook course” is wasted.

Potential Solutions:

- *The Fears are Exaggerated:* Avoid exaggerating the risk of negative reactions. If you display competence in traditional methods such as Socratic questioning, all but the most hopelessly conservative of faculty are likely to view with approval, if not envy, your ability to employ various teaching methods. Because students have different learning styles, they too are likely to appreciate being exposed to a number of teaching methods.
- *Explain Your Pedagogy:* Even the skeptical students will appreciate your methods if you explain your teaching goals and connect earlier experiential exercises to doctrinal learning. Skeptical faculty, too, may be positively influenced by explanations of your pedagogy.
- *Use Classroom Time Efficiently:* If you plan and execute an Experiential Learning activity carefully, achieving its goals efficiently, then students and others will be less apt to wonder whether the activity is displacing other teaching and learning opportunities to an excessive degree.

IV. CONSTRUCTING EXPERIENTIAL LEARNING ACTIVITIES TO PROMOTE LEARNING

Choose when to use Experiential Learning, design the context for the experience, identify the tasks for each stage of the activity, and pay careful attention to logistics.

A. Choose When to Use Experiential Learning: match benefits to goals

1. **Employ experiential exercises purposefully.** Identify those aspects of doctrine, theory, lawyer's role or practice where student engagement in an activity and reflecting on that activity will teach something necessary and valuable to the student.
2. **Identify difficult concepts** where greater contextual understanding will increase student learning and plan Experiential Learning around these. For example, use a contract negotiations exercise to provide a foundation for raising issues regarding the parol evidence rule, a conceptually difficult doctrine for some students.
3. **Identify how lawyers use the law** to benefit clients or broader societal interests and plan an activity giving students insight into the connection between doctrine and lawyers' work. For example, engage students in drafting a non-competition agreement that requires choices about what to disclose to adversaries about missing or ambiguous clauses, especially when the client has requested a contract clause that is not enforceable. Such an exercise teaches ethical issues and the doctrine of mistake or conscious ambiguity in contract formation.
4. **Make intentional choices about role.** Where students are in role as lawyers, pay attention to explicit and implicit messages about professional values, about lawyer's work, the law and lawyer's role in promoting justice and access.

B. Identify Context. How close to law practice should the activity be to meet learning goals? Use a variety of contexts including non-litigation contexts to teach lawyer's identity and purpose.

1. **Exercises:** Context for activities is a non-legal context that promotes learning of underlying concepts. For example, interviewing clinical classmates and using that experience to develop understanding of lawyer-client interviewing, or engaging students in non-legal bargaining exercise to teach concepts of developing contractual obligations.
2. **Role-play:** Context for activity involves students playing a role in a setting that is not designed to be fully faithful to the real world. For example, students are asked to explain the law to a client in a counseling session. Or students are asked to argue the benefits of a statute pending before a legislature. Students do not know the full context of either activity. The counseling exercise drops the student into an on-going attorney client relationship whereas the legislative advocacy role-play involves acting without knowing all of the specifics of the legislative committee.
3. **Simulation:** Students play a role in a situation designed to replicate significant aspects of the real world. Students in the lawyer's role, in an ongoing and developing matter, exercise choices that have consequences as the representation continues. For example, students may represent a client in an ongoing dispute and take the client through the stages of litigation. Students may also become players in a semester-long simulation playing other roles for example, as students playing workers and teacher playing employer in a semester-long simulation.

C. Focus on the Process and Tasks of the Exercise. Using the stages of Experiential Learning—**Plan, Do, Reflect, Hypothesize**—identify the tasks and stages for the exercise. While these stages can be and often are jumped, good Experiential Learning has aspects of these stages even if they are not followed in a linear fashion. In designing an experiential exercise, identify what if any tasks you want students to do and what the teacher's role will be.

1. **Plan:** Students identify purpose, options, and develop a plan for the activity or task (Teaching decisions: How much time to plan the exercise and how to memorialize the plan? For example, an in-class minute-write or a highly structured plan developed as homework? How much direction should teacher give about content and process of planning?)
2. **Do:** Students carry out plan, make adjustments as needed. (Teaching decisions: what tasks will students do? Not every activity will be suitable for a large class. Simpler more limited exercises may be most appropriate. What roles if any will they play? How long will the exercise run? Will it be in or out of class? What will the teacher's role be during the exercise?)
3. **Reflect:** Students identify what happened, why it happened, how it is the same or different than student planned. What are lessons or insights about law and lawyering? About myself as a developing lawyer? (Teaching decisions: how to engage students: individualized writing or a short e-mailed reflection submitted after class with later summary by teacher; teacher-led large group or teacher-directed pairs/smaller groups. Devise specific questions or topics to reflect upon? Or more open-ended? Bring small group insights to larger group through discussion?)

4. **Hypothesize:** Generalization that applies to new situation? What would you repeat? What would you do differently? What are the key features that will enable you to recognize similar situations so as to transfer learning?

D. Pay careful attention to logistics of running activities in classroom:

1. **Plan timing of each aspect of the activity: plan, do, reflect, hypothesize.** Do not be afraid to shorten any stage as short intense experiences can teach valuable lessons and longer exercises can sometimes result in a loss of classroom energy. (Think speed dating.) Make sure to allocate time for debriefing and synthesizing lessons.
2. **Put exercise in context.** What do they need to know about the setting? For example, where in the life of the client or lawyer relationship is the task situated? What has already happened? Or how much does it resemble “real?”
3. **Identify the activity’s place and setting.** Will it be individual, small group or large class? In or out of class? If small group consider time allocated to exercise in setting group number.
4. Clearly define students’ tasks and roles. Write these out on a smartboard, class website or a hand-out. A classroom full of small groups of people asking “what should we be doing?” is wasted time. Make instructions clear. Moving students quickly into and out of role and task is essential to building students’ confidence that learning is occurring.
5. Plan teacher’s role. In allocating time to the stages and planning the teacher’s role, think about how where the teacher’s expertise can add to the learning. For example, how much will the exercise teach by itself vs. how much teacher-led reflection is necessary to tease out the full potential of the activity? If the concepts are difficult, teachers may need to play a role in the planning or even in the doing by role-playing with the students.

Partial Interview Summary

Susan J. Bryant
City University of New York School of Law

To: First Year Students
From: Sue Bryant
Re: Partial Interview Summary
Date: June 16, 2014

For Class on Thursday June 19t, please read these facts and think about an investigation plan to interview the security guard.

When we interviewed Marie she told us that she went to Macy's with her friend Shana. They had gone to look at bathing suits. Before they got to the bathing suit floor, they wandered through the first floor in accessories looking at cosmetics, hats and things for the beach and jewelry. Shana said she was going to look at purses in a near-by part of the store. Marie wanted to look at jewelry so she stayed in the jewelry section; she asked a sales lady for help in finding out the price of a pair of earrings she was interested in buying. While the clerk was looking for the price of the earrings, Shana came back and said, "lets go." They were headed to the elevators to go to the swimsuit section when a security guard came up to them. He had asked Shana to open her bag. She had a purse in there. He took it out and asked Shana and Marie to follow him to an office for questioning.

When Marie and Shana got to the office, he put them in separate rooms for questioning. He told Marie that he knew that she was involved in helping Shana steal a valuable purse and that things would go better for her if she just admitted to helping Shana steal the bag. She told him that she had no idea what he was talking about. He told her Shana took the purse and concealed it in her bag and that Shana had already said that Marie knew she - Shana- was going to do this and agreed to distract the sales clerk. Marie denied knowing or doing anything. She was taken by the police to the police station, went to court and a judge gave her a date to return to court.

Marie is a 20-year old immigrant from the Dominican Republic who has been in the country for 3 years. She works for a not-for-profit agency that works with immigrants. Shana is a friend she met only recently when she came to work at Marie's agency. This shopping trip was the first time they had gone out together. Shana told Marie they were having a big sale on bathing suits at Macy's so they agreed to go to look at them after work.

From the police report, we learn that the security guard is named Elliott Milstein.

Please develop an interview plan for the security guard. Focus on this element:
"The individual provided some form of assistance to the principal."

1. Facts consistent with our client's story?
 - Does the guard agree with our client's story before and after arrest? (left side of room)
2. Facts inconsistent with prosecutors' theory (distracting the sales person)?
 - What would we expect her to do if theory is correct? Facts about what did not happen? (right side)
3. Both sides – how does the security guard know what he know?

Teaching Bibliography for New Law Teachers

©Nancy Levit

University of Missouri-Kansas City School of Law*

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Designing Clinical Course and Classes to Maximize Student Engagement and Learning

Susan J. Bryant

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Dear Participants,

This handout includes a two page tips sheet as well as an excerpt from Bryant, Milstein and Shalleck, *TRANSFORMING THE EDUCATION OF LAWYERS: THE THEORY AND PRACTICE OF CLINICAL PEDAGOGY* published by Carolina Academic Press, *Chapter Four: Planning and Teaching the Seminar Class pp. 73 – 79*. The excerpt is reprinted with permission and should not be copied or distributed without permission.

Thanks,

Susan Bryant

Designing Clinical Course and Classes to Maximize Student Engagement and Learning: A Dozen Tips for Student Engagement in Classroom Discussions

Susan J. Bryant
City University of New York School of Law

1. Set Participation Expectations In Your Syllabus. Announce that participation and contributions as well as good listening are expected of everyone. Explain that learning how to participate and share conversation space are professional skills that lawyers need. Explain why you value all voices to enrich the conversation. Students have previous participation patterns that may be difficult to disrupt. The “talkers” are used to having the floor and the “lurkers” are used to giving it to them and worse may be otherwise engaged. Importantly, these roles can be gendered and racialized. When that happens, the diversity we seek in classroom conversation is lost.

2. Model Participation Early and Reinforce It With Ground Rules. Disrupting previous patterns and establishing new ones needs to be set from the beginning. From the first day, make sure everyone is participating and keep rough track of contributions to make sure no one is dominating. Set ground rules that disrupt patterns and promote trust. For example – establish a norm that no one talks again until all have spoken at least once unless it is to follow-up in a back and forth discussion. If the same hands go up or jump into conversations, ask for new voices to join the conversation.

3. Make Goals for Conversations Clear. Outlining goals of the discussion allow students to monitor their understanding as the discussion ensues. Clearly articulated goals also help the faculty member to structure the discussion so that it is productive. Students have a better idea of what a valuable contribution is and appropriate behavior when they know the purpose of the discussion.

