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Law Schools and Civic Education

By Vicki C. Jackson, AALS President and Thurgood Marshall Professor of Constitutional Law, Harvard Law School

Civic education is foundational in constitutional democracies and can be accomplished in many ways—but, however it is accomplished, civic education depends on knowledge of basic institutions established under the law of the Constitution. Without a public knowledgeable of the practices, institutions and attitudes that support constitutional democracy, maintaining the commitments of both law and democracy becomes much more difficult.



Danielle Allen, James Bryant Conant University Professor at Harvard, describes a “disinvestment” in civics education over the last half century. Professor Allen links this disinvestment to declining support for the importance of living in a democracy among young people. (Op Ed, *Washington Post*, Sept. 5, 2019). Scholars of democratic erosion are paying renewed attention to public knowledge, attitudes, “emancipatory orientations” and “prodemocratic values.” (See Ginsburg and Huq, *How to Save a Constitutional Democracy* [2018]). What some political scientists call “countermobilizations” to oppose democratic erosion, are possible only if people know how to monitor and recognize threats to democracy and the rule of law and are also familiar with the mechanisms of successful political mobilization or protest campaigns.

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Nominations for President-Elect and New Executive Committee Members

The AALS Nominating Committee for 2020 Officers and Members of the Executive Committee met in September to consider nominations from faculty members and deans at AALS member schools. The Committee received a number of nominations for the positions to be filled. The individuals they recommend are not only accomplished teacher-scholars, each has also been a highly capable volunteer for AALS. At the Meeting of the House of Representatives at the AALS Annual Meeting in Washington, DC on Saturday, January 4, 2020, the Committee will present these nominees to the House.

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But education for participation in democratic citizenship in a complex republic under the law of the Constitution should not be viewed as the province only of grades K through 12. It calls for knowledge of the basic institutions of government, which find their roots in the Constitution, and of an appreciation of the demands of tolerance, openness, and fairness in a complex and pluralistic society. These are demands with which lawyers, law students and law professors are all familiar. We are thus well-situated (and, perhaps, professionally obligated) to play a role in enhancing a civically knowledgeable public.

In 1953, Professor Paul Freund argued in a lecture at Washington University that the study of law had much to contribute to the “general education” offered by universities. For Freund, the point was not to teach technical aspects of law, but rather the methods of law, and the development of law over time—because, as he put it, “the institutions which are central to our civilization—security of the person, freedom of the mind, ownership, and the intercourse of trade—and which at the same time are the substance of our daily living, are all dependent on a structure of law.” Indeed, while acknowledging other legal methods, for Freund, “the most important of legal methods [is] that of translating into institutions the ideals and purposes of a society,” as exemplified by the career—before becoming a judge—of Louis Brandeis. More familiarity with lawyers’ methods in society might, he suggested, prevent tragic “mistakes of judgment,” because “[i]t is the business of a lawyer to seek for evidence and to ask questions, the questions that go to the heart of the matter.” Amy Gutmann, now President of the University of Pennsylvania, has emphasized the relationship between education and democracy, arguing that “learning how to think carefully and critically about political

problems, to articulate one’s views and defend them before people with whom one disagrees, is a form of” education to “which universities are well-suited.” (*Democratic Education*, 1999). Universities’ obligations to “actively foster students’ understanding of ... democracy’s essential institutions” have been recently discussed by the president of Johns Hopkins University, a former law school dean himself. (Ronald Daniels, “The University’s Covenant with Liberal Democracy,” 2018).

Indeed, an essential aspect of civics education is to develop minds that are critical and inquiring, as well as knowledgeable and well-informed, and the disposition to apply those minds to issues in the public sphere.

Appreciation of the need for “law-related education” about matters of civic concern has extended to earlier years of education, even as older forms of civic education have declined. In 1993 Mark Alexander, then a recent law school graduate who had run a Street Law Clinic and now Dean of Villanova University Charles Widger School of Law, surveyed the existing landscape of “law-related education” (LRE)—that is education about law and legal process that enables people without legal training or law degrees to better understand their rights and their governments, and how to protect their rights and participate effectively before representative organs of

government, before administrative or executive bodies, and in courts. As he explained, in addition to teaching basic aspects of law itself, “LRE programs provide citizenship education and training in critical thinking skills... . LRE encourages participation in, understanding of, and general respect for our system of laws. ... The development of critical thinking skills helps students resolve the difficult challenges which lie ahead. In addition, students learn values-sorting skills which help them address the value-laden problems they confront in their daily lives. When they achieve these major goals, LRE programs empower students and help create a more aware citizenry.” He contrasts such appropriate forms of civic education with inappropriate efforts, in some older approaches, to “impose narrow moralistic and nationalistic control over schools, teachers and students.” Indeed, an essential aspect of civics education is to develop minds that are critical and inquiring, as well as knowledgeable and well-informed, and the disposition to apply those minds to issues in the public sphere.

Alexander argued for a coherent law-related education program that would run every year from grades K through 12—rare, then and now. But one might expand on his idea and conceptualize civic education as an ongoing, life-long form of education in the practices, institutions, and attitudes of members of a successful constitutional democracy. Indeed, it is important for legal educators and the legal profession to engage with these issues—including examining constitutional democracy as a form of governance compared with others; as noted above, survey data suggest that the commitment of younger generations to democracy as a form of government is in decline and scholars are raising concerns about democratic “retrogression” and threats to the rule of law.

