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Legal Scholarship and Knowledge Institutions in Constitutional Democracy

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

We as legal educators are part of a broad infrastructure of “knowledge institutions” — universities, a free press, scientific offices (public and private), even libraries — that help provide the epistemic foundation for a successful democracy. Law schools play special roles in protecting our constitutional system, through the scholarship their faculty produce and through how they educate their students to become lawyers, judges, and other participants in our legal system. In these ways, law schools help to maintain a well-functioning system of rights-protecting democracy, based on free and open elections, and to resist erosion of foundational principles of equality, due process, and the rule of law, which serve as bulwarks against authoritarianism.



Law schools support research on constitutional democracy through the work of individual faculty and through specialized programs or centers. The University of Virginia School of Law, for example, recently established the Karsh Center for Law and Democracy, whose “mission is to promote understanding and appreciation of the principles and practices necessary for a well-functioning, pluralistic democracy” through legal and interdisciplinary scholarship. The Clough Center for the Study of Constitutional Democracy, which began at Boston College Law School more than a decade ago, aims (in the words of its Director, Professor Vlad Perju) to “reinvigorate and reimagine the study of constitutional democracy in the twenty-first century” and “foster original research ... on the promise and challenges of constitutional government in the United States and around the world.” And the Floersheimer Center for Constitutional Democracy at Cardozo Law School has, since 2000, encouraged scholarship “advancing the functioning of constitutional democracies in the United States and abroad.”

Law schools make important contributions to constitutional democracy not only through academic activities that directly engage with current public law issues and democratic constitutionalism as such, but also

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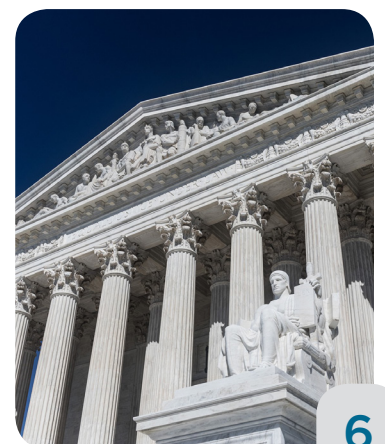
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through training lawyers, over time, in the complexities of a legal system that also addresses the economy (e.g., corporations, markets, and contracts) and other important institutions (e.g., the family). Law schools equip their students to serve in a legal system that must be at once dynamic and stable — able to change when change is needed to produce a more just or workable system, yet providing beneficial continuity in relationships and institutions, including peaceful dispute resolution mechanisms, thereby contributing to consistency in expectations and to other rule-of-law goals. Law schools educate future lawyers, judges, and other government officials on the importance of individual rights and the need for independence and courage in sustaining them — as we saw when lawyers, law students, faculty, and judges responded quickly to the first “travel ban” issued January 27, 2017.

Over the long run, our scholarship — produced often by multiple scholars, and over a period of many years — might have even more potential than our teaching to influence, not just current students and scholars, but future generations, and to move the legal community towards better, and more just, understandings of what the law should be.

A critical function of legal scholarship is to identify both what is working well and what is not working well in the legal system. Despite occasional dismissals of legal scholarship by judges, it is important for law faculty to understand that legal scholarship has had and will in all likelihood continue to have important, positive impacts.

Sometimes singular works — such as Samuel Warren and Louis Brandeis, “The Right to Privacy” (1890), or Catharine MacKinnon, *Sexual Harassment of Working Women* (1979) — function as groundbreak-

ers in legal development, even as they may build on and inspire others. On sexual harassment, in the early 1970s I and many other women law students could not even name this problem; most lawyers, courts, and victims did not understand sexual harassment as a form of sex discrimination. Now we do. This was a truly significant change in the law. In the words of another influential work of legal scholarship (by William Felstiner, Richard Abel, and Austin Sarat), MacKinnon’s book “named and claimed,” defined and analyzed the legal injuries from such behavior. What had once seemed “natural,” a part of the background that one could not envision changing nor even see in legal terms, has come to be understood as a form of discrimination, a legally repugnant obstacle to gender equality.



As legal scholars, we sometimes write for the present. But we also write for the long haul...

Often, however, it is the cumulative work of many scholars over time, sometimes in the same field, sometimes on different issues, that may have influence on protecting or changing the law. I draw here on examples from talks I have given at the AALS Workshop for New Law School Teachers.

Consider *Boumediene v. Bush* (2008), the first and only time the Supreme Court held a congressional statute unconstitutional under the U.S. Constitution’s *Habeas Corpus* Clause. The Court’s opinion cited Hart & Sacks’ *Legal Process* materials, originally written in the 1950s, and sev-

eral works of legal history on British law, the Magna Carta, and the writ of *habeas corpus*, including a then brand-new coauthored article by Paul Halliday and G. Edward White, as well as a 1952 article by Rex Collings. Further, the Court cited a legal historians’ amicus brief on administration of *habeas corpus* in India under British colonial rule; the American Law Institute’s 1986 Restatement (Third) of Foreign Relations Law on the meaning of sovereignty; and then-recent scholarship on the Constitution and the territories by Christina Duffy Burnett. Additionally, on statutory interpretation, the Court cited Bill Eskridge, Phil Frickey, and Beth Garrett’s 2001 casebook on legislation, and, on whether facts may be contested on *habeas corpus*, one article from 1966 by Dallin Oaks and a 2007 co-authored piece by Richard Fallon and Dan Meltzer. This is not a complete listing, but these examples give a sense that in this highly important case, the Court’s opinion drew extensively on legal scholarship by multiple authors written over a long period of time.

As legal scholars, we sometimes write for the present. But we also write for the long haul, hoping that even if our work does not influence current judges, lawyers or legislators it may do so in the future, maintaining the rule of law over time.

On race and equality, much scholarship in recent decades has sought to better illuminate embedded or implicit practices that reinforce inequalities. The powerful metaphor of racial minorities as the “miners’ canary” of society was advanced by Lani Guinier and Gerald Torres in a book with this title, cited by Justice Sotomayor in her dissent in *Utah v. Streiff* (2016). Justice Sotomayor objected to the majority’s holding that a pre-existing and untainted arrest warrant allowed evidence seized incident to an unlawful inves-

tigatory stop to nonetheless be admissible. Justice Sotomayor noted that such conduct — suspicionless stops — fell disproportionately on people of color, and urged that those who are routinely targeted for such police misconduct

“are the canaries in the coal mine whose deaths, civil and literal, warn us that no one can breathe in this atmosphere. See L. Guinier & G. Torres, *The Miner’s Canary* 274–283 (2002). They are the ones who recognize that unlawful police stops corrode all our civil liberties and threaten all our lives. Until their voices matter too, our justice system will continue to be anything but.”

Guinier and Torres’ book was published in 2002; Justice Sotomayor cited it in 2016. It can take a good while for legal scholarship on sensitive issues to have a deep impact.

An emerging area of pressing importance for legal scholarship today arises out of concerns over democratic erosion. As recent scholarship suggests (see, for example, Tom Ginsburg and Aziz Huq, *How to Save a Constitutional Democracy* [2018]), threats against the press, against institutions of higher learning or their faculties, against government watchdogs, and against certain non-governmental organizations often accompany threats to the independence of the courts and to genuinely free, fair, and open elections in countries with rising authoritarianisms. These “knowledge institutions,” though distinct from each other, together play a vital role in contributing to the information infrastructure of a democratic society.

Yet these institutions are sometimes studied in categories that obscure rather than illuminate their inter-connected roles in contributing to the epistemic base for consti-

tutional democracy. Of course, the disciplinary commitments for the production of knowledge in different academic subjects vary; academic commitments differ from those of the press; and different legal regimes may apply to public as compared to private organizations. But as we have seen in some other countries, threats to one area, press freedoms, for example — may coincide with or contribute to threats in others — such as academic freedom for university faculties — as governments successful in one kind of repression feel emboldened to engage in others.