4. Develop Low Stake Ways to Contribute. Ask for a report on work in small group. “Tell us one idea your group developed.” Or give people a quick write to allow them to formulate thoughts to a prompt before you ask for discussion. Warm ups to broader conversations enable greater and often better participation in large group conversations. If the students hesitate to join a conversation or conversation is heated among only a few, call a time out for a quick write.

5. Reward Participation. Some teachers grade contributions but those that don’t reward participation in other ways such as thanking students for participating, affirming their participation through nodding, eye contact, smiling, or moving closer to the speaker.

6. Use Large Group Discussion Techniques that Promote Participation. Start an idea chain that goes around the room with each student contributing an idea. Call on students who are not regulars when they volunteer and do not be afraid to cold call on them if they do not volunteer. Or, let students call on each other after they talk with the only caveat that they cannot call on someone who has already spoken. (Over the years, I have had many students comment that they never participated in class before and they really enjoyed participating in class. They thanked me for calling on them.)

7. Assign Roles in the Discussion. Assign Roles whether in small group or large – people who are hesitant to give their own opinion will often offer an opinion when in role of another. Or, assign facilitative roles in the discussion – e.g. some students are assigned to ask others questions about their ideas, others are asked to make contributions that continue a line of conversation, others to surface assumptions, while others summarize/synthesize the conversation.

8. Include Participation Instructions in Exercises or Role Plays. For example, “each person will do xxx” or “first one will, then the next will do or tell xxx.” Announce in the middle of the exercise that it is time to change, i.e. “If you have not switched story tellers do that now.”

9. Motivate Students By Connecting Conversation To Their Work As Lawyers. When students find positive value in a learning goal or activity, see achievement as possible, and perceive support from their environment, they are motivated to learn and participate.

10. Use Questions That Spark Conversation. Generally, questions that ask for multiple interpretations or approaches, different theories to connect to, build on other comments, or ask for facts to support or oppose are ones that will continue conversations. Vary questions used to vary the discussion (e.g., exploratory, relational, diagnostic, cause-and-effect, summary). Avoid questions that have right or wrong answers, as they often will kill conversations.

11. Live with Silence. Do not answer your own questions. Reframe them or try to figure out why you are getting silence. (Are they too obvious, too confusing, or do they just take some thought before answering?) Most often students will attempt to answer your question if you give them time.

12. Build a Community of Learner/Practitioners. Clinical students are engaged in a common endeavor of representing clients and becoming excellent lawyers. An ethic of commitment to life-long learning and collaborative purpose includes students' ability to have frank conversations about strengths and weaknesses with each other; to reflect together about ways to improve the practice; and to agree and disagree while listening to each other. A clinical classroom that teaches students these skills is educating students in ways that enable them to be leaders and learners.

and what should we tell them? For example, in the listening class described above, a teacher might have taught students active listening techniques through lecture and example rather than asking them to discover them. We typically create problems for discovery when we judge learning to be key and when we think students can actually learn from the experience of doing and debriefing.

We list below some of the typical seminar learning activities for clinical programs. These activities range from quick writes that can be done in as little as 1 minute to full-blown simulations that can occupy students for a semester. We identify practical steps that enable the teacher to efficiently engage the students, minimizing the potential time that can be lost to set up these activities. A critical piece of classroom management is planning how to move students in and out of activities, thereby allowing a teacher to accomplish more learning in each class. We describe each activity, the pedagogical strengths and challenges for the activity, and when and why we choose to use it.

A. Quick-Writes

A quick-write is a short writing that occurs during class time, responding to a teacher's question. To use quick-writes, the teacher frames a clear question answerable in the silent 1–5 minute period that the teacher gives the student to write. Quick-writes are useful when the subject requires silent thought or collection of ideas before progressing. The quick-write is also a place for open-ended, student-driven writing. For example, in a class on teaching Parallel Universe Thinking (the capacity to brainstorm multiple interpretations of the same behavior), a teacher asks students to watch a video and take a few minutes to write as many ideas as they can to explain the client behavior they observed in the video. Or, at the end of a class on cross-cultural competence, students are asked to list a few steps they will take to develop deeper understanding of their clients' and their own cultures.

We also use mini-writes when we want to encourage greater participation. In classroom discussions dominated by the quick, the mini-write slows the pace; once students own and connect to an idea, participation increases. Writing will also clarify thinking, warming up the whole group for more sophisticated conversation.

How and whether to follow-up to the mini-write depends on its purpose. If it was designed to get a list of reactions, a round-the-room collection of ideas can be used. Or, the teacher could ask one or two people to illustrate the insights from the quick-write. Where used to spark or clarify thought, a teacher uses the exercise to move the discussion rather than focus on what was written. Like the follow-up to small-group conversations, if the teacher explicitly focuses on new ideas sparked by the quick-write and this follow-up conversation, the teacher eliminates a potential disadvantage of mini-writes of limiting the conversation to the moment of writing, freeing people who feel they must “stick” with what they have written.

B. Critical Incidents

Critical incidents are short vignettes presented through film, transcript, or story that become the subject of interpretation and critical inquiry. The vignette, highlighting the topic of the day, provides for a focused, detailed conversation. The critical incident isolates a particular scene in the midst of a lawyering task and provides a concrete illustration from which all students can enter the conversation with a common reference point.

The shared reference point allows conversations that highlight real differences as well as develop shared understanding. Without the concrete example, students can agree or disagree as an abstract matter but may find they have greater agreement or disagreement about how to perform in a concrete setting. For example, in a class designed to teach how law and law practice is shaped by cultural norms, we use a video clip in which a brother accompanies a sister to an interview.⁹ We explore a typical lawyer decision to interview the sister alone, one grounded in professional responsibility rules and normative visions of one-client and one-lawyer interactions. We use the tape to explore why the brother is there? What evidence do they have from the vignette to give them clues about the brother-sister relationship? We ask the students, “What should happen with the brother?” Would they invite him into the interview or ask him to remain in the waiting room as the lawyer in the vignette does? What are the different possibilities? What do rules governing confidentiality presume about how lawyers can best build a relationship with clients and elicit confidential information?

As we explore different interpretations of the vignette, we learn how our own understanding and cultural norms of family shape what we see. We see how a legal culture centered in individual rights might not work for clients from other, more collective cultures. Critical vignettes like these provide multiple interpretative possibilities about what is occurring and multiple normative visions of the lawyer’s role. Students can discuss these ideas with a very concrete example and more carefully parse their thinking about lawyer-client interaction.

Detailed examples found in critical incidents demonstrate the importance of facts and direct participants to examine results in light of details. Because the conversation is grounded in detail, we are encouraging students not to assume facts and fill-in but to explore the concrete example for evidence of the general and the concrete.

We also use vignettes to illustrate points from readings and lawyering theory. For example, we may use video clips from a simulation to illustrate different approaches to opening an interview or clips to show lawyers using different open-ended questions to engage the client in a narrative. Many students, who move more easily from the concrete to the general, will understand a concept better with these concrete examples. These students will understand “narrative” better after seeing a client telling one and understand how to ask open-ended questions by seeing the variety asked by their colleagues.

Some challenges for using newly created critical incidents from simulations include the time to select and edit these vignettes taken from current students’ simulation work. In addition, all critical incidents may impede learning when the generalized lessons come from too small a snippet. If the vignette is too small, it may miss real world texture and context. As teachers, we have a world of examples from which we are pulling this one. If the student has just this one, does the student learn the right lessons from the particular to the general? We often show or give other examples, as students need multiple ones to see the context and transfer the learning.

C. Exercises and Role Play

In-class role play and exercises are short experiential learning opportunities designed to teach an isolated aspect of a skill, a perspective on practice, or a professional value. Exercises create an experience analogous to practice from which to learn insights about practice while role plays, like simulations, put students in role as lawyer. The role play does not approximate practice with the fidelity usually found in simulations. By providing

planned introduction to complex lawyering tasks, exercises and role plays introduce the task in incremental steps. They permit the students to practice a lawyering skill or to deepen the students' understanding of a concept that would otherwise remain abstract. If the new task takes practice, the practice can occur safely in training.

Teachers use exercises when student performance in professional role unnecessarily complicates the learning. Sometimes, the teacher wants students to connect what they already know to what lawyers do or the teacher wants students to practice an activity outside the complexity of role initially, always ultimately connecting it to role. An example of a frequently used first class exercise, described in Chapter Three, includes one where students interview and then introduce each other to the class. From this familiar exercise, students learn about gathering information from interviewer's and interviewee's perspectives and about presenting and being the subject of a presentation. In the exercise, the students are not in role as lawyer but through the exercise and the teacher's debriefing it, the students learn about being a lawyer. In fact, teachers often use this exercise to tease out major themes of the clinic.

For in-class role play, the teacher designs an activity in which students perform in role. Students can do multiple, simultaneous role plays with the students giving each other feedback in small group or a single role play can be performed in fish-bowl style in front of the class. In either case, after the role play, the participants reunite to discuss results and process the experience. The role play engages the students in a common experience, increasing the likelihood that a concept or theory is understood. Narrowing the lessons to be learned, the teacher often designs a role play in which students perform in many different roles, thus enabling a conversation about insights gained from all the participants in an event. For example, in teaching students how to work with interpreters, we often ask students to do a role play with each student playing the role of either client, lawyer or interpreter. Called a "shadowing exercise," the role play gives the lawyer and client scripts and ask the interpreter to repeat (shadow) what the speaker is saying in English. We debrief the role play asking students what they learned about interpreted conversation from the perspective of client, interpreter, and lawyer. (This exercise and others designed to teach interpretation is described in greater depth in Chapter Fifteen.)

Experience in role other than lawyer offers the students another's point of view, giving students a "taste" or a glimpse of what it is like to experience the situation from another's vantage. Increased empathy or understanding may help students better understand someone else's reaction to a situation. Finally, by taking another's role, students may develop new creative ideas about how to solve a problem. The lawyer's role can inhibit the choices identified and when students use a different frame of reference, they frequently see things differently. For example, the shadowing exercise teaches students the complexity of interpretation from the each participant's perspective. The role play enables a conversation about everyone's role and responsibilities in this setting.¹⁰ From the role play, students not only gain understanding but also learn concrete steps they can take to improve interpretation.