The need for civic education is not limited to university students or to students in grades K through 12. Civic education in various forms can be helpful to people of all ages, to develop or reinforce the habits of mind and action of democratic citizens. These include expecting to be treated and to treat others with equality; respecting the rights of those with whom we disagree to have their say; working to make the rules of political elections fair, inclusive, and determinate; respecting lawful means of resolving disputed questions; and taking responsibility to sustain the institutions of constitutional democracy and to help fix injustice or malfunction in those institutions or in society. Lawyers, law faculty and law students will find many opportunities to participate in this form of lifelong education, both as teachers and learners. Even those most well-versed in constitutional law and the institutions of government need to continue to learn, as significant aspects of their functioning may change through technology, mass movements of people, or new political approaches, and thus require new critical thinking and responses.

Many law schools are engaged with forms of civic education. Street Law programs have become quite widespread, after beginning at Georgetown University Law Center in 1971-72. The core idea has remained constant: law students are trained to and then teach public school students about legal issues of relevance to their lives. But today Street Law includes not only the law students who teach in the program, and their public school students, but also law firms, corporate legal departments, and police officers who participate in various Street Law programs. The current 9th edition of the Street Law textbook—*Street Law: A Course in Practical Law*—includes materials on what law is, lawmaking, advocacy, settling disputes, lawyers, crime and

criminal procedure, juvenile justice, consumer law, tort law, family law, and individual rights and liberties as well as contemporary issues of immigration, intellectual property, law and terrorism and employment law. Writing in 1993, Dean Alexander found at least 38 different law schools had Street Law programs. This year (as of research done in January 2019, on ABA-approved law schools), 92 schools have such programs.

Another 13 schools that do not have Street Law programs have adopted a Marshall-Brennan Constitutional Literacy program. Founded at American University Washington College of Law in 1999, this program focuses on placing second- and third-year law students, as well as LL.M. students, in public “high schools to teach yearlong courses in constitutional law and oral advocacy.” A total of 19 law schools have a Marshall-Brennan Constitutional Literacy program. So, 105 of the 204 law schools surveyed have student-led civic education activities.

A number of law schools have other forms of civic outreach. For example, Indiana University at Bloomington has a program called “Outreach for Legal Literacy,” which connects students at the Maurer School of Law with elementary school students in Monroe County, in a program that emphasizes active learning and a mock trial. Samford University Cumberland School of Law has a program connecting law student volunteers with high school and middle school students to prepare for simulated congressional hearings. Individual faculty initiatives contribute; for example, Martha Minow at Harvard taught a reading group in which law students prepared a civic engagement curriculum for public school students. And the Law School Admission Council recently offered a one-hour webinar



on “Civic Education in Law” (Sept. 16, 2019), with Kellye Testy (LSAC CEO) and Ken Randall (iLaw President) interviewing Dean Danielle Conway (Penn State Dickinson); Dean Elena Langan (Touro); Dean Donald Tobin (Maryland); and Dean Verna Williams (Cincinnati). Many valuable insights were offered, including Dean Conway’s comment that “the beauty of the rule of law” is that “[t]he rule of law belongs to all of us.”

But could we in legal education be doing more? Is our society in urgent need of being reminded of, or learning, the histories that led to the creation of the institutions of representative democracy? the separation of powers? written rights protecting even those accused of heinous offenses? rights of equality and due process of law? independent courts? Are those histories, and those legal institutions, still valuable today? Or have the lessons of history and practice changed? However these questions are answered, law schools are good places for the inquiries—and for providing broader forms of civic engagement so that, in our representative democracy, more people have a better understanding of their rights, their governments, their choices, the stakes, and how to analyze them.



Continued from cover

Vincent D. Rougeau – President-Elect

Vincent D. Rougeau has been the Dean of Boston College Law School since 2011. He received his AB magna cum laude from Brown University in 1985 and his JD in 1988 from Harvard Law School, where he was the articles editor of the Harvard Human Rights Journal.



Dean Rougeau practiced at Morrison & Foerster before joining Loyola University Chicago School of Law from 1991-1998. Dean Rougeau served as a professor of law at Notre Dame from 1998-2011, where he also served as Associate Dean of Academic Affairs from 1999-2002. At Boston College Law School, he has helped to reorganize leadership to improve student

services and make a more diverse student body through the improvement and expansion of organizations like BC Law's Center for Experiential Learning and the Global Practice Program.

Throughout his career, Dean Rougeau has taught first-year contracts, real estate transactions, and seminars in Catholic social teaching and immigration and multiculturalism. His current research and writing centers around the connections between religious identity and democratic citizenship in societies in increasingly multicultural societies. He has extensively studied Catholic social thought, and he has applied his research and studies in his book *Christians in the American Empire: Faith and Citizenship in the New World Order*, which was published by Oxford University Press.

Dean Rougeau has been involved with AALS in several capacities, including as a member of the Executive Committee from 2016-2019. He also currently serves as the chair of the AALS Deans Forum Steering Committee. Dean Rougeau also served on the Planning Committee for the 2018 Deans Forum Program at the AALS Annual Meeting.

Dean Rougeau is a member of the Council for the Boston Bar Association. He is also a member of the American Law Institute. He currently serves as a Senior Fellow at the Centre for Theology and Community (CTC) in London doing research about broad-based community organizing, immigration, and citizenship in the UK as part of the Just Communities Project, a collaboration between Boston College and the CTC.

