



Q&A with AALS President Kellye Y. Testy

By Barbra Elenbaas



Kellye Y. Testy, Dean of the University of Washington School of Law, became President of the Association of American Law Schools at the Annual Meeting on January 9, 2016. AALS sat down with Dean Testy to discuss her background and vision for the association and for legal education.

You selected “Why Law Matters” as the theme of your Presidency this year and for the 2017 Annual Meeting. Why does the law matter to you and what started you on the path to becoming a law professor and a dean?

When I started on a path to study law, I had very little exposure to or understanding of the law. I did not know any lawyers personally, nor did I have any substantial experience with law through other means.

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2016 AALS Membership Survey

By Barbra Elenbaas

Earlier this year, AALS asked faculty and staff from AALS Member Schools for their opinions about the association’s activities, and to comment on what the organization could do to provide better service.

According to the members who responded to the survey, the four most used member resources are the *Journal of Legal Education*, the *Directory of Law Teachers*, sections, and the AALS Annual Meeting; 68 percent, 67 percent, 63 percent, and 62 percent of respondents found those four to be very useful or somewhat useful, respectively.

The Top Four

The Journal of Legal Education, which 68 percent of respondents said they find useful, publishes articles on important issues confronting legal educators—including curriculum development and teaching methods. It is also an outlet for emerging areas of scholarship. AALS recently partnered with BE Press to provide a new, permanent online home for the journal, which offers open access to issues dating back to 2009 and can be accessed at any time from www.aals.org/jle.

The association has also made improvements to the *Directory of Law Teachers* simplifying the administrative process to update entries through a new technology platform. Law school deans, as well as tenured, tenure-track, long-term contract, and emeriti faculty can now update their biographical information at any time so that the directory is up to date when published.

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But I did have a keen sense of fairness and justice and that, together with an introductory communications law class I took as part of my journalism major, propelled me to apply to law school. I recall an assignment that required us to go to the law library to find and read *New York Times v. Sullivan*. I can still remember the excitement I felt sitting in the stacks, reading the case and realizing that reporters were full of stories of encounters with the law. I was hooked and still am. I love continuing to learn more about law and justice.

Twenty-five years after my graduation from law school, I selected the theme "Why Law Matters" for this year to encourage reflection on the role of law in society. I believe that law is often seen too narrowly by non-lawyers and that its fundamental role in creating the foundations for human flourishing is insufficiently understood. Law is a critical partner with every other discipline in effectively addressing complex problems. As our world grapples with increasingly complex social challenges, my hope is that we appreciate the role of law in making positive change.

You are a first-generation college graduate. How has that affected your relationship with the law and legal education?

Being a first-generation college graduate is an important part of who I am. I never take education for granted; I see it as an enormous privilege and, in the words of bell hooks, "the practice of freedom." I am especially motivated by public education and by institutions that are otherwise focused on access as part of their missions. My background has also helped me to understand power more deeply, to be able to look at the world from the bottom up so that I can understand how law and other forces may reinforce inequalities rather than reduce them.

Washington State recently implemented an innovative new credential designed to increase access to legal representation called limited license legal technicians. Can you explain the concept and your school's involvement?

Washington was the first state to create a new form of limited license legal technicians (LLLT) for the legal services industry that permits persons

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who complete its requirements to work on certain family law matters. The basic idea is best illustrated by an analogy to the medical profession. In medicine, we don't expect physicians to do everything. Another professional may be just as appropriate for a particular job. Other licensed professionals also make enormous contributions to the delivery of medicine, including physician assistants or nurse practitioners who perform many basic functions of medical care. Although there was a lot of fear at the outset that this might displace the work of lawyers, that fear has not materialized. These professionals are more like "super paralegals" and are helping to serve more clients in family law and help bridge the access to justice gap that plagues every state. We stepped up to partner with the Washington State Bar Association in this initiative by creating the curriculum and delivering it in an online format.

“As our world grapples with increasingly complex social challenges, my hope is that we appreciate the role of law in making positive change.”

What can legal educators learn from innovations like limited license legal technicians?

It is important for all of us to face the enormous access to justice gap that plagues our legal system. Too many individuals who need legal representation cannot afford it and that not only hurts those individuals and our social fabric but it also undermines respect for the rule of law. Legal educators can and should be partners in innovations that address this gap.

There have been a number of changes in legal education over the last few years to better adjust to changes in the legal profession. What are some of the most significant innovations that you have seen? What other changes would you like to see?

I have been delighted to see how eagerly our member schools have sought to respond to the challenges and changes in our profession and in legal education. While trying to limit any increase in cost, schools have sought to increase quality. I'm especially happy to see more recognition of the wide range of skills that our graduates need to be successful and more courses that address these skills—including skills of financial literacy, technological literacy, and leadership competencies. Schools have also added substantially to opportunities for clinical legal education and have begun to integrate skills education in far more sophisticated ways.



What is your leadership style, and how will you use it to implement your ideas during your year as AALS president?

I love the subject of leadership, and one of the things I've learned is that effective leaders are "adaptive" rather than having just one style. I plan to continue learning more about leadership, as it is a lifelong project of development. That said, more than anything I see this role as a service to the legal academy and want our member schools to know that I am, and all of AALS is, here for them. We want to continue the robust dialogue we've had over the past few years with our members and use their input to make AALS even more responsive to their needs. I've been visiting with many member schools and look forward to doing more of that this fall. Invite me—I'll do my best to make it!

What do you see as the greatest opportunity for AALS? What accomplishments would you like to see by the end of your term?