Like the mini-writes, teachers should be specific and clear about what they want the students to do in the exercises and role plays. Instructions, including timing, should be carefully prepared to ensure that students' experiences target the learning goals. By providing instructions verbally and in writing on PowerPoint slides or distributed material, teachers avoid the inevitable time waste that occurs when participants ask questions or argue with each other about what people in the various roles are supposed to be doing in small groups.

D. Simulation

Like a role play, a simulation puts a learner into professional role to perform one or more discrete tasks; different than role plays, the simulation sets the task in a fictional setting that create conditions similar to the real world context. Simulations permit students to learn, through reflection and feedback on their performances, how to put into practice the lawyering theories taught in the clinical seminar. Some learning theorists argue persuasively that role play and simulation allow more sophisticated development of skills and approaches, especially for adult learners. The reflection on the experience encourages knowledge construction, a process that encourages retention and transfer.

Simulations, designed to hold constant some real world variables to focus the learning on particular skill(s), typically involve one or more people playing roles (these may be students or others) that are defined or constrained by a script. The students performing in lawyer role are given materials and an assignment that situates them in a realistic way at the intended moment in the legal matter's life. Typically, multiple students perform the same assignment, creating a common starting point for class discussions. Simulations can support one exercise or stretch over a longer period of time to be iterative and to support multiple exercises.

Courses built entirely around simulations are now commonplace in law schools both for teaching lawyering skills (e.g., trial practice, interviewing, counseling, and negotiation) and for enriching doctrinal courses with lawyering exercises. In clinic, we use simulations to deepen classroom learning that prepare students for their clinical work from which students will learn even more complex practice lessons. Typically we assign the students to engage in simulated lawyering tasks outside of class, usually for individual reflection and/or critique that also create a common experience for analysis and discussion in the classroom. In contrast, role plays or other exercises are simpler, don't require as much preparation or definition, and take place in class for purposes either of illustration or to generate critical analysis and discussion.

We typically schedule simulations after at least one class with assigned readings on the theory and skills demanded by the involved tasks. Although our theory classes include role plays and other exercises, the students' learning takes hold as they put into practice many different pieces introduced in class. Even when they understand a concept intellectually, it is not until they try to implement it that they understand how to use it. Simulations provide an opportunity for students to try out and to practice what they have learned and to find out what it is that they still need to learn or improve. In the simulation's risk free environment, they can experiment with new ways of doing things and test how well those ways work. For complex tasks, the simulation provides an opportunity to introduce that task incrementally. With the teacher's help in feedback on the simulation, students can bridge theory and practice and begin to understand the ways their performances excelled and fell short.

Designing simulations involves the teacher in a number of logistical and pedagogical choices:

1. **How much and what kind of detail** is needed to meet the learning goals for the simulation? While in class role plays typically give a few key details, simulations often require many more details to maintain real world fidelity. For example, in designing the role instructions for clients in an interviewing simulation, a teacher may shape the role instructions to highlight particular challenges for beginners engaging in that task. Clients may be told to hide or not volunteer necessary but harmful information until rapport is built, to

become emotional to challenge student's ability to engage in active listening, or to be confused about a time line to expose students to typical client struggles with the kind of information lawyers want. Role instructions can suggest questions to the client or suggested responses to lawyer's questions. In the end, we try to design the simulation to be as realistic as possible so that the inherent artificiality doesn't permit the student to dismiss the exercise as too unrelated to how they or clients might behave in a real practice setting. Finding a balance between the complexity that realism sometimes requires and the simplicity that can make the simulation easier to execute is an on-going project.

2. Who will play the roles? Putting students in role as lawyers is a key source of learning but teachers often put students in role of clients, administrators, community members, or judges. Others use staff, actors, or volunteers to play this role. By letting students experience playing a role other than lawyer, the participant gets a "taste" of the situation from another's role. Since empathy, the capacity to see the world through the eyes of another, is a key-learning goal, experiencing a situation *as another* may help them understand someone else's reaction. On the other hand, having a fellow student in the client role can limit the simulation's verisimilitude for the primary learner in lawyer role. To partially address this concern, teachers can instruct them or train them to play realistic roles so that the learner can more clearly experience the connection between the simulation and the real world or employ actors or others who can more naturally assume the role.

3. Where should the simulation occur and should individual feedback be given? Whether the classroom should be used to conduct a simulation performance depends upon the class size and time anticipated for individual performances. For example, if every student conducts a simulated client interview, logistics alone dictate that it occur outside of class. In addition, we usually prefer out-of-class, recorded simulations because teacher and students have opportunities to review and reflect individually and jointly on the lawyering work. A teacher may engage in group feedback in the manner described below for using the simulation to teach lessons to the whole class. In addition to these class-wide lessons, smaller feedback groups, individually, in pairs or foursomes offer teacher and students the opportunity to focus on issues that may relate more to the individual or may be more likely learned in the particular interview that the student conducted.

4. When and how should feedback occur? Some clinicians prefer to watch the simulations live or on closed circuit television and to meet with the students immediately to discuss the performance. We prefer meetings with students after they and we have had a chance to reflect on the performance. Students can watch the video and write a reflective essay. In follow-up feedback sessions, the teacher's choices about what topics to pursue rest upon judgments about how much the student can learn at any one session and about how much time the teacher and student can reasonably devote to the exercise. The conversations between teacher and student pairs, particularly if conducted in an inquiry mode, permit the teacher to identify the particular lessons the student needs to improve future performance on the task itself. From this assessment, the teacher either leads the student to self-discovery or gives a targeted mini-lecture.

We also use these sessions to teach students to be reflective practitioners. Students are usually able to identify strengths and weaknesses in their own performances. A few are discouraged after watching a tape of their own performances, believing, usually erroneously, that they did nothing right. Beyond the perfunctory praise, we guide each student to identify the things they did well, or nearly well. Understanding not only what went well but why assists them in repeating the positive aspects or improving them in similar

situations.¹¹ Focusing on positive performance often creates an openness to absorb the lessons that come from the parts that went poorly.

Other less self-critical students resist acknowledging any weaknesses even after the successful aspects of the project have been explored. Because self-critical reflection is a life-long professional project, we try to identify what inhibits the student from seeing what we are seeing. Has the student misunderstood the task's goals, disagreed with the theory, or failed to implement them appropriately? Or is the problem a failure of effort or a misunderstanding of reflection's importance. The video review provides concrete examples, permitting the teacher to engage the student to diagnose the lessons that need to be taught and the methods for learning them. And, whether the examples are positive or negative, the project is the same to guide them through a reflective analysis that prepares them for learning and generalizing from this and future experiences.

Finally, by reviewing all students' simulation performances, teachers gain information about the entire group's understanding of the lawyering activity. These insights permit an adjustment in the next class plan that responds to collective strengths and weaknesses and helps answer the final logistical question.

5. What to teach to the whole? Recorded performances permit teachers to edit irrelevant details and identify learning moments in the recordings for a follow-up class that uses the common experience as the beginning point for a deeper discussion. The post-simulation class is typically quite lively as the students have shared a common experience and are interested in comparing their choices and actions with their peers'. We use edited short video clips of about 1–3 minutes from the students' performances to discuss not only the choices revealed in the shown clips but others' choices on the same topic. We explain that the purpose of showing the clips is not to critique individual performances, but instead to explore the themes that emerged from watching the simulations and to teach lessons that advance the group's understanding of the lawyering tasks.

In selecting the clips, we have two purposes in mind: first, to present weaknesses or strengths in the group's application of the theory previously taught and second, to find clips that set up discussions of subject matters explicitly not covered in a previous class that move the students to a more advanced level. In focusing the class on clips that illustrate application of the theory and skill development from the prior class, we seek examples where students attempted to use their learning. For example, students often have trouble using active listening responses when clients reveal trauma during the interview. Showing a clip of such a moment along with various attempts by students to respond can open up this important topic for discussion and practice. And, because we prefer not only to talk about lawyering but also to practice it, we often ask students to role play a different way of responding.

In using the clips to teach new material, we select clips that illustrate challenges that can be more easily taught after students have had an experience attempting to accomplish the task. For example, methods for probing for more detail in an initial client interview often engage students differently after they have experienced the difficulty of gathering this level of detail. Sometimes a clip on that point will show that a client's description of an event has skipped over a chunk of time or has provided a very skimpy picture of what has occurred. The video can be stopped and the class asked to think about what is missing and to role play how they might go about helping the client to complete the narrative.

A teacher who uses these described learning activities to meet a class goal should pay careful attention to debriefing the activities. Many suggestions listed above about ending the class also apply when a teacher moves from one activity to the next. By

paying careful attention to the debriefing that ends the activity, teachers can involve the students in synthesis that sets up learning at a sufficient level of abstraction that transfer can occur. This mid-class transfer aids the final synthesis of learning planned for the end of class segment.

Conclusion

This chapter focused on planning and teaching a clinical class suggests a rigorous process for thinking about how to set precise, concrete performance goals for student learning in the classroom. These goals guide a teacher in choosing which of the various described classroom activities will result in improved performance. These goals also help us assess our success as teachers as we measure students' abilities to plan and practice as ethical, competent beginning practitioners with skills and understandings to continue learning from practice. This engages us in the same planning, doing, reflective process we urge our students to follow to learn from experience. We have also identified characteristics of various learning activities including classroom discussion to assist the teachers in making decisions about how to deploy these activities for maximum benefit. We hope it assists each teacher to be explicit about her own models and, build, over the course of teaching the seminar multiple times, more sophisticated models of practice and greater capacity to explicitly delineate the models.

Notes

1. Grant Wiggins & Jay McTighe developed a program called Understanding by Design (UbD), that involves a backward planning process for developing curriculum. While clinical teachers have always used performance goals in planning classes, this UbD approach refined this process. We were first introduced to this approach at the Georgetown Law Center's Summer Institute for clinical teachers. See, also, Authentic Education, <http://www.authenticeducation.org> (last visited on December 13, 2013); GRANT P. WIGGINS & JAY MCTIGHE, UNDERSTANDING BY DESIGN (2d ed. 2005).
2. Wiggins & McTighe, *supra*, note 1.
3. Training materials for Summer Law Institute on File with author. See also, Authentic Education, *supra*, note 1.
4. See, Susan J. Bryant, *The Five Habits: Building Cross-Cultural Competence in Lawyers*, 8 CLINICAL L. REV. 33 (2001) notes 102–108 and accompanying text.
5. Mark N. Aaronson, *We Ask You to Consider: Learning About Practical Judgment in Lawyering*, 4 CLINICAL L. REV. 247 (1998).
6. The practice of systematic belief and doubt are discussed in detail in Chapter Sixteen.
7. Professor John Barkai from the University of Hawaii named the “lecture in disguise” approach in a demonstration about witness examination many years ago at a clinical conference.
8. STEPHEN D. BROOKFIELD & STEPHEN PRESKILL, DISCUSSION AS A WAY OF TEACHING: TOOLS AND TECHNIQUES FOR UNIVERSITY TEACHERS (2005), 53–57.
9. This class is described in Chapter Sixteen.
10. See Angella McCaffery, *Don't Get Lost in Translation: Teaching Students to Work with Language Interpreters*, 6 CLINICAL L. REV. 347 (2000).
11. See Professor Blaustone's essay in Chapter Twelve based on Beryl Blaustone, *Teaching Law Students to Self-critique and to Develop Critical Clinical Self-Awareness in Performance*, 13 CLINICAL L. REV. 143, 153 (2006).

