



## President's Message

### Strengthening Scholarship

By Judith C. Areen

As part of this year's focus on scholarship as well as service, and in keeping with the AALS mission of serving as the learned society for legal academics, the Executive Committee has established a new standing committee of the Association devoted entirely to research. Chaired this year by Dean Lauren Robel of Indiana University-Bloomington, the Committee includes Alison Grey Anderson (UCLA), Marina Angel (Temple), Bryant Garth (Dean, Southwestern), S. Blair Kauffman (Yale), Kenneth W. Mack (Harvard), Joyce Sterling (Denver), Frank Wu (Dean, Wayne State), and Albert Yoon (Northwestern). The Committee is already hard at work on two projects intended to stimulate additional research on legal education and the legal profession. First, they are compiling a bibliography of significant scholarship on legal education and the profession that will be made available to members of AALS.

Second, they are preparing a list of significant questions concerning legal education and the profession on which research is needed. If you have suggestions for either project, you are invited to send them directly to a member of the Committee.

Another change, adopted by the Executive Committee, has been to give priority in scheduling to sections that select speakers for their program at the Annual Meeting, using peer review of their abstracts or papers. The goal is to make the

Meeting an even more effective showcase for innovative research.

Academic freedom and tenure have long been considered necessary conditions for good scholarship to be produced. As Chief Justice Earl Warren wrote for the Supreme Court in *Sweezy v. New Hampshire*:

The essentiality of freedom in the community of American universities is almost self-evident. No one should underestimate the vital role in a democ-

*Continued on page 2*

### Lifetime Achievement Award Introduced

At its May meeting the Executive Committee of the Association of American Law Schools established the "AALS Award for Lifetime Service to Legal Education and the Law." For some time now we have recognized contributions to scholarship and the teachers of the year at each law school, but there has never been any formal recognition for lifetime contributions to service. This award will fill that gap. The award will not necessarily be given annually but recognition of the recipient will become a regular part of AALS annual meetings.

The selection of recipients will be made by a subcommittee of the AALS Executive Committee. Nominations should be in the form of a letter providing sufficient

information about the nominee to enable the selection committee to determine the specific contributions of the nominee to legal education and the law. You may also include news or magazine articles that describe the accomplishments of the nominee. All nominations should be emailed to [dquick@aals.org](mailto:dquick@aals.org) or submitted on 8.5" x 11" paper and received by September 15, 2006. Current members of the AALS Executive Committee or those who have served on the Committee for the past five years are not eligible for this award.

The AALS looks forward to recognizing the importance of service in the legal academy through this award.

#### in this issue

- 4 2007 Annual Meeting At-A-Glance
- 7 New Annual Meeting Open Source Programs
- 9 2007 Mid-Year Meeting

## Association of American Law Schools

### President

Judith C. Areen  
*Georgetown University*

### President-Elect

Nancy H. Rogers  
*The Ohio State University*

### Immediate Past President

N. William Hines  
*The University of Iowa*

### Serving through 2006

John H. Garvey  
*Boston College*

Beverly I. Moran  
*Vanderbilt University*

### Serving through 2007

Michael A. Olivas  
*University of Houston*

Stephanie M. Wildman  
*Santa Clara University*

### Serving through 2008

H. Reese Hansen  
*J. Reuben Clark Law School  
Brigham Young University*

Robert C. Post  
*Yale Law School*

### Executive Vice President and Executive Director

Carl C. Monk

### Deputy Director

Elizabeth Hayes Patterson

### Associate Director

Jane M. La Barbera

## aalsnews

**rates** \$32/year (four issues)  
**back issues & single copies** \$8/copy  
**subscription inquiries** (202) 296-8851

*Published in February, April,  
August and November by*

**Association of  
American Law Schools**  
1201 Connecticut Avenue, N.W.  
Suite 800  
Washington, D.C. 20036-2717

©2001 Association of American Law Schools.  
All rights reserved. ISSN 0519-1025  
Printing and distribution courtesy  
of West and Foundation Press

## Strengthening Scholarship

*Continued from page 1*

racy that is played by those who guide and train our youth. To impose any strait jacket upon the intellectual leaders in our colleges and universities would imperil the future of our Nation. No field of education is so thoroughly comprehended by man that new discoveries cannot yet be made. Particularly is that true in the social sciences, where few, if any, principles are accepted as absolutes. Scholarship cannot flourish in an atmosphere of suspicion and distrust. Teachers and students must always remain free to inquire, to study and to evaluate, to gain new maturity and understanding; otherwise our civilization will stagnate and die.<sup>1</sup>

I thought you would find it of interest to know, therefore, that a recent survey of Americans' views of higher education indicates that support for academic freedom and tenure is not widely shared. A working paper entitled Americans' Views of Political Bias in the Academy and Academic Freedom by Neil Gross (Harvard Department of Sociology) and Solon Simmons (George Mason Institute for Conflict Analysis and Resolution), which summarizes the survey results, was presented June 8, 2006, at a panel at the annual meeting of the American Association of University Professors (AAUP).<sup>2</sup>

