

Reflecting on the Past, Preparing for the Future

A Q&A with AALS President Paul Marcus

By Jim Greif

The last four decades have seen tremendous changes in our country's law schools. Paul Marcus, 2017 AALS President and Haynes Professor of Law at William & Mary Law School, has brought his experiences during this time to his leadership of the association. Professor Marcus recently sat down with *AALS News* to discuss the past, present, and future of legal education.

Professor Marcus, law schools have seen tremendous growth during your career and, more recently, a sharp decline. How has legal education handled both?

Well, I've been in legal education a long time and have been active with both AALS and the American Bar Association. I have visited a lot of law schools. I've also been involved as a member of inspection teams at more than 20 law schools throughout the country. In just this past year as AALS President, I have visited eight schools.

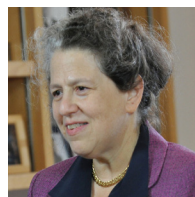
The growth was astonishing leading up to 2007. We had thousands of people applying to law schools across the country. The major problem we had was how to deal with the large number of applicants. Do you expand your admissions

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Paul Marcus, Haynes Professor of Law, William & Mary Law School

Nominations for President-Elect and New Executive Committee Members



The AALS Nominating Committee for 2018 Officers and Members of the Executive Committee met at the AALS office in Washington, D.C. in September to consider nominations from faculty members and deans at AALS member schools. The committee is proud to recommend three individuals whose careers exemplify dedication to teaching, scholarship, and service to AALS and to legal education. At the second meeting of the AALS House of Representatives on Friday, January 5 at 4:30 p.m., the committee will present the following nominations:

President-Elect **Vicki Jackson**

Vicki Jackson is the Thurgood Marshall Professor of Constitutional Law at Harvard Law School. She received a B.A. from Yale College and a J.D. from Yale Law School. Jackson's scholarship focuses on U.S. constitutional law, federal courts, and comparative constitutional law; she has written on constitutional aspects of federalism, gender equality, election law, free speech, sovereign immunity, courts and judicial independence, methodological challenges in comparative constitutional law, and other topics.

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committee? Do you involve faculty with it? Do you have enough faculty to teach that many students? Are the facilities adequate to handle growth? It really was quite an astonishing period in legal education; that all changed in 2008.

The drop was not just sharp, it was precipitous. We now have about the same number of students enrolled in law school that we had 30 or 40 years ago, even though the population of the country has grown greatly in that period. We have more schools than ever before, and yet the numbers of students are back to what they were in the 1970s.

I think we handled the growth and the decline reasonably well, but not perfectly. The growth was a heady period. Schools expanded their faculty size, libraries, and facilities and developed new programs—all to the positive, I believe. Most schools seemingly did not believe that the bubble would ever burst and growth would continue. Perhaps schools did not save for or anticipate the rainy day that did come about 10 years ago.

How schools have handled or are handling the decline is a bit of a mixed record. I think some schools early on were quite prudent in trying to prune back their expenses, and they understood that the admissions decline was not a one- or two-year development; it was likely going to continue for a while. On the positive side, that decline really forced us to rethink what it is we do in legal education, how we use our resources, and what quality legal education is.

One thing during the last 20 or 30 years that has been very positive is the increase in diversity of our student bodies and faculties. When I started at UCLA School of Law—I graduated in 1971—there was one African-American professor and one woman on that large faculty in a very major metropolitan area.

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She is the author of *Constitutional Engagement in a Transnational Era*, and coauthor of *Comparative Constitutional Law*, a leading casebook in the field, among numerous other books and published articles. Her scholarly projects include normative conceptions of the role of elected representatives in a democracy, governmental standing, and proportionality in constitutional law and interpretation.

Before joining Harvard, Jackson practiced law in private practice, taught at Georgetown University Law Center, and served as Deputy Assistant Attorney General in the Office of Legal Counsel in the U.S. Department of Justice. She previously clerked for Supreme Court Justice Thurgood Marshall.

Jackson has held a number of positions within AALS including a three-year term on the AALS Executive Committee, creating and chairing the Transnational Advisory Group, and chairing the Federal Courts Section.

Professor Jackson is a member of the American Law Institute and the American Academy of Arts and Sciences. She is a former member of the Executive Committee of the International Association of Constitutional Law, the Board of Managerial Trustees of the International Association of Women Judges, and the D.C. Bar Board of Governors.

Executive Committee
Mark C. Alexander

Mark Alexander is Dean and Professor of Law at Villanova University Charles Widger School of Law. He received his B.A. and J.D. from Yale University and Yale Law School. His areas of expertise include constitutional law, criminal procedure, election law, criminal law, and the First Amendment, with specific research interests in constitutional dimensions of election law and campaign reform.

Dean Alexander is the author of two books and numerous chapters; law review articles in journals such as *Harvard Journal of Law & Public Policy*, *Stanford Law & Policy Review*, and *NYU Review of Law & Social Change*; and shorter articles in national and local media, for which he is also a sought-after political and legal commentator. He was named Professor of the Year several times in his two decades on the faculty of Seton Hall Law School.

Dean Alexander was previously a Program in Law and Public Affairs (LAPA) Fellow at Princeton University, a Fulbright scholar at Universidad Carlos III in Madrid, Spain, and a visiting scholar at Yale Law School. His involvement in national politics has spanned decades, from his time as a campaign aide for Ted Kennedy in the late 1980s to serving as General Counsel for Cory Booker's Mayoral campaign. He also served as Policy Director and Senior Advisor to Barack Obama's 2008 presidential campaign, as well as on the Justice & Civil Rights team on the presidential transition. Dean Alexander has been involved with AALS as a member of the Sections on Constitutional Law, Criminal Justice, and Minority Groups.

Executive Committee
Gillian Lester

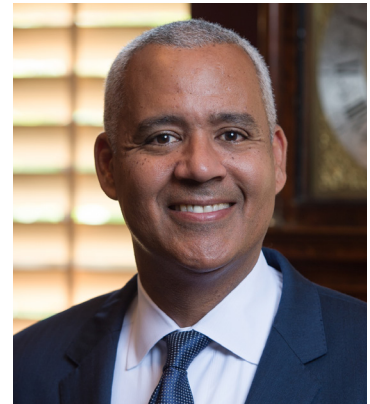
Gillian Lester is Dean and Lucy G. Moses Professor of Law at Columbia Law School. She received her B.Sc. from the University of British Columbia, her LL.B. from the University of Toronto Faculty of Law, and her J.S.D. from Stanford Law School. Dean Lester is an expert in employment law and policy with a particular emphasis on workplace intellectual property, public finance, and social insurance programs.

Dean Lester is the author or editor of five books as well as a number of chapters and articles on employment policy and labor law that have appeared in law reviews such as *Tax Law Review* and *Comparative Law & Policy Journal*. Her earlier articles published in the *Harvard Journal of Law and Gender*, *UCLA Law Review*, *Indiana*



Vicki Jackson, Harvard Law School

Photo courtesy of Harvard Law School



Mark C. Alexander, Villanova University Charles Widger School of Law

Photo courtesy of Villanova University Charles Widger School of Law



Gillian Lester, Columbia Law School

Photo courtesy of Columbia Law School

Law Journal, and *Stanford Law Review* have been excerpted and reprinted in various casebooks.

Dean Lester has previously been a faculty member at Berkeley Law, where she served as acting Dean, Alexander F. and May T. Morrison Professor of Law, and Werner and Mimi Wolfen Research Professor. She also co-directed the Berkeley Center for Health, Economic, and Family Security. Prior to her appointment at Berkeley, Lester was the Sidley Austin Visiting Professor at Harvard Law School, Sloan Fellow at Georgetown University Law Center, and a member of the faculty of UCLA Law School.

She has been a member of the Legal Aid Society of New York Board of Directors since 2014, and is on the Executive Board of the U.S. branch of the International Society for Labor and Social Security Law. She is also a member of the American Law Institute.

