



THE NEWSLETTER

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April 2003

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The President's Message

Patriotism and Legal Education

by Mark Tushnet

The September 11 attacks on the World Trade Center and the Pentagon, and the war in Iraq, have brought to the fore once again questions about how our cultural institutions, including legal education, inculcate patriotism—and even raise the question of whether they do, or should. I want to use this opportunity to explore some of those questions, and to suggest from my perspective as a scholar of constitutional law that examining legal education's role in educating for patriotism is a promising area for scholarship. What follows are some quite tentative reflections on patriotism and legal education, and I welcome responses, which can be sent to me at Tushnet@law.georgetown.edu. (I suspect that those responses, and my reflections on them, will form the basis for my next column in this Newsletter.)

A brief historical perspective may serve as a useful introduction.¹ To oversimplify: In the first century of

organized legal education, law teachers thought it important to ensure that their students, the lawyers of the future, were well-prepared to serve as leaders of their communities. They therefore devoted a significant part of their pedagogic efforts to inculcating the virtues they associated with civic republicanism: attention to public values, concern for honor and proper conduct, and more. These efforts were, one might say, unreflectively patriotic. The civic virtues could be and should be practiced by men (the gender limitation was not insignificant) everywhere, and U.S. legal educators thought that the civic virtues were important for lawyers everywhere, because of the law's essential characteristics. At the same time, though, U.S. legal educators simply assumed that there was something particularly important in having *American* lawyers who practiced the civic virtues.

¹ I have been informed by reading a series of articles by Paul Carrington, including *The Theme of Early American Law Teaching: The Political Ethics of Francis Lieber*, 42 J. Legal Ed. 339 (1992), although I disagree with some of Carrington's emphases.

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Joyce Saltalamachia becomes Deputy Director in August

Professor Joyce D. Saltalamachia from New York Law School has agreed to serve as Deputy Director effective August 2003. Current Deputy Veryl Victoria Miles will return to the Catholic University School of Law.

Professor Saltalamachia brings to the Association invaluable experience as a site evaluator and has recently completed a term on the AALS Membership Review Committee. She has published numerous articles and books on legal research and law library management and is an active member in various library associations. She has taught at New York Law School since 1984 and became the law school's Library Director in 1993.

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The picture began to change in the latter years of the nineteenth century. The idea that legal education was a venue for inculcating the civic virtues came under pressure from two directions. First, the role of lawyers as advisers to private clients, particularly the organizers of large-scale economic enterprises, became increasingly important. An important strand in legal pedagogy—though not the only one—suggested to law students that, as such advisers, they ought to take their clients' interests as the clients stated them, without tempering them with values derived from civic republicanism. Second, legal education became a more academic enterprise. Legal educators oriented toward the universities of which they were members began to believe that knowledge of the civic virtues was relatively unimportant in developing an appropriately scientific understanding of the positive law, and—less so—in developing prescriptions for the direction that the law should move.

Attention to the civic virtues never disappeared from legal education, but it played a relatively small role in the self-understanding of legal educators in the later years of the twentieth century. True, we all believed that our students ought to be comfortable as civic leaders, and we regularly gave talks to the effect that our students should take their obligation to serve the community seriously once they entered practice. Only in clinical education, and not always there, was attention to service organically integrated into legal pedagogy. Otherwise, the civic virtues were pretty much an "add on" to our discussions of legal technique—the modern vehicle that carried our commitment to educating our students to serve clients—and to our explorations of law in context, informed by a range of theoretical perspectives.

Of course we all *had* commitments to practicing the civic virtues, understood of course to be quite diverse in content (the civic virtues were available to radical conservatives and radical leftists, for example, just as much as they were to more conventional conservatives and liberals). Indeed, our choice to become legal educators was, for many of us, predicated on the view that being an educator was perhaps the best way that people with our

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Letter to the Editor

The lead article in last month's AALS Newsletter ("The Association as the Learned Society for Law Professors") caught my eye. In that article, incoming AALS President Mark Tushnet writes that the theme he has chosen for the year is "the role of the Association as the scholarly association for law professors"—how to enhance the Association's standing as a true learned society for the legal academy.

Having spent considerable time teaching in another discipline—physical anthropology—before turning to law, as well as several years working at the learned society serving the anthropological community (the American Anthropological Association), I know at first hand the

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array of talents could practice those virtues. It's just that many of us hadn't quite figured out how to meld our personal commitments to the civic virtues with what we did in the classroom or in our scholarship.

One result was a discourse, in our public statements and in our scholarship, in which some important aspects of the civic virtues were deformed. I will describe four such deformations in a moment, but it's important at the outset to stress that these are all *deformations* of views and values that, undeformed, are important components of the civic virtues properly understood. I organize the four deformations in two groups, which I associate, both for expository purposes and because I think there's something to the association, with the private-client orientation of modern legal education and with its academic orientation.

I label the first two deformations *pablum* and *jingoism*. They are the stuff of Law Day speeches, which are, as Robert Gordon has suggested, the location for the expression of the residual civic republican commitments of a bar, and legal academy, focused on serving private clients.

The first of these takes off from the undisputable but sometimes disputed proposition that dissent and disagreement with government policy are protected by the Constitution. It then moves to the more problematic assertion that dissent and disagreement with government policy are manifestations of patriotism because they show the dissenters' acceptance of the Constitution that protects their actions. Sometimes the pablum response degenerates into the kind of sentimentality Justice William Brennan expressed in his opinion for the Court in the first flag-burning case: "We are tempted to say, in fact, that the flag's deservedly cherished place in our community will be strengthened, not weakened, by our holding today. . . . We can imagine no more appropriate response to burning a flag than waving one's own, no better way to counter a flag burner's message than by saluting the flag that burns, no surer means of preserving the dignity even of the flag that burned than by—as one witness here did—according its remains a respectful burial."

The reason that I call this the pablum deformation is that it fails to acknowledge dissent's complexities. True, dissent sometimes, perhaps often, arises out of a patriotic commitment to the nation's deepest values, with the dissenters claiming that the policy that they object to, and not their dissent, is the true betrayal of those values. But, sometimes dissent simply takes advantage of the opportunities provided by our constitutional system, and the dissenters have no commitment to the nation. And, probably more important, sometimes dissenters *believe* that they are acting in the service of the nation's deepest values, but they are wrong: think here of the worst

elements of the contemporary militia movement.² What the pablum deformation overlooks are the more complex dimensions of dissent, including the problem of determining when an asserted commitment to the nation's deepest values is erroneous even if sincerely asserted.

The jingoist deformation takes as its motto a truncated version of Stephen Decatur's toast, often rendered as, "My country right or wrong." So, for example, the jingoist deformation recommends the adoption of U.S. constitutional forms around the world, jot-and-tittle. The jingoist deformation tends to deny that the country could be wrong, and sees criticism of the nation's course as unpatriotic.

What's right in Decatur's toast is that patriotism does require the kind of commitment Decatur expressed. What's wrong is that it overlooks the rest of Decatur's toast, which in full was, "Our country! In her intercourse with foreign nations, may she always be in the right; but our country, right or wrong." Decades later Senator Carl Schurz (and, not irrelevantly in today's world, an immigrant to the United States) restated the point: "Our country right or wrong. When right, to be kept right; when wrong, to be put right."

For Decatur and Schurz, then, patriotism combined a deep commitment to the nation's course, whatever it was, with an equally deep commitment to taking action to ensure that the nation's course was true and that when the nation drifted or was directed off course, the patriot acted to return it to the true course. The pablum deformation may overstate the patriotic dimension of dissent as such, but what the jingoist deformation overlooks is the patriotic *necessity* of dissent.

At the same time, of course, dissent is not necessary, although it may certainly be permitted by our constitutional values, when the nation is on the true course. The difficulty with the jingoist deformation is that it fails to recognize that in a fallen world our country will always be wrong in some things. Patriotism is more difficult than the jingoist deformation acknowledges.

The third and fourth deformations are *universalism* and *partiality*. Both are expressed in high academic writing, universalism in the literature on liberalism and partiality in the literature on post-modernist understandings of law.

Universalism, which is characteristic of, for example, the contemporary international human rights movement, focuses on the fact that people have rights, which governments should acknowledge and protect, merely

² For an astute analysis, see Susan Koniak, *When Law Risks Madness*, 8 *Cardozo Stud. In L. & Literature* 65 (1996).

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because they are people, and not because they are citizens of any particular nation. It is the substrate of contemporary liberal political theory in essentially all its versions, and therefore is the substrate of a great deal of contemporary constitutional theory.

