



the president's message

Complexity and Pluralism

By John Garvey

In my last column I wrote about institutional pluralism and its benefits – how there are many different kinds of law schools in the United States, and how this can be a good thing for consumers of legal education and the progress of legal thought. I want to speak here about the inevitability of pluralism – or if that is too Hegelian, about some strong forces that push law schools in the direction of difference.

The first such force is this: the world is becoming a more complicated place, and it is impossible to teach all about it. If we go back two hundred years we find commentaries on the laws of England (Blackstone) and America (Kent) that comprise just a few volumes. In the first part of the last century the ABA required law school libraries to have 10,000 volumes. Today our libraries routinely have 50 times that number. Course catalogs and faculties have grown at the same rate. This is not, as the popular press sometimes suggests,

Continued on page 3

[in this issue]

- 4 Mid-Year Meeting
- 8 Call for Scholarly Papers
- 11 2009 Annual Meeting Theme
- 12 Nominations for Executive Committee and President-Elect

Susan Westerberg Prager Named Executive Director Of AALS

Former Dean of University of California-Los Angeles School of Law to Lead Organization As It Enters Its 109th Year As the Representative of America's Law Schools



Former UCLA Law School Dean Susan Westerberg Prager has been named Executive Director and CEO of the Association of American Law Schools (AALS), the nation's principal representative of America's law schools and the scholarly society of the law teaching profession. Her appointment, effective September 1, 2008, was announced by AALS President and Dean of Boston College Law School, John Garvey, following a unanimous vote of the AALS Executive Committee.

Prager will become the sixth Executive Director of the AALS since its founding in 1900. The AALS created the Executive Director role in 1963. Prager will succeed Carl Monk, who last year announced plans to resign after sixteen years as AALS Executive Director.

"I am delighted that Susan has agreed to commit her extraordinary talents to directing the Association," Garvey said. "She has an unparalleled understanding of legal education from 16 years' service as dean at UCLA. She has served the Association as its President and as a member of the Executive Committee, and knows its potential as well as anyone. She is also a woman of keen intellect,

great judgment, and wonderful personal skills. I must add that Carl Monk's service for 16 years has helped build the Association into the kind of organization that deserves a leader of such high quality."

Prager noted that she was "attracted to the Executive Director role by the vibrancy of the AALS and its programs, by the opportunity to work with dedicated faculty from many law schools, and by the opportunity to help the AALS advance its core values, which include encouraging research and scholarship about law and legal institutions, furthering excellent teaching, striving for a diverse faculty, student body and profession, encouraging public service in the legal profession, and fostering justice. The AALS has an important role to play in the shape and content of national higher education policy," Prager said.

Prager added that she is "honored to have been recruited to this role at a time when U.S. law schools are working to ensure the vitality of democratic values like fundamental fairness in an increasingly integrated global economy. The search for justice is

Continued on page 2

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Susan Westerberg Prager Named Executive Director

Continued from page 1

central to the law teaching profession, and I am eager to work with the faculty and deans of AALS member schools to ensure that the Association's standards and its professional development programs for law teachers are responsive to rapidly developing national and global events. I'm also eager to encourage the next generations of law professors to contribute to the work of the Association, which depends in critical ways on volunteer efforts from the faculty and administration of member schools."

AALS Executive Director Carl Monk said, "The AALS is very fortunate to have recruited someone with Susan Prager's background and expertise to serve as Executive Director. I have known Susan for more than twenty years; she is a seasoned higher education administrator with superb judgment and commitment. She will be a strong, clear voice for the nation's law schools, and will move the AALS to an even stronger, more influential role in assisting the nation's law schools in educating the next generations of lawyers."

Prager credited Monk with leading the effort to significantly expand and improve the Association's professional development programs for law teachers, and for devoting himself to furthering collaboration with the law teaching profession all over the world by his painstaking work to develop the new International Association of Law Schools.

The search for Monk's successor was chaired by former Georgetown Law School Dean, Judith Areen, Paul Regis Dean Professor of Law

at Georgetown and 2006 President of the AALS. Areen said: "We are delighted that Susan Prager will be the next Executive Director of the AALS. Susan is a respected and effective leader in legal education whose energy, wisdom and ability to build consensus make her exactly the right person to guide the AALS. This is a great moment for the AALS and for all of legal education."