The survey was undertaken to "assess the extent to which conservative critiques of the professoriate inform American public opinion as well as to understand how Americans feel about academic freedom and tenure."<sup>3</sup>

Some of the results are encouraging. Most Americans are reasonably confident about U.S. higher education with 41.6 percent expressing a lot of confidence. Although the percentage may not at first sound very high, it compares favorably to the standing of other institutions:

|                   | HIGHER ED | WHITE HOUSE | ORGANIZED<br>RELIGION | PRESS |
|-------------------|-----------|-------------|-----------------------|-------|
| Lot of Confidence | 41.6%     | 20.7%       | 29.9%                 | 10.8% |
| Hardly Any        | 9.7%      | 39.8%       |                       |       |

The only institution in America in which people reported more confidence on the survey was the military (53.9 percent).

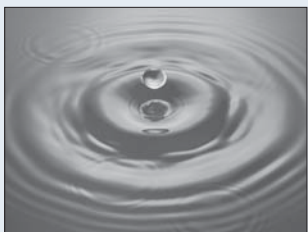
Of more concern are the data on tenure. Only 55 percent of the respondents to the survey had heard of tenure for professors. (Those who had not were read a short definition.<sup>4</sup>) Although a strong majority of the respondents (76.6 percent) agreed that tenure is "a good way to reward accomplished professors,"<sup>5</sup> 62.6 percent believed that public universities should be able to dismiss professors who join radical political organizations like the communist party, and 57 percent believed that "there's no room in the university for professors who defend the actions of Islamic militants."<sup>6</sup>

At the same time, there is firm public opposition to government control: 80.4 percent of the respondents said the best way to ensure academic excellence is to make sure politicians do not interfere with research in colleges and universities, and 79.4 percent disagree with having the government control what is taught in the college classroom.

*Continued on 11*

# Annual Meeting Theme

## Expanding Knowledge and Serving Our Communities: Academic, Civil and International



This year's theme, by emphasizing both scholarship and service, continues the focus of recent meetings on the AALS as the learned society for the legal academy at the same time it highlights the importance of fostering justice and public service.

In keeping with the scholarship theme, this year's Annual Meeting seeks to encourage and to showcase scholarship more effectively.

Priority in scheduling is being given to sections that select speakers using peer review of scholarly papers or abstracts. In addition, program times are being made available to interested scholars who have submitted innovative open source proposals.

This past year, hurricanes reminded us why a learned society cannot be an ivory tower. To their credit, member schools responded both quickly and generously. Within three days after Katrina hit, a web site was providing information to students of law schools in the affected areas about schools they might visit for the fall. All told, more than 987 students were placed at 136 different member law schools.

As admirable as these efforts were, service is too important to be reserved for times when there is a natural disaster. As our Bylaws provide, the AALS values, and expects its member schools to value, a faculty that not only is involved in the creation and dissemination of knowledge, but one that is devoted to fostering justice and public service.

In deciding where to volunteer our time and energy, it is helpful to remember that we are members of many communities. The plenary sessions at the meeting will highlight service in three of them. One will focus on academic freedom as an important aspect of strengthening academic community at our law schools and universities. A second will focus on public service and the obligation legal academics share with all citizens to work to improve our civil community, whether at the local, state or national level. A third plenary will focus on service in the international community. Organized by the new AALS Committee on International Cooperation, this session will focus on challenges to international human rights and humanitarian law in the 21st century.

- Judith C. Areen, AALS President and  
Georgetown University

# Annual Meeting **At-A-Glance**

## Tuesday, January 2, 2007

|  |              |
|--|--------------|
| Registration .....                       | 6:00–9:00 PM |
| School and Organization Receptions ..... | 6:00 PM      |

## Wednesday, January 3, 2007

|   |                    |
|---|--------------------|
| Registration .....  | 7:00 AM–8:00 PM    |
| Exhibit Hall .....  | 12:00 NOON–5:00 PM |
| AALS Workshops .....  | 8:45 AM–5:15 PM    |
| Workshop on the Ratings Game  |                    |
| Workshop on Remedies: Justice and the Bottom Line                                 |                    |
| Section Extended Programs .....   | 9:00 AM–5:00 PM    |
| Section Programs .....  | 9:00 AM–12:00 NOON |
| Section Field Trips .....   | 8:45 AM–5:00 PM    |
| Section Luncheons .....   | 12:15–1:30 PM      |
| Section Programs .....  | 2:00–5:00 PM       |
| House of Representatives, First Meeting .....                                     | 5:15–6:30 PM       |
| Section Business Meetings .....   | 6:30 PM            |
| Reception for Law Schools' Teachers of the Year and Emeriti Faculty Members ..... | 6:30–7:30 PM       |
| School and Organization Receptions .....  | 6:30 PM            |

