



President's Message

Research at AALS: Q&A on *Before the JD*

Wendy Collins Perdue, AALS President and Dean, University of Richmond School of Law, interviewed by Emily Cherry, Communications Director, University of Richmond School of Law

What prompted AALS to undertake the *Before the JD* study?

It was a couple of things. We are all well aware that between 2010 and 2015 applications to law school declined steeply. Interestingly, other graduate programs did not experience a similar decline. There were lots of theories about the reasons, but we did not have reliable data. In addition, one of the longest running surveys of college freshmen showed that between 1966 and 2014, there was a 25 percent decline in students identifying lawyer/judge as a likely career. Although *Before the JD* provides only a snapshot of what students are thinking today, it begins to fill in our understanding of what both motivates and worries today's college students.



What was the biggest surprise for you in the data?

Two results were particularly striking. First, 55 percent of 1Ls reported that they first considered law school in high school or earlier. Second, only 34 percent of students who said they

continued on page 5

Nominations for President-Elect and New Executive Committee Members



The AALS Nominating Committee for 2019 Officers and Members of the Executive Committee met at the AALS office in Washington, D.C. in September to consider nominations from faculty members and deans at AALS member schools. The committee is proud to recommend three individuals whose careers exemplify dedication to teaching, scholarship, and service to AALS and to legal education. At the second meeting of the AALS House of Representatives on Friday, January 4 at 5 p.m., the committee will present the following nominations:

President-Elect

Darby Dickerson, The John Marshall Law School

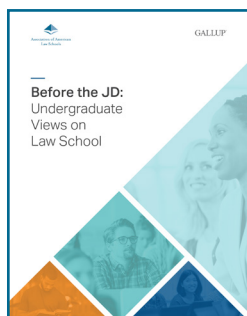
Executive Committee

D. Benjamin Barros, University of Toledo College of Law

L. Song Richardson, University of California, Irvine School of Law

continued on page 3

..... Inside



5

AALS Research

Before the JD and Beyond the Bachelor's

9

Spotlight on Sections:
Alternative Dispute Resolution

13

Faculty Perspectives: Reimagining Higher Education Finance Policy, by Frank Pasquale

16

Hot Topics at AALS 2019

18

AALS Selects 2019 Scholarly Papers Competition Winners

Association of American Law Schools

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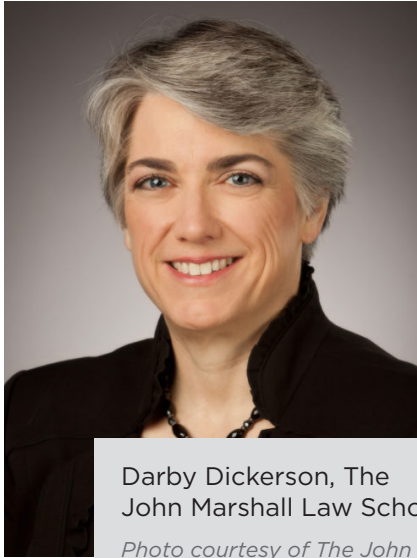
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In This Issue

- 1** President's Message: Research at AALS
- 1** Nominations for President-Elect and New Executive Committee Members
- 5** AALS Research: *Before the JD and Beyond the Bachelor's*
- 8** AALS Section on Alternative Dispute Resolution Named Section of the Year
- 9** Spotlight on Sections: Section on Alternative Dispute Resolution
- 13** Faculty Perspectives: Reimagining Higher Education Finance Policy
- 16** Hot Topics at AALS 2019
- 18** AALS Selects 2019 Scholarly Papers Competition Winners
- 19** AALS Announces 2019 Section Award Winners



continued from cover



Darby Dickerson, The
John Marshall Law School

Photo courtesy of The John
Marshall Law School

President-Elect Darby Dickerson

Darby Dickerson is dean and professor of law at The John Marshall Law School. She received a B.A. in 1984 and an M.A. in 1985 from the College of William and Mary. She received a J.D. from Vanderbilt Law School in 1988, where she served as senior managing editor of the *Vanderbilt Law Review* and as a member of the Moot Court Board.

After law school, Dean Dickerson clerked for the Honorable Harry W. Wellford of the United States Court of Appeals for the Sixth Circuit. She then worked as a litigation associate at the firm now known as Locke Lord in Dallas. In 1995, she was named both Outstanding Director of the Texas Young Lawyers Association and the Outstanding Young Lawyer in Dallas.

Before joining John Marshall, Dean Dickerson served as dean and W. Frank Newton Professor of Law at Texas Tech University School of Law from 2011 to 2016.

Dean Dickerson served as vice president and dean at Stetson University College of Law, where she also served

as director of legal research and writing, associate dean, vice dean, and interim dean.

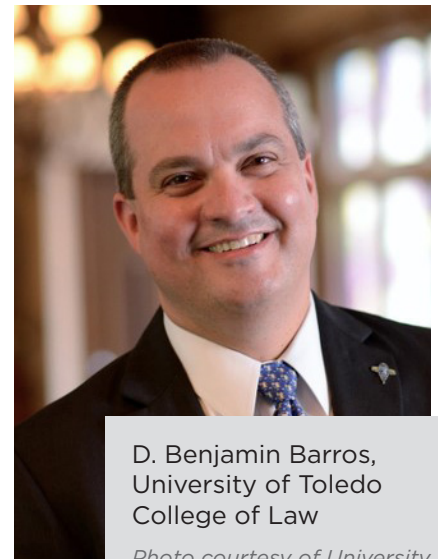
She teaches or has taught legal writing, ADR, pretrial practice, litigation ethics, and torts, and has supervised various externship and advocacy programs and law journals. She was the author of the first four editions of the *ALWD Citation Manual: A Professional Citation System*, and has written articles on topics including legal writing, litigation ethics, and higher education law and policy.

Dean Dickerson has also held a number of positions within AALS, including her most recent term as chair of the Deans Forum Steering Committee. She also chaired the 2015 and 2016 Planning Committees for the Deans Forum at the Annual Meeting. Concurrent with her membership on the Deans Steering Committee, Dean Dickerson also served a three-year term on the Executive Committee from 2015 to 2018.

She has also been associated with AALS through her leadership on the Membership Review Committee as well as chair of the AALS Sections on Part-Time Division Programs (2007), the Law School Dean (2012), and Institutional Advancement (2016).

Her work with AALS is not her only service to the legal community. Dean Dickerson is an elected member of the American Law Institute and a Director and Past President of Scribes—The American Society of Legal Writers. She is a past director of the Association of Legal Writing Directors and has served as a director of Inn of Court chapters in both Tampa and Lubbock. She has been a member of the Law School Administration Committee of the ABA's Section on Legal Education and Admission to the Bar, managing editor of *Legal Writing: The Journal of the Legal Writing Institute*, and an academic contributor for the eighth edition of *Black's*

Law Dictionary. She has received a variety of awards and honors, including the 2005 Burton Foundation Award for Outstanding Contributions to Legal Writing Education, the 2013 Inaugural Darby Dickerson Award for Revolutionary Change in Legal Writing, presented by the Association of Legal Writing Directors, and the 2018 AALS Lifetime Achievement Award from the Section on Legal Writing, Reasoning, and Research. She has volunteered significant time with the Red Cross and Big Brothers Big Sisters of Lubbock-Plainview. She is currently a volunteer loan editor with Kiva.org.



D. Benjamin Barros,
University of Toledo
College of Law

Photo courtesy of University
of Toledo College of Law

Executive Committee

D. Benjamin Barros

D. Benjamin Barros is dean and professor of law at the University of Toledo College of Law. Professor Barros is a graduate of Colgate University (A.B., 1991) and Fordham University School of Law (J.D., cum laude, 1996), where he was an editor of the *Fordham Law Review* and a member of the Order of the Coif.

He teaches and writes in the areas of property law and theory, regulatory takings, property law reform, and

the philosophy of science. He is the founding editor of the *Journal of Law, Property, and Society*, and in 2015, he released a casebook on property law with Aspen/Wolters Kluwer.

