

SYLLABUS

American Bar Association Section of Legal Education and Admissions to the Bar

Martin, Martin & Martin Triplets Pass Mississippi Bar Exam

By Deidra Jackson



(l-r) Warren, Deshun, and Kenya Martin
Photo courtesy of Kevin Bain/Imaging Services

Three brothers, triplets actually, who collected their law diplomas at the University of Mississippi in Oxford last spring, have the potential to set the world on fire, say their mentors and former professors. When they do, Mississippi will have a ringside seat.

Kenya, Deshun, and Warren (Jr.) Martin, all 26, plan to stay right where they were born and reared to launch law careers in arguing cases and instructing would-be law students. After becoming the first triplets to graduate from UM and, subsequently, pass the Mississippi Bar Exam on their first try, the trio have already begun charting exciting courses from which sparks may fly.

Kenya is a staff attorney with

Watkins, Ludlam, Winter & Stennis, PA, the state's second-largest law firm; Warren will clerk for Mississippi Supreme Court Justice James E. Graves Jr. and teach law to undergraduates at Jackson State University; and Deshun is a special assistant attorney general (SAAG) in Mississippi.

"I want to go to court every day, and I want to learn the law," says Deshun, the "oldest" of the triplets. "I'm ready for the opportunity to effect change in my community."

Kenya says he is ready to accept the challenges that lie ahead: "I have been well prepared by the university. I don't think [my career] will be a test to prove myself. I see it as more of a transitional period."

Jackson lawyer Brad Pigott of Pigott, Reeves, Johnson & Minor, PA, says he knows the Martin triplets are destined to do "great things." Pigott met the triplets when Deshun clerked for the former U.S. attorney's firm. "They're awe-inspiring, enthusiastic, and just want to be good lawyers," he says of the three, who ranked at the top of their 2001 graduating

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Proposed Revision of Chapter 4 of the Standards

In December 2004, the Council of the Section of Legal Education and Admissions to the Bar approved for notice and comment substantial revisions to Chapter 4 (Faculty) of the *ABA Standards and Rules of Procedure for Approval of Law Schools*. These proposals are reported in this issue and available on the Section's Web site at www.abanet.org/legaled.

The Council and the Standards Review Committee solicit comments on these revisions, by letter, e-mail or through appearances at the hearings that will be conducted by the Standards Review Committee during 2005. Hearings have already taken place during the AALS Annual Meeting in January and at the ABA Mid-year Meeting on February 10. A third hearing will take place during the

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From the CHAIRPERSON

By Honorable Elizabeth B. Lacy

Every year around the second week in October, the atmosphere on the fourth floor of the Virginia Supreme Court building undergoes a decided transformation. The fourth floor is the floor that houses the justices and their law clerks and the week is the week in which the Virginia Board of Bar Examiners releases the results of the July Bar Examination. Before the Board of Bar Examiners began posting the results on the Internet about a year ago, the clerk of the supreme court was the first person to receive the bar examination results and, conse-



quently, the phone calls and emails to the Justices' law clerks reached record numbers. Even without the multitude of phone calls, the demeanor of

the law clerks in that October week—ranging from frenetic activity to catatonic paralysis—continues to signify that THE DAY was near. Neither class rank nor the reputation of a law clerk's law school is sufficient to alleviate anxiety levels. No reassuring words from the justices or other staff members can deflect the anxiety of the law clerks.

The anxiety associated with bar passage is not limited to the test takers. Law schools, of course, are concerned about the success of their graduates. Beyond the fate of individual students, bar passage rates affect

the attractiveness of a law school to potential students, and, lest we forget, the bar passage rate can effect a law school's "rank."

Moreover, a law school's bar passage rate also is implicated in the accreditation process. Standard 301 requires a law school to "maintain an educational program that prepares its students for admission to the bar."

Interpretation 301-3 specifically identifies bar passage rates of a law school's graduates as a factor to be considered in assessing the extent to which a law school complies with Standard 301.

The high stakes attaching to the bar examination would lead an outside observer to assume that the bar examination separates those law graduates who possess sufficient knowledge and experience to practice law without supervision from those who have not. While passage may endow the successful test taker with the right to practice law, few in the profession equate bar passage with competence to practice law. While some employers require applicants to be licensed as a prerequisite to employment consideration, most employers of newly graduated law students extend employment offers long before the student has taken and passed the examination. Hiring decisions are made based on a variety of factors—the needs of the employer, the grades of the applicant, rank in class, law school attended, prior work or internship experience and others—none of which relate to perceived competence based on bar passage. Members of the profes-

sion and legal educators have for the past decade acknowledged that skills training is an essential to producing a competent lawyer and, according to a recent study of law schools' curricula by the Section's Curriculum Committee, has been incorporated into the curriculum of virtually all ABA-approved law schools; however, only a handful of states include any type of performance or skills testing as part of their bar examination. Finally, the anecdotal evidence seems to show that, regardless of the law school, bar passage is significantly affected by whether the applicant took some type of bar review course.