I confess to finding universalism in its most rigorous versions—for me, associated with the Anabaptist tradition articulated by the late theologian John Howard Yoder, and, from a different tradition, by Stanley Hauerwas—extremely attractive. Those versions are completely indifferent to the division of the physical world into nations, and so have no room at all for patriotism. (Hauerwas wrote an important essay with the title, “Against a Christian America,” whose thrust was against attaching the adjective to the noun, and against the noun itself.)

Nominations for President-Elect, Executive Committee members invited

The Committee on Nominations for 2004 AALS Officers and Executive Committee members, chaired by Daniel Louis Keating, Washington University, invites suggestions for candidates for President-Elect of the Association and for two positions on the Executive Committee. The committee will meet in September to recommend candidates for these positions to the House of Representatives at the January 2004 Annual Meeting in Atlanta, Georgia. Suggestions of persons to be considered and relevant comments should be sent to Executive Director Carl Monk at 1201 Connecticut Avenue, N.W., Suite 800, Washington, DC 20036-2605. President Mark Tushnet has appointed an able, informed, and representative Nominating Committee. This committee would very much appreciate your help and the help of members of your faculty in generating names for its consideration.

The other members of the Committee on Nominations are: Sara Sun Beale (Duke); Harry J. Haynsworth, (William Mitchell); David Wayne Leebron (Columbia); Harry G. Prince, (California, Hastings); Efren Rivera-Ramos, (Puerto Rico); and Laura F. Rothstein, (Louisville). ■

Such a rigorous universalism is unsustainable for most of us, and perhaps—at least for those with religious commitments even a tiny bit shallower than the Anabaptists’—rightly so. There’s something troubling about a position that requires us to ignore (except on prudential grounds) the interests of those closer to us in favor of the more urgent needs of those with whom we share “only” a common humanity. Universalism rightly urges us to be attentive to the interests and rights of those against whom our country acts, counting an injury to a soldier in an opposing army as no less a harm than an injury to a soldier in our army. The universalist deformation, though, has no room for a reflective patriotism that can see one harm justified while the other is not.

(Nothing in my concern about universalism, though, speaks to the question of *when* the harm is justified and when it is not. The fact that answering that question is often difficult is what the pablum and jingoist deformations overlook.)

Precious Ramotswe, the central figure in Alexander McCall Smith’s mystery series about the No. 1 Ladies Detective Agency, puts the point eloquently. She is, she says, “not afraid to be called an African patriot. . . . I love all the people whom God made, but I especially know how to love the people who live in this place.” The subtlety here—distinguishing between the act of loving all people and the knowledge of how to love people—deserves attention.

There is, I think, a conservative version of the universalist deformation as well, although it may not appear so initially. Originalism in constitutional interpretation would seem to be tied closely to the U.S. national experience. Yet, most defenses of originalism assert that it is the only way coherently to interpret law generally. The defense of originalism, that is, is universalist.

The universalist deformation uses our common humanity as the reason for moving upward from the nation to the world as a whole. The partiality deformation, in contrast, moves downward from the nation to our identities as beings constituted by our more local environments, our experiences as men and women of specific races in specific contexts. As with all the deformations, the partiality deformation starts from a point worth emphasizing and building into our understanding of ourselves and our political world. We are all, as the phrase goes, socially constituted: There is no view from nowhere; we see the world from where we are. And, importantly, where we are is more local than national. We are women and men, African Americans, Asian Americans, whites, and some combinations of those, gays and

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straights. Those aspects of our identities generate (not a terribly good word in this context, but the best I can come up with) the values we hold, the ways we understand the world, and so the ways in which we evaluate our conduct and that of others.

The post-modern emphasis on how values are socially constructed has been an important corrective to liberal universalism. Its deformation can be seen in the fact that much of the literature in this tradition fails to grapple with the fact that one of our socially constructed identities is as Americans. I see an aspect of this in my classes when I teach federalism. For pedagogic purposes I usually suggest to my students that they really don't identify in any important way with "their" states: That I was born in New Jersey, taught in Wisconsin, and now teach in Washington seems to have little to do with anything about which federalism is concerned (or so I say to my students)—and similarly, I suggest, for them as well. (Incidentally, I always concede that this claim may not be true about Texans.)

My experience is that, among the things that constitute my students' identities, their states of origin or residence play a relatively small role. The partiality deformation takes that observation and mistakenly moves it up one level. That we are, among other things, Americans is not deeply theorized (at least in an approving way) in the legal literature influenced by post-modernism.

As with the universalist deformation, I have a fair amount of sympathy for the partiality deformation. Introducing post-modernism to the legal academy was not easy, and for pedagogic, expository, and (therefore) strategic purposes it probably made sense to use gender and race, not patriotism, as the lenses to offer the uninitiated so that they could enhance their vision of the world as it is. Further, patriotism as an expression of particular national identities has a rather bad track record in world history. Still, post-modern perspectives have gained a foothold in the legal academy, it might be worth devoting some effort to using them for thinking about patriotism.

I have briefly touched on some ways in which the four deformations I've identified work their way into my classroom. I want to conclude by suggesting one promising approach for giving sustained attention to patriotism in legal education. It is the idea of constitutional patriotism introduced by Jürgen Habermas. For Habermas, constitutional patriots orient their political action with reference to constitutions that have two central features: The constitutions plainly fall within a class of recognizably liberal constitutions, and they are the constitutions of and for a historically specific people and

nation. The first of these features picks up on the attractive components of liberal universalism while the second limits the move upwards to a common humanity. The second feature picks up on the attractive features of post-modernism while the first limits the move downwards to more local identities.

My own work uses ideas akin to constitutional patriotism to develop a perspective on constitutional law from the left. It seems to me clear, though, that those ideas are available to develop a perspective – call it Burkean rather than Habermasian – from the right. From whichever side of the political spectrum one proceeds, though, I think there's valuable scholarly and pedagogic work to be done to address the four deformations I've identified and to develop better ways of building patriotism into the law school curriculum. ■

2004 ANNUAL MEETING TO BE HELD IN ATLANTA, GEORGIA

The 2004 Annual Meeting of the Association of American Law Schools will be held in Atlanta, Georgia. The meeting will begin on Friday, January 2, and conclude on Tuesday, January 6.

The theme of the Annual Meeting has been announced by AALS President Mark Tushnet. It appears on page 9.

Workshop on Clinical Legal Education to be held

The AALS Workshop on Clinical Legal Education will be held Wednesday, May 14–Saturday, May 17, 2003, in Vancouver, Canada with a Workshop for Law Clinic Directors immediately preceding on Tuesday, May 13–Wednesday, May 14, 2003.

Professionalism has become a buzzword in the legal profession and in legal education. All of us want to produce lawyers who are professionals. However, we often use the term “professionalism” in very different ways to describe a multitude of behaviors and values. And, we often use the term “unprofessional” to describe a multitude of sins. In fact, sometimes the same quality can be described as both a virtue and a sin. For example, civility is commonly included as a trait of a true “professional.” However, many people criticize “civility” when it becomes a justification to abandon zealous advocacy for clients.

In this workshop, participants will begin by identifying the traits - the skills and values - that we believe define a true legal “professional”. Consensus is not expected in this process, but we hope to provoke extensive discussion of the qualities that we believe are most important to the practice of law by “responsible” and “effective” attorneys. We will then use the succeeding plenary, concurrent, and small group sessions to focus on particular skills and values and to explore the ways that we hope, as clinicians and as legal educators, to develop those qualities in our students. We will consider such topics as the messages sent to students about professionalism from the choices made in externship and in-house clinic design. Finally, the program will conclude with a discussion of the ways that we can help students find personal satisfaction in their choice of profession.

Workshop topics include: What is Professionalism?; Professionalism in Clinic Design: Avoiding Your Worst Nightmares; Methods for Teaching Professionalism; Professionalism and Personal Satisfaction; Concurrent Sessions: Truth is a Virtue – Or is it?; Responding to Clinic Students’ Professional Misconduct; The Role of the Law School and University Administration in Clinic Case Decisions; Ethical Issues in Fundraising; Ethical

Issues in Settlement; Dealing with the “Lying” Client; The Cultural Dimensions of Competence; Shouts and Murmurs: The Duty (and Right) to Speak Out; Liar, Trickster, Deceiver: When Zealous Advocacy and “Professionalism” Appear to Collide; The Legal Professional, Rules of Professional Conduct and the Social Justice Mission; Professionalism in Context: Adapting and Balancing Perspectives; Civility Codes; Teaching Sarandon, Carver and Adams: Legal Professionalism in the Media; Vicarious Traumatization and Lawyer Burnout; Teaching Demonstration: Creating Zealous Advocates; The Tao of Professionalism (Or Hit Them Early, Hit Them Hard); Learning MacCrate Skills and Values in Different Contexts; Models of Teaching Legal Ethics; Influencing Students’ Values Before They Reach the Clinic; A Sense of Justice: Getting Back to the Roots of Clinical Legal Education through a Global Orientation; Professional Responsibility in Postconviction Work; Professionalism in Community Economic Development Work; Addressing Cultural Issues in Community Lawyering; The Challenges of Working with Social Workers and Other Professionals in the Clinic; Scholarly Works in Progress; Curricular-Works-in Progress; Teaching “Good” Lawyering Through Observing “Bad” Lawyering; The Unanticipated Benefits of Interdisciplinary Collaboration; Teaching Ethics as Empowerment: Access to Justice Lessons Learned from Ethics Centers; Teaching Law to the Public and Its Connection to Professional Responsibility; Working with Language Interpreters; and Buying in to Buy Out: Clinics, Legal Education and Social Justice.

