



American Association of Law Schools

EXAMPLES OF ACCEPTED OPEN PROGRAM PROPOSALS SUBMITTED FOR THE 2017 ANNUAL MEETING

Proposal for an Academy Program

Program Title: Still Victims: Continuing the Trauma of Victims of Military Sexual Assaults

Program Format: Panel of four speakers, as described below.

Goal of Program: To educate AALS members about continuing problems that victims of military sexual assault victims experience when they report assaults, and to encourage further scholarly research, pro bono and clinical work, and law school-led community responses to the legal and related needs of military sexual assault victims.

Panel organizer

Speaker contact information and biographies removed from sample.

Description of Program:

The tragedy of sexual assault in the military has been in the news for several years, and Congress and the Department of Defense have made several statutory and regulatory reforms to the military justice system to protect victims of sexual assault in the last three years. However, these changes in law have not eliminated the structural problems that continue to create lifelong trauma and limit life opportunities for victims, especially those who experience retaliation for reporting. Beginning with a discussion of the Human Rights Watch investigation of retaliation against sexual assault survivors in the military, published in April 2016, this program will discuss both the improvements that the Department of Defense has made in its programming and the continuing injustices suffered by military sexual assault survivors, especially those who report their assaults. These servicemen and women face professional retaliation and disciplinary action in the service, less than honorable discharges and lifetime difficulties in obtaining employment, adequate health care, and other veterans' services. The panel will also probe the culture of the military that contributes to these problems, and the difficulties that lawyers assigned to assist sexual assault survivors face in representing their clients' interests. The program will discuss possible legal and organizational changes that can contribute to a safer and healthier culture for victims and their advocates.

Names and schools of proposed speakers:

Speaker contact information and biographies removed from sample.

Proposal for a Discussion Group

1. **Program Title**

“Community Development Law and Economic Justice – Why Law Matters”

2. **Program Organizers**

Speaker contact information and biographies removed from sample.

3. **Program Goal**

The evolution of community economic development over the past several decades has witnessed dramatic growth in scale and complexity. Indeed, new approaches to local development and related lawyering, and to philosophies underlying these approaches, challenge us to reimagine the framework of community economic development (CED). This Discussion Group will revisit an array of practices, initiatives, and theories fitting for what we might describe as a new “post-CED” era.

From the early days of community development corporations to today’s sophisticated tools of finance and organization, this evolution reflects “why law matters” in pursuit of economic justice and opportunity. For example, new approaches to enterprise development have stretched beyond traditional business forms to include experiments with cooperative structures, “B Corporations” and other hybrid entities. Federal tax incentives such as New Markets Tax Credits and Low Income Housing Credits have created robust private sector financing regimes and have given rise to investment of billions of dollars in disadvantaged communities. Crowdfunding and novel grassroots initiatives combine to create a virtual “sharing economy.”

Moreover, the contexts in which CED intervenes have undergone changes over time. Cities, for instance, have emerged in the last two decades as sites of gentrification and concentrated low-wage work, both of which have shifted thinking about CED strategies such as low-wage labor organizing in a world of contingent employment. The 2008 recession and its consequences in urban settings have amplified living wage advocacy, community benefits agreements, and efforts to contain runaway housing markets against a background reality of stressed municipal budgets. Rural poverty, too, has been exacerbated by the widespread economic downturn and demands new strategies.

We also have seen a parallel evolution in the legal academy – emergence and maturing of community development clinics, other community engagement initiatives, interdisciplinary programs, and expanded attention in scholarship and teaching. The goal of this discussion group is to give further definition to “community development law” at a fluid moment in its history and to assess an array of new strategies in the field. Are we in a new post-CED era? What are its primary features? Why, how, and to what extent do law schools and law matter in community development?

4. **Program Format**

We anticipate a roundtable discussion among up to a dozen scholars engaged in community development law. Interested people not invited as participants will be welcome to attend the discussion. Each invited participant will prepare a brief description (2-3 pages) of a community development initiative or strategy, with attention to how it fits within the evolution of the field and to how (and if) law matters in the selected initiative. These descriptions will be circulated among the roundtable participants in advance to inform the discussion and will be made available to others who attend. The program organizers will moderate the discussion and ensure balanced participation.

5. **Invited Speakers (proposed)**

Speaker contact information and biographies removed from sample.

Proposal for a Symposium Program

Dear AALS Program Committee:

We propose a Symposium, or, if it works better, a Hot Topic Panel, for the January 2017 Annual Meeting focused on the deeper significance of the fiscal challenges facing U.S. law schools. In line with the conference theme, we would call the panel – Why the Decline of *Law and Legal Education* Matters (And What *We* Might Do About It?). Put simply the decline matters because law's function as a method of social organization focused on justice, equality and democracy risks being supplanted by other social structures with different, and we would argue, less attractive values.

We understand that there have been many prior discussions on the changing nature of the U.S. Law School, but too many of these discussions have been framed through the distorted lens of partisans of change ("ABA rebels") versus the "old guard". As outsiders to that debate, we remain passionate about the ways in which the deeper significance of current changes in legal education have been systematically eclipsed by short-term planning and a focus on the pressing problems of lawyer unemployment and fiscal integrity. We see this reaction as eminently understandable, but we also see it as threatening the more important roles, functions, and values of legal education. We believe there is no time to waste in launching a broader discussion of these themes.

