



Twenty-First Century Legal Education: Debunking Myths and Misconceptions

By AALS President
Blake D. Morant

These are challenging times for legal education. Since the Great Recession of 2008, law school applications have declined amidst an increasingly competitive job market for graduates. Stories of doom and gloom about the state of higher education seem to dominate the news, much of that coverage focused on law schools. Recent years have been marked by a seemingly non-stop tide of negative press about the efficacy of a law degree, coupled with ubiquitously pejorative perceptions of practitioners.

There is no question, of course, that American legal education—and indeed all of higher education—is challenged. But the news is not as bleak as it appears. One commonly held



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

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Nominations for President-Elect and for New Members of the Executive Committee

The AALS Nominating Committee for 2016 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 Saturday, January 9, 3:30 p.m., the committee will present the following nominations:

President-Elect

Paul Marcus

Paul Marcus is the Haynes Professor of Law at the College of William and Mary, Marshall-Wythe School of Law. He received an AB and JD from the University of California, Los Angeles.

Professor Marcus joined the faculty at William and Mary Law School in 1992, having previously taught at the University of Illinois College of Law and served as Dean of the University of Arizona College of Law. Following graduation from law school, he clerked for the U.S. Court of Appeals for the District of Columbia Circuit and later worked at Loeb & Loeb LLP in Los Angeles. Over his career, Professor Marcus has been a visiting

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misconception espoused by the media is that there are too many lawyers: why mint so many more?

The increasing complexity of a global market demands outstanding lawyers who not only represent their clients, but also confront and shape the most significant challenges and issues of our day. A legal education advances not only individual goals, but society as a whole, by producing well-trained professionals with the critical thinking and creative problem-solving skills to become 21st century leaders and innovators. Moreover, there remains an enormous demand for legal representation for the underserved throughout the nation. Increasing access to affordable legal services is an area where American legal education can—and must—make an impact.

Another frequently heard myth is that law schools are not keeping pace with the changing world. There is not a single law school I know of that is not innovating to prepare students for the new world that awaits them. Examples of these innovations include steadily increasing numbers of externships and internships, the implementation of flexible and accelerated degree programs, a growing focus on experiential and international opportunities, and professional development courses that provide students with the tools to excel in today's global marketplace.

Current challenges facing American legal education have opened the door to new opportunity and the legal academy is meeting those challenges head on. A long road lies ahead, but the American legal academy continues to move in the right direction, ensuring a bright future for all.



Blake D. Morant

AALS President

Dean, The George Washington University Law School

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Paul Marcus, Haynes Professor of Law, College of William and Mary, Marshall-Wythe School of Law

Courtesy of College of William and Mary, Marshall-Wythe School of Law

professor at the University of Geneva, University of Melbourne, University of Puerto Rico, University of San Diego, and the University of Texas.

Professor Marcus has been an active contributor to AALS. He served a three-year term on the AALS Executive Committee from 2011-2013 and on numerous other committees, most recently the AALS Committee on Audit and Association Investment Policy, and the AALS Committee on Research.

Professor Marcus is also a member of the American Bar Association's Committee on the Rules of Criminal Procedure and Evidence, Committee on International Criminal Law, and Committee on Law School Curriculum. From 2004-2007, he served as co-reporter for the National Right to Counsel Committee. He is also the founder of the Literature and the Law Program at the Central Virginia Regional Jail.

His areas of expertise include criminal law, criminal procedure, entertainment litigation, and copyright law. Among numerous books and articles, Professor



Alicia Alvarez, Clinical Professor of Law and Director of the Community and Economic Development Clinic, The University of Michigan Law School

Courtesy of The University of Michigan Law School

Marcus is the author of "Criminal Procedure in Practice" (8th ed., 2014), "The Entrapment Defense" (4th ed., 2009), and "The Prosecution and Defense of Criminal Conspiracy Cases" (7th ed., 2010). He served as co-author of the casebook "Cases and Materials on Copyright and Other Aspects of Entertainment Litigation including Unfair Competition, Defamation, Privacy" (8th ed., 2014).

Professor Marcus regularly serves as advisor to counsel in criminal matters on a *pro bono* basis. He is the recipient of the Distinguished Citizen of the Year Award, University of Arizona; Volunteer of the Year Award, Williamsburg Big Brothers Mentoring Program; the Walter L. Williams, Jr. Teaching Award; and was selected in 2010 to receive the Commonwealth's Outstanding Faculty Award, Virginia's highest honor for professors.



Vincent D. Rougeau, Dean, Boston College Law School

Courtesy of Boston College Law School

Executive Committee (Three-Year Term)

Alicia Alvarez

Alicia Alvarez is Clinical Professor of Law and Director of the Community and Economic Development Clinic at The University of Michigan Law School. She received a BA from Loyola University of Chicago, and a JD from Boston College Law School.

Professor Alvarez's career has been devoted to helping low-income communities in the United States and internationally. She was a staff attorney at Business and Professional People for the Public Interest and the Legal Assistance Foundation of Chicago where she handled individual and class action cases in the areas of housing, employment, and consumer and disability benefits. Professor Alvarez later founded and directed the Community Development Clinic at DePaul University College of Law and taught in the Asylum and Immigration Clinic and the Civil Litigation Clinic.

Professor Alvarez was a Fulbright Scholar at the University of El Salvador and a

visiting professor at the University of Valencia and Boston College Law School.

Professor Alvarez joined The University of Michigan Law School faculty in 2006. She has worked with the Community and Economic Development Clinic on issues affecting nonprofit and community-based organizations and also taught in the Michigan Clinical Law Program, where she focused on employment law. In addition to her clinical work in the United States, she has consulted with legal clinics throughout Latin America.

From 2012-2014, Professor Alvarez served on the Executive Committee of the AALS Section on Clinical Legal Education. She served on the AALS Membership Review Committee from 2012-2014 and served as Chair from 2013-2014.

Professor Alvarez studies issues facing low-income communities and clinical education. She is the co-author of “Introduction to Transactional Lawyering Practice” (2013). Her scholarship has examined the role of community development clinics and clinical methodologies. Most recently, her

chapter “One Community Economic Development Clinic’s Seminar and the Challenges in Connecting the Work of the Clinic to the Work of the Client” appeared in “Transforming the Education of Lawyers: The Theory and Practice of Clinical Pedagogy” (2014).

Vincent D. Rougeau

Vincent D. Rougeau is Dean of Boston College Law School. He received an AB from Brown University and a JD from Harvard Law School where he served as articles editor of the *Harvard Human Rights Journal*.