Previously the associate dean of academic affairs and professor of law at Widener University School of Law, Dean Barros practiced as a litigator before teaching. Immediately after graduating from law school, Barros clerked for Judge Milton Pollack of the U.S. District Court for the Southern District of New York. He then worked at the law firms of Latham & Watkins LLP and Debevoise & Plimpton, both in New York City, while teaching International Arbitration as an adjunct at Fordham.

Dean Barros has been associated with AALS in several capacities. He was one of the youngest educators to serve on the Executive Committee when he served a one-year term in 2014-15. He has served many terms on the Committee on Sections and the Annual Meeting, with two years as its chair. One of the programs Dean Barros planned for the Annual Meeting culminated in the publication of a book which he edited with the program papers as its core. Barros' other AALS service includes, chairing the AALS Property Section; membership on the Committee on Special Programs for the Annual Meeting, the Professional Development Committee and the Planning Committee for the Mid-Year Workshop on "Poverty Law, Immigration Rights, and the Politics of Property" (2012); and service as the AALS Reporter on three ABA/AALS site teams.



L. Song Richardson,
University of California,
Irvine School of Law

Photo courtesy of University of California, Irvine School of Law

Executive Committee

L. Song Richardson

L. Song Richardson is Dean and Chancellor's Professor of Law at the University of California, Irvine School of Law. She received an A.B. from Harvard University and a J.D. from Yale Law School. An award-winning teacher and scholar, Dean Richardson's interdisciplinary research uses lessons from cognitive and social psychology to study criminal procedure, criminal law, and policing.

Her scholarship has been published by law journals at Yale, Harvard, Cornell, Northwestern, Southern California, and Minnesota, among others. Her article, "Police Efficiency and the Fourth Amendment" was selected as a "Must Read" by the National Association of Criminal Defense Attorneys. Her co-edited book, *The Constitution and the Future of Criminal Justice in America*, was published by Cambridge University

Press in 2013. She is a co-editor of *Criminal Procedure, Cases and Materials* published by West Academic Publishing. Currently, she is working on a book that examines the history of race in the U.S. and its implications for law and policy.

Dean Richardson's legal career has included partnership at a boutique criminal law firm and work as a state and federal public defender in Seattle, Washington. She was also an Assistant Counsel at the NAACP Legal Defense and Educational Fund, Inc. Immediately upon graduation from law school, she was a Skadden Arps Public Interest Fellow with the National Immigration Law Center in Los Angeles and the Legal Aid Society's Immigration Unit in Brooklyn, New York. She has been featured in numerous local and national news programs, including "48 Hours."

Dean Richardson also has a long-standing involvement in AALS. She spoke at various programs during the 2015, 2016, and 2018 Annual Meetings as well as at the 2014 Faculty Recruitment Conference. Dean Richardson has also been a member of the AALS Sections on Teaching Methods, Scholarship, New Law Professors, Minority Groups, Litigation, Law and the Social Sciences, and Criminal Justice.

Dean Richardson is the 2011 Recipient of the AALS Section on Minority Groups Derrick A. Bell, Jr. Award, which recognizes a junior faculty member's extraordinary contribution to legal education through mentoring, teaching, and scholarship. She frequently presents her work at academic symposia as well as at non-academic legal conferences. She is a member of the American Law Institute.



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were considering an advanced degree reported receiving information on campus about law school. This was a lower percentage than those who reported receiving information about PhDs, MBAs, and medical school, and dramatically lower than the 80 percent who reported receiving information about master's degrees. Students who were already considering law said that they received information on campus, but apparently those who aren't already thinking about law are not getting information about it.

Both of these results have implications for how and when we provide information to build the pipeline.

Did any demographic results surprise you?

Although the racial composition of the study population largely mirrors that of the undergraduate population, one demographic feature did stand out: 50 percent of students considering a JD reported that they have at least one parent with an advanced degree. This is pretty striking when you realize that of the adult population in the age range to have a child in college, only about 16 percent have an advanced degree.

At least part of the reason seems to be information. Fewer first-generation students across all degrees reported receiving information about graduate programs than students whose parent(s) had an advanced degree. But the difference was most pronounced for law: 40 percent of students with at least one parent with an advanced degree reported receiving information in college about the JD. Only 27 percent of first-generation college students reported the same.

What are the most promising takeaways from the report?

I was delighted to see that three of the top four reasons students give for considering a JD are the opportunities that law provides to advocate for social change, help others, and/or pursue a career in public service. These reasons stand in contrast to a broader survey done a few years ago (which was not limited to college students) that found only 18 percent of respondents thought lawyers contribute "a lot" to society's wellbeing. At least those considering law as a career seem to be drawn to the profession because they see the potential social impact that lawyers can have.

How can law schools use this data?

These data show that there are many college students who are considering graduate school, but who aren't getting any information about law school. Law schools send admissions professionals around the country to meet with prospective students, but we may want to explore new ways to reach out beyond those who came to college already thinking about law school. This includes STEM majors as well as first-generation students who don't have lawyers among their close friends and family. If we want a legal profession that is truly inclusive and reflects a broad range of life experiences, we are going to have to do more to ensure that young people—even in high school or earlier—learn about law as a profession and the opportunities it offers.



College Students' Reasons for Attending Law School Focus on Public Service and Opportunity to Make a Difference

Report Also Found Few First-Generation College Students Are Considering Law School

Public-spirited factors lead the list of reasons for considering law school among undergraduates in the United States, according to *Before the JD: Undergraduate Views on Law*

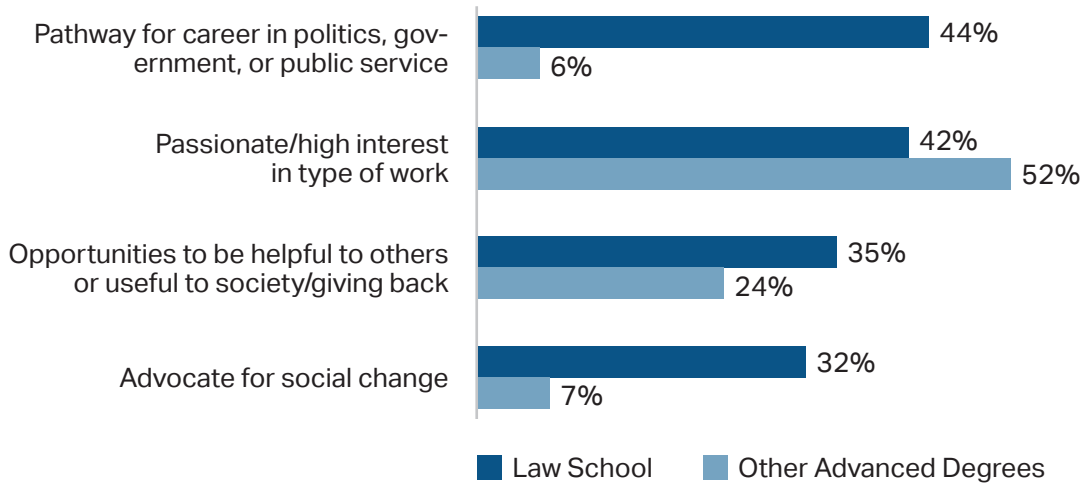
School, a new report on student perspectives on legal education that is based on a survey by Gallup for AALS.

The survey found that undergraduates considering law school report their top reason is to pursue a career in politics, government, or public service. Other top factors include being passionate about the work, an opportunity to give back to society, and to

advocate for social change. The ability to qualify for a high-paying job and the prestige of being a lawyer both rank lower on the list of 15 factors.

More than 22,000 college students and over 2,700 law students completed the survey which captured details on their career aspirations, sources of information and advice, and academic backgrounds. The

Why Do Undergraduates Aspire to Go to Law School?



report also explores demographic differences in survey respondents by gender, parental education, race/ethnicity, and academic achievement.