At this point, readers may think that my next paragraph will advocate eliminating the bar examination. Not so. While that suggestion certainly has been advanced and debated in various venues, there is no indication in any quarter that the bar examination will be scrapped by any jurisdiction, and I do not advocate that it be scrapped. The bar examination, if not a definitive indicator of an applicant's knowledge of the law and the law of a particular jurisdiction, is *one* indicator. And it is the only barometer to which all applicants seeking to practice law in a particular jurisdiction are subjected, regardless of their educational background. Successfully exhibiting such knowledge as a prerequisite to practicing law within a specific jurisdiction is a legitimate role of the bar examination. Finally, a comprehensive review of the law is a positive exercise for the applicant, regardless of the law school attended or the future employer.

Continued utilization of the bar examination as a licensing and accreditation tool, however, requires a number of things. First, the examinations administered across the country must be

fair and test that which is relevant to the practice of law in an accurate manner. To serve their students, law schools must be cognizant of relevant bar examinations and devote resources to ensure that their students can meet the demands of a bar examination. This includes not only the requisite learning experience in the curriculum, but also providing information about the bar examination, including the character and fitness requirements, early in a student's law school career and sufficient academic support and advisement regarding the bar examination.

The accreditation process must understand the information bar passage rates provide and properly use such information. For example, the bar passage rates reported to the ABA and used in the accreditation process are limited to the bar passage in a jurisdiction in which a representative number of graduates take the bar. Thus, the bar passage rate does not reflect the education provided graduates who do not take the bar because it is not needed for employment, or that of graduates taking a bar in another jurisdiction; nor does the statistic show the ultimate passage of graduates by year if taking more than one examination. Nevertheless, if a significant number of a law school's graduates do not pass the bar examination, the quality of the educational program that its students are purchasing is questionable.

Accreditation of law schools includes both the evaluations made by the Accreditation Committee based on site reports and the adoption of the accreditation standards applied in the process. While bar passage rates have long been used as an indicia of the quality of the education provided by a law school, the standards until now did not allow a law school to directly address the bar examination in a

credited course. The ABA House of Delegates will soon vote on a new *Interpretation 302-7* that allows a law school to offer a non-required bar review course for credit. This change is not a suggestion that law schools "teach to the bar examination" but a recognition that such courses can add substantive value to a legal education that should enable students to pass a bar examination.

Although there is good reason to use a bar examination as a gatekeeper to the profession, continued attention by the constituent groups to their role vis-a-vis the bar examination is essential. In the past such attention has been undertaken within the specific sphere of each constituent group. This past year, however, the Section, along with the law schools through the American Association of Law Schools, the Conference of Chief Justices, and the National Conference of Bar Examiners sponsored or participated in a convocation focusing on the bar examination. Through the work of a steering group known as the Joint Working Group on Legal Education led by Mary Kay Kane, chancellor and dean of the University of California Hastings School of Law, a program addressing a wide range of topics relevant to admission to the bar was presented. The article on page 9 in this issue reports in more detail on the proceedings of that event.

Suffice it to say, that over the course of two days, approximately 190 persons representing these various constituencies came together to exchange and explore perspectives on the bar examination. The exchanges were frank, sincere, and sometimes at odds. But the discussion began. Participants heard, in some cases for the first time, the practical and ideological underpinnings of a

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SYLLABUS

Volume 36, Number 2 • February 2005

Editor: Joseph Puskarz

Designer: Sonya Taylor

The Section of Legal Education and Admissions to the Bar publishes *Syllabus* three times a year. Opinions and positions stated in individual articles are those of the authors and not necessarily those of the American Bar Association or members of the Section of Legal Education and Admissions to the Bar.

The editor reviews all manuscripts, and those accepted become the property of the American Bar Association. Manuscripts or letters may be submitted to the editor, Joe Puskarz, American Bar Association, Legal Education and Admissions to the Bar, 321 N. Clark St., Chicago, IL 60610

Change of address should be sent to Member Services Division, American Bar Association, 321 N. Clark St., Chicago, IL 60610. Please include mailing label.