Dean Lester has been associated with AALS in several capacities, including serving on the planning committee for the 1999 Workshop on Work, Workers, and the Law in the 21st Century. She also served on the Nominating Committee for 2017 AALS President-Elect and Members of the AALS Executive Committee.



Thank you to the members of the Nominating Committee for 2018 Officers and Members of the Executive Committee:

- Gail Agrawal, University of Iowa College of Law
- Blake Morant, George Washington University School of Law, **Chair**
- Larry Ponoroff, Michigan State University College of Law
- Daniel Rodriguez, Northwestern University Pritzker School of Law, 2017 Chair
- Melanie Wilson, University of Tennessee College of Law

ABA Council Votes to Reject Proposed Change in Full-Time Faculty Standard

The Council for the American Bar Association Section of Legal Education and Admissions to the Bar, at its meeting on November 3 in Boston, Massachusetts, voted to reject a proposal from the ABA Standards Review Committee to revise Standard 403(a). The proposal would have permitted all law school instruction after the first year to be provided by part-time faculty.

In August, the AALS submitted a formal comment to the ABA urging the rejection of the proposed changes. The association emphasized that full-time faculty are essential to providing quality professional legal education, and while part-time teachers enrich the law school experience, they cannot substitute for the focus of full-time faculty on teaching, availability to students, curriculum design and assessment, scholarship, and sustained engagement for educating professionals for the multiple roles they will play as lawyers and leaders.

AALS also warned that the proposed change would weaken the significance of ABA accreditation overall and its role in maintaining standards of quality in legal education.

More information on the meeting and other proposed standard changes related to admission tests, bar passage rates and online courses can be found on the ABA Section's website at www.americanbar.org/groups/legal_education.html.



Section of the Year Honorees Announced

The Association of American Law Schools is pleased to announce that the winners of the inaugural AALS Section of the Year Award are the Sections on Clinical Legal Education and Women in Legal Education.

This annual award, overseen by the AALS Committee on Sections, will be given for the first time at the 112th AALS Annual Meeting in January. The award recognizes excellence in member support and other activities that promote AALS core values, which may include annual meeting programming, facilitating outstanding scholarship, providing teaching support and course materials, community/*pro bono* service, engagement with the bar and bench, mentoring programs, expanding membership and member engagement, creative use of technology, and more.

“For both sections, the committee was impressed by the wide range of programs and projects they sponsored, as well as their year-round support of work within their fields and an emphasis on broad outreach and mentorship,” said Anita K. Krug, Interim Toni Rembe Dean and Professor at the University of Washington School of Law and Chair of the AALS Committee on Sections.

The AALS Section on Clinical Legal Education was honored for its engagement through webinars and other activities, strong leadership structure, encouraging the use of technology in teaching, robust mentoring program, and promotion of excellence in scholarship. The section also presents two annual awards: the William Pincus Award, recognizing scholarship, program design, and other activities advancing clinical legal education and justice, and the Shanara Gilbert Award, honoring outstanding teaching and service to the community and clinical legal education.

“The Section on Clinical Legal Education is delighted to receive this recognition. This award reflects the extraordinary level of clinical faculty engagement in AALS activities that benefit our community,” said Lisa R. Bliss, Clinical Professor and Associate Dean of Experiential Education, Georgia State University College of Law and Chair of the AALS Section on Clinical Legal Education. “Our section has 18 energetic committees doing the hard work that has resulted in our receipt of this award. Their efforts support the professional development of clinicians by facilitating scholarship, teaching, and the creation of other important resources.”

The AALS Section on Women in Legal Education was recognized for a variety of programs including a “speed mentoring” session each year at the Annual Meeting; the oral history project to record and preserve interviews with accomplished senior female faculty; and a lifetime achievement award (named after inaugural winner and Supreme Court Justice Ruth Bader Ginsburg) at the section’s Annual Meeting luncheon. The section also hosts a hospitality suite for candidates at the AALS Faculty Recruitment Conference, and a welcome breakfast at the AALS Workshop for New Law Teachers.

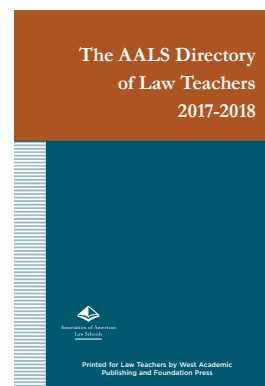
“The AALS Section on Women in Legal Education is thrilled to receive this award,” said Kerri L. Stone, Professor, Florida International University College of Law and Chair of the AALS Section on Women in Legal Education. “We are one of the largest sections of AALS, but we have a long and rich history of programming and endeavors that make the section feel intimate. This group has enjoyed decades of strong, dedicated leadership. This year, I am exceptionally lucky to be working with an Officer Board and an Executive Committee that are extraordinarily involved, smart, and committed to creating opportunities for our membership to meet, learn from, and celebrate one another.”

The sections will be honored at the Section Officers Breakfast during the Annual Meeting. AALS will be seeking nominations for the next Section of the Year award in Spring 2018.

BIOGRAPHY UPDATES AVAILABLE FOR DIRECTORY OF LAW TEACHERS

Copies of the AALS 2017-2018 *Directory of Law Teachers* will soon reach AALS member schools and law libraries. While the directory is printed once a year, tenured, tenure-track, long-term contract, and emeritus faculty are welcome to update their biographies at any time throughout the year at dlt.aals.org.

AALS launched an online search function for the directory last fall. In addition to searching by name and school, the new search function can sort faculty members by subjects taught. Users may also sub-search criteria including currently teaching, years teaching, and seminar offering, among others. It also allows users to cross-search for multiple faculty and multiple subject areas at the same time. Participants in the directory may adjust their privacy settings so their listing reflects the amount of information they would like to be available online.



Spotlight on Sections

By Barbra Elenbaas

AALS Sections provide opportunities for law school faculty and staff to connect on issues of shared interest. Each section is focused on a different academic discipline, affinity group, or administrative area. For a full list of AALS sections and information on how to join, please visit www.aals.org/services/sections.

At its November meeting, the AALS Executive Committee provisionally approved the new Section on Leadership, raising the total number of sections to 103. The section will promote scholarship, teaching, and related activities that will help prepare lawyers and law students to serve in leadership roles. To join the Section on Leadership, contact AALS at support@aals.org.

As part of the ongoing “Spotlight on Sections” series, AALS sat down with the leadership of the Section on Minority Groups and the recently created Section on Empirical Study of Legal Education and the Legal Profession to discuss section activities at the AALS Annual Meeting and beyond.

Section on Minority Groups

The Section on Minority Groups of the Association of American Law Schools, created by the Executive Committee of the Association of American Law Schools, carries forward the work of the association by providing a common meeting ground as a means of effecting communication and collaborative action among law teachers and administrators interested in problems and programs relating to minority persons in the legal profession, and also by formulating and submitting to the members of the Section, the Association, and other appropriate groups, such reports, recommendations and publications related to specific policies and programs of the Section.

Chair: Elena Maria Marty-Nelson, Nova Southeastern University Shepard Broad College of Law

Chair-elect: Deborah N. Archer, New York Law School

What can you tell us about the membership of the Section on Minority Groups and the work your members do?

Elena Maria Marty-Nelson: We have scholars with expertise in widely different areas. Our members range from those who are just joining the academy to senior tenured faculty. We have legal

writing professors, clinicians, endowed chairs, provosts—we even have university presidents. They are prolific scholars, and mentors who are active in legal scholarship, advocacy, and public policy initiatives. But we have a common theme: we’re all extremely concerned with advancing social justice, inclusion, and diversity, as well as improving access to justice in the legal profession and making sure law schools are as inclusive as possible. We work on social justice and equality in general. We see major problems and try to address them.

Our members have deliberately created and nurtured our section to be a collaborative and supportive community of scholars. I am constantly amazed at how we champion and develop each other’s work, and it’s all because we’re all focused on our goals of inclusion and social justice.

