



## Presidential Address

### “Access to Justice” at the Second Meeting of the AALS House of Representatives, 2017 Annual Meeting

By Paul Marcus,  
AALS President,  
January 6, 2017



**T**hank you for the kind introduction and warm welcome. It is my honor and privilege to serve as the President of the Association of American Law schools for 2017. I will be continuing in the footsteps of some remarkable individuals who have served our association with tremendous distinction in recent years: Reese Hansen, Michael Olivas, Lauren Robel, Leo Martinez, Dan Rodriguez, Blake Morant, and, of course, Kellye Testy. To you, and to those who served before you as Presidents and members of the Executive Committee, I applaud you.

I also need to emphasize what a terrific job our Executive Director, Judy Areen, has done over the past few years.

I want to thank some special people very close to me, people who have traveled far to be here today: Richard and Susan Fybel from Irvine, and Tina and Dick Morgan from Idaho. Rich and Dick were classmates, and our families have been close for more than 40 years. Also, the person closest to me, my wife Becca Nimmer Marcus. Thank you, my dear.

Before going forward, I'd like to pay a special tribute to a very special person. Just a few months ago we lost someone very close to many people here: [LSAC President] Dan Bernstine. He was my friend, my mentor, my advisor. What a wonderful person, terribly missed.

*Continued on page 2*

## Highlights from the 2017 Annual Meeting

**M**ore than 2,500 law school faculty, deans, and staff attended the 111<sup>th</sup> Annual Meeting of the Association of American Law Schools from January 3-7, 2017, in San Francisco. The event is the largest worldwide gathering of law deans, faculty, and staff and featured over 1,000 speakers at more than 250 sessions covering a wide range of legal topics.

*Continued on page 15*

## President's Report on 2016

### AALS House of Representatives, First Meeting

By Kellye Y. Testy, 2016 AALS Past President and Dean, University of Washington School of Law

**I**want to begin by saying, first and foremost, thank you for your support during my year as AALS President. I have been able to meet with many of you and visit many of your schools. One thing this year has done is make me even more confident in the future of our legal academy. I stand in admiration of the way that our law schools are responding to a very challenging environment, and responding with the kind of help that our world desperately needs and craves.

When I chose “Why Law Matters” as my theme last year, I was choosing something that I believe in from my life experience: the importance of the rule of law for human flourishing. I am personally devoted to seeking justice through law. Little did I know, as time went by, how the events of our day would make

*Continued on page 5*

## Inside



### 11 Q&A - Annual Meeting Programming

- Donna M. Nagy, 2017 Annual Meeting Program Cmte. Chair
- Susan Carle, AALS Professional Development Cmte.



- 9** Microsoft President Brad Smith Delivers Plenary Address at Annual Meeting



- 20** 2017 AALS Conference on Clinical Legal Education

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As I look around this room today, I see many friends who have been instrumental in moving our process of legal education forward over a long period of time. I also see quite a number of you who have more recently joined the academy. You are fortunate indeed. You may look forward to great rewards and challenges and you will have the opportunity to meet some of the best and brightest in our nation, people who will truly change the direction of our country for decades to come.

We have heard in addresses from recent AALS presidents of the great challenges and changes legal educators are facing. Over the last several days, we have heard from many other people discussing similar matters.

Today and over the course of the next year, while I will surely look to those matters, I wish to focus on something different. What I have in mind is the role of our schools and colleagues in providing access to justice for our fellow citizens.

Before looking to that role, let me offer some preliminary thoughts regarding existing problems.

I begin with the notion that law schools and legal educators are called upon to do many things. Of course, we must educate our students, the vast majority of whom will be practicing lawyers for many decades to come. We offer not only an education in the law, but an education in the responsibilities of those fortunate enough to become attorneys. At a number of schools, including my own, we dub this person "the citizen-lawyer:" an individual who is, to paraphrase a well-known university president, willing to work to leave the law better than he found it.

Using legal training and experience, this is a lawyer willing to work to improve the life of the entity that pays her salary and the lives of her community, state, nation, and even world. An admirable goal.

*Continued on page 3*

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## In this issue

- Cover Presidential Address; AALS President Paul Marcus
- Cover AALS President's Report on 2016; Kellye Y. Testy
- Cover Highlights from the 2017 Annual Meeting
- 6 AALS Executive Director's Report on 2016; Judith Areen
- 8 AALS Survey: Pro Bono Legal Services
- 9 Microsoft President Brad Smith's Annual Meeting Address
- 11 Q&A: Donna M. Nagy, 2017 Annual Meeting Program Committee Chair
- 13 Q&A: Susan Carle on the AALS Professional Development Committee and "Arc of Career"
- 18 Call for Proposals for the 2018 Annual Meeting
- 19 Journal of Legal Education, Winter 2017 Issue
- 20 AALS Conference on Clinical Legal Education

As law faculty, we also engage in scholarship both theoretical and practical, empirical and comparative. That we engage in scholarship is a given; its significance is not a given. An excellent and concise reason we engage in scholarship was expressed very well by one of our Executive Committee members, Erwin Chemerinsky, in writing the foreword to a University of Michigan symposium. He asked, “Why Write?”

He answered, “We write to add significant, original ideas to the analysis and understanding of the law; as people, we write to understand ourselves and the world in which we live.” Well said, Erwin.

We also serve as an extremely important resource for our communities. The law school is a place where others can hear lively debates, tap into our great libraries, and interact with faculty and students.

“ **This larger story of what we as legal educators can do ... to assure fairness in law for our less fortunate citizens is an exhilarating and uplifting story.** ”

Both historically and today, we also do one other extremely important thing: work to ensure that our fellow citizens can be guaranteed legal assistance, even if they are less fortunate than those of us who were able to attend law school and enter the profession.

Now I should say at the outset, we are not the only institutions engaged in such work.

Aside from the dedicated lawyers who work in legal aid and as public defenders, we see private attorneys and government lawyers at all levels engaged in *pro bono* activities.

The government itself has programs to provide assistance by public lawyers, and the American Bar Association has been actively involved in this endeavor for many years. Its 2016 report on the future of legal services is a must read, a document which is truly sobering in its look at the many difficulties we see in our nation as to providing adequate legal representation to all.

It is not just the ABA, but also state and local bar associations across the nation, operations such as the Alabama and Mississippi Volunteer Lawyer Projects, the San Francisco Justice and Diversity Center, and the Washington State Moderate Means Program.

Many U.S. law firms have outstanding programs designed to help provide such access and to assist law schools in this endeavor, such as:

- Hunton & Williams, which has partnered with the University of Virginia to establish an office by the law school and employ two recent law graduates who work out of the local legal aid program.
- Arent Fox and DLA Piper, which are collaborating with Georgetown to establish a law firm for recent graduates to represent people who can't get free services but can't afford to pay a lawyer.
- Morrison & Foerster, which has its lawyers working with law students to provide assistance to Iraqi refugees.
- Kilpatrick Townsend, which partners with community organizations in a range of programs such as domestic violence issues and deterring human trafficking.
- Covington & Burling, which engages with law students to support a New York restorative justice project for delinquent youth.
- Hogan Lovells, which has lawyers going into the community to provide aid to those seeking to establish business and enterprises in impoverished communities in the U.S. and abroad.

These and law firms across the nation provide millions of hours of *pro bono* assistance each year. Yet tremendous needs remain.

I have worked principally in the criminal justice area, so I will begin by explaining the somewhat shocking unmet needs for lawyers. Professor Cara Drinan at the Catholic University of America wrote recently, “Indigent defense systems across the nation operate with far too little money, resulting in a host of interrelated consequences. Public defenders carry excessive caseloads, they have inadequate, if any, access to investigative and expert assistance, and they cannot meet with and counsel their clients effectively and in a timely manner. Many indigent defendants make unintelligent waivers of their right to counsel, endure months in jail without hearing a status report from their lawyers, fail to secure pre-trial releases from jail, and either agree to plea bargains or go to trial without adequate discussion or preparation.”