The price of an annual subscription to members of the Section of Legal Education and Admissions to the Bar is included in the dues. Subscriptions to nonmembers are \$15.

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From the CONSULTANT

By John A. Sebert, Consultant on Legal Education

Diversity in Legal Education: The Good and Not-so-Good News

As we enter the second half of the first decade of the 21st century, it is appropriate to take stock concerning the progress that has been made, and that still needs to be made, in expanding the diversity of the law school world. Enhancing that diversity, and thus producing important benefits for the quality of the law school experience and the composition of the legal profession, has long been one of the fundamental objectives of the



Council and the Section of Legal Education and Admissions to the Bar.

Diversity in the Deanship

Women now comprise by far the largest

portion ever of deans of ABA-approved law schools. As of the fall of 2004, there were 35 women deans at the 188 ABA-approved law schools, comprising 19 percent of the deans. In the fall of 2000, there were 20 women deans (11 percent) at the 183 ABA-approved law schools.

The percentage increase in minority deans has been similar, though from a smaller base. In the fall of 2000, 11 persons of color were deans at the 183 schools, comprising 6 percent of the deans. As of the fall of 2004, 22 persons of color were deans of the 188 ABA-approved law schools, thus doubling to 12 percent the portion of law schools

whose deans were members of minority groups.

Diversity in the Faculty

Most of the gains in the gender diversity of law school faculties were achieved in prior decades. In the fall of 2000, women represented 30.5 percent of full-time faculty (1,766/5,794). Those data include without differentiation all full-time faculty, including both those having substantial job security (tenured, tenure-track and long-term contract) and those without substantial job security. By the fall of 2004, the percentage of women in all full-time faculty positions had increased to 36.8 percent (2,802/7,615). Women represented a somewhat smaller portion—34.2 percent (2,173/6,345)—of those full-time faculty with tenure, on tenure-track, or with long-term contracts.¹ On the other hand, in the fall of 2004 women comprised 62 percent (409/662) of full-time faculty who do not have substantial job security.²

In the years since 2000, there has been a measurable increase in the percentage of persons of color in full-time faculty positions. As of the fall of 2000, minorities represented 13.9 percent (807/5,794) of the full-time professorate. By the fall of 2004, persons of color comprised 16 percent (1,014/6,345) of those holding tenured, tenure-track or long-term contract positions at ABA-approved law schools. The proportion of minority persons holding faculty appointments that did not have substantial job security was similar—15.2 percent (101/662).

It should be noted that law fac-

ulties appear to be more diverse than is the legal profession as a whole. Census data for 2000 indicate that, as of that year, 27 percent of the legal profession were women and 11 percent were persons of color.³ Other more recent data from NALP indicate that only 4 percent of law firm partners nationwide were persons of color. On the other hand, the demographics in corporate counsel offices much more closely approach that of law faculties, with 32 percent of lawyers in corporate counsel offices being women and 13 percent being persons of color as of 2003.⁴

Diversity in the Student Body

At the turn of the century, it was expected that women would soon comprise more than half of entering J.D. students. In the fall of 2000, women represented 49.4 percent of entering first-year students, the highest percentage ever, and women were 48.4 percent of total J.D. students. Over the last four years, however, there has been a huge increase in the number of applicants to ABA-approved law schools, from 74,550 applicants for the fall of 2000 to 100,604 applicants for the fall of 2004 (exceeding the previous high mark of slightly over 100,000 for the fall of 1991). Over the period between 2000 and 2004, the increase in male applicants outpaced the increase in female applicants, contributing to a slight reduction in the percentage of women in our law school student bodies. For the fall of 2004, 47.5 percent of first-year matriculants were women, and women represented 48 percent of total J.D. enrollment.

For persons of color, the story since 2000 has been one of stability in the proportion of J.D. enrollment and some increase in the total number of minority J.D. students. In the fall of 2000,

there were 9,335 minority first-year students, representing 21.5 percent of the class, and 25,753 total minority J.D. students (20.6 percent of total J.D. enrollment). This past fall, there are 10,476 minority first-year students, which represent a slight increase to 22.3 percent of the first-year class. Total minority enrollment was 29,536, or 21 percent of total J.D. enrollment.

The data above indicate a relatively stable percentage in minority enrollment and an absolute increase in minority J.D. enrollment of over a thousand students in the first year and over four thousand total. When one looks at African-American enrollment, however, the picture is markedly different.