“This is the first known study in more than 50 years of undergraduate views on law school,” said Judith Areen, Executive Director of AALS. “It is our hope that this report will be useful not only to law schools and aspiring law students, but to everyone who cares about law and justice. We all have a stake in the quality of the next generation of lawyers and judges.”

Surprisingly, the survey found that more than half of law students first considered law school before college, and one-third before high school.

The report also includes important findings about first-generation college students. The connection

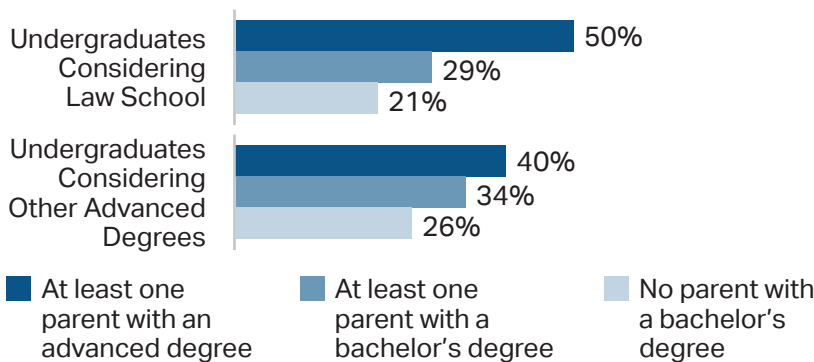
between parental education and college enrollment has been widely recognized in higher education. According to the most recently available data from the National Center for Education Statistics, about one-third of college students nationwide are first-generation. *Before the JD* shows that only one-fifth of undergraduates considering law school are first-generation.

A similar gap is also evident when considering advanced degree holders. Nationwide, according to U.S. Census data, only 12 percent of individuals age 45 to 65 (typical age range of parents of college students) have an advanced degree. By contrast, *Before the JD* found that half of undergraduates considering law school have at least one parent with an advanced degree.

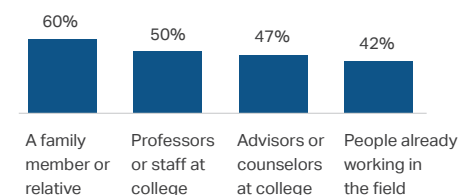
55%
of law students first considered law school before they reached college.

The report concludes, “... it will take deliberate effort on the part of law schools to level the playing field for qualified applicants, particularly if they are the first generation in their family to graduate from college.”

Additional highlights from the report and ordering information can be found at www.aals.org/research.



Who are the Most Important Sources of Advice About Graduate or Professional School?



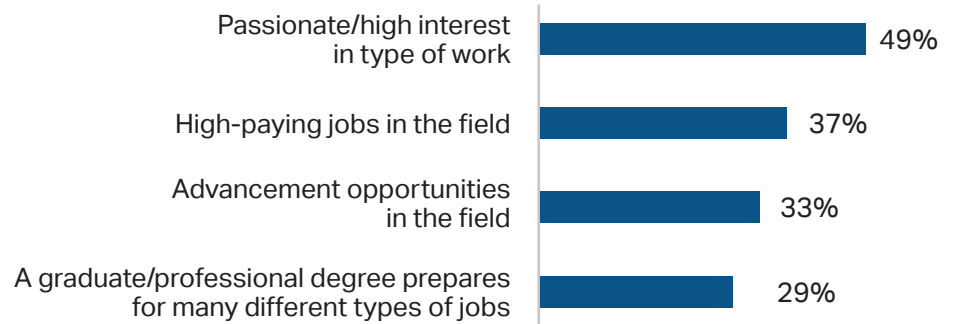
Parental Education a Key Factor in Considering Grad School

College students are more likely to consider graduate or professional school if at least one parent has an advanced degree

Undergraduates considering graduate or professional school are more likely to have at least one parent with an advanced degree compared with peers who are not considering graduate school, according to *Beyond the Bachelor's: Undergraduate Perspectives on Graduate and Professional Degrees*, a new report based on a survey by Gallup for the AALS and the Law School Admission Council (LSAC).

The survey found that 41 percent of students considering graduate or professional education have at least one parent with an advanced degree compared to 33 percent whose parents hold a bachelor's degree and 26 percent whose parents do not hold a four-year degree.

Why do undergraduates want to pursue an advanced degree?



According to the report, students whose parents do not hold a bachelor's degree were the least likely to report seeing or receiving information on campus about graduate or professional degrees.

Findings from the report show the already narrow pool of first-generation college students considering graduate and professional school face additional barriers depending on a variety of factors.

The report concludes, "...To encourage more first-generation students to pursue advanced degrees, colleges and universities need to do more to

assure that information equitably reaches all undergraduates. ...This [report] will enable graduate and professional schools to provide more relevant information to prospective students and, where appropriate, to revise their curricula to better meet the goals of incoming students."

The report also explores demographic differences in survey respondents by gender, parental education, race/ethnicity, and academic achievement.

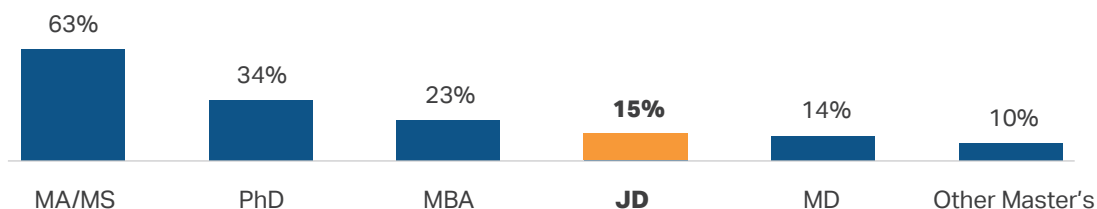
Additional findings from the report:

- Undergraduates unlikely to pursue an advanced degree are more likely to be men than women, as are undergraduates undecided about pursuing (both 57 percent to 43 percent) and those who have never thought about an advanced degree (59 percent to 41 percent).
- The pool of undergraduates likely to pursue an advanced degree includes higher percentages of Asian, Black and Hispanic students than students unlikely to do so.
- Undergraduates likely to pursue an advanced degree are more likely than their counterparts to report having an undergraduate GPA of 3.40 or higher.



Beyond the Bachelor's Launch event at Gallup in Washington, D.C. L to R: John Valery White (Professor and Former Provost, University of Nevada, Las Vegas), Kent Syverud (President and Chancellor, Syracuse University), and Kellye Testy (President and CEO, Law School Admission Council).

Which Advanced Degrees Are Undergraduates Considering?



“The future of graduate education is being built on data, and this study provides a wealth of information based on a very large sample size. We are proud to sponsor *Beyond the Bachelor's* as an important addition to the continuum of data we provide to benefit higher education and legal education,” said Kellye Testy, President and CEO of LSAC.

The report also includes information on the most popular degrees among students likely to attend graduate or professional school with sixty-three percent likely to pursue a master's in arts or science (MA/MS). A PhD (34 percent), MBA (23 percent), JD (15 percent) and MD (14 percent) are the next most popular degrees.

The report follows the release of *Before the JD: Undergraduate Views on Law School*, using data from the same survey.



AALS Section on Alternative Dispute Resolution Named Section of the Year

The AALS Committee on Sections has selected the Section on Alternative Dispute Resolution as its Section of the Year.

The annual award recognizes excellence in member support and other activities that promote AALS core values, which may include annual meeting programming, facilitating outstanding scholarship, providing teaching support and course materials, community/*pro bono* service, engagement with the bar and bench, mentoring programs, expanding membership and member engagement, creative use of technology, and more.



Alternative Dispute Resolution Panel at the 2018 AALS Annual Meeting

The AALS Section on Alternative Dispute Resolution was honored for a wide variety of section activities including encouraging excellence in scholarship and teaching through its Works-in-Progress conferences and its Legal Educators' Colloquium. The Works-in-Progress conference offers a supportive environment for feedback and the exchange of ideas designed to improve the scholarship of those attending. Starting this year, the section hosts an award for Best Article of the Year, which recognizes outstanding scholarship in the field.