Austen L. Parrish – Executive Committee

Austen L. Parrish is the current Dean and James H. Rudy Professor of Law at Indiana University Maurer School of Law. He is a graduate of the University of Washington (BA, 1994) and Columbia University School of Law (JD, 1997), where he was a Harlan Fiske Stone Scholar. Prior to entering the academy, he was an attorney at O'Melveny and Myers in Los Angeles. Before joining Indiana University, he held a variety of positions at Southwestern Law School in Los Angeles, including interim dean and CEO, vice dean, and the Irwin R. Buchalter Professor of Law.



Dean Parrish has taught a wide variety of courses throughout his career, including Civil Procedure, Constitutional Law, Federal Courts, Transnational Law, International Environmental Law, and Public International Law. His research and teaching interests primarily focus on transnational law and transnational litigation. He has co-authored two books, written many scholarly articles, and been published in leading law reviews.

Dean Parrish is the current chair of the AALS Membership Review Committee and served as a member of the faculty/programming committee for the AALS 2019 New Deans Workshop. He is a member of the board of directors at AccessLex Institute and was appointed to the Study Commission on the Future of the Indiana Bar Examination in 2019. Previously, he served as a member of the Indianapolis Bar Association's Bar Exam Improvements Task Force. Southwestern Law School's Alumni Board awarded him with the Outstanding Friend Award in 2014, and in 2018, he was named Class of 1942 Wells Scholars Professor.

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Melanie D. Wilson – Executive Committee



Melanie D. Wilson is the Dean and Lindsay Young Distinguished Professor of Law at University of Tennessee College of Law. Dean Wilson is a graduate of the University of Georgia with a degree in journalism (BA, *magna cum laude*, 1987) and University of Georgia School of Law (JD, *magna cum laude*, 1990), where she was a member of the Order of the Coif. Before entering the academy, Dean Wilson clerked

for a federal district court judge and practiced in both the public and private sectors for 13 years. Additionally, she served as professor of law, associate dean for academic affairs, and director of diversity and inclusion at the University of Kansas School of Law. She was previously

an adjunct professor at Emory University School of Law and an associate professor at Atlanta’s John Marshall Law School.

Dean Wilson has taught a variety of courses, including Criminal Procedure, Criminal Law, and the Art of Advocacy. Wilson has co-authored several books about criminal procedure, her most recent being *Gilbert Law Summaries, Criminal Procedure, 19th Edition* with past AALS President Paul Marcus. She has also authored numerous essays and articles about criminal law and procedure. Dean Wilson was a member of the AALS Nominating Committee in 2017-18. She also was a speaker at “Gender Disparities in the Federal Justice System,” at the AALS Workshop on “Women Rethinking Equality,” in June 2011. Dean Wilson is actively involved in the legal community of Tennessee and is a member of both the Tennessee Lawyers’ Association for Women, Marion Griffin Chapter and the East Tennessee Lawyers’ Association for Women. She received the Howard M. and Susan Immel Award for Teaching Excellence at the University of Kansas School of Law in 2011. She was also named Outstanding Woman Educator of 2015 by the University of Kansas.



Keep up with the latest ideas in legal education with new AALS services

AALS launches new listing of faculty books and blogs to complement news digest and calendar of law school symposia.

AALS has launched a few new services to assist faculty in following the latest ideas in legal education.

In addition to a weekly AALS Legal Education News Digest, faculty now can subscribe to a digest of blog posts about law schools and legal education.

An archive of blog posts and subscription information can be found at www.aals.org/blogs.

AALS also has launched a list of scholarly books by law faculty at www.aals.org/faculty-books. The page contains brief descriptions of each book published this year, as well as directions on how faculty can submit books to be included on the page.

Law faculty can also find a continuously updated listing of conferences, panels, and symposia hosted at law schools at www.aals.org/law-school-symposia. The page contains links to events by month and information on how to submit your school’s events. AALS also emails the calendar to law faculty regularly throughout the academic year.



Spotlight on Sections

AALS sections provide opportunities for law school faculty and staff to connect on issues of shared interest. Each of the associations 104 sections is focused on a different academic discipline, affinity group, or administrative area. For a full list of sections and information on how to join, please visit www.aals.org/sections.

As part of the ongoing “Spotlight on Sections” series, AALS sat down with the leadership of the Section on Law, Medicine, and Health Care and the Section on Family and Juvenile Law.

Q&A

Law, Medicine and Health Care

By Barbra Elenbaas and Alyssa Greenstein

The Section on Law, Medicine and Health Care promotes the communication of ideas, interests and activities among members and makes recommendations to the Association on matters concerning law, medicine and health care.

Chair: Roy G. Spece, Jr., The University of Arizona James E. Rogers College of Law

Chair-Elect: Ruqaiijah A. Yearby, Saint Louis University School of Law

What can you tell us about the membership of your section and what work they do?

Ruqaiijah Yearby: Our members are diverse in the sense that they focus on many different areas including: biotech work, health care as it relates to disability or race discrimination, poverty law, and public health law. Many of our members are women. Also, many of us have been teaching for 10 or more years.