Although even autocratic governments require knowledge to exercise and maintain power, knowledge institutions play special roles in representative democracies. As the U.S. Supreme Court has said, in the *Grosjean* (1936) and *Pittsburgh Press* (1973) cases, “informed public opinion is the most potent of all restraints upon misgovernment.” In a democracy, the citizenry — or at least a sufficient swathe of the citizenry and their elected representatives — need access to good information to be able to identify trends of social and economic fact, as well as knowledge of relevant national and world history that bears on current issues. Knowledge is needed to select candidates to support: citizens must be able to evaluate arguments by opposing candidates for public office and to resist manipulation (which can come from many sources). Knowledge is also needed to engage in reasoned argument with fellow citizens. And knowledge is needed for the rule of law to be in effect and for the law to work to serve justice — so that laws, and how they are enforced, and what their effects are, can be known and evaluated.

Some knowledge institutions receive special constitutional protection for some of their activities: the press, referred to in the First Amendment’s text, and institutions of higher



learning and their faculty, whose “academic freedoms” may be protected by judicial interpretations of the First Amendment. Knowledge institutions may also be affected by other, more general, constitutional provisions. Additionally, knowledge institutions may be helped or hurt by legal regimes across a range of areas including anti-trust, communications (including internet regulation), corporate (both for-profit and non-profit), immigration, and tax law; government spending, accreditation, and licensing programs; patent, copyright, and defamation law, and so forth.

Given the centrality of knowledge institutions in constitutional democracy — and given the centrality of our role as legal scholars in sustaining our democratic system as one of constitutional government under law — knowledge institutions offer a field of research to which some of our future scholarly efforts might fruitfully be devoted.

In whatever their field of interest, and through whatever scholarly approaches they use, law faculty and their scholarship will, I believe, continue to contribute to the important work of sustaining constitutional democracy and the rule of law, and of moving towards an ever-improving and more just legal system.



Update Your Bio Now for the 2019-2020 *Directory of Law Teachers*

Have you published a new paper, chapter, or book?

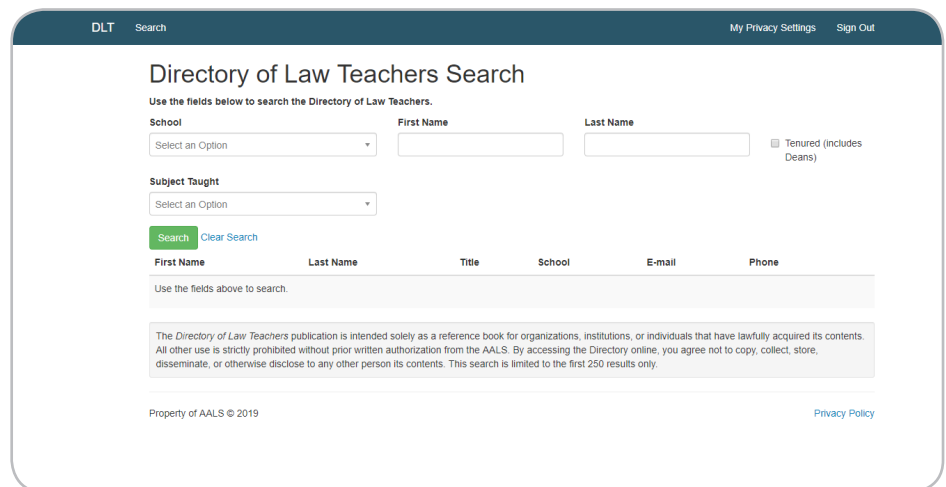
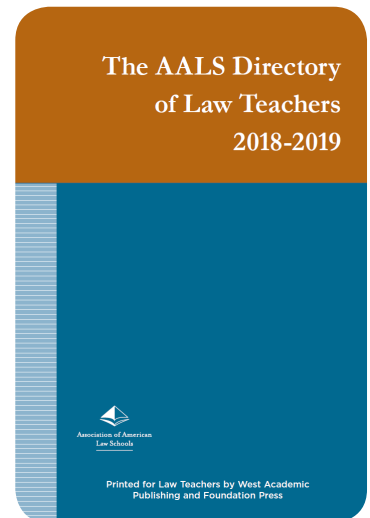
Won an award or moved to a different law school?

Are you looking for colleague to review your work in progress paper?

Log on to dlt.aals.org and update your biography in the *AALS Directory of Law Teachers*. Any updates you make to your information will appear in real time in the searchable online application. We print copies of the *DLT* each fall; make your updates by September 9 to ensure your printed listing will appear exactly as you prefer.

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

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

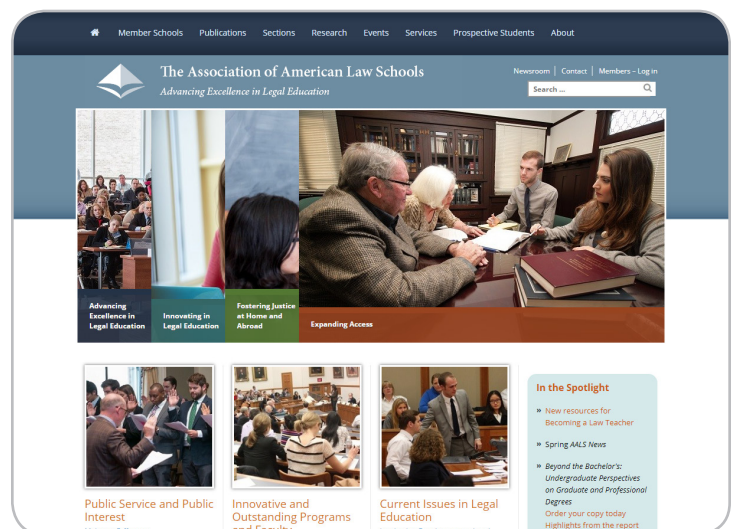


Want to learn more about legal education or AALS?

The AALS website homepage, www.aals.org, showcases innovative and outstanding law school programs and faculty as well as current issues facing the legal academy.

It also provides extensive coverage of current news about legal education and the legal profession and a calendar of upcoming symposia at member law schools.

In addition, the site features details on the association's professional development offerings, its publications including an online version of *AALS News*, the *Journal of Legal Education*, and other services such as faculty recruitment services and sections.



2020 AALS ANNUAL MEETING

January 2 – 5 | Washington, DC

Pillars of Democracy: Law, Representation, and Knowledge

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

Legal education plays essential roles in sustaining the pillars of constitutional democracy. These include law, its values, and institutions; elections and representation; and the knowledge institutions of which law schools are an integral part.

The ideas of government under law, and equality under law, central to our constitutional traditions, require independent courts. Yet personal attacks on judges, along with increased violence against certain minorities, threaten the ideal of equal justice under law. Legal training speaks to issues of fair process, equal treatment, and judicial independence. These ideas do not sustain themselves; they need to be taught, critically analyzed, and practiced. Indeed, respect for fair process is important throughout government, including adherence to “regular order” in the Congress (in which lawyers disproportionately serve). Law school curricula should reflect the needs for fair process in all parts of our system of governance.

A second pillar of constitutional democracy is fair voting and representation — with law laying down rules in advance — about who can vote, for what candidates, for which offices. But law can be used to obstruct as well as to support democracy by,

for example, illegitimately suppressing the vote. Law schools should consider how to explore the significance of voting and representation, as well as the norms of political reciprocity on which a decent democracy rests. Just as we introduce our students to thick ideas of what it means to be a good judge, we should consider providing more analytical and normative attention to elections and elected representatives, asking, for example, whether principle and compromise might play different roles for a judge and for a legislator.