During the first four years of this decade, there was a considerable increase (25 percent) in African-American law school

applicants, from 8,503 for the fall of 2000 to 10,674 for the fall of 2004, but that increase did not match the 35 percent increase in the overall applicant pool. More troubling is the fact that there was almost no increase in the number of African-American first-year matriculants (3,096 in fall 2000, and 3,101 in fall 2004), despite the fact that overall first-year enrollments increased dramatically, from 43,418 in the fall of 2000 to 48,239 in the fall of 2004. Thus over the four-year period the percentage of African-Americans in our law school first-year classes has declined from 7.1 percent to 6.4 percent.

Observations

As my friends in the law and economics community would say, this essay is intended to be descriptive and not normative. It is, in particular, not intended to suggest any

specific new action of a regulatory nature. But I hope the data presented do demonstrate the respects in which there has been some meaningful progress in diversifying the law school community, and some of the areas to which greater attention might be paid if additional progress is to be achieved over the next few years. 🏠

Notes

1. The 2000 data do not indicate what portion of female full-time faculty were tenured, on tenure-track or had long-term contracts.

2. All of these faculty data exclude deans and associate or assistant deans. These data also exclude visiting faculty (who may or may not hold tenured or tenure-track positions on other faculties), but the data on total full-time faculty include visitors.

3. American Bar Foundation, *The Lawyer Statistical Report: The U.S. Legal Profession in 2000*.

4. American Corporate Counsel Association

FROM THE CHAIRPERSON

Continued from page 3

constituency's action—be it test design, test grading, or curriculum design. Ideas were advanced and discussed ranging from regional and national bar examinations, alternative examinations that include public service practice components, to redesign of the bar examination along the model of the medical examination that would include evaluation of clinical skills. Some of these proposals are already underway or under consideration in some jurisdictions. Whether any or all of these ideas are worthwhile or will bear fruit is yet to be seen. But the dialogue begun between these various groups in Chicago should be continued. These discussions can provide significant value to bar examiners, test takers, bar licensing authorities, law schools and those of us charged with accrediting law schools both in designing and using bar examination data.

It is my hope that the Section can provide support to this continuing dialogue. Our Section's mission, as

our name reflects, goes beyond accreditation. It is the Section of Legal Education and Admissions to the Bar. Our Bar Admissions Committee, always an active committee, includes members of the academy, practicing bar, judiciary and bar examination community. If nothing more, this committee can serve as a home or clearing-house for continued dialogue. The Council is seeking to increase participation in the Section by the bar examination community, which in most jurisdictions includes many practicing lawyers and judges. I hope these efforts will enhance the work of the Joint Working Group and our sister organizations in this endeavor.

The products of these discussions and exchanges will not eliminate the atmosphere of anxiety on the fourth floor of the Virginia Supreme Court building during the second week in October, but they can help to ensure that the anxiety is attached to an exercise that is fair and meaningful in its content and application. 🏠

**For the latest Section news, events, publications and more,
visit the Section's Web site at: www.abanet.org/legaled**

Statistical Digest:

Enrollment at ABA-Approved Law Schools Increases 2 Percent

By David Rosenlieb, Data Specialist



The Section of Legal Education and Admissions to the Bar recently released the statistics for student enrollment in Juris Doctor programs at 188 ABA-approved law schools. The overall fall 2004 J.D. enrollment increased to 140,376 students, compared to 137,767 students in the fall 2003—an increase of 2,700 students.

The following charts are comparisons of fall 2003 and 2004 enrollment at 188 ABA-approved law schools. The data are taken from Part 2 of the ABA Annual Questionnaires from 2003 and 2004.

Males comprise 52 percent of the J.D. enrollment for 2004 while females comprise 48.0 percent.

Males comprise 52.5 percent of the first year

enrollment for 2004 while females comprise 47.5 percent. In 2003, males comprised 52.2 percent of the first year enrollment while females comprised 47.8 percent.

The law schools in Puerto Rico were not included in the minority enrollment counts. In 2004, minorities comprised 21 percent of total J.D. enrollment. In 2003, minorities comprised 20.6 percent of total J.D. enrollment.

In 2004, minorities comprised 22.3 percent of first year enrollment. In 2003, minorities comprised 21.6 percent of first year enrollment and in 2002 minorities comprised 21.1 percent of first year enrollment.

