



the president's message

Institutional Pluralism

By John H. Garvey

The following is the Presidential Address of John H. Garvey before the House of Representatives at the 2008 Annual Meeting in January.

I consider it a great honor to have been elected President of the Association of American Law Schools. I mean this most sincerely. If I look at it dispassionately, I must confess that I am an unlikely candidate. Not for lack of attachment to the Association. I have been involved in its affairs for 32 years as member of the congregation, speaker, section head, committee chair. I have met many of my best friends there. So I don't mean "unlikely" in that sense. I feel as though I owe a great deal to the AALS, and a term as President won't begin to repay the debt.

But I sometimes feel as though my relation to the Association has been like Disraeli's to Gladstone – the leader of Her Majesty's Loyal Opposition. Disraeli was the leader of the protectionist wing of the Conservative Party, and often at odds with William Gladstone, the Liberal Party leader and four times prime minister. Though I esteem

the Association above all things, am attached to it by bonds of personal friendship and duty, and am prepared to defend it against all enemies foreign and domestic, yet I find I am often a critic at home in her councils.

Let me give some examples. Most of my career I have taught at a public university, the University of Kentucky. But for the last 14 years I have taught at Catholic schools – Notre Dame and Boston College. Those schools, like a number of religiously affiliated law schools, have a particular interest in recruiting faculty who feel a special commitment to the university's religious mission. At BC and Notre Dame this doesn't mean just Catholics; but it does imply a certain appreciation for the link between faith and one's vocation as a lawyer. This culture is part of the appeal of religiously affiliated law schools. I found myself wondering, is there something the AALS can do to help them find what they are looking for?

I would not want to ask candidates, on the AALS Recruitment Conference form, to list their religious affiliation. It's not a crazy idea. We ask about race and sex. But it would be wrong for state schools like Kentucky to consider religious affiliation, so why tempt them? I would feel uncomfortable



Dean John H. Garvey, Boston College
2008 AALS President

about injecting religion into hiring practices even at private schools like Cornell and Tulane (to pick two non-religious private schools). The solution I proposed was to let religiously affiliated law schools hold a reception open to all candidates, and let candidates self-identify. It took a few years to sell this idea to the Association. The chief reservation was that most standard of bureaucratic concerns – "If we let you do it, we're going to have to let 100 other groups do it too." I suspect there was also an element of uncertainty – about allowing avowedly religious groups to play an approved role in the recruiting process. There is in our culture a well respected school of thought which holds that we shouldn't discuss religion in public, far less give its adherents a semi-official role in things like hiring, education, zoning, etc. Eventually we settled on the idea that the Section on Law and Religion could hold a reception, which we now do.

Continued on page 2

[in this issue]

- 9 Conference on Clinical Legal Education
- 11 Mid-Year Meeting
- 19 Proposals for Professional Development Programs
- 21 Open Source Program Proposals

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Institutional Pluralism

Continued from page 1

Here is another example of why I sometimes feel like Disraeli. The AALS, like the ABA, does a sab-batical review of member schools. Like most deans I nurse an anti-regulatory grudge. I feel that the ABA lays unnecessary stress on things like library circulation hours, terms and conditions of employment for clinical faculty, listing of elective courses in law school bulletins, and so on. Like most deans I feel the ABA would do better at its job if it consulted more often with deans. I used to have many of these complaints about the AALS's membership review process. During her term as President Mary Kay Kane did the Association a great service by laying renewed emphasis on the core values of the AALS (scholarship, teaching, academic freedom, diversity). But as people at schools who have recently gone through a membership review process can testify, we have not yet taken that point entirely to heart. I still sometimes find myself complaining that we regulate in too much detail.

So I consider it the sincerest kind of compliment that the Association would ask me, a member of the opposition and a frequent (though loyal) critic to be President for a year. I hope I can repay your confidence.

Institutional Pluralism

What I love best about the Association is its role as a learned society — a place where legal academics can gather to talk about

ideas. True to that conviction, I want to propose that during the next year we spend time thinking about an idea. This idea occurred to me in the first instance because of my attachment to Catholic higher education. My wife and I have sent our children to Catholic colleges because we want them to be able to integrate their faith with their understanding of art, literature, philosophy, politics, and science. I think there is a place for this kind of comprehensive wisdom in legal education too. Let me offer a few examples.

Catholics believe in the sanctity of human life. This is connected to some theological ideas about creation and the incarnation. This belief has obvious implications for how we think about criminal punishment. It is difficult, for example, to accept the idea of general deterrence as a justification for punishment. It is also hard to accept the idea of capital punishment. Modesty compels me to admit that Catholics have been slower to come to this conclusion than some other Christian (and non-Christian) churches. But that doesn't undercut my point that there is a connection between law and theology.

Catholics believe we should have a special concern for the poor. The Beatitudes (Mt. 5:1-6) and the parable of the Last Judgment (Mt. 25:35-40) teach that the poor are especially blessed, and that God will judge us according to how we care for them. The U.S. Catholic Bishops' pastoral letter, *Economic Justice for All* (1986), argues that these ideas have a bearing on how

Continued on page 3

Institutional Pluralism

Continued from page 2

we think about unemployment, welfare policy, agricultural programs, and our attitude toward developing nations.

I could offer further examples, but you get the idea: a law school where these kinds of ideas are in wide circulation is going to have a different intellectual climate than the University of Kentucky.

This is, you might say, a fairly parochial point of view. So it is, though as my predecessor Bob Drinan, SJ, was fond of saying, there are 14 Jesuit law schools in America, and they educate 10% of the profession. And there are 25 Catholic law schools in all. And if you look at the mission statements of other religiously affiliated law schools – Baylor, BYU, Cardozo, Pepperdine – you will find echoes of what I have said in 43 of the AALS's member and fee-paid schools.¹

As I talked to my friends, particularly deans, at other schools, though, I found that the class of religiously affiliated law schools was just a subset of an even larger idea. Consider another class of schools – those at historically black colleges and universities like Howard, NC Central, Texas Southern. In 1935 Charles Hamilton Houston wrote an article about the special mission of Howard Law School.² He pointed out how few black lawyers there were in states like Alabama (4), Mississippi (6), and Louisiana (8). There were a lot of white lawyers in those states but, he said, experience has proved that the average white lawyer, especially in the South, cannot be relied upon to

wage an uncompromising fight for equal rights for Negroes. He has too many conflicting interests, and usually himself profits as an individual by that very exploitation . . . which, as a lawyer, he would be called upon to attack and destroy.

Houston conceived for Howard a special mission to serve this underserved population. This would mean a different academic emphasis. The law of business associations might focus on small business rather than multinational corporations; the law of carriers on the passenger or shipper rather than the management. Life and fire insurance would draw more attention than marine insurance. The HBCUs are like religiously affiliated schools in several respects: (1) they have a distinctive mission and point of view that influences the intellectual culture. (2) This may have an impact on the subject matter of the curriculum. (3) They hold a special appeal for some groups of faculty and (4) students. There is, in the universe of law schools, a kind of institutional pluralism. Boston College and Howard are different from other schools, in different ways.

But they are not alone in being different. Consider a third class of schools – ones with a unique point of view, like George Mason. Henry Manne, the godfather of that law school, wrote about his vision for it in 1993. The original plan called for students to “major” in one of several academic fields – economics, political science, technology, or behavioral science. That was too expensive, so George Mason decided to concentrate on eco-

nomics. A lot of fields in law made use of economics. There were enough academics trained in Law and Economics to build a faculty. Students would be introduced to the culture through a 6-hour course in Quantitative Methods. And nearly every course would have a Law and Economics flavor.

The antonym of George Mason might be a school like Antioch (which eventually merged into UDC).³ Antioch was started by Edgar and Jean Cahn in 1972 to train public interest lawyers through a comprehensive clinical method. During their first two weeks in school students would live with families in poor areas of Washington. Before the first year was out students and their teachers would work at providing free legal services to these clients.

Then there are schools that have a special subject matter focus rather than a point of view – environmental law (Vermont, Lewis & Clark), intellectual property (Franklin Pierce).