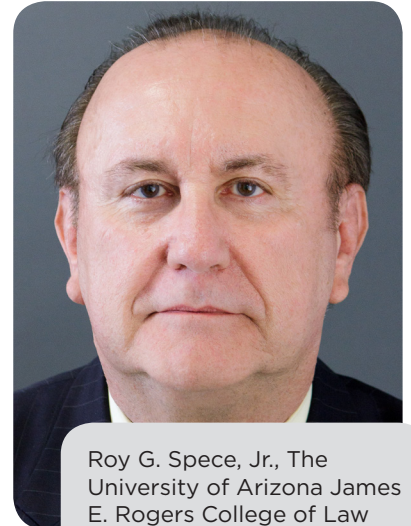
Roy Spece: You can see our diversity in the programs we’re planning for the upcoming 2020 Annual Meeting. We have a joint program with the Section on Poverty Law and we have co-sponsored programs with sections that cover law and sports, torts and compensation systems, evidence, and biolaw. Health law and law and medicine overlap with so many different areas.

RY: I’m particularly looking forward to our program with the Section on Poverty Law because we’ve not only

worked to bring in great speakers on issues around social determinants of health, but [we’ll also] talk about teaching. I think that’s important—sometimes we focus on the scholarly side more than how we can support students to learn and become good lawyers in these areas. I’m also particularly looking forward to our program with the Section on Biolaw focusing on Biological Innovation because it’s becoming a significant part of law and technology.

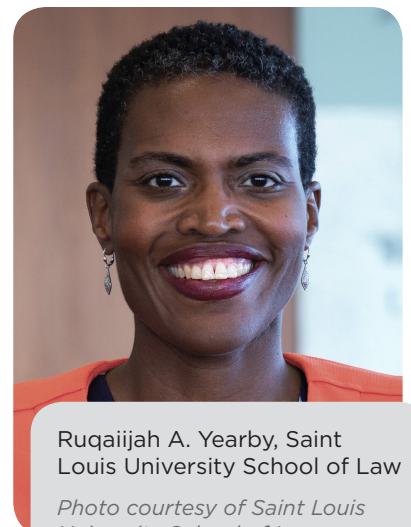
What do you see as some of the most pertinent topics in the future of law, medicine, and health care?

RS: From my personal perspective, my work is the intersection of constitutional law and bioethics. I had the first casebook in bioethics and law (with Michael Shapiro), and it covered all the areas of bioethics, e.g., behavior control, death control, genetic control, reproductive control, and human enhancement. I’m currently interested in the implications of advances in neuroscience, and I’m



Roy G. Spece, Jr., The University of Arizona James E. Rogers College of Law

Photo courtesy of The University of Arizona James E. Rogers College of Law



Ruqaiijah A. Yearby, Saint Louis University School of Law

Photo courtesy of Saint Louis University School of Law

working with a neuroscientist professor at our medical school on a paper looking into whether there is a First Amendment protection of “thoughts.” There have been several articles on this, but nobody has gotten deep into

the question of “what are thoughts?” This neuroscientist says [a thought is] just an energy exchange with communication, for which you don’t need a human, a body, or a mind. Neuroscience is one field that’s really exploding, and that’s why I brought him in. I’m learning about new brain stimulation techniques, both external and implanted, that are used for various purposes on individuals and groups. He says you could beam information from satellites to affect the minds of people who are down on the ground—not just individuals, but also groups. It’s like science fiction.

RY: Artificial intelligence and how AI will impact the field is another topic. Additionally, I think access to health care is important and how we’re going to support people being and staying healthy. Medicare for All is in the news every day, and to me that’s the first step to a discussion of whether we are going to provide some kind of health insurance that will cover all or a wide range of people. I think many issues will continue to be raised in the course of this election and beyond, because you can’t expect people to be healthy without access to healthcare.

How has the conversation about law, medicine, and health care changed in response to the current administration?

RS: There seems to be more focus on the issues Ruqaiijah outlined. I’m learning, too, because traditionally bioethics as a discipline has been criticized from both within and without for focusing too much on individual rights and autonomy as opposed to looking at social goods such as access to health care. I’m learning more about that because it’s maddening for me to watch these debates and the current dialogue. I think the focus within bioethics has expanded, at least within the last several months.

RY: We’re no longer necessarily having conversations about costs versus benefits. Right now, it’s more of a focus on whose rights are supreme. It seems we’re moving more and more towards limiting access to health care based on religious rights. Furthermore, instead of focusing on increasing access to health care, we subsidize advances in science because we believe this will lower costs.

We’re no longer having conversations about costs versus benefits. Right now, it’s more of a focus on whose rights are supreme.

– Ruqaiijah Yearby

What are some conversations happening right now in legal education regarding law, medicine, and health care?

RY: People are focusing on the overlap of legal areas, such as health law, criminal law, employment law and poverty law. Increasingly, we’re seeing people who teach health law focus not only on what we traditionally think about in terms of bioethics, but also teaching about health care finance or health care regulation and discussing how it impacts people’s lives. We see a lot of people moving towards training for medical and legal partnerships. However, there is still a need for interprofessional training and the development of working relationships with other professionals (social workers, physicians, and public health professionals) to understand how other factors impact law and your client’s health.

RS: At our school, we have a Bachelor of Arts in law for undergraduates and I teach a survey course in that program which combines the main areas of health law as it’s often framed in public health, bioethics, financing, and liability. There’s a lot of interest among the undergraduates, and even if they don’t go into law, this will be another intelligent group who can add to the discussion.

How does your section support the scholarship of your members?

RY: We are current working on partnering with the *Journal of Legal Medicine* to provide an opportunity for the speakers chosen for our panels to publish. I think the biggest thing that we’ve done for the last few years is host a works in progress session for junior scholars, to give them an opportunity to present and get feedback on their work. We assign experienced readers to give feedback to each of the authors, but other members also read the work and give their feedback.

