Here I am sitting in my chair wondering how the heck I got to be Chair. And what it is I am supposed to say to the over 900 members of our Section.

I still don’t know about the first, but on the second, I just got back from the Global Legal Skills (“GLS”) Conference in Verona. I noticed, not for the first time, that when I am surrounded by Legal Writing Professors, I smile a lot. This is true whether I am at a small, one day conference, or a multi-day, multi-track conference like those of the GLS, Legal Writing Institute (“LWI”) and Association of American Law Schools (“AALS”). It is true regardless of whether the colleagues at the conference are U.S. Professors only or a mix of domestic and international ones like at GLS. The reason, I believe, is that we are a group that is fun to be around -- thoughtful, compassionate, dedicated, and funny.

Some recent examples from GLS prove my point. Kathryn Fehrman (Southwestern) and Kathryn Mercer (Case Western) made a presentation that made us search inside for our values, and demonstrated how, once we get our students to do the same, they can better read for policy. In soliciting comments from the crowd, they made sure everyone’s view was heard and complimented.

Anne Goldstein and Lynn Su (both from New York Law School) spoke about “The Five Habits of Cross-Culture Lawyering” and how we can use them not only to benefit our students from other cultures, but to make domestic JD students more aware. (It seemed like everyone in the audience already knew, or at least had heard of, “The Five Habits of Fill-in-the-Blank,” but as is typical of new, cutting edge research, I had not. When do you people find the time to learn this stuff??). Mimi Samuel and Laurel Oates (both from Seattle) taught us to evaluate whether we were relationship or categorical thinkers, weaving in funny stories like how, while teaching in Uganda, after politely declining to write a speech for the Ugandan Chief Justice who was to introduce them at an event, being told that it wasn’t a request and the speech was due the next day. There were many, many more examples.

(continued p. 2)
2016 ALWD-LWI Thomas Blackwell Award Winner: Colleen Barger

The Association of Legal Writing Directors and the Legal Writing Institute presented the 2016 Thomas F. Blackwell Memorial Award for Outstanding Achievement in the Field of Legal Writing to Coleen Miller Barger, Altheimer Distinguished Professor of Law University of Arkansas at Little Rock William H. Bowen School of Law.

This prestigious award is presented annually to a person who has made an outstanding contribution to improve the field of Legal Writing by demonstrating an ability to nurture and motivate students to excellence, a willingness to help other legal writing educators improve their teaching skills or their legal writing programs, and an ability to create and integrate new ideas for teaching and motivating legal writing educators and students.

From the Chair, continued

Summer conferences like this are one of the ways that I refresh my inspiration each summer and get my “mojo” back for the new school year. We asked our members how they do it, and have published some of their answers in this issue.

If you are debating whether to come to an upcoming conference, like LWI in July or AALS next January, I hope you will come down on the “yes” side. You’ll learn things (if you are like me you will learn a lot) but more importantly, you’ll get to hang out with some cool people. And if we haven’t met, I hope you will introduce yourself. How will you find me? I’ll be the one with the big smile.

-Bob Brain

Another echoed this high praise: “Coleen . . . embodies the spirit of the award. I knew Tom Blackwell as a genuinely kind person who loved his students, interacted heartily with his colleagues, and gave freely of his time to LWI and ALWD. [This award] should go to persons who nurture their students, motivate and support young professionals entering academia as teachers of legal writing, and give back enormously to our professional organizations. Coleen is that . . . person.”

The Blackwell Award Committee agreed that Coleen exemplifies these qualities. Its award announcement noted that Coleen has inspired thousands of students; she has mentored legal writing colleagues across the country; she is a co-founding editor of the Journal of Appellate Practice and Process; and she has made exceptional contributions to ALWD, LWI, and legal writing educators through her work on various editions of the ALWD Citation Manual and the ALWD Companion as well as her service as a Board member for both ALWD and LWI.