Dean Rougeau became Dean of Boston College Law School in 2011. Prior to embarking on his academic career, he worked at Morrison & Foerster LLP in Washington, D.C. on issues relating to bank regulations, real estate, and international trade. From 1991-1997, he taught at Loyola University School of Law, Chicago before becoming Professor of Law at Notre Dame Law School in 1998. He served as Associate Dean for Academic Affairs at Notre Dame from 1999-2002.

At Boston College Law School, Dean Rougeau has continued his interest in teaching. He has taught first-year contracts, real estate transactions, and seminars in Catholic social teaching and immigration and multiculturalism. He also has worked to support the school’s efforts to offer a more holistic approach to student services and expand the recruitment of a diverse student body.

Dean Rougeau was elected in 2011 to the American Law Institute. He currently serves as Senior Fellow at the Contextual Theology Centre in London, where he researches broad-based community organizing, immigration, and citizenship in the U.K. as part of the Just Communities Project.

Dean Rougeau studies contracts, real estate law, and law and religion. He also is an expert in Catholic social thought. He is the author of “Christians in the American Empire: Faith and Citizenship in the New World Order” (2008), and his current scholarship explores the relationship between religious identity and notions of democratic citizenship. He also has spoken and written extensively about reform in legal education.



Spotlight on Sections

By Kathryn Fanlund

Sections are central to the AALS mission of advancing excellence in legal education. AALS launched “Spotlight on Sections” in the previous issue of *AALS News* to highlight the various ways these groups help connect law school faculty and staff on topics of shared interest.

There are currently 100 AALS sections, each focused on a different academic discipline, affinity group, or administrative area. No matter the interests of faculty members, an AALS section is likely to fit their needs. For a full list of AALS sections and how to join, please visit www.aals.org/services/sections.

For this edition of “Spotlight on Sections,” AALS talked with the leaders of the Section on Clinical Legal Education and the Section on Federal Courts to discuss their activities and what they have planned for the AALS Annual Meeting.

AALS Section on Clinical Legal Education

Jayesh Rathod, American University, Washington College of Law
(Chair)

Eduardo R. Capulong, Alexander Blewett III School of Law at the University of Montana
(Co-Chair Elect)

Christine N. Cimini, Vermont Law School
(Co-Chair Elect)

What motivated you to become involved in leading the Section on Clinical Legal Education?

Jayesh Rathod: I love being part of a community of clinical law teachers. Serving as Chair allowed me to be

involved in the leadership of a section that supports a community of colleagues who are incredibly generous, creative, and hard-working.

Beyond that, part of what interested me is the growing importance of experiential education within the academy and knowing that clinical law teachers’ experiences and perspectives are important to share. This is true not only amongst ourselves, but within legal education. As law teachers, we have a lot in common, but clinical law teachers also have a unique position in the law school. There is a particular set of needs and challenges that clinical law teachers face, and I was eager to bring attention to those to make sure that they are addressed.

Christine Cimini: Legal educators are in the midst of re-envisioning what we do and how we do it. Clinical legal education plays an important role in this exploration. The section is made up of a wide and diverse group of faculty members, and it is essential to make sure that their voices are heard in this discussion. Being a part of that endeavor, with great colleagues, is a wonderful challenge that motivates my work.

Eduardo Capulong: Since graduating from law school, I’ve seen how essential it is to train law students clinically. Getting involved in the section’s leadership seemed like a natural step for me now that I’m a law teacher. It is an exciting time for the section, given the curriculum reform movement, interest in experiential education, and other changes in the academy and profession. I’m looking forward to working with colleagues on drawing on our rich tradition to inform these important discussions.

What are the important conversations currently taking place around clinical legal education?

JR: Every law school is talking about experiential education; it is one of the current buzz words in legal education.



Jayesh Rathod, Professor of Law, American University, Washington College of Law (Chair)

Courtesy of American University, Washington College of Law



Eduardo R. Capulong, Professor of Law, Alexander Blewett III School of Law at the University of Montana (Co-Chair Elect)

Courtesy of Alexander Blewett III School of Law at the University of Montana



Christine N. Cimini, Associate Dean of Research and Faculty Development and Professor of Law, Vermont Law School (Co-Chair Elect)

Courtesy of Vermont Law School

Clinical teachers are uniquely positioned to identify and to assist in implementing this type of education across the curriculum. Experiential education is what we do, it is what clinical law teachers have been doing for decades. As it becomes more mainstream and as we think about different ways to engage in experiential learning, clinical law teachers have a rich well of experience to draw upon. Not only best practices, but things that did not work well or challenges that we can anticipate.

“Legal educators are in the midst of re-envisioning what we do and how we do it. Clinical legal education plays an important role in this exploration.”

– Christine N. Cimini

Another challenge that we’re thinking about is the impact of the economic stagnation and its corresponding effect on legal education. As a clinical educator and as chair of the section, I’m concerned about what this means for the security of clinical programs within law schools and what role clinical teachers can have in communicating legal education’s value. As prospective students express concern over questions of value, perhaps we need to have an ever greater role in terms of selling the value of legal education, given the practical importance of clinical education. We are working to ensure that clinical legal education is engaged in those conversations and is not automatically positioned as the expensive, and therefore expendable, part of the curriculum.

Our program at the 2016 AALS Annual Meeting is focused on assessing the value of clinical legal education. In casual conversations, people often talk about

how expensive clinical legal education is, but I think that needs to be interrogated a little bit more. There is some interesting research on what the actual costs associated with clinical education are. I also think we need to be thinking broadly about the different benefits that flow from clinical programs.

CC: There are many conversations about the importance of experiential education and many corollary conversations about how to do that well—especially how can we effectively integrate clinical and non-clinical faculty in ways that will provide a better educational experience. The value/cost issue is also an ongoing part of the conversation. I would add that schools are talking about outcomes and assessments as part of the recent ABA accreditation standards, and this is an issue on which clinical faculty can provide meaningful leadership and insight.

EC: I’m particularly excited about the innovations in experiential education that have begun to flourish and how schools are integrating the knowledge, skills, and values our students need to learn. I’d like to see schools bolster traditional clinical offerings and extend the reach of clinical and experiential methodologies into the first and second years.

Professor Rathod, you mentioned the “Examining the Value of Clinical Education: Thinking Beyond Cost” panel planned for the AALS Annual Meeting. Can you talk about how this program came about?

JR: This program came about as a result of the conversations we’ve had, from the current discourse within legal education more broadly and seeing things that are happening at different institutions. There has been a productive exchange of views about how law schools can cut costs in an era of declining enrollment, which I think is absolutely a legitimate conversation that law schools are having.