The gaps on the civil side are just as troubling. For every client served by a legal aid group, one person who seeks help is turned down because of insufficient resources. Less than one in five of the legal problems experienced by low-income are addressed with the assistance of either a private attorney (*pro bono* or paid) or a legal aid lawyer. Nationally, on average, only one legal aid attorney is available for over 6,000 low-income people. By comparison, there is one private attorney providing personal legal services for every 400 people who are above the poverty threshold.

The efforts I described above unquestionably provide some help for both civil and criminal matters. That story is told repeatedly, and well. As legal educators, we have our own story to tell.

Ours is a story less well-publicized. This story is about dedicated students and faculty members across the United States who diligently pursue the goal of equal justice for all by providing sorely needed legal representation.

This is the story of legal clinics at all our member schools, clinics which focus on an enormously broad set of legal issues involving disabilities, Native American concerns, low income taxpayers, special education, social security, elder law, civil rights, domestic violence, criminal defense, and consumer issues among many other fields.

It is the story of the many schools which have established well-known incubator programs. One model is found at the City University of New York, where recent graduates get intensive training so that they will be able to provide basic business advice to those who cannot afford to hire lawyers. Some schools in the same region—Boston College, Boston University, and Northeastern University—have pooled their resources to create another vibrant incubator program.

It is the story of the numerous innocence projects at law schools from east to west and north to south. These projects provide assistance to indigent defendants who have been wronged by our criminal justice system.

There are many of our member schools who do us proud by having their faculty members and students work to ensure access to our legal system. They are schools of all sorts: large and small, in urban areas and college towns, private schools and public institutions.

They are schools such as the University of New Mexico, which mandates clinic experience so that students understand their obligation as citizen lawyers. Northwestern and Akron send their students into public schools to help young people understand our constitution and our legal system. North Carolina Central recently launched the Virtual Justice Project, a state-wide network of high-definition conferencing technology that expands the reach of access to legal information, service, and education throughout the state of North Carolina.

My own school, the College of William & Mary, has a veterans benefits clinic which has brought in more than \$20 million in benefits and back pay of about \$1 million for veterans.

Fordham and Georgia State focus on access issues through teaching, service, and scholarship with their strong Access to Justice Centers. Western New England's graduating class last year provided 12,000 hours of service on behalf of hundreds of clients in nine clinics, and logged in over 2,000 hours of *pro bono* service at dozens of organizations. Seattle University established



Paul Marcus at the 2017 AALS Annual Meeting

a project pairing faculty advisors and practicing attorneys with students to provide information to prisoners incarcerated in Washington State.

University of Virginia has given its LL.M students the opportunity to learn about the U.S. legal system while engaging in *pro bono* service. The University of Tennessee, UCLA, and Catholic University of America have effectively combined the efforts of law students and supervising law professors to gain clemency for inmates who were sentenced to decades in prison. The University of Wisconsin has developed its Wills for Heroes Program in which practicing lawyers and students go around the state to assist first responders and their spouses or domestic partners.

Harvard worked with their graduates and the Skadden Arps law firm to establish public service fellowships, enabling graduating students to provide legal services to the poor and the homeless. The University of Richmond's Children's Defense Clinic allows students to help to provide legal assistance to indigent children who are before the court on delinquency matters.

Ours is the story of those being represented, but it is also the story of our students learning the joy of representing those truly in need. I am thinking of one student at the University of Colorado who worked in the Juvenile and Family Law Clinic who commented that "You represent the most vulnerable segments of the population during what may well be the worst moments of their lives...they have been through experiences that can be pretty hard to comprehend for most of us."

Or students at the SUNY Buffalo Domestic Violence and Women's Rights Clinic who speak of helping to "change the lives of victims, survivors, and others in need."

Or a student at the University of Wyoming who, with her professor, argued successfully in the Denver immigration court on behalf of their detained client from Eritrea. She commented, "My client will no longer wonder if he has somewhere to live



safely. Today, my client will for the first time know he can stay somewhere permanently without fearing torture. I am not happy because I won, I am happy because I helped save my client's life."

This larger story of what we as legal educators can do, and what we and our students are doing, to assure fairness in law for our less fortunate citizens is an exhilarating and uplifting story.

Two justices of the U.S. Supreme Court asserted forcefully the need for equal justice. Let me paraphrase Lewis Powell and Thurgood Marshall. Justice Powell wrote that "Equal justice under law is perhaps the most inspiring ideal of our society...it is fundamental that justice should be the same in substance and availability, without regard to economic status." Justice Marshall's message was even more succinct: "To promote justice is the foundation of all our American democracy."

Our efforts as legal educators in attempting to attain this ideal is truly a story worth telling. Over the course of the coming year, I encourage all of us to promote this notion of equal justice. I intend to tell our story to our colleagues, our students, and to judges, lawyers, and the broader community. It is quite some story.



## AALS ON YOUTUBE



Visit the AALS YouTube channel to check out hundreds of videos on law school programs, clinics, teaching, lectures and advice for prospective students. The channel also hosts a selection of videos from AALS meetings. Subscribe to the AALS YouTube channel at [www.aals.org/youtube](http://www.aals.org/youtube).

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that theme even more relevant. I want to thank you for the great work you're doing in the service of law and justice. What we do is needed in our world now more than ever. We can help bridge change and stability. Law can help guide us to peace, justice, and an environment where everyone, especially those most vulnerable, can find a way to flourish.

More than anything, I want to thank you for what you do and call you to keep doing it. We need you now. I hope you feel good about what you're doing. I believe in our capacity to continue promoting the role of law and justice in our world. Thank you for what you're doing. I look forward to continuing the work with you.

I want to mention a couple of things that I hope we continue to strive for as an academy. One of those is that we, through our work as scholars, need to continue to be a place of ideas. Our world is going to need creative solutions and new ways of thinking. That's what scholarship does: helps open up a space where we can think and have the privilege of saying what we think.

We all must continue working to cultivate the kind of environment in our institutions and in our world where we have the space and protection of academic freedom to talk about what matters in law and policy. AALS is known for its core value of faculty scholarship. I look forward to joining with you to continue to work in that vein.

I also want to encourage all of you, as you move forward in legal education, to know that though there is already much innovation happening in our schools, we will need to see more and more of it. Our world is rapidly changing through many forces. We're going to need to continue to be creative about the kinds of education we're delivering to make the work we do in law more broadly understood.

This year, I was struck by how many people said they, too, believe "Why Law Matters" is not well understood. That too many in our world, when they think of law, think only of police, criminal justice, or something even more narrow. But law is the very system that creates the ecosystem for all of us to flourish. We will need to think about how we can better contribute not only to helping young people understand the role of law, but to helping everyone understand it and its potential for justice. I look forward to talking more about that as we move forward.

Finally, before I turn this over to Judy Areen, I want to note that my work as president has deepened and broadened my great respect for this organization. The staff of AALS are committed to supporting the legal academy. Each person there is devoted and hardworking, they believe in us, and they believe in the work that we're all doing together. I want to thank them from the bottom of my heart, and to thank Judy Areen for her leadership. AALS is needed in our academy, and I hope you all continue to join with me and gather together annually to support the great work of the association.



2016 AALS President Kellye Y. Testy



# AALS Executive Director Report on 2016

Judith Areen, AALS Executive Director, January 4, 2017

This was a full year for the Association of American Law Schools. We worked to improve our professional development offerings at the Conference on Clinical Legal Education, the Workshop for New Law Teachers, the Workshop for Pretenured Law School Teachers of Color, and the Annual Meeting. In order to be a more effective learned society for law faculty, we reached out to the chairs of the 101 sections of AALS to ensure better programming at the Annual Meeting, as well as to encourage sections to make greater use of their websites and listservs throughout the year to improve scholarship and teaching in their fields of interest.

AALS also continued our efforts to revamp the membership review process by emphasizing peer review and focusing on the core values of the Association.