Finally (maybe I should have started here) there are the state law schools – more than 50. State schools often have a well defined mission to a particular population. The University of Kentucky, to which I have a special attachment, used to negotiate with the legislature about how many out-of-state students it could take. They are a distinct minority, and of course they pay more tuition. UK has a well developed specialty in Equine Law. Its environmental program and one of its journals pay special attention to coal mining. The Law

Continued on page 6

Section Chairs Named for 2008

Section on Academic Support

Kris Franklin, New York Law School

Section on Administrative Law

Edward L. Rubin, Vanderbilt University

Section on Admiralty and Maritime Law

William V. Dunlap, Quinnipiac University

Section on Africa

Susan R. Jones, The George Washington University

Section on Agency, Partnership, LLCs & Unincorporated Associations

Larry Edward Ribstein, New York Univ. School of Law

Section on Aging and the Law

Marguerite Angelari, Loyola University, Chicago

Section on Agricultural Law

Anthony Brian Schutz, University of Nebraska

Section on Alternative Dispute Resolution

Dwight Golann, Suffolk University

Section on Antitrust and Economic Regulation

Salil Kumar Mehra, Temple University

Section on Art Law

Susan Scafidi, Southern Methodist University

Section on Balance in Legal Education

Michael H. Schwartz, Washburn University

Section on Business Associations

Frank Partnoy, University of San Diego

Section on Children and the Law

Odeana R. Neal, University of Baltimore

Section on Civil Procedure

Catherine T. Struve, University of Pennsylvania

Section on Civil Rights

Jack Michael Beermann, Boston University

Section on Clinical Legal Education

Katherine Mary Hessler, Case Western Reserve University

Randi S. Mandelbaum, Rutgers, The State University of N.J.

Section on Commercial and Related Consumer Law

Kevin E. Davis, New York University

Section on Comparative Law

Ralf C. Michaels, Duke University

Section on Conflict of Laws

Wendy Collins Perdue, Georgetown University

Section on Constitutional Law

Mark S. Kende, Drake University

Section on Continuing Legal Education

Daniel Mc Carroll, University of Missouri-Kansas City

Section on Contracts

Eric L. Talley, University of California, Berkeley

Section on Creditors' and Debtors' Rights

Jean Braucher, The Univ. of Arizona

Section on Criminal Justice

Cynthia Lee, The George Washington University

Section on Defamation and Privacy

Jonathan Weinberg, Wayne State University

Section on Disability Issues

Michael E. Waterstone, Loyola Law School

Section on Donative Transfers, Fiduciaries and Estate Planning

Ray D. Madoff, Boston College

Section on Education Law

Robert Allen Garda, Jr., Loyola University

Section on Employee Benefits

Amy Buckley Monahan, University of Missouri

Section on Employment

Discrimination Law

Melissa Hart, University of Colorado

Section on Environmental Law

John S. Applegate, Indiana University

Section on Evidence

Chris William Sanchirico, University of Pennsylvania

Section on Family and Juvenile Law

Brian H. Bix, University of Minnesota

Section on Federal Courts

Ernest A. Young, Duke University

Section on Financial Institutions and Consumer Financial Services

Arthur E. Wilmarth, Jr., The George Washington University

Section on for the Law School Dean

Rex R. Perschbacher, University of California at Davis

Section on Graduate Programs for Foreign Lawyers

John F. Cooper, Stetson University

Section on Immigration Law

Leti Volpp, University of California, Berkeley

Section on Indian Nations and Indigenous Peoples

Wenona T. Singel, Michigan State University

Section on Institutional Advancement

David C. Condliffe, Brooklyn Law School

Section on Insurance Law

Hazel Glenn Beh, University of Hawaii

Section on Intellectual Property Law

Graeme B. Dinwoodie, Chicago-Kent College of Law

Section on International Human Rights Law

Robert C. Blitt, University of Tennessee

Section on International Law

James R. Maxeiner, University of Baltimore

Section on International Legal Exchange

Macarena Saez, American University

Section on Islamic Law

Asifa B. Quraishi, University of Wisconsin

Section on Jewish Law

Perry Dane, Rutgers, The State University of N.J.

Section on Jurisprudence

John Oberdiek, Rutgers, The State University of N.J.

Section on Labor Relations and Employment Law

Michael L. Selmi, The George Washington University

Section on Law and Anthropology

Matthew L.M. Fletcher, Michigan State University

AALS Recognizes Teachers of the Year

One of the roles of the AALS is to serve as the learned society for law teachers. To highlight the importance of excellence in teaching, we recognize and honor law faculty who have been selected as “outstanding teachers” at their law schools by listing their names in the Annual Meeting Luncheon program and by hosting a reception for them at the Annual Meeting. The following professors have been honored by their law schools as Teachers of the Year.

John M. Adler, University of San Francisco	Richard J. Hoskins, Northwestern University	Steven H. Resnicoff, DePaul University
Vincent C. Alexander, St. John’s University	Clare Huntington, University of Colorado	Richard A. Rosen, University of North Carolina
Michael Patrick Allen, Stetson University	Leslie A. Johnson, Widener University	Judith V. Royster, The University of Tulsa
Frances Lee Ansley, University of Tennessee	John M. Kang, St. Thomas University	David Rudovsky, University of Pennsylvania
Bruce A. Antkowiak, Duquesne University	John R. Kroger, Lewis and Clark Law School	Ralph Ruebner, The John Marshall Law School
John L. Barkai, University of Hawaii	Andrew Kull, Boston University	Joel H. Samuels, University of South Carolina
Joyce Stanley Batipps, University of the District of Columbia	Rogelio A. Lasso, The John Marshall Law School	Michael L. Seigel, University of Florida
Jeffrey D. Bauman, Georgetown University	Anne Lawton, Roger Williams University	Christopher Serkin, Brooklyn Law School
David J. Bederman, Emory University	Arthur Leavens, Western New England College	Donna Shestowsky, University of California at Davis
Gerry W. Beyer, Texas Tech University	Andrew D. Leipold, University of Illinois	Kevin H. Smith, The University of Memphis
Mary Sarah Bilder, Boston College	William C. Lynch, California Western	Rachel Jay Smith, University of Cincinnati
Lonnie T. Brown, Jr., University of Georgia	Gary E. Marchant, Arizona State University	Thomas McNight Steele, Wake Forest University (Deceased)
A. Christopher Bryant, University of Cincinnati	Jennifer M. Mason, Notre Dame Law School	Adam N. Steinman, University of Cincinnati
J. Martin Burke, University of Montana	Marcia L. Mc Cormick, Samford University	Henry L. Stephens, Jr., Northern Kentucky University
John M. Burkoff, University of Pittsburgh	Douglas D. Mc Farland, Phoenix School of Law*	Jan Stiglitz, California Western College of Law
Alan L. Button, Campbell University	Michael A. McCann, Mississippi College	Linda F. Sugin, Fordham University
Robert K. Calhoun, Jr., Golden Gate University	Alexander M. Meiklejohn, Quinnipiac University	Margaret C. Tarkington, Brigham Young University
Russell L. Christopher, The University of Tulsa	Eugene R. Milhizer, Ave Maria School of Law	Charles Marshall Thatcher, University of South Dakota
Albert L. Clovis, The Ohio State University	David Andrew Moran, Wayne State University	Patrick E. Tolan, Jr., Barry University
Dennis Colson, University of Idaho	Ann Marie Murphy, Gonzaga University	Robert L. Tsai, University of Oregon
Joseph M. Connors, Albany Law School	John W. Murrey, III, Appalachian School of Law	Reynaldo Valencia, St. Mary’s University of San Antonio
Geoffrey Corn, South Texas College of Law	Alan Newman, University of Akron	Anthony Eudelio Varona, American University
Bridget J. Crawford, Pace University	Alice M. Noble-Allgire, Southern Illinois University	J. H. Verkerke, University of Virginia
Frank E. Deale, City University of New York	John L. Orcutt, Franklin Pierce Law Center	John A. Walton, Northern Illinois University
James M. Delaney, University of Wyoming	Kevin Outterson, Boston University	Lois Weithorn, University of California, Hastings
James W. Diehm, Widener University	Wendy Marie Parker, Wake Forest University	Dale A. Whitman, University of Missouri-Columbia
Laura Gaston Dooley, Valparaiso University	Eric Pearson, Creighton University	Daniel Robert Williams, Northeastern University
Laurie K. Dore, Drake University	Daniel Francis Piar, The John Marshall Law School	John Witte, Jr., Emory University
John N. Drobak, Washington University	Richard Abraham Primus, The University of Michigan	Raymond J. Wyrsh, The Catholic University of America
Ronald W. Eades, University of Louisville	William C. Pryor, University of the District of Columbia Law	Michael T. Yu, California Western
Donna M. Eansor, University of Windsor		
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Janet E. Findlater, Wayne State University		
Catherine L. Fisk, Duke University		
Jackie A. Gardina, Vermont Law School		
Frederick Mark Gedicks, Brigham Young University		
George S. Geis, The University of Alabama		
Mary Margaret Giannini, Indiana University		
James Gibson, The University of Richmond		
Cheryl Hanna, Vermont Law School		
Elizabeth L. Hillman, University of California, Hastings*		

*Denotes Visiting

Institutional Pluralism

Continued from page 3

School and some of its faculty also perform research functions for the Kentucky General Assembly.

Its Advantages

The examples of institutional pluralism are so familiar and so numerous that we might miss the point about how counter-cultural it is to celebrate the idea. In our everyday thinking about law schools we tend to measure them by the same yardstick. The ABA has its standards. The AALS has its four core values. The U.S. News lines schools up on one axis and ranks them from 1-180.