We also have a service award that is now focused on junior faculty who have been teaching for 10 years or less. Hopefully, this can be used as an accolade noted as part of their tenure progress.

What changes have you seen to law school curriculums at your school since the section began?

RS: My school is fairly small, so there was a time when I alone was the law and medicine program. Then we brought in Christopher Robinson, now our dean for innovation and research, who has enriched the curriculum and teaches a lab where people can learn how to do empirical work. That’s a major advancement. The undergraduate specialty course I think is another advancement. Some larger schools, like the University of

Houston Law Center, have about 40 different courses—there’s a lot that can be done, but you have to have the resources.

RY: I would like to see more interdisciplinary work with other groups outside of AALS, such as the ABA section on Health Law. As Roy said earlier, we’re discussing science technology more and more. I would like to see that better integrated in the health law curriculum—in terms of how it changes health law practice, but also how it changes liability issues and how it will impact people’s lives overall. Here at SLU, we’re working across disciplines with psychology, the college of public health and

social justice, and communication to talk about what that will look like in terms of people’s work and their ability to survive. How can we, or how can science technology, address other structural barriers to make that a reality?

What do you see as your future goals and your vision for the section on law, medicine and health care?

RS: I would like to see the section continue its interdisciplinary programs and programs to help younger people advance.

RY: I would like to see our section get more involved with policy and the lawmaking process, whether it’s on the state or federal level, by submitting comments on regulations and proposed legislation. Many members are already doing research that supports lawmaking, so I would like to see the section as a whole do more of that. I want to continue the support of junior faculty but also learn from them, to focus on things that we need to be doing differently for the section.

I would love to partner with other groups that are doing health law, like the American Health Lawyers Association and the American Society of Law, Medicine and Ethics.



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AALS Announces Sections of the Year

AALS Section on Environmental Law and AALS Section on Legal Writing, Reasoning and Research honored for service to law faculty and legal education

The AALS Committee on Sections has named the Section on Environmental Law and the Section on Legal Writing, Reasoning and Research as winners of the third annual AALS Section of the Year Award.

The annual award recognizes excellence in legal education through members activities and support that promote the association’s core values. Such activities include community/pro bono service, expanding membership and member engagement, supporting faculty scholarship, providing mentorship and teaching support, and developing impactful programming.

“The Section on Environmental Law is honored to accept this award,” said Sharmila L. Murthy, Associate Professor of Law at Suffolk University and Chair of the Section on Environmental Law. “We have a vibrant and dedicated leadership team. Our current activities build on the great foundation laid in prior years and the establishment of traditions like having a field trip at the AALS Annual Meeting.”

“The Section on Legal Writing, Reasoning, and Research is elated to be a recipient of the AALS Section of the Year Award. This honor reinforces the importance of legal research and writing in legal education and validates the extraordinary work of the section leadership,” said Wendy-Adele Humphrey, Professor of Law and Associate Dean for Assessment & Strategic Initiatives at Texas Tech University School of Law, and Chair of the Section on Legal Writing, Reasoning, and Research. “From stellar programming at the AALS Annual Meeting to innovative outreach events and diversity initiatives, the section has demonstrated remarkable engagement in AALS and the legal research and writing community. We sincerely thank AALS for recognizing the activities of the section.”

The Section of the Year award will be honored at the Section Leadership 101 session during the annual meeting in January. AALS will begin seeking nominations for the next Section of the Year award in Spring 2020.



Q&A

Family and Juvenile Law

By Barbra Elenbaas and Alyssa Greenstein

The Section on Family and Juvenile Law promotes the development and exchange of information relating to teaching and research in the fields of family and juvenile law and promotes collaborative action among those individuals having an interest in these fields.

Chair: Cynthia M. Godsoe, Brooklyn Law School

Chair-Elect: Kim Hai Pearson, Gonzaga University School of Law

What can you tell me about the membership of your section and the work that you do?

Cynthia Godsoe: Our membership is large with a wide range of people who have been teaching for decades to people new to teaching, to people who teach legal writing, to a fair number of people who teach in clinics. It is great to have a mix of perspectives. There is also a broad geographic range including a few international members.

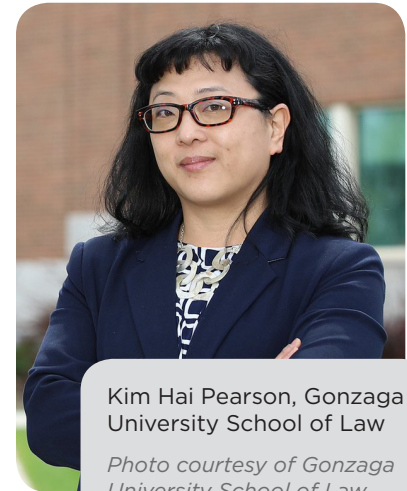
What do you see as some of the most pertinent topics currently and in the future of family and juvenile law?

CG: Marriage equality was and continues to be a big issue. In broad terms, non-traditional families, like non-marital families and LGBTQ families, are big topics in the field. Discussion about different types of parenting is changing the field dramatically. In juvenile law, there is juvenile justice and immigration.



Cynthia M. Godsoe,
Brooklyn Law School

*Photo courtesy of
Brooklyn Law School*



Kim Hai Pearson, Gonzaga
University School of Law

*Photo courtesy of Gonzaga
University School of Law*

Kim Pearson: One of the big things we are talking about for children is trauma-informed care. If children are being protected by their parents or the state, many of those protections fall short of what kids need. I think as we move into a more global community and interact more across different groups, we will see alternative families that fall out of the mainstream idea of familyhood. I think this is an exciting and pressing area of interest.