Professor Prager is a graduate of Stanford University and the UCLA School of Law, where she served as editor-in-chief of the UCLA Law Review. She joined the UCLA faculty in 1972, became Dean a decade later, and served as dean from 1982-1998 – the longest tenure of any dean in UCLA law school history. At the time Prager became Dean she was one of two female law Deans in the country. Prager was a trustee of Stanford University for 14 years. She chaired the board's Academic Policy Committee and was a Vice President of the Board. She left UCLA in 1999 to become Provost at Dartmouth College, and recently was President of Occidental College in Los Angeles. Prager is a longtime Director of the Pacific Mutual Holding Company, which owns Pacific Life Insurance Company. Over the years she has been engaged in the national legal education community in a wide variety of ways, serving as AALS President in 1986. She is Professor of History at Occidental College and the Arjay and Frances Fearing Miller Professor of Law Emeritus at UCLA. Her research has focused on marital property law, and on California legal history.

Complexity and Pluralism

Continued from page 1

an epidemic driven by its own force. Society demands that the government make laws about the environment, health care, digital piracy, and trade. Law schools teach people how that complex system works.

Thing is, it's so complex that no one can grasp it all. Perhaps Blackstone could comprehend all the laws of England in 1769. But when I was in law school I had a friend who tried (and failed) to read every case about Rule 10b-5. On a larger scale no faculty of 50 can pretend to cover the whole field of American (and now foreign) law. My own school does not offer Admiralty, Agriculture Law, and Insurance.

The second force is intertwined with the first: building larger faculties to provide better coverage drives up tuition costs. 100 students can comfortably pool their resources and pay Blackstone's salary. They can't support a faculty of 50. In the modern world every school needs to decide how many faculty it can afford, and build a program around them.

This is where our differences start to emerge. Imagine a crowd shopping at the grocery store on Saturday morning. Suppose each person wants to provide balanced meals for the week, on the same budget. Though they have similar objectives, their shopping carts will look very different at the checkout counter – vegetarian, Italian, Thai, macrobiotic, meat-and-potatoes. The menus law schools opt to provide from the corpus juris of American (and other) law are like this. And as our

grocery store gets still bigger and more diverse the range of variation will increase.

The ABA and the AALS, in their standards for approval and membership review, have accepted this view of the world. The ABA allows "a law school [to] offer an educational program designed to emphasize certain aspects of the law or the legal profession."ⁱ It has confined its specific prescriptions to skills training.ⁱⁱ The AALS says only that a curriculum should be "broad and deep," planned by the faculty, and periodically reviewed for content and pedagogical effectiveness.ⁱⁱⁱ

The institutional pluralism that results from this state of affairs is not random variation. We create law schools in response to social imperatives. Maine creates a public school because it has no private institutions, the state needs lawyers, and it wants to encourage research on marine law and policy. The Church of Jesus Christ of Latter Day Saints creates a law school because it wants its members to have the opportunity to integrate their faith and their professional lives. The New York State Board of Regents creates a law school at CUNY to train lawyers to serve the public interest. The faculties of these schools plan courses of study that will promote the missions of the institutions.

The surprising thing about contemporary legal education is not that law schools are different from one another, but that the differences are not more marked. Why is there not the same degree of variety as there is among RISD,

Cal Tech, and St. John's College? Perhaps that's expecting too much. The field of law, though growing, is narrower than the field of human knowledge. The pool of faculty candidates is shallower, and we tend to hire from the same places. External actors (bar examiners, accreditors, ranking agencies) play a standardizing role. And we are all professionally accustomed to adhere to precedent, so change in the legal academy happens slower than it does elsewhere. To take the most obvious example, the first-year curriculum has evolved little in the last hundred years. The supermarket variety I describe has all been imported into the second and third years. Still, it's worth bearing in mind that colleges once taught the trivium and the quadrivium in place of the abundance we see now, and that the transformation of higher education resulted from the fact that, to put it simply, there is more stuff to learn.

ⁱ American Bar Association Section of Legal Education and Admissions to the Bar, 2007-2008 Standards and Rules of Procedure for Approval of Law Schools, Interpretation 301-2.

ⁱⁱ *Id.*, Standard 302.