This year AALS completed the first comprehensive review in decades of the Executive Committee Regulations in order to bring them into compliance with the revised AALS Bylaws that were adopted at last year's meeting of the House of Representatives. We also conducted the first survey of the entire membership in order to better understand which services are most important to members. Finally, we continued to work on our expanded mission of showcasing the innovations and accomplishments of member law schools for policymakers, leaders of the bar and bench, the media, prospective law students, and the general public.



Judith Areen at the 2017 AALS Annual Meeting

What follows are some particular highlights of the work we have undertaken this year.

## Professional Development Enhancements

AALS continued to work on keeping costs down for Annual Meeting attendees, and on improving the experience of those who attend the meeting. The 110<sup>th</sup> AALS Annual Meeting was held from January 6 to January 10, 2016. For the first time, AALS provided a 50 percent discount on the meeting fee for new faculty and retired faculty. AALS was able to negotiate room rates below \$200 a night. An opening plenary replaced the association lunch, thereby making it possible for attendees to hear the keynote speakers without being required to pay for a hotel lunch.

For this (2017) meeting, we kept room rates below \$175, and again offered a 50 percent discount on the meeting fee to new and retired faculty.

At the 2016 Annual Meeting, a coffee was held for the first time for leaders from the New York area bar and bench. They were also invited to attend any other meeting sessions held that day without charge. We similarly invited members of the bar and bench in Northern California to attend tomorrow's sessions. The goal is to build better bridges between the academy and the bar and bench.

This year we again set aside a number of time slots for programs designed for new law teachers, and held an orientation session for first-time meeting attendees. For only the second time, the Workshop for Pretenured Law School Teachers of Color is being held at the Annual Meeting. We found last year that by moving the workshop from spring to the Annual Meeting, attendance nearly tripled.

## Improving Services to Sections

Sections are the primary contact most faculty have with AALS. Our 101 sections have almost 10,000 law school faculty and professional staff as members. We continued to streamline the process for section chairs to report the topic of their program at the Annual Meeting and to provide information about their speakers. A new periodic email communication, The Section Counselor, was sent to all section chairs and chairs-elect. The goal was to provide original content and other resources to increase the level of member engagement and intellectual vitality of sections (e.g., calls for papers, newsletters, online discussion groups, section websites and symposia). In addition, the sections page on the AALS website now includes an online library of member resources that is easily accessible by section officers and members. The goal of all these changes was to reduce paperwork for section chairs, and to encourage them to develop programs that will increase the quality of scholarship and teaching in their field of interest.

## Improving Membership Review and Services for Deans

AALS, at the direction of the Executive Committee, revamped the membership review process over the past three years to focus more on core values, particularly on scholarship, teaching, shared governance, and diversity, including diversity of backgrounds and viewpoints. We also restructured the membership review process so that it relies more on peer advice and less on requiring additional reports from schools. The goal of the changes was to make AALS membership review more useful, and less of a burden, to member schools.

For the past several years AALS devoted considerable time and resources to better serving deans. We established the Deans Forum for deans of all member and fee paid schools to provide a structure for them to work together on issues of mutual importance. A steering committee of 14 deans enables deans to work on important projects between Annual Meetings. The 2017 Steering Committee is chaired by Dan Rodriguez, dean of Northwestern Pritzker School of Law. He has established several subcommittees to work on such pressing matters as the growing number of state bar requirements, the decline in many jurisdictions of bar passage, and to assess ABA standards on behalf of deans.

### Serving as a Voice for Legal Education

AALS continued to work on improving its website and social media channels. The home page of the website showcases the innovations and accomplishments of law schools. A new section illuminates the many *pro bono* and community service activities of law school students and faculty. Website users may now sign up to receive weekly emails from AALS that contain each week's compiled news stories. A calendar of upcoming symposia at member law schools and a newsroom section to enable media to link quickly to law schools and faculty are other features of [aals.org](http://aals.org).

The efforts of AALS to repair the reputation of legal education go far beyond the website. We make extensive use of social media to provide the various audiences of policy makers, media, and prospective law students with more accurate information about legal education today. National reporters typically follow at most a handful of schools. AALS retweets and reposts material that showcases developments at law schools to make it accessible to a national audience. By expanding our social media footprint, AALS has become a major resource for the national media to learn about innovations at law schools across the country.

As part of this effort, AALS launched a project to calculate annually how much law school students contribute to the delivery of much-needed legal services through clinics, experiential course, and *pro bono* activities. The first survey found that 17,900 students in the class of 2016 contributed more than 2.2 million hours in legal services as part of their legal education. Independent Sector, a nonprofit organizations, estimates the value of this volunteer time to be \$23.56 an hour. At this rate, students in the class of 2016 contributed more than \$52.2 million worth of legal services.

### Directory of Law Teachers

AALS has published a *Directory of Law Teachers* since 1921. Now that the directory is back on schedule and being printed each fall, members are relying on it again—and noticing things that they need to update in their biographies. We hope this means that the *DLT* will become more accurate each year and will enable AALS to collect and analyze a range of statistical information that may be of use to law schools.

We have also added an extensive online component to the directory, accessible upon logging into [dlt.aals.org](http://dlt.aals.org), so law faculty can search the directory by names and by subjects taught.

### Completion of Comprehensive Review of AALS Executive Committee Regulations

Beginning in 2014, the Executive Committee of AALS undertook a comprehensive review of the AALS Bylaws, the first in several decades. At its January 2016 meeting, the House of Representatives unanimously adopted proposed changes to the bylaws. During 2016, the Executive Committee revised the Executive Committee Regulations to ensure they conform with the revised bylaws.

### A New Initiative: The Before the JD Project

Perhaps the most pressing problem confronting most law schools today is the drop in the quality as well as the size of the national applicant pool. There has been a more than 36 percent drop in the pool over the past five years. The total was up this fall, but only slightly. Not only has there been a sharp decline in size, but the mix of LSAT scores of applicants has also dropped, with the biggest drop among students with higher LSAT scores.

In response to these trends, AALS organized a Before the JD Project. It will survey and use focus groups to study the opinions of current students at four-year colleges and universities about legal education and the legal profession. We have forged alliances with the other leading legal education organizations to conduct the project including the ABA Section of Legal Education and Admissions to the Bar and the American Bar Foundation. The Access Group, LSAC, and NALP, have joined the effort and provided major grants to support the costs of the survey and focus groups. We also established a group of academic advisors with experience in empirical research that includes Bryant Garth, Ronit Denovitzer, Debra Hensler, Ajay Mehrotra and Jerome Organ. Our goal is to understand why interest in legal education has been declining despite steady or increasing interest in medicine, engineering, and other professions. We will also discover what are the primary sources of information and advice about law and legal education used by college students.

### AALS Staffing

In June, Regina Burch completed her third and final year of outstanding service to AALS. Elizabeth (Ginger) Patterson became Associate Director on July 1, 2016, a position she has held twice previously. A 1973 graduate of the Catholic University of America, Columbus School of Law, Ginger practiced law with Hogan and Hartson in Washington, D.C. early in her career. She



joined the faculty of Georgetown University Law Center in 1980 where she served as Associate Dean for the JD and Graduate Programs from 1993-1997. She retired from the Georgetown faculty in 2013.

Jeff Allum was recruited in September to serve as Director of the Before the JD Project. He came to AALS from the Council of Graduate Schools where as Assistant Vice President, Research and Policy Analysis, he managed a national survey of graduate enrollment and researched career outcomes.

In November of 2015, AALS appointed Mary Dillon Kerwin as its first Director of Development. The goal was to keep dues increases and meeting fees as small as possible during this challenging time for our member schools. Mary brought to AALS 20 years of experience in fundraising for nonprofits. There have already been noticeable improvements in fundraising. Twelve major law firms (Arnold & Porter, Covington, Cravath, K & L Gates, O'Melveny, Paul Weiss, Proskauer, Sidley Austin, Sullivan & Cromwell, Wachtell, WilmerHale, and Williams & Connolly) and three law departments (Clorox, Microsoft, and Starbucks) have become supporters of our work in support of American legal education.