This information was included in the 2004-05 Statistical take-off reports, which was mailed in early February. 🏠

Table 1: Total Law School Enrollment

	2004	2003	Net Change	Percent Change
Total Law School Enrollment	148,169	145,088	3,081	2.1 percent
Total J.D. Enrollment	140,376	137,676	2,700	2.0 percent
Total First Year Enrollment	48,239	48,867	-628	-1.3 percent

Table 2: Total J.D. Enrollment

	2004	2003	Net Change	Percent Change
Total Male J.D. Enrollment	72,938	70,649	2,289	3.2 percent
Total Female J.D. Enrollment	67,438	67,027	411	0.6 percent
Total Male First Year Enrollment	25,335	25,499	-164	-0.6 percent

Table 3: Total Minority Enrollment

	2004	2003	Net Change	Percent Change
Total Minority J.D. Enrollment	29,536	28,346	1,190	4.2 percent
Total Minority First Year Enrollment	10,743	10,476	267	2.5 percent

Section Staff Changes

The Section is pleased to announce the promotion of **Christina D. Williams** from Section receptionist to accreditation assistant. Christina joins Cathy Schrage, executive assistant for accreditation, in organizing the materials and agendas for the Accreditation Committee, processing Committee letters, assisting site evaluation teams in their work, and assisting school's in participating in the site evaluation process.

"Christina brings a tremendous wealth of knowledge and experience regarding the accreditation project to her new position as accreditation assistant," said Cathy Schrage, executive assistant for accreditation. "We are especially delighted that she will be contributing her fine organizational talents and excellent administrative skills to assist the operation of our Accreditation Committee."

Beverly Holmes joined the Section staff on November 22, 2004, as receptionist. Beverly has extensive prior work experience as an office manager and administrative assistant, including three years with the ABA Center for Continuing Legal Education from 1998 through 2001. The receptionist is a key front-line member of the staff who, among other things, handles a myriad of questions about law schools and law school accreditation from current and prospective law students and members of the public.



(l-r) Christina Williams and Beverly Holmes.

Two New Members Fill Council Positions

Dean John O'Brien of New England School of Law and Professor Rennard Strickland of the University of Oregon School of Law, were recently elected to serve on the Council from January 1, 2005, through the ABA Annual Meeting in August 2005.

Professor Judy Areen has been nominated to serve as president-elect of the Association of American Law Schools and Professor Michael Olivas has been nominated as a member of the AALS Executive Committee. Because the AALS has a policy prohibiting members of the AALS Executive Committee from simultaneously serving on the boards of other legal education organizations, both Judy and Michael have had to resign from the Council of the Section of Legal Education and Admissions to the Bar effective January 1, 2005. The Section appreciates the excellent service that each has provided on the Council and wish them every success in their new roles with the AALS.

John O'Brien has been dean of New England

School of Law since 1988 and has served as chair of both the Accreditation Committee and the Independent Law School Committee of the American Bar Association's Section of Legal Education and Admissions to the Bar. Before serving as chair of the Accreditation Committee, he was involved in the accreditation process, serving as special fact-finder and as both member and chair of law school site evaluation teams.

Rennard Strickland is Phillip H. Knight Professor of Law at the University of Oregon School of Law. He served as dean at three law schools (Southern Illinois, Oklahoma City and most recently, Oregon) and has served on the governing groups of the Association of American Law Schools (President), the Law School Admission Council (Chair) and the Society of American Law Teachers (Board Member). He has served on site visit teams for more than 30 years, as well as served on a number of Section committees. 🏠

Kutak Committee Seeks Nomination for 2005 Award

The Section's Kutak Committee invites suggestions of individuals whom it should consider for the Kutak Award in 2005.

The annual Robert J. Kutak Award is given to an individual who has met the highest standards of professional responsibility and has demonstrated substantial achievement toward increased understanding between legal education and the active practice of law. The Honorable

Harry T. Edwards was the recipient of the award in 2004. The 2005 Kutak Award will be presented in August at the ABA Annual Meeting in Chicago, IL.

Even though the Committee expects to receive suggestions about a number of highly qualified individuals, it can recommend only one name for recognition by the Council. Recommendations received for the 2005 award will be carried forward for consideration in future years.

Nominee suggestions must be received by April 1, 2005, to one of the following people:

Committee Chairman,
Professor Emeritus Talbot D'Alemberte, Florida State University College of Law, 425 W. Jefferson Street, Tallahassee, FL 32306.

Carl Brambrink, director of operations, American Bar Association, 321 N. Clark Street, Chicago, IL 60610 or via e-mail cbrambrink@staff.abanet.org. 🏠

UPCOMING CONFERENCES

LAW SCHOOL DEVELOPMENT CONFERENCE: JACKSON HOLE

May 31-June 3, 2005 • Jackson Lake Lodge, Jackson, WY

The eighth annual conference for law school deans and senior development and alumni relations' officers is scheduled for May 31-June 3, 2005. The conference will take place at the Jackson Lake Lodge in Grand Teton National Park, Wyoming. Dean Patrick Hobbs of Seton Hall University School of Law and Professor David H. Ibbeken of the University of Virginia School of Law co-chair the planning committee.