Knowledge institutions — universities (including law schools), a free press, and public and private offices devoted to gathering and disseminating data — are a third pillar of constitutional democracy. Self-governance requires informed voters, whose opinions rest on shared knowledge. Law schools today help fulfill the roles that President George Washington contemplated for a national university — to educate citizens in knowing their rights, knowing the law, knowing how to evaluate their representatives, and understanding government. Yet higher education, of which law faculties are a part, faces serious challenges, including new partisan divides about its value, and concerns about fair access. Other challenges confront the press, which supports democracy by reporting on matters



of public concern, and government offices charged with responsibility for data collection. We should ask our students to reflect on how law sustains those institutions central to the epistemic foundations of democracy.

Finally, we should recognize that institutions can only do so much — character and attitude matter. Constitutionalism and democracy are supported by such lawyerly civic virtues as open-mindedness, fairness, integrity, and courage — the courage to stand up for equality, as did Justice Thurgood Marshall, and the courage to make compromises that enable our representative government to function.

Working together, we, as legal educators, and our students can help strengthen the pillars of constitutional democracy.



Program Highlights

Opening Plenary Program

The Role of Universities and Law Schools in Constitutional Democracy

Friday, January 3 at 10:30 am

Hosted by AALS President Vicki C. Jackson

George Washington was so convinced of the importance of higher education for the success of the new Republic that he repeatedly advocated for creating a national university to build an informed citizenry. Washington's vision never came to fruition in the way he intended, but institutions of higher learning became engrained in our national landscape over the past two centuries. Yet today, questions are being raised from the right, the left, and the middle about the value of higher education — including legal education — for constitutional democracy. Do institutions of higher learning reinforce or deconstruct existing social inequalities? Do they foster polarization or promote tolerance? Do they — should they — help prepare young people for participation in a representative democracy? How do institutions of higher learning, including law schools, increase knowledge and promote critical thinking, while modeling respect for divergent reasonable views? How are law schools distinctive in university communities? Do we have special responsibilities to prepare our students for roles as active citizens and participants in government? How could we do better?

Ron Daniels (President of Johns Hopkins University, former Dean of the Law Faculty at University of Toronto, and former Provost at the University of Pennsylvania) will address these questions in a short plenary talk based on his forthcoming book on the role of colleges and universities in liberal democracies. He will then be joined for discussion by a panel of legal educators:

Risa L. Goluboff (Dean, University of Virginia School of Law)

Larry Kramer (President of the William and Flora Hewlett Foundation, former Dean, Stanford Law School)

Vincent D. Rougeau (Dean, Boston College Law School)

Plus:

On **Thursday, January 2 at 5:30 pm**: Two **Author Meets Reader** sessions:

- *Constitutional Amendments: Making, Breaking, and Changing Constitutions* by Richard Albert (The University of Texas School of Law)
- *Law and Macroeconomics: Legal Responses to Recessions* by Yair Listokin (Yale Law School)

Friday, January 3 at 5:30 pm: An **Author Meets Reader** session with Meera E. Deo (Thomas Jefferson School of Law), author of *Unequal Profession: Race and Gender in Legal Academia*

Sunday, January 5 at 9 am: **AALS Symposium on 21st Century Policing**

Sunday, January 5 at 1:30 pm: **AALS President's Program on Representation, Voting, and Sustainable Constitutional Democracy** with Guy-Uriel Charles (Duke University School of Law), Pamela Karlan (Stanford Law School), Michael Morley (Florida State University College of Law), and Kim Lane Scheppele (Woodrow Wilson School of Public and International Affairs, Princeton University), moderated by Thomas Ginsburg (University of Chicago, The Law School)



Types of Programs

While the 104 AALS Sections organize the majority of the sessions at the annual meeting, several special types of programs are organized by the Annual Meeting Program Committee and the Arc of Career Committee.

Discussion Groups facilitate scholarly discussion and engagement with a small group of invited faculty. For a program that goes beyond the panel, you may observe sessions on topics such as:

- Breastfeeding Law and Policy
- Changing Concepts of International Economic Security and the Law
- Fintech Innovations
- Online & Hybrid Learning Pedagogy Best Practices and Standards Development
- Regulatory Abdication and Student Loans
- Multi-Generational Teaching of Legal Writing
- Politics and Priorities in the Classroom
- The Role of Women as International, Regional, and National Judges
- Time-Turning, Invisibility, and Other Magic Mentoring Tricks

Arc of Career programs have been specifically designed for faculty at various stages of their careers. Topics this year include:

- Becoming an Associate Dean
- Encore Faculty: Further Reflections on Preparing for Life Beyond the Legal Academy
- So You Want to Publish a Book?
- Teaching Abroad: For Visitorships, Sabbaticals, Retirement, and Summer Programs
- Tweeting, Gramming: Social Media for the Legal Academic

Open Source Programs cover traditional scholarly topics outside of section programming. This year, consider attending sessions on:

- En/Countering Race, Racism, and Racial Distinctions in Tax Law
- Federalism and the Relationship Between State and Federal Constitutional Law
- How to Build an Effective, “Supreme Court-Proof” Pipeline Program
- Law as Data: Text Analysis and the Future of Legal Scholarship
- Teaching Social Justice in a “Hip Hop and the Law” Course

Submit a Hot Topic Program Proposal for AALS 2020

Do you want to be a speaker at the AALS Annual Meeting? The Annual Meeting Program Committee is still accepting proposals for Hot Topic programs.

Hot Topic programs focus on topics that emerged too late in the year to be included elsewhere in the program. Please note that programs must be proposed by full-time faculty members or administrators at AALS Member or Fee-Paid law schools. International faculty, visiting faculty (who do not retain a permanent affiliation at another law school), graduate students, and non-law school faculty are not eligible to submit proposals but may serve as presenters.

Program organizers should take the AALS core value of diversity (including diversity of gender, race, and years of experience) into account when developing their proposal and list of speakers. Organizers are encouraged to include both senior and junior faculty and participants who provide viewpoint diversity appropriate to the program, as well as representation from different law schools.

Proposals are due **October 18, 2019**.
Visit <http://am.aals.org/proposals> to learn more.





Networking Opportunities

Attending the Annual Meeting is as much about making connections with peers, mentors, and collaborators as it is about scholarship. A brief selection of networking opportunities, both formal and informal, includes:

Formal:

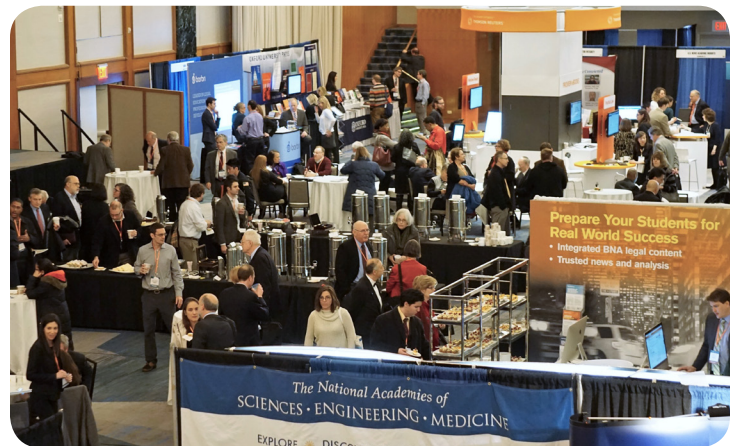
- For **first-time attendees** (or second-, or even third-time), connect with other newcomers and learn how to get the most out of the meeting at **What is AALS and Why Does It Matter for My Career? And How Do I Get the Most Out of the Annual Meeting?** on Thursday, January 2 at 5:30 pm.
- If you **attended the AALS Workshop for New Law School Teachers** this year, the reunion is on! Join the **AALS Reception for New Law Teachers** on Thursday, January 2 at 6:30 pm.
- Minority law teachers, don't miss your opportunity to obtain a **guide to tenure, tailored for faculty of color** at the **Workshop for Pretenured Law School Teachers of Color** on Saturday, January 4 at 1:30 pm.