Legal education needs a strong, positive voice and AALS is seeking to do more in this regard. In addition to strengthening the professional development programs that we have long been known for, especially our Annual Meeting, I hope that we can make even more progress on being the leading voice for the legal academy. We are also seeking to address what has been a 40-year decline in interest in attending law school among college freshman according to a study from the Higher Education Research Institute at UCLA. Our new initiative is called "Before the JD," and we plan to use surveys and focus groups to better understand what today's college students understand about legal education.

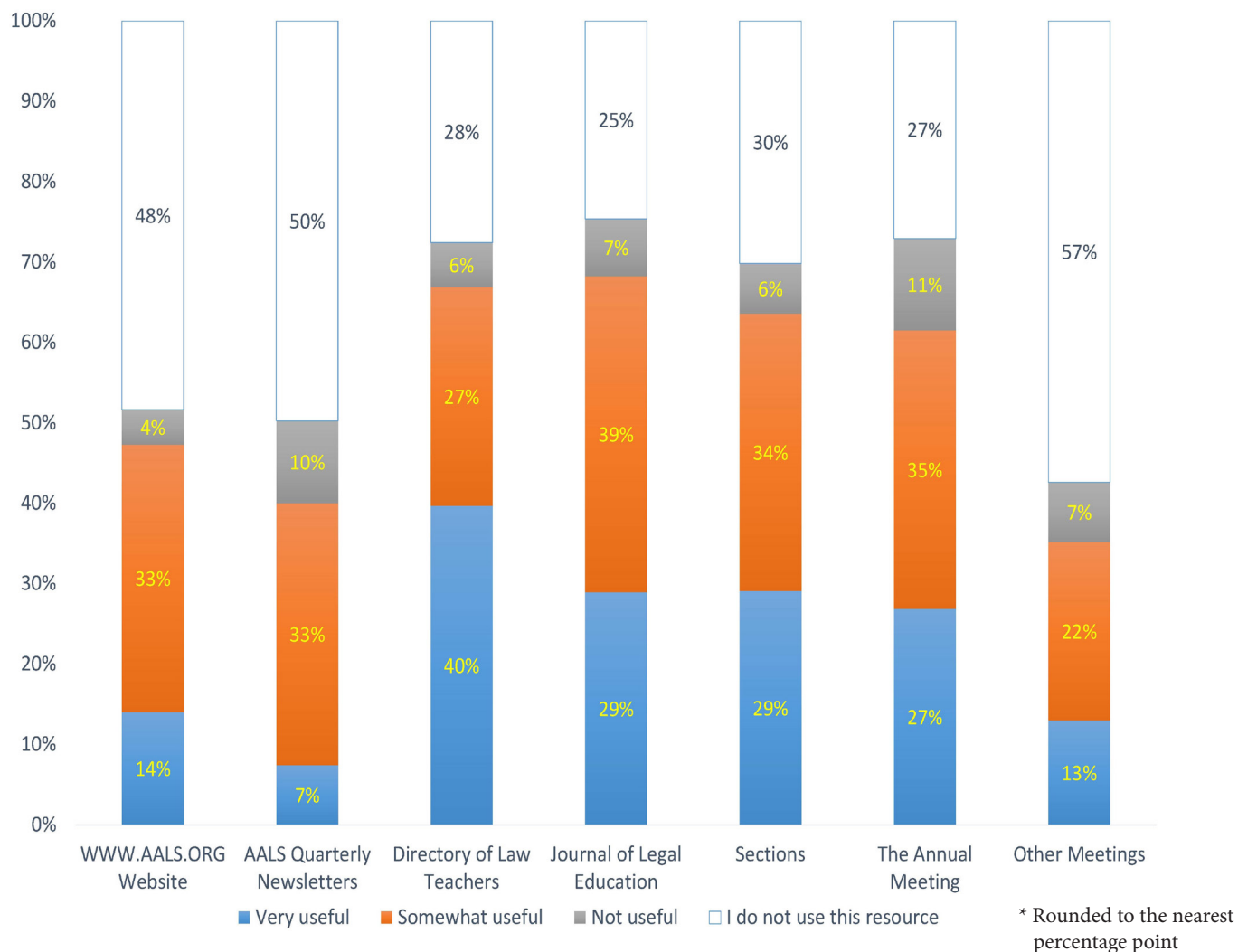
What else do you want people to know about you and your leadership of AALS?

A year goes by fast, so let's make the most of this. I'm here for you. And, I could not be more confident in the leadership of Judy Areen, the other members of the Executive Committee, and the hardworking and capable staff in Washington, D.C.



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2015-2016 AALS Annual Survey Results



Anonymous feedback, AALS Member Survey 2016:

“ I appreciate the fact that positive change has taken place at AALS. The survival of the organization, beyond its accreditation function, depends upon a new look at the utility of our old institutions. ”

“ I am a clinic director. The AALS Conference on Clinical Legal Education is always an important and useful event for me. ”

“ Thank you for all the work you’ve done to make the AALS even more responsive to member needs. The website is terrific as was the meeting. Thank you! ”

The directory is printed annually as a donation from West Academic Publishing and Foundation Press. Sixty-seven percent of respondents said they find the directory useful.

AALS Annual Meeting attendees have also noticed several additions and improvements to the 2017 meeting in New York City. More than 3,000 law school faculty, deans, and staff attended, and 63 percent of respondents to our survey found it useful to attend. In accordance with the theme of “From Challenge to Innovation: American Legal Education in 2016,” the programs at the January meeting focused on novel thinking and fresh perspectives on law and legal education during a time of profound change in the profession. Recent additions to the meeting include “Arc of Career” professional development programs, an opening plenary session, and new formats for sessions including discussion groups. In addition, AALS added a session for first-time meeting attendees. For a more complete overview of the most recent Annual Meeting, visit www.aals.org/highlights2016.