On the whole I think that cultivating differences is a better thing for legal education. It may be good for consumers of legal education in the way varieties of mustard are good for consumers of picnic food. Prospective law students have different tastes. Charles Hamilton Houston's ideal of a school that taught its graduates to undertake a career of service and fight for equality might appeal to a young African American from Alabama. BYU's offer of an opportunity to integrate the study of law with service and spiritual growth might appeal to a young Mormon just back from a mission in Argentina. A young woman who wants some day to be governor of Kentucky would have reasons for preferring UK over Duke.

Institutional pluralism might also be good for the progress of legal thought. We are not as comfortable talking about truth as John Stuart Mill was when he

wrote *On Liberty*. But most of us acknowledge the idea of forward progress in the intellectual life. Einstein's theory of general relativity explains better how gravity works than Newton's system does. Let me mention five ways institutional pluralism might contribute to this effort.

One obvious advantage of having a group of people using the same tools or thinking about the same problem is that more people know more. On weekends my wife and I do the crossword puzzles together, and we go more than twice as fast as either of us can working alone. She knows a lot of words I don't. This is hardly surprising. We read entirely different kinds of books and magazines and have for years. Let us call this advantage more data.

A second advantage of having several people interested in the same problem might be parallel processing. Think of my wife and me doing the daily Jumbles rather than the crossword puzzle. These are five anagrams that answer a riddle. The first clue might be enako, which you can unscramble to spell oaken. The second might be droven (vendor), and so on. Here we go faster not because we have more data but because we can run through two sets of permutations at once.

A third advantage to collective intellectual effort is the one we usually have in mind when we talk about mentoring. I read Walter Isaacson's biography of Einstein this summer. You often hear it said that Einstein was a better physi-

cist than a mathematician. The point is exaggerated, but there is some truth in it. When Einstein moved from Prague to Zurich in 1912 he asked his friend Marcel Grossmann for help with non-Euclidean geometry. It was the introduction to Riemann's metric tensors that allowed Einstein to capture the general theory of relativity – the idea that gravity could be defined as the curvature of space-time.

A fourth feature of institutional pluralism – I'm not sure whether to call it an advantage or an aspect – is what we might call the institutional aesthetic, or style, or culture. Consider the Venetian school of painting in the 15th and 16th century – Bellini, Giorgione, Titian, Tintoretto, Veronese, Lotto. There were things these painters shared and collectively developed. One was an interest in light and color that anticipates the impressionists by four hundred years. (Think about the *Venus and the Lute Player* at the Metropolitan Museum.) A second was a distinctive style of brushwork that gave their paintings a smooth appearance. A third was the use of oils, a development born of necessity; the Venetians needed a medium that would stand up to the damp air of a city laced with canals.

Finally there is what I might call the coffeehouse effect – the communication of similar ideas across different fields. I'm not sure I can describe how this works. Carl Schorske's interesting book *Fin-de-Siècle Vienna* explains how revolutionary changes commu-

Continued on page 10

Former AALS Presidents Praise Carl Monk

This will be Carl Monk's last Annual Meeting as Executive Director, and it seems appropriate that it is the meeting with the highest attendance ever – it is more testimony to how he has built the Association over the past sixteen years.

During this time, Carl has earned the admiration of every AALS President. Wallace Loh reflected on his time as President, concluding that there was "no decision that the Executive Committee undertook that was more important, and in retrospect had greater positive impact on the AALS, than the appointment of Carl as Executive Director."

The former presidents praised Carl's personal strengths. Dale Whitman referenced Carl's "wisdom, good judgment and strong sense of the Association's appropriate role." John Sexton called him a "visionary." Mark Tushnet said he was a "model academic leader" and Mary Kay Kane thought him a "master at work." He had, Bill Hines pointed out, "remarkable abilities to focus on what was important amid distractions, and to use his personal charm and persistence to respectfully persuade others to his point of view." Judith Areen added that Carl was "a truly great Executive Director of the AALS because of his good judgment, commitment to legal education, and diversity in it, and global vision."

Carl's contributions have included increased international cooperation among law schools and law faculty members. "Looking beyond the traditional bounds of American legal education," John Sexton pointed out, "he was the prime organizer and first president of the new International Association of Law Schools, which is enabling our academic colleagues worldwide to enhance the level of institutional cooperation in addressing the many complexities of legal education." Dale Whitman noted that Carl was a "remarkably effective ambassador for legal education throughout the nation, and the world...."

He helped to bring us together. "His access and availability to legal educators across the country is legendary," said Gregory H. Williams. "Time and again, he has found a way to bring disparate voices and views together." Judith Wegner also noted that Carl built consensus, adding, "He'll be remembered for many things, but in particular for his sustained commitment to diversity and his willingness to build an international coalition to improve the quality of legal education around the world."

"While his role is sometimes invisible to those on the outside," Elliott Millstein explained, "his steady wise counsel is well-known to those of us who have been close to the Association."

We thank Carl Monk for devoting his strong personal qualities to legal education and we celebrate the difference that has made.

--Nancy Rogers, *The Ohio State University and AALS Immediate Past President*



Carl Monk, AALS President for over 16 years

Section Chairs Named for 2008

Continued from page 3

Section on Law and Communitarian Studies

Linda C. Mc Clain, Boston University

Section on Law and Computers

Robert W. Gomulkiewicz, University of Washington

Section on Law and Economics

Edward Rust Morrison, Columbia University

Section on Law and Interpretation

Jeremy R. Paul, University of Connecticut

Section on Law and Mental Disability

Jennifer S. Bard, Texas Tech University

Section on Law and Religion

Kathleen A. Brady, Villanova University

Section on Law and Sports

Michael A. Mc Cann, Mississippi College

Section on Law and the Humanities

Frank Rudy Cooper, Suffolk University

Section on Law and the Social

Sciences

Margo Schlanger, Washington University

Section on Law Libraries

Linda M. Ryan, St. John's University

Section on Law, Medicine and

Health Care

Michele Goodwin, University of Chicago

Section on Legal History

Bernard Keith Vetter, Loyola University

Section on Legal Writing, Reasoning and Research

Louis J. Sirico, Jr., Villanova University

Section on Legislation and Law of the Political Process

Guy-Uriel E. Charles, University of Minnesota

Section on Litigation

Michelle R. Slack, Southern Illinois University

Section on Mass Communication Law

Barry P. Mc Donald, Pepperdine University

Section on Minority Groups

Michele Alexandre, The University of Memphis

Section on National Security Law

William C. Banks, Syracuse University

Section on Natural Resources

J. B. Ruhl, Florida State University

Section on New Law Professors

Sergio Pareja, University of New Mexico

Section on Nonprofit and

Philanthropy Law

Evelyn Brody, Chicago-Kent College of Law

Section on North American

Cooperation

Ian Holloway, University of Western Ontario

Section on Part Time Division

Programs

Frederic White, Golden Gate University

Section on Post-Graduate Legal

Education

Toni M. Fine, Fordham University

Section on Poverty Law

Jeffrey Selbin, University of California, Berkeley

Section on Pre-Legal Education and Admission to Law School

Collins B. Byrd, Jr., University of Iowa

Section on Pro-Bono and Public

Service Opportunities

Pamela D. Robinson, University of South Carolina

Section on Professional

Responsibility

Irma S. Russell, The University of Tulsa

Section on Property Law

D. Benjamin Barros, Widener University

Section on Real Estate Transactions

Daniel B. Bogart, Chapman University

Section on Remedies

Michael Patrick Allen, Stetson University

Caprice L. Roberts, West Virginia University

Section on Scholarship

Lawrence Alan Alexander, University of San Diego

Section on Securities Regulation

Jill E. Fisch, Fordham University

Section on Sexual Orientation and Gender Identity Issues

Mark E. Wojcik, The John Marshall Law School

Section on Socio-Economics

Robert Cooter, University of California, Berkeley

Section on State and Local

Government Law

Lee Anne Fennell, The University of Chicago

Section on Student Services

John R. De Rosa, Cornell Law School

Section on Taxation

Marjorie E. Kornhauser, Arizona State University

Section on Teaching Methods

David Simon Sokolow, The University of Texas

Section on Torts and Compensation

Systems

Ellen Michelle Bublick, The Univ. of Arizona

Section on Women in Legal

Education

Beverly Mc Queary Smith, Touro College

AALS Conference on Clinical Legal Education Reflecting on Our Work and Vision: Risks, Mistakes and Opportunities

On May 4-7, in Tucson, Arizona, the 2008 Conference on Clinical Legal Education will provide an opportunity for us to reflect individually and collectively on our work and mistakes to learn through experience and influence choices we make in the future. While we teach our students techniques for engaging in reflection, we sometimes neglect to follow our lessons in regard to our own activities. We will reflect on how our errors in planning, in memory or in execution of ideas have caused divergence among our intentions, actions and consequences. We will discuss risks we have taken, missteps we have made and opportunities that we encounter in our classroom teaching and supervision. We will also reflect on our struggles in moving clinical legal education forward within the Academy.