Informal:

- Enjoy refreshments and light appetizers while visiting exhibitors and connecting with colleagues from law schools across the country at the **Opening Reception in the Exhibit Hall** on Friday, January 3 at 4:30 pm.
- **Section officers** should take the opportunity to attend the annual **Section Officers Breakfast** on Sunday, January 5 at 7 am. Share ideas with leadership of other sections and receive in-person support and guidance from the AALS Section Services Manager.

Throughout

If the scheduled networking opportunities do not fit your schedule, you still have ample opportunity to network with your colleagues. Look through your program to find **Coffee with Colleagues** break times, hours for **the Exhibit Hall, section breakfasts and luncheons, and law school receptions** that will take place throughout the meeting.



Spotlight on Sections

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 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 Contracts and the Section on Pro Bono & Public Service Opportunities.

Q&A

Section on Contracts

By Barbra Elenbaas

The AALS Section on Contracts promotes the communication of ideas, interests, and activities among members and makes recommendations to the association on matters of interest in the teaching and improvement of the law relating to contracts.

Chair: Sidney W. DeLong, Seattle University School of Law

Chair-Elect: Richard Brooks, New York University School of Law

What can you tell me about the members of the AALS Section on Contracts and the work they do?

Sidney DeLong: Most of our members are professors who teach and conduct scholarship in the area of contracts. Many have written casebooks — I think there are more contracts casebooks than in any other law school course. Many are active on legislative initiatives that concern contract issues in consumer and business law.

Richard Brooks: I think they come to the section for two reasons. One is the community: the contracts listserv is one of the most robust forums online. The second is to learn what is new in the field of contract law. There are not as many new issues compared to, for example, intellectual property law, where novel claims seem to arise daily. Contract law is more stable. Our community appeals to the basic, fundamental principles of law.

SD: The section membership is an unusually tight community of scholars and professors. The listserv circulates ideas much faster than publications and raises questions of every sort at every level of abstraction. I also agree that contract law involves perennial questions and it is rare that a dramatic new case will demand a quick institutional response.

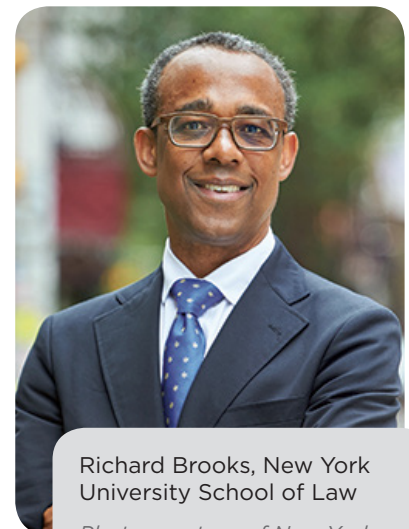
Since contracts is a standard first-year course, are people in your section also teaching other subjects?

RB: Many people may end up teaching corporations and business organizations. We also have crossover with drafting, negotiation, secure transactions, and, increasingly, arbitration. In arbitration, there has been a fundamental impact on contract doctrine. The Supreme Court’s recent rulings on arbitration have influenced various state contract law principles, such as assent, contractual interpretation and unconscionability. Those are just some of the affiliated domains that many of us engage in.



Sidney W. DeLong, Seattle University School of Law

Photo courtesy of Seattle University School of Law



Richard Brooks, New York University School of Law

Photo courtesy of New York University School of Law

A constant theme on our listserv is the limitation of only having one semester and four units for teaching contracts. There’s a lot of envy when we hear about colleagues who get five units or two semesters of required



Section on Contracts session at the 2019 AALS Annual Meeting

basic contracts courses. We recently discussed how to add more contracts into the first-year curriculum in other courses.

SD: The shrinking of the contracts course is almost universally lamented by contracts professors. We have all been forced to cut something — in Article 2 or certain doctrines. The problem of coverage is aggravated because, as a first-year course, much of Contracts has nothing to do with doctrine but concerns more general topics such as how to read a case, understanding what lawyers do, etc. My sense is that many contracts professors have had to adapt to this credit shrinkage by cutting out material that is not tested on the bar. There is an absolute minimum amount of doctrine that we must cover, and I think it's a false economy to think, "Well, I can do that in one semester rather than two."

The domain of contracts is largely an artifact of history. For example, a first-year contracts course is where students learn about remedies for the first time, rather than in a torts or properties course. One of the dramatic examples of that is, as Rick says, the effect of mandatory arbitration. Many schools do not have a course in domestic arbitration, so it may fall to Contracts by default.

Remedies is another very common pairing for contracts. A genre of contracts casebooks begins with remedies before addressing substantive law. Even in other casebooks, the attention to remedies may surprise people who teach other subjects. The course in Contracts demonstrates that common law rights are defined by their associated remedies.

Contract law is more stable. Our community appeals to the basic, fundamental principles of law.

– Richard Brooks

One way to address the shrinkage in credits is for first year courses to share the load of teaching concepts common to them all. For example, I coordinate with the Torts professor because there is so much crossover. We each frequently refer to what students are learning in the other course for comparison and contrast. And, while Contracts takes the lead in teaching remedies, Torts does so in teaching causation, even though both topics are essential to both courses.

At the 2019 Annual Meeting, you had three programs: your own, "Protecting Human Rights in Supply Chains: Moving from Policy to Action," plus two co-sponsored programs on pedagogy and corporate governance. How did they go?

SD: Teaching panels always draw people in, and I think the same was true of the session on teaching methods. The program on supply chains had a very interesting panel, all but one of whom had worked on a legislative drafting project that is trying to provide ways in which purchasing firms can ensure human rights in international supply chains in which their sources are remote. The panel concerned using contract methods to ensure that no violations of human rights have occurred in relation to the creation or selling of goods. One participant on the panel was skeptical of some of the others' conclusions, so the discussion was very lively.

Next year, we'll be doing non-disclosure agreements with the Section on Alternative Dispute Resolution. Subtopics might include: the enforcement of non-disclosure agreements; remedies for their breach; public policy and non-disclosure agreements; the legality and constitutionality of requiring public officials to agree to a non-disclosure agreement that goes

beyond their statutory obligations, cost and benefits of nondisclosure agreements and mandatory arbitration; professional ethics issues presented by non-disclosure agreements; and the relationship between nondisclosure agreements and intellectual property. I don't think we're going to have too much trouble finding someone with an opinion about one of those things.

How is your section structured?


SD: We have an extremely simple structure: a chair, vice chair, secretary, and treasurer. Usually the chair will serve for one more meeting after serving as chair. The section adds a new member every year and drops a member every year, and so committee members systematically work their way up to the chair position. We have no standing sub-committees; it's simply a committee of the whole.

I don't believe the purpose of this section is to provide leadership for its membership. Rather, I see its purpose as being here to help them to pursue their own scholarly and pedagogical missions. There has been no expressed need for a higher degree of organization, direction, and initiatives. Right now, the section achieves that goal quite well by providing a platform for free and spontaneous communication about questions its members have relating to contracts and contract law. If we had a different sense of purpose and direction, then it might require a different organization and mission statement.

What are some current conversations taking place around contracts law and the teaching of contracts law?

SD: By far the most vigorous conversation in recent years arose around the draft of the Restatement of the Law, Consumer Contracts which was proposed at this summer's ALI meet-

ing. The draft prompted scholarship and advocacy on many perennial contracts topics, including the prevailing law relating to formation of rolling contracts; blanket assent to standardized contract terms; the doctrine of unconscionability; and even the appropriate role for restatements of the law. The listserv was the major conduit for this exchange. Many members of the section contributed criticism of the draft both before and at the ALI meeting.



The contracts professorship is an extremely egalitarian one. You'll find the author of major treatises giving assistance to someone who's just getting started.

– Sidney W. DeLong

For several prior years, mandatory arbitration under the Federal Arbitration Act was the hottest topic in contract law. Another long-standing topic involved rolling contract formation: the parties seem to come to an agreement, then the buyer pays for and receives the goods and only then is shown the terms of the agreement. The buyer is deemed to accept these terms by not returning them. Rolling contracts upset traditional contract ideas about offer and acceptance. Blockchain contracts and automated contracting have been topics of scholarship, as well as contracts in the “gig economy.”