Confirmed speakers include: Anthony Victor Alfieri (Miami); Marguerite Angelari (Loyola, Chicago); Alexandra Ashbrook (Street Law, Inc., Washington, DC); Benjamin H. Barton (Tennessee); Gary Bauer (Thomas Cooley); Jon Bauer (Connecticut); Mary M. Beck (Missouri-Columbia); Niels Beck (Department of Psychiatry, Missouri-Columbia); C. Elizabeth Belmont (Washington and Lee); Susan D. Bennett (American); Mary Berkheiser (Nevada); Phyllis Bernard (Oklahoma

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City); Melissa L. Breger (Albany); Juliet M. Brodie (Wisconsin); Stacy Brustin (Catholic); Thomas C. Buchele (Pittsburgh); Bridgit Burke (Albany); Gina M. Calabrese (St. John's); Deborah Cantrell (Yale); Bradford Colbert (William Mitchell); Kim Diana Connolly (South Carolina); Joseph M. Connors (Albany); Melissa Crow (American); Clark D. Cunningham (Georgia State); Dennis E. Curtis (Yale); Peggy Gail De Hal (Community Legal Worker, Parkdale Community); Judith Anne Dickson (La Trobe University, Bundoora, Australia); Jon C. Dubin (Rutgers, Newark); Alvita S. Eason (Catholic); Stephen J. Ellmann (New York Law School); John F. Erbes (Southern Illinois); Hillary B. Farber (Harvard); Cindy E. Faulkner (Thomas Cooley); Linda E. Fisher (Seton Hall); Judith L. Fox (Notre Dame); Donna Franey (Dalhousie); Cynthia E. Geerdes (Illinois); Isabelle R. Gunning (Southwestern); Joseph D. Harbaugh (Nova Southeastern); Leah Aileen Hill (Fordham); Joan W. Howarth (Nevada, Las Vegas); Theresa Hughes (Hofstra); Deena R. Hurwitz (Yale); Shin Imai (Osgoode Hall); Peter Joy (Washington University); Ann Juergens (William Mitchell); Peter B. Knapp (William Mitchell); Lawrence S. Krieger (Florida State); Robert R. Kuehn (Alabama); Susanne Litke (Dalhousie); Mary Beth Lyon (Villanova); Deborah A. Maranville (Washington, Seattle); Shauna I. Marshall (California, Hastings); Michael W. Martin (Fordham); Nancy M. Maurer (Albany); Angela McCaffrey (Hamline); Bridget Mary McCormack (Michigan); Judith McCormack (Toronto); Claire McNeil (Dalhousie); Janet Easton Mosher (Osgoode Hall); Lori Ann Nessel (Seton Hall); Noah Novogrodsky (University of Toronto); Gary Palm (Chicago, Illinois); Calvin Pang (Hawaii); Allan A. Parker (Barrister and Solicitor, British Columbia); Lynette M. Parker (Santa Clara); Paul D. Reingold (Michigan); Kathleen Ridolfi (Santa Clara); Evangeline Sarda (Boston College); Alexander Scherr (Georgia); Dina L. Schlossberg (Pennsylvania); Monica Schurtman (Idaho); Robert F. Seibel (CUNY); Ilene B. Seidman (Suffolk); Andrea M. Seielstad (Dayton); Ann C. Shalleck (American); Melissa Sheridan (William Mitchell); Lyn Kennedy Slater (Fordham); Abbe Smith

(Georgetown); Doug Smith (Denver); Glenn Stuart (Osgoode Hall); Roy T. Stuckey (South Carolina); Carol M. Suzuki (Yale); Renee Taylor (University of British Columbia); Paul R. Tremblay (Boston College); Rose Voyvodic (University of Windsor); Carwina Weng (Boston College); Paulette J. Williams (Tennessee); Theresa L. Wright (Lewis and Clark); Ellen Yaroshefsky (Yeshiva); and Richard A. Zitrin (San Francisco).

The Planning Committee for the Workshop on Clinical Legal Education includes David F. Chavkin (American); Sandra A. Hansberger (Lewis and Clark); Steven H. Hobbs (Alabama); Minna J. Kotkin (Brooklyn), Chair; and Katherine R. Kruse (Nevada, Las Vegas). ■

AALS invites committee appointments suggestions

Gerald Torres (Texas), President-Elect of the Association, will begin work this summer on committee appointments for 2004. He will appoint for three-year terms members of the following standing committees: Academic Freedom and Tenure, Audit and Association Investment Policy, Bar Admission and Lawyer Performance, Clinical Legal Education, Curriculum and Research, Government Relations, Libraries and Technology, Membership Review, Professional Development, Recruitment and Retention of Minority Law Teachers, Sections and Annual Meeting, and the *Journal of Legal Education* Editorial Board.

Suggestions of member school faculty who should be considered for appointment to these committees should be sent to Carl C. Monk, Executive Director, at 1201 Connecticut Avenue N.W., Suite 800, Washington, D.C. 20036-2605. ■

2004 Annual Meeting Schedule

Friday, January 2, 2004

Registration 6:00 - 9:00 p.m.

Saturday, January 3, 2004

Registration 8:00 a.m. - 8:00 p.m.

AALS Workshop on Islamic Law 8:45 a.m. - 5:15 p.m.

AALS Workshop on Technology and Pedagogy 8:45 a.m. - 5:15 p.m.

Section Extended Programs 8:45 a.m. - 5:00 p.m.

Section Field Trips 8:30 a.m.-5:00 p.m.

Exhibit Hall Grand Opening 12:00 noon - 6:00 p.m.

Section Luncheons 12:00 p.m.-1:30 p.m.

Section Programs 2:00 - 5:00 p.m.

House of Representatives, First Meeting 5:15 p.m. - 6:30 p.m.

Section Business Meetings 6:30 p.m.

Sunday, January 4, 2004

Registration 8:00 a.m. - 5:00 p.m.

Exhibits 8:00 a.m. - 5:00 p.m.

Breakfast - Beginning Law Teachers 7:15 - 8:30 a.m.

Section Programs 8:30 a.m. - 10:15 a.m.

Section Programs 10:30 a.m. - 12:15 p.m.

AALS Luncheon 12:30 - 2:00 p.m.

AALS Plenary Session 2:15 - 4:00 p.m.

Section Programs 4:00 - 5:45 p.m.

AALS Gala Reception 6:00 - 8:00 p.m.

Monday, January 5, 2004

Registration 8:00 a.m. - 5:00 p.m.

Exhibits 8:00 a.m. - 5:00 p.m.

Section Programs 8:30 a.m. - 10:15 a.m.

Section Programs 10:30 a.m. - 12:15 p.m.

Section Luncheons 12:15 - 1:30 p.m.

Section Programs 1:30 - 3:15 p.m.

Section Programs 3:30 - 5:15 p.m.

House of Representatives - Second Meeting 5:15 - 6:30 p.m.

School and Organization Receptions 6:30 p.m.

Tuesday, January 6, 2004

Registration 8:00 a.m. - 12:00 noon

Continental Breakfast for Section Officers 7:30 - 8:30 a.m.

Section Programs 9:00 a.m. - 12:00 noon

Section Programs 9:00 - 10:45 a.m.

President Tushnet announces theme for Annual Meeting

The Association as a Learned Society

The Association of American Law Schools is an organization whose members are law schools and simultaneously is the learned society for U.S. law professors. As a learned society, the Association conducts programs for professional development and for the advancement of knowledge in the field of law. These aspects of the Association's activities have played an increasingly large role in the Association's work, even as the Association continues to pursue its other core values. Recent Annual Meeting themes have connected the Association's role as a learned society to technological development, globalization, and the distribution of legal services to promote equal justice for all. This year's theme turns the focus inward a bit, recognizing the wide range of scholarly activities in which law professors are engaged.