Designing Your Legal Writing Course to Maximize Student Engagement and Learning

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Where to start?

1. What should a new law grad know?
 - Students learn better when they understand how they will use what they are learning.
 - Frame everything in the course in the context of practicing of law
2. What does my school expect my course to cover?
 - Will you be teaching your students how to do legal research? Citation? Oral argument?
 - Is your course a prerequisite for another course?
 - Is your course supposed to include an appellate brief? A motion brief? An e-memo? A client or opinion letter?
3. Do I have academic autonomy, or are there program expectations?
 - Does everyone teaching in your program have the
 - Same assignments?
 - Same number of assignments?
 - Same grading standards and grade breakdown?
 - Do I select my own textbook(s)?
 - Do I grade anonymously?
4. Who are my students?
 - Are they full-time or part-time students?
 - Are they in their 20's (millennials) or older, second-career students?
 - "Kids today..."
 - What course policies will make the course work for these students?
 - Attendance? Late papers? Collaboration?
 - Laptop policy?
5. What can I learn from the experts?
 - Be sure to join the Legal Writing Institute.
 - You can find it at www.lwionline.org
 - Under "Publications," look for the "Monograph Series."
 - Volume 2—The New Teacher's Deskbook

Creating a good syllabus

- Look at good model syllabi.
- Start by building in holidays.
- Due dates & times for assignments are crucial.
 - Evening students will need the weekend to complete assignments.
- Your critiquing schedule is also crucial.
- Your syllabus should be a fairly firm, reliable course plan.

Each assignment becomes a textbook for learning.

- Designing good assignments is key.
- Start simple and build in difficulty.
- Consider what each assignment teaches students in terms of legal research & sources, analysis, and writing.
- In each successive assignment, re-visit what was learned in previous assignment and add difficulty.

Workshop Outlines and Materials

Break big projects into smaller tasks

- Rather than simply assigning students to write a whole brief, have them turn in chunks of drafts.
- You don't have to critique every draft they write and turn in. After perusing some drafts, choose representative good samples, take names off, tweak for teaching purposes, and discuss them in the next class.
- Make sure each sample helps you teach a specific point.

Creating great classes

- Keep things interactive.
- Think through what can be done outside of class in preparation for class.
- Quick quizzes are a great learning tool with millennial students.
- Make some part of their grade "class participation."
- As much as possible, put them into the role of a lawyer.

Sample 1 class plan

- Start with short lecture on key concept.
- Move to student sample or samples.
- Use specific questions to engage students with sample(s).
- Sequence your questions.
- Synthesis/summarize what students should take from the discussion.
- Start the next class with a quick review of the above—the "take away points."

Sample 2 class plan

- In advance, assign students a legal research task that will be part of their next assignment.
- Ask what they found and how they found it.
- Ask how they anticipate using it (or why they are not using it) in the assignment.
- If time permits, have them start drafting that section of the assignment.
- The "just-in-time" millennial generation learns best when they can see the immediate use for whatever they are learning.

Sample 3 class plan

- Put students in "law firms" and have them sit together. Groups of 3-5 work well.
- Give them a key case that they will need for their next assignment.
- Tell each side to figure out how they will use it and how they anticipate that their opponent will use it.
- Stage a mock oral argument.

Sample 4 class plan

- Assign reading on a key concept; begin class with a quick review of concept.
- Put students in writing groups of 2-3 with a small writing task from next assignment.
- Circulate among the groups.
- Have them email you their work or handwrite on the board.
- As a class, critique examples.
- Ask them to summarize "take away" points

Sample 5 class plan

- Assign reading about oral argument.
- When students walk into class, greet them with "It's a dialogue, not a speech" written on the board.
- Show excerpts of an oral argument done by a past student.
- Have class critique what was done well and what needs improvement.
- Show excerpts of a model oral argument, pausing to identify what is done well.

Sample 6 class plan

- Create groups of 3-5. All group members should be on the same side of an issue.
- Have each group come up with questions a judge might ask in oral argument for their case.
- Have the groups share their questions with the class.
- Have them take turns standing up, drawing a question, and answering it.

Sample 7 class plan

- Tell students that you have scheduled a meeting with the senior partner who is handling their case.
- Put students in groups of 3-5 junior associates and divide research so each student is responsible for one part.
- With you roleplaying the senior partner, have them come in as a group and present their research.
- The senior partner should question each student about his/her research.

Creating great classes

- Use games to teach things like citation.
- Use clickers to let students vote on things anonymously.
- Colored highlighters can help visual learners.
- Candy rewards can lighten a tedious topic.
- It is absolutely fine to have fun.

Legal Writing Extras:

One-on-One Appointments with Students

- Opportunity to customize your teaching
- Mandatory vs. required meetings?
- Students need to have an agenda for the meeting.
 - You can/should add to that agenda.
- Establish a format for these meetings.
- Try to limit the number of things you teach in each meeting.
- Have the student summarize at the end.

Legal Writing Extras:

Critiquing and Grading

- See Volume 1 of the Monograph Series.
- (Join the Legal Writing Institute!)
- Use comment bubbles for margin comments.
- You will enjoy it more if you treat critiquing as a conversation; resist the urge to become an editor.
- Write an end comment that is a holistic assessment.
 - Don't forget to comment on what was done well.
 - Don't overwhelm a student with too many comments.
 - Prioritize 2-3 things for a student to work on.
- Critique and grade the writing, not the student.
- Protect your own sanity!

Note-Taking Guide: Learning Theories and Teaching Theory

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I. What is a learning theory?

II. Constructivist Learning Theories

- A. Gist of the theory
- B. The teacher's role according to this learning theory
- C. Implications for teaching
- D. Other core precepts

III. Cognitive Learning Theories

- A. Student Focus
- B. Memory
- C. Moving Between the Two Types of Memory
- D. Teaching implications of the information processing cognitive theory
- E. Theory explanation for card catalog and computer document storage systems

IV. Adult Learning Theory

- A. Key terminology
- B. Overlap with constructivist theory
- C. Role of learning goals
- D. Role of students' prior knowledge in learning process
- E. Other aspect of students' role in the learning process

V. Teaching Theory

- A. High expectations
- B. Respect
- C. Enthusiasm
- D. Active learning
- E. Other core teaching theory principles

VI. Application of Learning Theory to Teaching Decisions

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Supplemental Materials

Call for Scholarly Papers for Presentation at 2016 AALS Annual Meeting

To encourage and recognize excellent legal scholarship and to broaden participation by new law teachers in the Annual Meeting program, the association is sponsoring a call for papers for the 30th annual AALS Scholarly Papers Competition. Those who will have been 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, New York, in January 2016.

Inquiries: Questions should be directed to scholarlypapers@aals.org.

Deadline: To be considered in the competition, an electronic version of the manuscript and a cover letter (described below) should be emailed to scholarlypapers@aals.org no later than August 7, 2015, 11:59 p.m. EST.

Anonymity: The manuscript should be accompanied by a cover letter with the author's name and contact information. The manuscript itself, including title page and footnotes, should not contain any references that identify the author or the author's school. The submitting author is responsible for taking any steps necessary to redact self-identifying text or footnotes.

Form and Length: Each submission should be prepared using either Microsoft Word or otherwise submitted in rich text format. There is a maximum word limit of 30,000 words (inclusive of footnotes) for the submitted manuscripts. The manuscript should be double-spaced in 12-point (or larger) type with ample (at least 1") margins on all sides. Footnotes should be 10-point or larger, single-spaced, and preferably on the same page as the referenced text.

Eligibility: Faculty members of AALS member and fee-paid schools, including visiting faculty whose "home" school is also an AALS member or fee-paid school, are eligible to submit papers. Fellows and adjuncts are not eligible, nor are visiting faculty whose "home" school is not a member or fee-paid school. The competition is open to those who have been full-time law teachers for five years or less as of July 1, 2015 (for these purposes, one is considered a full-time faculty member while officially "on leave" from the law school). Co-authored papers are eligible for consideration, but each of the co-authors must meet the eligibility criteria established above. Authors are limited to one submission each. A co-authored submission is treated as an individual submission by each author, and precludes additional submissions by either author. AALS Scholarly Papers Competition winners are not eligible to compete again, though past Honorable Mention recipients are eligible.

Papers are expected to reflect original research. Papers are not eligible for consideration if they will have been published before February 2016. However, inclusion of a version of the paper on the Social Science Research Network (SSRN) or similar pre-publication resource does not count as "publication" for purposes of this competition. Submitted papers, whether or not selected for recognition, may be subsequently published as arranged by the authors. Papers may have been revised on the basis of review by colleagues.

Statement of Compliance: The cover letter accompanying each submission should include a statement verifying:

1. The author holds a faculty appointment at a member or fee-paid school;
2. The author has been engaged in full-time teaching for five years or less as of July 1, 2015;
3. All information identifying the author or author's school has been removed from the manuscript;
4. The paper has not been previously published and is not committed for publication prior to February 2016; and
5. The author agrees to notify the AALS if the submitted paper will be published before February 2016.

Each author is to indicate up to four subject categories from the list below that best fit the paper. In the event that none of the listed categories captures the essence of the paper the author is permitted to write-in one topic under “other.”