A lot of this discussion works its way into casebooks. That may be one of the reasons why a seemingly unusual number of contracts professors have published contracts casebooks: because everybody has a different idea about how to convey this material.

One thing that makes contracts the best first-year course is that it introduces the students to private ordering, in which people can remake their legal relationships by agreement. While that's an extraordinary amount of freedom, it is also extremely dangerous. If one party is much more powerful than the other, then that power will be accentuated because it is backed up by the law. It's an exciting course to teach.

What are your goals for the section in the future?

SD: I will be happy to keep doing what we're doing. For whatever reason, the contracts section has a strong sense of community. New professors on the listserv have no hesitancy in asking for advice and it is generously given. The contracts professorship is an extremely egalitarian one. You'll find the author of major treatises giving assistance to someone who's just getting started. They are very generous with time and advice. I hope the flow of information, mentorship, and ideas continues unabated.



Q&A

Pro Bono & Public Service Opportunities

The Section on Pro Bono and Public Service Opportunities promotes the communication of ideas, interests and activities among members of the section and makes recommendations to the association on matters concerning pro bono and public service opportunities.

Chair: Stephen Rispoli, Baylor University Law School

Chair-Elect: Sande Buhai, Loyola Law School, Los Angeles

What can you tell me about your members and the work you do?

Stephen Rispoli: The section is a collaborative resource for everybody working in the pro bono realm at law schools. We try to spark conversations among members, initiate ideas, and talk through challenges. Many people in the section have been doing this for a long time; they've seen it all. When I can't figure something out or I need some ideas, I'll just call on them and someone usually has thoughts.

Sande Buhai: Our section is made up of people who hold lots of different kinds of positions at their law schools. Unlike many subject-matter sections, ours has tenured faculty, contract faculty, people who work in career development, people in the dean's suite, etc. That variety of viewpoints gives us a lot of great information about how to make pro bono work effectively across a school.

Pro bono by nature cuts across many different parts of a law school. At my school, it cuts across career development and all our clinics, but also



Stephen Rispoli, Baylor University Law School

Photo courtesy of Baylor University Law School



Sande Buhai, Loyola Law School, Los Angeles

Photo courtesy of Loyola Law School, Los Angeles

alumni affairs because we try to get alums involved in pro bono activities. There are so many different models for pro bono; every school is different. Mine has a mandatory pro bono requirement, but most schools don't. Sometimes efforts are more student-led, and other times it comes more from faculty. We have that type of diversity as well.

The one challenge the section faces is that, because many of our members are not traditional faculty, there are many other opportunities for people to get together outside of AALS. For example, the ABA has a pro bono meeting every year.

SR: Throughout the year, we have a quarterly newsletter run by Pamela Robinson (University of South Carolina Law). The focus of that newsletter is to share updates, provide thought-provoking content, to send out a short survey, and usually to spotlight something going on or to highlight one of our members. We also have a listserv, which is very active and serves as a good community builder.

As a highly interdisciplinary group, what do you have planned for the 2020 Annual Meeting?

SR: We are co-sponsoring with the Section on Leadership and the Section on Empirical Study of Legal Education and the Legal Profession. Our program will discuss some of the issues that organizations such as the Legal Services Corporation (LSC) and various state access to justice commissions have faced. For example, LSC had their funding zeroed out in the last couple of years, but Congress then replenished it. We're going to talk about how de-funding those organizations, if that were to happen, would impact pro bono. How would it impact access to justice? Is pro bono effective at closing the access to justice gap? Finally, the most important piece, what can law schools be doing to help? I think it's important to have these conversations about what access to justice means for the rule of law in our society. As a law school, I feel like we have an obligation to do as much as we can about it.

SB: I'm excited about this panel because many of our participants are on the ground working on these

issues, not necessarily at law schools. We hope to learn from them about what law schools can do better to be more effective. I think that, in some ways, this is the crisis of our time. Whether we're talking about people who can't access housing, people who can't access asylum, or any kind of injustice, what I'm seeing is that my students are very motivated to make a difference. All my students are required to do 40 hours of pro bono before they graduate. The last couple of years have been exciting because the students are clamoring to do this kind of work.

Our *Before the JD* study found that the number-one reason prospective law students said they wanted to go to law school was for public service reasons. Have you seen a shift in the last few years toward more people being interested in public service or doing pro bono work?

SR: Anecdotally, yes. I don't know that there is any empirical research about that. I see it a lot here. Public service issues have been a focus at Baylor Law for a long time. But I get the sense that students lose some of that during the course of law school. Maybe it's just my perception, but

sometimes it feels like they focus on "being a lawyer" — learning how to think like a lawyer, learning how to practice, and understanding the practical skills they need to know to get a job and pay off their student debt. When those things eventually creep in, it feels like the students sometimes lose the reason they came to law school. At Baylor Law, I've been focusing more on making sure students don't lose that. Every entering class I have, a large majority says something to the effect of, "I want to become a lawyer because I want to help people." I always tell them that's great, because if they want to come to law school to make lots of money, they're in the wrong profession.

SB: I think Stephen may have just identified our program for the 2021 Annual Meeting. It seems to be a common belief among people in law schools that students do shift from wanting to do public interest work to losing interest after their first year. But I also can't get upset with students who think, "I've got \$100,000 in debt. I can't go work for Legal Aid right away because I'm just never going to be able to pay it off." Uncertainty about loan forgiveness and finding jobs is hard on students. The reality is that legal services is not big enough and there aren't enough jobs.

While there are many practical reasons why students don't go directly into legal services work, that doesn't mean they can't keep doing pro bono. That's one of the things our section focuses on: that any lawyer can be a public interest lawyer. You can work for a big law firm, small law firm, government, or legal services and do pro bono work. These all help in the quest for access to justice.

What does this mean for you in terms of how you teach? Since you first became a faculty member, what, if anything, has shifted in how you teach pro bono and public service?

SB: It's hard to say that we teach pro bono and public interest. We're adding a first-year elective at Loyola, Los Angeles that focuses on public interest law. Over the past couple years, we've tried to work with our faculty to include this issue in every class they teach. I've often thought we should do a "pro bono by the pervasive method" book, where we could come up with little parts of the class. "If you teach contracts and you want to get a focus on pro bono and public interest, here is a short lesson you can use."

SR: We talk about it in the intro to legal profession class and in their



Section on Pro Bono and Public Service Opportunities session at the 2019 AALS Annual Meeting

third-year mandatory Practice Court course. I tell students whenever I get the chance that — as Sande said — you don't have to be a public interest lawyer to do pro bono. It can actually be a huge benefit to their career if they're intentional about it. Trying to help students see the positives of pro bono work is one of my main goals. If it's a chore, they won't continue long term. If they see it as a benefit and it turns out to benefit them, I think it becomes a lifelong commitment.

What are some current issues in your section regarding pro bono and public service opportunities in general? What are some of the things that you're talking about?

SR: The biggest issue I see for the legal profession is that we're in an identity crisis. It's not all about the business of the practice of law, though that is more important every day. We are a profession, but what does it mean to be a profession? To me, pro bono and leadership are our north stars. It's what we're supposed to do. If we solve problems for people, do we do it even when they can't afford it because it's the right thing to do? That's an important question for every lawyer to ask themselves.

I think the section has a calling to think about these issues. As we prepare the next generation of students for the practice of law, we need to let students wrestle with those questions. That's the reason we talk about access-to-justice issues and the importance of pro bono work. It's why we talk about the importance of public service in all forms, whether it's serving in a non-profit organization or serving in Congress.

We're all familiar with the traditional notion of two trial lawyers walking into the courtroom, going to battle, and having dinner with each other at the end of the night. We could use more of the ability to disagree with-

out being disagreeable in our modern society. I hope that we in law schools are doing our best to train our students that way. While those are big aspirational statements, I try to focus on breaking it down into "What can I do and what will be effective?" for students.