Her nomination letters were extraordinary. As one of her nominators noted: “For nearly twenty-five years, Coleen has represented our profession with the highest dedication and service in countless ways: as a teacher, scholar, mentor, board member, advocate, committee member, committee chair, and all-around leader of the legal writing community.”

Coleen Miller Barger accepts her award at the Blackwell Award Reception

Teri Mc-Murtry Chubb and Linda Berger presenting the Blackwell Award to Coleen
At the 2016 Annual Meeting, the Section Presented its Annual Award to Suzanne Rowe, the James L. and Ilene R. Hershner Professor, Director of Legal Research and Writing Program, and Director of Externships at The University of Oregon School of Law. Professor Rowe’s colleagues paid her an homage that moved many of those present to tears. Additionally, Past Section Chair Jennifer Romig presented the award with the following remarks.

Anyone who knows Suzanne won’t be surprised to know that she preferred not to speak here. She is one of the quietest and most humble members of our community yet she is someone who has made an enormous impact with her scholarship and leadership, and her personal support of many, many people here today including me. I want to talk a little bit about Suzanne’s contributions to the AALS, and Joan Rocklin and Rebekah Hanley will talk about Suzanne’s work more generally.

Suzanne has been involved with AALS for years, serving on almost every committee the Section has ever had at one point or another. She served on the Executive Committee for a number of years and was Section Chair from 2006-2007. She continued to serve on a variety of committees and most recently has served the section in a really special way with the Committee on Committees. I want to say a few words about this because it goes to the heart of her service. What is this section’s purpose? How do we fit in? What are our strengths and our weaknesses as a section?

Suzanne is one of the very best I’ve met in 15 years in this field at taking on these really hard questions. She thinks strategically but she also comes at these kinds of questions with an open, creative mind. She knows the history and she’s not naive, but she’s not bitter. She sees a lot of possibilities organized around the core belief that this section has a special opportunity. This section has a special opportunity to learn from each other and gather at very large hotels at the beginning of each new year. But there’s more than that. Every time I talk to her, I am reminded that the Section has a special opportunity to make connections with other colleagues and start conversations with other disciplines within legal scholarship and legal education. This meeting is huge and overwhelming, but when Suzanne looks at it, and when she looks at the AALS overall with all of the many voices and interests and conflicts within it, she sees opportunity. So Suzanne, for your kindness, your experience, your energy, your strategy, your dedication, and your service to the section over the years, I say congratulations.
Reimagining the Curriculum to Address Student Needs and Bench and Bar Demands

Andrew Carter
Arizona State

Anne Ralph
Ohio State

Sara Rankin
Seattle

Lawrence E. Rosenthal
Chapman

Nantiya Ruan
Denver

Melissa Weresh
Moderator
Drake

This panel covered topics stemming from changes in teaching loads and law-practice demands. Requiring the appellate brief in the first year of law school has been a practice for decades. Challenging this requirement, panelists explored whether (1) shorter motion briefs would better prepare students for litigation practice; (2) requiring transactional skills is appropriate when many graduates land in corporate practice; and (3) changes in traditional assignments comport with evolving ABA standards.

The authors of the book THE NEW 1L reimagined how law schools teach lawyering skills in the 1L curriculum, addressing topics such as whether we can teach 1Ls to act and think like lawyers using real clients and current issues and how the curriculum should cover critical lawyering skills beyond memos and briefs.

One panelist suggested that LRW professors design frequent, shorter assignments, drawing support from cognitive science and changes in law practice. Another discussed how writing and other professional skills can be integrated into what are traditionally regards as ‘doctrinal’ courses, given that no law office has separate doctrinal and skills departments. He addressed “Bridging the Divide” with problem-solving and client-centered exercises, and drew upon examples from First Amendment, criminal law, and civil rights classes.