When you say you aim to increase diversity and inclusion, is that within law faculty, in law schools, or among your students? Or all of the above?

EMMN: All of the above. The issues we’re grappling within the legal academy and our section are the most critical global issues for society. Structural and economic inequality exist, and we see that in law schools, the legal profession, and the world. Who gets into law school? What preparations did they have? What advantages did they have? Once you are



Elena Maria Marty-Nelson,
Nova Southeastern
University Shepard Broad
College of Law

*Photo courtesy of Nova
Southeastern University Shepard
Broad College of Law*

in the legal academy, are you getting the same mentorship? Are you getting the same advantages as others? We grapple internally with the same issues—continued racial, ethnic, and gender discrimination and disparities.

What are some important conversations happening right now regarding minority groups and diversity in legal education (and/or the legal profession)?

EMMN: We’ve been talking about protecting the most vulnerable amongst us: topics like immigration issues, the travel ban, DREAMers, prison reform, reinstating voting rights, inequality

in general, racial oppression, gender-based oppression, and states promoting anti-hate legislation. Many issues that the nation is currently focused on are the same issues the legal profession is discussing, and those are the same issues at the forefront of our section. Our listserv is actively finding opportunities for collaboration, obtaining highly qualified expertise, sometimes even setting up strategy calls for current issues.

What I like about our section is that we are proactive when something (either legislative or at the agency level) is proposed. We don't like to wait until it's too late. We have people who know what the [state and federal] agencies are doing, so our experts proactively get involved. For example, we had a lot invested in the immigration and travel ban, and many section members had helpful expertise. We reached out to each other for amicus briefs, advocacy letters, and volunteers to help on the ground. I'm very proud of our members for immediately answering the call.

As an affinity section, do you do a lot of work with overlapping subject sections?

EMMN: We collaborate very closely with immigration, women and legal education, health law, and many other sections. Our issues have a lot of intersectionality.

Our executive board also has leaders in other sections and throughout AALS—being chair of this section is a dream. That is part of why we are so active. The executive board is passionate and dedicated, and the members who are not on the executive board are equally so. Our members volunteer so much of their time.

How do your section members interact, collaborate, and support scholarship outside of AALS events?

EMMN: The real springboard for collaboration within our section in terms of scholarship, public policy initiatives, pedagogy, or anything within the legal academy, is the listserv. Conversations

begin there and then separate out into individual calls or volunteer work. An added bonus of such activity is that when someone gets a promotion, writes an article, or has an honor such as being awarded an endowed chair, you'll see responses and congratulations back and forth. It's a very supportive, vibrant community.

Our members also attend various conferences for people of color, or are members of other groups such as the Society of American Law Teachers, and see each other at those events.

What programming do you have in the works for the 2018 AALS Annual Meeting?

EMMN: We usually have four events at the Annual Meeting: two panels, one pedagogy section, and at least 150-200 people at our Minority Groups Section Luncheon.

This year, on Wednesday, January 3 at 1:30 p.m., we have a panel on "Structural and Procedural Hurdles to Justice Affecting Minorities." We'll discuss not only the impact of economic disparities, but also structural barriers such as barriers to class action and how that affects minorities, procedural rules, implicit bias, prosecutorial bias and discretion. Dennis D. Parker, the director of the ACLU National Office's Racial Justice Program, will be on that panel and Deborah will be the moderator.

Thursday at 3:30 p.m. is our pedagogy program: "Strategies and Support for Persons of Color in New Law Teaching." Our incredible speakers, all of whom are award-winning professors, will give advice and share ideas. One of our executive board members, Jessica Weaver (Southern Methodist University Dedman School of Law), will moderate.

On Friday at 10:30 a.m., we have a panel co-sponsored with the Section on National Security Law called "Technology as a Sword and a Shield." It will address the intersection of civil rights and liberties, surveillance, and data. The good

news is DNA evidence can exonerate you if you were wrongly accused and convicted. But, on the other hand, there are some risks with bias in the data. Sahar Aziz (Rutgers Law School) will moderate that panel.

We will move straight from that to our luncheon, where our Derrick Bell and our Clyde Ferguson Award recipients will speak. It's a very important time for us to come together and celebrate each other, to learn who's been promoted or who has just joined the academy. We have a moment of silence for anyone whom we have lost over the year. It's an important, powerful, and substantive event where we can hear from each other, be with each other, and enjoy our community in person.

As you just mentioned, your section has two awards. What can you tell me about those?

EMMN: The Derrick Bell, Jr. Award is for junior faculty, and the Clyde Ferguson Award is for senior faculty. They are very prestigious and difficult to win—the former winners are impressive. Both of these awards are for a body of work, rather than for a particular article or action. This is because we value the ability to recognize somebody who, in addition to being an influential scholar, is a phenomenal mentor or has done community work. It's very different from your typical award. Winners must be teachers, mentors, scholars, and care deeply about society generally.

Your section is also very active at nearly every AALS conference and meeting throughout the year. What can you tell me about your presence at those meetings?

EMMN: We do a breakfast at the AALS Workshop for New Law School Teachers, which is an important opportunity to initiate mentor relationships and show the value in institutional knowledge from faculty of color. It's a way to make sure that people just entering the academy know we are here to help. New faculty

can benefit from our struggles and from what helped us, and learn what they should be doing. That might be finding a mentor, finding supportive people to work with, using our section for help, or preparing for courses and balancing time with other duties. We share stories and information—many things we wish people had shared with us.

We've found that new teachers remember the breakfast years later. It has a lasting impact as the venue where new teachers met both the rest of their new teacher cohort, and their fellow new law teachers of color. They'll bond even if they are at different schools because they'll know they started together in a safe space and they reached out to each other.

Your section is one of three affinity groups among the 103 AALS sections. How and when did your section start?

EMMN: A couple of scholars have written about the origins of our section—Linda Greene from University of Wisconsin School of Law comes to mind. Here is the short version: In 1950, after *Sweatt v. Painter* was decided, an AALS group of law faculty came together as a committee to focus on eliminating racial discrimination in law schools, but it was not a chartered group. Outside of AALS, there was an independent committee, the Caucus of Black Teachers, led by Derrick Bell from Harvard Law School working on the same goals. The AALS committee merged with the Caucus of Black Teachers in 1973 as a way of trying to break down historical racism in legal education. That new merged group was chartered as an AALS Section on Minority Groups. That was the same year that AALS chartered the Section on Women in Legal Education. Being chartered so long ago means we now have law professors of color in positions of leadership in AALS, advancing the issues of equality and helping in the struggle against discrimination.



Section on Minority Groups panel at the 2015 AALS Annual Meeting

What do you think has changed as a direct or indirect result of the work of the section?

EMMN: I think we have driven a lot of change in legal education because we work in so many varied areas—more legal clinics, more simulation courses, and more experiential learning, for example. Of course, we alone cannot take credit for that. Our voices are part of a chorus of voices.

I think the voices must be continued, and we must continue to make equality a priority. I can't say whether there has been sufficient change. Our work is certainly not done. If you think about real leadership at the higher levels of academia, people of color are still not there. The numbers are better within the academy broadly speaking, but are they better for people of color at the highest levels of deans and presidents?

Tell me about the mentorship efforts within your section.

EMMN: We encourage mentorship in several different ways, though there is no formal structure for mentorship run through the section. First, we talk about the importance of mentorship at the Faculty Recruitment Conference for aspiring teachers before they've even become faculty. The first time it comes up formally is at the New Law School Teachers Conference. We do it again at the Annual Meeting Luncheon, where we

talk about reaching out and sitting with someone and breaking bread. Finally, we consistently promote mentorship through the listserv. It's not an enforced structure, but it is a strong community norm within our section.

What is your vision for the section, this year and in the years to come? What new initiatives, project-based or ongoing, would you like to see as part of the section?