SB: Law is a business, but it's also a profession. We have responsibilities beyond getting up, clocking in, and serving the person that pays us. I don't think you'd get much of an argument from most lawyers about that. The key is to figure out how, in the very busy lives that lawyers have, they can make space to do this.

You can work for a big law firm, small law firm, government, or legal services and do pro bono work. These all help in the quest for access to justice.

— Sande Buhai

I hope we can use our program this year, because we have many leaders coming in, to encourage law firms to make this a priority as well. We all know that our times are very stressful. We're all spread thin. It's difficult to balance all those things, but we must continue pushing to make this a top priority.

Have you seen a progression in the importance of encouraging pro bono and public service work?

SB: I remember the old days when legal services organizations would say that pro bono wasn't helpful

and they'd prefer money for a staff attorney because it would be more efficient. I think people have come around to the idea that there are lots of benefits to having pro bono lawyers. I also think technology has helped. For example, it's easier to send requests online between our local legal services and the law firms.

SR: Pro bono is not the only answer, but it's part of the answer. If we leave it out then we don't have a complete answer. Technology will be huge in doing more to close the access to justice gap as lawyers get more efficient. I was talking to a couple of lawyers who started a law firm together with a core value of providing good service to anybody who walks in the door, regardless of whether or not the person hires them. Anybody who calls about something that they specialize in gets a 30-minute visit. They also shut down the firm once per quarter for a service day. They said that these values are good for them personally in that they feel good about what they do, they don't feel burnout, and they feel less of the pressure of practicing of law. They've also been very successful, and they believe it is, in part, due to this service mindset.

What is your section structure?

SB: We have a board. People usually progress from executive committee in some capacity, to chair-elect, then chair. We really want to encourage involvement, so if somebody is interested in being involved, we will include them on anything they want. That's one great thing about both the listserv and the newsletter: because of them, people know how to get involved. We also intentionally look for diversity — not just gender and race, but also geographic and position diversity. We try to get a mix of faculty, staff, and deans.

SR: Every year we also give out the Deborah Rhode and Father Robert

Drinan Awards. The Deborah Rhode Award is focused on faculty members who made an outstanding contribution to pro bono. The Father Robert Drinan Award is focused on professional staff lawyers in law schools that have made outstanding contributions to pro bono.

What are your goals for the future of the section?

SR: My hope is that we continue to grow the section and its collaborative nature. I recognize that access to justice, rule of law, and pro bono

conversations are always going to be present. Each generation of board members will be facing a specific issue at the time, so their focus will be more nuanced. For me, it's just continuing to help this community work together and collaborate.

Every time I leave the AALS Annual Meeting, I leave with at least five ideas of things that I want to implement at Baylor Law. That means my time spent was well worth it.

SB: I would love to do a systematic look at exactly who our members are, and make sure that we have at least

one member from every law school. Assuming we do, I would also like to look at who the second person is. At my school, I'm the one who receives the calls from the front office when a caller has a pro bono question, but often I end up sending them to someone else because it turns out they really have an immigration issue and our immigration clinic can help them. My guess is that there isn't just one pro bono or public service person at most schools, but that there are many people who do it. I want to get a little more depth, as well as breadth.



Section on Technology, Law, and Legal Education Summer Webinar Series

This summer, the AALS Section on Technology, Law & Legal Education offered an innovative way for law faculty to learn about the latest developments in legal technology and innovations in the classroom. The section lined up a webinar covering a different topic of interest every week from May 22 through August 7, with a break during the week of the Fourth of July holiday. The free webinars were recorded and are now available as on-demand videos on the section's webpage. Visit www.aals.org/tech-webinars to learn more.

Webinar topics include:

- Why Law Faculty Need to Learn About Legal Tech and What They Need to Know
- Teaching with Technology for Maximum Student Engagement
- Teaching Tech to Law Students
- What Law Faculty Need to Know About Artificial Intelligence
- Ideas for Using Legal Tech to Address Access to Justice Issues
- Cybercrime: A look at the dark web, means of attack and methods to protect yourself from these attacks
- Tech Productivity Tips for Law Faculty
- How Law Schools Can Save \$150 Million Using Open Casebooks
- What Professors Need to Know About Blockchain
- Cybersecurity in Biotech
- Real-Time (inside the classroom) Formative Assessment using CALI Lessons

AALS Technology Section Webinar Series

Why This Is Good For Law Faculty

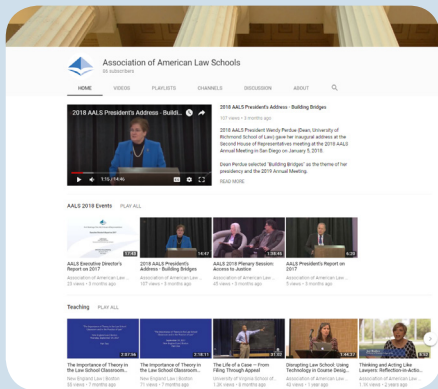
Edit down for a shorter course
Combine with other open books
Add your own commentary
Re-order material to fit your syllabus

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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.



AALS News Readership Survey



AALS is conducting a survey to learn more about the AALS News articles you enjoy and what you would like to see in future issues. Share your thoughts and take our reader survey at www.aals.org/newsletter-survey.

Calendar of Symposia at Member Schools

AALS hosts a calendar of academic symposia, conferences, and panels at AALS member schools across the country. Visitors can find events in their region or by their area of teaching and scholarship.

The calendar is also emailed to law school faculty during the academic year. Visit www.aals.org/symposia to view the listings or to submit events for the calendar.

The Association of American Law Schools
Advancing Excellence in Legal Education



Upcoming Symposia at Member Schools

2019

May

Democracy, Religion, and the Marketplace
University of Virginia School of Law
May 2-3, 2019

Explainable Artificial Intelligence: Can We Hold Machines Accountable?
University of Colorado Law School
May 3, 2019

6th Annual USD Transfer Pricing Symposium
University of San Diego School of Law
May 9-10, 2019

NSU Law Environmental Symposium
Nova Southeastern University Shepard Broad College of Law
May 10, 2019

Symposia at Member Schools
Law schools may suggest calendar listings using the following form.

SYMPOSIA SUBMISSION FORM

Additional event listings can be found at the Legal Scholarship Blog

AALS Workshop Helps New Law Faculty Get Careers Off to a Great Start

By James Greif and Alyssa Greenstein

AALS welcomed more than 70 new law school faculty to a specialized workshop June 6-8, 2019 in Washington, DC. The AALS Workshop for New Law School Teachers supports faculty in their transition into full-time teaching, as they learn to balance and embrace the competing demands of teaching, scholarship, and institutional service required in an academic career.



Attendees at the AALS Workshop for New Law School Teachers.

“I remember really well being in your seats and how much I gained from attending this workshop. I hope you’ll enjoy this conference as much as I did,” said workshop planning committee chair Susan Kuo (University of South Carolina Law) during welcoming remarks.



2019 AALS Workshop for New Law School Teachers planning committee chair Susan S. Kuo (University of South Carolina Law).

Programming officially began on the night of Thursday, June 6 with small group discussions among attendees. These groups navigated the workshop together and reconvened at the beginning of the final day. AALS then hosted an opening dinner, where Danielle Holley-Walker (Dean, Howard Law School) set the tone for the rest of the workshop with an address on “Defining Yourself for Yourself: How to Make the Most of Your Academic Career.”

“Be curious, find your voice, make an impact. It’s a lot to ask for, but every single one of you in this room are up to the task. I wish you a long and successful career in this distinguished profession,” said Dean Holley-Walker in her address.



Danielle Holley-Walker (Dean, Howard Law) presents during Thursday’s dinner address, “Defining Yourself for Yourself: How to Make the Most of Your Academic Career.”