## Thursday, January 4, 2007

|   |                   |
|---|-------------------|
| Registration .....  | 7:00 AM–7:00 PM   |
| Exhibit Hall .....  | 8:00 AM–5:00 PM   |
| Special Meeting & Continental Breakfast for Beginning Law Teachers..... | 7:15–8:30 AM      |
| Section Programs .....  | 8:30–10:15 AM     |
| Section Programs .....  | 10:30 AM–12:15 PM |
| AALS Luncheon .....   | 12:30–2:00 PM     |
| AALS Concurrent Plenary Sessions .....                                  | 2:15–4:00 PM      |
| Section Programs .....  | 4:00–5:45 PM      |
| AALS Gala Reception - National Museum of the American Indian.....       | 7:00–9:00 PM      |

## Friday, January 5, 2007

|  |                   |
|--|-------------------|
| Registration .....                             | 7:00 AM–7:00 PM   |
| Section Breakfasts .....                       | 7:00–8:30 AM      |
| Exhibit Hall .....                             | 8:00 AM–5:00 PM   |
| Section Programs .....                         | 8:30–10:15 AM     |
| Informal Networking Sessions .....             | 8:30 AM–5:15 PM   |
| Section Programs .....                         | 10:30 AM–12:15 PM |
| Section Luncheons .....                        | 12:15–1:30 PM     |
| Section Programs .....                         | 1:30–3:15 PM      |
| Section Programs .....                         | 3:30–5:15 PM      |
| House of Representatives, Second Meeting ..... | 5:15–6:30 PM      |
| Reception for Foreign Law Teachers .....       | 6:30–7:30 PM      |
| School and Organization Receptions .....       | 6:30 PM           |

## Saturday, January 6, 2007

|  |                    |
|--|--------------------|
| Registration .....   | 7:00 AM–12:00 NOON |
| Workshop and Continental Breakfast for AALS Section Officers ..... | 7:30–9:00 AM       |
| Section Programs .....   | 9:00–10:45 AM      |

## Annual Meeting Workshop Dissects U.S. News' Ranking System Workshop on The Ratings Game

The 2007 Annual Meeting begins with two day-long workshops. On Wednesday, January 3 the Workshop on the Ratings Game examines the *U.S. News and World Report's* ranking system.

Despite avowed disapproval of ranking law schools by virtually every law school, each school and faculty member is affected by the *U.S. News* annual law school survey. The students who attend our schools base decisions on rankings. Our graduates' financial support may be influenced by their perceptions of whether our schools are getting better or worse. Employers may make decisions about whether to interview at our schools based on their understanding of the law school rankings. Like it or not, rankings are here and are influential.

The workshop is an opportunity to vent a bit about the current state of the rankings. The joy of hearing about the games (other schools?) play, gives us a chance to take the high ground (or learn some new tricks). Participants will have the chance to brainstorm during the break out session about how to improve the current system. Finally, we will explore alternatives to the *U.S. News* version of rankings and push participants to return to their home schools seeking better ways to assess their schools.

The registration fee for law teachers at AALS Member and Fee-Paid Schools to attend this workshop is included in the Annual Meeting registration fee of

---

*Despite avowed disapproval of ranking law schools by virtually every law school, each school and faculty member is affected by the U.S. News annual law school survey.*

---

\$360.00 if payment is received by November 10, 2006 or \$410.00 if received after November 10, 2006. Attendance will be on a first come, first served basis. Registration materials will be sent to your Dean in October. Also, registration and housing forms can be found at [www.aals.org/am2007/ratings](http://www.aals.org/am2007/ratings).

### Speakers

The confirmed workshop speakers include: Dorothy Andrea Brown (Washington and Lee); Pat K. Chew (Pittsburgh); Colin S. Diver (President, Reed College, Portland, Oregon); Wendy Espeland (Northwestern University, Department of Sociology, Evanston, Illinois); Joseph D. Harbaugh (Nova Southeastern); Alex M. Johnson, Jr. (Minnesota); Toni Marie Massaro (Arizona); Erica Moeser (Executive Director, National Conference of Bar Examiners, Madison, Wisconsin);

Andrew P. Morriss (Case Western Reserve); Michael Sauder (The University of Iowa, Department of Sociology, Iowa City, Iowa); Philip D. Shelton (Executive Director and President, Law School Admission Council, Newtown, Pennsylvania); Kent D. Syverud (Washington University); David E. Van Zandt (Northwestern); Anthony Eudelio Varona (American); and Diane C. Yu (Chief of Staff and Deputy to the President, New York University, New York, New York).