In addition, the section has developed Annual Meeting programs that appeal to audiences outside of section membership. The section frequently collaborates with other sections as co-sponsors or conducts joint programs to appeal to a wider audience while showcasing the most pressing issues in the field of alternative dispute resolution.

The section will be honored at the Section Officers Breakfast during the Annual Meeting in January. AALS will be seeking nominations for the next Section of the Year award in Spring 2019. The inaugural award was given jointly to the Section on Clinical Legal Education and the Section on Women in Legal Education at the 2018 AALS Annual Meeting.



Spotlight on Sections

Section on Alternative Dispute Resolution

By Barbra Elenbaas

The Section on Alternative Dispute Resolution promotes members' interests, activities, and communication of ideas, and provides a forum for discussion of matters of interest in the teaching, research, and improvement of the law and practice relating to Alternative Dispute Resolution (negotiation, arbitration, mediation, and other dispute resolution processes).

Chair: Ellen E. Deason, The Ohio State University, Michael E. Moritz College of Law

Chair-Elect: Peter R. Reilly, Texas A&M University School of Law

About your area of law

What can you tell us about the membership of the Section on Alternative Dispute Resolution and the work they do?

Ellen Deason: ADR combines theory with skills and practice as part of the transition in legal academics towards placing more value on skills, and understanding how skills are not divorced from doctrine or theory.

The way dispute resolution is taught varies from school to school. Many schools have a survey course—sometimes called “alternative dispute resolution,” sometimes called something else—that introduces the students to negotiation, mediation, arbitration, and other methods because they should know how to help a client choose from among them. Many schools also have a class devoted entirely to negotiation.

Class offerings start there, but become quite varied depending on the expertise of the faculty. [At Ohio State] we also offer a mediation clinic plus classes in arbitration, international commercial arbitration, dis-

pute system design, international dispute resolution, and employment dispute resolution. And at many schools, dispute resolution is folded into classes on other subjects. There are often links between dispute resolution and subjects such as health-care, sports, employee-employer relations, and disability rights.

Peter Reilly: There are relatively few schools able to offer that sort of depth. Many schools are lucky to have a full-semester survey course. Some may have free-standing negotiation and/or mediation courses for people who want to go into business—negotiation skills are required. Some may even offer mediator certifications.

ED: While Peter and I are lucky to be in schools with an emphasis on dispute resolution, many ADR professors are the only ones teaching at their school. One important aspect of the AALS section is its ability to create ties between and among people from other schools who can give a section member support, both in teaching and scholarship, that they may not be receiving from their own faculty. We've also had people who participate from other countries, helping to create a sense of global community.

What's going on in the world of dispute resolution right now?

PR: The field is, relatively speaking, new. Those of us who teach it



Ellen Deason, The Ohio State University, Michael E. Moritz College of Law

Photo courtesy of The Ohio State University



Peter R. Reilly, Texas A&M University School of Law

Photo courtesy of Texas A&M University School of Law

are fighting a bit of an uphill battle because it's not one of the traditional academic subjects. Even the name—alternative dispute resolution—belies the fact that ADR is now the main way people solve problems. Only about five percent of cases go to traditional trial, so some people within the ADR community have proposed “appropriate” dispute resolution, for example.

ED: There is also a lively discussion that the “A” can stand for “active.” People tend to think of our core subjects as negotiation, mediation,

and arbitration, both domestically and internationally, with all other topics related but outside of that. While resolving litigated disputes has always been an important aspect of the field, it is actually much broader than that. Many scholars are focused on restorative justice and conflicts that don't present as litigation. In the very public sphere, for example, some in the field are trying to get people in divided communities to talk to each other in a way that can create structures to prevent and prepare for violence. And facilitating conversations among people who disagree is well within the realm of dispute resolution.

It's sometimes said that conflict is a growth industry. We are in a good field.

— Peter Reilly

While the field is increasingly diverse, we retain some basic concerns. Take the theme of our Annual Meeting program last year, "access to justice," and the benefits, difficulties, and downsides of private settlement. The idea of ADR as a means of access to justice is contested. There are certainly people working on these and similar overarching issues that affect, or should affect, most of the legal academy.

PR: It's sometimes said that conflict is a growth industry. We are in a good field. Now scholars are starting to specialize outside these three core areas—for example Andrea Schneider (Marquette) and Cynthia Alkon (Texas A&M), who are writing a textbook on plea bargaining as it relates to ADR. The field is mature enough that scholars are getting into

niche areas and using highly-specialized ADR tools to solve problems without going to trial or through litigation.

What are some important conversations happening right now in legal education regarding alternative dispute resolution?

PR: One of the topics at many schools is how to fill out a faculty with a limited budget. Schools are turning to adjuncts, and we tenured faculty are thinking about how we can support them. Dwight Golann (Suffolk) has been creating an ADR toolbox for adjuncts. People can tap into a website and get role plays, memos, and some helpful instruction.

ED: We are always looking for better teaching materials. At the legal educators colloquium during the ABA conference, everyone gets together to collect a list of new exercises and resources. It's a joint effort between ABA and AALS, headed by Bobbi McAdoo and Sharon Press (Mitchell Hamline).

PR: It's called the Resource Share—the last time I attended, there were 50 people in the audience. We have an archive that goes back several years. It's a phenomenal resource for new ADR teachers and experienced ones.

Another tough, common situation is advocating for ADR to be covered in traditional courses when they're already required to cover so much ground—property, torts, contracts, and civil procedure. Professors teaching those classes really cannot give up a couple of hours to do an exercise in ADR.

ED: In addition to these very practical concerns, we've been having spirited discussions about the role we should play in society and in the classroom.

After the Kavanaugh hearings, people talked about their experiences raising the topic in class and how to discuss it. This conversation was then expanded after the mass shooting in the Pittsburgh synagogue about how to raise (or not) difficult subjects in class.

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

As part of the ongoing "Spotlight on Sections" series, AALS sat down with the leadership of the Section on Alternative Dispute Resolution to discuss section activities at the AALS Annual Meeting and beyond.

PR: These are difficult and controversial topics—they raise basic questions about what role we should play through the current risks in our society.

You mentioned earlier the continuing upward climb of ADR in the legal academy. How has the study of ADR changed since you've been teaching it?

ED: I believe more people see links to it from other areas. There are different [teaching] models, and at some schools, they infuse an element of dispute resolution into general courses across the curriculum. As our reputation and acceptance has grown, people have more opportunities to branch out. Negotiation may be the aspect of

ADR that has penetrated to the greatest extent. Many schools now have negotiation classes, and far more students are getting a rigorous introduction to the principles of negotiation.

PR: I think we've made inroads with professors who teach civil procedure courses, and criminal law with plea bargaining. When you think about it, when students graduate and practice criminal law, all that most of them will be doing is negotiating a plea-bargaining deal for their client. How can you spend a whole semester on criminal law, then, and not talk about plea bargaining? People are seeing that they have to alert their students to this because they will face it immediately upon graduation.

About your section

Your section is the winner of this year's AALS Section of the Year award. What do you think was the winning combination of factors that led to the honor?

ED: We're thrilled. Building the section has been a cumulative effort of a lot of people over many, many years and I think that should be recognized. In addition, I'd point to the way we now structure our section, which allows continuity to get things done.


PR: We have three people at the table at any given time: the incoming chair-elect, the current chair, and the chair regent (the previous chair). We don't lose any institutional knowledge. Nobody has to recreate the wheel, and we know whom we can rely on. When someone on the leadership has an idea, they know they have three years to convince the group and get it done. That makes a big difference.

ED: The chair-elect puts together the Annual Meeting programs, the chair does tasks like constitute the executive committee and organize the

selection of the works-in-progress, and the chair regent takes charge of the paper competition. Then the chair regent rotates off the executive committee so that we have new blood.