Online registration is open at www.abanet.org/legaled, along with agenda and accommodation information. The conference fee is \$575.

LAW SCHOOL FACILITIES CONFERENCE: BRICKS, BYTES AND CONTINUOUS RENOVATION

March 23-25, 2006 • Seattle, WA

Save the date for the next *Bricks & Bytes* conference scheduled for March 23-25, 2006, in Seattle, WA. The conference will focus on the newest technology in legal education with current state-of-the-art thinking in design and construction of law school buildings. Associate Dean Penny A. Hazelton chairs the Law School Facilities Committee. Forthcoming information will be available on the Section Web site at www.abanet.org/legaled.

Report on the Fall 2004 Conferences

On October 1 and 2, 2004, approximately 190 representatives from law schools, the bench and bar gathered in Chicago for **“Examining the Landscape of Legal Education and Bar Admissions,”** a conference of the Joint Working Group co-sponsored by the American Bar Association Section of Legal Education and Admissions to the Bar, the Association of American Law Schools, and the National Conference of Bar Examiners, with participation by the Conference of Chief Justices.

The conference was the central project of the Joint Working Group that was formed to expand and enhance the examination of issues related to admission to the bar. It was hoped that the conference would build bridges of communication among the disparate groups represented, in particular to facilitate dialogue between those who educate lawyers, and those who administer admission to the bar and oversee the practice of law.

Honorable Randall T. Shepard, chief justice of the Supreme Court of Indiana, opened the program with thought-provoking overview of issues to be examined during the two days of the program.

An informative series of presentations and robust discussion followed dealing with topics such as the purpose of bar exams, techniques to ensure fairness, setting scores, licensing alternatives, and lessons from other professions.

Frankness and candor marked the public comments and small

group discussions. While strongly differing points of view were expressed and general agreement on controversial topics was not reached, many felt that important conversations were begun; conversations that will continue on the state and local level and that will be expanded and refined in the future.

One place that the conversations will continue is in the Bar Admissions Committee of the Section. Many members of the Committee attended the conference, and at its meeting in October 2004, initial steps were taken to capitalize on the engagement stimulated by the conference.

The Technology Committee of the Section of Legal Education and Admissions to the Bar, chaired by Dean Thomas Galligan, Jr., University of Tennessee College of Law, sponsored **“Pedagogy to Practice: Maximizing Legal Education with Technology”** a national conference held at Rutgers Newark School of Law on October 15-16, 2004.

The conference focused on how today’s students learn, how technology is being used in law schools to improve learning, how technology is being used in practice and what skills students will need to practice in today’s computerized courtrooms.

The keynote speaker addressed two topics, how students learn and what skills they need to practice today’s hi-tech environment. Professor Barbara Glessner-Fines (University of Missouri-Kansas City), discussed “learning as a social process not just a transfer process.” She reminded attendees

that good teaching builds on what students already know and that in the area of technology, this generation of law students values “immediate connectivity and active experiential collaboration.”

The Honorable Kathleen O’Malley, United States District Court, Northern District of Ohio, presented the second keynote topic, “Technology and Practice,” where participants learned about advances in federal practice that included e-filing, electronic discovery, document exchanges by CD-Rom and service by e-mail. Judge O’Malley reported that today’s hi-tech courtroom might include, document cameras, witness cameras, jury boxes with LCD screens, video conferencing and real-time transcripts. Over the last ten years, there’s been considerable growth in the use of technology in federal litigation and Judge O’Malley invited law schools to integrate more in their classrooms on these advances and procedures.

Participants also explored how technology can improve clinical education and legal writing opportunities by learning more of Columbia’s clinic, “Lawyering in the Digital Age” and Seattle’s paperless legal writing program. Finally, conference goers were treated to a presentation included by video conferencing from Professor Paul Maharg from the University of Strathclyde-Glasgow, Scotland, on the use of Web-based simulations in student ‘virtual firms’ from the Glasgow Graduate School of Law. 🏠

Suggestions for Council Nominations Solicited

The Section's Nominating Committee, chaired by Provost E. Thomas Sullivan, University of Minnesota, invites suggestions of individuals whom it should consider for nomination for positions on the Council of the Section of Legal Education and Admissions to the Bar. Other Nominating Committee members include: Hulett H. Askew, Esq.; Professor Margaret Martin Barry; Professor Catherine Carpenter; Honorable Christine M. Durham; J. William Elwin, Jr., Esq.; President and Dean Thomas F. Guernsey; Nancy M. Neuman; Pauline A. Schneider, Esq.; Honorable Gerald W. VandeWalle.