### Topics

Topics to be presented include:

Folklore of Rankings: Games, Morals and the Efforts of Legal Education – Report on Interviews; Rankings and Effect on Admissions; LSAT Gaming; Corrosive Effect on Moral/Core; This Isn't Going Away; We Didn't Even Bring the Box: A Roundtable Discussion on Creative Alternatives; So ... Reflections on Ranking, Ratings, Assessments and Beyond; and the Breakout Sessions: Can't Join 'Em, Beat 'Em: Building Alternatives.

### Planning Committee

Planning Committee for the 2007 Annual Meeting Workshop on The Ratings Game

Ann L. Iijima (William Mitchell); Richard A. Matasar (New York Law School), **Chair**; Nancy B. Rapoport (Houston); Richard L. Schmalbeck (Duke); and Dale A. Whitman (Missouri-Columbia).

## Annual Meeting Workshop on Remedies : Justice and the Bottom Line

The second day-long Annual Meeting workshop, the Workshop on Remedies: Justice and the Bottom Line is also on Wednesday, January 3.

This workshop offers enrichment for Remedies teachers and both enrichment and a refresher on remedies issues for teachers of any area of substantive law enforced by civil litigation or any procedural course related to civil litigation. Anglo-American law has developed a rich inventory of remedies, with more remedial choices than any other legal system. There are multiple forms of damages, of injunctions, of restitution, of declaratory remedies, of fee awards, and of contempt — and that's before we get to the strange and exotic stuff.

The bottom line of any civil litigation, in any area of the substantive law, is one or more of these remedies. The remedy is the practical payoff — what the court can do *for* you if you win, and what the court can do *to* you if you lose. Coverage pressure has reduced attention to remedies in many substantive law courses, but every teacher of such a course needs to know the remedial options available for effective enforcement of the rules he or she is teaching.

If defendant prevails there will be no remedy, but even so, defendant's practical reason for resisting plaintiff's claims is to avoid imposition of a remedy. Occasionally the parties are more interested in establishing a precedent than in immediately obtaining a remedy. But the point of the precedent is to control future litigation in which the practical payoff once again will

be the grant or denial of a remedy. A right with no effective remedy is unenforceable and largely illusory.

Political actors are well aware that one can limit substantive rights by limiting remedies. Substantially all tort reform proposals actually enacted have been limitations on remedies, and many limitations on civil and constitutional rights have taken the form of limitations on remedies. Administration of the remedy is a central problem in

---

*Coverage pressure has reduced attention to remedies in many substantive law courses, but every teacher of such a course needs to know the remedial options available for effective enforcement of the rules he or she is teaching.*

---

complex and aggregate litigation.

Most of the morning sessions of this workshop address creative solutions to the problems of administering remedies in difficult cases. The administrator of the 9/11 compensation fund, a leading class action lawyer, and a key lawyer in the Holocaust reparations litigation will lead a plenary session on creative remedies in big cases. Then each member of this panel will lead a more narrowly focused breakout session. Another morning breakout session will address pedagogical issues and the many ways of teaching the Remedies course.

The afternoon sessions will survey remedies across the curriculum, with breakout sessions on the tort reform debate, contract remedies, injunctions, and restitution. The closing plenary session will address limitations on federal remedies for violation of civil and constitutional rights.

There are topics of interest here for legal scholars in nearly every specialty, and an embarrassment of riches for many. Our excellent lineup of speakers includes both remedies specialists and scholars from other substantive fields who have thought in depth about remedies issues in their own fields.

The workshop is designed for teachers and scholars of remedies, for teachers and scholars of any area of substantive law that is enforced by civil litigation, and for teachers of civil procedure, federal courts, evidence, and other courses related to civil litigation.

The registration fee for law teachers at AALS Member and Fee-Paid Schools to attend this workshop is included in the Annual Meeting registration fee of \$360.00 if payment is received by November 10, 2006 or \$410.00 if received after November 10, 2006. Attendance will be on a first come, first served basis. Registration materials have been sent to your Dean. Also, registration and housing forms can be found at [www.aals.org/am2007](http://www.aals.org/am2007).

### Speakers

The confirmed speakers include: Adjoa Artis Aiyetoro (Arkansas, Little Rock); Alfred L. Brophy

*Continued on page 8*

## 2007 Annual Meeting Launches Open Source Programs

The 2007 Annual Meeting marks the introduction of “Open Source” programs. The concept of these programs was created by the AALS Executive Committee as an opportunity for interested groups of faculty to propose innovative programs. Faculty was asked to submit proposals in which scholars could collaborate to develop fresh ideas for an Annual Meeting program. The three proposals chosen for the 2007 Annual Meeting are: “Did the First Restatements Implement a Reform Agenda?”; “Wal-Mart: A Case Study in Interdisciplinary and Inter-Doctrinal Approaches to Legal Problems”; and “The 50th Anniversary of 12 Angry Men”.