How do your section members interact and collaborate outside of the AALS Annual Meeting?

ED: We do a lot in conjunction with the ABA Section of Dispute Resolution, which serves a much broader constituency than just law professors. In fact, I think a lot of people would be hard-pressed to identify which things are ABA and which things are AALS. We have a legal educators colloquium on the last day of the annual ABA conference, which is a nice community for educators within the ABA. There's huge overlap between participation in the ABA section and participation in the AALS section.



The fact that we're offering support brings them in with the right mindset. The support in itself goes a long way to making them feel welcomed.

– Ellen Deason

There are two listservs, the AALS listserv and one sponsored by the University of Missouri. Those serve as discussion boards throughout the year. In addition, there are 5 or 6 people who head up the blog Indisputably.org. They welcome guest posts, some of which are long think pieces, some are short announcements. We never felt the need to have a section newsletter, in part because we have these other avenues.

PR: They are always very active, but lately, there have been wonderful conversations. Somebody can throw out a question and get 10 to 20 people chiming in over the course of three days. From what I can tell, that has happened more this year than I've seen in the past.

How does your section support the scholarship of your members?

ED: Our works-in-progress conference is now in its 12th year. Each year we solicit proposals from schools who would like to sponsor it, who then bear the cost of the conference. There is no registration fee, [and] people pay for their own transportation.

I am struck by the camaraderie at this conference. The section leadership takes care to review proposals and make sure there's time built in for coffee breaks, discussions, and social events that serve to get everyone introduced to each other more informally. I think for many people the collegiality and sense of being part of a group is the draw of the conference just as much as the content of the presentations and the opportunity for helpful feedback.

For the first time, this year's conference received additional support from the JAMS Foundation, which is important as schools tighten their belts. JAMS is a group of retired judges and others who serve as arbitrators and mediators. We've been a little concerned about whether we could continue to find schools to sponsor the conference going forward, but so far there's a lot of enthusiasm.

PR: It's like a mini-reunion. Some of it has intentionally been made formal—we have formal mentoring, for example. We match people submitting a paper for mentorship with a more seasoned person who will give comments and make time during the event to talk about the paper. Ellen

was my mentor when I did it. Her mentorship made my paper substantially better, and I got a great placement. Sometimes, junior scholars may be intimidated to talk to senior people. A formal mechanism helps.

Do you have any programs to support the mentorship of junior professors?

ED: Over the last several years we have been offering financial support to junior scholars who haven't attended the works-in-progress conference before to help defray their transportation costs. In addition to providing food and facilities and organization, that is a meaningful way to encourage junior faculty to participate. The fact that we're offering support goes a long way to making them feel welcomed.

What does your section do to recognize new scholars and/or particularly great scholarship from longtime members?

PR: We just started a section award for best article. Actually, Ellen was the first winner of that.

ED: The ABA gives a lifetime achievement award, but we wanted an award that could recognize anyone no matter where they are in their career. Sometimes you produce your best work in the early stages, when you're trying to get tenure and under a lot of pressure.

PR: We had maybe 15 people enter the competition, which of course wiped out a huge contingent of would-be judges on our executive committee. In the spirit of our section and the way we support each other, many other people stepped forward saying they would judge.

What do you have planned for the 2018 Annual Meeting?

PR: We try to put together programs that appeal to more than just ADR scholars. This year we wanted to do something with technology, and the Sections on Litigation and Technology, Law and Legal Education are co-sponsors. Online dispute resolution is one of the biggest topics in ADR right now, in part because there are so many questions revolving around the technology. Can people hack it? Do people even have access to it? There are all sorts of access issues.

Missouri Law, a huge ADR school, happened to have a group of scholars writing under the umbrella of dealing with technology in dispute resolution. I approached them to suggest they present their papers at AALS, and all of them agreed to it. Nine people are coming, so it's going to be a huge panel. Most participants are law professors, but we have two other people, Colin Rule at Tyler Technologies and Ethan Katsh at the National Center for Technology and Dispute Resolution, who make significant contributions to the field and who are very much in demand.

Future goals

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?

PR: I think we're at a critical moment. People probably always say that, but I have some evidence that we are at a critical moment in terms of ADR and law. When you read the news today, all of the conflict—Kavanaugh was just the latest thing. Every month it seems like something's blowing up in this country. There's strong disagreement.

ADR has been around in American law schools for about 30 years. Lately, we've been having so many conversations about what our societal role should be. What are we doing here? As scholars and practitioners in this field, as people who think about this stuff, what is our role? Many faculty who get involved in ADR come from backgrounds where they were active in clinics or involved in practice. Part of the lure is a comparatively more practice-oriented approach, so I believe they won't let it go at just thinking about it and talking about it on our listservs.

I don't have a specific answer, but this topic is very much on people's minds. The section is very engaged right now, and I think the conversations we have online will be translated into teaching in short order. I don't think we're at a stage where I could give you specific evidence of what we're planning to do, but I've been teaching ADR since 2002 and I've never seen this kind of activity before. I know it can't just be on our minds, it's got to be in the wider academy.

If we cannot have a civil conversation, how are we ever going to go anywhere? We are having so much conflict that people cannot even talk to each other. If you can't have a conversation, how are you ever going to come up with a resolution?



Faculty Perspectives

Reimagining Higher Education Finance Policy

By Frank Pasquale, Professor of Law, University of Maryland Francis King Carey School of Law

Faculty Perspectives is an ongoing series in which AALS presents authored opinion articles from law faculty on a variety of issues important to legal education and the legal profession. Opinions expressed here are not necessarily the opinions of the Association of American Law Schools. If you would like to contribute to Faculty Perspectives or would like to offer a response to the opinion published here, email James Greif, AALS Director of Communications at jgreif@aals.org.

The Obama Administration made at least two major contributions to policy related to the financing of higher education: It cracked down on some for-profit colleges, taking on a consumer protection role largely missing from the Bush years. The Obama White House also encouraged income-based repayment (IBR) for student loans. The Trump Administration is now attacking both legacies.

As *Vox* has reported, Betsy DeVos “assigned the foxes to guard the henhouse when she hired multiple former employees of for-profit colleges to the Department of Education.”¹ These appointees have slowed or stopped certain regulations of for-profit colleges, and have tried to delay implementation of the Obama Administration’s borrower-defense rule. Though labyrinthine, the Obama-era rule would be far more favorable to students cheated by fly-by-night programs than DeVos’s proposed replacement of it.

Meanwhile, parts of the already-ramshackle IBR program have almost entirely failed students—about the Public Service Loan Forgiveness (PSLF) program, for example, it was reported that just 96 of 30,000 people who applied for public service loan forgiveness actually got it.² Expect matters to deteriorate as DeVos moves to preempt states’ efforts to regulate servicers and shifts debt collection work to private loan servicers,³ who make more in profit the longer they can keep borrowers on the hook for payments.

Many popular accounts of higher education policy blame the Trump administration for wrecking the Obama administration’s carefully calibrated, meticulously developed higher education policy of means-tested aid and human capital optimization. However, the foundation for policy failure was laid well before 2017.

On education policy, the Democratic Party is a “house divided:” there are those who care deeply about maintaining and improving existing educational institutions, and those who would happily watch them swept away in a tidal wave of “disruption;” those who see financialization as a necessary evil in an era of declining public support for higher education, and those who wish to base education policy on icily objective spreadsheets of “degree premiums” and salary boosts.⁴

The disruptive neoliberal vision offers little support for research, community service, or any non-economic purpose of higher education. It was dominant in Arne Duncan’s Department of Education, and it is ultimately continuous with both DeVos’s efforts and GOP leaders’ promotion of the PROSPER Act, which would devastate higher education funding.⁵ The task now for higher education advocates, and especially law schools, is to develop a robust account of the value of higher education and its place in society in order to ensure that the next reauthorization of the Higher Education Act does not unduly burden students or distort the mission of higher education institutions.