CG: Equality is a huge issue in childhood, birth, and access to reproductive freedom. That is a huge concern going forward: how different kinds of families and children are treated differently by the state in illegitimate ways.

Do you know what proportion of practicing lawyers are in the area of family and juvenile law?

KP: Not the exact numbers, but at schools in the mid- and low-range based on the *US News* ranking, about 40-60 percent of the graduates will practice family law at some point in their career. The more rural your school is, the more likely your graduates will be going into family law. It is difficult to be exact because many small- and mid-size firms may concentrate in several areas within family law, but they may not call themselves a family law practice.

CG: At my school, a significant percentage go into family and juvenile law. It is one of the most popular classes because it is seen as relevant even if a student doesn't plan to practice in the area. One of the things we focus on during pedagogy panels is better connecting the classroom and practice. Jessica Dixon Weaver, the 2018 section chair, is coming out with a book of simulations that we're all excited to use because it is so related to practice.

What are each of you currently focused on in your scholarly work?

CG: My other area is criminal law, so I just wrote a symposium piece about the #MeToo movement and some of its downsides including juveniles who are prosecuted for sex offenses—which is about a quarter of the people on the sex offender registry. I am also working on a piece about deincarceration and decriminalization in general. Juveniles are a large and particularly problematic piece of it, but it is also particularly promising because there is Supreme Court jurisprudence that juveniles can be charged at a lesser degree. I think that's one wedge into reducing the carceral state: stopping the prosecution of juveniles for fairly normal juvenile behavior.

KP: I am working on domesticating the Convention on the Rights of the Child in the United States through family law courts. A follow-up piece to that will look at identity in the international realm as a theoretical framework for understanding identity in the U.S. so we can better protect constitutionally-protected identities for children in the U.S. A third piece I am starting is the art of suffering and trauma. I'm talking about kids in detention center camps and other places that have experienced crimes against humanity, the artwork that comes from that, and the role of art in advocating for legal reform.

How has the teaching of family and juvenile law changed? What are some important conversations happening regarding the teaching of family and juvenile law?

KP: One big change is more emphasis on experiential learning. The way family law is taught and tested on the bar tends to focus more on family law as a subset of constitutional law, as opposed to the micro-world of family law practice. It's aimed at the macro-level of trends happening in families across the country. What are the relationships between the state and the individual or couples? Having a mix of macro and micro through experiential learning is thrilling, I think.

I think [family law is] one of the most radical and interesting places to explore changes that anticipate what will happen in other areas of constitutional law. I think it's fair to say that family law in general is under-theorized but is now hitting its stride. The field has shifted from the traditional idea of divorce and child custody to intersecting and cross-cutting topics.

Going back to the teaching question, our students are growing up as digital natives. They want to interact

more and are not content to passively accept information. That is a challenge and an opportunity to reach our students in new ways.

When so much of the focus at many schools is outside of teaching, people don't get the support they need. I am glad that we have been able to do more of that.

– Cynthia Godsoe

Do you think that schools have changed how they approach family law in their curriculum?

KP: Even in the short time I've been teaching, family law has gone from a class where you teach people how to divorce and divide up custody, which is very practical and skills-based, to being much more theoretical, influenced by social science and other kinds of critical thinking. It's become more inclusive and shifted to include views about income status, abilities, gender, and race. The picture we can show in case law and the way we present ideas about the law interacting with family is completely different. We have a more holistic view of families and individuals as being touched by the law in many places. Family law is everywhere. Through every time in a person's life, there is some way in which family law touches them. Siloes are helpful in that we can say very quickly what our specialty is, but it's misleading in that law is very holistic.

Could you say more about family law as a bellwether for what may happen regarding other constitutional change?

KP: The easiest example is marriage equality. Over the last 50 years, parenting equality cases have changed the way we think about parenting. In court, you make decisions about the family at hand rather than sweeping social changes in a family's lives. You're dealing with people on the micro-level. Most of the time, you need to figure out what is in the best interest of the child. So, in the past, people had said same-sex parenting is dangerous to children. But over time, they started to see that same-sex parents are not only just as good, but in some cases better. When the question of marriage equality came up on the national scale, people would say things like "what about the children?" And the court could look at the parenting equality cases and see the kids were just fine, which boosted marriage equality activism. People could say that not only were the kids fine, but if that was the only reason stopping marriage equality, then it just wasn't a good enough reason anymore.

When you make these changes over time on the micro-level, it flies under the radar until people need a data set or a prediction of how society will go forward. That's why we're so interested in the erosion of civil rights for children and families at the margin: children with disabilities, who are homeless, children of migrant laborers or undocumented immigrants. What does this tell us about how we will treat them when they're in the country? There are complicated relationships not just with the parents and the state, but also with the state and the children. It's unknown and complex. You get to see change in a lifetime, whereas in many areas of law, change does not happen so quickly.



Section on Family and Juvenile Law session at the 2019 AALS Annual Meeting

To what extent is family law influenced by international law, in terms of concepts of what a family is and what a family looks like?

KP: This is a two-part answer. The first is that the United States was one of the main drafters of the Convention on the Rights of the Child, which is one of the core human rights conventions that every other country ratified. We embedded a lot of ideas about traditional heteronormative nuclear families into this document. It's been 20 years, and we still haven't ratified it. This has influenced our role internationally because it makes it seem like we want people to behave in a certain way but refuse to be beholden to those standards. It's problematic.