EMMN: I want us to continue our struggle and continue to be the voice for equality and justice. One issue that is top-of-mind for me is disparities between federal responses to natural disasters within Texas and Florida versus Puerto Rico. I think our section should be a place to help give voice to these issues. Our section has experts in many different areas where we can help. I hope our section continues to work on combating racial, ethnic, religious, and gender-based discrimination in all areas, including procedural issues, immigration, employment, corporate, and tax.

Section on the Empirical Study of Legal Education and the Legal Profession

The Section on Empirical Study of Legal Education and the Legal Profession promotes communication relating to the empirical study of the full panoply of questions raised by legal education and the legal profession, encourages professional development and fostering of relevant skills and expertise for those interested in engaging in the empirical study of legal education and the legal profession, and fosters exploration of and exchange of information relating to research developments between distinct communities within legal education.

Chair: Judith W. Wegner, University of North Carolina School of Law

Chair-Elect: Neil W. Hamilton, University of St. Thomas School of Law

How did the idea to create this section come about?

Judith Wegner: I had been thinking about such an initiative since I worked for the Carnegie Foundation for the Advancement of Teaching in developing their study *Educating Lawyers*, published in 2007. During my time working with the Foundation, I learned that scholars in other fields were engaged in the “scholarship of teaching and learning” and wondered whether legal educators could take on similar challenges. There are so many active questions about legal education these days, and I thought if we had a platform, people could work together more effectively across the country in addressing them. I was also inspired to pursue this venture based on the reactions of colleagues attending a recent conference at UC Irvine on legal education, the legal profession, and related topics.

There is a good deal of activity and interest percolating already. When we initially reached out to people who we

thought might be interested in getting the section off the ground, we gathered two or three times the required number of signatures in a short time. Others around the country are working on bar examination issues, changing dynamics within the legal profession, and strategies for improving teaching, learning and assessment. Recently, I received an email from some colleagues who attended an assessment conference at Purdue and were wondering how they could plug into activities going on here at AALS. That is a good affirmation that the topics covered by our section are of national interest.

Neil Hamilton: Once Judith had the concept and strong support from other leaders in AALS, she began bringing others on board. I’ve had a deep and long-term interest in the Carnegie Foundation’s three “apprenticeships.” This overlaps into the competency movement, as new accreditation requirements are inspiring us all to move to competency-based education. This section, however, will have a much broader appeal than just that Carnegie-related niche.

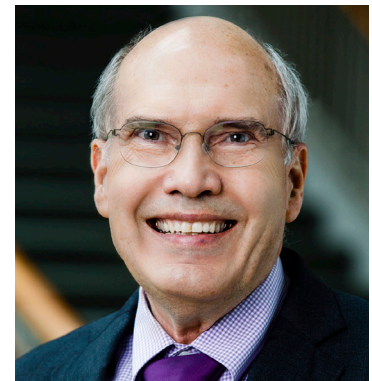
What can you tell me about your membership? Who are your members, what do they do, and what do they teach?

JW: The members of the Executive Committee are a good indication of our breadth: we have former deans and clinical faculty as well as people involved in assessment, law and society research, student development and learning styles, and academic support—we really run the gamut. We hope that our section will be of interest to associate deans or committee chairs in the run-up to accreditation visits. We had the sense that there were a number of people working on intersecting topics, but because we tend to be so siloed in the academy, we didn’t realize who else was working on the same issues from different perspectives. The idea of this section is to try to broaden the conversation by bringing everyone together.



Judith W. Wegner,
University of North Carolina
School of Law

Photo courtesy of University of North Carolina School of Law



Neil W. Hamilton, University
of St. Thomas School of Law

Photo courtesy of University of St. Thomas School of Law

Why is the empirical study of legal education particularly important right now?

JW: Changes in accreditation standards are requiring schools to get serious about assessment and learning outcomes.

In addition, during the period of declining student applicants, more people have become aware of insights developed by experts in cognitive science and what factors affect successful learning and teaching. At many schools, there has also been growth in scholarly work regarding the legal profession as it has restructured. If we come together, we can find ways to combine forces with people at different schools to undertake a common inquiry.

NH: One reason this is important right now is that competency-based education is now required. That is a significant change in how legal education will proceed and how professors will understand their role. First you must define the competencies—which is happening now with learning outcomes—then you must define assessment tools and design a curriculum that leads to good outcomes for students on those assessments. Ultimately, you'll have to evaluate the entire program. We are now at the beginning stages of that process.

The second key piece is that the legal services market is dramatically changing. That poses a challenge for educators—and goes hand in glove with the competencies, as schools figure out what the students actually need to be successful in the modern legal profession. We have a deep interest on the part of the profession and legal employers, as well as legal educators. One umbrella term here is “professional development” because we're seeing a huge increase in law schools requiring some professional development in the curriculum.

The last piece is bar passage, which has been an issue for quite a number of students and schools. Again, these

issues cut across the entire law school because faculty and staff together create the curriculum and culture. There's a lot of interest in this area among student support, career services, and others.

JW: Schools have also been grappling with students who are of a different generation than the professors who are teaching them. Because faculty are trained to be self-critical and pay attention to evidence, there is an overriding sense that we better fully understand these new factors affecting student learning. The world is different today, and it's making a difference in how our graduates will represent people as lawyers. There's a sense of change as to students and their professional trajectories. Our students haven't grown up reading the same kinds of books we did, and they study in different ways. Faculty, who take great pride in their teaching, want to be good teachers and want their students to learn. We are all asking if there are tools we haven't used before that might make it possible for these students to learn better.

I believe all of these ideas are interconnected, but our dilemmas will not be solved unless we look at them holistically. Just as it takes a village to raise a child, we must learn from each other. As pressure increases on any given part

of a law school, and as the number of professional staff who may not be in the classroom increases, we must make the effort to have crossover conversations.

Another reason that we are now at a critical juncture in legal education is that we face a wave of retirements among professors who came of age in the 1970s and early 1980s, as law schools were expanding and becoming more diverse. I just retired. Many colleagues around my age are retired or about to retire. We should be thinking about leadership development to prepare others to take our places and helping them imagine the tools they need to develop skilled lawyers and skillful institutions in coming years. We should be encouraging the rising generation of faculty who are going to be associate deans, committee chairs, and deans to be thinking hard about key questions relating to teaching, learning, assessment, and the legal profession. If schools try to take on new initiatives such as online teaching, there will be new educational questions that need to be addressed. Having a fundamental appreciation for what's involved in institutional research will be an advantage. I've become an avid reader of institutional research related to college-age students and those seeking further education in connection with aspirations for second careers. I suspect there are others who, if they knew how to access and understand such research, would be doing that as well. We need to find a way to position more people to tap into such insights.

What do you hope to accomplish with this section? What are some of the early ideas for section activities?

JW: We will be establishing working groups on several topics of broad interest. We're conducting an interest survey that will feed into both the working groups and our Annual Meeting program. I think there are likely to be overlapping areas in what people find interesting, but everyone is seeing legal education from a different perspective. I don't know any other section that has taken steps to pull together so many subsets of scholars and professional staff.

GET INVOLVED

Interested in related topics or in participating in this section? Take a short survey on important issues for empirical study and related matters, available through the end of November at <https://www.aals.org/SESLELPSurvey>.

To join the Section on Empirical Study of Legal Education and the Legal Profession, contact AALS at support@aals.org.

The section's program at the 2018 AALS Annual Meeting in San Diego will take place on Wednesday, January 3 from 3:30 p.m. – 5:15 p.m. The program will focus on “Framing an Agenda for the Work to Come” and will feature Rachel Moran (UCLA), Bryant Garth (UC Irvine), Victor Quintinilla (Indiana-Maurer), Raul Ruiz (FIU), Kellye Testy (LSAC), and Aaron Taylor (AccessLex).