### **Did the First Restatements Implement a Reform Agenda?** *Thursday, January 4, 2007*

The first Restatements by the American Law Institute (ALI) were surrounded by controversy from the time they began to appear in the early thirties. The criticism was of two kinds: legal realists criticized the form of the Restatements in black-letter rules of law. They claimed that the form made the Restatements horrible examples of the formalist view of the law. Another group of scholars criticized the substance of the Restatements, claiming that the ALI had abandoned its earlier purpose to reform as well as restate the law and had settled in almost all cases for simply restating the majority rule. Professor N.E.H. Hull (Rutgers, Camden) has challenged this second criticism. In her 1990 article “Restatement and Reform: A New Perspective on the Origins of the American Law Institute,” she ar-

gued that an important underlying objective of the ALI’s restatement project was law reform promoting a pragmatic, progressive agenda.

This panel will explore Professor Hull’s thesis by focusing on five of the first Restatements: those for Agency, Conflicts, Contracts, Restitution, and Torts. Each presenter will focus on one of these Restatements and discuss whether there was a reform agenda underlying that Restatement, and, if so, what it was. The discussions will necessarily include assessments of the intellectual and theoretical commitments of the academics who were Reporters for those Restatements: Francis Bohlen (Torts); Floyd Mechem (Agency); Warren Seavey (Agency and Restitution); Joseph Beale (Conflicts); and Samuel Williston (Contracts).

### **Wal-Mart: A Case Study in Interdisciplinary and Inter-Doctrinal Approaches to Legal Problems** *Friday, January 5, 2007*

Wal-Mart is the world’s largest retailer, and perhaps the largest private employer. Wal-Mart employs 1.6 million people and has 6,200 stores worldwide, including in the United States, Argentina, Brazil, Canada, China, Costa Rica, El Salvador, Germany, Guatemala, Honduras, Japan, Mexico, Nicaragua, Puerto Rico, South Korea and the United Kingdom. In addition, 138 million customers visit Wal-Mart stores every week. This enormous corporation with widespread influence has had a significant impact on American law and policy. Almost every day new legal issues involving Wal-Mart’s

actions are raised in the courts and reported by the media. This panel will explore, in an inter-doctrinal and interdisciplinary spirit, the legal issues that revolve around Wal-Mart. Scholars in various disciplines are studying Wal-Mart, but so far the multiple approaches to legal inquiry have not been synthesized. In an attempt to reflect the many facets of law and legality, this panel incorporates legal scholars, sociologists, and economists. This panel will introduce the issues raised by Wal-Mart’s business model and explore the interdisciplinary and inter-doctrinal possibilities for scholarly collaboration. The panel will cover four areas: (1) law and economics; (2) law and social policy; (3) substance and procedure; and (4) the case method as a teaching tool.

### **The 50th Anniversary of 12 Angry Men** *Friday, January 5, 2007*

The year 2007 will mark the 50th anniversary of the movie 12 Angry Men. This movie offers the only portrayal of an active jury in the history of American film-making. The movie has withstood the test of time, not only because of the great ensemble cast, but also because it portrays the jury as a group of twelve ordinary men who learn in the course of their deliberations what it means to be a jury. The learning process is not an easy one. The deliberations are marked by clashing personalities and marred by prejudice. Yet, the jurors, led by the persevering and patient Henry Fonda, eventually

*Continued on page 9*

## Annual Meeting Features AALS-Sponsored Events

The AALS Executive Committee and other Association committees are sponsoring several important programs during the 2007 Annual Meeting. Scheduled programs and events include the following:

On Wednesday, January 3, the First Meeting of the AALS House of Representatives will be held from 5:15-6:30 p.m. That evening, the AALS will host a reception for Law Schools' Teachers of the Year and Emeriti Faculty Members from 6:30-7:30 p.m.

On Thursday, January 4, AALS hosts a Special Meeting and Continental Breakfast for Beginning Teachers from 7:15-8:30 a.m. From 8:30-10:15 a.m., the AALS Committee on Research will present "Everything We Wish We Knew About the World of Legal Education: An Agenda

for Research." The Committee on Recruitment and Retention of Minority Law Teachers will present the program, "Awakening from the Dream: The New Struggle for Diversity in the Legal Academy" from 10:30 a.m. to 12:15 p.m. The AALS Luncheon is scheduled from 12:30-2:00 p.m. It is followed by three concurrent AALS Plenary Sessions from 2:15-4:00 p.m. The AALS Gala Reception at the Smithsonian's National Museum of the American Indian will be held Thursday evening from 7:00-9:00 p.m.