ⁱⁱⁱ Bylaws of the Association of American Law Schools 6-1.b(iii), 6-7.b.

2008 AALS Mid-Year Meeting

The Mid-Year Meeting consists of three professional development programs: The **Workshop for Law Librarians**, the **Conference on Constitutional Law** and the **Conference on Evidence**. The registration

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

fee for the workshop is discounted 50% when signing up for the 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.

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

Continued on page 7

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 con-

tributed 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

Continued on page 6

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. 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);

Continued on page 9

Workshop for Law Librarians

Continued from page 4

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.

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 (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/.

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

Conference on Constitutional Law

Continued from page 4

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. Constitutional theory has itself been changed. The debates over interpretive theory that animated constitutional scholarship in prior decades have dampened 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); Robert Anderson,

(Pepperdine); 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); Michael C. Dorf (Columbia); Jonathan L. Entin (Case Western); Lee Epstein (Northwestern); Mark Graber, (Maryland); John H. Garvey (Boston College); Tom Ginsburg (Illinois); Judge Nancy Gertner (U. S. District Court, District of Massachusetts); Stephen M. Griffin, (Tulane); Phoebe A. Haddon, (Temple); Bradley W. Joondeph, (Santa Clara); 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); Robert A. Mikos, (California, Davis); Saikrishna B. Prakash (San Diego); Lori Ringhand, (Kentucky); Kermit Roosevelt (Pennsylvania); Miguel Schor (Suffolk); Eric J. Segall (Georgia State); Jeffrey Segal, Chair, Department of Political Science, Distinguished University Professor, SUNY at Stony Brook, New York; Neil S. Siegel (Duke); Reva B. Siegel (Yale); Lawrence B. Solum (Illinois); Mark V. Tushnet, (Harvard); Adrian Vermeule (Harvard).

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

Call for Scholarly Papers

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 twenty-fourth annual Call for Scholarly Papers.

Those who will have been full-time law teachers at an AALS member or fee-paid school for five years or fewer on July 1, 2008 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.

Nancy Rogers (The Ohio State University), the AALS Immediate Past President, who will serve as chair of the review committee; Kimberle W. Crenshaw (University of California, Los Angeles); Craig W. Dallon (Creighton University); John C. Eastman (Chapman University); Steven H. Hobbs (The University of Alabama); Erik Luna (University of Utah); Anne Joseph O'Connell (University of California, Berkeley), 2008 Winner; and Jeffrey Stempel (University of Nevada, Las Vegas). 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 San Diego, January 2009. 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: To be considered in the competition eight hard copies of the manuscript must be postmarked no later than **August 15, 2008** and sent to: Call for Scholarly Papers, Association of American Law Schools, 1201 Connecticut Avenue, N.W., Suite 800, Washington, DC 20036-2717. Also, an electronic version must be emailed to scholarlypapers@aals.org no later than August 15, 2008.

Anonymity: The manuscript should be accompanied by a cover letter with the author's name, contact information and statement of compliance described below. The manuscript itself, including title page and footnotes, must not contain any references 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 and must have sequential page numbers on each page of the submitted article. Footnotes should be 10-point or larger, single-spaced, and preferably on the same page as the referenced text. Each submission must be prepared using either Microsoft Word or otherwise submitted in rich text format. Submissions are limited to articles, essays and book chapters. There is a maximum word limit of 35,000 (inclusive

Continued on page 14

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, and school.

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.

Conference on Evidence

Continued from page 5

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 Reserve); 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); Michael W. Mullane, (Arkansas, Fayetteville); 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); Albert E. Scherr (Franklin Pierce); Michelle R. Slack (Southern Illinois); James Alexander Tanford (Indiana); Andrew Eric Taslitz (Howard); Douglas L. Weed, MD, MPH, PhD (Kensington, Maryland) 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**

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.

Continued on page 14

2009 Annual Meeting Theme

January 6-10, 2009
San Diego, California

for more information: www.aals.org/am2009/

Institutional Pluralism

The AALS is an association of self-governing intellectual communities. Member schools are expected to adhere to our core values of teaching, scholarship, academic freedom, and diversity. But within the wide space bounded by those values our members are very different kinds of institutions. There are 72 state schools that play special roles in the legal communities of their sponsoring states. There are 39 religiously affiliated law schools whose missions are defined or influenced by particular faiths. There are law schools at historically black colleges and universities that have their own special commitments; and schools whose intellectual efforts are governed by a particular point of view (like law and economics) or directed at a particular subject matter (environmental law, or intellectual property). This year's theme focuses on the value of our institutional differences.