AALS has 100 sections organized around various areas of expertise for faculty members and professional staff of AALS Member Schools; 62 percent of survey respondents said sections are useful to them. Sections develop the majority of programming at the AALS Annual Meeting and may also provide support throughout the year via newsletters, mentorship programs, and discussion on listservs. The association has been focused on improving services to sections including a new AALS *Section Counselor* e-newsletter for section chairs and enhanced resources for section listservs and webpages.

Responding to Changes in Legal Education

Over the last few years, AALS has made an effort to communicate a more balanced and informed understanding of legal education to key groups outside the legal academy including policymakers, leaders of the bar and bench, the media, prospective law students, and the general public. Specifically, AALS has focused on improving public outreach efforts including the AALS website (www.aals.org), which now features sections that highlight current issues facing legal education, innovative and outstanding law school programs and faculty, public interest and public service activities, and an archive of current news related to law schools and the legal profession. In addition, AALS now connects with the legal community and public through its social media pages including Facebook, LinkedIn, Twitter, and YouTube.

AALS has also been improving the content of *AALS News*, the official newsletter of the association, over the last year. *AALS News* is published four times per year and has included more original writing such as interviews with leaders and dynamic voices in legal education, and an ongoing “Spotlight on Sections” featuring Q & As with the leadership of the association’s sections. Recent issues and an archive of *AALS News* through 2009 are available at www.aals.org/aalsnews.

To provide additional feedback on AALS meetings, resources, and technology, feel free to reach AALS staff at aals@aals.org or utilize the comment box at www.aals.org.



SEEKING RECOMMENDATIONS FOR AALS COMMITTEE MEMBERS

This July, AALS President-Elect Paul Marcus will appoint members to the following standing committees for three-year terms that begin January 2017:

- Academic Freedom and Tenure
- Clinical Legal Education
- *The Journal of Legal Education* Editorial Board
- Membership Review
- Recruitment and Retention of Minority Law Teachers and Students
- Sections

He will also appoint members to the Nominating Committee for Officers and Members of the 2018 Executive Committee, the Program Committee for the 2018 Annual Meeting, and the Committee to Review Scholarly Papers for the Annual Meeting.

Thoughtful and effective volunteers are a vital element in the work of AALS. The association seeks to build committees that reflect the participation of newer as well as seasoned members of the academy. If you know of law school teachers who would be particularly suited to these committees, we welcome recommendations and would appreciate insights into the suggested person’s strengths in the context of the proposed committee service.

Please send recommendations to Judith Areen, Executive Director, at 17committees@aals.org before June 24, 2016. Please include the committee name as the subject header of your email. You may also mail your nominations to 2017 Committee Appointments, Association of American Law Schools, 1614 20th Street NW, Washington, DC 20009.

NOMINATIONS SOUGHT FOR AALS PRESIDENT- ELECT, EXECUTIVE COMMITTEE POSITIONS

The 2017 AALS Nominating Committee invites faculty at AALS Member Schools to suggest candidates for President-Elect and for two open positions on the Executive Committee for three-year terms. The Nominating Committee would very much appreciate help in identifying strong candidates who can help shape the future and direction of the association.

Send your suggestion and supporting comments to Executive Director Judith Areen, 1614 20th Street, NW, Washington, DC 20009 or jareen@aals.org by June 1, 2016. Please note that to be eligible, a person must have a faculty appointment at an AALS Member School. The committee will recommend candidates for these positions to the House of Representatives at the 2017 AALS Annual Meeting in San Francisco.

AALS President Kellye Y. Testy has appointed an able, informed, and representative Nominating Committee. The members of the Nominating Committee for 2017 Officers and Members of the Executive Committee are: Annette Clark, Seattle University School of Law; Marty Katz, University of Denver Sturm College of Law; Gillian Lester, Columbia University School of Law; Leo P. Martinez, University of California, Hastings College of Law, 2015 Chair; and Daniel Rodriguez, Dean, Northwestern University Pritzker School of Law, Chair.

Why Law Matters

AALS President Kellye Y. Testy,
Dean, University of Washington
School of Law

The role of law in society is insufficiently understood or appreciated. From students to the general public to university presidents and provosts to leaders of major foundations, law is often seen too narrowly as being only a system of dispute resolution rather than in its broader role of creating the ecosystem for human flourishing. Law in this sense is like the air we breathe—we only notice it when it's not there. But we can no more live healthy lives without the rule of law in this world than we can without air. And waiting to appreciate its vital role until we are choking and gasping is not a good strategy.

We need to make the case now for why law matters and for the academy's role in advancing respect for and understanding of the rule of law. In a 1974 article, John Cribbet, then dean of the University of Illinois College of Law, called this the "silent *raison d'être* of legal education and the lasting claim for public and private support of the law schools." Making our case is both urgent and important—especially in the current environment where many aspects of law are troubled and vivid: race-based violence and racial inequity in our criminal justice system; growing access to justice gaps as economic inequality widens; honest businesses struggling to compete in countries that do not value law and justice; deepening ethnic and religious conflicts and resulting migration surges; devastating gun violence expanding in number and scope.



Too often the public views law as a shield that protects the rich or as a sword that cuts down the poor. We must acknowledge these views while also knowing—and helping others to understand—that adherence to, not rejection of, the rule of law will help resolve these conflicts and more.