Subject Categories: Administrative Law; Admiralty; Agency/Partnership; Agricultural Law; Animal Law; Antitrust; Alternative Dispute Resolution; American Indian Law; Arts and Literature; Bank and Finance; Bankruptcy and Creditor’s Rights; Civil Procedure; Civil Rights; Commercial Law; Communications Law; Community Property; Comparative Law; Computer and Internet Law; Conflict of Laws; Constitutional Law; Consumer Law; Contracts; Corporations; Courts; Criminal Law; Criminal Procedure; Critical Legal Theory; Disability Law; Dispute Resolution; Domestic Relations; Economics, Law and; Education Law; Elder Law; Employment Practice; Energy and Utilities; Environmental Law; Entertainment Law; Estate Planning and Probate; Evidence; Family Law; Federal Jurisdiction and Procedure; Foreign Relations/National Security; Gender Law; Health Law and Policy; Housing Law; Human Rights Law; Immigration Law; Insurance Law; Intellectual Property; International Law – Public; International Law – Private; Jurisprudence; Juveniles; Labor; Law and Society; Law and Technology; Law Enforcement and Corrections; Legal Analysis and Writing; Legal Education; Legal History; Legal Profession; Legislation; Local Government; Mergers and Acquisitions; Military Law; Natural Resources Law; Nonprofit Organization; Other; Organizations; Poverty Law; Products Liability; Professional Responsibility; Property Law; Race and the Law; Real Estate Transactions; Religion, Law and; Remedies; Securities; Sexuality and the Law; Social Justice; Social Sciences, Law and; State and Local Government Law; Taxation – Federal; Taxation – State & Local; Terrorism; Torts; Trade; Trial and Appellate Advocacy; Trusts and Estates; Workers’ Compensation.

AALS Sections with Calls for Papers

The following AALS Sections have issued calls for papers to select one or more presenters for the section's program to be held at the 2016 AALS Annual Meeting. The section's topic for their program is also listed below. The AALS Annual Meeting will be held January 6-10, 2016 in New York City.

Each section appoints a review committee and announces the call for papers to its members. Section members submit detailed abstracts or papers for peer review by the section's review committee. If you are interested, please contact the section chair directly for the call for papers details and the submission due date. The list of section chairs can be found on page 71 of this booklet.

Section on Academic Support
Raising the Bar

Sections on Admiralty and Maritime Law and North American Cooperation Joint Program
Federal Maritime Jurisdiction: Trends in Canada, Mexico, and the United States

Sections on Art Law, Property Law, State and Local Government Law Joint Program
Infraculture and Public-Private Partnerships: Legal Tools for Economic Recovery and Community Development

Section on Biolaw
Precision Medicine, Next-Generation Sequencing and the Future of Medicine

Section on Business Associations
The Corporate Law and Economics Revolution 40 Years Later: The Impact of Economics and Finance Scholarship on Modern Corporate Law

Section on Children and the Law
First Responder: Elevating "Reduction of Trauma" as the Key Consideration of Child Welfare Theory, Policy and Practice

Section on Civil Rights
Civil Rights and Civil Movements

Section on Commercial and Related Consumer Law
Female Perspectives in Commercial and Consumer Law

Section on Comparative Law
Comparative Perspectives on Privacy Law

Section on Constitutional Law
On Resistance and Recognition

Section on Creditors' and Debtors' Rights
Bankruptcy for the Ninety-Five Percent: Making the System Work for Small and Medium-Sized Businesses and Sole Proprietors

Section on Disability Law
Wounded Warriors Come Home: The Impact of Veterans on Disability, Health, and Other Law and Policy

Section on Economic Globalization and Governance
The Future of Global Finance

Section on Education Law
Reconciling Education Law, Policy & Governance Under Changing Leadership

Section on Election Law
Election Law at the Local Level

Section on Employment Discrimination Law
The Regulation of Appearance in the Workplace and the Meaning of Discrimination

Section on Family and Juvenile Law
Private vs. Public Family Law

Section on Graduate Programs for Non-U.S. Lawyers
Recruiting LL.M. Students: Promises, Expectations, Resources, and Realities

Section on Indian Nations and Indigenous Peoples
Tribal Law & LGBT Families

Section on Insurance Law
Insurance and Litigation Risk

Section on Intellectual Property
Interpreting the Scope of Rights in IP

Section on International Human Rights
Human Rights and Families

Section on Internet and Computer Law
Once Again into the Breach: The Law and Policy of Data Breaches

Section on Islamic Law
Challenging Sovereignty: The Rise of ISIS and Boko Haram

Section on Labor Relations and Employment Law
Local Laboratories of Workplace Regulation

Section on Law and Anthropology
Tribal Law and LGBT Families

Section on Law and Mental Disability
The ADA at 25: Implications for People with Mental Disabilities

Section on Law and South Asian Studies
Environmental Futures: South Asia's Law and Policy Challenges

Section on Law and the Humanities
Law and Images

Section on Law, Medicine and Health Care
Medicaid Challenges

Section on Legislation & Law of the Political Process
The Court-Congress Relationship in the Statutory Era

Section on Litigation
Does Evidence Law Still Matter?

Section on Minority Groups
The Dodd-Frank Act's Fifth Anniversary: Diversity and Inclusion in the Leadership of the Financial Services Sector

Section on National Security Law
National Security Law Challenges for the Next Administration

Section on Poverty Law
New Directions in Poverty Law

Section on Real Estate Transactions
Regulation of Mortgage Lending

Section on Remedies
Equity in the Federal Courts

Section on Securities Regulation
The Future of Securities Regulation: Innovation, Regulation & Enforcement

Section on Sexual Orientation and Gender Identity Issues
What's Next for the LGBT Movement After the Marriage Cases: Defects in Anti-Discrimination Laws and Religious Freedom Challenges

Section on Transactional Law and Skills
Contract Innovation and Transactional Lawyering

Sections on Trusts and Estates and Women in Legal Education Joint Program
Sex and Death: Gender and Sexuality Matters in Trusts and Estates

Association of American Law Schools Statement of Good Practices By Law Professors in the Discharge of Their Ethical And Professional Responsibilities

American law professors typically are members of two professions and thus should comply with the requirements and standards of each. Law professors who are lawyers are subject to the law of professional ethics in force in the relevant jurisdictions. Non-lawyers, in turn, should be guided by the norms associated with their disciplines. In addition, as members of the teaching profession, all law faculty members are subject to the regulations of the institutions at which they teach and to guidelines that are more generally applicable, such as the Statement of Professional Ethics of the American Association of University Professors.

This statement does not diminish the commands of other sources of ethical and professional conduct. Instead, it is intended to provide general guidance to law professors concerning ethical and professional standards both because of the intrinsic importance of those standards and because law professors serve as important role models for law students. In the words of the American Bar Association's Commission on Professionalism, since "the law school experience provides the student's first exposure to the profession and . . . professors inevitably serve as important role models for students, . . . the highest standards of ethics and professionalism should be adhered to within law schools."¹

Law professors' responsibilities extend beyond the classroom to include out of class associations with students and other professional activities. Members of the law teaching profession should have a strong sense of the special obligations that attach to their calling. They should recognize their responsibility to serve others and not be limited to pursuit of self interest. This general aspiration cannot be achieved by edict, for moral integrity and dedication to the welfare of others cannot be legislated. Nevertheless, a public statement of good practices concerning ethical and professional responsibility can enlighten newcomers and remind experienced teachers about the basic ethical and professional tenets-the ethos-of their profession.

Although the norms of conduct set forth in this Statement may be relevant when questions concerning propriety of conduct arise in a particular institutional context, the statement is not promulgated as a disciplinary code. Rather, the primary purpose of the Statement-couched for the most part in general aspirational terms-is to provide guidance to law professors concerning their responsibilities (1) to students, (2) as scholars, (3) to colleagues, (4) to the law school and university at which they teach, and (5) to the bar and the general public.

I. RESPONSIBILITIES TO STUDENTS

As teachers, scholars, counselors, mentors, and friends, law professors can profoundly influence students' attitudes concerning professional competence and responsibility. Professors should assist students to recognize the responsibility of lawyers to advance individual and social justice.

Because of their inevitable function as role models, professors should be guided by the most sensitive ethical and professional standards.

Law professors should aspire to excellence in teaching and to mastery of the doctrines and theories of their subjects. They should prepare conscientiously for class and employ teaching methods appropriate for the subject matters and objectives of their courses. The objectives and requirements of their courses, including applicable attendance and grading rules, should be clearly stated. Classes should be met as scheduled or, when this is impracticable, classes should be rescheduled at a time reasonably convenient for students, or alternative means of instruction should be provided.

Law professors have an obligation to treat students with civility and respect and to foster a stimulating and productive learning environment in which the pros and cons of debatable issues are fairly acknowledged. Teachers should nurture and protect intellectual freedom for their students and colleagues. If a professor expresses views in class that were espoused in representing a client or in consulting, the professor should make appropriate disclosure.

¹ ". . . In the spirit of Public Service": A Blueprint for the Rekindling of Lawyer Professionalism 19 (1986).

Evaluation of student work is one of the fundamental obligations of law professors. Examinations and assignments should be conscientiously designed and all student work should be evaluated with impartiality. Grading should be done in a timely fashion and should be consistent with standards recognized as legitimate within the university and the profession. A student who so requests should be given an explanation of the grade assigned.

Law professors should be reasonably available to counsel students about academic matters, career choices, and professional interests. In performing this function, professors should make every reasonable effort to ensure that the information they transmit is timely and accurate. When in the course of counseling a law professor receives information that the student may reasonably expect to be confidential, the professor should not disclose that information unless required to do so by university rule or applicable law. Professors should inform students concerning the possibility of such disclosure.

Professors should be as fair and complete as possible when communicating evaluative recommendations for students and should not permit invidious or irrelevant considerations to infect these recommendations. If information disclosed in confidence by the student to the professor makes it impossible for the professor to write a fair and complete recommendation without revealing the information, the professor should so inform the student and refuse to provide the recommendation unless the student consents to full disclosure.

Discriminatory conduct based on such factors as race, color, religion, national origin, sex, sexual orientation, disability or handicap, age, or political beliefs is unacceptable in the law school community. Law professors should seek to make the law school a hospitable community for all students and should be sensitive to the harmful consequences of professorial or student conduct or comments in classroom discussions or elsewhere that perpetuate stereotypes or prejudices involving such factors. Law professors should not sexually harass students and should not use their role or position to induce a student to enter into a sexual relationship, or to subject a student to a hostile academic environment based on any form of sexual harassment.