Jayesh Rathod presents the M. Shanara Gilbert Award at the 2015 AALS Clinical Conference

This program was conceived in response to a common narrative that it is easiest for schools to simply cut the most expensive thing and an assumption that clinical education is always that. We want to explore whether clinical education is in fact the most expensive. What kind of value is it providing to the institution? That question can get lost if we only consider student-faculty ratios. That type of analysis obviously does not capture the full value that clinical teachers provide, not only to students, but also more broadly to the institution and to the community. Clinical education also impacts a school’s ability to attract students.

The section is also hosting a luncheon at the AALS Annual Meeting. What can you tell me about that event?

JR: Typically during our luncheon we award the William Pincus Award. Right now we are in the process of soliciting nominations for the award. It recognizes someone who has made a significant contribution to clinical legal education, typically individuals further along in their career. For lack of a better term, it is a kind of lifetime achievement award,

although certainly not one signaling retirement as many of the recipients are still active in legal education.

Additionally, the section combines the luncheon with the business meeting and formally votes in our new officers. Section members who attend get a chance to meet the new leadership at the luncheon and have some back and forth with them. It is also an opportunity to recognize the outgoing leadership.

Do you have advice for clinical faculty who would like to connect with the section and their counterparts at other law schools?

JR: There are a number of things that I think are worth mentioning about the work that we do. Exploring issues relating to the importance of clinical legal education is only part of it. A lot of what we are doing in the section is purely about professional development for clinicians. We have a mentor program for pairing newer clinicians with more experienced faculty members. The section occasionally hosts webinars where we talk about different approaches to clinical teaching and other topics of interest. We also have a document that we are preparing for our members called the Clinicians Desk Reference. This will lay out the basics on what clinical legal education is, what the section does, and what some of the main entities and listservs are for. It is meant to be a helpful guide for folks who are newer to law teaching or to clinical education. This is something that we are going to be rolling out soon.

We have so many different committees within the section and all of them are doing great things. We have a membership committee, which does some of the mentoring piece, and a technology committee that works on sharing information with the membership around technology and legal pedagogy. We also have a policy committee that looks at the different issues that are affecting

clinicians. The section membership is large, active, and engaged. We are always looking for more people to become involved with the section. I also suggest attending regional conferences which provide other spaces where clinicians can get together and talk about shared concerns.

If clinicians are interested in joining a committee, they can absolutely contact me (jrathod@wcl.american.edu) or any of the other officers and we can connect them to a committee that would best match their interests.

CC: The first piece of advice I would offer for people wanting to get involved is to try and get to the annual AALS Clinical Conference. This is a wonderful way to meet other clinicians and learn about what is going on in the field. For those who do not have the resources to get to the national clinical conference, we support regional conferences all over the country. This is a great way to get connected to faculty in your region and with a smaller group. It is a wonderful way to make meaningful connections in a short period of time. Another way to connect is to offer to serve on any of the Clinical Section committees. You will work with wonderful colleagues from other schools and get to know them well.

AALS Section on Federal Courts

Amanda L. Tyler, University of California, Berkeley School of Law
(Chair)

Bradford R. Clark, The George Washington University Law School
(Chair-Elect)

Professor Tyler, what have you learned in your year serving as Chair?

Amanda Tyler: I've learned that the Section on Federal Courts is a vibrant section and there are a large number of

stakeholders who care about keeping it that way, especially the members of the executive committee. I've been impressed by the response we've received when we have made calls for volunteers.

In terms of activities, we are continuing a junior federal courts paper competition, which launched under the leadership of Tara Grove, my predecessor. This was a great initiative. We awarded our first annual award to Seth Davis at UC Irvine for his paper. We did a Call for Papers again this year and we have a number of impressive papers in the mix. We will invite the winner to present their work with a senior scholar at the breakfast this year. We are trying to make better use of the breakfast meeting, to make that a scholarly exchange as well. It will also allow us to recognize the selected junior scholar in front of his or her peers in the section. The breakfast traditionally has been a social event, but I'd like to use that time to promote a junior scholar in the field. When you pair it with the paper competition, the breakfast should be a great event.

“...the War on Terror raised a lot of interesting federal courts questions about Guantanamo, *habeas corpus*, and statutes that Congress passed. Questions that had not come up since World War II were being re-litigated.”

– Bradford R. Clark

Last year's Federal Courts program, “The Role of History in the Federal Courts Canon” was a popular one that featured a lively discussion on Founding and

Reconstruction understandings of the role of federal courts. What can you tell me about that program?

AT: It was a topic of great interest to both me and Professor Clark and Professor Grove. The history and role of federal courts jurisprudence is an important topic. Originalism in its various forms has had enormous influence in the field of federal courts. I would say more influence there than in constitutional law generally. I thought it would be interesting to have a conversation about whether that influence was warranted because of something unique about our field. It was exciting to invite a number of prominent voices in the field to participate.

Bradford Clark: Professor Tyler is modest, but she put on a fantastic program. We even had Supreme Court Justice Antonin Scalia attend.

AT: We were pretty sure he was going to come, but didn't want to advertise his attendance and then have it fall through. It was kind of exciting to sneak him in. I was thrilled to have him participate and also the rest of our talented panelists including Professor Richard Fallon from Harvard Law who had already written an important paper on this topic, which I had in mind when planning the panel. I invited our outgoing Chair Tara Grove [William & Mary Law School] who has written about jurisdiction allocation in the federal courts field, and Professor Clark and Professor Anthony J. Bellia, Jr. [Notre Dame Law School] who talked about their work.

BC: One thing about that panel that I liked was that it nicely bridged the academic community with the judicial and practice community. It is a subject of interest to academics in various contexts and ways, but by bringing in Justice Scalia, the program also highlighted the importance of the topic for people who might be litigating the issues before the U. S. Supreme Court. The Court has indicated in several areas the importance



Amanda L. Tyler, Professor of Law, University of California, Berkeley School of Law (Chair)

Courtesy of University of California, Berkeley School of Law

of history, particularly if there is not a lot of case law or if it is a question of relative first impression. Although it's not necessarily bound by history in every case, the Supreme Court almost always consults history in those cases. I thought it would be a nice program for people who either practice on the side or follow practice closely, in addition to the purely academic side of it. It was a good way to bring those elements together.

The work of the late Professor Daniel J. Meltzer—a renowned legal scholar and federal courts and criminal procedure expert—will be honored at the upcoming AALS Annual Meeting. What do you hope attendees learn from this program?