Recurrent reflection on the Association's activities as the learned society for U.S. law professors is the best way to ensure that the Association continues to provide a venue for law professors to pursue our common interests as scholars. The theme of this year's Annual Meeting is designed to encourage such reflection, in the Association's committees, among law faculty members involved in Association activities, and among law faculty members who should be encouraged to increase their level of participation in those activities. Our luncheon speaker will address the role of law schools in their university settings, and plenary session speakers will model academic presentations in allied disciplines. By offering demonstrations of the varied ways in which the Annual Meeting, and by implication other Association activities, advance the Association's mission as a learned society, the Annual Meeting sessions may promote further reflection on the role of law professors as scholars in the twenty-first century.

Thomas H. Jackson to speak at 2004 Annual Meeting

Thomas H. Jackson will be the speaker at the Luncheon at the AALS Annual Meeting in Atlanta in January 2004. He is President of the University of Rochester since 1994, also holds faculty positions in the University's Department of Political Science and in the William E. Simon Graduate School of Business Administration.

Before he became Rochester's ninth president, Jackson was vice president and provost of the University of Virginia, which he first joined in 1988 as dean of Virginia's School of Law. He had been professor of law at Harvard from 1986 to 1988 and served on the Stanford University faculty from 1977 to 1986.

A 1972 graduate of Williams College, Jackson earned his law degree from Yale in 1975. He first clerked for U.S. District Court Judge Marvin E. Frankel in New York in 1975-76, and then for Supreme Court Justice (now Chief Justice) William H. Rehnquist in 1976-77.

President Jackson is the author of bankruptcy and commercial law texts used in law schools across the country, and served as Special Master for the U.S. Supreme Court in a dispute involving every state in the country over the disposition of unclaimed dividends held by brokerage houses.

Call for 2004-2005 professional development proposals

The AALS Professional Development Committee is soliciting proposals for the Association's professional development calendar for 2004–2005. The Committee would like to receive proposals by May 9, 2003 so that Committee members will have an opportunity to review those proposals thoroughly and, if necessary, to request additional information before the Committee meets in the fall. The Professional Development Committee makes its recommendations for professional development programs to the Executive Committee for its consideration at its November meeting.

The Association's professional development programming consists primarily of one-day workshops at the Annual Meeting, two-day workshops, and three to five-day conferences. Faculty are urged to contact the leadership of the sections in which they are involved to suggest proposals for professional development programs. Proposals from individual faculty members also are welcome. Section leaders are encouraged to consult widely within their sections to develop topics of greater interest to members and to ensure a broad range of potential speakers. The Professional Development Committee particularly encourages proposals for programs that are sufficiently broad that they will interest more than just the membership of a single AALS section. Proposals should be as specific as possible, including a description of the areas or topics that might be covered in as much detail as possible, with an explanation of why it would be important and timely to

undertake such a program in 2004-2005. Suggestions for members of the planning committee and for potential speakers also are welcome. You are encouraged especially to recommend women and persons of color as planning committee members and as speakers, including those who may not have participated in past AALS programs.

While proposals are solicited from sections and those proposals are extremely valuable as a starting point for the planning committee, the Association's professional development programs are not section programs. Rather, they are Association-sponsored programs recommended by the Professional Development Committee and approved by the Executive Committee. Planning the actual program, including the choice of specific topics and speakers, is the responsibility of the planning committee which is appointed by the AALS President. The planning committees normally include one or more individuals who are in leadership positions in the relevant section or sections, but also will include others who are knowledgeable about the program topic or have general experience with AALS professional development programs. Proposals should be submitted to AALS Deputy Director Veryl Miles by May 9, 2003. Professor Miles would also be pleased to discuss proposal ideas with you and to answer any questions you have about the Association's professional development programs. ■

Programs need not fit any particular format, but many past conferences and workshops have fallen into one of the following categories:

- (1) subject matter programs aimed at faculty who teach particular subjects or types of courses such as the 2003 Conference on Civil Procedure or 2003 Conference on Torts;
- (2) programs for groups with similar interests other than subject matter such as the 1995 Workshop for Law Teachers of Color and the 2003 Joint AALS & ABA Workshop on Taking Stock: Women of All Colors in Law School;
- (3) programs that cut across subject matter lines or integrate traditional subject matter. The 1998 Annual Meeting Workshop on Staging the Law School of the Future: A Curricular Drama in Three Acts is an example;
- (4) programs that focus upon a type of skill or discipline as in the 2001 Conference on New Ideas for Experienced Teachers and the 1997 Annual Meeting Workshop on Teaching with Technology;
- (5) programs dealing with matters of law school administration or legal education generally. The fall 1997 Joint Conference on Disability Issues and the 1998 Workshop for Deans on Managing Change and Conflict are examples;
- (6) programs exploring the ramifications of significant developments in or affecting the law such as the mini-workshops at the 1999 Annual Meeting on "Work, Workers and Law in the 21st Century" and "Property, Wealth and Inequality" at the 2001 Annual Meeting; and
- (7) programs jointly sponsored with other organizations, such as the 2002 Conference on Constitutional Law, co-sponsored with the American Political Science Association.

Proposals that contemplate different or innovative types of programming or develop interdisciplinary themes are strongly encouraged.

A sample of a well developed professional development proposal can be found on the AALS website, at www.aals.org/profdev/proposal.html.

AALS introduces Mid-Year Meeting in June

The AALS is launching its first Mid-Year Meeting, which will include an offering of three professional development programs, to be held June 16-20, 2003 (registration begins June 15) in New York City. The Mid-Year Meeting consists of the Workshop on "Taking Stock: Women of All Colors in Law School," the Conference on Civil Procedure "The Many Faces of Civil Procedure," and the Conference on Torts "The Judge's New Robe: Rethinking the Judicial Role for 21st Century Torts."

You can register to attend just one of the professional development programs at the single registration rate or register for the entire Mid-Year meeting.

Type of Registration	Received by May 14	Received after May 14
AALS & ABA Women's Workshop		
Faculty & Professional Staff at AALS Member and Fee-Paid Law Schools, Faculty & Staff at ABA Law Schools, and ABA Member Attorneys and Judges	\$430	\$480
Conference on Civil Procedure		
Faculty of AALS Member and Fee-Paid Schools	\$495	\$555
Conference on Torts		
Faculty of AALS Member and Fee-Paid Schools	\$495	\$555
Mid-Year Meeting (Attend any session; the workshop fee is discounted by 50% when signing up for the Mid-Year Meeting)		
Faculty of AALS Member and Fee-Paid Schools	\$710	\$795

AALS joins ABA Commission on Women in the Profession and ABA Section of Legal Education and Admissions to the Bar to sponsor Workshop on Taking Stock: Women of All Colors in Law School

As part of its inaugural Mid-Year Meeting the Association has joined the ABA Commission on Women in the Profession and the ABA Section of Legal Education and Admissions to the Bar to offer the Workshop on "Taking Stock: Women of All Colors in Law School." It will be held Sunday, June 15–Tuesday, June 17, 2003 in New York, New York. The registration fee for faculty and professional staff at AALS member and fee-paid schools, faculty and staff at ABA law schools, and for ABA member attorneys and judges is \$430 when you register before May 14, 2003.

In recent decades, women of all colors have made remarkable strides in gaining access to legal education. At many law schools, women now make up approximately half of the entering class, and women are present in more than token numbers on the faculty. These demographic changes often are hailed as a harbinger of transformation in the law, but research suggests that many challenges remain in addressing the role of gender in legal education. The workshop will draw on new research regarding women's experience in the law school classroom, their impact on the curriculum and legal scholarship, and their representation in popular culture. The discussions will explore whether women are being assimilated into traditional models of

teaching and scholarship, forging new models, or finding their concerns marginalized even as their numbers increase.

The workshop is designed to be interdisciplinary and inclusive, recognizing that there is no single account that characterizes the experiences of all women or any one method that captures their collective influence on the legal academy. We welcome participation by faculty in the social sciences and the humanities who are involved in law and society, law and economics, political science, women's studies, and other related disciplines. In addition, we hope that current law students or recent graduates who have done empirical or other forms of research on the roles of women in the academy will join us. To that end, the workshop will create a space for a diverse set of voices by offering participants a chance to share their research and present their views. By creating this opportunity for dialogue about the role of women of all colors in law schools, the workshop offers a chance to reflect on where we have been, how far we have come, and where we would like to go.

The topics include: Getting in the Door: Assimilation, Marginalization, Transformation or Cooptation?; Teaching

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Conference on Torts: The Judge's New Robe: Rethinking the Judicial Role for 21st Century Torts

The second Conference offered at the first Mid-Year Meeting is the Conference on Torts, scheduled for Tuesday, June 17–Friday, June 20, 2003. Two plenaries and two lunches will be held jointly by the Conference on Torts and the Conference on Civil Procedure. The registration fee for this conference is \$495 for those faculty of AALS member and fee-paid schools who register by May 14.