For the potential group working on assessment, one concrete suggestion is for that group to explore the instruments and methods schools are using in the run-up to their ABA visits, review those, and identify some standards so everyone isn't reinventing the wheel every step of the way. For a potential working group on bar examinations, I could imagine discussion about a variety of alternative examination strategies and interventions to prepare students better.

NH: Sometimes, sections can be very focused on the Annual Meeting. We want to reach out and create more interest and engagement throughout the year—hence the working groups. We're also thinking about a section newsletter. The interest groups are the first priority—we're hoping to get two or three off the ground and successful. Then we'll expand from there.

JW: Another part of our exploration is that we want to help people be more comfortable as scholars developing—and consumers interpreting—qualitative and quantitative empirical research. We want to open up the opportunity for more training. We might identify a group of people willing to conduct webinars, or we might propose a day-long or half-day session at the 2019 Annual Meeting in addition to our regular section program.

Our Executive Committee has been brainstorming about these ideas, but we'll come back from our session at the 2018 Annual Meeting with a better idea of the interests of our colleagues. We hope some concrete action will happen soon, but we won't make assumptions before consulting interested parties.

What could someone joining the section look forward to in terms of participation and opportunities for leadership?

JW: Members can suggest areas for collaboration, join the proposed working groups, or contribute to the newsletter. I think it would be great to identify and recognize some of the strongest scholarship in this area every year. If we get law librarians involved, we could get

a law school to feature research or topical insights about legal education, the legal profession, teaching and assessment tools, and other areas.

None of these ideas are set in concrete. Our Executive Committee is eager to see the feedback we receive from our survey (see page 10). That will give us an idea of how we can best plan to meet the broader community's interests and needs. For some people, it may be enough just to attend the program at the Annual Meeting. For others, we hope to provide a variety of options for more intensive involvement.

What kind of collaborations can we expect from the section?

JW: We're trying to build bridges with other organizations such as AccessLex (formerly Access Group) and LSAC, both of which are crucial institutions that have been doing important research. Not everyone is used to looking for research on legal education, or related work by scholars who are writing in fields removed from legal education. We'd like to make it easier for colleagues to tap into these resources.

Simply sharing embryonic ideas among one another provides opportunities for collaboration. I don't think it's likely that we will publish research under the name of the section, but we'll try to stimulate people to share ideas and disseminate some of the work that's already being done.

NH: Through the working groups, people can get three to five schools on board with, for example, a survey instrument. Then the data set is much stronger, and they could even seek funding.

Tell us a little about your program at the upcoming AALS Annual Meeting.

JW: Our program will feature an interactive session with short "TED-style" talks from colleagues involved in path-breaking empirical research on topics relating to legal education and the legal profession. We'll start with a panel featuring presentations on crucial issues regarding the legal profession, legal education, and

the bar examination. We'll also be including the leaders of LSAC and AccessLex as panelists in this conversation since they have institutional research agendas that are important for others to understand. This approach provides a way to bring in the cross-cutting conversations we've been emphasizing. After the panel, we will break into discussion groups facilitated by our Executive Committee to get a sense of the consensus top research priorities relating to legal education and the legal profession. The idea is to get people interested and excited in some of the work already being done, and to see how the section is going to support this work. We will also talk about training sessions on empirical methods.

Is there a long-term vision for what you would like the section to become?

JW: In the long term, I have three goals for the section's first five years: first, make people aware that there are ways to design programs that substantially increase bar pass rates, particularly for first-generation students and people of color. Second, establish a national clearinghouse with tools and best practices that schools can use when they're conducting assessment around learning outcomes. Third, we need to build a systematic arrangement for research methods training at a practical price. These goals track well with the initial working groups we plan to convene. While there are many tasks to be completed in each of those areas, my hope is that in five years, we can accomplish at least one thing on each front. That would be a good start.

NH: As we learn where people are energized to contribute, we'll go where the energy flows. If I were reflecting my own interests, I would emphasize the importance of working across our different silos. We all have such similar interests, and it appeals to me greatly to see some concentrated, coordinated efforts around them. One of the biggest challenges facing legal education is going to be breaking down the silos within the institution itself—legal services is moving toward team-based projects, and that's where legal education will need to go as well.



2018 Annual Meeting Hot Topic Programs

Hot topic programs at the AALS Annual Meeting highlight important and timely topics on some of society and law's most pressing issues. These programs were selected by the Program Committee for the AALS 2018 Annual Meeting from proposals submitted by law school faculty.

The Promise and Pitfalls of the Marijuana Justice Act of 2017

Wednesday, January 3, 2018
from 1:30 p.m. – 3:15 p.m.

Senator Cory Booker of New Jersey has proposed bold new legislation to scale back the nation's "war on drugs" and curb racial disparities in the criminal justice system. The Marijuana Justice Act of 2017 (MJA) would repeal the federal prohibition on marijuana and give anyone previously convicted under that ban a clean start. The MJA would also push states to address disparities in the enforcement of their own marijuana bans, by withholding federal grant funds from states that continue to exhibit disproportionate arrest or incarceration rates for marijuana offenses. The panel will draw upon their diverse perspectives to discuss the promise and pitfalls of the MJA as a means to improve equal access to justice. What impact will the repeal of marijuana prohibition have on racial disparities in the criminal justice system? What lessons can be learned from the experiences of states that have already legalized marijuana under state law? Should the MJA also confront racial disparities outside of the criminal justice system? Do minorities have equal access to the economic opportunities now being created by state marijuana reforms? What can the state and federal governments do to ensure such access?



2017 Annual Meeting Hot Topic Program
"President Trump and Freedom of the Press."

Federalism and Sanctuary Cities

Thursday, January 4, 2018
from 10:30 a.m. – 12:15 p.m.

The Trump administration's efforts to target "sanctuary cities" have led to extensive ongoing legal challenges, which raise a variety of important constitutional and policy issues including the extent to which the executive branch can impose conditions on state and local government recipients of federal funds, what kinds of spending conditions count as "coercive" or insufficiently related to the purposes of the grant program they are attached to, and whether federal laws targeting sanctuary cities violate Tenth Amendment restrictions on "commandeering." These cases also involve notable role reversals by both conservatives and progressives. The latter are relying heavily on federalism doctrines traditionally championed by the former. This panel will consider both the specific issues raised by the litigation over sanctuary cities, and the broader implications for constitutional federalism, separation of powers, and immigration law.

Using the Law and Its Enforcement to Address the Overdose Crisis: Emerging Trends and Implications

Thursday, January 4, 2018
from 1:30 p.m. – 3:15 p.m.

With over 100 victims daily and untold human and economic costs, the overdose crisis is one of the most formidable societal challenges of our time. In contrast to prior drug-related crises, this opioid "epidemic" has elicited a response many have characterized by health-oriented, rather than punitive, approaches. It was not until recently that additional attention has been leveled against increasing reliance on criminal law, law enforcement, and coercive tools now being mounted to combat this public health challenge. This panel brings together a group of diverse scholars, all of whom research criminal and other legal strategies to address health challenges. Drawing on brand new empirical analyses, political developments, and recent judicial decisions, the panel will provide interdisciplinary insights and critiques of emerging "hot" trends in legal landscapes, prosecutorial strategies, surveillance programs, and policing interventions increasingly deployed to tackle the overdose crisis. Issues covered will include data privacy in view of expanding government surveillance, reliance on harsh sentencing, empirical

analysis of legal immunity statutes, and the use of discretion in innovative law enforcement programs. A discussion of implications for better calibrated legal tools and policing strategies in addressing the crisis will conclude the panel.

Rethinking Campus Response to Sexual Violence: Betsy DeVos, Title IX, and the Continuing Search for Access to Justice

Friday, January 5, 2018
from 8:30 a.m. – 10:15 a.m.