The methodologies we use as clinical teachers involve complex pedagogical processes with multiple goals, requiring the identification of many issues. In our planning, we try to analyze and anticipate the possible consequences of our pedagogical choices for our students and their clients, yet we may find ourselves surprised or disappointed with the outcomes. We will explore techniques to find a balance among conflicting values in teaching and supervision, in order to engage students better in self-reflection, practice theory and substantive law while promoting social justice.

In addition to our daily work as clinical teachers, we also are part of a movement to make clinical education fundamental within the Academy. Through struggles at our own institutions, work within clinical organizations, participation in the organizational structures of legal education, and projects designed to change the shape of legal education, we face complicated choices about how to guide our movement and improve legal education. We anticipate making this conference a time to reflect on the developments in that movement and the opportunities for the future. The clinical community's involvement in and response to the ABA MacCrate Report and our efforts regarding the Carnegie Foundation Report on Legal Education and Best Practices for Legal Education provide a useful and timely focus for this reflection.

The reflective process poses challenges to clinicians at all levels of experience. Those relatively new to clinical teaching will be encouraged to take risks and explore mistakes in a supportive environment. The Conference will reinvigorate more-experienced clinicians to explore new teaching methods and models for supervision. Together, we will explore ways to understand and surmount continuing challenges to clinical teaching within the Academy.

Located at the base of the Santa Catalina Mountain range in Northwest Tucson, the Conference setting provides an ideal environment for learning, self-reflection and relaxation!

Researching the AALS Database

Need to know how many minority law professors entered the academy in the last five years? Want to know where the over 10,000 law professors in the AALS Directory received their law degree?

AALS receives frequent request for this type of information to be pulled from the AALS database. To better serve AALS members, the organization has hired a full time Research Associate to fulfill these needs.

All requests are subject to approval and may incur a cost, based on an hourly rate. For more information, e-mail Pati Abdullina, Research Associate, at: pabdullina@aals.org.

Institutional Pluralism

Continued from page 6

nicated themselves across different fields in the coffeehouses of turn-of-the-century Vienna: how the Expressionist painter Oskar Kokoschka and the atonal musician Arnold Schoenberg shared the idea that everything is in flux. How Freud in psychology and Gustav Klimt in art both began to explore the world of instinct, self, and the interior life.

Some Questions

I have sketched a picture of institutional pluralism in legal education, and suggested some ways in which schools with distinct cultures might both serve students better and advance the cause of legal theory. I would now like to mention some doubts I entertain about my own idea.

The first is big: institutional pluralism may be impossible. David Riesman once gave some lectures at the University of Nebraska⁴ in which he talked about his failed effort to build a distinctive law school at the University of Buffalo. His idea was to “develop a curriculum that was not merely a minor league version of the Eastern Seaboard schools but rather one which was designed with reference to the particular problems of Western New York.” The effort failed because of three homogenizing influences. First, at least half the faculty, and all but one of the younger people, had gone to law school at Harvard. They wanted to teach the courses that were held in high esteem at Harvard. Second,

good students tended to have their eyes on the Supreme Court and the SEC, not the Buffalo City Planning Commission. Third, the faculty and the administration were interested in building an institution that would succeed according to the established norms of ranking. I might add a fourth such influence: large firms find a simple ranking system like U.S. News attractive for the same reason law schools like LSAT scores: both are ways of reducing information costs and simplifying the process of choosing among many applicants.

Some of Riesman’s objections have less force today than they did 70 years ago when he taught at Buffalo. There are more good law schools competing with Harvard. I don’t just mean Yale, Chicago, and Stanford. There is a more vibrant intellectual life in the American legal academy today than there was in Riesman’s time. Young faculty must write before they can get hired. They have more and different role models, and a more sophisticated understanding of U.S. News rankings. It may be that we are better able, at half a century’s remove, to resist the temptation to all be like Harvard.

I could say more along this line, but let me turn to a second kind of objection: even if we could make institutional pluralism work it might be a bad idea. Maybe what we want is diversity within institutions, not pluralism among institutions. Maybe the best way to discover truth is “out of a mul-

titude of tongues”⁵ rather than through a collective effort. Mill says it’s good to have dissent – not everybody walking in the same direction – because (1) an unpopular opinion might be true; and even if it is not, (2) we will understand the truth better if we have to defend it.⁶

This objection is something of a red herring. Even if institutional pluralism meant that private schools could limit unorthodox expression,⁷ we would still have disagreement between institutions. It’s not clear that Mill’s argument entails protection for dissent at every level. More importantly, though, the idea of a distinctive institutional culture is not inconsistent with individual freedom of inquiry. None of the advantages I described in collective effort entails or depends on censorship. My wife and I would do crossword puzzles and Jumbles less effectively if either of us tried to control what the other thought. A mentor is a bad teacher if she forbids her student to put her insights to new uses. The Venetian school of painting taught and nourished a distinctive style of art through collaborative effort. It did not depend for its success on the suppression of competing styles. You see the point: collaboration is not control.

Conclusion

You may detect a note of uncertainty in my voice about the suggestion I am making. Institutional pluralism is a familiar phenom-

Continued on page 11

Institutional Pluralism

Continued from page 10

enon (most of us work for such places), but one we have not embraced in the legal academy. I think it would be a very healthy thing both for our students and for the intellectual life if we paid more attention to it. Schools don't need to compete on the same track to succeed.

¹ Out of a total of 195.

² The Need for Negro Lawyers, J. Negro Educ. 49 (1935).

³ The D.C. Council created the District of Columbia School of Law in 1986 to take Antioch over. In 1996 the School of Law merged with UDC.

⁴ Published under the title Constraint and Variety in American Education (1956).

⁵ *Keyishian v. Board of Regents*, 385 U.S. 589, 603 (1967).

⁶ On Liberty ch. 2.

⁷ As Wheaton College fired Joshua Hochschild in 2006 for converting to Catholicism. The first amendment would of course prevent a public school from doing this.

2008 AALS Mid-Year Meeting

The Mid-Year Meeting consists of three professional development programs: The **Workshop for Law Librarians** (p. 12), the **Conference on Constitutional Law** (p. 13) and the **Conference on Evidence** (p. 15). The registration fee for the workshop is discounted 50% when signing up for the

Type of Registration	Received by April 29	Received After April 29
Conferences on Evidence and Constitutional Law		
Faculty of Member and Fee-Paid Schools	\$535	\$595
Faculty of Non Fee-Paid Law Schools	\$585	\$645
Workshop for Law Librarians		
Faculty of Member and Fee-Paid Schools	\$470	\$520
Faculty of Non Fee-Paid Law Schools	\$520	\$570
Entire Mid-Year Meeting (includes both conferences and the workshop)		
Faculty of Member and Fee-Paid Schools	\$770	\$855
Faculty of Non Fee-Paid Law Schools	\$820	\$905

entire Mid-Year Meeting. You can choose to register for the two Conferences and/or Workshop. When registering for the AALS Conference on Evidence, you are automatically registered for the AALS Conference on Constitutional Law and can attend sessions at both Conferences. Attending the AALS Workshop for Law Librarians requires a different fee. You will receive a discount of half of the workshop registration fee by registering for all three programs.

Online AALS Directory Coming Soon

Faculty and Schools to Update Their Own Profiles

The AALS Directory of Law Teachers will soon be online. Faculty at member and fee-paid schools will be able to search and/or browse for colleagues by name, school, or subject.

In addition to viewing the Directory online, you will also be able to update your own profile and Dean's offices will be able to add, edit, or delete the faculty listed with their school. This online process will replace the hard copy forms that have to be mailed from, and returned to, AALS each spring.

While hard copies of the Directory will continue to be mailed to all member and fee-paid schools, this new process will allow faculty and schools to keep their information updated year-round, while making production of the hardcopy more streamlined and efficient.

Be on the lookout for further instructions coming to your e-mail.

Mid-Year Meeting Workshop for Law Librarians Changing Assumptions: The Role of the Law Librarian in the Legal Academy

On June 1-4, 2008 in Cleveland, Ohio, AALS will hold—as part of the Mid-Year Meeting—a Workshop for Law Librarians – Changing Assumptions: The Role of the Law Librarian in the Legal Academy.

Academic law library directors play multiple roles in their institutions. As faculty members, law library directors teach, conduct research, serve on committees and often play a leadership role in law school governance. As scholars, law library directors have contributed to the scholarly dialogue in many fields, not limited to law librarianship. As administrators, they are often responsible for the largest budgetary units in the law school and increasingly have responsibilities for technology and other areas beyond the library.

Throughout the history of the profession, stellar law librarians such as Art Charpentier, Robert C. Berring, Morris Cohen, Francis Farmer, Marian Gallagher, Frederick C. Hicks, Roger Jacobs, Roy Mersky, Mary Oliver, Miles O. Price, and William R. Roalfe paved the way for their colleagues as professors, scholars and administrators. They set the standards and forged an identity for law librarianship.