Sexual relationships between a professor and a student who are not married to each other or who do not have a preexisting analogous relationship are inappropriate whenever the professor has a professional responsibility for the student in such matters as teaching a course or in otherwise evaluating, supervising, or advising a student as part of a school program. Even when a professor has no professional responsibility for a student, the professor should be sensitive to the perceptions of other students that a student who has a sexual relationship with a professor may receive preferential treatment from the professor or the professor's colleagues. A professor who is closely related to a student by blood or marriage, or who has a preexisting analogous relationship with a student, normally should eschew roles involving a professional responsibility for the student.

II. RESPONSIBILITIES AS SCHOLARS

A basic responsibility of the community of higher education in the United States is to refine, extend, and transmit knowledge. As members of that community, law professors share with their colleagues in the other disciplines the obligation to discharge that responsibility. Law schools are required by accreditation standards to limit the burden of teaching so that professors will have the time to do research and to share its results with others. Law schools also have a responsibility to maintain an atmosphere of freedom and tolerance in which knowledge can be sought and shared without hindrance. Law professors are obligated, in turn, to make the best and fullest use of that freedom to fulfill their scholarly responsibilities.

In teaching, as well as in research, writing, and publication, the scholarship of others is indispensable to one's own. A law professor thus has a responsibility to be informed concerning the relevant scholarship of others in the fields in which the professor writes and teaches. To keep current in any field of law requires continuing study. To this extent the professor, as a scholar, must remain a student. As a corollary, law professors have a responsibility to engage in their own research and publish their conclusions. In this way, law professors participate in an intellectual exchange that tests and improves their knowledge of the field, to the ultimate benefit of their students, the profession, and society.

The scholar's commitment to truth requires intellectual honesty and open-mindedness. Although a law professor should feel free to criticize another's work, distortion or misrepresentation is always unacceptable. Relevant evidence and arguments should be addressed. Conclusions should be frankly stated, even if unpopular.

When another's scholarship is used-whether that of another professor or that of a student-it should be fairly summarized and candidly acknowledged. Significant contributions require acknowledgement in every context in which ideas are exchanged. Publication permits at least three ways of doing this: shared authorship, attribution by footnote or endnote, and discussion of another's contribution within the main text. Which of these will suffice to acknowledge scholarly contributions by others will, of course, depend on the extent of the contribution.

A law professor shall disclose the material facts relating to receipt of direct or indirect payment for, or any personal economic interest in, any covered activity that the professor undertakes in a professorial capacity. A professor is deemed to possess an economic interest if the professor or an immediate family member may receive a financial benefit from participation in the covered activity. Disclosure is not required for normal academic compensation, such as salary, internal research grants, and honoraria and compensation for travel expenses from academic institutions, or for book royalties. Disclosure is not required for funding or an economic interest that is sufficiently modest or remote in time that a reasonable person would not expect it to be disclosed. Disclosure of material facts should include: (1) the conditions imposed or expected by the funding source on views expressed in any future covered activity; and (2) the identity of any funding source, except where the professor has provided legal representation to a client in a matter external to legal scholarship under circumstances that require the identity to remain privileged under applicable law. If such a privilege prohibits disclosure the professor shall generally describe the interest represented.

A law professor shall also disclose the fact that views or analysis expressed in any covered activity were espoused or developed in the course of either paid or unpaid representation of or consultation with a client when a reasonable person would be likely to see that fact as having influenced the position taken by the professor. Disclosure is not required for representation or consultation that is sufficiently remote in time that a reasonable person would not expect it to be disclosed. Disclosure should include the identity of any client, where practicable and where not prohibited by the governing Code or Rules of Professional Conduct. If such Code or the Rules prohibit a professor from revealing the identity of the client, then the professor shall generally describe the client or interest represented or both.

Covered activities include any published work, oral or written presentation to conferences, drafting committees, legislatures, law reform bodies and the like, and any expert testimony submitted in legal proceedings. A law professor should make, to the extent possible, all disclosures discussed in this policy at the earliest possible time. The earliest possible time should be when the professor is invited to produce the written work for publication or to make a presentation or when the professor submits the written work for publication or delivers the presentation.

III. RESPONSIBILITIES TO COLLEAGUES

Law professors should treat colleagues and staff members with civility and respect. Senior law professors should be particularly sensitive to the terms of any debate involving their junior colleagues and should so conduct themselves that junior colleagues will understand that no adverse professional consequences would follow from expression of, or action based upon, beliefs or opinions contrary to those held by the senior professor.

Matters of law school governance deserve the exercise of independent judgment by each voting member of the faculty. It is therefore inappropriate for a law professor to apply any sort of pressure other than persuasion on the merits in an effort to influence the vote of another member of the faculty.

Law professors should comply with institutional rules or policies requiring confidentiality concerning oral or written communications. Such rules or policies frequently will exist with respect to personnel matters and evaluations of student performance. If there is doubt whether such a rule or policy is in effect, a law professor should seek clarification.

An evaluation made of any colleague for purposes of promotion or tenure should be based exclusively upon appropriate academic and service criteria fairly weighted in accordance with standards understood by the faculty and communicated to the subject of the evaluation.

Law professors should make themselves reasonably available to colleagues for purposes of discussing teaching methods, content of courses, possible topics of scholarship, scholarly work in progress, and related matters. Except in rare cases and for compelling reasons, professors should always honor requests from their own law schools for evaluation of scholarship in connection with promotion or tenure decisions. Law professors should also give sympathetic consideration to similar requests from other law schools.

As is the case with respect to students (Part I), sexual harassment, or discriminatory conduct involving colleagues or staff members on the basis of race, color, religion, national origin, sex, sexual orientation, disability or handicap, age, or political beliefs is unacceptable.

IV. RESPONSIBILITIES TO THE LAW SCHOOL AND UNIVERSITY

Law professors have a responsibility to participate in the governance of their university and particularly the law school itself. Although many duties within modern universities are assumed by professional administrators, the faculty retains substantial collective responsibility to provide institutional leadership. Individual professors have a responsibility to assume a fair share of that leadership, including the duty to serve on faculty committees and to participate in faculty deliberations.

Law professors are frequently in demand to participate in activities outside the law school. Such involvement may help bring fresh insights to the professor's classes and writing. Excessive involvement in outside activities, however, tends to reduce the time that the professor has to meet obligations to students, colleagues, and the law school. A professor thus has a responsibility both to adhere to a university's specific limitations on outside activity and to assure that outside activities do not significantly diminish the professor's availability to meet institutional obligations. Professors should comply with applicable laws and university regulations and policies concerning the use of university funds, personnel, and property in connection with such activities.

When a law professor resigns from the university to assume another position, or seeks a leave of absence to teach at another institution, or assumes a temporary position in practice or government, the professor should provide reasonable advance notice. Absent unusual circumstances, a professor should adhere to the dates established in the Statement of Good Practices for the Recruitment of and Resignation by Full-Time Faculty Members of the Association of American Law Schools.

Although all law professors have the right as citizens to take positions on public questions, each professor has a duty not to imply that he or she speaks on behalf of the law school or university. Thus, a professor should take steps to assure that any designation of the professor's institution in connection with the professor's name is for identification only.

V. RESPONSIBILITIES TO THE BAR AND GENERAL PUBLIC

A law professor occupies a unique role as a bridge between the bar and students preparing to become members of the bar. It is important that professors accept the responsibilities of professional status. At a minimum, a law professor should adhere to the Code or Rules of Professional Conduct of the state bars to which the law professor may belong. A law professor may responsibly test the limits of professional rules in an effort to determine their constitutionality or proper application. Other conduct warranting discipline as a lawyer should be a matter of serious concern to the professor's law school and university.

One of the traditional obligations of members of the bar is to engage in uncompensated public service or pro bono legal activities. As role models for students and as members of the legal profession, law professors share this responsibility. This responsibility can be met in a variety of ways, including direct client contact through legal aid or public defender offices (whether or not through the law school), participating in the legal work of public interest organizations, lecturing in continuing legal education programs, educating public school pupils or other groups concerning the legal system, advising local, state and national government officials on legal issues, engaging in legislative drafting, or other law reform activities.

The fact that a law professor's income does not depend on serving the interests of private clients permits a law professor to take positions on issues as to which practicing lawyers may be more inhibited. With that freedom from economic pressure goes an enhanced obligation to pursue individual and social justice.

Adopted by the Executive Committee,

November 17, 1989

Amended May 2003

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Special Message from the Officers of the AALS Section for New Law Professors

Congratulations on becoming a law professor! We write merely to inform you that support for new law professors does not end at the conclusion of this Workshop. The AALS Section for New Law Professors exists to provide advice, guidance, and support to professors in their first seven years of law teaching. We offer informative panels, networking opportunities, teaching assistance, and scholarship opportunities for our members. We would love to have you join the section.

Before you can join the section and access the resources it provides, you must first ask your law school dean's office to have you added to the law school roster with your position, whether it is a tenure track, contract, visiting, fellow or adjunct. Once added to the law school's roster, you will need to log into the AALS website. Passwords are not automatically assigned, therefore you will need to select "forgot your password" and follow the appropriate steps to have a temporary password sent to you. Only your dean's office can add you to the law school's AALS roster.

You can use the following procedure to check and see if your school has already added you to the law school's AALS roster:

- Go to www.aals.org/login/
- Click the 'forgot password' link on the bottom of the page
- Type your e-mail address and click the 'go' button
 - If you get the message 'E-mail address not found in database.' Then you have not been added by your school to your law school's roster.
 - If your e-mail address was found, then you have already been added by your school's roster. Your password will be e-mailed to you, which will allow you to log in. After logging in, you can change your password under the 'My Information' link.
 - If you need assistance, contact dltsupport@aals.org

To Join a Section:

- Email support@aals.org to have an AALS team member sign you up for one or more sections. For a directory of AALS sections, visit <http://www.aals.org/services/sections/>
- To join the section on Clinical Legal Education: visit our online store or email support@aals.org
- To use the New Law Professors Discussion Listserv, email SECTNL.aals@lists.aals.org or visit the section website
- Then, click "Section: New Law Professors Discussion Listserv"
- Click "Add a New Thread"

To Update your Biography in the AALS Directory of Law Teachers:

Each year law schools and tenured, tenure-track, and long-term contract faculty members are asked to update their AALS profile for the *Directory of Law Teachers*. The Dean's office at each school updates their faculty roster, providing the AALS with basic status and demographic information on these particular individuals. Additional information is collected directly from the faculty members. The information collected from the dean and faculty is combined to form the biographies that appear in the *Directory of Law Teachers*. Please be on the lookout for a notice from our office to update your AALS profile.