Making our case can also make a difference—to us, to our profession, to our communities and to the world. Perhaps it can help us to understand law in new ways and to appreciate again some of its historic strengths applied to new contexts—for instance, law can be an important stabilizing force in a "disruptive" age. A more intentional focus on why law matters can also help us to re-energize our teaching, research, and service, and inspire a new generation of students to dedicate their lives to the law.



Spotlight on Sections: Section on Criminal Justice

By Barbra Elenbaas

AALS Sections provide a forum for law school faculty and staff to connect on issues of shared interest. Each of the 100 AALS sections is focused on a different academic discipline, affinity group, or administrative area. 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 conversed with the leadership of the AALS Section on Criminal Justice.

The Section on Criminal Justice promotes the communication of ideas, interests, and activities among members and facilitates and promotes the development of the scholarly, pedagogic, and public service efforts of Section members.

Laurent Sacharoff, University of Arkansas School of Law – Fayetteville (Chair)

Meghan J. Ryan, Southern Methodist University, Dedman School of Law (Chair-Elect)

Tell me about the membership of the Section on Criminal Justice.

Laurent Sacharoff: We are law professors who teach both or either substantive criminal law and criminal procedure. Our membership also researches and writes in a variety of areas of the law including such topics as plea bargaining or sentencing. That’s important because 97 percent of federal cases (and also many state cases) are resolved by way of a plea bargain. Finally, we have members who research or teach incarceration topics. This has become an important topic because we [in America] incarcerate five to 10 times as many people *per capita* as

European countries, and because of the racial disparities in our incarceration rates.

Meghan J. Ryan: We also have a pretty engaged membership both on scholarship and legal issues. We’re generous in giving comments to each other on paper drafts, helping with teaching questions, and other issues that come up.

LS: On the personal level, members of the group are supportive of each other, friendly, and fun. Many of us are former prosecutors or public defenders or trial lawyers of some sort.

How do you interact or collaborate outside of the Annual Meeting?

MR: We have two active listservs that we use. Every day there are probably anywhere from five to 30 emails that go back and forth discussing hot topics in the law. We also talk more substantively about aspects of criminal law, like what’s the evidence necessary to prove rape, or procedure issues affected by some recent Supreme Court or circuit court cases. We talk a lot about issues that are unresolved, and debate what the right answer is.

LS: We also have CrimFest, a criminal law conference organized every summer by our section Secretary Carissa Hessick (University of Utah, S.J. Quinney College of Law). That’s a nice supplement to AALS, more informal and workshop-oriented. It’s pretty well-attended, and has a nice feature where people who are on the job market and currently doing fellowships will present their papers and network. And there are other, even smaller conferences—one at Texas Tech, and the American Bar Association has a conference that AALS sometimes participates in.

MR: We’re bigger than just our participation in AALS. The AALS Annual Meeting is very useful and it provides a framework for structuring our community. The AALS section is the clearest home for us, but it’s really a community of scholars.



Photo courtesy of University of Arkansas School of Law

Laurent Sacharoff, University of Arkansas School of Law – Fayetteville (Chair)



Photo courtesy of Southern Methodist University, Dedman School of Law

Meghan J. Ryan, Southern Methodist University, Dedman School of Law (Chair-Elect)

What kind of resources could one find on your AALS section website? It is one of the more robust section sites. How do you handle its management?

LS: This is something that I’m interested in improving. Right now the site has our biannual newsletter, which recaps peoples’ publications and previews panels that are coming up at AALS. But the website can be hard to use. I’m excited to make it a better resource by having it more web-based than download or document-based.

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We post the same things from year to year. We post the newsletter, we post the call for papers. We post them simultaneously as an announcement and on the listserv.

MR: Usually we've had the secretary post the newsletters since the secretary is the one responsible for putting them together. Laurent has been really great in trying to make our website better and providing a little more consistency from year to year even though our positions change as we progress through the Executive Committee.

How does your section support the scholarship of your members?

LS: One new initiative that our section Secretary Carissa Hessick is spearheading is a more formal mentoring program. The section will link up junior faculty with more senior mentors to help with their careers, but more specifically with their scholarship. We also host an award for junior faculty, through a call for papers.

MR: Every once in a while, AALS co-sponsors a workshop with the Academics Committee of the American Bar Association's Criminal Justice Section. The goal is to have some cross-fertilization of ideas and work between

“ **AALS co-sponsors a writing workshop day, which really helps people improve their papers, improve their scholarship, and hone their ideas.** ”

– Meghan J. Ryan

law school faculty and practicing lawyers, and also to help practicing lawyers transition into teaching. That can be difficult sometimes—first to get the job, and then to develop good scholarship and good teaching. At the event, AALS co-sponsors a writing workshop day, which really helps people improve their papers, improve their scholarship, and hone their ideas.

Also, there is the more informal aspect of having a community via listservs and the structure of our section more broadly. That helps to facilitate networking among law faculty, which then leads to making friends and commenting on people's papers so they can improve in that way as well.

Do you have any advice to offer other sections looking to increase their member engagement?

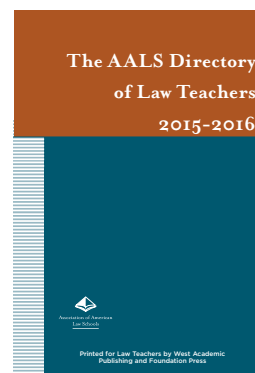
LS: One of the interesting things we do in the Criminal Justice Section is when we try to decide what panels to hold at AALS, we on the Executive Committee don't decide unilaterally. Instead, we prominently announce a call for panels. We see numerous applications—10 or more per announcement, and we engage the community through this method.