In the twenty-first century, it is time for academic law library directors to re-examine their role in legal education. The past quarter century has presented dramatic changes in the legal publishing industry, publication formats, the means of access to legal information, and the place of the library in the law school. Changes in the legal profession – globalization, mergers, mega-firms – have all affected legal education. Legal education is itself in an intense time of changes in curriculum and research, competition, and limited resources.

The 2008 AALS Workshop for Law Librarians is aimed at current law library directors, those who aspire to the position, and anyone interested in the future of the library in legal education. The first plenary speaker will highlight the many, sometimes conflicting, roles of the twenty-first century law library director. The opening presentation will be followed by small group sessions in which workshop participants will have the opportunity to discuss the pivotal question of the role of the law library director, what it is and what it should be.

The workshop will then present an unusual opportunity for open dialogue on the matter of faculty status for law library directors. After a plenary discussion of present approaches to faculty status for law school clinical faculty, legal writing instructors, and library directors, participants will be organized into small groups and asked to suggest ideal language on law library director status. On the second day, presentations on writing for tenure and teaching substantive courses will be followed by opportunities to discuss these important elements of the director's role as a faculty member.

The final day of the workshop will be all about relationships, and will begin with a panel discussion of the challenges of working with law school deans and with other university and law school administrators. A variety of concurrent sessions will follow, covering topics focusing on the law library director as CEO. The workshop will close with responses and reactions from representatives of next generation of law library directors.

The Workshop will present a unique opportunity for law librarians to consider core professional issues. The program is designed to provide a nexus for dialogue and discourse among law library directors who have well-established careers, newer academic law library directors, but most especially for those who aspire to be directors in the future.

Regardless of where they are currently in their careers, law library directors still must choose between sitting back and watch the future happen, or take an active role in creating it.



Planning Committee for the Workshop for Law Librarians

Rhea Ballard-Thrower, Howard University

Richard A. Danner, Duke University

Penelope A. Hazelton, University of

Washington, **Chair**

Tracey L. Meares, Yale Law School

Continued on page 13

Mid-Year Meeting: Conference on Constitutional Law

On June 3–6, 2008 in Cleveland, Ohio, AALS will hold—as part of the Mid-Year Meeting—a conference on Constitutional Law.

Constitutional law is always changing, but the changes since the last AALS professional development program on constitutional law are particularly dramatic. The Supreme Court has significantly changed the emphasis of its prior jurisprudence of government power and abortion rights. The so-called federalism revolution of the 1990s might have reached its limits. Laurence Tribe announced

that he had suspended working on his treatise on constitutional law because the field was in such flux that no overview seemed possible. How can scholars of constitutional law respond to these developments? Participants in the 2008 Conference on Constitutional Law will have a chance to consider these and many other topics.

Several important developments, pointing in various directions, shape scholars' concerns today. The first, of course, is the arrival of the Roberts Court, increasing the likelihood, foreshadowed for decades, of consolidated

control of the Supreme Court by adherents of judicial philosophies that have come to be identified with judicial and political conservatives. Pointing in a different direction, and presenting the possibility of renewed and transformed tensions between Congress and the Supreme Court, are the results of the 2006 congressional elections.

Planning Committee for the Conference on Constitutional Law

Stephen M. Griffin, Tulane University
Phoebe A. Haddon, Temple University
Lori Ringhand, University of Kentucky
Jay Tidmarsh, Notre Dame Law School
Mark V. Tushnet, Harvard Law School,
Chair

Continued on page 14

Workshop for Law Librarians

Continued from page 12

Confirmed Speakers

Roy Balleste (District of Columbia); Barbara Bintliff (Colorado); Simon Canick (Connecticut); Kathy Carrick (Case Western Reserve); Michael G. Chiorazzi (Arizona); Wes Cochran (Texas Tech); Vicenç Feliú (LSU); Laura N. Gasaway (North Carolina); Claire M. Germain (Cornell); Penelope A. Hazelton (Washington, Chair); Mary Ann Hyatt (Oregon); Nancy P. Johnson (Georgia State); Anne Klinefelter (North Carolina); Margaret A. Leary (Michigan); Elliott S. Milstein (American University); Martha Dragich Pearson (Missouri–Columbia); Michael Slinger (Cleveland State); Grace Calabrese Tonner (Michigan); Michelle M. Wu (Hofstra); Carl A. Yirka (Vermont).

Topics

Challenging Assumptions; Law Library Director: Who Are We Today? Librarian, Administrator, Faculty Member; Small Group Discussions; Law Library Director: Redefined Status (ABA Standard & AALS Regulation, Clinicians, Legal Writing); Redefining Status: ABA Standard – Report and Discussion; Law Library Director: Scholar – Writing for Tenure; Law Library Director: Teacher; Small Group Discussions on Teaching; Law Library Director: All About Relationships; Law Library Director: CEO (What Happens When Progressive Discipline Doesn't Work, Delegation, Understanding Assessment Tools, Time Management, Negotiating Skills, Dealing with Budget Reductions, Working with Unionized Employees, Training, Evaluation and Evaluating for Merit); Library Director: Response from the Next Generation

For more information please visit www.aals.org/midyear/.

Conference on Constitutional Law

Continued from page 13

Constitutional theory has itself been changed. The debates over interpretive theory that animated constitutional scholarship in prior decades have damped down, although some interventions of that sort persist. Taking up more space in our discussions are alternative constitutionalisms, including comparative and state constitutional law. The most recent AALS Workshop on Constitutional Law, jointly sponsored with the American Political Science Association in 2002, focused on the interaction between political science and constitutional theory, and that interaction has only thickened since then.

The 2008 conference will present opportunities to discuss these issues. The prospects for the Roberts Court will be the subject of a plenary session followed by discussions in smaller groups of specific areas of constitutional law. Under the heading of alternative constitutionalisms we will have a chance to discuss comparative constitutional law, state constitutional law, European Union law seen in constitutional perspective, and transnational law in general. Issues of executive power have taken a new place in constitutional scholarship and teaching. A panel will discuss the substantive law of executive power, primarily in connection with national security issues. Because issues of executive power played a smaller role in our courses in the past, questions of pedagogy are particularly important and perhaps under-discussed.

Participants will have a chance to exchange ideas about how to teach the constitutional law of executive power. Questions about citizenship – be they about full citizenship within the nation, or about who can become citizens and how – link constitutional law and transnational law, and have taken on increasing importance.

Finally, this conference will hold a joint luncheon with the concurrent Conference on Evidence with the Honorable Nancy Gertner, Judge, District Court, District of Massachusetts, Boston, Massachusetts. The topics to be covered at the 2008 Conference on Constitutional Law range widely across the field, but all touch on matters that nearly everyone who teaches and writes about constitutional law must consider with some regularity. Why attend? Because you will come away from the conference with new ideas for your scholarship and teaching.

Confirmed speakers

Jonathan H. Adler (Case Western); Penelope E. Andrews (City University of New York); Elvia R. Arriola (Northern Illinois); Linda S. Bosniak (Rutgers); Christopher Alan Bracey (Washington); Tomiko Brown-Nagen (Virginia); Guy-Uriel E. Charles (Minnesota); Erwin Chemerinsky (Duke); Kathleen Clark (Washington); Paul Craig (Professor of English Law St. John's College, Oxford, England);



Michael C. Dorf (Columbia); Jonathan L. Entin (Case Western); Lee Epstein (Northwestern); John H. Garvey (Boston College); Tom Ginsburg (Illinois); Judge Nancy Gertner (U. S. District Court, District of Massachusetts); Pamela S. Karlan (Stanford); Thomas M. Keck (Professor Department of Political Science Maxwell School of Citizenship and Public Affairs, Syracuse, New York); Mark S. Kende (Drake); Joseph Margulies (Northwestern); Kermit Roosevelt (Pennsylvania); Miguel Schor (Suffolk); Eric J. Segall (Georgia State); Neil S. Siegel (Duke); Reva B. Siegel (Yale); Lawrence B. Solum (Illinois); Adrian Vermeule (Harvard).

Mid-Year Meeting Conference on Evidence

The Future of Evidence: How Science and Technology Are Changing Evidence Law

On June 3-6, 2008 in Cleveland, Ohio AALS will hold—as part of the Mid-Year Meeting—a conference on Evidence- The Future of Evidence: How Science and Technology Are Changing Evidence Law.

The adoption of the Federal Rules of Evidence in 1975 not only stabilized evidence law doctrine, it rendered this doctrine more homogenous across jurisdictions. Since then, the Rules have been largely resistant to significant change; and there is a solid body of rule-based law that, along with the text of the Rules themselves, makes up the basic subject matter of most evidence courses across the country.