Institutional pluralism is a good thing for our students in the same way choices are good for consumers in other fields. It may also contribute in an important way to a healthy intellectual life. Progress in the life of the mind is a cultural achievement. A community of scholars working on the same problem, or in the same idiom, may accomplish things a group of disconnected individuals could not. (Think of the Manhattan Project, or fin de siècle Vienna.) The Association should cherish the interests of its members in pursuing these ends.

At the same time there are powerful market and regulatory norms that push law schools toward uniformity. The ABA accreditation process uses one set of standards that it asks all institutions to conform to. The U.S. News ranking system uses another linear measure. Law firms who hire our graduates rely on simple tools like rankings as an index of quality. These forces may impede, or even frustrate, schools' efforts to cultivate their own distinctive identities.

The AALS might also want to reflect on the issue of institutional variety in its own affairs. We now see, around AALS annual meetings, a number of parallel organizations concerned with particular points of view. The Federalist Society and the Society of American Law Teachers are just two examples. Should the Association (like some of its members) cultivate a particular set of interests or values, and leave it to other organizations to develop opposing points of view? Or is the proper analogy something more like Congress – a single body comprising different members but representing all possible approaches?

John Garvey
AALS President and
Boston College

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 teachers, 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); Eric

R. Claeys, (George Mason); Okianer Christian Dark, Howard University; Angela J. Davis, (American); Graeme B. Dinwoodie, (Chicago-Kent); Cara Drinan, (Catholic); Roger A. Fairfax Jr. (George Washington); John C.P. Goldberg, (Vanderbilt); Cheryl Hanna, (Vermont); Marina C. Hsieh, (Santa Clara); Kristine S. Knaplund, (Pepperdine); Angela Mae Kupenda, (Mississippi College); 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, (Florida A&M); Ronald F. Wright, (Wake Forest).

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

Planning Committee for AALS Workshop for New Law School Teachers, New Law School Clinical Teachers and 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

Nominations for AALS Executive Committee and President-Elect

The Committee on Nominations for 2009 AALS Officers and Executive Committee members, chaired by Ruth L. Okediji, University of Minnesota Law School, 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 2009 Annual Meeting in San Diego.

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 20036-2717. President John Garvey 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: Lawrence A. Alexander, University of San Diego; Stephen L. Carter, Yale; Allen K. Easley, William Mitchell College of Law; Richard W. Garnett, Notre Dame; Nancy J. King, Vanderbilt University; Saul Levmore, The University of Chicago.

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); 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); Mark Niles (American); Nancy H. Rogers, (Ohio State); Gerald R. Torres, (Texas); Serena Maria Williams, (Widener).

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

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/

Proposals for Professional Development Programs

Continued from page 10

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.

Call for Scholarly Papers

Continued from page 8

of footnotes) for the submitted manuscripts. 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 five years or fewer as of July 1, 2008. (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 re-

search. Papers are not eligible for consideration if they will have been published before February 2009. However, inclusion of a version of the paper on the Social Science Research Network (SSRN) or similar pre-publication resources does not count as "publication" for purposes of this competition. 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 five years or fewer as of July 1, 2008; 3) all information identifying the author or author's school has been removed from the manuscript; 4) the paper has not

been previously published and is not committed for publication prior to February 2009; 5) the content of the hard copy version of the paper is, in all respects, identical to the electronic version of the paper; and 6) the author must also agree to notify the AALS if and as soon as s/he learns that the submitted paper will be published before February 2009.

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 2009 Annual Meeting. Copies of the paper will be made available for distribution to those attending the presentation.

Inquiries: Questions should be directed to David A. Brennen, AALS Deputy Director at the AALS national office in Washington, D.C. (dbrennen@aals.org).

aalscalendar

Upcoming Meetings and Events

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
- January 4-8, 2011, San Francisco
- January 4-8, 2012, Washington, DC



Association of American Law Schools

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