The Nominating Committee nominates Section officers and Council members for election at the Section's August meeting in Chicago, IL. Among the positions that may be open for nominations are: vice-chairperson, secretary, a number of Council members-at-large (including some public members who are not employees of ABA-approved

law schools and are not members of the ABA), and one Section delegate to the ABA House of Representatives. Council members-at-large serve three-year terms. Nominees should have extensive experience in legal education, bar admissions, or law school accreditation.

Send nominee suggestions to one of the following persons:

1. Provost E. Thomas Sullivan, University of Minnesota, 234 Morrill Hall, 100 Church Street, S.E. Minneapolis, MN, 55455. E-mail: sulli059@umn.edu

2. Consultant John A. Sebert, American Bar Association, 321 N. Clark Street, 21st Floor, Chicago, IL 60610. Email: sebertj@staff.abanet.org.

Recommendations must be received by March 15, 2005, and should describe the activities that especially qualify the person for membership on the Council. 🏠

Chair-Elect Seeks Nomination Suggestions

Dean Steven R. Smith of California Western School of Law and chair-elect of the Section of Legal Education and Admissions to the Bar, is seeking suggestions for membership to the following Section committees. Committee appointments are to begin in 2005–2006.

The chairperson seeks committee membership from three components of Section membership: legal educators, practicing lawyers and judges. The Section provides a wide range of services to legal education and the profession. Much of this service emanates from the work of the committees of the Section.

Expression of interests and suggestions should be sent and received by April 1, 2005, to one of the following:

Consultant John A. Sebert
American Bar Association
321 N. Clark Street, Chicago, IL 60610
E-mail: sebertj@staff.abanet.org.

Chair-elect Dean Steven R. Smith
California Western School of Law
225 Cedar Street, San Diego, CA 92101
E-mail: srs@cwsl.edu

- ❖ Accreditation
- ❖ Adjunct Faculty
- ❖ Bar Admissions
- ❖ Clinical and Skills Education
- ❖ Communications Skills
- ❖ Curriculum
- ❖ Diversity
- ❖ Governmental Relations and Student Financial Aid
- ❖ Graduate Legal Education
- ❖ Law Libraries
- ❖ Law School Administration
- ❖ Law School Facilities
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TRIPLETS JUMP

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class at JSU. “There are a lot of us in the Jackson area who are proud of them and what they’ve done. Their enthusiasm, diligence, spark of personality, and good minds are a good combination for practicing law.”

The Martin triplets are following the legacy begun by their older brother Precious, a 1997 UM law school alumnus and partner with Byrd, Gibbs and Martin of Jackson. (Rounding out the family is oldest sibling, Ivan of Jackson, who works in construction.)

UM law professor John Bradley, who taught Precious Martin and the triplets, says that having them in his corporations class revealed just how curious and interested students can be. “They’re people with high ideals and high expectations in themselves, not necessarily to prove to others, but to themselves,” he says. “I knew from how they responded in class that they’re going to utilize [their educations] fully. They all are students whom a professor will try to do his best for—they’re worth it.”

Used to the attention that triplets ordinarily attract, Deshun, Kenya, and Warren Martin have been featured for their outstanding scholastic achievements and commitment to community service in numerous local, regional, and national publications, including *Money* magazine, *Black Issues in Higher Education*, *Ebony*, and *Jet*. In print and in person, they speak unabashedly about how faith in God and support from family are largely responsible for their current successes.

Former Hinds County administrator Eugene McLemore, a member of Governor Haley Barbour’s team at the Mississippi Development Authority, says the Martins’ values are worth emulating. “They have been really inspirational young men,” says McLemore, a UM alumnus who has known the brothers for several years. “I hope they continue their humanitarian spirit. They’re going to be a credit to all of us who’ve been touched by their lives.”

The Martins’ deep-rooted religious beliefs will help fuel even more extraordinary accomplishments in the future, they say. “Putting God first” was instilled in them by their mother, Elinder Martin, a retired 27-year teacher of English and reading in the Hinds County public school system. Mrs. Martin reared her five sons alone after their father, Warren Martin Sr., died unexpectedly of a massive heart attack in 1989.