More than ever, modern tort cases take place at the intersections of state and federal law; constitutional, statutory, regulatory and common law; and substantive evidentiary, procedural, and remedial law. Thus, torts professors increasingly must come to terms with these intersections, and consider how to incorporate their insights about these subjects into the teaching of torts. This conference will engender discussion and analysis that will interest practitioners, judges and law teachers with a wide range of practical and scholarly interests.

As we enter the 21st century the torts landscape is changing rapidly, not only at the level of doctrine, but in terms of the interplay between the legal institutions of counsel, jury, judge, agency, and legislature. At the center of the storm are state and federal judges. This conference for torts professors approaches from different angles the issue of the judge's institutional role in 21st century tort litigation. We will examine judicial oversight of experts in the courtroom after *Daubert* and *Kumhoe Tire*; constitutional limits on tort reform; preemption of state tort law and judicial oversight of damages. In conjunction with civil procedure professors, who will simultaneously be holding their conference at the same location, we also will examine issues of aggregation, settlement, and discovery in the context of mass torts and products liability. There will even be small-group "poster" sessions devoted to discussing the problems posed to those teaching torts by the rapidly changing environment of tort law.

To further enhance the level of our discussions, all the academic panelists have agreed to submit writings on their topic in advance of the Conference. These essays and papers will be available online, in the expectation that conference participants will read them in advance.

This is a conference designed to benefit torts teachers of all levels of experience. Our speakers and panelists will include many of the most prominent and established people in the field, and also a substantial number of newer voices. The AALS 2003 Torts Conference promises to be exciting and thought provoking.

Topics include: Judicial Oversight of Experts in the Courtroom; *Daubert* in Action: A Simulation and

Discussion; Mass Tort Settlements After *Amchem* and *Ortiz*; Judges and Legislatures: Are There Constitutional Limits on Tort Reform?; Judges and Regulators: The Place of Preemption; Judges and Juries: Judicial Oversight of Damages; The Discovery Wars: Combat on the Products Liability Front (Defense Lawyer; Plaintiff Lawyer; Ethics; Law & Economics; Tort Issues and Punitive Recoveries for Failure to Produce Documents); 21st Century Judging and Tort Law.

Confirmed Conference speakers include: David W. Barnes (Seton Hall); Judge Edward R. Becker (U.S. Court of Appeals, Third Circuit, Philadelphia, PA); Margaret A. Berger (Brooklyn); Sheila L. Birnbaum, Esq. (Skadden, Arps, Slate, Meagher & Flom, New York, NY); Scott Brewer (Harvard); Judge Guido Calabresi (U.S. Court of Appeals, Second Circuit, New Haven, CT); John G. Culhane (Widener); Julie Anne Davies (Pacific); Mary J. Davis (Kentucky); Michael C. Dorf (Columbia); Howard M. Erichson (Seton Hall); Kenneth R. Feinberg, Esq. (Feinberg Group, LLP, Washington, DC); Donald G. Gifford (Maryland); John C.P. Goldberg (Vanderbilt); Justice Deborah G. Hankinson (Supreme Court of Texas, Austin, TX); Valerie P. Hans (Department of Sociology and Criminal Justice, University of Delaware, Newark, DE); Deborah R. Hensler (Stanford); Roderick Maltman Hills, Jr. (Michigan); Keith Norman Hylton (Boston); John Leubsdorf (Rutgers, Newark); Lawrence C. Levine (Pacific); Judge Barbara M.G. Lynn (U.S. District Court, Northern District of Texas, Dallas, TX); Jennifer Mnookin (Virginia); Eric V. Moyé, Esq. (Vial, Hamilton, Koch & Knox, Dallas, TX); Richard Allen Nagareda (Vanderbilt); Caleb E. Nelson (Virginia); Susan Poser (Nebraska); Michael L. Rustad (Suffolk); Anthony J. Sebok (Brooklyn); George B. Shepherd (Emory); Larry S. Stewart, Esq. (Stewart Tilghman Fox & Bianchi, Miami, FL); Martha K. Wivell, Esq. (Robins, Kaplan, Miller & Ciresi L.L.P., Minneapolis, MN); Patrick Woolley (Texas); Jennifer Wriggins (Maine); and Benjamin C. Zipursky (Fordham).

The Conference on Torts Planning Committee includes Richard L. Abel (California at Los Angeles); Taunya Lovell Banks (Maryland), Chair; Stephen G. Gilles (Quinnipiac); John C.P. Goldberg (Vanderbilt); and Ellen S. Pryor (Southern Methodist).

Updated Conference information and registration forms may be found by visiting www.aals.org/profdev/torts. ■

Conference on Civil Procedure: The Many Faces of Contemporary Civil Procedure; one of the Mid-Year Meeting offerings

The Conference on Civil Procedure is one of two conferences offered at the first Mid-Year Meeting. It will be held Tuesday, June 17-Friday, June 20, 2003 in New York, New York. Two plenaries and two lunches will be held jointly by the Conference on Civil Procedure and the Conference on Torts. The registration fee is \$495 for faculty of AALS member and fee-paid schools who register before May 14, 2003.

Civil Procedure is in flux. Many feel that the stable Federal Rules regime began to unravel in the nineteen-eighties as settlement promotion came to the fore, the pace of rule amendment accelerated and local rules proliferated. In the nineties, Congress increasingly considered, and sometimes actually adopted, procedural changes affecting pleading, class actions, and discovery. Along with

fractured procedure, we find a multiplication of processes and disciplines: ADR, international procedure, comparative procedure, complex litigation, unique state practices.

The Civil Procedure teacher faces the problem of explaining a system that appears to be in disarray to bewildered law students, often in a course with reduced hours. Many of us also confront the challenge of mapping out a scholarly agenda in a procedural world with multiple and competing perspectives. Consider the possibilities for gaining insight: empiricism, history, critical race theory, feminist thought, law and economics, international law, comparative law, political science, anthropology, sociology, critical legal studies, law and literature, the legal profession, procedural justice, etc. And, of course,

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Women

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and Learning: The Difference that Gender Makes (or Does It?); Talking at the Table; Can the Law School Curriculum be Disengendered; Emerging Voices: Sharing Our Scholarly Vision; At the Movies: Popular Representations of Women in Law and Legal Education; Reconceptualizing Law: At the Margins, at the Center, or Somewhere Else?; Implicit Bias and Stereotypes; and Challenges, Solutions, Strategies.

The list of speakers include: Anita L. Allen-Castellitto (Pennsylvania); Michelle J. Anderson (Villanova); Marina Angel (Temple); Mahzarin Banaji (Richard Clarke Cabot Professor of Social Ethics, Department of Psychology and Carol K. Pforzheimer Professor, Radcliffe Institute for Advanced Studies, Cambridge, MA); Katharine T. Bartlett (Duke); Ann Bartow (South Carolina); Sari Bashi (Law Student, Yale); Mary E. Becker (DePaul); Mary L. Clark (American); Peggy Cooper Davis (New York University); Nancy Elizabeth Dowd (Florida); Martha L. A. Fineman (Cornell); Carol Gilligan (New York University); Suzanne B. Goldberg (Rutgers, Newark); Laura E. Gomez (California at Los Angeles); Lani Guinier (Harvard); Danielle Hirsch, Student (Illinois); Sharon Hom (CUNY); Maryana Felib Iskander (Law Student, Yale); Paula C. Johnson (Syracuse); Lily Kahng (Seattle); Herma Hill Kay (California at Berkeley); Antoinette Sedillo Lopez (New Mexico); Deborah Jones Merritt (Ohio State); Paula A. Monopoli (Southwestern); Margaret E. Montoya (New Mexico); Adam

Neufeld, Student (Harvard); Kenneth B. Nunn (Florida); Michael A. Olivas (Houston); Deborah Waire Post (Touro); Cheryl Bailey Preston (Brigham Young); Barbara Reskin (Department of Sociology, University of Washington, Seattle); Rachel S. Arnow Richman (Texas Wesleyan); Margaret Mary Russell (Santa Clara); Barbara Stark (Tennessee); Catharine R. Stimpson (University Professor and Dean, Graduate School of Arts and Science, New York University, New York, NY); Susan P. Sturm (Columbia); Nina W. Tarr (Washington University); Jeffrey A. Trexler (Southern Methodist); Judith W. Wegner (North Carolina); Katie Wiik, Student (Harvard); Gita Z. Wilder (Social Research Scientist, Law School Admission Council, Newtown, PA); Marilyn V. Yarbrough (North Carolina); and Diane C. Yu (Chief of Staff and Deputy to the President, New York University).