The second part is that the one main intersection of international law and domestic law that is really about children: the Hague Convention on children which looks at adoption or children being stolen. More people are seeing that as part of family law, as we see family law touch on immigration and trafficking both internationally and within the U.S. It's a wonderful time to be in family law because we're starting to make more connections in scholarly circles and in advocacy circles. I'm very optimistic.

What does your section do to support scholarship amongst yourselves, broadly speaking?

KP: The section is one of my favorite and most engaged groups that I work with. People are friendly, supportive, and share resources. We meet a lot and do social events, and we stay in touch online. At one point we were even doing a book club and discussion.

We do a lot of informal mentoring, and we have a great network. There are a number of us who moved over from the Feminist Legal Theory Group and the Family Law Scholars and Teachers group. Those groups have had formalized, structured panels with assigned mentors and junior scholars. We want to move toward that in our section. The model works, and it helps people who are often isolated. It gives you an instant community.

What do you have planned for this year's Annual Meeting?

KP: We'll have our business meeting on Friday morning, then we'll do our main program about the erosion of civil rights. We'll do our pedagogy panel in the afternoon on Saturday. Both Cynthia and I are big supporters of the teaching portion of our program. We don't believe in the

hierarchy of substance over teaching. They're not mutually exclusive; they build on each other.

One of my big concerns is making sure that we pay attention to diversity of all kinds. For our main program, I reached out to Minority Groups and Civil Rights and make sure we got several groups involved to address issues like LGBTQ children, foster kids, and children in detention centers. We are also looking at criminal justice, juvenile justice, and families in general.

This year, we applied for and were awarded a generous scholarship and were able to invite a non-law speaker. Dr. Wong is a pediatrician at Stanford who has been part of a team that interviews children in detention centers for trauma, then reports to Congress about the impacts the detention centers are having on children. Having that perspective in our group will make it extra special. We try to make sure we have people who have never presented at AALS before. We also did a call for papers, so we have a mix of people. We're thinking of setting it up as a round table—we'll have a set of directed questions, but most of the time it will be a free-flowing open discussion with audience participation. I think the real magic happens when everyone is generating new ideas and new ways to think about the bigger issue.

What is your vision for the section? What would you like to accomplish?

CG: I feel good about the programs we have. I think teaching is under-explored at professional events, so the pedagogy program is helpful for members. When so much of the focus at many schools is outside of teaching, people don't get the support they need. I am glad that we have been able to do more of that recently.

In the future, I'd like to see more in terms of mentoring. I'm on the board of the criminal justice section, which has a works-in-progress program with mentor-mentee pairs, so people can actually get together to talk about the newer member's scholarship. I think our section should do that in future years. We have an informal mentoring program, but it has never culminated in a concrete session.

KP: I would like to support Cynthia's vision of mentorship, and I would also like that to include reaching out to more international scholars.



Journal of Legal Education Issue on the Latest Innovations and Findings in Legal Pedagogy

The recently released issue 68-2 of the *Journal of Legal Education* focuses on the latest innovations and findings in legal pedagogy. This first issue edited by American University Washington College of Law also explores what legal education can learn from other disciplines.

The following articles on the Latest Innovations and Findings in Legal Pedagogy are:

- "The Deconstructed Issue-Spotting Exam" by Jamie R. Abrams
- "Note-Taking Mode and Academic Performance in Two Law School Courses" by Colleen P. Murphy, Christopher J. Ryan, Jr., and Yajni Warnapala
- "Using Science to Build Better Learners: One School's Successful Efforts to Raise its Bar Passage Rates in an Era of Decline" by Louis N. Schulze, Jr.
- "Teaming Up to Learn in the Doctrinal Classroom" by Jodi S. Balsam
- "Collaborative Learning in the Constitutional Law Classroom: Adapting the Concept of Inevitable Disagreement in Seven Steps" by Angela Mae Kupenda
- "Assessment, Collaboration, and Empowerment: Team-Based Learning" by Melissa H. Weresh
- "Cases and Places: A Field-Based Approach to Teaching Natural Resource and Environmental Law" by Karrigan Börk and Kurtis Burmeister
- "Something Borrowed: Interdisciplinary Strategies for Legal Education" by Deborah L. Borman and Catherine Haras
- "Degree (Un)Equivalencies: The Confounding Case of the Juris Doctor" by Stewart Manley
- "Teaching Law Students about Sexual Orientation, Gender Identity and Intersex Status within Human Rights Law: Seven Principles for Curriculum Design and Pedagogy" by Paula Gerber and Claerwen O'Hara
- "Law Review Articles Have Too Many Footnotes" by Lori McPherson
- "The Introduction of the Law School System and the Structure of the Legal Profession in Korea: Status and Prospects" by Jae-Hyup Lee



In addition, Susan Carle reviews the book *Law and the Unconscious: A Psychoanalytic Perspective*, by Anne C. Dailey.