The Trump Administration recently revised the Title IX process addressing sexual violence on college campuses. These revisions, coupled with a Sixth Circuit decision finding due process protections lacking in a university's Title IX hearing, underscore the importance of ensuring that both victims and accused receive access to justice following allegations of sexual violence. Against the backdrop of these and other current events, this panel considers strategies for rethinking the response from a legal access to justice perspective. As lawyers and legal academics, this topic is important to us, our students, institutions, and society as we strive to find balance between the rights of victims and accused. The voices on this panel offer diverse viewpoints regarding Title IX's role in addressing sexual violence. Panelists will discuss necessary protections for those bringing claims of sexual violence to ensure fair resolution that causes limited harm to these individuals and their educational opportunities, and protections for those accused of perpetrating sexual violence, recognizing that consequences may extend far beyond the classroom. We challenge attendees to return to their campuses and respectfully engage one another to find meaningful solutions to an issue that, thus far, has failed to adequately guarantee access to justice for all.

Law Professors, the Legal Academy, and Controversies Over Free Speech on Campus

Friday, January 5, 2018
from 1:30 p.m. – 3:15 p.m.

Controversies over freedom of speech on American college and university campuses have reached an unprecedented tempo and level of academic and public attention. This program will explore the role and responsibilities that members of the legal academy have when we engage with these controversies as scholars, teachers, public intellectuals, and campus administrators. The panelists will consider such questions as: What unique perspectives or values do we in the legal academy bring to debates over campus speech? When campus protestors assert things like “liberalism is white supremacy” or “the revolution will not uphold the Constitution,” do law professors have a special obligation to explain and defend—to students, the public, and many of our non-law colleagues—the values of free speech and, on public campuses, the law of the First Amendment? Have the perspectives of legal scholars, especially defenders of free speech, been inappropriately privileged in these debates? Have we been open to powerful and reasoned arguments—by our colleagues both within and outside of law schools—that the value of free speech often is associated with various forms of privilege and hierarchy, and is in tension with values of diversity and equality?

The Disaster Narrative and the State

Saturday, January 6, 2018
from 10:30 a.m. – 12:15 p.m.

Three recent event clusters demonstrate that the disaster narrative that shapes contemporary U.S. environmental responses is not working: the impacts of Hurricanes Harvey, Irma, and Maria; Donald Trump's withdrawal from the Paris Climate Accord; and Michigan's March, 2017 federal settlement, which fails to guarantee Flint's water safety until 2020. In each case, authorities deployed the “disaster” (or “emergency”) trope, but it did not effectively illumine the dangers posed by environmental events. Disaster narratives (forms of legal reporting that warn of environmental hazards) seem irreplaceable as movers of necessary policy. Yet the narrative's power can overwhelm legal actors by goading them to find catastrophic risks “beyond imagination.” The narrative also allows authorities to shrug off environmental issues as hysteric and ignore their own roles in compounding damage. Furthermore, vulnerable populations often find their suffering exacerbated by the narrative's essentialism. Speakers will debate the disaster construction and its alternatives on this Hot Topic panel.



**AALS
ON YOUTUBE**



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Continued from page 2

That was not uncommon throughout the country. Happily, over this period we have seen the numbers of women and minority students and faculty increase. Law schools are beginning to reflect what our actual population looks like.

The variety of courses and specializations within law school curricula have increased even in a period of declining enrollment. How have you seen legal educators meet the need for a wide variety of specializations while facing limited resources and budget constraints?

The real pause here in terms of where we are is that we are asked now to do much more with significantly fewer resources. The demands really are greater than they've ever been in terms of the kinds of courses that we ought to be teaching.

“ We are engaged in very fruitful conversations on how we can involve schools outside the U.S. on a more substantive level than has been done before. ”

We have real demand for variety in our curricula—courses that just were not offered 10 to 20 years ago. I glanced through a few law school websites recently and found advanced litigation courses, gender and the law, food and drug administration, cyber law, transactional courses involving real estate and commercial law, health law, law and economics, and disability law. These are all really important areas of the law that have developed over the last two decades.

At the same time, state funding for public law schools has declined tremendously over the last 20 to 30 years. If a public law school today receives 20 percent of its budget from the state, that's quite high and that's viewed as very positive. When I was dean of the University of Arizona (1983–1988), that would've been shocking. We received well over 50 percent of our budget from the state, and yet we are now asked to do more, quite appropriately, to have high quality legal education.

Quite a bit is happening with the recognition that these are tight times financially. In some urban areas, we have law schools that are pooling resources such as library materials. Also, if you are a student at one school but see a course in another school nearby that's not offered at your institution, arrangements can often be made to take that course. At major universities across the country, law schools are partnering up with other units on campus to offer courses to not only law students but also students in business schools, history departments, and political science tracks.

We're also seeing concentrations in areas such as environmental law, business law, national security law, criminal justice, and intellectual property.

What are some of the ways that law schools have been working to better connect with the bar and bench? What are the advantages of these connections for faculty and for students?

This has been one of the great successes of modern legal education. We are much less distant from the practicing bar and the judiciary than ever before. The complaint had been for many years that law professors had their heads in the clouds and that we really didn't fully understand what the practice of law is like.

Frankly, the complaint had something to it. But that is a complaint one does not hear as much anymore. I think there are advantages for both faculty and students to understand what's happening out there and to be able to partner with judges and law firms. Students benefit through internships and externships with practicing lawyers and judges.

There are some programs across the country that are really worthy of note. Many law schools have a “professor of practice” or sometimes referred to as a “professor from practice.” You see folks who go on to the faculty in these positions who had tremendous experience. Some that I know of served as a U.S. Attorney, some were major litigators at international law firms, some court of appeals judges, including at my own school, and they add immeasurably to the program on a long-term basis. On a short-term basis, we see programs such as the “judges in residence” at some schools, in which state and federal judges come to a school for short periods of time, maybe teach condensed courses, give lectures, and meet with students.

Inns of court have developed across the country where students, faculty, practicing lawyers, and judges get together on a regular basis both to socialize and to talk about significant issues related to legal education and practice. I think the benefits of these efforts are great, and there is real progress in terms of involving the bench and the bar with legal educators.

***Before the JD* is a nationwide study led by AALS intended to understand the factors contributing to the decision to pursue a JD or not. Why is it important to hear directly from college and law students about these factors? How can law schools use the information learned from this project?**

We have not understood, and we never tried to understand, why people do choose legal education or do not choose legal education. Frankly, we didn't have to. We were swamped with applications, and they just kept coming from highly qualified prospective students. That has not been the case for the last 10 years. And I think the AALS initiative on this, led by our



executive director Judith Aren, is a superb effort to try to understand what is happening with young people going into advanced degree programs, both in law and elsewhere.

To a certain extent, it's the flip-side of what the ABA Foundation and NALP did some years ago with their *After the JD* project. That has been very useful in providing information on what lawyers do after they graduate from law school: their success levels, their satisfaction rates, where they go, what salaries look like, and what their career paths are. I think it's been quite helpful for all of us in planning for our students.

Our hope now with *Before the JD* is that we can learn a lot about where students get their information and how they make their decisions. If we have that information, we can do a much better job of showing what it is that we do with law school and why legal education is so vital to a working democracy.

With the many stressful demands on law graduates who are practicing law—especially at large law firms—there is a renewed focus on the mental health and well-being of lawyers. What can be done in law school to help future lawyers get the support and help they need to have a successful career and work-life balance?

Bar associations across the country merit praise for recognizing that it is important to focus on the mental health and well-being of lawyers. This is a relatively recent phenomenon and an extremely important one. We need to know why many lawyers are having difficulties both within law school and after law school in terms of their well-being.

I think law schools are now turning to focus attention on it as well. I'll mention three initiatives that are proving successful in this area. One is an informal discussion group where people in law schools get together regularly to talk about stress levels and about how one copes with a very intense educational experience.

Second, the counseling centers at universities and individual law schools offer to engage students in counseling and make clear that there's no stigma involved. I will say this is an area where I have a real stake because my wife is at the counseling center here at the College of William & Mary, though she doesn't see law students. I think it's very important that it be made clear to law students that this is a real opportunity for them to get assistance on a confidential basis.