The final panelist advocated not reimagining too much, emphasizing that the appellate-brief assignment is valuable if presented with substantive learning experiences.
Even enthusiastic teachers tire of teaching the first-year course: the steady flow of novices wading into law, uninitiated and unaware. You love their energy and innocence, but they’re taxing, too. You have to keep laying the foundation, pouring the concrete. Can you rejuvenate by working on the roof? That’s what I do by teaching an advanced legal writing course every summer.

Yes, it means no two-month retreat to the Rockies and no six-week sabbatical in Europe. (I do take short vacations.) And yes, it means preparing. The initial prep might put you off, but push through—you’ll get three payoffs.

Curricular variety.

You teach what you want. Tired of memos and briefs? Teach mediation statements or basic contracts or client letters or bench memos. My students write a 1000 words on something about legal writing: a job experience, a tough first-year assignment, an eye-opening realization. They enjoy it, and I marvel at how well they write when they pick the topic and use a personal voice.

Optimism.

Because the foundation has been laid, you’ll get occasional endorphin surges: “Hey. They really did learn something. They really can write.” The discouragement and despair I sometimes feel during the first-year course fades when I see their work in the summer course. I realize that, eventually, most of them actually do figure it out.

A focus on fine points.

In my first-year course, there’s little time for typography, rhetoric, and the techniques of vigorous, readable writing. I’ve got to pour the concrete, not tinker with the pitch of the roof. So those are the things I put in my advanced course. And by no coincidence, those are the things I love to teach.

And I promise: teaching an advanced course will inform and improve your first-year teaching.

From the LWRR Outreach Committee

Join our section and enjoy informal opportunities to relax with your colleagues, exchange ideas, and get to know them better.

At the 2016 Annual Meeting, the Outreach Committee kept the LWRR section we kept our members busy with a welcome happy hour, a welcome continental breakfast, an informal global legal skills in LWRR discussion, a new teachers’ continental breakfast, an experienced teachers’ afternoon refreshment, a conference recap breakfast, a casual good-bye lunch, and a walking tour of a New York neighborhood. Many of us got together for Broadway shows, meals, and museums.

At the 2017 AALS Annual Meeting in San Francisco, we will host several coffees, a walking tour, a wine-tasting, and similar events.

Look for us in July at the LWI Biennial Conference, where we are planning a short meet-and-greet for AALS LWRR section members.
Pedagogy for New Law School Teachers:
What Every Law Professor Should Know About How Students Learn

Anne Mullins
North Dakota

This panel described pedagogy techniques informed by current knowledge of cognitive science and student performance.

First, they discussed how faculty and students’ knowledge about the “growth mindset” can help new and experienced law teachers improve student learning and how students can improve their performance by adopting a “growth mindset.”

Terrill Pollman
University of Nevada, Las Vegas

Second, they addressed how student performance can be improved when teachers use team-based learning techniques, emphasizing that students working with team-based learning techniques “come alive” in the classroom. The panelists outlined teamwork skills to enhance in-class learning, using a sequence of steps to make collaborative learning effective. The explained a team-based learning models including individual work, followed by teamwork, followed by feedback.

Carrie Sperling
Wisconsin

Last, given that legal-writing professors create language as they model analysis and teach through worked examples of the writing process, the panelists addressed building a useful vocabulary and pairing it with examples-based learning in first-year classes and beyond.

Robin A. Boyle Laisure
Moderator
St. John’s
2017 Annual Meeting LWRR Section Programs (Tentative)

Wednesday, January 4
10:30-12:15  What U.S. Law Professors Should Know about Legal Research in Canada and Mexico – It’s Not Just NAFTA Anymore, Co-Sponsored with North American Cooperation Section
3:30-4:45  Works in Progress for New LWRR Teachers

Thursday, January 5
12:00-1:15  LWRR Luncheon
1:30-3:15  Experiential Learning in Legal Writing Programs

Friday, January 8
7:30-9:00  Business Meeting

Saturday, January 7
10:30-12:15  Final LWRR Program (TBD)

Summer Mojo: Accentuate the Positive

Anna Hemingway
Associate Professor of Law
Director, Legal Methods Program
Widener

“"You've got to spread joy up to the maximum, Bring gloom down to the minimum."”