Finally, if you have any questions or ideas for the Section for New Law Professors, please feel free to contact any of the Section Officers. For 2015, the officers are:

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Congratulations again!

Workshop for Pretenured Law School Teachers of Color

June 5 - 6, 2015 - Washington, DC

Workshop for Pretenured Law School Teachers of Color

June 5 - 6, 2015 - Washington, DC

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IMPORTANT

The evaluation surveys will be emailed to you at the conclusion of the workshops.
Your comments and suggestions will assist the Planning Committee to plan next year's workshops.

Introduction

Welcome to the 2015 AALS Workshop for Pretenured People of Color Law School Teachers!

This Workshop demonstrates the AALS Executive Committee's commitment to assisting pretenured faculty of color with preparing to enter and achieving success in the legal academy. It is designed to supplement the annual Workshop for New Law School Teachers by including expert panels, open discussions, and an opportunity to share a scholarly work-in-progress so that you can receive helpful feedback in a safe space. We are very grateful to the Law School Admission Council for providing the necessary financial assistance for this program.

As members of the Planning Committee, we are pleased to have assembled an inspiring group of faculty from across the nation. They will share with you their wisdom and advice, and offer mentorship. They each bring a commitment to furthering your personal and professional success. And while the sessions will focus on scholarship, teaching, and service, they are intended as well to highlight particular issues of concern to pretenured faculty of color. As the legal academy continues to undergo significant transformation, attention to the core values of diversity and inclusion is now more important than ever before.

We also hope that you will have the opportunity to network and build friendships with colleagues from across the country. One of the most valuable aspects of this Workshop is the chance to build life-long friendships. To that end, there will be some social time as well as conference time so that you can all take advantage of being together.

We are delighted to have you here with us and we wish you the very best!

Karen E. Bravo, Indiana University McKinney School of Law

Devon W. Carbado, UCLA 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**

Schedule

AALS would like to thank the Law School Admission Council
for their generous grant in support of this Workshop.



Friday, June 5, 2015

3 pm – 7 pm

AALS Registration

Colonial Room, Lower Level

6 pm

Opening Session

Colonial Room, Lower Level

Welcome

Judith Areen, Executive Director, Association of
American Law Schools

Introduction

Donna M. Nagy, Indiana University Maurer School of
Law, and Chair, Planning Committee for 2015 AALS
Workshop for Pretenured Law School Teachers of
Color

An “Icebreaker”

Jennifer Rosato Perea, Northern Illinois University
College of Law

7 pm – 8 pm

AALS Reception

Cabinet Room, Lobby Level

Saturday, June 6, 2015

8:30 am – 8:50 am

Coffee, Tea and Breakfast Bakeries

Colonial Room, Lower Level

9 am – 10:15 am

Plenary Session – Navigating the Path to Tenure and Promotion (Things I Wish I Had Known When I Started)

Colonial Room, Lower Level

Paul Butler, Georgetown University Law Center

Emily M.S. Houh, University of Cincinnati College of Law

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

Moderator: Devon W. Carbado, University of California, Los
Angeles School of Law

Each speaker will focus his/her remarks on how to
successfully navigate the tenure and promotion process.
Topics will include how to balance scholarship with teaching
and service, how to build an external network of support, and
how to overcome common obstacles often encountered by
teacher-scholars of color. This session is intended to provide
participants with very practical, concrete advice about how
to set a scholarly agenda, to manage internal and external
reviews, and to position one’s self for success. In the context
of this discussion, speakers will identify things they came to
know post-tenure that they wish they had known pre-tenure.

10:15 am – 10:30 am

Refreshment Break

Colonial Room, Lower Level

10:30 am – 12 pm

Small Group Discussions

*See your handout for your small group assignment and meeting
room location.*

12 pm – 1:30 pm

AALS Luncheon - The Importance of Relationship Building for the Long Haul

Cabinet Room, Lobby Level

Camille A. Nelson, Suffolk University Law School

Pretenured law teachers are reminded often that their future depends on a three-legged stool – teaching, scholarship, and service. They are not often told about the importance of building relationships that will last through tenure and beyond. In particular, many people of color might not have access to the networks that exist for other law teachers and thus have to endeavor to build them. This luncheon keynote will address best practices for building networks and relationships, and will give participants concrete strategies to build and to keep in touch with their networks.

1:30 pm – 3 pm

Interactive Small Groups with Feedback on Scholarship: Works-in-Progress

See your handout for your small group assignment and meeting room location.

For those seeking feedback on their written work, attendees were asked to submit a draft or abstract of a work-in-progress that will be reviewed by an experienced faculty member in advance of the workshop.

3 pm – 3:15 pm

Refreshment Break

Colonial Room, Lower Level

3:15 pm – 4:15 pm

Plenary Session – Teaching and Outsider Status

Colonial Room, Lower Level

Kevin R. Johnson, University of California at Davis School of Law

Law professors of color often report special challenges in the classroom stemming from dynamics that are hard to spot and to know how to address. This session will identify specific issues that may be of concern. How do I deal with difficult students? How do I ensure diverse participation in the classroom? How should I address the various differences among students—particularly racial or gender differences—and differences between students and myself? Dean Johnson will offer some advice on how to plan and to facilitate classroom teaching in both large and small courses, and to be a more effective teacher. His remarks will be followed by a lengthy period for questions and interactive discussion.

4:15 pm – 5 pm

Plenary Session – Service: Challenge, Opportunity and Passion

Colonial Room, Lower Level

Phoebe A. Haddon, Chancellor, Rutgers University, Camden

This final session will challenge participants to develop service to their school, university, profession, and community as outlets for their academic and non-academic passions and interests.

How do you approach the third prong of the tripartite journey toward tenure? There is service and *service*. Your service obligations may appear to be a chore, a burden (and, sometimes, they really are!). But you have the power to transform that perception and reality. Service is a gateway to learning about, and being active and influential in, the operation of your school. Your service provides an opportunity to interact with your colleagues—and for them to interact with you—to build strong personal and professional relationships. (On both sides, there is ongoing interactive assessment of participants' character, capability, and potential.) This session will illustrate the ways in which the power resides with you to transform your service obligations, create your own service opportunities, and follow your passion in order to develop and extend your areas of expertise and your networks at the same time.

Biographies of Planning Committee Members, and Presenters

AREEN, JUDITH C. Executive Director, Association of American Law Schools (since 2014). Paul Regis Dean Professor, Georgetown University Law Center (on leave). JD, 1969, Yale; BA, 1966, Cornell. Interim Dean, Georgetown University Law Center (10-10); Exec. V.P. & Dean, Georgetown (89-04); Fellow, Woodrow Wilson Int'l Cntr. for Scholars DC (88-89); Assoc. Dean, Georgetown (84-87); Prof., Community & Fam. Med. Georgetown Med.Cntr. (82-89); Gen. Counsel & Domestic Reorg. Coord'r (79-80); Dir., Fed. Leg. Rep. Proj. Pres.'s Reorg. Proj. Off. Mgt. & Budget DC (77-79); Prof.; Vis. Assoc. Prof., Michigan (75-76); Assoc. Prof., Georgetown (72-76); Fellow & Dir., Educ. Voucher Study Cntr. for the Study of Public Policy Cambridge MA (70-72); Prog. Planner for Higher Educ., Budget Bur. Off. of the Mayor NYC (69-70) *Subjects:* Family Law (35); Judgment & Decision making (15); Higher Education Law (8). *Books and Awards:* Cases and Materials on Family Law (with Spindelman and Tsoukala), 6th Ed...; Higher Education and the Law (with Peter Lake), 2d ed.; Cases and Materials on Law, Science and Medicine (with King, Goldberg... *Memberships:* ALI; ABF (Fellow).

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Speaker Biographies

HOUH, EMILY M.S. Gustavus Henry Wald Professor of Law and Contracts, University of Cincinnati College of Law. BA, 1993, Brown Univ.; JD, 1996, Michigan. Associate Dean of Faculty, University of Cincinnati College of Law (10-12); Gustavus Henry Wald Professor of Law and Contracts, University of Cincinnati College of Law; Professor, University of Cincinnati College of Law; Assoc. Prof., Cincinnati (03-05); Ass't Prof., No. Ky.-Chase (00-03); Assoc., Miller Canfield Paddock & Stone P.L.C. Detroit (99-00); Staff Att'y, Legal Assist. Fdn. of Chgo. (98-99); Clerk, Hon. Anna Diggs Taylor U.S.D.C. ED MI Detroit (96-98); *Subjects:* Contracts (12); Commercial Law (10); Critical Race Theory *Memberships:* Association for the Study of Law, Culture, and the Humanities; Law and Society Association Michigan, Illinois.

JOHNSON KEVIN R. Dean & Mabie-Apallas Prof. of Public Interest, Prof., Chicana/o Studies, University of California at Davis School of Law. JD, 1983, Harvard; BA, 1980, Cal., Berkeley. Dean, UC Davis; Prof. of Chicano Studies, UC Davis; Director, UC Davis (00-01); Assoc. Dean, Acad. Affrs. (98-08); Prof., School of Law, UC Davis; Acting Prof., Cal Davis (89-92); Att'y, Heller Ehrman White & McAuliffe San Fran. CA (84-89); Clerk, Hon. Stephen Reinhardt 9th Cir. L.A. (83-84) *Subjects:* Civil Procedure (15); Business Associations (5); Critical Race Theory (5); Immigration Law (5); International Human Rights (5); Latinos & Latinas & the Law (5) *Books and Awards:* Immigration Law and the U.S. Mexico Border (with Bernard Trujillo) (recipient...; Understanding Immigration Law (with Raquel Aldana, Bill Ong Hing, Leticia...; Complex Litigation: Cases and Materials on Litigating for Social Change...Scholar of the Year, National Association for Chicana and Chicano Studies: (08); Hispanic Professor of the Year, Hispanic National Bar Association: (06) *Memberships:* Latin Am. Studies Ass'n.