A new effort we tried this year, at the suggestion of new Executive Committee member Eric Miller, was to reserve one spot on that panel. Once we selected the two panels to sponsor, we put out another call for people to nominate someone (or themselves) to fill the final spot on the panel to increase diversity. Viewpoint diversity, racial diversity, gender diversity—the original panels very much are [trying to focus on diversity] when they are first organized. But Eric proposed, and we all thought it was a great idea, that we enhance diversity further this way. We were hoping this method would allow us to say ok, maybe this panel has some people who are familiar and have been on AALS panels before. Now we have the opportunity to make sure someone on the panel is a person we've never heard from before.

DIRECTORY OF LAW TEACHERS

Deans, tenured, tenure-track, long-term contract, and emeriti faculty members can update their *Directory of Law Teachers* profile year-round.

Make sure your *Directory of Law Teachers* biography reflects your achievements, publications, new subjects, and career changes by logging in to www.aals.org/dlt. All changes made by October 2016 will be included in the 2016-2017 *Directory*.



MR: We look at school diversity, as well. I think a lot of sections have different ways of creating panels. I think sometimes it's the Chair's prerogative to organize and be on the panel themselves. But we have such an engaged membership in the Criminal Justice section that people want to be on the Executive Committee [and panels], make a difference, and bring people together.

“ We are continuing to increase who is involved in the section and in leadership, including diversity of all sorts, but particularly school diversity.”

– Laurent Sacharoff

One of your sessions at the 2016 Annual Meeting centered on the rise of technology and a data-driven criminal justice system. Is this a trend scholars have been seeing in the field?

LS: The use of predictive policing is one trend we've seen. Others include Fourth Amendment issues, as well as the use of data to predict, in various contexts and criminal systems, where to police. Also, predictions for setting bail and sentencing.

It's a trend in our entire culture. The issue is controversial because on the one hand, data gives us the tools to make smarter decisions and better predict which parts of a city might be more likely to see crime, or which defendants are more likely to be a flight risk or a danger to the community in the bail situation. On the other hand, data poses the danger of repeating stereotypes—racial stereotypes. If big data says we need to patrol this part of the city more but that's just repeating stereotypes based on previous patrolling

habits, convictions, or arrests—more likely arrests—then there's a downside. There's also the privacy downside of data.

What made the panel interesting was that the participants were engaging both sides of that controversy. They weren't anti-data, and they weren't naively pro-data. They were engaging in the difficulty of that discussion, and in the use of data throughout the various stages in the criminal justice system.

What sorts of section activities are you considering for next year's Annual Meeting?

LS: We've submitted proposals for two panels. One of them is a 50-year anniversary of a landmark criminal justice report. It will be a panel on where we stand now, particularly with regard to mass incarceration, but also with other issues dealing with criminal justice.

MR: The name of that report is “The Challenge of Crime in a Free Society.”

LS: The other panel is on false confessions.

MR: I don't know if it's known to a lay audience. A lot of people think that if someone confesses to a crime, that's definitive evidence or proof of guilt because who would confess to a crime they didn't commit? But social science evidence has established that there are a lot of people who falsely confess, which leads to wrongful convictions. And for both panels we have a great lineup of experts in these areas.

You also host a junior scholar award, which is given out at the Annual Meeting. Why is it particularly important to honor upcoming scholars in the criminal justice field?

MR: Sometimes as a junior scholar it's hard to get noticed, especially by scholars who are very well-known in the field. The members of our section's Executive Committee read all the papers that are

submitted for the award. So that's one opportunity, regardless of whether you win the award or not, to get more people reading your paper and possibly giving comments on it.

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

LS: I think the big one for me is to make the website a true resource for professors. One that's easy to use, easy to get on to, has links. Because there are a variety of resources for professors that are in disparate places such as teaching materials. We want the website be a clearinghouse for these resources.

The mentoring program is something that we're all very excited about over the next few years. We have a lot of mentoring that goes on informally, but to have something more institutionalized would be great for newer faculty and the future of the field.

Finally, I think continuing to increase who is involved in the section and in leadership, including diversity of all sorts, but particularly school diversity. I don't want to imply that that hasn't been the case in the past. It's just something that we're cognizant of and everyone on the committee now is committed to being more intentional about that moving forward.

MR: The other thing I'd add is in addition to formal mentoring, I think the Criminal Justice Section membership is really great in engaging in informal ways as well. Not only can you engage in networking at the Annual Meeting, but it's also fun to see people you haven't seen for a year and see what they're working on. So I hope we can continue that tradition as well.



Spotlight on Sections: Section on Legal History

By Barbra Elenbaas

The Section on Legal History seeks to foster interdisciplinary scholarship and teaching in the broad field of legal history, promote discussion of ideas relating to teaching and research in the history of all legal systems of the present and the past, and mentor scholars in the rich traditions and disciplines of historical legal studies.

Anders Walker, Saint Louis University School of Law (Chair)

Mary Ziegler, Florida State University College of Law (Chair-Elect)

What can you tell us about the membership of the Section on Legal History?

Anders Walker: The section includes law faculty who teach legal history surveys as well as faculty who have a joint appointment in a law school and history department. We also have members who teach constitutional law and members who write in legal history—including faculty who teach torts, contracts, property—who have an interest in issues that date back to the founding of the country and beyond.

We're fortunate because we have a professional organization, the American Society for Legal History, which has members including historians who are not law professors. Our AALS section, of all law faculty, plays a support role to the ASLH in many ways. ASLH has an annual meeting, which is well-attended, and that's where much of the action is in legal history.