—Accentuate the Positive by John Mercer; performed by Mercer and the Pied Pipers (1944), Bing Crosby (1944), Sam Cooke (1958), Perry Como (1958 & 1980), Aretha Franklin (1962), and Paul McCartney (2012).

From providing motivational quotes at the beginning of class to ending class with upbeat music, professors spend time motivating students to do their best work. Rousing them to do their best, however, only works if the professors providing the inspiration are motivated themselves. In recent years, the downturn in law school applications has resulted in a perfect storm threatening to dampen a faculty’s motivation for teaching: administrations making decisions primarily based on financial pressures, underprepared students trying to catch up, and exhausted colleagues working to balance the extra demands placed on them. With these concerns adding to legal writing professors’ already hectic work lives, it’s no surprise that some are burning out, while others, at a minimum, are feeling less enthused.

Remaining motivated to teach a better class, write another article, or perform meaningful service can be a challenge because of the negativity that periodically surrounds the profession. The first step in rallying against the doom and gloom is to refuse to indulge in the negativity for too long. While everyone can have an off day, a string of downer days can damage motivation and productivity. Instead, engage in something positive, no matter how small.

A single hopeful act can eminently impact mood and lead to greater motivation. For example, if you are struggling to connect with a class, work on getting to know your students better. If you are having trouble getting pumped about writing an article, do some initial research or write something short. If you can’t stand the thought of another committee meeting filled with unnecessary perseverating, think of ways to stay on task to make the meeting productive. If all else fails, a sure fix to changing your attitude is doing something positive for someone else. Helping others work through a problem or reach a goal will help you positively reinforce your abilities and get you motivated to do more good work.
Best Practices for Supervising Seminar Papers and other Scholarly Writings

Andrea Armstrong
Loyola University New Orleans

To enhance students’ ability to successfully complete their upper-level scholarly writing requirement, they may need additional instruction in scholarly writing. This session provided practical teaching tips for professors of seminar courses and faculty advisors of student journals.

Darby Dickerson
Texas Tech

One panelist shared her experience teaching a scholarly writing seminar for law review students. She seeks to create a collaborative student-run environment for critical academic writing. The author of Scholastic Writing for Law Students discussed how teachers can intervene in the prewriting stages of topic and thesis development to ensure the final paper is more than just a research paper. She also briefly discussed writing constructive comments.

Elizabeth Fajans
Brooklyn

Throughout the process of formulating and writing a paper, students may benefit from on-demand learning, such as through videotaped lectures. Two panelists therefore addressed their experience creating videotaped lectures on topic/thesis selection and research, developing an outline, and properly attributing via citation and footnoting. They emphasized that this type of resource can add an instructional and writing-specific component to a seminar course more economically and efficiently than a live-instruction model. They also addressed the important related topics of the ABA standards and faculty-supervision requirement.

Nancy Soonpaa
Texas Tech

Kathryn Stanchi
Temple
Before becoming a full-time legal writing professor, I was a litigator of complex cases in Federal Court. A stressful and tiring job to say the least. So when I switched to teaching full-time (I had been an adjunct in the ’90s) I was kind of stunned at how exhausted I was at the end of the academic year. Just completely tapped out.

And then I realized that that is as it should be. If I was going to leave an interesting and lucrative practice to do this service work and give back to the profession I had enjoyed being a part of – to help new lawyers be the best writers and ethical advocates they could be – that I had to “leave it all out on the field” so to speak. Of course I would be exhausted at the end of the year. Keeping up with a group of smart and motivated 25 year olds requires bringing your “A” game every day. Conducting the symphony that a great legal writing class can be requires nothing less.