Attendees at the AALS Workshop for New Law Teachers Dinner on Thursday evening

On Friday, workshop participants attended the plenary address on “Why Scholarship Matters,” from AALS President and Harvard Law Professor Vicki C. Jackson.

“We as legal scholars can sometimes write for the present, but we can also write for the long-haul,” Professor Jackson said. “[We hope] that even if our work does not influence current judges, lawyers and legislators, if we do good work, it may do so in the future.”

Highlights from the 2019 Workshop for New Law School Teachers



AALS President Vicki C. Jackson (Harvard Law) answers a question during the plenary session, "Why Scholarship Matters."

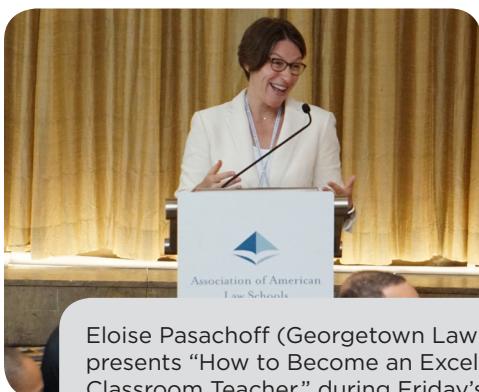
"Nowhere is the task of legal scholarship more urgent than in helping our society see truths about law, justice, and injustice — past, present, and future," she continued.

Participants then spent the morning in breakout sessions on scholarship on designing a research agenda, building a scholarly network, distributing scholarly ideas, the challenges of interdisciplinary scholarship, engaged advocacy, and scholarship for legal writing faculty.



Benjamin Means (University of South Carolina Law) during the breakout session, "Designing Your Research Agenda."

The programming broke for an AALS Luncheon, including a talk on "How to Become an Excellent Classroom Teacher" from Eloise Pasachoff (Georgetown Law), who reflected on her own experiences at the AALS Workshop for New Law



Eloise Pasachoff (Georgetown Law) presents "How to Become an Excellent Classroom Teacher," during Friday's lunch.

School Teachers she attended. "I attended this workshop the summer before I started at Georgetown and found it fun and enriching. I'm still in touch with a lot of the people I met at that conference," she said.

During her talk, Professor Pasachoff noted, "It is our job to help [law students] become the lawyers they want to be. It means pushing them hard and having high expectations, but it also means scaffolding the material for them in a way that brings them to where you want them to be."

After lunch, Dean Michael Hunter Schwartz (University of the Pacific, McGeorge School of Law) delivered the afternoon plenary address on "Learning Theory."



Michael Hunter Schwartz (Dean, Pacific McGeorge Law) and Aaron H. Caplan (Loyola Law School, Los Angeles) during a plenary session on learning theory.

Afternoon breakout sessions on teaching included sessions on course design, effective teaching inside the classroom, mentorship and research supervision outside the classroom, teaching legal writing, and teaching with technology.

Before the day closed with a reception, the final plenary session covered "The Demands and Delights of Institutional Citizenship: Exploring a Range of Service Opportunities." Speakers Okainer Christian Dark (Howard Law), Roger A. Fairfax, Jr. (George Washington Law), and Paul Ohm (Georgetown Law) dispensed critical advice on the topic.



Cynthia Lee (George Washington Law) presents during the breakout session "Inside the Classroom."

Highlights from the 2019 Workshop for New Law School Teachers



Panelists during the plenary session, “The Demands and Delights of Institutional Citizenship: Exploring a Range of Service Opportunities.” L-R: Naomi Jewel Mezey (Georgetown Law), Okianer Christian Dark (Howard Law), Paul Ohm (Georgetown Law), and Roger A. Fairfax, Jr. (George Washington Law.)

Time during the final day of the Workshop was spent in plenary sessions on inclusion in the classroom and student assessment, as well as a lunch address on work-life balance in the legal academy.

Small groups from the first night of the workshop also had an opportunity to reconvene and reflect on their experiences. The workshop also included informal breakfast and evening receptions with volunteers from AALS sections including the Section on Minority Groups, the Section on Sexual Orientation and Identity, and the Section on Women in Legal Education.



Panelists present during the plenary session, “Diversity and Inclusion Inside and Outside the Classroom.” L to R: Maria Mercedes Pabón (Loyola Law, New Orleans), D. Gordon Smith (Dean, Brigham Young University Law), and Regina T. Jefferson (Catholic University Columbus School of Law.)

“When we sat down to create our vision for the workshop, we thought about how much has changed in the legal academy. Our challenge was to preserve the essence of what has been successful in previous workshops while adjusting to the new challenges that beginning law faculty face,” Professor Kuo said in discussing the planning committee’s approach to developing the workshop. “With these changes in mind, we asked speakers and panelists to model engagement that is characteristic of innovative teaching and inclusive pedagogy. The workshop also placed an emphasis on opportunities for group discussion and developing peer networks, because we knew much of useful information conveyed would come from the participants themselves.”

As part of the networking opportunities provided for junior faculty through this workshop, attendees are invited to participate in a reunion at the 2020 AALS Annual Meeting in Washington, DC this January to reflect on their first semesters in the academy.



Rory D. Bahadur (Washburn Law) presents during Saturday’s plenary session on assessment with Susan S. Kuo (University of South Carolina Law) and Kris Franklin (New York Law School.)

“At the workshop I attended as a new professor, I was fortunate to meet another new teacher who shares my teaching subject area. We supported each other through our first year and remain close friends today. The reunion at the AALS Annual Meeting is a great idea and an opportunity for workshop participants to reconnect after a busy semester and develop those lasting friendships,” said Professor Kuo.

The planning committee for this year’s workshop was chaired by Susan S. Kuo (University of South Carolina Law), and included Aaron H. Caplan (Loyola Law School, Los Angeles), Sarah B. Hadjimarkos (University of Wisconsin Law), Michael J. Higdon (University of Tennessee Law), and Naomi Jewel Mezey (Georgetown Law.) AALS is thankful for their service and leadership.



Reni Saula (George Washington Law) asks a question during a plenary session on diversity.



Highlights from the 2019 AALS Conference on Clinical Legal Education

By James Greif

More than 750 legal educators attended the 42nd AALS Conference on Clinical Legal Education, May 4-7, 2019 in San Francisco. The meeting's theme, "Teaching the Next Generation of Lawyer Leaders in a Time of Polarization," focused discussions and programming on the unique challenges clinical legal educators and their law students face in a highly polarized world.

"Overcoming polarization and the challenges of our time requires new and different ways of approaching the issue and we emphasized that in the conference programming," said Lisa E. Brodoff, Professor, Seattle University School of Law and chair of the conference planning committee. "We included humor, community building, and fun, and brought in different disciplines in the plenary session to give us a different perspective."

The event featured more than 350 speakers and over 100 sessions covering a broad range of topics including effective teaching, scholarship, and working with adjunct faculty. The conference also had several sessions on developing traits and skills in students, including dispute resolution, leadership, professional identity, technology, and writing.

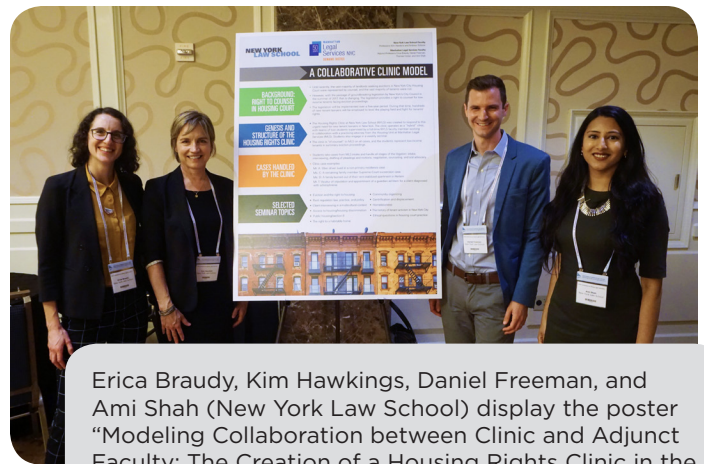
"There's really great excitement about the new understanding and emphasis on experiential education," said Brodoff. "At the same time, there are a number of areas related to clinical education that feel under threat due to budgetary constraints and other priorities at some schools. There were a lot of discussions at the conference that reflected both this enthusiasm and concern."