BC: Professor Dan Meltzer was a professor for approximately 30 years at Harvard Law School and taught federal courts to generations of students, including Amanda. I knew about him because he was on the federal courts casebook that I used and I met him over the years. He had been away from Harvard working in the White House Counsel's Office in the Obama Administration and had recently come back to teach but passed away earlier this year. He knew we were planning this program and gave me his blessing to do it before he passed. Through his writing and



Bradford R. Clark, William Cranch Research Professor of Law, The George Washington University Law School (Chair-Elect)

Courtesy of The George Washington University Law School

teaching, he had an impact on the field that few people ever have.

We have pulled together leading scholars, including some of his colleagues at Harvard, for the program: Professor Richard Fallon [Harvard Law School], Professor John Manning [Harvard Law School], Professor Vicki Jackson [Harvard Law School], Professor Judith Resnick [Yale Law School], and Professor Henry Monaghan [Columbia University School of Law]. They all are thrilled to participate. We are going to focus the discussion on different aspects of Professor Meltzer's work and his impact on the field. We think it will be a wonderful, engaging discussion. There probably will be no one in the Federal Courts Section who has not been touched in some way by Dan's work. It should be a fitting tribute and the papers will be published in the federal courts issue of the *Notre Dame Law Review*.

AT: It's a star lineup of scholars and will be a wonderful tribute to the legacy of his scholarship. So many of us knew him, worked with him, learned under him, and debated him. His impact is far and wide in the field.

BC: He was a wonderful teacher and colleague. This will be a special opportunity to celebrate his contributions

and learn from top scholars about their thoughts on his work and its impact.

Professor Clark, what topics do you hope to explore during your term as Chair next year?

BC: As Chair-Elect, I'm waiting to take over after the AALS Annual Meeting. I suspect I'll hear ideas for innovations for the coming year during the meeting, perhaps from the section's executive committee. Under the guidance of the last few chairs, we have had many interesting panels and innovations, including the new prize for the young scholars paper. My hope is to continue the level of interest and enthusiasm. Ten or 15 years ago, some people were saying that federal courts as a field had been "played out" and wondered if there was much more to do. Circumstances have instead suggested that it is a vibrant and important field.

For example, the War on Terror raised a lot of interesting federal courts questions about Guantanamo, *habeas corpus*, and statutes that Congress passed. Questions that had not come up since World War II were being re-litigated. I've been pleased with the level of vibrancy in the section, and I suspect that only to continue.

Outside of the AALS Annual Meeting, how do section participants connect?

AT: We have a listserv and a member of the executive committee who circulates a newsletter on a quarterly basis highlighting developments in the field, including case law and major decisions. The executive committee has its own listserv of sorts where we talk about planning for the panel each year and organizing volunteers for the committee to choose the scholarly papers prize. We float other proposals there as well.

The breakfast typically has been a successful social event. As we are adding a scholarship component this year, we might plan a third event to give section members a chance to meet each other

and interact. Newer scholars also can connect at a conference for junior federal courts scholars and receive feedback from more senior faculty. Many scholars in this field are willing to undertake a number of activities to promote our work and to help junior scholars seeking to break into the field.

How does membership in this section benefit scholars and teachers in this area?

AT: Increasingly, the section is focused on helping junior scholars, especially as we try to highlight their scholarship with this new award.

BC: The section program at the Annual Meeting is well-attended and I think if I were a junior scholar, I would want to attend not only to hear the presentations, but to meet influential scholars before and after the program. I know people came up last year and introduced themselves to senior faculty and were able to make a connection, to talk about their own work and scholarship. I've certainly met several people that way at conferences over the

years. Most of the senior people in the field want to encourage younger people in their work.

AT: For more senior academics in this area, they not only can meet these junior scholars, they also have a chance to promote a dialogue across the field on timely issues of importance. There are also ways for them to highlight their own work.

BC: The topics at the panel change each year. I know for me, it's an opportunity to be exposed to experts in a specific area of the field. We all teach the course, so we all know something about all the topics, but most of us do not write in every aspect of federal courts. It is too big of a field. Attending the section's panel means hearing from talented people who have been doing research and thinking about a topic for a number of years. To hear Professor Tyler speak about the role of history in *habeas corpus*, for example, or Professor Fallon on his perspective on the role of history in various areas—it is invaluable.



U.S. Supreme Court Justice Antonin Scalia joined Professor Tyler, Professor Clark, and colleagues at the "The Role of History in the Federal Courts Canon" Federal Courts Section program at the 2015 AALS Annual Meeting.