Obviously, the starting point for our current situation is that the combination of the Great Recession and the changing business model of large law firms has significantly reduced the immediate post-graduate employment prospects of many law school graduates. This has in turn contributed to a dramatic decline in law school applications (2015 number just slightly above ½ of 2010 number).

But our focus is far more on the changing perceptions of law as an insufficient vehicle for managing the complex social organization challenges of contemporary society. We see a steady drumbeat of the following (often misplaced) concerns that effectively pave the way for major transformations that risk producing noxious long term consequences. These complaints, offered as groundwork for the improvement of law and legal education, also serve as vehicles to weaken the considerable virtues of law relative to other social coordination mechanisms (viz, technology, the market, etc.)

- 1) Law is too slow: Resolving disputes via litigation or altering policy via legislative or regulatory change are mechanisms that move at a snail's pace compared to altering software or simply changing non-legal practices.
- 2) Law is too rigid. Lay perceptions of legal requirements often stem from rudimentary expectations that lawyers are there simply to say no. The law in this version tells us what we can't do.
- 3) Law is backward looking – A recent article in the Chronicle of Higher Education urging collaboration between law schools and colleges of engineering describes law as a discipline focused only on the past. Our country has forgotten that the farsighted framers of our constitution used law to shape a nation.

- 4) Law has no bottom line – In comparison to the language of business that easily reduces all questions to profit maximization, law seems to involve balancing multiple variables and constituencies making it a poor vehicle to compel action.
- 5) Law is not quantitative- The rapid advances in data science lend promise to developments in so many fields, yet law appears peculiarly resistant. If law cannot be reduced to numbers, how can it function in the computer age?
- 6) Law is too adversarial – Engineers and business people are seen as better able to cooperate in designing systems.
- 7) Law is too political and since politics is now seen as petty, self-interested and partisan, so too is law.
- 8) Law is too linear and text based – Who can listen to all those lawyers droning on and on.

Of course, such concerns are over simplified, but they are routinely misread as the root of much of law schools' current struggles that demand merely a change in our business models.

Our panel would put these concerns front and center with an effort to promote discussion that strives to provide a deeper and more comprehensive account of our current situation and provoke suggestions for what steps might be taken to influence the current direction. We have agreed so far on three panelists and plan a retreat this summer to enlist additional participants. For now, we promise the following three presentations.

██████████ Law's Rival Forms of Social Organization: ██████████ will discuss how law is giving way to markets and technology as the new dominant forms of social organization and how law schools have been willfully blind to this dramatic shift. He will highlight ways law schools are already being transformed to suit these new imperatives and query whether anything can be done to preserve legal education as we know it outside of a few elite schools.

██████████ Law Schools' Marginalization of Justice: ██████████ will highlight how Holmes and Langdell may have agreed upon few things but they shared a commitment to keeping the study of justice outside of law schools. She will describe how this long time shared commitment has shaped the development of legal education and left us far less equipped than we should have been to battle the attack on law and law schools that we now confront. And she will offer suggestions for putting justice back into law schools in ways that might provide new life to our discipline.

██████████ Law as a Necessary Discipline: ██████████ will attempt a description of law as a discipline that shows it to be focused on core questions rather than a body of knowledge; future oriented in its efforts to build a better society; and suitable to provide a form of social organization compatible with the internet age.

We expect to add additional panelists shortly. We look forward to hearing from you.

Proposal for a Hot Topic Program

TITLE

New Frontiers in Reproductive Rights and Justice

PANEL ORGANIZERS

Contact information and biographies removed from sample.

PANELISTS

Speaker contact information and biographies removed from sample.

PROPOSAL

This panel will address both recent developments and new frontiers in the law and constitutional politics of reproductive rights. The discussion will span a number of reproductive justice questions, with an eye to how the outcome of the November election and a new member of the Supreme Court might impact both law and politics.

Several important cases from the last Supreme Court Term provide a natural frame for this discussion. First, *Whole Woman's Health v. Hellerstedt*, decided at the end of June, stands as easily the most important abortion case in a generation. It merits discussion from a number of angles. First, what questions did the Court answer, and what issues did it leave open, with respect to the next round of abortion litigation? (One of us has recently [tackled](#) this question, but much more remains to be said.) How will other types of abortion restrictions—whether they are framed as health-justified or fetal-protective in purpose—fare in courts in the wake of *Whole Woman's Health*? How might the decision bear on questions of funding and distributional justice, including efforts to defund Planned Parenthood, and debates about the Hyde Amendment and other funding restrictions? And how might the positions taken by a new president, and the views of a new justice or justices, change the constitutional law of abortion?

Second, the Court in *Zubik v. Burwell* avoided resolving a claim of religious objection to contraceptive coverage, instead remanding the case to the lower courts after post-argument briefing, almost certainly because the Court would have divided 4-4 otherwise. The Government has issued a request for public comment, and that comment period will soon close. Though it has largely flown under the radar, the ongoing saga in the lower courts is a reminder that important questions about religious objections to laws regarding

contraception and reproduction remain entirely unanswered at the Supreme Court – and are likely to turn on the views of the next justice.

The panel will also cover related bodies of law, including the treatment of pregnancy in the workplace and the Supreme Court's 2015 decision in *Young v. UPS*.

We envision proceeding more as a roundtable than a series of presentations, with ample time for audience questions.