2020 AALS ANNUAL MEETING

January 2 – 5 | Washington, DC

Newly Announced

Don't miss the following Hot Topic sessions throughout the Annual Meeting:

- Blessed Be The Fruit: Reproductive Rights and Justice in Law and Politics
- Democracy Under Siege: Gerrymandering, Racial Politics and Impeachment
- Impeachment
- Ranking Legal Scholarship: *US News & World Report's* New Metric & Effects on the Legal Academy
- Recent Developments in Regulatory Guidance: How Easily Can Agencies Change Policy in Immigration and Civil Rights?
- The Class Divide: Academic and Practical Strategies for Current Law Students in Serious Financial Need
- The Second Amendment at the Supreme Court and the Future of *Heller*



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AALS Announces 2020 Section Award Winners

AALS is proud to announce the winners of its 2020 section awards for excellence in legal education. The awards are hosted by several of the association's 104 sections. The honorees will be acknowledged during section programming and events at the 2020 AALS Annual Meeting, January 2-5 in Washington, DC.

The 2020 AALS section award winners are:

Section on Alternative Dispute Resolution Best Article of 2018

Donna Shestowsky, University of California, Davis School of Law

Section on Animal Law Excellence in Animal Law Award

Kathy Hessler, Lewis and Clark Law School

Section on Clinical Legal Education William Pincus Award

Paul R. Tremblay, Boston College Law School

Section on Comparative Law Mark Tushnet Prize

Jorge Farinacci, Inter American University of Puerto Rico, School of Law

Section on Criminal Justice Junior Scholar Award

Erin Collins, University of Richmond School of Law

Section on Evidence 2020 Wigmore Award

David Kaye, The Pennsylvania State University-Penn State Law

Section on Jurisprudence Best Article Award

Margaret Jane Radin, University of Michigan Law School
Robin B. Karr, University of Illinois College of Law

Section on Jurisprudence Future Promise Award

Kevin Tobia, ETH Zurich

Section on Jurisprudence Hart/Dworkin Award

John Gardner, Oxford University
Anthony T. Kronman, Yale Law School

Section on Law Libraries and Legal Information Award

Michelle Wu, Georgetown University Law Center

Section on Law, Medicine and Health Care Community Service Award

Leo Beletsky, Northeastern University School of Law

Section on Law and Mental Disability Distinguished Service Award

Elyn Saks, University of Southern California Gould School of Law

Section on Law and Religion Harold Berman Award for Excellence in Scholarship

Mark Storslee, The Pennsylvania State University-Penn State Law

Section on Law and Sports Award

Maureen Weston, Pepperdine University, Rick J. Caruso School of Law

Section on Legal Writing, Reasoning, and Research LWRR Section Award

Grace Tonner, University of California, Irvine School of Law

Section on Minority Groups Clyde Ferguson Award

Jerry Kang, University of California Los Angeles School of Law

Section on Minority Groups Derrick A. Bell Jr. Award

Jennifer Lee, Temple University, James E. Beasley School of Law

Section on Pro Bono & Public Service Opportunities Deborah L. Rhode Award

Aviam Soifer, University of Hawaii, William S. Richardson School of Law

Section on Pro Bono and Public Service Opportunities Father Robert Drinian Award

Laurie Barron, Roger Williams University School of Law

Section on Professional Responsibility Fred C. Zacharias Memorial Prize

Michael Moffitt, University of Oregon School of Law
Jessica A. Roth, Benjamin N. Cardozo School of Law

Section on Sexual Orientation and Gender Identity Issues LGBTQ+ Inclusive Excellence Award

Susan Hazeldean, Brooklyn Law School

Section on Student Services Kutulakis Award

Sondra Tennessee, University of Houston Law Center

Section on Technology, Law and Legal Education Award

Michele Pistone, Villanova University Charles Widger School of Law

Section on Torts and Compensation Systems William L. Prosser Award

Anita Bernstein, Brooklyn Law School

Section on Women in Legal Education Ruth Bader Ginsburg Lifetime Achievement Award

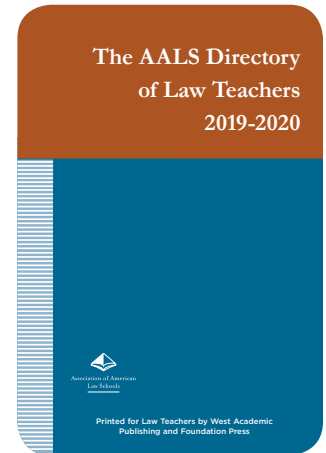
Robin West, Georgetown University Law Center

Update Your Information in the AALS *Directory of Law Teachers*

Copies of the AALS 2019-2020 *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. Log on to dlt.aals.org and update your biography in the *Directory of Law Teachers (DLT)*. Any updates you make to your information will appear in real time in the searchable online application.

You can view listings by name or by school in the online *DLT*, but the new search function can do much more. Sort faculty members by subjects taught, currently teaching, years teaching, and seminar offerings, among other categories. You can also cross-search for multiple faculty and multiple subject areas at the same time.

You can also limit the information shared in your listing. Simply log on and adjust your privacy settings to reflect the amount of information you would like to be available online.



AALS Calendar

Annual Meeting

Thurs., Jan. 2 – Sun., Jan. 5, 2020, Washington, DC

Tues., Jan. 5 – Sat., Jan. 9, 2021, San Francisco, CA

Wed., Jan. 5 – Sun., Jan. 9, 2022, New York, NY

Faculty Recruitment Conference

Thurs., Oct. 15 – Sat., Oct. 17, 2020, Washington, DC

Conference on Clinical Legal Education

Sun., May 3 – Wed., May 6, 2020, Orlando, FL

Workshop for New Law School Teachers

Thurs., June 4 – Sat., June 6, 2020, Washington, DC

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