On Friday, January 5, the AALS Site Evaluators Workshop will be held from 8:30 until 10:15 a.m., as will the AALS Committee on Bar Admission Program which is presenting "What Law Professors and Bar Examiners Can Learn

from the Medical Profession: Measuring Professional Skills." A Joint Program of the AALS and the American Society for Reproductive Medicine – "Emerging Issues in Assisted Conception: Advances and Confusion in Family Law" will be presented from 10:30 a.m. to 12:15 p.m. From 1:30 to 3:15 p.m. the AALS Committee on International Cooperation will present "Development of International Student Exchanges." The AALS Executive Committee will present "The Future of Public Law Schools" from 3:30 to 5:15 p.m. The Second Meeting of the AALS House of Representatives will be held from 5:15 to 6:30 p.m.

On Saturday, January 6, the AALS Workshop and Continental Breakfast for the 2006 and 2007 Section Officers will be held from 7:30 until 9:00 a.m.

## Workshop on Remedies

*Continued from page 6*

(Alabama); Tomiko Brown-Nagin (Virginia); Elizabeth J. Cabraser (Esquire, Lief Cabraser Heimann & Bernstein, San Francisco, California); W. Jonathan Cardi (Kentucky); Sumi K. Cho (DePaul); Kenneth R. Feinberg (Managing Partner and Founder, The Feinberg Group, LLP, Washington, D.C.); Lucinda M. Finley (SUNY at Buffalo); Mark P. Gergen (Texas); Deborah R. Hensler (Stanford); Keith Norman Hylton (Boston University); Samuel Issacharoff (NYU); Pamela S. Karlan (Stanford); Michael B. Kelly (San Diego); Candace Saari Kovacic-Fleischer (American); Andrew Kull (Boston University); David

I. Levine (California, Hastings); Thomas W. Mitchell (Wisconsin); Burt Neuborne (NYU); Wendy Marie Parker (Wake Forest); Eva Jefferson Paterson (President, Equal Justice Society, San Francisco, California); Deborah Waire Post (Touro); Ellen S. Pryor (Southern Methodist); Robert L. Rabin (Stanford); Todd Rakoff (Harvard); Doug Rendleman (Washington and Lee); Judith Resnik (Yale); William B. Rubenstein (UCLA); David Schoenbrod (New York Law); Robert E. Scott (Columbia); Anthony J. Sebok (Brooklyn); Emily L. Sherwin (Cornell); Elaine W. Shoben (Nevada, Las Vegas); Kenneth W. Starr (Pepperdine);

Susan P. Sturm (Columbia); Tracy A. Thomas (Akron); Russell L. Weaver (Louisville); Jennifer Wriggins (Maine); and Eric Ken Yamamoto (Hawaii).

### Topics

The plenary sessions are Creative Remedies in Big Cases and Limitations on Federal Remedies by the Supreme Court and Other Actors. The concurrent sessions include: The 9/11 Fund: Sui Generis or Blueprint for the Future?; Reparations for Massive and Ancient Wrongs; Aggregate Litigation: Time to Address Remedies;

*Continued on page 9*

## 2007 Mid-Year Meeting

The 2007 AALS Mid-Year Meeting will be held from June 17–22 in Vancouver, British Columbia, Canada. This meeting offers registrants the opportunity to participate in up to three professional development programs. You can choose to register for the two workshops and/or conference. The 2007 programs are the Joint AALS and American Society of International Law (ASIL) Conference on International Law, the Workshop on Family Law, and the Joint AALS and American Society of Reproductive Medicine (ASRM) Workshop on Reproductive Medicine and Law.

### Mid-Year: Joint AALS/American Society of International Law (ASIL) Conference on International Law

The world is moving so quickly—globalization of trade, terrorist attacks, global warming, preemptive invasions, international courts springing up around the globe—and the law necessarily changes to keep up with it. No one can keep abreast of the ever-evolving face of international law, much less pause and reflect on how these developments affect the way we teach and write about it.

This conference will bring together teachers and scholars for three days of intensive discussion on how we teach and write about international law and where the field is heading. There will be plenary sessions, small group discussions, and paper presentations. The panelists, drawn from the most highly respected scholars in their various fields, will be around for

the entire conference, enabling conversations to continue long after the formal discussions have ended.

The opening panel will look at international law teaching and scholarship from the outside—economics, sociology, political science, literature—and offer comments on the academic value of what we do.

*Continued on page 12*

### Open Source Programs

*Continued from page 7*

learn to put aside prejudice and personal enmity, to piece together the evidence with a critical eye, and to deliver a verdict of not-guilty based on their reasonable doubt.

When this movie was released fifty years ago, audiences greeted it with little enthusiasm. Yet, the movie has endured and is now recognized as a classic. Even though the movie offers a fictional account, it provides a rare glimpse into jury deliberations. It continues to raise such questions as: Is this how a jury should deliberate? Is Henry Fonda an ideal juror? Is this fictional jury deliberation consistent with actual jury deliberations now that we have fifty years of empirical studies? The panel will address these and other questions.

### Workshop on Remedies

*Continued from page 8*

Perspectives: There Must be Fifty Ways to Teach a Remedies Course; Remedies Provisions of the New Restatement of Restitution; The Political and Policy Debate Over Tort Remedies; Social Inequality and Monetary Relief; What's Happening With Injunctions?; and Contract Remedies.