In addition, Annual Meeting sponsorships nearly tripled in 2016. The number of sponsors increased as well, from seven to 15 sponsorships. These funds help to offset meeting costs and enhance the meeting experience for attendees.

In closing, I want to report what an honor it continues to be to work with all of you and the more than 1,000 volunteer faculty, deans, and administrators who plan our professional development programs, speak at those programs, serve as section officers, and work on other projects and initiatives. Without your support, and that of your faculty and staff, AALS could not function. On behalf of the extraordinary AALS staff, I extend our thanks for all that you do.



## AALS Survey

# Law Class of 2016 Contributed More Than \$52 Million Worth of Pro Bono Legal Services

By Jim Greif

The Association of American Law Schools (AALS) has launched an annual project to calculate law schools' collective contributions to the delivery of much-needed legal services through clinics, other experiential courses, and *pro bono* activities of law students.

Through a survey conducted in November 2016, 80 law schools reported that 17,899 law students in the class of 2016 contributed more than 2.2 million hours in legal services as part of their legal education, an average of about 124 hours per student. Independent Sector, a nonprofit organization coalition, estimates the value of volunteer time to be \$23.56 an hour. Using this number, the total value of the students' time at these schools is estimated to be in excess of \$52.2 million. The schools represent approximately 45 percent of the students in American Bar Association-accredited law schools in the class of 2016.

Several schools indicated that many hours go unreported, or are difficult to track, and actual contributions are likely to be significantly higher. The project also did not include hours contributed by students in law school master degree programs.

Hands-on or experiential learning opportunities allow students to apply classroom theory to legal problems under the supervision of lawyers and law teachers. Students receive practical experience in law and communities receive essential legal services that they would otherwise not be able to afford. Law students contributed hours through a variety of efforts, including externships at legal non-profit and community organizations, law school clinic programs, and law student organization projects.

"Access to justice regardless of means is a guiding principle of the legal profession and legal education," said Paul Marcus, 2017 AALS President and Haynes Professor of Law at The College of William and Mary Law School. "We are pleased to report these significant contributions by law students toward equal justice for all. Through these important efforts, thousands of clients and communities receive quality legal services while providing students with hands-on educational opportunities to help them become more effective lawyers upon graduation."

Law students contributed hours to hundreds of *pro bono* projects serving thousands of clients. Examples of law school clinic and *pro bono* projects can be found at [www.aals.org/news/public-service](http://www.aals.org/news/public-service).





# Microsoft President Brad Smith Looks to the Future of Legal Education in AALS Plenary Address

By Barbra Elenbaas

Brad Smith, President and Chief Legal Officer of Microsoft, Inc., delivered the plenary address “Preparing a Diverse Profession to Serve a Diverse World” at the 2017 AALS Annual Meeting and discussed what it means to be a lawyer and a legal educator today in the United States.

Smith opened with a synopsis of the current climate for legal education. “I want to begin by acknowledging something that is self-evident to everyone in this room: it is and has been a challenging decade,” he said. “[It is a] critical time for the law, and therefore a vital time for our law schools.”

Smith spoke from his unique perspective as an executive using his legal background to work within the technology industry. As part of a broad overview of the possible future of the legal profession, he discussed what the country and economy might demand from lawyers and suggested several ways in which law schools are critical to delivering on those demands.

## What is Happening to the Law?

Smith drew strong parallels between the development of cross-country railroads and the advent of the internet age. Both, he claimed, are touchstones for how technology impacts the law and the evolution of the legal profession.

As with railroads and their wide-ranging effects on trade and other areas of law, there are now legal fields that did not exist in the 1980s thanks to computers and technology, Smith pointed out. Privacy law, internet security, artificial intelligence, and many others, have grown around or significantly changed because of technological advances. Computing, Smith argued, is the fourth industrial revolution.

“What does this mean for lawyers and law students?” Smith asked. “It means that being a lawyer is not only about studying decisions of the past. It means that one must discern and develop some ability to predict where law goes in the future.”

The law is constantly changing both in its interpretation and its application. Demonstrating flexibility to adapt, Smith argued, is what it takes to be a lawyer in a time of vast technological change.



Brad Smith delivers the plenary address at the 2017 AALS Annual Meeting.

## What Does this Mean for Legal Practice?

In practical terms, much concern regarding technology’s effect on lawyers has been focused on technology eliminating jobs within the legal field. Instead, Smith said, what one might see at law firms is that computing does not automate entire jobs. It automates tasks.

Automation begins with the lowest-level tasks and adds increasingly advanced tasks. This has played out first, Smith said, both with legal secretaries and paralegals. He noted that technology “is not just the way we connect with each other, which is often important. It’s the way we get things done.”

Today, a computer can do much of what a paralegal did a decade ago. Anything it cannot handle through automation, it delegates to a paralegal or lawyer when it reaches the point at which a human must take it over.

This has resulted, he said, in fewer—but also more satisfied—paralegals who are tasked with much more interesting job duties. While a single paralegal may now be assigned 10 or more lawyers, they are also able to use their judgment and creativity on much higher-level tasks.

This could also be the future for lawyers themselves. “I think we have to be prepared for the possibility that we will live in a nation that needs fewer lawyers,” Smith posited, and that there are fewer law school applicants because there are fewer jobs that require a law degree. That means lawyers will need to master new skills, including technical skills, as has been the case since the 1980s.

As technology advances and the legal field changes, Smith said, the industry will require that every stage of a lawyer’s career be reevaluated, including the skills they learn during legal

education, what they emerge and enter the job market with, and what they continue to learn each year. More and more, lawyers will need to master soft skills.

“We must think about what it will take to build the legal workforce needed for the future,” Smith said. He added that all of this must be taken into consideration alongside the reality that the very role of a lawyer in society is changing and will continue to change.

### What Does it Mean for the Role of Lawyers and Law Schools?

“The great truth that I feel the world is missing,” according to Smith, “...is this: lawyers have seldom been more important than they are today. This is the message we need, collectively, to take to the nation’s college students, high school students, and the public at large.”

Lawyers, Smith said, are more important than ever because we live in an era where all issues are global issues—even if the law of a nation technically stops at its border. And beyond the borders of the United States, the rule of law is far from healthy on a global basis.

“**The great truth that I feel the world is missing is this: lawyers have seldom been more important than they are today.**”

Smith also touched on the necessity of diversifying the legal profession, saying “I believe diversity is an absolute imperative for our profession. We exist...to serve the nation. The nation deserves a legal profession as diverse as the people we serve. That is not the case today.”

He emphasized that lawyers “happen to work in the least diverse profession in the nation when it comes to African Americans and Latinos.” He encouraged law schools to increase the level of representation in these populations until it matches the level of representation in bachelor’s degree programs. He also suggested schools work with law firms and the broader legal community to come up with ways for organizations to retain women lawyers.

While the U.S. happens to have more lawyers than it needs according to Smith, he suggested that the world has nowhere near the number of lawyers required. Legal educators should think about their contributions to the rule of law on a global basis.

He pointed out the global disparity in access to justice, blaming the unequal supply and demand for lawyers. “The great hope for access to justice is technology,” he said, giving several examples including the use of Skype to eliminate the need for children in Northern California to travel long distances to attend very brief court hearings.

Finally, he stressed that U.S. lawyers must realize the recent sharp turn of events in the political landscape is not a phenomenon unique to our nation, but is one part of a wave of “new nationalism” that also swept Europe and Asia during 2016. “Around the world, there is a questioning of the era of global expansion and technological change that has defined our lives... we have a responsibility to think about what this means for the role of lawyers and law schools.”

As the nation is more polarized than ever before, lawyers and law schools have a unique opportunity to impress upon the public the importance of a functioning rule of law to a functioning country. Smith argued that the law must be seen as an integral part of infrastructure, along with physical roads and bridges.