Having experienced the particular type of exhaustion that comes with doing this job fully, it became apparent to me that I needed an intentional practice to get recharged, settled, and ready to have a productive summer and also recharge for the coming year.

I hit upon the idea of an annual working retreat. I am lucky that my wife’s family has a small “Casita” in Santa Fe, a six-hour drive south from Denver. I force myself to finish my grading before I go, but usually within two weeks of the end of the semester, I drive down for a week. I pack two bins of reading I haven’t had a chance to do all year. And I set out a plan for research and writing that I want to do over the summer.

The luxury of having large chunks of uninterrupted time is immense. I sleep until I wake up. I go for a long walk each day. The TV is never on. Sometimes I go to a coffee shop to work, just for a change of venue. There is rest, solitude, birdsong, and peace. I always feel better when I return to Denver.
Like most of us who are lucky enough to teach, I treasure my summer vacation. There is much beach-going and watching of reality TV over my personal hazy, lazy days of summer. So my tip as to how I keep my “mojo” as I enter my 17th year of teaching may seem counterintuitive. Every summer, I pick a project to work on that will improve an aspect of my class in the fall.

“Surely she must have it right by now,” you might be thinking; but as we all know, one of the joys of teaching is that with each year we get a fresh start, a do-over. I like to take advantage of that by using the summer to revise and refine an aspect of my class that has been niggling at me. This not only improves the experience for my students, it also keeps me energized and invigorated and looking forward to the new academic year.

Several summers ago, for example, I decided to create the perfect sample objective memo for my students. In class, I had been using various snippets from different sources to illustrate topics such as issue and brief answer. For my summer project, I created a memo that pulled together all of the various portions of the memo as I teach it. I then labeled each part with a brief explanation that tied into what we discussed in class. We now have that resource to rely on throughout the year. I will even reference it in a student’s grading sheet to indicate where they might consult a model to improve their work in a subsequent draft.

This summer, I plan to create a series of research exercises that more closely parallel the way we teach research, which we have revised significantly over the past couple of years. I plan to include a brief introduction to citation for each source they are researching; this will nicely foreshadow the more detailed instruction they will receive later. Creating a new project every summer keeps me excited to begin again each fall.
Upcoming Conferences

For information and registration, go to

www.lwionline.org

Blazing Trails in Portland
17th Biennial LWI Conference
Hilton Portland & Executive Tower
July 10-13, 2016

The 2016 Third National Symposium on Experiential Learning in Law will take a careful look at how to identify and effectively assess experiential learning outcomes in the legal education context. This symposium will offer highly interactive sessions that will provide learning designed to improve the quality of assessment in law schools’ experiential programs.

There will be a keynote presentation by Alli German from Educating Tomorrow’s Lawyers. She will share details from a massive survey (over 24,000 responses) that ETL has conducted of attorneys across the country and practice areas, asking what skills and abilities they are looking for in new attorneys. And the conference will be focused on assessment of experiential learning methods, showcasing some of the most innovative approaches to that topic currently underway at law schools across the country.

For information and registration, go to

Drafting Statutes and Rules: Pedagogy, Practice, and Politics

The least common, but perhaps one of the most important, advanced writing subjects addressed in law schools is the drafting of statutes, ordinances, regulations, and rules (for public laws or governance of non-governmental entities). The current state of law school instruction focuses almost exclusively on the repercussions of poorly written statutes or rules, on the courts’ efforts at application and interpretation of statutory language, and on scholarly criticism of statutes.

We invite presentation proposals from educators and practitioners. The DUQUESNE LAW REVIEW, which has published papers from three previous Colonial Frontier conferences, plans to devote space in its Summer 2017 symposium issue to papers from the conference. Possible topics about pedagogy include:

We welcome proposals for 30-minute and 50-minute presentations on these topics, by individuals or panels. Proposals for presentations should be sent as an e-mail file attachment in MS Word to Professor Jan Levine at levinej@duq.edu by July 1, 2016. Contact Jan for more details about proposal requirements.