#### Planning Committee

The Planning Committee for the 2007 Annual Meeting Workshop on Remedies includes: Douglas Laycock (Michigan), **Chair**; Jean C. Love (Iowa); Mari J. Matsuda (Georgetown); Thomas D. Rowe, Jr. (Duke); and Catherine M. Sharkey (Columbia).

### 2006 Mid-Year Handouts Available Online

Material and handouts from the 2006 AALS Mid-Year Meeting are now available on the AALS Web site at [http://www.aals.org/events\\_2006midyear.php](http://www.aals.org/events_2006midyear.php). The meeting was held June 10–16 in Vancouver, British Columbia, Canada and included the:

- ▣ Workshop on Criminal Law and Procedure
- ▣ Workshop on Intellectual Property
- ▣ Conference on New Ideas for Law School Teachers

## Mid-Year: Workshop on Family Law: Bridging the Gap Between Social Science and Law

Family law scholars have increasingly turned to the empirical sciences in their teaching and scholarship to help define problems worthy of exploration, provide the data necessary to develop and test hypotheses, and deepen their understanding of the interaction between law, human behavior, and families. Few problems in family law do not have an empirical dimension or a set of issues that cannot be enhanced through interdisciplinary connections. This workshop addresses the growing interest in social science and family law by drawing together prominent family law scholars and some of today's leading social scientists of the family.

Among the specific topics covered by the workshop that have engaged both empirical scientists and legal scholars are child custody, the family dimensions of race and poverty, assisted reproduction, domestic violence, and the role of

courts in resolving family disputes, and dispute resolution alternatives to the judicial process. How important is it for a child to maintain a relationship (an equal relationship?) with both parents after a divorce? What custody rules should apply when one parent relocates to another state? What is parental alienation and how should courts respond to charges of it? What determines the stability, or fragility, of families, and what role can and should the law play in making families more stable? What problems do physicians encounter in their assisted reproduction practices to which the law should have better answers? What does the empirical data that might help the law solve issues of defining parenthood outside the conventional reproductive context? Do domestic protection orders work? Are children, and battered parents, adequately protected by current law? When does

mediation work, and when should it be mandatory? Are parenting plans the answer? What role can special family courts play? As to each of these and other questions, social scientist researchers will join with legal scholars to discuss the most recent empirical research in the area and its implications for family law.

In addition to providing empirical data and insight about its relevance to family law, the conference will provide sessions to help family law professors develop greater empirical sophistication in their own research. One panel of family law professors who have done empirical research will discuss how they developed and supported their empirical projects. In addition, a law professor/social scientist with experience in the grant-making world will discuss how to define manageable, fundable topics and approach potential funders.

---

## Mid-Year: Joint AALS/American Society of Reproductive Medicine (ASRM) Workshop on Reproductive Medicine and Law

After more than two decades, assisted reproductive technologies coupled with increasingly sophisticated prenatal diagnostic techniques still raise a host of vexing questions for families, scholars, and legal and medical practitioners. Who gets access to these technologies, and why? Money is important as well as all sorts of judgments about who is "fit" to parent, whether on the basis of age, race, marital status or sexual orientation. Scholars from a

variety of cross cultural, feminist, religious, and race perspectives have explored the social implications of the increasing array of choices. Questions increasingly arise about the role of state and professional regulation of these practices, and different countries have taken dramatically different approaches. The implications of ART and its use and control are far broader, shedding important light on views of the families, the practice of medicine,

and the roles of different perspectives and beliefs in our society and our world. All these issues will be discussed during the workshop.

What makes this workshop, which is sponsored jointly by the AALS and the American Society of Reproductive Medicine, unique is that it brings together a distinguished faculty of leading medical practitioners and legal scholars who have explored these issues

*Continued on page 11*

## Workshop on Clinical Legal Education Challenges Assumptions

May 3-6, 2007, New Orleans, Louisiana

We have created a clinical Workshop somewhat different from what you may be expecting. Our focus, from the beginning to the end, is to Challenge Assumptions. We spend so much of our time as clinical professors encouraging our students to challenge their assumptions—about clients, courts, justice, and even themselves. Yet sometimes it is difficult for us to remember to do it—even though we know it is fundamental to our success as clinical professors (and probably to our happiness on the job). At this Workshop we will be challenging our own assumptions—about how we see the world, about how we teach, and even about what we teach.

As a part of this process we will ask ourselves difficult questions:

- Who should we be representing—individuals or groups? people living in poverty or middle-class individuals? local clients or global communities?
- How should we advocate for our clients—litigation? legislation? policy change? community economic development?
- What choices do we make about serving more students—increase our supervision load? hire staff attorneys or fellows? increase externship opportunities? develop simulation courses?
- Why do we do what we do—to achieve social justice? to teach our students to be better lawyers?
- How do we make trade-offs in our own careers—to balance the

demands or desires to write, to teach new clinics or non-clinical courses, to serve the law school and the greater community? to spend time with our friends and families?