But the “winds of change” may be blowing more forcefully today than at any time since the great debates over codification at the start of the 20th century. This Conference – The Future of Evidence: How Science and Technology Are Changing Evidence Law - highlights, through its panels and speakers, the major forces for change in evidence law today. Some of these forces implicate specific areas, such as expert witnesses. Others may more fundamentally call into question the basic assumptions underlying the Rules and the practices in courts today. The goal for this Conference is to provide all participants with an overview and some in-depth examination of these forces for change, with an eye toward understanding the context within which we practice our discipline and which our students will face tomorrow.

The on-going courtroom confrontation between evidence law and expertise is one of the most powerful forces for change, the full implications of which we are only now beginning to understand more than a decade after Daubert. The Daubert trilogy and amended FRE 702 require the trial judge to perform the role of gate-keeper over the admissibility of all expert testimony, much of which does not squarely fit within the “hard science” model envisioned in the Daubert opinion. But who, in reality, is in charge – the court or the expert witness? Panels will address this and other questions, including: What analytic tools do judges have to evaluate expert opinions grounded on forensic science, soft science and even non-science? What tools should they use? Are there any?

A second major force for change is technology. Both inside and outside of the courtroom, technological advances in the creation and presentation of knowledge are changing the way that we conceive of “evidence” itself. Will technology finally deliver to us a genuine “lie detector” that will make the jury obsolete? Will simulations create a “virtual reality” that makes live witnesses obsolete? Are there principles of law that should be used to resist the technological incursions? And at a different level, how much of this technology should we teach and how does our classroom use of technology affect the content of what we teach?

Finally, jury decision-making and evidence law itself have been the subject of ever-increasing empirical and interdisciplinary study and evaluation. The results of this research should have much to teach us about our assumptions concerning the jury and about the real world effects of our evidence rules and practices. When, and how, should evidence law respond to this new knowledge? What reforms might be desirable, and what might be possible?

Integrated with our substantive panels will be concurrent sessions on teaching for both new and experienced participants. One afternoon will be devoted to hands-on demonstrations and discussions of using technology in the classroom.



Continued on page 16

Conference on Evidence

Continued from page 15

Concurrent sessions will also address issues relating to evidence scholarship for the new teacher, and to how our scholarship is both enabled by, and takes as its subject, the empirical and interdisciplinary research that may change evidence law itself.

Special talks at lunch also promise to enlighten and enliven our Conference. The Honorable Nancy Gertner (Judge, U.S. District Court, District of Massachusetts) will share insights from the bench, and Professor Ronald Allen (Northwestern) will address “The Value of Facts: From The Enlightenment to *Holmes* and *Crawford*.” In the evenings, a virtual courtroom will display new technologies used in many courts today; a movie pertinent to evidence law issues will be shown and discussed; and we hope the Cleveland Indians will be playing at home.

Confirmed speakers

Other confirmed speakers include Ronald Jay Allen (Northwestern); Katherine Y. Barnes, (Arizona); Sydney A. Beckman, (Charleston); Margaret A. Berger (Brooklyn); Paul Bruce Bergman, (UCLA); Jeremy A. Blumenthal (Syracuse); Robert P. Burns (Northwestern); Susan W. Crump (South Texas); Shari Seidman Diamond (Northwestern); Phoebe C. Ellsworth (Michigan); David L. Faigman (California Hastings); Neal R. Feigenson (Quinnipiac); Brain J. Foley (Drexel); Fred Anthony Galves, (McGeorge); Judge Nancy Gertner (District Court of Massachusetts); Paul C. Giannelli (Case Western); Michael Green (Wake Forest); Susan Haack (Miami); Cynthia Jones (American); Karen A. Jordan, (Louisville); Frank C. Keil (Yale); Steven J. Laken, PhD (Cephus Corp); Fredric I. Lederer (William and Mary); Richard A. Leo (San Francisco); Jennifer Mnookin (UCLA); Joelle Moreno (New England); Jane C. Moriarty (Akron); Robert Mosteller (Duke); Christopher B. Mueller (Colorado); Erin E. Murphy (California Berkeley); Robert R. Myers (Case Western Reserve); Dale A. Nance (Case Western); Aviva Orenstein (Indiana-Bloomington); Michael S. Pardo (Alabama); Roger C. Park (California Hastings); Stephen A. Saltzburg (George Washington); Joseph Sanders (Houston); Eileen A. Scallen (William Mitchell); Katharine T. Schaffzin (North Dakota); Albert E. Scherr (Franklin Pierce); Michelle R. Slack (Southern Illinois); James Alexander Tanford (Indiana); Andrew Eric Taslitz (Howard); Marianne Wesson (Colorado); Pavel Wonsowicz, (UNLV); William A. Woodruff, (Campbell).

Topics

Today’s Challenges in Teaching the Traditional Evidence Course; Teaching Evidence: Something for Everyone (Nuts and Bolts for New Law Teachers, Advanced Evidence Courses and Seminars, Integrating Trial Theory and Practice into Evidence, Bringing the Humanities into Teaching Evidence); The Forensic Science Paradox; Soft Science and Non-Science: Controlling Expertise in the Courtroom; Film and Discussion: Capturing the Friedmans; Social Science and the Jury: What We (Think We) Know About What They (Think They) Know ; fMRI and Lie Detection: Technique and Critique; Teaching with New Technologies: Something for Everyone; Technology in the Courtroom: What Is Happening and What Does It Mean?; Social Science Research: Should Evidence Law Respond?; Inferring Causation; Evidence Scholarship: Something for Everyone; Good (and Bad) Advice for New Law Teachers; How to Find and Use Empirical Research; New Trends for Experienced Scholars; Writing about the Political (and Other) Passions; The Value of Facts – From the Enlightenment to *Holmes* and *Crawford*; The Justices, the Love Letter, the Widow and the Fiancée: A Forensic Solution to the *Hillmon* Case

This Conference has been designed to provide “something for everyone.” The concurrent sessions on teaching and scholarship are a good example of this approach. The Planning Committee wants particularly to encourage new teachers to attend. At the same time, panels dealing with cutting edge issues of judicial control

of expertise will enlighten even the most experienced among us. Demonstrations of the new fMRI technology, and technology for the classroom and courtroom, will appeal to all. We hope you will join us on June 3-6, in Cleveland, Ohio for this conference on Evidence. For more information please visit www.aals.org/midyear/.