Attendance at the one-day conference, on Saturday, December 3, 2016, will be free for presenters and $50 for non-presenters with an academic affiliation; other attendees will be charged $250.

For more information about the conference and proposal requirements, contact Professor Levine.

Real-World Readiness

The Institute for Law Teaching and Learning is thrilled to be planning its summer conference addressing the many ways that law schools are preparing students to enter the real world of law practice. With the rising demands for “practice-ready” lawyers, this topic has taken on increased urgency in recent years. How are law schools and law professors taking on the challenge of graduating students who are ready to join the real world of practicing attorneys? Can we be doing more?

Workshops will address real-world readiness in first-year courses, upper-level courses, required courses, electives, or academic support teaching. Workshops will present innovative teaching materials, course designs, and curricular or program designs. Each workshop will also include materials that participants can use during the workshop and also when they return to their campuses.

Schedule of Events:

Washburn University School of Law will host a welcome reception on the evening of Thursday, June 9, and the conference workshops will take place at the law school all day on Friday, June 10, and until the early afternoon on Saturday, June 11.

Travel and Lodging:
Topeka is about 75 minutes away from the Kansas City airport (MCI). A block of hotel rooms will be reserved for a discounted rate at the Ramada Topeka Downtown Hotel and Convention Center.

Fees:
The conference fee for participants is $450, which includes materials, meals during the conference (two breakfasts and two lunches), and a welcome reception on Thursday evening, June 9, 2016. The conference fee for presenters is $350.

For more information and to register, go to: http://lawteaching.org/conferences/2016/
From the Classroom to the Community: Teaching and Advancing Social Justice

On one hand, pressure exists to ensure that students are adequately prepared to navigate a courtroom, draft legal documents, and exhibit other “practice-ready” skills upon graduation. At the same time, law professors are urged to cover a wide spectrum of theory, rules, and doctrine to increase prospects for bar passage. In the struggle to achieve both goals, the critical need to integrate social justice teaching into the curriculum is often overlooked, rejected as extraneous, or abandoned in light of time constraints.

To the contrary, social justice teaching plays an essential role in improving legal analysis, enhancing practical skills, and cultivating professional development. Moreover, social justice teaching can help instill passion, commitment, and focus into students burdened with debt and facing an uncertain job market. Most important, as the legal marketplace contracts, access to counsel for lower- and middle-income people continues to grow -- creating a pressing need for effective and committed pro bono lawyers.

In response to new educational and professional challenges, law schools and the legal profession must join in a concerted effort to integrate social justice teaching into the classroom and expand social justice throughout the community. This conference will provide opportunities to engage in broad, substantive, and supportive discussions about the role of legal education and the legal profession in teaching students to become effective social justice advocates and the ways faculty can set an example through their own activism.

For information and the request for proposals, go to
2016 LWRR Section Committee Assignments

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Selina Brandt (Pepperdine)
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The Officers and Executive Committee Members of the Legal Writing, Reasoning, and Research Section want to acknowledge our members who have agreed to serve on committees. The Section’s business would not get done without their hard work. Thank You!

Joining a committee is a terrific way to meet your colleagues across the nation, get involved, and work toward the betterment of our field and our careers. Plus, Law School Deans love to see AALS service. Consider joining a committee for 2017!
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An “Announcements” section covering the 2016 calendar year will be included in the winter newsletter.
Disclaimer

This newsletter and related website are forums for the exchange of points of view. Opinions expressed here or on the website are not necessarily those the Section and do not necessarily represent the position of the Association of American Law Schools.

Contribute

Did you know that we get most of our information for the newsletter from you? If you have photos, articles, or news about publications, conferences, presentations, moves, or promotions for the next issue; please keep a record of them. Our Secretary will be seeking submissions soon!