The Planning Committee for this Workshop includes: Pat K. Chew (Pittsburgh), AALS; Kristin Booth Glen (CUNY), ABA Section of Legal Education and Admissions to the Bar; Rachel Moran (California at Berkeley), Chair; Elizabeth Hayes Patterson (Georgetown), AALS; Judith Resnik (Yale), ABA Commission on Women in the Profession; Deborah L. Rhode (Stanford), ABA Commission on Women in the Profession; and Katherine L. Vaughns (Maryland), ABA Section of Legal Education and Admissions to the Bar.

Updated Conference information and registration forms are available at www.aals.org/profdev/women/. ■

Civil Procedure

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like the students, we need to know the doctrine itself. We are teachers. So add pedagogy to the list of relevant perspectives.

This conference for civil procedure professors, our first in eight years, is designed to provide multiple perspectives on contemporary civil procedure, exploring our current predicament from a variety of viewpoints. We intend to take a fresh look at such foundational topics as personal jurisdiction and *Erie*, while also exploring the impact of ADR and international procedure on our field. In conjunction with tort professors, who will simultaneously be holding their conference at the same location, we will examine issues of aggregation, settlement, and discovery in the context of mass torts and products liability. In smaller groups, we will discuss different ways of teaching the substantive topics we have examined in plenary sessions.

This is a conference designed to benefit civil procedure teachers of all levels of experience. Our speakers and group leaders will include many of the most prominent and established people in the field, and also a substantial number of newer voices. At this critical juncture in the evolution of civil procedure, each of us has a stake in teaching ourselves and our students, and in learning from one another.

Topics include the following: Putting Procedure in Perspective (Comparative; Critical; Historical Perspective; Rule Making/Congressional Issues); Mass Tort Settlements After *Amchem* and *Ortiz*; *Erie* and Personal Jurisdiction; The Many Faces of Pleading: Describing, Discouraging and Disposing (Pleadings and Literature; PSLRA; Pleadings: Why Do We Do It Differently? Does It Make Sense?; International); Shaking the Foundation: Escaping Civil Procedure?; The Discovery Wars: Combat on the Products Liability Front (Defense Lawyer; Plaintiff Lawyer; Ethics; Tort Issues and Punitive Recoveries for Failure to Produce Documents; Law & Economics); Small Group Discussions (Perspectives, Including Ways of Integrating Them Into First Year Courses; Bringing Varying Perspectives to Bear on the Handling of Mass Torts Litigation); Concurrent Sessions on Infusing Theoretical and Other "Perspectives" in the Classroom ("Old Wine in New Bottles"; Theoretical Perspectives I; Theoretical Perspectives II (Race and Indian Law)); State Civil Procedure; Alternative Dispute Resolution, International); Concurrent Sessions on Innovative Teaching Approaches (First Year Curriculum; Upper Class Curriculum; Use of Visual and Electronic Materials; and Case Studies/Skills).

The Planning Committee has assembled a wide-ranging list of speakers which includes: Anthony Victor

Alfieri (Miami); Michael Patrick Allen (Stetson); Barbara Ann Atwood (Arizona); Debra Lyn Bassett (Michigan State); Judge Edward R. Becker (U.S. Court of Appeals, Third Circuit, Philadelphia, PA); Marilyn Joan Berger (Seattle); Paul Schiff Berman (Connecticut); Sheila L. Birnbaum, Esq. (Skadden, Arps, Slate, Meagher & Flom, New York, NY); Robert G. Bone (Boston University); Stephen B. Burbank (Pennsylvania); Stan Cox (New England); Howard M. Erichson (Seton Hall); Christopher Fairman (Ohio State); Kenneth R. Feinberg, Esq. (Feinberg Group, LLP, Washington, DC); Michael Z. Green (Florida Coastal); Lewis A. Grossman (American); Geoffrey C. Hazard, Jr. (Pennsylvania); Deborah R. Hensler (Stanford); Allan Ides (Loyola, Los Angeles); Kevin R. Johnson (California at Davis); Mary Kay Kane (California, Hastings); Roger W. Kirst (Nebraska); Homer C. La Rue (Howard); John Leubsdorf (Rutgers, Newark); Judge David F. Levi (U.S. District Court, Eastern District of California and Chair, Advisory Committee on Civil Rules, Sacramento, CA); Alfred R. Light (St. Thomas); Nancy S. Marder (Chicago-Kent); George A. Martinez (Southern Methodist); Carrie J. Menkel-Meadow (Georgetown); Robert J. Miller (Lewis and Clark); Richard Allen Nagareda (Vanderbilt); Jeffrey A. Parness (Northern Illinois); Wendy Collins Perdue (Georgetown); Edward A. Purcell, Jr. (New York Law School); Martin H. Redish (Northwestern); Judith Resnik (Yale); Hillary A. Sale (Iowa); Elizabeth M. Schneider (Brooklyn); Anthony J. Sebok (Brooklyn); George B. Shepherd (Emory); Linda J. Silberman (New York University); William Slomanson (Thomas Jefferson); Allan R. Stein (Rutgers, Camden); Jean R. Sternlight (Missouri, Columbia); Elizabeth Snow Stong (Willkie Farr & Gallagher, New York, NY); Kathleen Waits (Tulsa); C. Keith Wingate (California, Hastings); Martha K. Wivell, Esq. (Robins, Kaplan, Miller & Ciresi, Minneapolis, MN); Margaret Y.K. Woo (Northeastern); and Patrick Woolley (Texas).

The members of the Planning Committee include Richard L. Marcus (California, Hastings), Chair; Mark Niles (American); Jennifer Lorraine Rosato (Brooklyn); Anna Williams Shavers (Nebraska); and Stephen N. Subrin (Northeastern).

To view updated information and registration forms, visit www.aals.org/profdev/civpro/. ■

Conference on Educating Lawyers for Transnational Challenges

The AALS is sponsoring the Conference on Educating Lawyers for Transnational Challenges to be held May 26-29, 2004 in Oahu Hawaii. This conference will be the first global program at which invited legal educators will discuss the challenges facing transnational lawyers, how those challenges should be addressed in the academic programs of law schools, and the methods and tools for meeting those challenges. It is an outgrowth of the very successful international conference held at Villa La Pietra in May 2000 which focused on structural issues in legal education that affect global cooperation. This will also be the first global conference at which the formation of an international organization of law schools and legal educators will be considered. Many leading figures in legal education from throughout the world have already committed to

speak at the conference. Further information regarding speakers will be announced when all are confirmed.

This will be a "by invitation only" conference; invitees will be selected based upon the response to this request for expressions of interest. Responses should include a one page statement of what you expect to be able to contribute to the conference, and a copy of your curriculum vitae. Responses should be sent to Gehan Girguis, AALS Executive Assistant, at ggirguis@aals.org. For those without e-mail access, responses should be mailed to Gehan Girguis, 1201 Connecticut Avenue, NW, Washington, DC 20036. It should be received no later than May 12.

To assure that participants reflect the variety of cultures and legal systems throughout the world,

the AALS plans to provide a limited amount of financial assistance for some participants from outside the United States who would not otherwise be able to attend the conference. Although some of this funding will be directly from AALS, our resources are limited and we do not anticipate that we will be able to meet the needs of applicants; thus, we are asking you to notify us if your school would be interested in sponsoring the participation of a legal educator who would not otherwise be able to attend. The cost of sponsorship is \$3,000; your school would of course be identified in the program materials as the sponsor of a foreign legal educator. We need to know if your school would like to sponsor someone no later than Friday, May 30. ■

2003-2004 Professional Development programs announced

During the 2003-2004 academic year, the AALS will offer the following professional development programs. They are listed with Planning Committee members.