Planning Committee for the Conference on Evidence

Edward K. Cheng, Brooklyn Law School

JoAnne A. Epps, Temple University

Edward J. Imwinkelried, University of California at Davis

Tamara R. Piety, The University of Tulsa

D. Michael Risinger, Seton Hall University

Michael J. Saks, Arizona State University

Eleanor Swift, University of California,

Berkeley, **Chair**

Clinical Legal Education

Continued from page 9

Confirmed Speakers

Harold I. Abramson, (Touro); Wendi Jill Adelson, (Florida State); Muneer I. Ahmad, (American); Jane H. Aiken, (Georgetown); Sioban Albiol, (DePaul); Alicia Alvarez, (Michigan); Alexis Anderson, (Boston College); Claudia Angelos, (New York University); Annette Appell, (Nevada, Las Vegas); Maria Arias, (CUNY); Maureen N. Armour, (Southern Methodist); Sameer Ashar, (CUNY); Sandra Babcock, (Northwestern); Wendy A. Bach, (CUNY); Beverly Balos, (Minnesota); Lynn Barenberg, (Boston College); Laurie A. Barron, (Roger Williams); Margaret Martin Barry, (Catholic); Cynthia Batt, (Temple); Debra Bechtel, (Brooklyn); Susan D. Bennett, (American); Marilyn Joan Berger, (Seattle); William Berman, (Suffolk); Wendi Warren Hill Binford, (Willamette); Keith Blair, (Baltimore); Beryl S. Blaustone, (CUNY); Lisa Radtke Bliss, (Georgia State); Brenda Bratton Blom, (Maryland); Juliet M. Brodie, (Stanford); Susan L. Brooks, (Drexel); Susan J. Bryant, (CUNY); Cheryl Buchert, (Loyola); Sande Buhai, (Loyola); Gina M. Calabrese, (St. John's); Sylvia Caley, (Georgia State); Charles R. Calleros, (Arizona State); Lily Arbab Camet, (American); Deborah Cantrell, (Colorado); Esme Caramello, (Harvard); Margie Caranci, (Roger Williams); James L. Cavallaro, (Harvard); Victoria L. Chase, (Rutgers); David F. Chavkin, (American); Marisa Silenzi Cianciarulo, (Chapman); Christine N. Cimini, (Denver); Bradford Colbert, (William Mitchell); Liz Ryan Cole, (Vermont); Jenny-Brooke Condon, (Seton Hall); Kim Diana Connolly, (South Carolina); Herschella Glenn Conyers, (Chicago); John M. Copacino, (Georgetown); Robert D. Dinerstein, (American); Troy Elder, (Florida International); Deborah Epstein, (Georgetown); James Parry Eyster, (Ave Maria); Sara Faherty, (Buffalo); Bassina Farbenblum, (Seton Hall); John Fife; William J. Fleener, Jr., (Cooley); Timothy W. Floyd, (Mercer); Judith L. Fox, (Notre Dame); Laura Garcia, (Baltimore); Sarah L. Gerwig-Moore, (Mercer); Michele Estrin Gilman, (Baltimore); Brian G. Gilmore, (Howard); Gerard Francis Glynn, (Barry); Phyllis Goldfarb, (George Washington); Ann Leslie Goldweber, (St. John's); Leigh Goodmark, (Baltimore); Linda B. Green, (Arizona); Thomas F. Guernsey, (Albany); Isabelle R. Gunning, (Southwestern); Charles R. Halpern, (The Center for Contemplative Mind in Society, Berkeley CA); Eden E. Harrington, (Texas); Zelda B. Harris, (Arizona); Daniel L. Hatcher, (Baltimore); Kristin Henning, (Georgetown); George M. Hezel, (Buffalo); Bill Ong Hing, (California, Davis); Louise Anne Howells, (District of Columbia); Carmen V. Huertas, (CUNY); Jonathan M. Hyman, (Rutgers); Janet T. Jackson, (Washburn); Meetali Jain, (Seton Hall); Samuel Jefferson, (District of Columbia); Margaret E. Johnson, (Baltimore); Danielle Jones, (Stanford); Robert L. Jones, Jr., (Notre Dame); Maritza Karmely, (Boston College); Harriet N. Katz, (Rutgers); Kenneth J. King, (Suffolk); Catherine F. Klein, (Catholic); Jennifer Lee Koh, (Stanford); Tamara Kuennen, (Denver); Donna H. Lee, (CUNY); Lisa Gabrielle Lerman, (Catholic); Edward Lloyd, (Columbia); Adrienne Lockie, (American); Bryan Lonagan, (Seton Hall); Antoinette Sedillo Lopez, (New Mexico); John C. Lore III, (Rutgers); Jennifer P. Lyman, (George Washington); Mary Lynch, (Albany); Andrea D. Lyon, (DePaul); Janet Madill (Pacific Northwest College of the Arts); Margaret Maisel, (Florida International); Deborah A. Maranville, (Washington); Lynn Marcus, (Arizona); Dale S. Margolin, (St. John's); Serge Martinez, (Hofstra); Nancy M. Maurer, (Albany); James R. May, (Widener); Angela Mc Caffrey, (Hamline); Lynn Mc Dowell, (Florida Coastal); Mary Helen Mc Neal, (Syracuse); Vanessa Merton, (Pace); Binny Miller, (American); Elliott S. Milstein, (American); John B. Mitchell, (Seattle); Judson Mitchell, (Loyola); Patricia H. Murrell, (Center for the Study of Higher Education & the Leadership Institute in Judicial Education, Memphis, TN); Karen Musalo, (California, Hastings); Lori A. Nessel, (Seton Hall); Christopher Northrop, (Maine); J.

Continued on page 18

AALS Workshop for New Law School Teachers

The 26th annual Workshop for New Law School Teachers will be held on June 26–28 in Washington, DC, and 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 teach-

ers, and the most effective means for achieving professional success in their first few years of teaching. It will focus on issues of teaching, scholarship and service, as well as institutional and individual concerns of new law teachers.

The Workshop will be of interest to newly appointed faculty members, including teachers with up to two years of teaching experience, as well as those with appointments as visiting assistant professors.

Confirmed Speakers

Alison Grey Anderson, (UCLA); Dorothy Andrea Brown, (Washington and Lee); Guido Calabresi, (U.S. Circuit Judge, U.S. Court of Appeals, New Haven, Connecticut); David F. Chavkin, (American); Eric

R. Claeys, (George Mason); Angela J. Davis, (American); Graeme B. Dinwoodie, (Chicago-Kent); Cara Drinan, (Catholic); Roger A. Fairfax Jr. (George Washington); Christine Haight Farley, (American); John C.P. Goldberg, (Vanderbilt); Cheryl Hanna, (Vermont); Marina C. Hsieh, (Santa Clara); Kristine S. Knaplund, (Pepperdine); Angela Mae Kupenda, (Mississippi); Veryl Victoria Miles, (Catholic); Elizabeth Hayes Patterson, (Georgetown); Margo Schlanger, (Washington); John E. Sexton, (President, New York University); James J. Tomkovicz, (Iowa); David Vladeck, (Georgetown); Deleso Alford Washington, (Barry); Ronald F. Wright, (Wake Forest).

Visit www.aals.org/nlt/ for more information

Planning Committee for AALS Workshop for New Law School Teachers

Karen E. Bravo, Indiana University, Indianapolis

Michael Green, Wake Forest University, **Chair**

Sonia K. Katyal, Fordham University

Kent D. Syverud, Washington University

Charles D. Weisselberg, University of California, Berkeley

Clinical Legal Education

Continued from page 17

Michael Norwood, (New Mexico); Kimberly E. O'Leary, (Cooley); Aliza Gail Organick, (Washburn); Calvin Pang, (Hawaii); Sarah Hiles Paoletti, (Pennsylvania); Bernard P. Perlmutter, (Miami); Victoria F. Phillips, (American); Erik S. Pitchal, (Suffolk); Jeffrey Jude Pokorak, (Suffolk); Nancy Grey Postero, (Department of Anthropology, California, San Diego); Spencer Rand, (Temple); Jayesh Rathod, (American); David Jerome Reiss, (Brooklyn); Dean Hill Rivkin, (Tennessee); Joseph A. Rosenberg, (CUNY); Donna Miae Ryu, (California, Hastings); Avis L. Sanders, (American); Evangeline Sarda, (Boston College); Joshua D. Sarnoff, (American); Irene Scharf, (Southern

New England); Alexander Scherr, (Georgia); Dveera Segal, (Villanova); Robert F. Seibel, (California Western); Ilene B. Seidman, (Suffolk); Ragini N. Shah, (Suffolk); Marjorie A. Silver, (Touro); Marcella Beth Silverman, (Fordham); Deborah Sivas, (Stanford); Claire A. Smearman, (Baltimore); Abbe Smith, (Georgetown); Brenda V. Smith, (American); Lisa Smith, (Brooklyn); Dan R. Smulian, (Brooklyn); John B. Snyder, (Baltimore); Mary B. Spector, (Southern Methodist); Jane M. Spinak, (Columbia); Jayashri Srikantiah, (Stanford); Jane K. Stoeber, (American); Dennis P. Talty (Philadelphia, PA); Nina W. Tarr, (Illinois); LaShanda Taylor, (American); Susan Terwilliger, (Albany); Robert Tittmann, (University Counseling Services, Boston College); Suzanne E. Tomkins, (Buffalo); Joseph B. Tulman, (District of Columbia); Richard S. Ugelow, (American); Michael Scott Vastine, (St. Thomas); Carwina Weng, (Indiana); Kele Williams, (Miami); Linda Williams, (Vanderbilt); Paulette J. Williams, (Tennessee); Lauris P. Wren, (Hofstra); Frank H. Wu, (Wayne State); Norah Wylie, (Boston College).

Planning Committee for AALS Conference on Clinical Legal Education

John J. Francis, Washburn University

Philip Genty, Columbia University

Carrie L. Hempel, University of Southern California

Ann C. Shalleck, American University

Carol Suzuki, University of New Mexico, **Chair**

To register visit www.aals.org/clinical2008/.

Proposals for Professional Development Programs

In preparation for the submission of proposals on professional development programs to the Executive Committee, the Committee on Professional Development will convene at the AALS headquarters this fall. Among other things on the Agenda, the Committee will recommend the Association's professional development calendar for the 2009-2010 academic year.

If your section believes that it would be an opportune time for the AALS to offer a professional development program in areas of interest to your section during 2009-2010, the Professional Development Committee invites you to submit a proposal for such a program. To ensure a comprehensive review of these proposals and facilitate the request for any additional information, the preferred receipt date for these proposals is **May 30, 2008**.

The Association's professional development programming consists primarily of one-day workshops at the Annual Meeting and two-day workshops and three- to five-day conferences at the Mid-Year meeting. 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 2007 Mid-Year Meeting Workshop on Family Law or the 2008 Mid-Year Meeting Conference on Evidence;
- (2) **programs for groups with similar interests other than subject matter** such as the 2008 Annual Meeting AALS Workshop on Local Government at Risk: Immigration, Land Use, National Security and the Battle for Control and the 2007 New Law Teachers Workshop on Thriving and Surviving the Academy: Concrete Steps for People of Color and Their Law Schools;
- (3) **programs that cut across subject matter lines or integrate traditional subject matter** such as the 2005 Annual Meeting Workshop on Evaluating Students and Evaluating Outputs: Vision, Revision, Envision: Critical Perspectives in Assessment;
- (4) **programs that focus upon a type of skill or discipline** as in the 2006 Mid-Year Meeting Conference on New Ideas for Law School Teachers and the 2004 Annual Meeting Workshop on Technology and Pedagogy;
- (5) **programs dealing with matters of law school administration or legal education generally** such as the 2001 Workshop for Deans on Managing Conflict and Building Consensus in Law Schools: Strategies, Procedures and Skills for Effective Deans and the 2008 Mid-Year Meeting Workshop on Law Libraries; and
- (6) **programs exploring the ramifications of significant developments in or affecting the law** such as the 2008 Annual Meeting Workshop on Fair and Independent Courts.