Third, we've seen an increase in lawyers using mindfulness training. I think is useful for getting lawyers to really pay attention to who they are and try to relieve their stress levels through various kinds of exercises and education. This is spreading throughout the country, and I think it's a very positive sign.

As the legal profession becomes more global, what have law schools done to help prepare students for this more interconnected world?

I think we've done a lot in terms of international and comparative law as well as engagement with lawyers and legal educators across the world. The number of courses offered in this area is up substantially. There was a time when a law school might have only one course in public international law. Those days are gone. Law schools, even small law schools not near major metropolitan areas, offer public international, private international, and comparative law courses.

We also have much more international engagement. We have professors from other countries who visit the United States and offer short courses, or give lectures and meet with students. Our professors go overseas to teach and lecture. I've done that on numerous occasions, most recently in Brazil and Australia. It is beneficial in terms of what you can bring back to your home school as a professor.

U.S. students now have the option of studying all over the world, whether it's a semester away, a year-long fellowship, or a summer program. Our students can go from Paris to Beijing to Oslo to Sao Paulo to Cairo—it's almost unlimited in terms of the study abroad options available for students.

The AALS Executive Committee created a special subcommittee to focus attention on what we in the U.S. face with issues of international and comparative law. And that subcommittee itself established what we call the Transnational Advisory Group, involving leaders in legal education from Australia, Brazil, South Africa, France, among other countries. We are engaged in very fruitful conversations on how we can involve schools outside the U.S. on a more substantive level than has been done before.

Clinical and experiential opportunities have also grown significantly, giving students more hands-on opportunities than in the past. In your view, how has this changed what is taught in the classroom?

I think even saying “grown significantly” understates it quite a bit. I am a big fan of clinical and experiential learning opportunities. UCLA is a large law school in a big metropolitan area. In the fall of 1970, I was one of a few students in their first experimental clinic which was one of the first in the country.

Today, law schools across the country have multiple clinics involving subjects such as immigration law, veterans’ benefits, special education, housing, small business opportunities, and criminal justice. It’s been a great opportunity for our students to have real hands-on education in how the practice works taught by people who really know what they’re doing and are experienced lawyers.

But it’s not just the clinical experience or limited experiential opportunities outside the traditional classroom. Traditional classrooms are changing as well. We now offer many more smaller courses that are linked to skills training. Even in the core courses, we see different techniques being used such as the so-called flipped classroom where a professor can offer materials ahead of time and students teach part of the of the semester. It is a wonderful way for students to learn the material by being the instructor. I use this in my class all the time.

We also have student presenters and small “law firms” gather together to prepare documents and argue cases. It’s just not the way it was. Classes are much more hands-on and connected with the practice, and I think it’s been a real boost for legal education.

These opportunities have also given students an opportunity to address access to justice for individuals and families in need. As “Access to Justice” is the theme of the 2018 Annual Meeting and your presidency, can you discuss why exposure to these issues will help students no matter what area of the law they the practice upon graduation?

I think is important for a number of reasons. We have a special calling and obligation as lawyers. Supreme Court Justice Sonia Sotomayor expressed it very well when she said, “We educated, privileged lawyers have a professional and moral duty to represent the underrepresented in our society to ensure that justice exists for all, both legal and economic justice.”

We do have an obligation. We are privileged to be able to get a law degree in the United States. Focusing on access to justice demonstrates to students what that obligation is and we learn about the struggles and issues of people we would not normally be exposed to.

Last week, as a matter of fact, I taught a course with six students at the regional jail here, “Literature and the Law.” We meet with inmates on a regular basis. It’s a real eye-opener for our students. It’s a different form of access to justice. Not just representation, but showing those who are less fortunate and underrepresented that lawyers in our society care about what happens to them and want to ensure that when they leave the incarcerated situation, they are better off than when they went in. That has a real impact on our students and I believe it should.

What is your outlook for legal education in the next 10 years? What can law schools look forward to?

My crystal ball is pretty cloudy right now. I’m not sure I could have predicted what happened over the past 10 years. Still, I believe we will continue to be devoted to our core curriculum. I don’t think we will see many changes there. We will remain focused on doing what we do best: develop critical thinking and problem solving among our students. We will accelerate the emphasis on the obligation of lawyers to serve our community no matter what kind of practice they are engaged with. There is so much going on now with law schools about how we teach, what we teach, who will teach, that it’s hard to say where we are moving. There have been many changes over the past decade. I would say stay tuned! There is much more to come.



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Faculty Perspectives: Lawyers as Heroes

Excerpts from Dean Blake D. Morant's speech to the ABA House of Delegates as a member of the ABA Committee on Issues of Concern to the Legal Profession

I have been a lawyer now for over 35 years and a member of the ABA for most of those years. In addition to serving as dean of The George Washington University Law School since 2014, I served as president of the Association of American Law Schools in 2015 and continue to work with AALS to support its mission. We encourage all of us to be heroic lawyers. Our charge is to educate the public on the true value of lawyers, why they are important in today's society, and how lawyers give back to society—which is a historical part of the profession and defines us in many ways.

I've had opportunities to speak at venues all over the world about legal education and our profession. We have an image problem. You've likely known we have an image problem for years because we've all heard those lawyer jokes. We tend to be the target of those jokes more so than any other profession. I've had a bad doctor before and I was just at the dentist's office about a week ago, and the visit was very painful. Those professions are not defined by the worst in them. Somehow, ours is, and I think that is a perception we must fight.

I am sure many of you recall the movie "Jurassic Park," which I saw in a crowded movie theater. There is one scene in which a T-Rex chases a Jeep with four individuals in it, one of whom is a lawyer. The lawyer is the first person devoured by the T-Rex. When the T-Rex swallowed the lawyer with one gulp during the viewing I attended, the entire theater erupted in applause. I think this cultural trope reveals much about what defines our profession, and I believe it is an unfair categorization.

We have come to a point over the last seven years where we can no longer be cavalier about our image. I became dean of Wake Forest University School of Law in 2007, and the next year came the Great Recession. It was a cataclysmic moment which has changed our profession profoundly, and it caused a panoply of deconstruction about our profession and who we were.

I'm sure many of you recall the articles in *The New York Times* around 2011 about law schools—how tone-deaf they were about what was happening, and that they were still admitting too many students. Indeed, the *Times* interviewed many of us and said that there were far too many lawyers out there. And they published article after article after article.



Blake D. Morant, Dean, The George Washington University Law School and 2015 AALS President

At every single meeting I went to with alumni, they asked me about those *Times* articles. At my national meeting of deans, I did a canvass to find out who in the room either failed to admit the author or gave him a bad grade when he was in law school because that was his *cause célèbre* to us all. Between that and the recession, we have found ourselves in the midst of a changed environment.

Why is this environment so important with regard to who we are as lawyers and what this profession means?

We must concentrate on our image because too many of the best and brightest are no longer considering law school as an option. I know we could now have a very spirited debate on whether that is a bad thing, but I'd still wager it is of great concern to every single academic and it should be of great concern to us as professionals. When the best and brightest are no longer considering law school, that means our profession in the future will no longer have their talent and vision.

“ Let's educate the public that our profession is one that not only represents its clients, but also has upheld this nation. ”

Having spoken all over the world, one thing I have realized is that in the global market in which we now operate, legally-trained individuals who know critical thinking skills, creatively solve problems, and understand the requirement of working with a variety of different constructs in order to come up with an arrangement that works, are exactly what this world needs.

There are many examples out there of heroic lawyers. There are so many things we can do to trumpet those particular narratives.