Conference on Clinical Legal Education: Back To Basics, Back To The Future

Douglas A. Blaze, University of Tennessee
Linda E. Fisher, Seton Hall University
Susan R. Jones, George Washington University, **Chair**
Kenneth R. Margolis, Case Western Reserve University
Nancy B. Rapoport, University of Houston

Workshop for New Law Teachers and optional one-day Workshop for Beginning Clinical Teachers

R. Lawrence Dessem, University of Missouri-Columbia, **Chair**
A. Mechele Dickerson, College of William and Mary
Victoria F. Nourse, Wisconsin Law School
Spencer A. Overton, The George Washington University
Richard Abraham Primus, The University of Michigan

Conference on Teaching Property Law For The 21st Century

Keith Aoki, University of Oregon, **Chair**
June Rose Carbone, Santa Clara University
Marc R. Poirier, Seton Hall University
Wendell E. Pritchett, University of Pennsylvania
Dale A. Whitman, University of Missouri-Columbia

Workshop on Racial Justice in a New Millennium: Methods to Achieve Non Discrimination and Comparable Racial Equity

Leonard M. Baynes, St. John's University, **Chair**
Alfred L. Brophy, The University of Alabama
Beverly I. Moran, Vanderbilt University
Donna Hae Kyun Lee, Brooklyn Law School
Reynaldo Valencia, St. Mary's University of San Antonio

Professional Development Programs

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Conference on Environmental Law

Stuart L. Deutsch, Rutgers University, Newark, **Chair**
 Alice Kaswan, University of San Francisco
 David E. Pierce, Washburn University
 Mark S. Squillace, University of Toledo
 Tseming Yang, Vermont Law School

2004 Annual Meeting Workshop on Islamic Law

Azizah Y. Al-Hibri, The University of Richmond
 Abdullahi Ahmed An-Na'im, Emory University
 Sadiq Reza, New York Law School
 Lawrence Rosen, Princeton University
 Frank Vogel, Harvard University, **Chair**

2004 Annual Meeting Workshop on Technology and Pedagogy

David F. Chavkin, American University
 Susanna Frederick Fischer, The Catholic University of America

Ronald J. Mann, The University of Michigan, **Chair**
 Peter W. Martin, Cornell Law School
 Ruth L. Okediji, University of Minnesota

Conference on Educating Lawyers for Transnational Challenges

Stefania Bariatti, University of Milano, Italy
 Norman Dorsen, New York University
 Marc Fallon, Catholic University of Louvain, Louvain-la-Neuve Belgium
 Claudio Grossman, American University
 Mary Kay Kane, University of California, Hastings
 Nikolai Mikhailovich Kropachev, St. Petersburg State University, St. Petersburg, Russia
 Roberto Maclean, Miranda & Amado Abogados, Lima, Peru
 Stephen Parker, Monash University, Victoria, Australia, **Chair**
 Yoshiko Terao, University of Tokyo, Tokyo, Japan

Workshop for New Law Teachers and optional one-day Workshop on Legal Writing to be held in June

The twenty-first annual Workshop for New Law Teachers to be held in Washington, DC from June 26–June 28 is designed to offer new law teachers ideas about teaching techniques and scholarly development and to enable them to share excitement, experiences and concerns about entering the academic world. The workshop provides an opportunity to discuss the expectations that students and colleagues may have about new teachers, and the most effective means for achieving professional success in the first few years of teaching. It will focus on issues of teaching and scholarship, as well as institutional and individual concerns of new law teachers.

Topics for the New Law Teachers' Workshop include: Teaching As Your Career; Learning Theory; Teaching Nuts & Bolts; The Law School Culture; Teaching Techniques (First Year Based Socratic; Perspective; Upper Year and Technology); Assessment; Scholarship I: Finding a Topic, Setting an Agenda; Scholarship II: The Professor as a Scholar: Nuts and Bolts; Reports from New Law Teachers; What We Have Learned?

Professors who have agreed to speak include: Carol Necole Brown (Alabama); Dorothy Andrea Brown (Washington and Lee); Erwin Chemerinsky (Southern California); Marion G. Crain (North Carolina); Susanna Frederick Fischer (Catholic); Alice Gresham (Howard); Gerald F. Hess (Gonzaga); Ann L. Iijima (William Mitchell); Andrew D. Leipold (Illinois); Paula Lustbader (Seattle);

Anthony Eudelio Varona (Pace); Douglas J. Whaley (Ohio State); and Laurie B. Zimet (California, Hastings).

New this year is an optional one-day Workshop on Teaching Legal Writing will be offered from June 28–29, 2003. It is designed to offer new law faculty an introduction to the teaching of legal writing. The Workshop will address the basic tasks of the teacher of legal writing: designing problems, classroom teaching, critiquing written work by students, and conducting effective writing conferences with students.

Topics for the optional one-day Workshop on Teaching Legal Writing include: Nuts and Bolts of Teaching Legal Writing; Conducting Effective Office Conferences; and Workshop on Written Critique.

Participating speakers are: Daniel L. Barnett (Boston College); Debra L. Green (Florida Coastal); Steven J. Johansen (Lewis and Clark); Susan H. Kosse (Louisville); and Robin S. Wellford (Chapman).

The planning committee consists of: Alison Grey Anderson (California at Los Angeles), Chair; Sara Sun Beale (Duke); E. Joan Blum (Boston Colleg); Bari R. Burke (Montana); A. Mechele Dickerson (William and Mary); Steven J. Johansen (Lewis and Clark); and Daniel Louis Keating (Washington, St. Louis).

Interested faculty should visit www.aals.org/profdev/nlt2003/ for updated information and registration forms. ■

Call for Scholarly Papers for 2004 Annual Meeting

To encourage and recognize excellent legal scholarship and to broaden participation by new law teachers in the Annual Meeting program, the Association is sponsoring its nineteenth annual Call for Scholarly Papers.

Those who will have been full-time law teachers at an AALS member or fee-paid school for seven years or fewer on July 1, 2003 are invited to submit a paper on a topic related to or concerning law. A committee of established scholars will review the submitted papers with the authors' identities concealed. Dale Whitman (Missouri-Columbia), the AALS Immediate Past President, will serve as chair of the review committee which also includes June Rose Carbone (Santa Clara), Robert J. Cottrol (George Washington), Stephen G. Gilles (Quinnipiac), Suzanne B. Goldberg (Rutgers, Newark), 2003 Winner, and Peter Linzer (Houston).

Papers that make a substantial contribution to legal literature may be selected for distribution and oral presentation at a special program to be held at the AALS Annual Meeting in January 2004. Authors of the presented papers will also be recognized at the Annual Meeting Luncheon. The selection committee must determine that a paper is of sufficient quality to deserve this special recognition, and the AALS is not obligated to select any paper.

Deadline: Manuscripts must be received at the Association office no later than August 22, 2003, to be considered in the 2004 competition. Seven copies of the manuscript should be sent to: Call for Scholarly Papers, Association of American Law Schools, 1201 Connecticut Avenue, NW, Suite 800, Washington, D.C. 20036-2605.

Anonymity: The manuscript should be accompanied by a cover letter with the author's name and contact information. The manuscript itself, including title page and footnotes, must not contain any reference that identify the author or the author's school. The submitting author is responsible for taking any steps necessary to redact self-identifying text or footnotes.

Form and Length: The manuscript must be typed, double-spaced, on 8 1/2" by 11" paper in 12-point (or larger) type with ample (at least 1") margins on all sides. Footnotes should be 10-point or larger, single-spaced, and preferably on the same

page as the referenced text. Submissions are limited to articles, essays and book chapters. There is no page limit; manuscripts can be of any length. Manuscripts will not be returned.

Eligibility: Faculty members of AALS member and fee-paid schools are eligible to submit papers. The Call is open to those who have been full-time law teachers for seven years or fewer as of July 1, 2003. (For these purposes, one is considered a full-time faculty member while officially "on leave" from the law school.) Co-authored papers are eligible for consideration, but each of the co-authors must meet the eligibility criteria established above. No one who has won the AALS Scholarly Papers Competition is eligible to compete again. Honorable Mention recipients are eligible to enter again. Professors are also restricted to submitting only one paper in the Scholarly Paper Competition.

Papers are expected to reflect original research or major developments in previously reported research. Papers are not eligible for consideration if they will have been published before February 2004. Submitted papers, whether or not selected for recognition, may be subsequently published as arranged by the authors. Papers may have been revised on the basis of review by colleagues.

Statement of Compliance: The cover letter accompanying each submission must include a statement verifying: 1) the author holds a faculty appointment at a member or fee-paid school; 2) the author has been engaged in full-time teaching for seven years or fewer as of July 1, 2003; 3) all information identifying the author or author's school has been removed from the manuscript; and 4) the paper has not been previously published and is not committed for publication prior to February 2004.

Presentation at the Annual Meeting: The author of any selected paper will present an oral summary of the paper at a special program to be held at the 2004 Annual Meeting. Copies of the paper will be made available for distribution to those attending the presentation.

Inquiries: Questions should be directed to AALS Deputy Director Veryl V. Miles at the AALS national office in Washington, D.C. (telephone, 202-296-8851, or e-mail, vmiles@aals.org). ■

Letter to the Editor

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value of scholarly associations, and the important role that they can play within academic disciplines. It has always rather bearing on this issue: “the Association’s activity in connection with the pending Supreme Court affirmative action case.” The Association, Tushnet points out, has “long supported affirmative action,” and has filed an amicus brief in the case “which draws the Court’s attention to the specific benefits of affirmative action for legal education”; Professor Tushnet then goes on to discuss the ways that “[o]ur experience as legal educators has demonstrated to us the benefits of the diversity that affirmative action, and only affirmative action, produces.”