Plenary Session at the AALS Clinical and Experiential Law Program Directors Workshop, "Reflecting on Recent Expansions and Experimentations in Experiential Learning."

The pre-conference AALS Clinical and Experiential Law Program Directors Workshop kicked off the meeting on May 3-4, offering sessions on managing the expansion of clinical and experiential programs, structuring experiential dean positions, and working with law school leadership.

On Saturday, the conference began with workshops for clinicians of color and on the topics of learning law through experience, scholarship support, and social dreaming. That evening, a reception provided the opportunity for attendees to showcase their clinics, projects, and concepts related to clinical legal education using poster presentations. Dispute resolution, intellectual property, and technology legal clinics, advice for new clinicians, and rural access to justice were among the issues covered by the poster displays.



Erica Braudy, Kim Hawkings, Daniel Freeman, and Ami Shah (New York Law School) display the poster "Modeling Collaboration between Clinic and Adjunct Faculty: The Creation of a Housing Rights Clinic in the Wake of New York City's New Right to Counsel Law."



Attendees at the 2019 AALS Conference on Clinical Legal Education in San Francisco enjoy the Opening Reception.

Sunday morning kicked off with a welcome from AALS Associate Director Sean Scott (Loyola Law School, Los Angeles) followed by an introduction by Brodoff who lead members of the conference planning committee in a musical rendition of "I Thank You" (made famous by Sam & Dave in 1968) with the lyrics changed to recognize attendees and AALS staff.

Highlights from the 2019 Conference on Clinical Legal Education



Members of the conference planning committee provide a musical “thank you” to attendees and AALS staff before the opening plenary session. L-R: Carol Suzuki (University of New Mexico Law), Chair Lisa Brodoff (Seattle Law), Carwina Weng (Indiana University Maurer Law), and Lisa Martin (University of South Carolina Law).



Albany Law Associate Dean Connie Mayer presents the 2019 Shanara Gilbert Award to Albany Law Professor Sarah Rogerson.

The conference’s plenary session “America Polarized: What Drives Us Apart? What Brings Us Together?” followed with Yung-Yi Diana Pan (Assistant Professor, Sociology, Brooklyn College) and Daniel A. Yudkin (Postdoctoral Researcher, Yale University Department of Psychology). The session was moderated by Robert Edward Lancaster (Louisiana State University, Paul M. Hebert Law Center).

On Sunday, Albany Law Professor Sarah Rogerson received the 2019 Shanara Gilbert Award from the AALS Section on Clinical Legal Education, which honors an outstanding clinician with less than 10 years of experience in the field. Albany Law Associate Dean Connie Mayer presented the award to her colleague.

On Monday, The Clinical Legal Education Association (CLEA) honored the late Professor Stephen J. Ellmann (New York Law School) as the 2019 Outstanding Advocate for Clinical Education, accepted by his wife Teresa M. Delcorso Ellmann. Patience A. Crowder (Denver Law), Chair of the AALS Section on Clinical Legal Education announced that the section will be establishing a scholarship in Professor Ellmann’s Honor.



Opening Plenary Session moderator Professor Robert Lancaster (LSU Paul M. Hebert Law Center) and speakers Yung-Yi Diana Pan (Brooklyn College) and Daniel A. Yudkin (Yale University) discuss polarization in politics and in classrooms from a social science perspective.

Marcy Karin of the University of the District of Columbia David A. Clarke School of Law’s Legislation Clinic was given CLEA’s 2019 Award for Excellence in Teaching in a Public Interest Case or Project for the clinic’s work with Washington, DC area non-profit organization BRAWS in providing feminine hygiene products to local homeless shelters. Lastly, the CLEA per diem award and attendee donations were given to San Francisco grassroots organization Mujeres Unidas y Activas, represented by Maria de Jesus Jimenez and Yael Falicov.

On Sunday evening, a reception was sponsored by the following Northern California law schools: UC Berkeley School of Law; UC Davis School of Law; UC Hastings College of the Law; Golden Gate University School of Law; University of the Pacific, McGeorge School of Law; University of San Francisco School of Law; and Stanford Law School. The reception was held at UC Hastings College of the Law, just a few blocks from the conference.



Attendees during a working session on policy and legislation focused legal clinics.

The conference luncheons on Sunday and Monday served as a forum to honor distinguished careers and accomplishments in the field of clinical legal education.

The conference also featured works-in-progress and paper feedback sessions and participants also attended working sessions for alternative dispute resolution, civil rights, clinic administration, community economic development, education law, environmental law, immigration law, juvenile law, legal writing, and many others.

New this year were shorter concurrent sessions (45 minutes compared to 90 minutes in prior years) and new 20-minute lightning sessions which focused on providing attendees with brief takeaways on a variety of clinical legal education topics.



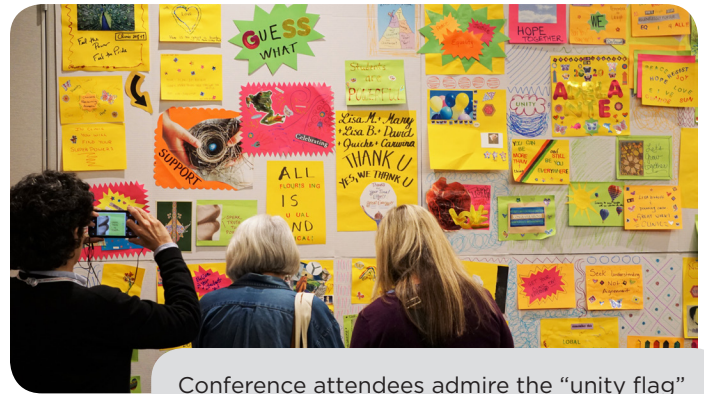
Participants discuss racial and economic justice during a concurrent session.

“We got a lot of positive feedback on the shorter working sessions and lightning sessions. The presenters really had to think about what could be presented on their topics in a short amount of time and I believe that lead to better take-aways for the attendees,” Brodoff said. “The lightning sessions especially required a focus on just one or two things that participants could take back to their clinics.”

The conference concluded with a closing celebration with included a karaoke sing-along and the display of a “unity flag,” which attendees contributed to throughout the conference.

Reflecting on the 42nd year of the conference, Brodoff said, “When the first conference was held more than four decades ago, attendees reported it had less than 50 people and this year we had more than 750 attendees and 85 new clinicians. Having this many new clinicians at the conference was especially heartening after a time of challenge and change in legal education over the last 8 years.”

“We have a really solid foundation of knowledge, experience, and history that we have been building on for more than 40 years. Now we are building on a time of change that will rely on history as well as new clinicians to meet the needs of our students, our schools, and our clients,” Brodoff continued.



Conference attendees admire the “unity flag” created by colleagues.



Attendees enjoy karaoke at the closing celebration.

The 2019 AALS Conference on Clinical Legal Education was developed by the Planning Committee, who volunteered countless hours during the past year to organize the conference. The committee included:

- Alina Ball, University of California, Hastings College of the Law
- Lisa Brodoff, Seattle University School of Law, Chair
- Lisa Martin, University of South Carolina School of Law
- David Moss, Wayne State University Law School
- Carol Suzuki, University of New Mexico School of Law
- Mary Tate, University of Richmond School of Law
- Carwina Weng, Indiana University Maurer School of Law

AALS thanks the committee for making the conference a success.



AALS Calendar

Annual Meeting

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

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

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

Faculty Recruitment Conference

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

Conference on Clinical Legal Education

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

Workshop for New Law School Teachers

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

#aals2020

JAN 2-5, 2020

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