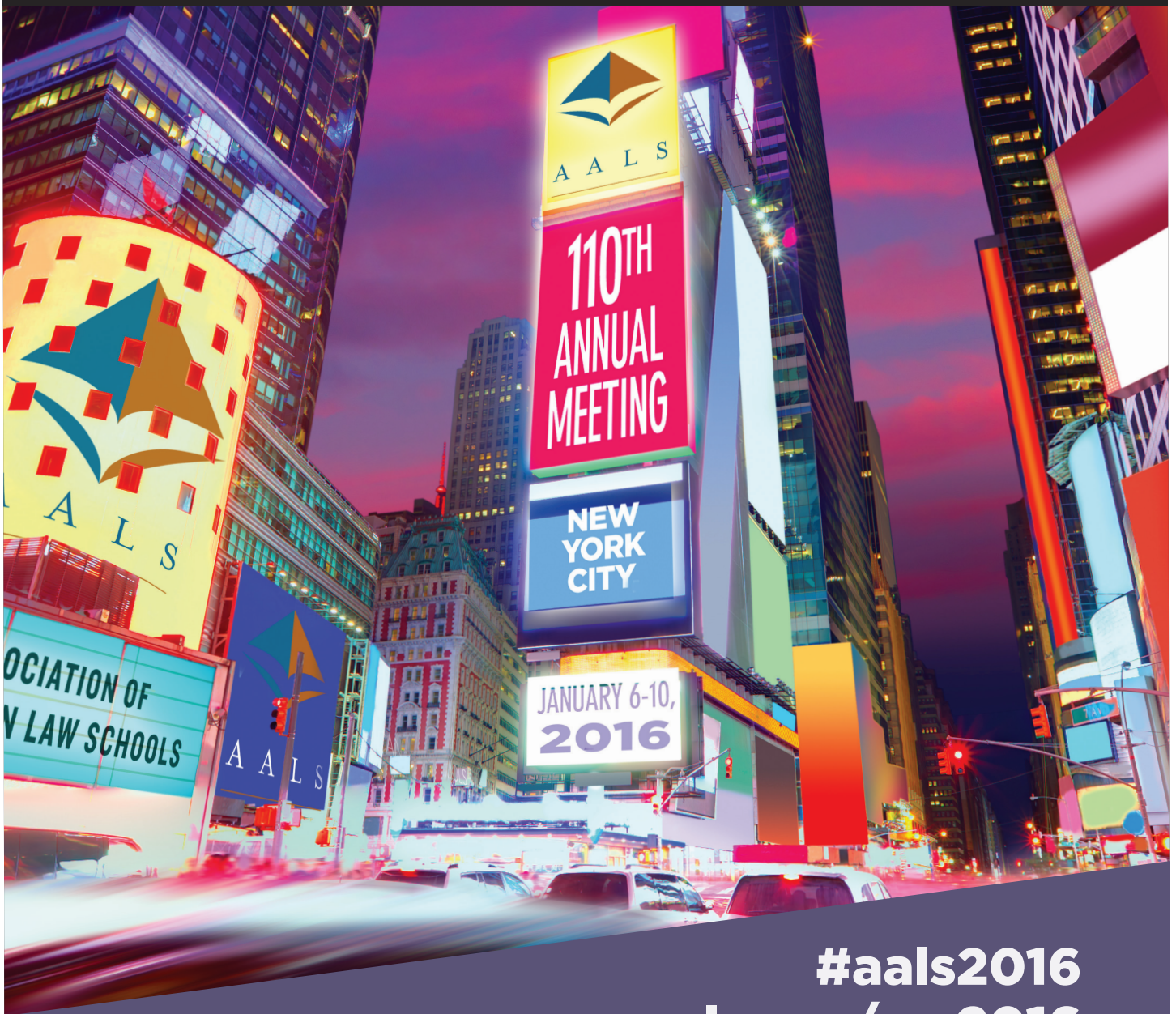


**ASSOCIATION
OF AMERICAN
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**110TH
ANNUAL
MEETING**

**From Challenge to Innovation:
American Legal Education in 2016**

**New York City
January 6-10, 2016**



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Professional Development Opportunities with AALS

By Kathryn Fanlund

As with most professions, law faculty have different professional development needs at different stages of their career. In an effort to respond to changes in legal education and the legal profession, AALS President Blake Morant appointed a Professional Development Task Force in 2014.

The task force consists of nine members serving two-year terms: I. Bennett Capers, Brooklyn Law School; Susan D. Carle, American University, Washington College of Law [Chair]; Sheila Foster, Fordham University School of Law; Shauna I. Marshall, University of California, Hastings College of the Law; Elizabeth E. Mertz, University of Wisconsin Law School; Carol A. Needham, Saint Louis University School of Law; Jason Palmer, Stetson University College of Law; Barbara A. Schatz, Columbia University School of Law; and Michael Waterstone, Loyola Law School.

For the 2016 AALS Annual Meeting, the task force has developed a strong slate of programs aimed at junior, pre-tenure or early tenured faculty, as well as faculty considering lateral moves and retirement planning.

Recently, AALS spoke with Professor Carle, Chair of the AALS Professional Development Task Force, about professional development programs at the upcoming Annual Meeting and how AALS is working to serve the professional needs of law school faculty at every stage of their career.

Can you discuss the new Arc of Career Programs at this year's AALS Annual Meeting? What can attendees learn at these programs?

We tried to select a well-rounded, diverse set of programs that would appeal to a broad range of attendees. There are five programs on different areas of professional development, (1) Using Rounds about Teaching to Provide Peer Support and Learning Over the Course of a Career: Continuing Education for Teachers Who Educate Lawyers; (2) Scholarly Engagement Post Tenure; Impossible Realities, Infinite Loops, and Movable Staircases: The Impact of Institutional Marginalization on the Tricky, Unpredictable, and Inconsistent Trajectory of the Non-Tenured Track Career; (3) So You Want to Publish a Book?; (4) The AALS In Spite of Itself: How to Use the AALS for Professional Development Even If It Sometimes Makes You Mad; and (5) Joining the Administration: Law School and University Leadership for Law School Professors.

We are hoping that these programs will add new dimensions to the meeting attendees' experience, by allowing them to focus on career development issues as well as academic interests. Some of the programs are focused on career development skills while others are focused on reflection about career goals and values.

Professional development needs for faculty vary according to experience and area of scholarship. What are common areas of concern for faculty who are new to the academy?

We will be listening intently to learn from new members of the academy about their needs and concerns. Newer members have concerns about setting their scholarly agenda, getting tenure, deciding on publication outlets, balancing and integrating teaching and scholarship, and choosing how to shape their profiles in the areas of public and institutional service. We also want to work on connecting new members of the academy with more experienced professors and want to serve as mentors across institutional boundaries and even fields. We want to be sure new faculty enjoy AALS and see it as a space that reflects their vision and priorities—one they will want to continue to come back to and utilize as their careers unfold.

“ We want to encourage people to find the routes that make the AALS Annual Meeting fun and exciting, including getting involved in AALS sections and working on leadership committees. ”

What about faculty who have earned tenure?

One of the interesting points that emerged out of our committee's extensive discussions in developing the arc of career idea was the fact that faculty who have achieved tenure still face many career development concerns and challenges, including taking on new big projects, editing or paring commitments once they no longer reflect one's core commitments or goals, and facing career limits and all those



Susan Carle, Professor of Law, American University, Washington College of Law

Courtesy of American University, Washington College of Law

kinds of issues. We also realized that professional and life priorities often change mid-career and we are all thinking about how to respond to changes in legal education and in the legal profession our students are now entering.

“ **There is still a big place for in-person meetings, and the AALS Annual Meeting has become a major location in which these kinds of connections can take place.** ”

How can faculty members at the various stages of their careers take advantage of networking and programming during the AALS Annual Meeting?

One concern involves the fact that the AALS Annual Meeting's size can make it a bit overwhelming to newer members of the academy. We want to encourage people to find the routes that make the AALS Annual Meeting fun and exciting, including getting involved in AALS sections and working on leadership committees, which is how many people end up becoming more involved in AALS. We also want to make sure that attendees meet people with similar career and professional concerns through taking part in the programming I've mentioned. We will also be looking for feedback about what worked well and what didn't work so well in the pilot programming we are offering for this meeting.

Why are face-to-face interactions and networking important as faculty pursue the knowledge and skills needed to be effective teachers and scholars?