I grew up in Hampton, Virginia with a single mother who wanted me to do as many different things as I possibly could. I remember there was a lawyer in town—the only African American lawyer in

the city of Hampton, named Al Smith. Al Smith was a civil rights lawyer who fought many of the battles of some of the famous jurists you heard other speakers talk about today. And he fought those battles in Hampton at his own peril. He struggled to feed his family based on what he earned. Still, he took it upon himself to mentor my Boy Scout troop and many of the schools out there. I dare say I would not be standing before you now if it weren't for Al Smith. He is a hero.



When I became dean of Wake Forest University Law School, one of the prominent law firms in Winston-Salem adopted the Cook Elementary School—an inner-city school with the lowest scores of any school in town. After the law firm adopted the school and raised money for it, the scores went way up. The thing that really impressed me was that the firm would invite the fifth-grade class over to their offices once a month for a formal sit-down luncheon to acquaint the students with the kinds of things they should look forward to as they conducted their studies. Once, they asked me to speak at that event.

I have spoken at many venues before. I was nervous speaking in front of those fifth-graders because my task was to inspire them to study. The president stood up to introduce me and said, “I have the pleasure of introducing you to Dean Blake Morant. I don’t know what deans do, but they sound like principals. So apparently all of the teachers do what he says. The parents all support him. And whenever he asks for money, people give it to him.”

I thought to myself, “I should invite this person to my faculty meetings and alumni events!”

But I’ll never forget that speech. I told the students that studying gives you much of what you need in order to advance your life.

At the end of the day, I left an alumni event downtown and was exiting the parking garage. As I presented my ticket to the young lady who was there to take it, I heard a little voice. And this little voice said, “Hi! Hi! Remember me? You spoke to my fifth-grade class. I’m here. I’m studying. I plan to do a lot with my life.” His mother said, “I couldn’t find a babysitter tonight and I had to bring him with me. And when I brought him with me he said, ‘Momma, I got to take my book because I have to study because I want to do more with my life.’” It’s really one of the most touching things I have ever heard. These are the ways that lawyers impact lives.

I’m sure all of you have given of yourselves in your communities—not just in your practice, but outside of your practice. I could tell you about many attorneys who have mentored individuals, joined boards, run for offices, started nonprofits, and given back to their societies. Earlier, you heard a quote from Sir Thomas More. In 2003, I had the pleasure of giving the Sir Thomas More Lecture in Canterbury, England. He said the mark of a very good lawyer is an individual who not only represents his client, but who also finds ways to uplift his society.

What I implore all of you to do is to join with me and with AALS. Let’s educate the public on why legally trained individuals are more valuable to our global society than ever before.

I close with this: Earlier, you heard a mention of John Adams, the second U.S. president. If you haven’t had the chance, read David McCulloch’s biography of John Adams. In the first couple of chapters, he talks about why Adams became a lawyer. His father wanted him to become a minister. Adams, when he went to Harvard, said he wanted to be a teacher. But then, as he recalls, he was going to school when our country was really beginning its democracy. He knew with our fledgling nation, with a democracy, that we were going to need individuals with the skills, the various types of training, the know-how, and the knowledge about doctrine to usher in this democracy and to make it a beacon for other countries. “Therefore, I must become a lawyer,” he decided. And lo and behold, we see, as one of our country’s founders, what he has begotten.

Join with me. You, too, are heroes. You, too, are working beyond your clients. You, too, are giving to your particular societies. Let’s educate the public that our profession is one that not only represents its clients, but also has upheld this nation. Lawyers are the future of a modern democracy. Telling our story ensures the integrity not only of our profession, but of the greatest democracy on earth. Thank you very much.



AALS LEGAL EDUCATION NEWS WEEKLY DIGEST

Since late 2014, the association has been collecting news articles related to legal education, higher education, and the legal profession. AALS now has a feature where faculty, staff, and the general public can subscribe to a weekly email digest to get those stories sent directly to your email inbox. Just follow the instructions on the right hand side of the Legal Education News page at www.aals.org/news to sign up for the weekly emails.

AALS Announces 2018 Scholarly Papers Competition Winners

The Association of American Law Schools proudly announces the winners of the 2018 AALS Scholarly Papers Competition for law school faculty members in the field for five years or fewer.

The competition's selection committee recognized the following outstanding papers:

Winner

Aaron Tang, Acting Professor of Law, University of California, Davis School of Law
"Rethinking Political Power in Judicial Review"

Honorable Mentions

William Ortman, Assistant Professor of Law, Wayne State University Law School

Daniel Epps, Associate Professor of Law, Washington University in St. Louis School of Law
"The Lottery Docket"

Andrew Verstein, Associate Professor of Law, Wake Forest University School of Law
"The Jurisprudence of Mixed Motives"

In the winning article, Professor Tang acknowledges the dimming prospects of the often-discussed model of judicial review under which courts would intervene more aggressively to strike down laws that burden politically powerless groups. He argues that courts should nonetheless be attentive to cases on the other side of the spectrum, where democratically enacted laws burden politically powerful groups. In those cases—which include challenges brought by corporations to economic regulations under the First Amendment, as well as challenges to gun control laws under the Second Amendment—the fact that the burdened groups enjoy great political influence should caution judges to apply greater deference to legislative judgments. The draft article is available on the Social Science Research Network (SSRN) and will be published in *California Law Review* in late 2018.

"I am grateful to receive this honor and humbled to join the ranks of the many accomplished scholars who have had their works recognized by the committee in previous years," Professor Tang said. "I have always read the papers chosen by the committee with great admiration, and I hope that someday, like those previous selections, my work can make a meaningful contribution to the field of legal scholarship."



Scholarly Papers Presentation at the 2017 AALS Annual Meeting

In the first of two honorable mention selections, "The Lottery Docket," professors Ortman and Epps propose the creation of a supplemental docket for the U.S. Supreme Court, comprised of cases selected at random from the final judgments of circuit courts. The authors argue that decisions made on these cases not selected directly by the court will lead to improvements in the U.S. legal system. The draft article is available on SSRN and will be published in *Michigan Law Review*.

The second honorable mention selection, "The Jurisprudence of Mixed Motives," looks at how various areas of the law analyze the complex issue of motive and determines the four most common motive standards. Professor Verstein provides an in-depth examination of motivations in the law, from Equal Protection and employment discrimination to insider trading and income taxation. The draft article is available on SSRN and will be published in *Yale Law Review*.

The AALS Committee to Review Scholarly Papers for the 2018 Annual Meeting included distinguished legal scholars from around the country:

- H. Kent Greenfield, Boston College Law School, **Chair**
- Alfredo Garcia, St. Thomas University School of Law
- Scott Gerber, Ohio Northern University, Pettit College of Law
- Alli Larsen, William & Mary Law School
- Jenny Roberts, American University, Washington College of Law
- Jamelle Sharpe, University of Illinois College of Law
- Rebecca Tushnet, Harvard Law
- Christopher Walker, The Ohio State University, Michael F. Moritz College of Law

The award will be presented during the 112th AALS Annual Meeting, January 3-6, 2018 in San Diego.



ANNUAL MEETING SPEAKERS BY THE NUMBERS

At the 2018 Annual Meeting, more than **950** speakers will present at over **230** sessions.

In the last five years:

34.6%
of all speakers are
first-time speakers

59%
of all speakers are first- or second-
time speakers

54%
of law school speakers are first-
or second-time speakers

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AALS Calendar

2018

Annual Meeting

Wednesday, January 3 – Saturday, January 6
San Diego, CA

Conference on Clinical Legal Education

Sunday, April 29 – Wednesday, May 2
Chicago, IL

Workshop for New Law School Teachers

Thursday, June 7 – Saturday, June 9
Washington, DC

Faculty Recruitment Conference

Thursday, October 11 – Saturday, October 13
Washington, DC

2019

Annual Meeting

Wednesday, January 2 – Sunday, January 6
New Orleans, LA

Conference on Clinical Legal Education

Friday, May 3 – Tuesday, May 7
San Francisco, CA

Faculty Recruitment Conference

Thursday, October 3 – Saturday, October 5
Washington, DC