The field has an active and centralized blog which includes a running review of recently-published work, new work, calls

for papers, and daily business of legal historians. The blog is independently run, and has a large following.

What our AALS section is going to try to do at the 2017 AALS Annual Meeting is highlight some leading figures or ideas that are already on the radar at ASLH. Hopefully, it's a way to recruit new members, but also to convey that this is an active, robust field where there's a lot of exciting new scholarship.

What are the important conversations happening right now in the field of legal history?

AW: With the passing of Justice Scalia, certainly the question of originalism is an important conversation. Original intent of the founders of this country—this is a perennial question and it's often where legal historians are called to provide some insight. The other big one is the history of race—racial segregation, the new “Jim Crow,” mass incarceration, and the crime bill.

“ There's always been interest in connecting what we know about history to what's going on now.”

– Mary Ziegler

There are also discussions of issues that are currently before the courts. Mary's book *After Roe: The Lost History of the Abortion Debate* is part of a current discussion about where the court is going in terms of abortion. Questions about the Religious Freedom Restoration Act. The question of diversity in higher education admissions is back in *Fisher v. University of Texas*. Those are issues where legal historians can broaden the net so we can have a conversation with folks who are not simply interested in historiographic debates.



Photo courtesy of Saint Louis University School of Law

Anders Walker, Saint Louis University School of Law (Chair)



Photo courtesy of Florida State University College of Law

Mary Ziegler, Florida State University College of Law (Chair-Elect)

How is legal history being used to better understand modern problems and trends?

Mary Ziegler: There's always been interest in connecting what we know about history to what's going on now. Some of it can be, in a global sense, what works and what doesn't. One of the ways that lawyers, judges, or politicians try to differentiate a good from a bad strategy is to look at what's happened in the past. Historians have done a lot of good work in that vein—Anders included—on the aftermath of *Brown v. Board of Education*.

Historians may also explore this tension between clients and lawyers, which is relevant to any practicing lawyer representing an individual, business, or cause. How you can do that without having the client's goals getting lost in translation?

If you read the Supreme Court's jurisprudence on gun rights and the Second Amendment, it's full of history. The outcome was going to be dictated by different readings of history, of what the framers meant and what happened thereafter.

[Legal history] can also shed light on legal strategies related to what's going on now—for example, in the abortion context, people are working on figuring out where the strategies we're seeing now are coming from, and what that tells us about the arguments that are unfolding before the U.S. Supreme Court.

How does membership in this section benefit legal history scholars in the academy? How does your section support the scholarship of your members?

AW: One role we can play is networking. Putting people in touch and getting people interested in the community of legal historians. Through the listserv we communicate events that are happening such as calls for papers or the ASLH Annual Meeting.

MZ: Some of it is also just getting legal history out there as a subject that people in other disciplines care about. We have a history with planning our part of the AALS Annual Meeting program and working with other sections, both to increase attendance and to expose people who are not legal historians to the ways in which this kind of work might matter to them, or contribute to their scholarship. There's been an ongoing effort to make sure that we're not just connecting more junior scholars with more senior ones, but also that we're bringing historians into conversation with the broader legal academy.

The section hosted an Annual Meeting program on the Legacy of Magna Carta on the year of its 800th anniversary. What can we learn about today's legal system by looking back at the Magna Carta?

AW: One of the perennial challenges for legal historians is that every new generation brings popular understandings of documents to bear on their meaning. One great example is the U.S. Constitution. We're in the middle of a presidential race, and some folks want a candidate who will uphold the Constitution, who's going to return us to our founding principles. What legal historians can do by looking at a document like Magna Carta is question the role, historically, of something like a constitution.

“There's been an ongoing effort to make sure that we're not just connecting more junior scholars with more senior ones, but also that we're bringing historians into conversation with the broader legal academy.”

– Mary Ziegler

Magna Carta was a contract that King John's landed barons forced him to sign at sword-point. He had to acquiesce and he had to hand over power. He had to give over rights that he otherwise assumed were his as the absolute divine ruler of England. That's something that I find myself every year trying to get across to students—that a constitution limits government power. Magna Carta is a great case study because the king is literally dealing with a mutiny. He has to fork over rights because he simply could not put down the rebellion. This was a

huge crisis for the English monarchy. This was not a moment that King John celebrated. In fact, he immediately tried to renege on the deal, and that was the beginning of his downfall.

Being able to focus on something like that and reintroducing Magna Carta in a dramatic way—I think all our panels will raise some of these issues. Truth tends to be stranger than fiction sometimes. We try to provide perspective on things that people have assumptions about that might not be grounded in historical fact. That is one of the rewarding aspects of the field, and it's something we tried to do with the Magna Carta program. It's celebrated as this founding document but the actual story was a tense state of affairs. It was the beginning of the end for the monarchy in England.

MZ: The panel covered all the different contributions that history makes. There were some discussions of the actual concrete influence the Magna Carta has had on state constitutions, or due process, or jury trials. But also demystifying Magna Carta, and talking about what people say when they talk about it as this lofty thing. There are parallel histories: the history of the idea of it, which we've all grown attached to and politicians invoke all the time; then there's the actual Magna Carta, which may or may not be the same thing.

What programming do you have in the works for the 2017 AALS Annual Meeting?

AW: We'll be co-sponsoring our program with the Section on Constitutional Law. In 2017 we're going to focus on the recent book *Vagrant Nation: Police Power, Constitutional Change, and the Making of the 1960s* by Risa Goluboff. That will enable us to showcase not only the book but also the fact that she will soon be dean at University of Virginia School of Law and will occupy a prominent position in AALS and in the community of deans across the country. As a legal historian, she's someone we want to celebrate.