So much “networking” these days takes part through emailing and other forms of electronic communication, but there is nothing like meeting people in person to really get to know them and solidify professional friendships. Also, many intergenerational professional and scholarly friendships become much richer through contacts in person rather than online. There is still a big place for in-person meetings, and the AALS Annual Meeting has become a major location in which these kinds of connections can take place, whether in groups, or in individual meetings over coffee or dinner, or just spontaneous conversations in the hallways and lobbies.

Are there other ways you hope to see AALS foster the professional development of faculty during this challenging time for legal education?

We would like to foster more discussion about the difficult issues we all are facing in our institutions and for AALS to be a place where people come for rejuvenation, ideas, and inspiration, not only about ideas in our fields, but also in our own professional development through the many stages of an academic or administrative career in legal education. In a changing environment, that may be very tough personally and professionally, but it also may offer new opportunities for innovation. We think there is a lot more to explore and discuss along these lines and we are planning to continue those conversations.



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President's Programs at the AALS Annual Meeting

Each year, the AALS President selects important topics to explore at the AALS Annual Meeting. These President's Programs allow for in-depth discussion and analysis. AALS President Blake D. Morant, The George Washington Law School, has selected three President's Programs examining the rule of law and changes to the legal profession for the 2016 Annual Meeting. Deborah L. Rhode, Stanford Law School, and Mildred W. Robinson, University of Virginia School of Law, helped plan the third President's Program, "Challenges Facing the Legal Profession and Strategies to Address Them."

Details about the upcoming President's Programs are included below.

Challenges Facing the Legal Profession and Strategies to Address Them

Thursday, January 7, 10:15 a.m. - Noon

This panel will explore the current challenges facing the American legal profession. The session speakers come to this important discussion with rich backgrounds and perspectives on the crucial issues impacting legal profession. They will discuss the pressures facing lawyers and legal educators, and identify possible reform strategies.

The panel will encourage thinking creatively about how best legal education and the profession can adapt to a complex and changing global market. Taking part in this important conversation are Benjamin H. Barton, University of Tennessee College of Law; Martha L. Minow, Harvard Law School; and Laurel S. Terry, Penn State University, Dickinson Law. Deborah L. Rhode, Stanford Law School, will serve as moderator.

A Conversation with the Honorable Stephen Breyer, U.S. Supreme Court

Thursday, January 7, Noon - 1 p.m.

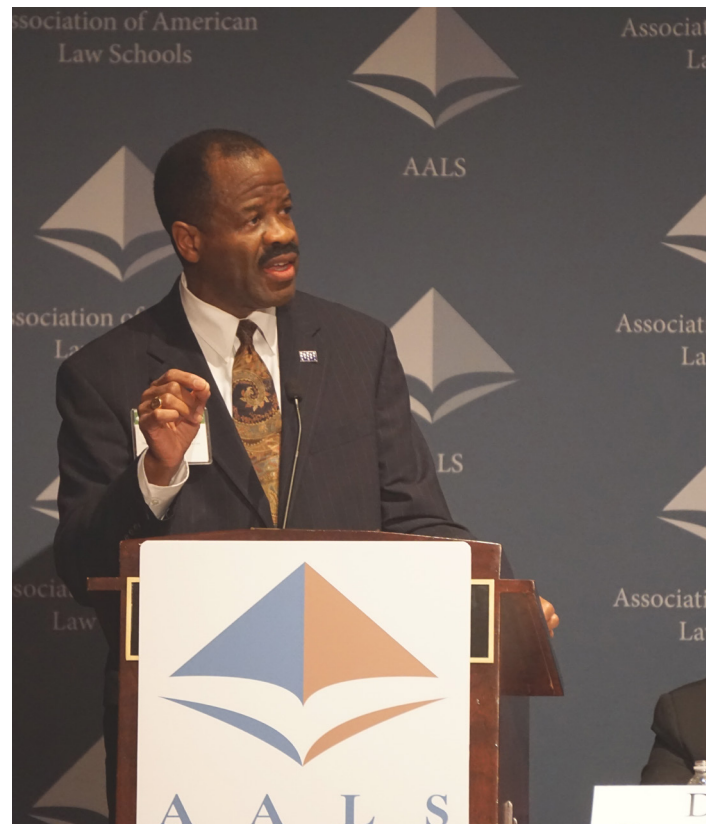
U.S. Supreme Court Justice Stephen Breyer will join Alan Morrison, The George Washington University Law School, for a stimulating conversation about legal education and the law. They will also discuss Justice Breyer's upcoming book, "The Court and the World: American Law and the New Global Realities," which explores the work of the Supreme Court in an increasingly interconnected world. It considers how best to harmonize American law and interests with the laws of other jurisdictions and the expansion of the rule of law generally. Justice Breyer will discuss the growing importance of American jurists taking on the role of "constitutional diplomats" in a fast-changing, global world.

The dialogue format will make for lively discussion on legal education and the role of the law in a world increasingly defined by instant communication and shared problems.

Preparing Professionals: Higher Education's Responses to the Demands of a Global Marketplace

Saturday, January 9, 10:30 a.m. - 12:15 p.m.

Join a candid conversation with industry leaders on how higher education is responding to mounting pressure to graduate students who can compete in a global marketplace. Four higher education leaders will engage in a holistic discussion on the current landscape and the day-to-day challenges administrators face across the academy. Dean Morant will moderate this important discussion, which will include Natalie Kitroeff, *Bloomberg Businessweek*; Frederick M. Lawrence, Yale Law School; SEALS President Ellen S. Podgor, Stetson University College of Law; and John Sexton, President of New York University.



AALS President Blake D. Morant

Crosscutting and Academy Programs at the AALS Annual Meeting

Earlier this year, the Program Committee for the 2016 AALS Annual Meeting invited proposals from law faculty for a variety of open-submission programs to be held at the conference. These included “crosscutting programs,” which focus on interdisciplinary topics that transcend any one legal field and “academy programs,” which can cover any topic of academic interest. Faculty at AALS member law schools submitted proposals for programs highlighting a variety of different issues. These selected open-submission programs offer attendees the opportunity to engage with and debate topics at the forefront of legal education and the law.

Crosscutting Programs

International Environmental Law and the North-South Divide: At the Crossroads of Economic, Environmental, Human Rights, Energy, Food, Climate, and Sustainable Development Law

Friday, January 8, 8:30 a.m. - 10:15 a.m.

The unprecedented degradation of the planet’s vital ecosystems is one of the most pressing issues confronting the international community today. Despite the proliferation of legal instruments to combat environmental degradation, the global economy continues to exceed ecosystem limits, thereby putting present and future generations at risk and threatening the integrity of the planet’s biodiversity.