“We readily appreciate, in this country and around the world, that a healthy rule of law has, as an indispensable element, the role of an independent judiciary.” He maintained that it falls upon lawyers, law schools, and legal educators to defend and uphold that role.

There are constitutional rights that affect and govern every part of life and every part of business, and who, Smith challenged, will stand up for them if not legal educators? In a divided country that nevertheless shares an appreciation for the importance of democracy and a fundamental commitment to a sense of fairness and justice, he said, “there can still be no justice without law and no law without lawyers. And there will be no lawyers without law schools.”

Speaking directly to the law faculty and deans in the audience, Smith concluded, “the future of our country is in your hands.”



### CORRECTION

On page 8 of the Fall 2016 issue of AALS News, a book referenced by Professor Michele Pistone was misidentified as Richard Susskind’s *Tomorrow’s Lawyers*. The correct title is *The End of Lawyers*.

## Q&A - Annual Meeting Programming

# Annual Meeting Developments, New Programs, and the Push for Higher Quality

By Barbra Elenbaas

Law faculty who have not attended an Annual Meeting in several years would be surprised to find how much it has changed. AALS spoke with two committee chairs who are leading the charge toward increased speaker participation, higher session quality, and greater depth and breadth of subject material.

## Donna M. Nagy, 2017 Annual Meeting Program Chair

**Tell us a little bit about the Program Committee and your work leading up to the AALS Annual Meeting.**

This is the committee that solicits and selects proposals for “open submission” programs for the Annual Meeting. Open submission programs are programs not sponsored by AALS Sections, and all meeting attendees are eligible to submit proposals and participate as speakers. I chaired the Program Committee for the 2017 AALS Annual Meeting in San Francisco. Our work began at the tail end of 2016 Annual Meeting in New York City, almost a year in advance. The lead time is long because the process is very involved.

Benjamin Barros (now dean of Toledo Law) chaired the first-ever program committee for the 2016 meeting. The tradition has been to keep the chair from the year before on the committee as a member, and Ben played that role for



Donna M. Nagy, Indiana University Maurer School of Law

*Photo courtesy of Indiana University Maurer School of Law*

2017. Rachel Moran (UCLA Law), Hillary Sale (Washington University Law), and George Dent (Case Western) were the other committee members.

I am staying on for the 2018 Annual Meeting, and Steve Mulroy (Memphis Law) is the new chair. The program committee for the 2018 AALS Annual Meeting has already begun its work, and we are currently soliciting open submission proposals.

**What are the biggest changes you’ve seen to the format of AALS Annual Meeting as a result of your committee?**

Looking back to a few years ago, with the exception of hot topic programs and a few additional programs that were sponsored by the Executive Committee or the AALS President, all sessions in the Annual Meeting were provided by the AALS Sections. Opportunities for faculty, especially junior faculty, to get involved were rather limited: most of the 101 sections have a program with four or five speakers and that is essentially the participant ceiling for those sessions. One feature of the open submission programs is that it facilitates participation by more than one hundred additional attendees and thus more junior faculty members can be included. Professors who are interested in specific subject matter topics can put a proposal together for a small discussion group. There are now substantially more opportunities for scholarly interchange.



Susan Carle, American University Washington College of Law

*Photo courtesy of American University Washington College of Law*

**What are the new types of Annual Meeting sessions? What has been the reception to these changes?**

There are four different types of open submission programs for which the program committee for the Annual Meeting is responsible:

First are the symposium programs. These are extended sessions, typically a half-day, focusing on an in-depth scholarly exploration of a topic with an identified group of scholars. We typically choose one or two symposia—the aim here is not only to produce interesting presentations, but also to combine the individual presentations for publication. Part of why we choose just one or two is that it is quite a time commitment onsite at the meeting.

The second type of open submission program is discussion groups. These programs provide a setting for a discussion among a group of pre-determined participants. We aim for about a dozen discussants, but the committee also has some flexibility. These programs range tremendously in both format and scope. Discussion groups provide a way for faculty, including very junior faculty, to participate as a speaker at the Annual Meeting. It’s a nice way of involving many people, when we combine the total number of discussants from all the groups.



Then there are hot topic programs, which, as the name implies, focus on topics that emerge too late to be included in other types of submissions. The deadline for proposals for the discussion groups and symposia are in the spring time. Proposals for hot topic programs are not due until October, which means that new topics that arise because of events unfolding in the summer and early fall can make for particularly interesting, exciting, and timely proposals.

The organizers of a discussion group identify about a half to two-thirds of the participants based on their own invitations, and after their proposal is accepted, the rest of the discussants are invited from an open call that the AALS staff disseminates. The discussion group that results is a combination of both invitations: the organizers have control and make suggestions in terms of to whom the initial invitation should go, but we leave enough room for open call participants to identify themselves. It's another way of ensuring a wide section of law professors who are doing interesting work and self-identify as individuals wishing to participate. That's a very important part of the discussion group format.

However, some people hear the term "discussion group" and they think it's more like a town hall meeting where anybody who shows up can have a speaking role. That is not the case. The discussion group has previously identified a dozen or more participants and they are the individuals who have exchanged work in advance. Those are the individuals who will be called upon to summarize their views in a short presentation. But any discussion group should leave some time at the end for participation from the audience. So even though it's not a town hall format, audience members should have some time to interact with the invited participants.

**If you were talking to a faculty member who hadn't attended an AALS Annual Meeting in the last five years, what is one thing you would want them to know?**

I would want them to know there is now a multitude of opportunities for individual participation, and that a faculty member with a good idea now has the vehicle to advance that idea for the purpose of bringing people together at the Annual Meeting.

In the past, your only vehicle was to lobby and convince a section to do a particular program that appealed to you

and intersected with your work. Now individual faculty members, simply by responding to a call for proposals, can organize a program. It provides faculty members with the ability to be an organizer without necessarily having to go through a section or a section's executive committee. It allows individual faculty members to be creative and take on leadership opportunities.

The other aspect of the Annual Meeting that I think has changed is the professional development committee, which now solicits ideas for the arc of career programs. That's another very positive change for AALS.

**Do you have any reflections on your time on the Program Committee?**

Including the past chair of the program committee is a wonderful way of establishing some continuity, learning what works successfully and where some additional innovating can be done. I very much appreciated Ben Barros' input and I hope that I'm able to provide some of that insight for Steve Mulroy as well. I was privileged to chair a wonderful committee. Rachel Moran, Hillary Sale, and George Dent along with Ben, each contributed great ideas and much enthusiasm. The AALS staff, Tracie Thomas and her staff, worked incredibly hard on the operation side of things. Judy Areen provides a lot of inspiration as the Executive Director.

One other thing we haven't mentioned is that the AALS President sets the theme for the Annual Meeting. We were incredibly fortunate in San Francisco to have Kellye Testy as the AALS President setting the theme, a whole year in advance, of "Why Law Matters." We tried to consider that in our decisions, and we encouraged program organizers to consider them as well in framing their proposals. "Why Law Matters" for an annual meeting of law professors was an important theme and a unifying one, as we were on the cusp of a new presidential administration. That was a wonderful aspect of our 2017 meeting.

“A faculty member with a good idea now has the vehicle to advance that idea for the purpose of bringing people together at the Annual Meeting.”

– Donna M. Nagy

Finally, there are open source programs (previously called academy programs). These are more traditional programs, not sponsored by an AALS Section, that don't fit into one of the other categories. We consider any interesting ideas, some of which may be cross-cutting and interdisciplinary and others of which are directed to a particular field of study. But open source programs should not duplicate whatever a Section is already planning.

**Tell me a little more about discussion groups and how those came about. How are they structured, and why did the committee choose that structure?**

We debuted discussion groups in New York City, and San Francisco was the second time we ran that type of program. Each year, we tweak the format in response to feedback we receive. The format is not all that different from AALS Section programs in the sense that participation is either chosen by the organizers or through calls for proposals.