Continued from previous page

How do your section members interact and collaborate outside of the annual meetings?

AW: The legal history blog, the ASLH, and I've enjoyed collaborating with the Executive Committee and the current executive committee of the section while putting together the Annual Meeting program. Otherwise, the main form of collaboration is through the AALS listserv, which we also try to cross reference with the blog. The blog is so dominant in the field that I think a lot of people go straight to that. I don't want to create redundancies. I think a positive role for the section is to support the legal history blog and the ASLH. Then we can use our section to try to spread the word to the rest of AALS.

MZ: I think often when there's a lot of activity on the AALS listserv, it's not so much scholarly output as it is people trying to organize events outside the context of AALS. I've seen a lot of conversations of different groups of people getting involved in things that have a lot of overlap. It's been useful and generative in that way. I see our role as being the bridge between this vibrant legal history community that already exists—and we were already part of—and the bigger law school community that isn't necessarily aware of it. I don't see

our job as being recreating the wheel on the legal history side. It's more creating programs and providing information to people who are interested in the legal history community, whether they aren't historians at all or they're more junior historians.

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

AW: I'd like to see us provide some counterpoint to the current movement in legal education toward experiential learning. There's been a lot of interest in increasing clinical offerings in law schools to provide students with hands-on practical experience they need to hit the ground running when they graduate. Some argue that courses like legal history don't have that experiential value. One of my hopes for the section is to remind folks that law schools are intrinsically linked to the mission of larger universities. So long as law schools do function within a university context, there is a place for academics. There is a place for the study of academic subjects, and the section strives to make those subjects relevant and to bring them to bear on current events.

I think keeping a focus on academics is going to be critical for the academy going forward. We've been through this before—there was a law school crisis in the 1930s and a lot of law schools at the time felt like they were not sufficiently connected to universities; they were too independent. The larger university populations tended to view law schools as trade schools, not real academic departments. So we fought for decades to be invited to the table of the university as an equal partner in the academic enterprise, the pursuit of truth and pure research. We can't lose that. Now is no time to abandon the university mission and declare ourselves to be trade schools. If anything, many law schools now are relying on their ties to large universities to bring in students and weather some of these vagaries of the job markets and applicant pool.

MZ: Relatedly, we want to integrate. How does legal history matter now? I think we can be a good venue for explaining to law schools, faculty, students, and the broader legal community that this idea of a dichotomy between the scholarly enterprise of studying history and the practical reality of law is a false dichotomy. I think that message doesn't always get out, but it's part of the experience of a lot of legal historians because we're a relatively new part of the legal academy. Most of us do cultivate a lot of relationships with people who are not primarily historians and are interested in what practical or normative lessons that can be gained from historical study would look like.

It's important to recognize the value of the academic study of history being part of a university but also to remind people that there's practical value to studying history. It's not like we're all up in the ivory tower ignoring reality to our detriment. That's a narrative that doesn't make sense to almost anyone who studies legal history. The section can be a good place to remind people of that.



Panelists present at the Section on Legal History's 2016 Annual Meeting program on the Magna Carta. L to R: R. H. Helmholz, The University of Chicago, The Law School and Danaya C. Wright, University of Florida Fredric G. Levin College of Law.



2016 AALS Workshop for New Law School Teachers

The 34th Workshop for New Law School Teachers will be held June 9-11, 2016 in Washington, D.C. The workshop is designed for new law teachers regardless of subject area. Law teachers enter the academy on different paths, but also have much in common as they begin their careers. Sessions will be led and facilitated by a group of inspirational senior and junior faculty chosen for their commitment to legal education, track record of success in their own careers, and diversity of scholarly and teaching approaches. New law teachers will have the opportunity to share their excitement, experience, and concerns in a supportive environment.

“Law schools are facing unprecedented challenges brought about by a nationwide downturn in student applications and a host of other changes and transformations,” Planning Committee Chair Kimberly Yuracko, Northwestern University Pritzker School of Law, said. “New law teachers, including those joining law school faculties as tenure-track, lecturer, clinical, or visiting appointees, must understand and appreciate these challenges in order to succeed in their new careers as scholars, classroom teachers, mentors, and institutional citizens.”

Please visit www.aals.org/nlt2016 for detailed program and registration information.



Randy E. Barnett, Georgetown University Law Center, addresses attendees at the 2015 AALS New Law Teachers Workshop.

CORRECTION

On Page 5 of the February 2016 issue of *AALS News*, Dean Wendy B. Scott, Mississippi College School of Law, was incorrectly identified as Wendy Green in the “President’s Report on 2015.” AALS apologizes for the error.

CALL FOR SYMPOSIUM PROPOSALS FOR THE 2017 AALS ANNUAL MEETING

The Association of American Law Schools is pleased to request proposals for the Symposium to be held at the 2017 AALS Annual Meeting in San Francisco. These programs are full- or half-day sessions focusing on in-depth scholarly exploration of a topic of academic interest.

Symposium proposals should include:

- An abstract of up to 750 words describing the overall symposium program and its anticipated contribution to legal scholarship.
- Abstracts of up to 250 words describing each proposed symposium paper.
- A description of the publication arrangements for the program.

The committee encourages symposium program organizers to arrange for the publications of papers to be published in a journal or edited volume.

In reviewing Symposium Program proposals, the Committee will consider the overall quality of the program, including whether:

- The proposal is well written and thoughtfully constructed;
- The program is likely to be of interest to Annual Meeting attendees;
- There is a diversity of presenters, including diversity of schools, viewpoints, and identity characteristics;
- There are junior participants included in the proposal; and
- The abstracts reflect papers that are likely to contribute substantially to the scholarship in the field.