International environmental law has generally failed to halt or reverse the rapid deterioration of the planet’s life support systems. Conflicts between affluent and poor countries (the North-South divide) over environmental priorities, the allocation of responsibility for environmental harm, and the relationship between environmental protection and economic development have generated gridlock in environmental treaty negotiations as well as inadequate compliance with existing agreements. The fragmentation of international law has also created regulatory gaps in areas of acute concern to vulnerable communities in the global South (such as food, water, and energy) and inconsistencies between environmental and economic law and policy.

This panel examines the ways in which North-South conflicts have compromised the effectiveness of efforts to protect the global environment, and discusses strategies to bridge the

divide. Drawing upon the expertise of the panelists in areas as diverse as energy, justice, food justice, human rights, climate change, and international economic law, this panel explores the limitations and promise of international environmental law through multi-disciplinary lenses. The program will be of interest to faculty who teach or write in the area of international economic law, international environmental law, human rights law, food law, energy law, climate change, sustainable development, environmental justice, and law and development.

Reforming Law, Scholarship, and Pedagogy by Disciplinary Design

Friday, January 8, 10:30 a.m. - 12:15 p.m.

This roundtable discussion explores the potential for interdisciplinary design to improve legal institutions and education. In recent years, the push toward interdisciplinary scholarship and teaching has grown stronger in the legal academy, but there has been little quality control over what constitutes “interdisciplinary.” Determining exactly what makes a project interdisciplinary is not self-evident, and sometimes, rather than by careful design and methodology, haphazard projects are self-deemed “interdisciplinary” merely because ideas, methods, or models are imported from other fields of study. Sometimes, however, this is done with little mastery in the field, or worse, the inability to use knowledge effectively due to a lack of training in that very field.

Against this existential backdrop, this roundtable discussion explores how interdisciplinary approaches can be applied to improve the law as well as legal scholarship and education. It builds from the premise that understanding law is inextricable from understanding individuals, institutions, and society, and that all are critical to the project of legal reform. The discussion will focus on gender studies, psychology, ritual theory, and modes of studying law through multiple subject areas.

Peer-to-Peer Consumption: Emerging Legal Issues in the New “Sharing Economy”

Saturday, January 9, 10:30 a.m. - 12:15 p.m.

The past few years have seen the rise of a new model of production and consumption of goods and services grounded in peer-to-peer transactions. In this so-called “sharing economy,” startups such as Uber, Airbnb, Lyft, and TaskRabbit enable consumers to summon rides, rent accommodations, or hire help from peers via the internet or a mobile phone application. On the supply side, sharing enables owners of homes and vehicles, or those who possess certain skills, to monetize those assets or skills into income streams. The technological platforms employed by these startups enable

individual producers and consumers to transact with each other with unprecedented ease. Commentators suggest that the sharing economy is transforming the way people consume and supply goods and services, and that sharing arrangements have the potential to significantly affect traditional industries and models of employment and business. As such, the sharing economy raises important legal and regulatory issues, including questions of whether and how the new startups should be regulated and questions about the appropriate relationship between regulation and innovation. This panel will examine a variety of legal issues raised by the sharing economy, including questions of property, tax, labor, consumer protection, employment discrimination, privacy, and local government law.

Academy Programs

Incorporating Medical-Legal Partnership Into Your Law School's Triple Aim: Education, Research, and Community Engagement

Saturday, January 9, 1:30 p.m. - 3:15 p.m.

Medical-Legal Partnership (MLP) is a health care delivery model that recognizes that some barriers to good health have legal solutions. For example, a child suffering from asthma may require legal representation to force a landlord to address the mold or other adverse housing conditions that are exacerbating her condition. Other areas where unmet legal needs create barriers to good health include public benefits, employment, insurance, interpersonal violence, immigration, end-of-life, and education. In an MLP, legal care and health care are integrated, allowing lawyers to engage in preventive legal services that impact the health of especially vulnerable populations. Traditionally, MLPs have been forged between

community healthcare providers and lawyers that work for legal aid organizations or law firm *pro bono* departments. But law schools have much to contribute to and gain from these partnerships. This program will introduce law faculty to MLP and its potential to further the educational, research, and community engagement/social justice missions of their schools. In addition to law school faculty currently engaged in MLP, the panel will also offer perspectives from the National Center for MLP and a law school dean regarding the benefits of MLP to legal education.

Creating & Publishing Teaching Materials—Navigating the IP Questions

Sunday, January 10, 10:30 a.m. - 12:15 p.m.

Many law professors create edited case collections and other teaching materials, but may hesitate to make them more widely available out of concern for questions related to intellectual property law. Others may consider creating them, but may opt against it out of concern for those same IP questions. This program, designed for professors across the law school curriculum, aims to dispel IP myths, answer IP questions, and help equip those interested in publishing casebooks and other teaching materials, to do so outside the traditional hardcopy publishing channel. Presentations will be practical, take-aways will include written “best practices” guides, and there will be ample time for a question and answer session. All four presenters are experienced IP professors, and three have recent experience creating and publishing casebook-style materials independent of the traditional publishers.



2016 AALS Annual Meeting Hot Topic Programs Selected

Hot topic programs at the AALS Annual Meeting highlight important and timely topics on some of society's most pressing legal issues. These programs were selected by the Program Committee for the AALS 2016 Annual Meeting from proposals submitted by law school faculty.

What Will and Should Happen to Affirmative Action after *Fisher v. Texas*

Thursday, January 7, 1:30 p.m. - 3:15 p.m.

The Supreme Court will revisit affirmative action this term in *Fisher v. Texas*. The argument will likely center around whether The University of Texas at Austin explored race-neutral alternatives seriously enough to satisfy the Supreme Court's strict scrutiny standard of review.

This program will discuss the case and whether the Supreme Court should revisit its standard of review.

Let's Talk About Trigger Warnings: Best Practices in Teaching Tough Topics

Friday, January 8, 8:30 a.m. - 10:15 a.m.

The controversial December 2014 *New Yorker* article addressing trigger warnings, "The Trouble with Teaching Rape Law" by Jeannie Suk (Harvard Law School), immediately sparked blog posts and informal discussions across the legal academy. This program seeks to broaden the debate on whether trigger warnings, designed to protect students from disturbing content, are warranted in the law school classroom. The panel will distinguish best practices in teaching sensitive topics in different pedagogical contexts.

Grappling with Campus Rape

Friday, January 8, 10:30 a.m. - 12:15 p.m.