## What would you like to see at future Annual Meetings and what advice would you give to future committee members?

The discussion groups were clearly very popular. I think part of the reason is because it provides the opportunity for so many individual participants who are doing exciting work to get together. In terms of my own takeaways as program chair, it seemed that discussion groups were considered one of the high points for many attendees, both for those who participated in discussion groups and those who attended in the audience. I would like to see that not only replicated in future years, but built upon as well.

To future committee members, I would say attend as many programs as possible. That's a very effective way of gathering feedback. It enables one to bring to the Program Committee meeting some specific instances of things that worked very well and other aspects that need adjustments. There's a lot going on, and that's one of the exciting things about the Annual Meeting.

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## Susan Carle on the AALS Professional Development Committee and the "Arc of Career"

### Can you tell me about the Professional Development Committee and your work leading up to the AALS Annual Meeting?

I joined the AALS Professional Development Committee in January 2012 and became committee chair in January 2013.

At that time, the Professional Development Committee handled programming for the AALS mid-year meetings. As travel and hotel costs rose and school travel budgets decreased, however, the previous mid-year meeting model became unsustainable. In 2014,



"Scholarly Engagement Post-Tenure," an Arc of Career Program at the 2016 AALS Annual Meeting

our committee was charged with rethinking the concept of professional development for AALS.

The next year, we became the AALS Task Force on Professional Development, with a mandate from the AALS Executive Committee to recommend new approaches to sustaining the association's commitment to professional development. We had a great synergy among our committee members, which included a wide variety of perspectives and a huge wealth of creativity and experience.

We ended up sketching out the idea of expanding programming at the Annual Meetings to embrace aspects of professional development that went beyond the substantive fields of law teaching or administration in which we all are engaged. We put out a request for proposals and waited to see what would happen.

To our great delight, we received many proposals that explored precisely the expanded areas of professional development concern that we thought would be of interest to meeting attendees, and identified many other areas as well. This year will be our fourth time requesting proposals for this project. We are finding that momentum is snowballing as people attend sessions and are inspired to propose new ideas.

### What are the biggest changes you've seen to the format of the AALS Annual Meeting as a result of your committee?

One of our committee's main goals has been to introduce new approaches at the Annual Meeting, not only in the content of sessions but also in presentation styles and methods. We've encouraged proposals that include some sort of creative or hands-on method, whether through small group break outs, reflective writing, two-person exchanges, or other formats. Last year, a group of highly regarded deans performed a skit that had the whole audience laughing, along with learning about what dean search committees really look for in candidates.

### Tell me about the arc of career programming and how they came about.

We started calling it "arc of career" after our first experimental year in 2015. The theme kept coming up in our discussions and in the proposals we received, and we gradually adopted it as an organizing principle.

The underlying idea is that our careers in legal education have distinct stages, and that during each of these stages it is important to reflect and consider options and alternatives. We try to have programming that covers the entire

arc of career. We give value to being relatively new to the academy, the special opportunities and challenges of mid-career choices, and the different emotions and considerations (including joys and challenges) of leaving or scaling down one's academic career.

Some sessions have challenged the concept, pointing out, for example, that this neat and tidy "arc" we were envisioning doesn't necessarily apply to all. That's exactly the kind of discussion we wanted to get going so we were quite happy to receive this criticism and have tried hard to be inclusive of the variety of experiences people have working in institutions that provide legal education.

**If you were talking to a faculty member who has not attended an AALS Annual Meeting in the last five years, what is one thing you would want them to know?**

I would want them to know that a lot has evolved over the past five years. Not only are the arc of career programs a popular new type of program, but a whole set of other new programming ideas have contributed to making the Annual Meeting more vital and more up-to-date than it was in the more-distant past they may be remembering.

**Do you have any reflections on your time on the Professional Development Committee as you prepare to transition off the team?**

I've really enjoyed working with a group of such creative and thoughtful people. I think the process of continuing to experiment and bring fresh ideas to the table needs to continue. Maybe in another five years the committee will have generated a new set of ideas about how to keep Annual Meetings fresh and interesting, and a new name for the kinds of proposals it is looking for.

**What would you like to see at future Annual Meetings and what advice would you give to future committee members?**

I would like to see more importation of ideas from other disciplines and perspectives. For example, I hope that in 2018 we might offer a session on design thinking and what it can offer law professors. I hope AALS continues to be a place that tolerates dissent, criticism, and lots of divergent viewpoints. It should be a safe place for uncomfortable conversations along with the very special joy of being able to encounter very similar peers. I hope AALS continues to find ways to discuss the profound changes and challenges facing legal education today, and I hope AALS continues to find ways to be particularly relevant and vital to new generations of law teachers and administrators.

The advice I would give to future committee members is to experiment a bit. The first generation of committee members experienced the change from mid-year meetings to arc of career. As a result of all of our interactions, we implicitly reached consensus about the new experiences we were hoping to introduce for AALS Annual Meeting attendees. Many of the incoming members to the committee didn't sit through all that discussion. These new members will have to have their own fresh encounters and build their own shared ideas about how to push AALS to remain vital and interesting to the very wide range of attendees coming from member schools. In short, I'd tell them to keep trying to push the envelope.



## AALS SECTION AWARD WINNERS

The Association of American Law Schools (AALS) announced the winners of its 2017 section awards for excellence in legal education during the 111th Annual Meeting. Sections are an integral part of the AALS community of teachers and scholars, and recipients represent a commitment to the advancement of legal education. A complete list of award winners can be found online at [www.aals.org/sectionaward2017](http://www.aals.org/sectionaward2017).



Linda Berger, right, receives the 2017 Section on Legal Writing, Reasoning, and Research Award from Bob Brain.

## TEACHERS OF THE YEAR 2016

Excellence in teaching is a core value of AALS. Each year, AALS recognizes professors who have been honored by their schools as Teachers of the Year. A complete list of honored faculty for 2016 with links to their biographies can be found at [www.aals.org/TeachersOfTheYear](http://www.aals.org/TeachersOfTheYear).



*Continued from cover*

The meeting's theme, set last year by AALS President Kellye Y. Testy (Dean, University of Washington School of Law), was "Why Law Matters." "We need to make the case now for why law matters and the academy's role in advancing respect for and understanding of the rule of law," she stated in her address at the 2016 AALS Annual Meeting announcing the theme.

In accordance with that theme a number of sessions at the Annual Meeting addressed the surprising results of the 2016 U.S. Presidential election and possible effects the incoming administration will have on issues of interest to law schools and the legal profession today.

Several sessions held early on Wednesday morning addressed these issues specifically, including the "AALS President's Program on Diversity." One of many timely sessions arranged by President Testy through the AALS President's Programs, this panel featured a group of legal educators selected from a call for papers who discussed the challenges and benefits of diversifying law school students. The panel included Moderator Blake Morant (George Washington University Law), Carla Pratt (Penn St. Law), Eboni Nelson (University of South Carolina), Robert Vischer (University of St. Thomas Law), Arlene Kanter (Syracuse Law), Carol Goforth (University of Arkansas Law), Erin Dallinger-Lain (Drake Law), Jody David Armour (University of Southern California Law), Lawrence Alexander (San Diego Law), and Maimon Schwarzschild (San Diego Law).

Wednesday night's Opening Reception held in the Exhibit Hall gave attendees the chance to take in the exhibitor booths and connect with sponsors while allowing space for informal networking and sharing ideas among attendees.

The AALS House of Representatives met twice during the course of the Annual Meeting, and successfully elected Wendy Perdue (Richmond Law) as President-

Elect, and Erwin Chemerinsky (UC Irvine Law) and Camille A. Nelson (American University Washington College of Law) as new members of the AALS Executive Committee.

The Executive Committee bid farewell to outgoing members Blake D. Morant (George Washington Law), Devon W. Carbado (UCLA Law), and Vicki Jackson (Harvard Law).