Policy Complexity Leads to Political Unsustainability

Republicans in Congress have been planning to cut student aid for years, but there is little to no indication that students or indebted graduates are making this a major campaign issue in midterms, either via protest or changed voting behavior. This is likely because the way that IBR is structured is highly contingent on personal and economic factors that are difficult to predict with accuracy. Will you



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*Photo courtesy of University
of Maryland Francis King
Carey School of Law*

be able to keep a qualifying job for 10 years to obtain public service-based debt forgiveness? Will servicers actually count your payments accurately? In the case of some IBR programs, forgiveness (if it arrives at all) happens 20 years out. Given contemporary political upheavals, who can plan based on such long-term promises of help? Extreme complexity and baroque targeting of aid make it hard to sustain political support. Just as private insurers have undermined the implementation of the ACA, servicers at the core of the Department of Education's student loan management have serially failed the students they are supposed to help.

Even if the administration of IBR were perfect, other problems remain.

Pursuant to neoliberal principles of financialization and responsabilization, IBR is means-tested. This is meant to ensure that as little aid as possible goes to graduates who do not "need" it. But it also means that students are merely probabilistic beneficiaries of the program. Many aspire to become financially comfortable enough never to need the aid, so they never form a constituency capable of sustaining support for it. Thus the concept of "need" can be indefinitely shrunken. Student interests are diverse and organized, while concentrated private lenders advocate shrinking government subsidies so they can market their own, often overpriced, loans as a substitute for worsening government offerings.

Even worse, selective private refinancing schemes for the "best risks" means that the graduates with the best financial prospects will be rewarded with lower interest rates than those who need help more. In that way, IBR looks a lot like the Home Affordable Mortgage Program (HAMP) instituted after the financial crisis: well poised to deliver profits to financial institutions, but not at all well targeted to meet its ostensible aims. Even worse, in the case of IBR, the government loan repayment program is stuck with the worst risks, while private refinancers take on the best prospects. If IBR ever does become very costly to government, we should remember that defaults would be a lower percentage of overall loans if the system were not set up to shed its best repayment prospects to the private sector.

Unfortunately, these simple truths about the perverse incentives of the current interplay between private and public lenders tend to get almost no play in even the specialized media focused on education policy. As I observed in 2015, Washington think tanks indirectly funded by money from private lenders have repeatedly used lawyers, engineers, and nurses as examples of rich professionals who do not "need" government subsidy.⁶ It is ironic that other

anti-university lobbyists were simultaneously sounding an alarm that the long-established degree premium from higher education was about to end, and that professions like law were about to be automated out of existence, leaving law graduates impoverished. The anti-university lobby cannot seem to decide whether graduate school is a gold mine or a gigantic waste of money; it simply takes up whatever cudgel is best suited to bash the program it wants to undermine.

This advocacy has been politically effective. A stealth campaign of think tank "research," along with a louder and more insistent lobbying effort, has convinced policy makers to effectively reverse many "subsidies" once given to education and has ensured that the education sector itself subsidizes the government. For example, the U.S. government has made tens of billions of dollars in profit from student loans. Its tax policy also disfavors education relative to other investments.⁷

Students are not the only ones to be failed by technocrats in the Department of Education and their Congressional enablers. All too often, top officials have treated educators as legacy ballast rather than allies in the fight for a more educated and productive society. A managerial and disciplinary ethos pervades the Department of Education, combining skepticism about traditional institutions with fervent hopes for cheap online courses. True, the Obama Administration's bitter disappointment at the grift of extant disrupters like Corinthians has been replaced with officials wholly comfortable with the comportment of Trump University. But the former helped pave the way for the latter with a constant drumbeat of concern about cutting college costs that almost never acknowledged the exploitation of adjuncts—just as the Obama administration's technocratic obsession with cutting health care costs fit uneasily, if at all, with the reality of underpaid home health aides, overstressed nurses, and burnt-out doctors.

Leading Democratic and Republican approaches to policy have also embraced an empty model of "education as salary booster," based on crude economic theories of human capital. No wonder one leading fixer proposed replacing the Department of Education with a "Department of Talent." Leaders treat education as a black box: whatever works to boost GDP ought to be encouraged. Such measures are flawed, and miss what is most important about teaching, research, and exposure to the values that make democracy and vibrant culture possible.⁸ It is very easy to manipulate figures relating to utilitarian aggregates like GDP, consumer welfare, or income.⁹ There is little appreciation of the long-term value of college.

What is Education For?

Without a sense of “education” existing for its own sake as an intrinsic good, federal loans effectively invite a mob of pretenders to set themselves up as “colleges” or “law schools.”¹⁰ In health care, robust state licensing laws and state and federal fraud and abuse laws can check opportunism. In education, such laws are weak and underenforced. The “human capital” theory has distorted the broader mission of real, nonprofit universities, while opening the door to predatory for-profits.

Those who care about the future of education in general, and legal education in particular, should work to see that both are fairly funded, and maintain their traditional missions. Complex societies need a sophisticated, expanding education system. Education pays off, in social, cultural, and economic dimensions, over a lifetime. Markets, focused, as they are, on short term exchange and profit, will never optimize its production. The state must be deeply involved. Policy makers must hear about the value of education, research, and clinical contributions of law schools.

Such advocacy is especially important now, as private lenders’ “investments in lobbying may be about to pay huge dividends...to the detriment of millions of students, and hundreds of millions of Americans who depend on the long term fiscal health of the United States.”¹¹ We should be looking to more humane models of higher education finance at both the state and federal level, rather than doubling down on privatized financialization and the blinkered theories of human capital that support it.¹²

For too long, think tanks have promoted a neoliberal ideal of education “innovation,” which created opportunities for fly-by-night operators to take advantage of unsuspecting students.¹³ It is not enough to belatedly pursue the worst of these institutions with borrower-defense rulemakings or gainful employment guidelines (both now in jeopardy under DeVos). Rather, post-neoliberal education policy should value universities just as much for the intrinsic value of their research and service, as for their role in preparing a workforce. Without that foundational commitment, the center of education policy cannot hold.



Footnotes

¹ Emily Stewart, *Betsy DeVos Is Lifting Regulatory Scrutiny of Predatory For-Profit Colleges*, VOX (May 14, 2018), <https://www.vox.com/policy-and-politics/2018/5/14/17353234/betsy-devos-devry-for-profit-college-education>.

² Annie Nova, *Just 96 of 30,000 People Who Applied for Public Service Loan Forgiveness Actually Got It*, CNBC (Sept. 21, 2018), <https://www.cnbc.com/2018/09/21/the-education-department-data-shows-how-rare-loan-forgiveness-is.html>.

³ Andrew Kreighbaum, *DeVos: States Don't Have Authority to Regulate Loan Servicers*, INSIDE HIGHER ED (Mar. 12, 2018), <https://www.insidehighered.com/quicktakes/2018/03/12/devos-states-dont-have-authority-regulate-loan-servicers>; Danielle Douglas-Gabriel, *Trump Administration to Hand Student Debt Collection to Loan Servicers, Ending Use of Collectors*, WASH. POST (May 25, 2018), https://www.washingtonpost.com/news/grade-point/wp/2018/05/25/trump-administration-to-hand-student-debt-collection-to-loan-servicers-ending-use-of-collectors/?utm_term=.8928ad2ffa46.

⁴ Luke Herrine, *Neoliberalism and Higher Education Finance: Breaking Out of the Ideology*, LPE BLOG (Oct. 17, 2018), <https://lpeblog.org/2018/10/17/neoliberalismandhighereducation/>.

⁵ Mildred Garcia & Peter McPherson, Opinion, *Why the PROSPER Act Creates Big Problems for Students and Their Families*, THE HILL (May 21, 2018), <https://thehill.com/blogs/congress-blog/388569-why-the-prosper-act-creates-big-problems-for-students-and-their-families>.