We will be bringing in an outside expert to help us in this process—someone who knows about education and about social change. Of course, we also will be relying on our own home-grown talent—both more experienced faces and newer ones—to guide us. And, we will be very conscious of our location in New Orleans—learning from the experiences of our colleagues and their clients, trying to give back in some small way, and enjoying JazzFest, the City's annual music festival.

---

### Reproductive Medicine

*Continued from page 10*

over the years. Each session will include both law professors and physicians who will engage with each other and with the participants in a dialogue that promises to be both provocative and to provide new perspectives on these issues.

In addition, this workshop is being held contemporaneously with the Family Law Workshop. A highlight will be a plenary session for both meetings that focuses on different perspectives on family formation with presentations on the issues that physicians encounter, a family law perspective, gay and lesbian issues, and religious perspectives, focusing on Islam. Attendees of the workshops will be free to participate in each others sessions.

### Strengthening Scholarship

*Continued from page 2*

Finally, 60 percent said professors should spend more time teaching and less time doing research.

The results reported in the paper need to be placed in context. They are based on only one telephone survey. Nonetheless,

they suggest that we academics have done a fairly poor job of explaining either the value of scholarship or the relationship between tenure, academic freedom and effective teaching and research.

---

<sup>1</sup>354 U.S. 234, 250 (1957).

<sup>2</sup>AAUP Press Release, June 8, 2006, <http://www.aaup.org/newsroom/press/2006/peceptions.htm> contains a link to the paper in PDF format.

<sup>3</sup>Working Paper at 3.

<sup>4</sup>Unfortunately, the definition did not suggest that there were standards that had to be met to earn tenure nor was any link made to scholarship. The definition provided was:

Let me give you a definition of tenure. In most American colleges and universities, professors are eligible for permanent or continuous appointments after a probationary period of about seven years. These appointments are called tenure, and once tenure is granted, professors usually can be dismissed only for serious misconduct or incompetence.

<sup>5</sup>Working Paper at 13.

<sup>6</sup>Id. At 14.

## International Conference

*Continued from page 9*

Other panels will critique international law scholarship from a variety of perspectives, consider the future of the core international curriculum in the face of increasing specialization, and discuss the teaching of ethics and the ethics of teaching international law, especially in clinical settings. The call for papers will especially encourage younger members of the profession to introduce new faces and new ideas to the academic community.

Teachers of other subjects can benefit as well. The internationalization of the legal profession has reached the classroom. Globalizing the law school curriculum has meant not only adding courses and specializations in international law, but adding international and comparative components to core subjects or, even better, approaching them from a wider perspective. More and more, international law is becoming relevant to domestic law as Congress and agencies enact legislation and regulations implementing international obligations, as domestic law must reflect the reality that it is applied more and more in transnational contexts. It is becoming harder to find a field of trade or legal practice unaffected by international commerce, foreign competition law, and international financial and trade regulation. An intensive exchange with international legal teachers and scholars will suggest ways of incorporating international law—or insights gleaned from it—into other courses.

## aalscalendar

### Upcoming Meetings and Events

#### November 2 – 4, 2006

- Faculty Recruitment Conference, Washington, DC

#### January 2 – 6, 2007

- Annual Meeting, Washington, DC

#### May 3 – 6, 2007

- Workshop on Clinical Legal Education New Orleans

#### June 17 – 22, 2007

Mid-Year Meeting  
Vancouver, British Columbia, Canada

- June 17–20, 2007  
Joint AALS and American Society of International Law Conference on International Law
- June 20–22, 2007  
Workshop on Family Law: Bridging the Gap Between Social Science and Law
- June 21–22, 2007  
Joint AALS and American Society of Reproductive Medicine Workshop on Reproductive Medicine and Law

#### June 27 – 28, 2007

- Workshop on Thriving and Surviving the Academy: Concrete Steps for People of Color and Their Law Schools  
Washington, DC

#### June 28 – 30, 2007

- Workshop for New Law Teachers  
Washington, DC

#### June 30 – July 1, 2007

- Workshop for Beginning Legal Writing Teachers  
Washington, DC

#### October 25 – 27, 2007

- Faculty Recruitment Conference, Washington, DC

### Future Annual Meeting Dates and Locations

- January 2 – 6, 2008, New York
- January 7 – 10, 2009, San Diego



Association of American  
Law Schools

#### AALS

1201 Connecticut Avenue, N.W.  
Suite 800  
Washington, D.C. 20036-2717  
PHONE 202.296.8851  
FAX 202.296.8869  
WEB SITE [www.aals.org](http://www.aals.org)