President Testy gave her Presidential Report on 2016 during the first meeting of the House of Representatives, stating "This year has made me even more confident in the future of our legal academy. I stand in admiration of the way our law schools are responding to a very challenging environment and responding to the type of help that our world desperately needs and craves." *See cover for her full report.*

2017 AALS President Paul Marcus (William & Mary Law School) gave his inaugural address at the second House of Representatives meeting, saying "In the recent addresses by AALS Presidents, we have heard of the great challenges and changes legal educators are facing... and over the course of the next year, while I will surely look to such matters... I plan to encourage all of us in legal education to promote the notion of equal access to justice." *See cover for his full address.*

Professor Marcus announced that the theme of his presidency and of the 2018 Annual Meeting will be "Access to Justice."

"Our efforts as legal educators in attempting to assure this ideal is a story truly worth telling," said Professor Marcus. "I intend to tell our story to our colleagues, our students, and to judges, lawyers, and the broader community. It is quite some story."

Thursday morning kicked off with the presentation of the annual scholarly papers contest, awarded to Christopher Walker, Associate Professor of Law at Ohio State for his paper "Legislating in



Paul Marcus gives his Presidential Address at the second Meeting of the AALS House of Representatives.



2016 AALS President Kellye Y. Testy.



Robin West and Pierre Schlag during the AALS Symposium: "Why the Decline of Law and Legal Education Matters (And What We Might Do About It?)"

## Highlights from the 2017 Annual Meeting

the Shadows.” Honorable Mention was given to Mila Sohoni (San Diego Law) for her paper, “Crackdowns.”

The conference’s plenary program on Thursday featured a new perspective on legal education from Brad Smith, President and Chief Legal Officer of Microsoft, Inc., who gave a talk on “Preparing a Diverse Profession to Serve a Diverse World.”

Smith brought his unique perspective as a tech executive to a threefold approach to interests shared with the legal profession: first, what is happening to the law in an era of technological and global change; second, what this means for legal practice; and third, what this means for the role of law schools and the role of lawyers in the United States. “This is a critical time for the law,” he said, “and therefore it is a vital time for the nation’s law schools.”

Smith was joined in the latter half of the plenary session by Lucy Lee Helm (Executive Vice President, General Counsel, and Secretary of Starbucks Coffee Company), Kellye Testy, and Dan Rodriguez (Northwestern Pritzker Law) for a panel discussion on the diversifying

legal profession. They discussed the necessity of adjusting legal education to match the facts of the modern legal profession: a professional reality in which not every law school graduate gains employment in law practice and not every law career looks the same. *See page nine for more details about the plenary session.*

The 2016 Teachers of the Year were announced at the start of the plenary session. For more information, and to see the designees, visit [www.aals.org/TeachersOfTheYear](http://www.aals.org/TeachersOfTheYear).

The President’s Program “Great Expectations: The Competences, Skills, and Attributes that Employers Seek in our Graduates” later on Thursday brought the day’s theme full circle by discussing new data from “Foundations for Practice,” a study by the Institute for the Advancement of the American Legal System (IAALS). The IAALS project is a first-of-its-kind survey designed to discover the qualities that real-world employers seek in law school graduates. Panelists included Alli Gerkman from IAALS, Guillermo Mayer from Public Advocates, and Frederick Rivera

from Perkins Coie LLC. The session was moderated by AALS President Kellye Y. Testy.

The final President’s Program on Thursday was “Why Law Matters: The 2017 U.S. Presidential Transition.” The spirited discussion ranged from Constitutional safeguards challenged by the incoming administration to the wide range of unprecedented changes the American rule of law may face during the Trump presidency. Panelists included Steven Calabresi (Northwestern Law), Erwin Chemerinsky (UC Irvine Law), Luz Herrera (Texas A&M Law), Moderator Martha Minow (Harvard Law), James Forman Jr. (Yale Law), and Rachel Moran (UCLA Law).

Friday included the cross-cutting program “Leveraging the Rise of Law in Popular Culture,” an Institutional Advancement session that featured Dean Strang, the defense attorney made famous by the Netflix docuseries “Making a Murderer.” Strang was also the guest of honor at the Institutional Advancement reception, where he gave a talk on “Systemic Justice and the Law School Curriculum.”

AALS President’s Program on Diversity panelists. From left to right: Moderator Blake Morant, Carla Pratt, Eboni Nelson, Robert Vischer, Arlene Kanter, Carol Goforth, Erin Dallinger-Lain, Jody David Armour, Lawrence Alexander, and Maimon Schwarzschild.



Panelists at the AALS President’s Program “Why Law Matters: The 2017 U.S. Presidential Transition.” From left to right: Steven Calabresi, Erwin Chemerinsky, Luz E. Herrera, Moderator Martha Minow, and James Forman Jr.







Audience members line up to pose questions during the discussion portion of the Hot Topic program on bar exam scores and new ABA pass standards.



Panelists at the President's Program "Great Expectations: The Competences, Skills, and Attributes that Employers Seek in our Graduates." From left to right: Alli Gerkman from the Institute for the Advancement of the American Legal System, Guillermo Mayer from Public Advocates, and Frederick Rivera from Perkins Coie LLC.

The Annual Meeting hosted a variety of hot topic programs throughout the conference, aimed at discussing current and pressing issues in the legal world and in American society. These included freedom of the press under President Trump, sustainability disclosure in relation to recent Securities and Exchange Commission guidance, declining rates of passing bar exam scores, federal power over immigration, the future of reproductive rights and justice, and a current lawsuit that may be the new face of the climate change fight.

The 101 AALS Sections created the majority of the programming at the Annual Meeting, with topics and sessions appealing to various subjects and perspectives on the law.

For the second year, AALS included arc of career programs designed to address the professional development needs of law school faculty members at every stage of their career. These included sessions on post-tenure career paths, blogging, considering a deanship, post-tenure reflections from clinical professors, and

preparing to transition to life beyond the academy.

The 111th Annual Meeting wrapped up on Saturday with a symposium at which all attendees were invited to consider "Why the Decline of Law and Legal Education Matters (And What We Might Do About It?)."

Planning is already in progress for the 2018 Annual Meeting, January 3-6 in San Diego, California. We hope to see you there!

### Many thanks to the Program Committee for the 2017 Annual Meeting:

- Donna M. Nagy, Indiana University Maurer School of Law, Chair
- Ben Barros, University of Toledo College of Law
- George W. Dent, Jr., Case Western Reserve University School of Law
- Rachel Moran, University of California, Los Angeles School of Law
- Hilary Sale, Washington University in St. Louis School of Law



Dean Strang (defense attorney in the Netflix docuseries "Making a Murderer") gives a talk on Systemic Justice and the Law School Curriculum at the Institutional Advancement reception.

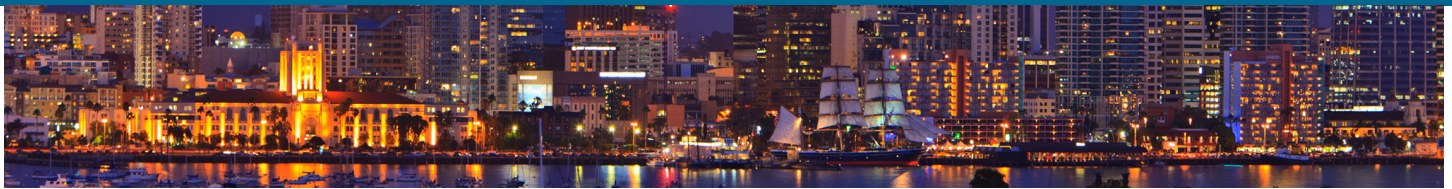
## PODCASTS AND PRESENTER MATERIALS FROM AALS 2017 NOW ONLINE

More than 150 podcasts from the 2017 AALS Annual Meeting in San Francisco are now available online. These audio recordings of sessions may be freely accessed by faculty and professional staff from AALS member and fee-paid schools by logging into the AALS Website with your username and password at [www.aals.org/am2017/podcasts](http://www.aals.org/am2017/podcasts). Presentation materials may also be downloaded at [www.aals.org/am2017/materials](http://www.aals.org/am2017/materials).