⁶ See my description of the work of the New America Foundation. Frank Pasquale, *Democratizing Higher Education: Defending & Extending Income Based Repayment Programs*, 28 LOY. CONSUMER L. REV. 1 (2015). See also Michael Simkovic, *Think Tanks, CBO Dramatically Overestimated the Direct Budgetary Costs of Public Service Loan Forgiveness*, BRIAN LEITER'S LAW SCHOOL REPORTS (Sept. 23, 2018), <http://leiterlawschool.typepad.com/leiter/2018/09/think-tanks-cbo-dramatically-overestimated-the-direct-budgetary-costs-of-public-service-loan-forgive.html>.

⁷ Michael Simkovic, *The Knowledge Tax*, 82 U. CHI. L. REV. 1981 (2015).

⁸ Danielle Allen, *What is Education For?*, BOSTON REV. (May 9, 2016), <http://bostonreview.net/forum/danielle-allen-what-education>.

⁹ JERRY Z. MULLER, *THE TYRANNY OF ETHICS* (2018).

¹⁰ Frank Pasquale, *Synergy and Tradition: The Unity of Research, Service, and Teaching in Legal Education*, 40 J. LEGAL PROF. 1 (2016).

¹¹ Michael Simkovic, *Dangerous New Bill Could Hurt Taxpayers and Make Financing More Expensive*, BRIAN LEITER'S LAW SCHOOL REPORTS (Mar. 27, 2018), <http://leiterlawschool.typepad.com/leiter/2018/03/dangerous-new-bill-could-hurt-taxpayers-and-make-financing-education-more-expensive-michael-simkovic.html>.

¹² Frank Pasquale, *How to Make Higher Education More Affordable*, THE ATLANTIC (Dec. 17, 2015), <https://www.theatlantic.com/business/archive/2015/12/how-to-make-higher-education-more-affordable/421062/>.

¹³ See, e.g., CLAYTON CHRISTENSEN ET AL., *DISRUPTING COLLEGE: HOW DISRUPTIVE INNOVATION CAN DELIVER QUALITY AND AFFORDABILITY TO POSTSECONDARY EDUCATION* (2011), http://cdn.americanprogress.org/wp-content/uploads/issues/2011/02/pdf/disrupting_college.pdf. For a critique of Christensen, see Frank Pasquale, *The University of Nowhere*, L.A. REV. BOOKS (Nov. 12, 2015), <https://lareviewofbooks.org/article/the-university-of-nowhere-the-false-promise-of-disruption/>.

Hot Topics at AALS 2019

Hot topic programs at the AALS Annual Meeting highlight important and timely topics on some of society and law's most pressing issues. These programs were selected by the Program Committee for the AALS 2019 Annual Meeting from proposals submitted by law school faculty.

Thursday, January 3

Narratives about Sexual Harassment & Sexual Violence: #MeToo, the Kavanaugh Allegations & Pending Changes to Title IX Enforcement

10:30 am – 12:15 pm

This roundtable brings together diverse scholars from inside and outside the legal academy who have written extensively about Title IX, sexual harassment, and sexual violence. These scholars will briefly discuss their research on a wide range of narratives including:

- The reporting barriers faced by victims of sexual harassment and violence and either the embracement or rejection of “trauma-informed” practices that may overcome such barriers to encourage reporting;
- Criminal-level procedural and substantive rights for both complainants and respondents in different legal systems;
- What social scientists have identified as a particular reaction to accusations of wrongdoing by some accused wrongdoers (DARVO, or “Deny, Attack and Reverse Victim & Offender”) and others have referred to as “weaponized victimhood;”
- The frequency and the harms of sexual violence compared with the frequency and harms of accusations of sexual violence;
- Erasure of women of color as harassment victims and assertion of “high-tech lynching” claims that subtly stereotype African American men as rapists;
- Narratives suggesting that most conduct reported by victims as sexual harassment is actually protected free speech or exercises of academic freedom, even when that conduct involves physical contact;
- “Consensual” sexual relationships between non-peers (e.g. faculty and students) being essentially victimless situations, even though third parties (e.g. fellow students) do not or perceive that they do not receive the same benefits as their peer in the consensual relationship;

- The suggestion that definitions of sexual misconduct in school conduct codes are too vague or confusing to be fair.

The roundtable will also provide significant time for discussion of the notice of proposed rule-making, the context and surrounding narratives, and the organized efforts to encourage the public to comment.

Partisan Conflict and the Legitimacy of the Supreme Court

1:30 – 3:15 pm

As appointments to—and decisions by—the Supreme Court have become increasingly divisive, many observers have expressed concern that the legitimacy of the Court is at stake. Our constitutional system relies on a Supreme Court that is trusted to have the final say on the meaning of the Constitution because the Court is insulated from partisanship and politics. But instead of viewing the Court as a neutral body that decides cases based on principles of law, the public increasingly sees the Court as being driven by partisan considerations. Thus, while a majority of Americans once expressed strong confidence in the court, a July 2018 Gallup poll reports that only 37 percent do now.

This panel will discuss two questions. First, do we have to worry about the legitimacy of the Supreme Court? Second, what steps should be taken to address concerns about the Court's legitimacy? Some states, for example, use judicial nominating commissions for appointments to their supreme courts. Should there be a federal judicial nominating commission? What other reforms would be desirable? In addition to discussing concerns raised by the two most recent Supreme Court appointments, the program will address questions of legitimacy from a broader historical perspective.

Friday, January 4

Religious Exemptions and Harm to Third Parties

8:30 – 10:15 am

What role should harm to third parties play in the government's ability to protect religious rights? This question is particularly weighty at this moment in American history, when religious exemptions have perhaps never been more controversial. In light of recent Supreme Court cases like *Hobby Lobby* and *Masterpiece Cakeshop*, some scholars have advanced new theories that would place strict limits on government's ability to grant religious exemptions that result in harm (or externalities) to third parties who do not benefit from that religious practice. This program will explore the historical, theoretical, normative, and doctrinal arguments for and against a rule that would prohibit religious exemptions that result in more than *de minimis* harm to identifiable third parties.

Civil Rights in the Aftermath of the Kavanaugh Hearings & Confirmation

1:30 – 3:15 pm

The Senate Judiciary Committee's September 27, 2018 hearing concerning Dr. Christine Blasey Ford's allegations that US Supreme Court nominee Brett Kavanaugh committed assault upon her person proved a watershed political and jurisprudential moment. We have now learned of Justice Kavanaugh's positions on reproductive freedoms, immigrant rights, presidential power, and female testimonial credibility, which may well transform the protections afforded by the Due Process and Equal Protection Clauses and the Civil Rights Act. Furthermore, his performance at the September 27 hearing triggers issues about judicial temperament, ethics, and even the judge's role as a creator of legal and social truth.

In this panel, legal scholars will address the ways in which Justice Kavanaugh's nomination, hearings, and confirmation impact a wide variety of legal domains, including sexual harassment and assault laws, workplace equality, policing, substantive and criminal law, administrative law, the field of judicial ethics, and the standards of proof appropriate for criminal, legal, and political processes. We will also engage the ways in which Justice Kavanaugh's role in today's political and legal climate intersects with jurisprudence, such as critical legal feminism and the moral theory of epistemic injustice.

Saturday, January 5

Criminal Justice Reform Consensus?

10:30 am – 12:15 pm

This panel will explore important new criminal justice developments—both legislative and initiative—that might be viewed as a new form of reform consensus. Developments include the federal FIRST STEP Act (Formerly Incarcerated Reenter Society Transformed Safely Transitioning Every Person Act), which could be passed by Congress this year; and Ohio's Ballot Issue 1, which polling suggests will be approved by Ohio voters. The FIRST STEP Act, which has already received overwhelming support from both parties in a House vote this past summer, focuses on correctional reform including the placement of incarcerated people and the treatment of pregnant and post-partum women in custody, and re-entry services. The Ohio Ballot Issue 1 would reduce drug possession offenses to misdemeanors, prohibit courts from sending probationers who commit noncriminal violations to prison, and redirect resulting savings to drug treatment, crime victim, and rehabilitation programs, all through an amendment to the Ohio state constitution.