Universities are struggling at every level—to define sexual assault, to figure out how to balance the rights of the victim with those of the accused, to decide whether they are equipped to adjudicate such cases, and to prevent sexual assault in the first place. The goal of this program is not just to provide a critical overview of what is happening on campuses, but also to offer guidance on what universities should be doing.

Beyond Cellphone Evidence: Video Advocacy in Criminal Proceedings

Saturday, January 9, 8:30 a.m. - 10:15 a.m.

Video has become a hot topic in the area of criminal justice as a result of the increasing use of cellphones to capture interactions between police and black citizens who wind up losing their lives during and after such encounters.

The program will explore the art of, and legal limitations on, capturing and interpreting candid police cellphone videos, as well as strategies for producing effective sentencing mitigation, clemency, and social justice videos. Actual examples of such works will be screened and discussed.

Immigration & The 2016 Presidential Election: Campaign Rhetoric, Minority Voting, and Policy Possibilities

Saturday, January 9, 10:30 a.m. - 12:15 p.m.

The public has recently witnessed a myriad of immigration proposals from U.S. presidential candidates including revoking birthright citizenship, increasing border fencing, legalization, guest worker programs, mass deportations, and even using a "FedEx"-style tracking system to monitor noncitizens.

This program's goal is to explore the legal and political ramifications of these immigration platforms, considering both the way electoral politics and voting restrictions will affect the outcome of the election, and the potential for candidates to institute their immigration policy preferences once in office. In addition, panelists will consider what effect election politics are having on the national conversation surrounding immigration.

Responding to the Money Bail Crisis

Saturday, January 9, 1:30 p.m. - 3:15 p.m.

National attention to America's system of money bail has exploded in the last four months. This attention is due, in large part, to the nationwide publicity surrounding the June 2015 suicide of Kalief Browder (after three years of pretrial detention at Riker's Island) and Sandra Bland's death at the Waller County jail in July 2015. Both Browder and Bland were in pretrial detention because they could not pay their bail.

The panel will address a number of important pretrial detention trends including legislative developments and the recent rise in successful litigation against money bail.





AALS returns to the Big Apple for the 110th Annual Meeting
Image Credit: Patrick Theiner, Creative Commons

AALS Symposium: Violence Against Women

Symposium programs allow for in-depth scholarly exploration of topics of academic interest at the AALS Annual Meeting. For the upcoming conference, the AALS Program Committee has selected a program on the topic of violence against women. Four panels will consider pressing issues related to rape, anticipatory self-defense, and punishment. Each panel will reserve substantial time for question and answer sessions with the panelists in order to encourage meaningful discussions on this important topic.

This will be the third annual AALS Symposium. The program will be held on Saturday, January 9, 9 a.m. - 6 p.m.

Arnold H. Loewy, Texas Tech University School of Law, has organized this year's Symposium on Violence Against Women. "This program brings together scholars from all over the country to discuss a variety of issues surrounding violence against women," Professor Loewy explained. "Not only is the topic extraordinarily timely, but the resolution of some of the issues is not intuitively obvious and have engendered considerable debate. That debate will continue on such issues as how easy or difficult should it be to obtain a rape conviction, when can a woman in fear of her life kill her abuser even if his threat is not imminent, and how severely should we punish violence against women."

Papers from the symposium will be published in the *Texas Tech Law Review*. The program follows up on nine previous conferences on criminal law organized by Texas Tech University School of Law.

Details of the Violence Against Women Symposium, including the names of speakers and moderators for each session, are listed below.

Rape

Two morning sessions will cover aspects and issues concerning the crime of rape.

Session One

The Economics of Rape

Deborah W. Denno, Fordham University School of Law

Five Myths of Rape Law Reform

Janet C. Hoefel, Tulane University School of Law

Affirmative Consent Statutes

Mary G. Leary, The Catholic University of America, Columbus School of Law

The Hollow Hope of Affirmative Consent Statutes

Jonathan Witmer-Rich, Cleveland State University, Cleveland-Marshall College of Law

Session Two

Same-Sex Rape

I. Bennett Capers, Brooklyn Law School

Inter-Racial Rape

Aya Gruber, University of Colorado School of Law

The End of All Resistance

Alice G. Ristroph, Seton Hall University School of Law

Moderator: Tracy Hresko Pearl, Texas Tech University School of Law

Anticipatory Self-Defense

This session will cover the extent to which a threatened victim of battery can use force for self-defense when the threat of force is not imminent.

Legal Ethics and Self-Defense

Brooks R. Holland, Gonzaga University School of Law

Anticipatory Self-Defense for Battered Spouses: Some Cautionary Tales from the Stand Your Ground Experience in Florida

Joseph E. Kennedy, University of North Carolina School of Law

Misunderstanding Time and Confrontation in Battered Women's Self Defense Cases

Martha Mahoney, University of Miami School of Law

Creative Avoidance of the Imminence Requirement in the Use of Deadly Defensive Force Against Domestic Batterers

Richard H. McAdams, The University of Chicago, The Law School

Moderator: Meghan J. Ryan, Southern Methodist University, Dedman School of Law

Punishment

This session will focus on what degree of punishment is appropriate for the crimes of assault and rape.

Alternative Responses to the Responsible Party in Campus Sexual Assaults Cases

Donna K. Coker, University of Miami School of Law

Rethinking Rape: Will Increasing Jury Power Bring More Reporting and More Prosecution

Tamara Rice Lave, University of Miami School of Law

Punishing Violence Against Women: Seeking the Right Balance

Arnold H. Loewy, Texas Tech University School of Law

Rape in a Rehabilitative State

Joy Radice, University of Tennessee College of Law

Moderator: William Berry, University of Mississippi School of Law



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The 110th AALS Annual Meeting

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New York, NY

Learn more at <http://www.aals.org/am2016>



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AALS CALENDAR OF EVENTS

AALS Faculty Recruitment Conference

Thursday, October 13 – Saturday, October 15, 2016
Washington, DC

AALS Conference on Clinical Legal Education

Saturday, April 30 – Tuesday, May 3, 2016
Baltimore, MD

Friday, May 5 – Tuesday, May 9, 2017
Denver, CO

AALS Annual Meeting

Wednesday, January 6 – Sunday, January 10, 2016
New York, NY

Tuesday, January 3 – Saturday, January 7, 2017
San Francisco, CA

Wednesday, January 3 – Sunday, January 7, 2018
San Diego, CA

Wednesday, January 2 – Sunday, January 6, 2019
New Orleans, LA

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