If you were a speaker at the Annual meeting and would like to have your presentation materials/handouts posted, please email AALS Manager of Section Services, Patrick Riley at [priley@aals.org](mailto:priley@aals.org) with "Presenter Materials" in the subject line.







## Submit Proposals for Programs at 2018 AALS Annual Meeting

The Program Committee for the 2018 AALS Annual Meeting is pleased to request proposals for open submission programs. These are programs not sponsored by an AALS Section; all annual meeting attendees are eligible to participate as speakers. The Program Committee welcomes proposals that depart from the typical format wherein participants present 10-20 minute talks.

There are four categories of open submission programs:

- Open Source programs are traditional scholarly programs other than those sponsored by one of the AALS Sections. Proposals are due April 13, 2017.
- Discussion Group programs provide a setting for discussions among a small group of invited participants. Attendees are also welcome. Proposals are due April 13, 2017.
- Symposium programs are extended sessions (half a day or longer) that focus on in-depth scholarly exploration of a topic of academic interest. Proposals are due May 12, 2017.
- Hot Topic programs focus on topics that emerged too late in the year to be included in other types of programs. Proposals are due October 20, 2017.

The 2018 Annual Meeting's theme, selected by AALS President Paul Marcus of the William & Mary Law School, is "Access to Justice." We encourage program organizers to consider that theme in framing their proposals.

Visit [www.aals.org/am2018/call-for-proposals/](http://www.aals.org/am2018/call-for-proposals/) to read the full request for proposals and submission guidelines.

## Arc of Career Sessions

As part of the association's efforts to respond to the needs and interests of its members, the AALS Arc of Career Committee (formerly the Professional Development Committee) requests proposals for creative and interactive sessions to address a broad spectrum of issues related to professional development, to be presented at the 2018 AALS Annual Meeting.

Moving beyond presentations on substantive legal topics, Arc of career sessions address a broad range of matters related to the professional careers of law faculty and administrations. The Committee hopes to include perspectives from all legal education professionals, including tenure and tenure-track faculty, contract and special faculty, administrators and other constituencies. Successful sessions at the 2017 Annual Meeting included, among others, sessions on becoming a dean, retirement, blogging, post-tenure professional development, and lateral moves for writing faculty.

Visit [www.aals.org/am2018/call-for-proposals/](http://www.aals.org/am2018/call-for-proposals/) to read the full request for proposals and access complete proposal guidelines. Arc of career program proposals are due by April 13, 2017.



## AALS LEGAL EDUCATION NEWS WEEKLY DIGEST

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

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### Law schools explore online learning

U.S. NEWS - Some J.D. program professors are straying from the traditional teaching model and incorporating blended courses.

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# Journal of Legal Education Releases Issue on “International Legal Education Reforms”

The *Journal of Legal Education* released its Winter 2017 issue in January. This issue is focused on research and analysis of legal education reforms globally, including discussions of:

- “Legal Education, Practice Skills, and Pathways to Admission: A Comparative Analysis of Singapore, Hong Kong, and Australia” by Andrew Godwin and Richard Wai-sang Wu
- “Internationalizing Chinese Legal Education in the Early Twenty-First Century” by Zhizhou Wang, Sida Liu and Xueyao Li
- “Japan’s Law School System: The Sorrow and the Pity” by Dan Rosen
- “The Crisis of Russian Legal Education in Comparative Perspective” by Dmitry Mareshin
- “Role-Playing Brings Theory to Life in a Multicultural Learning Environment” by Nellie Munin and Yael Efron
- “Fostering ‘Quiet Inclusion’: Interaction and Diversity in the Australian Law Classroom” by Mark Israel, Natalie Skead, Mary Heath, Anne Hewitt, Kate Galloway, and Alex Steel

The winter issue also features two articles: “A Conversation with Justice Stephen Breyer” by Alan B. Morrison (recorded at the 2016 AALS Annual Meeting) and “Classroom Taping Under Legal Scrutiny— A Road Map for a Law School Policy” by Alexis Anderson.

This issue’s “At the Lectern” feature is “E.B. White Could Nod Too: Thoughts Occasioned by Reading ‘Death of a Pig’” by Erik M. Jense.

Three book reviews round out the issue: “Divergent Paths: The Academy and the Judiciary—Richard Posner” reviewed by S.I. Strong, “The Lawyer’s Guide to Writing Well—Tom Goldstein and Jethro K. Lieberman” reviewed by Hemanth C. Gundavaram, and “Caught: The Prison State and the Lockdown of American Politics— Marie Gottschalk” reviewed by Shon Hopwood.



Articles in this issue may be downloaded individually from <http://jle.aals.org/>, the website AALS launched last year to serve as a repository for current and past issues of the journal as well as subscription, submission, and copyright information.

The *Journal of Legal Education* (JLE) addresses issues of importance to legal educators, including curriculum development, teaching methods, and scholarship. Published since 1948, it is an outlet for emerging areas of scholarship and teaching. The journal is now under the editorial leadership of Northeastern University School of Law and the University of Washington School of Law.

To learn more about how to submit an article for consideration by the journal, visit <http://jle.aals.org/home/submissions.html>.

# 2017 AALS Conference on Clinical Legal Education

Serving the Client in Tumultuous Times:  
Fostering Responsibility to Individuals,  
Communities, and Society in Clinical  
Legal Education

May 6 – May 9, 2017 | Denver, CO

Registration is now open for the 40th Annual AALS Conference on Clinical Legal Education, focused this year on teaching students flexible, transferrable skills during a tumultuous time in clinical legal education.

## Conference Program

For programming highlights—including the plenary session topic and speakers, information about the slate of onsite workshops, and hotel details—see the online ebrochure at [www.aals.org/clinical2017](http://www.aals.org/clinical2017). The live program provides up-to-the-minute schedule details; check back regularly for program updates and additional details.

### Plenary sessions:

- Pushing On and Pushing Through in Tumultuous Times
- Client Relationships in Periods of Significant Legal and Political Change: Flexible Pedagogy to Maximize Skills Transfer

### Directors Workshop

The Clinical and Experiential Law Program Directors Workshop, Leadership in Tumultuous Times, will be held immediately preceding the conference, on Friday and Saturday, May 5 and 6 in the same venue. Please note that separate registration is required to attend this workshop.

Schedule details, registration information, and more for the conference and directors' workshop can be found at [www.aals.org/clinical2017](http://www.aals.org/clinical2017).



Gerald López (UCLA Law) discusses “rebellious lawyering” at the Opening Keynote address at the 2016 Conference on Clinical Legal Education.

### Workshops:

- (Re-)Designing a Clinic Using Backward Design (sold out)
- Making Educational Videos
- Navigating the Complexities of the Clinical Teaching Market
- Scholarship Support

## AALS Calendar

### 2017

#### Conference on Clinical Legal Education

Fri., May 5 – Tue., May 9  
Denver, CO

#### Midyear Meeting, Sponsored by Section on Criminal Justice

Sun., June 11 – Wed., June 14  
Washington, DC

#### Workshop for New Law School Teachers

Thu., June 22 – Sat., June 24  
Washington, DC

#### Faculty Recruitment Conference

Thu., November 2 – Sat., November 4  
Washington, DC

### 2018

#### Annual Meeting

Wed., Jan. 3 – Sat., Jan. 6  
San Diego, CA

#### Conference on Clinical Legal Education

Sun., Apr. 29 – Wed., May 2  
Austin, TX

#### Workshop for New Law School Teachers

Thu., June 7 – Sat., June 9  
Washington, DC

#### Faculty Recruitment Conference

Thu., Oct. 11 – Sat., Oct. 13  
Washington, DC

### 2019

#### Annual Meeting

Wed., Jan. 2 – Sun., Jan. 6  
New Orleans, LA