Proposals for Symposium programs may reserve one or more spots for participants selected from a call for participation. Participants selected from a call for participation must be identified no later than September 29, 2016.

Proposals are **due May 12, 2016** and should be submitted through the online submission form. Please visit www.aals.org/aals-events/rfps to see the full call for open submission programs, and find the link to the online submission form. Questions may be directed to symposium@aals.org.

FULBRIGHT SCHOLAR PROGRAM SEEKS APPLICATIONS FOR 2017-18 ACADEMIC YEAR

The Fulbright Scholar Program offers teaching, research, or combined teaching and research awards in over 125 countries for the 2017-2018 academic year. Opportunities are available for college and university faculty and administrators, as well as for legal professionals and independent scholars.

This year, the Fulbright Scholar Program is offering more than 90 awards in the field of law. Opportunities are available in many countries, including:

- Brazil
- Canada
- Ghana
- Japan
- Jordan
- Kazakhstan
- Macedonia
- Norway
- Russia
- Sweden

A full listing is available at www.aals.org/fulbright.

For further awards in the field of law, visit the program's opportunities in law webpage at www.cies.org/opportunities-law. For eligibility factors, detailed application guidelines, and review criteria, visit www.cies.org/program/core-fulbright-us-scholar-program.

Applicants must be U.S. citizens and the current competition will close on August 1, 2016.

The Fulbright Program, sponsored by the U.S. Department of State's Bureau of Educational and Cultural Affairs, is the U.S. government's flagship international exchange program and is supported by the people of the United States and partner countries around the world. For more information, visit eca.state.gov/fulbright.

CALL FOR SCHOLARLY PAPERS FOR PRESENTATION AT 2017 AALS ANNUAL MEETING

In order to foster the next generation of legal scholars and to recognize outstanding legal scholarship, AALS is sponsoring a call for papers for the 32nd annual AALS Scholarly Papers Competition. Full-time law teachers at an AALS Member or fee-paid school for five years or less on July 1, 2016, are invited to submit a paper on a topic related to or concerning law. A committee of established scholars will review the submitted papers with the authors' identities concealed. Papers that make a substantial contribution to legal literature will be selected for presentation at the AALS Annual Meeting in San Francisco in January 2017. To be considered for the competition, an electronic version of the manuscript should be emailed to scholarlypapers@aals.org no later than August 5, 2016, 11:59 p.m., Eastern. For more information, please visit aals.org.

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New law school graduates benefit from rise in firm hiring

U.S. NEWS & WORLD REPORT – About 95 percent of 2015 law firm summer associates received a job offer, according to a February report from the National Association for Law Placement, which surveyed 361 employers and 121 member law schools for the report.

[Read More](#)

A look at co-deans at Case Western and Rutgers law schools

INSIDE HIGHER ED – More law schools are starting to see the benefits — beyond short-term logistical convenience — of having two people fill the role.

[Read More](#)



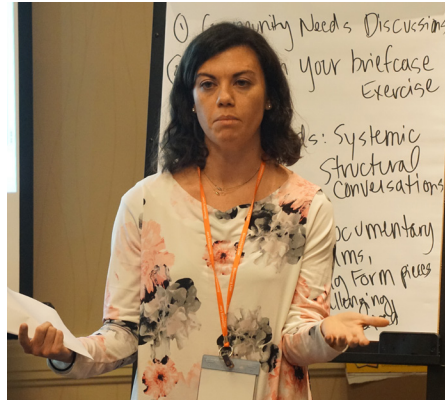
AALS Associate Director Regina F. Burch presents 2016 Scholarly Papers Competition award to Jill M. Fraley, Washington and Lee School of Law.

2016 AALS Clinical Conference in Pictures

BALTIMORE, MARYLAND



Kimberlé Crenshaw, UCLA Law with Renée Hutchins, University of Maryland Law during a Plenary Session on law school clinics and the #BlackLivesMatter movement.



Allison Korn, University of Baltimore School of Law, presenting at a session on clinics in rural communities.



AALS Clinical Conference Planning Committee Chair Phyllis Goldfarb, The George Washington University Law School.



Conference attendees enjoy the Opening Plenary Session.



Carolyn Grose, Mitchell Hamline School of Law and Margaret Johnson, University of Baltimore School of Law invite attendees to reflect on the conference at the final Plenary Session.



Gerald López, University of California, Los Angeles School of Law discusses "rebellious lawyering" at the Opening Keynote address with Ascanio Piomelli, University of California, Hastings College of the Law.

111th AALS Annual Meeting

Why Law Matters



Jan 3 - 7, 2017 | San Francisco, CA
www.aals.org/am2017

2016 AALS Workshop for New Law School Teachers



Image credit: Destination DC

June 9 - 11, 2016 | Washington, DC
www.aals.org/nlt2016

AALS CALENDAR

Conference on Clinical Legal Education

Saturday, April 30 - Tuesday, May 3, 2016, Baltimore, MD
Friday, May 5 - Tuesday, May 9, 2017, Denver, CO
Sunday, April 29 - Wednesday, May 2, 2018, Austin, TX

Workshop for New Law School Teachers

Thursday, June 9 - Saturday, June 11, 2016, Washington, DC

Faculty Recruitment Conference

Thursday, October 13 - Saturday, October 15, 2016, Washington, DC
Thursday, November 2 - Saturday, November 4, 2017, Washington, DC

Annual Meeting

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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