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, and an explanation of why it would be important and timely to undertake such a program in 2009-2010. The Professional Development Committee particularly encourages proposals for programs that are sufficiently broad that they will interest more than the membership of a single AALS section. The AALS strongly encourages proposals that contemplate different or innovative types of programming or develop interdisciplinary themes. A sample of a well-developed proposal is available for review on the AALS website at: <http://www.aals.org/profdev/>

The Association welcomes suggestions for members of the planning committee and potential speakers, along with a brief explanation as to their particular qualifications. It is helpful to the planning committee to have as much information as possible about potential speakers in advance of its meeting. Since planning committees prize diversity of all sorts, we encourage recommendations of women, minorities, those with differing viewpoints, and new teachers as speakers. Specific information regarding the potential speaker's scholarship, writings, speaking ability, and teaching methodology is particularly valuable.

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. Because the planning committee is asked to bring its own perspectives to the planning of the program, it is not customary to appoint the author of a proposal to the planning committee. Instead the proposal is given to the planning committee in advance of its meeting, and members of the planning committee may consult with the proposer and a host of other faculty before the planning committee meeting.

As indicated above, proposals should be submitted to me by May 30, 2008. Please send an electronic copy of your proposal by email to profdev@aals.org. I also would be pleased to discuss proposal ideas with you and to answer any questions you have about the Association's professional development programs. Please send your questions by e-mail to dbrennen@aals.org.

Workshop on Retention of Minority Law School Teachers

The AALS Workshop on Retention of Minority Law School Teachers will occur on June 25-26 in Washington, DC. Minority law teachers face special challenges in the academy. This workshop is designed to address those problems and provide a heads up to minority teachers who are starting their careers. Because statistics show that the retention rate for faculty of color is unsatisfactory, this workshop also addresses strategies for mentors and administrators to improve the past retention record. The Workshop will be of interest to new minority law teachers, faculties of color, and any faculty member interested in increasing diversity in American law schools

Confirmed Speakers

Leonard M. Baynes, (St. John's); Devon Wayne Carbado, (UCLA); Adrienne D. Davis, (Washington); Timothy Davis, (Wake Forest); A. Mechele Dickerson, (Texas); Blake D. Morant, (Wake Forest); Cynthia E. Nance, (Arkansas); Xuan-Thao Nguyen, (Southern Methodist); Nancy H. Rogers, (Ohio State); Gerald R. Torres, (Texas); Serena Maria Williams, (Widener).

For more information, visit www.aals.org/retention/

Planning Committee for AALS Workshop on Retention of Minority Law School Teachers

Karen E. Bravo, Indiana University, Indianapolis

Michael Green, Wake Forest University,

Chair

Sonia K. Katyal, Fordham University

Kent D. Syverud, Washington University

Charles D. Weisselberg, University of California, Berkeley

Workshop for New Law School Clinical Teachers

The Workshop for New Law School Clinical Teachers will be held on June 28-29 in Washington, DC. The Workshop is designed to offer new law faculty an introduction to clinical teaching, and to the challenges of practicing law in a clinical setting. The Workshop will address the basic tasks of the clinical teacher: setting goals for clinical courses, teaching professional skills and values, and supervising and evaluating students. The Workshop will also address the special challenges facing new clinical faculty in such areas as program design, scholarship and working in an academic setting. The Workshop should be of interest to new teachers of in-house and externship clinical courses and to all new teachers interested in clinical teaching methodology.

Confirmed Speakers

Muneer I. Ahmad, (American); Jane H. Aiken, (Georgetown); Margaret Martin Barry, (Catholic); Katherine Shelton Broderick, (District of Columbia); Bradford Colbert, (William Mitchell); Kim Diana Connolly, (South Carolina); Deborah Epstein, (Georgetown); Phyllis Goldfarb, (George Washington); Katherine Mary Hessler, (Case Western); Peter Joy, (Washington); Elliott S. Milstein, (American); Michael Pinard, (Maryland); Josephine Ross, (Howard); Alexander Scherr, (Georgia).

For more information, visit www.aals.org/nlt/

Planning Committee for AALS Workshop for New Law School Clinical Teachers

Karen E. Bravo, Indiana University, Indianapolis

Michael Green, Wake Forest University, Chair

Sonia K. Katyal, Fordham University

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Charles D. Weisselberg, University of California, Berkeley

Online Video Explains how Law Graduates and Law Schools will be Affected by the New Federal Student Loan Repayment and Forgiveness Law

In September, 2007, Congress passed the College Cost Reduction and Access Act (P.L. 110-84). Section 203 allows much lower monthly "income-based" repayments (IBR) than was previously permitted. Section 401, enacted with strong support from the ABA and the AALS over a seven year period, provides a large measure of loan forgiveness for graduates who spend ten years working in government agencies and non-profit (Sec. 501(c)(3)) organizations.

The IBR system will significantly alleviate the loan repayment burden on law graduates in their first years after graduation, making it possible for many more graduates to consider working for smaller law firms that do not pay salaries as high as those paid by large corporate firms. The loan forgiveness provision will enable thousands of law graduates to choose the careers that they desire in lower-paying public service jobs.

Through a powerpoint exposition of the law, demonstration of a web-based IBR calculator, discussion by panelists, and audience participation, this panel explained the new law and its implications for law graduates and law schools (including law schools that have their own loan repayment assistance programs). The panel also examined ways in which Congress could improve on what it has already done.

This program which features Philip G. Schrag, (Georgetown); Dorothy Andrea Brown, (Washington and Lee); Heather Jarvis, (Program Manager - Law School Advocacy, Equal Justice Works, Washington, DC), has been captured on video and posted online on the AALS Web site.

The video is free to watch or download by the public and can be accessed at:

http://www.aals.org/student_loan_forgiveness.php.

Open Source Programming at 2009 Annual Meeting

AALS is requesting proposals for Open Source programs for the 2009 AALS Annual Meeting in San Diego, California. Open Source sessions at the Annual Meeting are innovative programs proposed by groups of faculty members and selected by a committee in a competitive search.

The goal is to encourage a "bottom up" process in which scholars collaborate to develop fresh and exciting ideas for a program at the Annual Meeting. It is not a Section, law school, organization, or institution-sponsored program. It is a program developed by a group of faculty members in various subject matters, who have an innovative topic that they would like to present at the Annual Meeting.

Proposals should not feature a program or subject that could be offered by an AALS Section or conflict with other programs being presented at the 2009 AALS Annual Meeting.

Submissions of novel ideas for programs with an explanation of the topic along with possible speakers should be **e-mailed to opensource@aals.org by April 10, 2008.**

Conference and Workshop Materials Posted Online

Materials and handouts from the 2008 and prior AALS conferences and workshops are posted on the AALS web site at : **www.aals.org**. To download the files, go to the addresses below, click the meeting you are interested in, click 'program' and then click the 'view materials' link next to each session title or speaker name.

2008 Annual Meeting

www.aals.org/am/

2007 AALS Workshop on Clinical Legal Education & Law Clinic Directors Workshop

www.aals.org/clinical/

2007 AALS Mid-Year Meeting

Conference on International Law

Workshop on Family Law

Workshop on Reproductive Medicine and Law

www.aals.org/midyear/

2007 AALS Workshop for New Law Teachers & Workshop for Beginning Legal Writers

www.aals.org/nlt/

2007 AALS Workshop on Thriving and Surviving the Academy: Concrete Steps for People of Color and Their Law Schools

www.aals.org/thriving/

aalscalendar

Upcoming Meetings and Events

May 4-7, 2008

AALS Conference on Clinical Legal Education
Tucson, Arizona

June 1-6, 2008

Mid-Year Meeting
Cleveland, Ohio

June 1-4
Workshop for Law Librarians

June 3-6
Conference on Constitutional Law

June 3-6
Conference on Evidence

June 25-26, 2008

Workshop on Retention of Minority Law School
Teachers
Washington, DC

June 26-28, 2008

Workshop for New Law School Teachers
Washington, DC

June 28-29, 2008

Workshop for New Law School Clinical
Teachers
Washington, DC

November 6-8, 2008

Faculty Recruitment Conference (FRC)
Washington, DC

January 6-10, 2009

AALS Annual Meeting
San Diego, California

Future Annual Meeting Dates and Locations

- January 6-10, 2010, New Orleans



Association of American Law Schools

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