NAGY, DONNA M. Executive Associate Dean and C. Ben Dutton Professor of Law at Indiana University Maurer School of Law -- Bloomington, Indiana University Maurer School of Law -- Bloomington. BA, 1986, Vassar Coll.; JD, 1989, New York Univ. C. Ben Dutton Prof., Bus. Law Ind. Bloomington; Interim Dean (04-05); Assoc. Dean, Fac. (02-04); Vis. Prof., Illinois (01-01); Charles Hartsock Prof., Cincinnati (01-06); Prof. (99-01); Assoc. Prof. (98-99); Ass't Prof., Cincinnati (94-98); Assoc., Debevoise & Plimpton DC (89-94) Executive Associate Dean and C. Ben Dutton Professor of Law, Indiana University Maurer School of Law -- Bloomington; Executive Associate Dean for Academic Affairs, Indiana University Maurer School of Law -- Bloomington *Subjects:* Securities Litigation (20); Securities Regulation (20); Corporations (15); Constitutional Law *Books and Awards:* Securities Litigation and Enforcement: Cases and Materials 3rd ed. (with...;

Ferrara on Insider Trading and the Wall (with Ferrara & Thomas) *Memberships:* Order of the Coif; Phi Beta Kappa; ALL.; Cochair, Task Force on Fed. Gov't Initiatives: ABA Corporate Laws Committee.

MARTINEZ, LEO P. Prof., Hastings College of the Law. JD, 1978, University of California, Hastings; MS, 1975, University of Southern California; BS, 1971, University of Kansas. Acting Chancellor and Dean, University of California Hastings College of the Law; Acad. Dean (94-05); Assoc. Acad. Dean (93-94); Prof.; Assoc. Prof. (88-91); Ass't Prof., Cal. Hastings (85-88); Associate, Flynn & Steinberg (83-85); Assoc., Flynn & Steinberg San Fran. (83-85); Associate, Howard Rice (81-83); Assoc., Howard Rice Nemerovski Canady Robertson & Falk San Fran. (81-83); United States Army Judge Advocate General's Corps Officer, United States Army (78-81); Judge Advocate, USA Redstone Arsenal AL (78-81) *Books and Awards:* Insurance Law (with J. Whelan), 5th ed.; Insurance Law; Estate Planning for the Owners of Closely Held Businesses *Memberships:* Thurston Soc; ALL.; Order of the Coif.

NELSON CAMILLE A. Dean and Prof. of Law, Suffolk. BA, 1991, Toronto; LLB, 1994, Ottawa; MA, 2000, Columbia. Ottawa L. Rev. Admitted: CANADA, 1996. Clerk, Just. Frank Iacobucci Sup. Ct. of Canada Ottawa, 1994-1995; Litig. Assoc., McCarthy Tétrault Toronto, 1996-1998; Assoc.-in-Law, Columbia, 1998-2000; Ass't Prof., St. Louis, 2000-2005; Assoc. Prof., Saint Louis University, Sch. of Law, 2005 - 2006; Full Prof., Saint Louis University, Sch. of Law, 2006 - 2009; Vis. Professor of Law, 2008 - 2009; Dean's Scholar in Residence, Washington Univ. in St. Louis, Sch. of Law, 2009; Full Prof., Hofstra Law Sch., 2009 - 2010; Dean and Professor of Law, Suffolk Univ. Law Sch., 2010 - Pres. *Books & Awards:* Racism Eh? A Critical Inter-Disciplinary Anthology of Race and Racism in Canada, 2004. 2005, Derrick A. Bell Jr. Faculty Award, Association of American Law Schools, Section on Minority Groups; 2005, Faculty Excellence Award, Saint Louis University & School of Law, Professor of Year. *Memberships:* Int'l Cong. on Law & Mental Health; Law & Soc. Ass'n; SALT. *Consultantships:* Consult., Canadian Bar Ass'n, since 1997.

ROSATO PEREA, JENNIFER L. Dean and Professor, Northern Illinois University College of Law. JD, 1987, University of Pennsylvania; BS, 1983, Cornell. Associate Dean and Professor, Drexel University College of Law (06-09) *Memberships:* American Law Institute.

Discussion Outlines and Materials

Workshop speakers were invited to submit discussion outlines for those in attendance.
These outlines and other materials are presented in sequence of the program.

Navigating the Path to Tenure and Promotion (Things I Wish I Had Known When I Started)

The Elephant in the Room

Leo P. Martinez

University of California, Hastings College of the Law

Introduction

- a. The Elephant in the Room
- b. Martinez's Law

1. Reality

- a. Isolation
- b. 24 hours per day
- c. Doing it all

2. Saying No

- a. Know what's on your plate
- b. Be aware of what others are doing
- c. Grace and coolness under fire
- d. No is not never
- e. Say yes when it's right for you

3. Coping

Teaching and Outsider Status

Kevin R. Johnson

University of California at Davis School of Law

I. Introduction

II. “Students Carry Overt and Covert Racist Attitudes and Biases” (p. 465) Yolanda Flores Niemann, in *PRESUMED INCOMPETENT*

At most universities, student teaching evaluations are a critical component of the evaluation of teaching for tenure and promotion. The views expressed in the evaluations of women of color are likely to be tainted by the students’ views about these teachers, which are influenced by their race and gender. The students, as products of a racially stratified society, cannot help but to hold, to some degree, consciously or unconsciously, such attitudes and biases.

Blind reliance on student teaching evaluations will have disparate impacts on faculty of color and women. That understanding is particularly important for professional schools because “when women of color teach topics related to social justice--especially about racially and sexually underrepresented groups in the US--some if, not most, white students will meet their message with resentment.” (p. 465).

III. Lessons from Professor Sylvia R. Lazos’s chapter in *PRESUMED INCOMPETENT*, *Are Student Teaching Evaluations Holding Back Women and Minorities?*

- A. Teaching often is the *most scrutinized* aspect of the professoriate’s work in modern higher education, especially in these days of increasing demands for university accountability and learning outcomes assessment (p. 164).
- B. Based on a comprehensive examination of the social science research on student evaluations, Professor Lazos concludes that evaluations are by necessity subjective. In her view, “evaluations may not be measuring teaching effectiveness as much as they are capturing students’ subjective reactions at the moment that they are being polled, and their opinions reflect their feelings and thoughts about a range of things: whether they like the professor, [and] whether their expectations about the course were met . . .” (p. 165).
- C. Professor Lazos’s analysis is based on the psychological and sociological “literature that establishes with robust empiricism that gender and race influence the way women and minorities are viewed in the classroom.” (p. 166). “[U]nconscious bias, stereotypes, and assumptions about role appropriateness are the subjective parameters that students unconsciously carry in their heads and use to shape the way they perceive their women and minority professors.” (p. 166).

IV. Strategies

- A. Know the teaching norms in your institution.
- B. Find teaching mentors in your institution.
- C. Understand that students may bring biases into the classroom.
- D. Be prepared and be confident.
- E. Find *your* teaching style.
- F. Always maintain your composure.

V. Bibliography

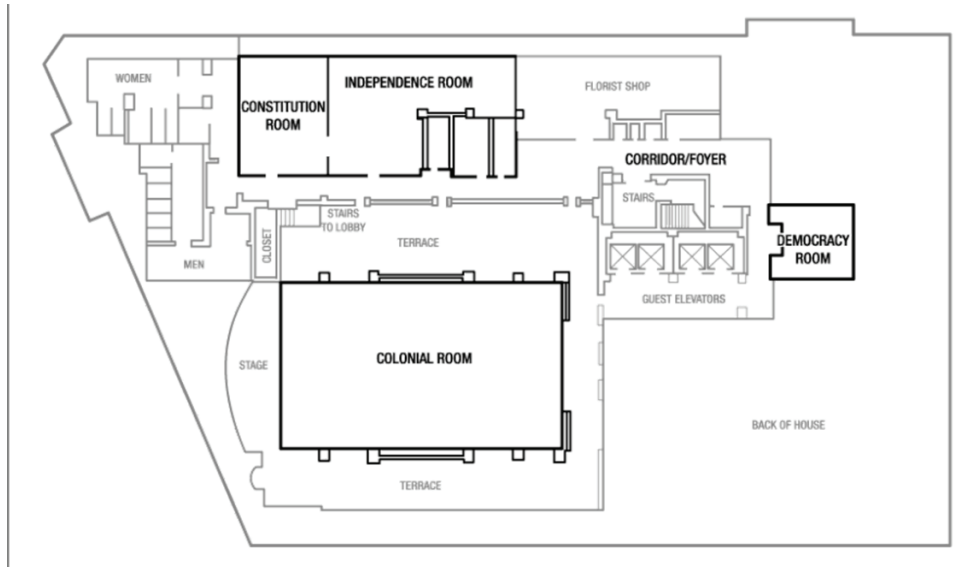
PRESUMED INCOMPETENT: THE INTERSECTIONS OF RACE AND CLASS FOR WOMEN IN ACADEMIA (Gabriella Gutierrez y Muhs, Yolanda Flores Niemann, Carmen G. Gonzalez & Angela P. Harris eds., 2012)

Symposium, *Presumed Incompetent: Continuing the Conversation*, 29 *BERKELEY JOURNAL OF GENDER, LAW & JUSTICE* 183 (2014)

Hotel Floor Plans

The Renaissance Mayflower Hotel
Washington, D.C.

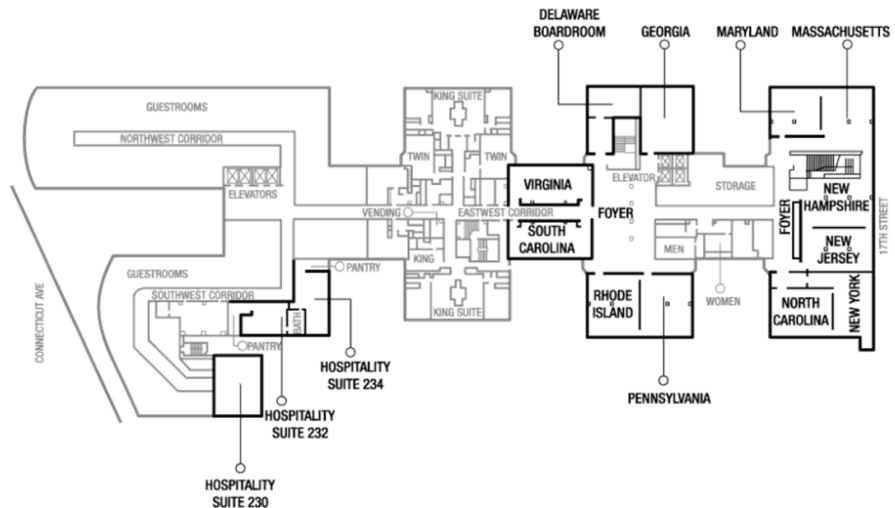
Lower Level



Lobby Level



Second Level



AALS Calendar

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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