The juxtaposition is telling, and unfortunate. Inadvertently (I assume), Professor Tushnet demonstrates precisely why the AALS is not, and may well never be, a true scholarly association. The

issues raised by affirmative action, for *legal* scholars (unlike, say, for microbiologists, or geophysicists, or astronomers) are a matter of a great deal of *scholarly* debate within the discipline. The constitutionality of the Michigan affirmative action program is a subject on which legal scholars can, and do, hold different views *as scholars*. My point here is not to debate whether the AALS position is the “right” or the “wrong” one—it is to point out the inherent contradiction between any role the Association might play as a learned society and its inclination to take positions of any kind on an issue like this. For the AALS to take a “position” on the question of the constitutionality of affirmative action is akin to the American Physical Society taking a position on whether string theory is correct, or the Paleontological Society of America taking a position on the theory of punctuated equilibrium and genetic drift, or the American Economics Association taking a position on the efficient capital

market hypothesis. Scholarly associations succeed if, but only if, they allow the scholars to debate the scholarly issues, without any notion that the direction in which the scholarly inquiry should go is somehow pre-determined. If Professor Tushnet is serious about enhancing the AALS’ role in promoting and developing legal scholarship, he might instead want to consider ways to wean the Association from its tendency to “choose sides” on current debates in this manner.

Professor David G. Post
Temple University,
Beasley School of Law

Joint AALS and European Law Faculties Association (ELFA) Conference: Transatlantic Business Transactions: Choice of Law, Jurisdiction and Judgments will be held in June

Barcelona, Spain will be the site of the joint AALS and European Law Faculties Association (ELFA) Conference on Transatlantic Business Transactions: Choice of Law, Jurisdiction and Judgments. The Conference will be held from Sunday, June 1–Tuesday, June 3, 2003 at the University of Barcelona.

One hallmark of the global economy is the subjection of international business transactions to the simultaneous application of a confusing array of laws from

different jurisdictions, and from different levels of law (international, regional, national, state and local). Problems involving conflicts of laws are even more likely to arise in the “post-September 11” atmosphere of heightened concerns over national security and extraterritorial applications of security-based legislation. This conference will engage experts in international business transactions and experts in conflicts of laws in discussions of the important conflicts issues that

arise in the context of international business today. While intended for law teachers, the conference will also be relevant for sophisticated practitioners of international business law.

The following are topics to be presented at the Conference:
Overview: Problems in Transatlantic Business Transactions – US and European Perspectives;
Conflict of Laws in International Business Transactions: Particular

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Response to Letter to the Editor

I thank Professor Post for taking the time to reply to my President's Column, and regret that my exposition appears to have been insufficiently detailed to avoid inducing mistaken readings. Without repeating my argument in detail, I make three points.

First, Professor Post describes one of several possible positions that scholarly associations organized on an individual member basis can take about the propriety of the association's role in public debates. A quick Google search disclosed, for example, position statements on matters of public debate taken by the Society for Developmental Biology and the American Society for Cell Biology. In short, *some* scholarly associations do in fact take positions on matters of public controversy, contrary to Professor Post's apparent belief that position-taking is categorically incompatible with the scholarly character of a learned society.

Second, the reason those associations act as they do—and the reason the AALS acted as it did—is that the associations' members believe that mistaken public policies on the matters about which the associations take positions would have bad effects on teaching and scholarship in their disciplines. Sometimes opponents of race-based affirmative action see the point. For example, John McGinnis and Matthew Schwartz published an opinion piece in the *Wall Street Journal* on April 1 suggesting correctly that (as I would put it) a lack of political diversity in the faculties of elite law schools (among which they include my own) has had effects on teaching and scholarship there. My President's Column made precisely the same point about the bad effects of racial uniformity in law schools. (In an e-mail to me, Professor McGinnis said, "I personally do not favor affirmative action for conservatives but I do see a need for intellectual consistency," an observation that does not undermine my point here.)

Finally, one of the themes in my column was that there were sometimes tensions between the fact that the AALS is an association of law schools, and its role as a learned society. At most, Professor Post's comment identifies one of those tensions: The Association's members—law schools—have institutional interests that are sometimes different from those of some faculty members.

And yet, it's worth noting one consequence that follows from the facts Professor McGinnis and Mr.

Schwartz report: If the AALS *were* an association of law professors, the chances are very high that its members would think it appropriate for their association to take a position on affirmative action, and to take the position that the AALS has, just as the scientific societies I mentioned above took positions on matters about which a substantial majority of their members thought important to the progress of their disciplines.

Professor Mark V. Tushnet, AALS President
Georgetown University

Minority Deans' Databank and Women Deans' Databank

As a part of the AALS commitment to enhance diversity at all ranks within the law school community, the Executive Committee will institute and maintain a Minority Deans' Databank starting this spring. By establishing this Databank, the Association will be able to solicit nominations of minority law faculty and administrators from law school deans, as well as invite self-nominations from senior minority law faculty and administrators who are interested in becoming a law school dean. The Databank will include a list of nominees who have agreed to participate in this project that will be made available to law school dean search committees interested in using the list as a resource to identify minority candidates. In addition to maintaining a Minority Deans' Databank, the Association will continue to maintain the Women Deans' Databank, a project that was first established at the Georgetown University Law Center in 1997, and has served as the model for the newly instituted Minority Deans' Databank.

According to our statistics there are approximately sixteen minority law school deans and twenty-five women law school deans. It is our hope that more minorities and women will join the ranks of leadership throughout the academy and will consider participating in these very important projects.

All inquiries about the Minority Deans' Databank and the Women Deans' Databank can be made to Veryl V. Miles, AALS Deputy Director, at (202) 296-8851 or by email at vmiles@aals.org.

Transatlantic Conference

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Problem Areas; Jurisdiction to Legislate and Choice of Law: The Global Challenge to National Regulatory Systems; Breakout Groups: Case Studies in International Business Conflicts Involving Legislative Jurisdiction: Resolving Business Disputes Through Litigation or Alternatives: The Effect of Jurisdictional Rules and Recognition Practice; Resolving International Business Disputes – Particular Problems; and E-Commerce: A Conflicts Test Case.

Confirmed Conference speakers include: Jürgen Basedow (Max Planck Institute for Foreign and International Private Law, Hamburg, Germany); Amelia H. Boss (Temple); Stephen B. Burbank (Pennsylvania); Alan Crain (General Counsel, Baker Hughes Incorporated, Houston, Texas); Johan Erauw (University of Ghent, Belgium); John Fellas (Hughes Hubbard & Reed, New York, New York); David J. Gerber (Chicago-Kent); Jane C. Ginsburg (Columbia); Sir Roy Goode CBE, Q.C. (Oxford University, United Kingdom); Gabrielle Kaufmann-Kohler (Université de Genève, Switzerland); Catherine Kessedjan (Université Pantheon-Assas Paris II, France); Andreas F. Lowenfeld (New York University); Richard Plender Q.C. (London, United Kingdom); Fausto Pocar (University of Milan, Italy); Willibald Posch (University of Graz, Austria); and Miguel Virgos Soriano (Universidad Autónoma de Madrid, Spain).

Members of the Planning Committee for the Joint Conference include Stefania Bariatti (University of Milano); Alegría Borrás (University of Barcelona); Marc Fallon (Catholic University of Louvain); William B. Fisch (Missouri-Columbia); Linda J. Silberman (New York University); Walter Stoffel (University of Fribourg), Co-Chair; and Stephen Zamora (Houston), Co-Chair.

For updated Conference information and registration forms visit www.aals.org/profdev/international/. ■

AALS Calendar

2003

May 13

Law Clinic Directors' Workshop, Vancouver, Canada

May 14–17

Workshop on Clinical Legal Education, Vancouver, Canada

June 1–3

Joint AALS/ELFA Conference on Transatlantic Business Transactions: Choice of Law, Jurisdiction and Judgments, Barcelona, Spain

June 15–20

Mid-Year Meeting, New York, New York

- Conference on Civil Procedure: The Many Faces of Contemporary Civil Procedure, June 17–20
- Conference on Torts: The Judge's New Robe: Rethinking the Judicial Role for 21st Century Torts, June 17–20
- Joint AALS/ABA Workshop on Taking Stock: Women of All Colors in Law School, June 15–17

June 26–29

Workshop for New Law Teachers, followed by optional one-day Workshop on Teaching Legal Writing, Washington, D.C.

Future Annual Meeting Dates and Locations

January 2–6, 2004, Atlanta, Georgia

January 5–8, 2005, San Francisco, California

January 4–8, 2006, New Orleans, Louisiana

January 3–6, 2007, San Francisco, California

January 2–6, 2008, New York, New York

January 6–10, 2009, San Diego, California