NAFTA 2.0: Are We Building or Burning Bridges With USMCA?

1:30 – 3:15 pm

On September 30, 2018, the United States, Mexico and Canada finally reached agreement on revising what President Trump has described as the “worst trade deal in the history of trade deals, maybe ever.” What was the North American Free Trade Agreement (NAFTA) will now be the United States-Mexico-Canada Agreement (USMCA). But what changes does it have in store besides its name?

This panel will unpack and analyze the various chapters of USMCA to consider what impact on trade, investment, and foreign relations they may have both within and beyond North America. The panel will compare the relevant provisions of USMCA to NAFTA and to other recent free-trade agreements, including the Comprehensive and Progressive Agreement for Trans-Pacific Partnership, and ask whether USMCA represents the best path forward for the three countries in service of their goal to “strengthen anew the longstanding friendship between them and their peoples” and “support mutually beneficial trade leading to freer, fairer markets, and to robust economic growth in the region.”



AALS Selects 2019 Scholarly Papers Competition Winners

The AALS has announced the winners of the 2019 AALS Scholarly Papers Competition for law school faculty members in the field for five years or fewer.

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

“The Forgotten History of Metes and Bounds”
Maureen E. Brady, Associate Professor,
University of Virginia School of Law

“Corporate Disestablishment”
James D. Nelson, Assistant Professor,
University of Houston Law Center

In “The Forgotten History of Metes and Bounds,” Professor Brady explores the social and legal context surrounding the use of metes and bounds to survey and describe property in the American colonial era. She argues that the metes and bounds system carried neglected benefits for American settlers and uses this history to illustrate the value of customization as well as standardization within property regimes. The draft article is available on the Social Science Research Network (SSRN) and will be published in an upcoming issue of the *Yale Law Journal*.

“The AALS Property Section supported me even as a first-year professor by hosting a New Voices panel at the annual meeting, and I have enjoyed the conference and the Scholarly Papers session since that first invitation,” Professor Brady said. “As a result, it’s especially gratifying to receive this honor for this project, which uses history to probe property theory and to explore questions about institutional design. I hope that my work will prove influential not just as a piece of forgotten American legal history, but also because the story provides broader lessons about the connections between property and economic development.”

In “Corporate Disestablishment,” Professor Nelson identifies and defends a set of legal principles limiting corporate religious liberty in the wake of the Supreme Court’s decision in *Burwell v. Hobby Lobby*. The article will be published in an upcoming issue of the *Virginia Law Review*.

“I am honored to receive the AALS Scholarly Papers Competition Award,” Professor Nelson said. “I am also grateful to the University of Houston Law Center for supporting my research and to the committee for making this selection. I look forward to sharing my work at the AALS Annual Meeting.”

The AALS Committee to Review Scholarly Papers for the 2019 Annual Meeting included distinguished legal scholars from around the country:

- Tabatha Abu El-Haj, Drexel University, Thomas R. Kline School of Law
- Brad Areheart, University of Tennessee College of Law
- Eric Chaffee, University of Toledo College of Law, Chair
- Martha Chamallas, The Ohio State University, Michael E. Moritz College of Law
- Jessica Silbey, Northeastern University School of Law
- David Sloss, Santa Clara University School of Law
- Aaron Tang, University of California, Davis, School of Law

The competition is now in its 33rd year and the awards will be presented during the 2019 AALS Annual Meeting, January 2-6 in New Orleans.

AALS Announces 2019 Section Award Winners

The AALS is proud to announce the winners of its 2019 section awards for excellence in legal education.

The awards are hosted by several sections of the association organized around various academic disciplines and topics of interest. This year's winners will be acknowledged during specific section programming at the 2019 AALS Annual Meeting, January 2-6 in New Orleans.

"AALS sections are an important way for both law professors and administrators to come together to support, celebrate, and learn from one another," said Wendy Perdue, AALS President and Dean of University of Richmond School of Law. "The honorees from our sections represent the utmost dedication to law students, legal education, and scholarship in many areas of the law."

The 2019 AALS section award winners are:

Section on Alternative Dispute Resolution Best Scholarly Article Award
Ellen Deason, The Ohio State University, Michael E. Moritz College of Law

Section on Clinical Legal Education William Pincus Award
David Santacrose, University of Michigan Law School
Alex Scherr, University of Georgia School of Law

Section on Criminal Justice Junior Scholar Award
Sandra Mayson, University of Georgia School of Law
Thea Johnson, University of Maine School of Law

Section on Law Libraries and Legal Information Award
Barbara Bintliff, University of Texas School of Law

Section on Law and Sports Award
Matthew Mitten, Marquette University Law School

Section on Legal Writing, Reasoning and Research Award
Charles Calleros, Arizona State University Sandra Day O'Connor College of Law

Section on Minority Groups Clyde Ferguson Award
Robin Lenhardt, Fordham University School of Law

Section on Minority Groups Derrick A. Bell Jr. Award
Ifeoma Ajunwa, Cornell Law School

Section on Pro-Bono & Public Service Opportunities Deborah L. Rhode Award
Vivian Neptune-Rivera, University of Puerto Rico School of Law

Section on Pro-Bono & Public Service Opportunities Father Robert Drinian Award
Louis Rulli, University of Pennsylvania Law School

Section on Student Services Peter Kutulakis Award
David Jaffe, American University Washington College of Law

Section on Torts and Compensation Systems William L. Prosser Award
Kenneth Simons, University of California Irvine School of Law

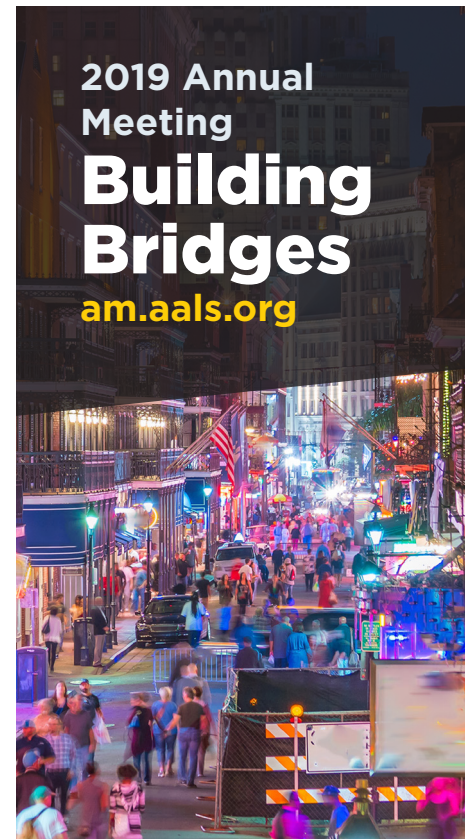
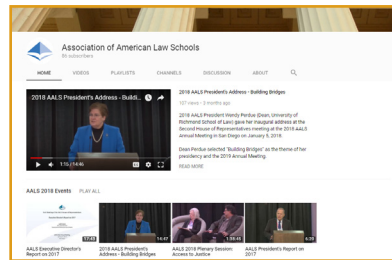
Section on Women in Legal Education Ruth Bader Ginsburg Lifetime Achievement Award
Phoebe Haddon, Rutgers University-Camden

AALS Legal Education News Weekly Digest

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AALS Calendar

Annual Meeting

Wed., Jan. 2 – Sun., Jan. 6, 2019, New Orleans, LA
Thurs., Jan. 2 – Sun., Jan. 5, 2020, Washington, DC
Tues., Jan. 5 – Sat., Jan. 9, 2021, San Francisco, CA
Wed., Jan. 5 – Sun., Jan. 9, 2022, New York, NY

Workshop for New Law School Teachers

Thurs., June 6 – Sat., June 8, 2019, Washington, DC

Conference on Clinical Legal Education

Fri., May 3 – Tues., May 7, 2019, San Francisco, CA

Faculty Recruitment Conference

Thurs., Oct. 3 – Sat., Oct. 5, 2019, Washington, DC