“In raising them, I started out in the church,” says Mrs. Martin, who serves as a member of the board of directors of Jackson’s Not Here Foundation,

where she counsels youth about drug abuse when she is not traveling or spending time with her four grandchildren. “I never had to get one after school or out of jail,” she says. “They went all the way through, and I never had to tell them to do their homework. When I was going through the process of raising them, it was hard. I found myself teaching school with runs in my stockings and with no money in my purse, but I could see the big picture, and look at them now.”

Jackson State University President Ronald Mason Jr. got a sample of what it may be like to face the Martins in court when JSU student leaders interviewed him for the top administrative position in 1999. The brothers sat in different sections of the auditorium and asked “very pointed questions,” he says. “At first I thought it was the same bright student jumping from seat to seat. I was impressed with their intelligence and tenaciousness,” says Mason, a Columbia University law school graduate who has served as senior vice president and general counsel at Tulane University. “I think they have been exactly what they have wanted to be and done exactly what they have wanted to do. I expect the future will be no different. When we last spoke, they wanted to start a firm. I assume it will be Martin, Martin and Martin and will eventually be the best firm in the South.”

While at JSU, Kenya and Warren were the class valedictorians with a 4.0 grade-point average, and Deshun graduated with high honors with a 3.9 grade-point average. And during their tenure at UM, the Martins earned a slew of scholarships among them.

Forest attorney and community activist Constance Slaughter-Harvey, UM Law School’s first African-American female graduate, commended the Martins on their aptitude. She taught Precious at Tougaloo College, where she has been on the faculty since 1970. “In order for the legal profession’s image to improve, it’s going to have to reflect these honest and competent brothers,” says Slaughter-Harvey, a 2001 recipient of the UM Law School’s Public Service Award.

“They represent beacons and reflect the investments from their rich legacy. It makes me feel three times as good to see three lawyers who have a full appreciation of the challenges ahead. I’m thoroughly delighted to see them continue their family’s tradition of excellence.” 🏠

Deidra Jackson is a Communications Specialist at the University of Mississippi.

STANDARDS

Continued from page 1

Annual Meeting of the American Law Institute on May 18, 2005, in Philadelphia, at the Sheraton Society Hill Hotel at 10 a.m.

Please address your comments to Stephen Yandle, Deputy Consultant, American Bar Association, 321 N. Clark Street, Chicago, Illinois 60610, or at yandles@staff.abanet.org. All comments will be provided to and reviewed by the Standards Review Committee when it meets in mid-May to finalize its recommendations to the Council on these matters. Thus, please submit any written comments no later than **May 3, 2005**. Final Council action on these matters will occur at the Council meeting scheduled for June 17-19, 2005.

Standard 402

Interpretation 402-1

The proposed revision to Interpretation 402-1(2) conforms the Interpretation to changes to Standard 304 that became effective last August. In this regard, the language “for residence purposes” would be eliminated and a student’s status as a full-time or part-time student for purposes of Interpretation 402-1 would be determined by the school, subject to limitations depending upon the number of credit hours in which the student is enrolled in a given term.

Standard 405

Interpretation 405-6

The proposed revision to Interpretation 405-6 clarifies the circumstances under which a program of long-term contracts will be considered to provide full-time clinical faculty a “form of security of position reasonably similar to tenure” as required by Standard 405(c). There has been considerable debate regarding the role of the Standards in establishing conditions and terms of employment. Considering, however, that the Standards continue to establish conditions and terms of employment, it was the prevailing view that the practice developed by the Accreditation Committee—that a three-year renewable contract carrying no presumption regarding renewal is a “form of security of position reasonably similar to tenure” within the meaning of Standard 405(c)—is inconsistent with the plain meaning of that Standard. The proposed change to Interpretation 405-6 makes clear that a “program of renewable long-term contracts” will only be “reasonably similar to tenure” if, following a probationary period during which a full-time clinical faculty could be employed on short-term contracts, the employment of the faculty member is either terminated or continued by the granting of a

renewable contract at least five years in length. The five-year term reflects the pattern for post-tenure review that is evolving at many schools. By providing greater security of position than the Accreditation Committee’s practice, the proposed revision is designed to achieve the goal of Standard 405(c), i.e., to ensure that law schools can attract and retain quality full-time clinical faculty and thereby strengthen the clinical component of the law school curriculum. This change also makes explicit that during a probationary period short-term contracts are permitted by the Standard. A proposal that the renewable long-term contract carries with it a presumption of renewal was considered and ultimately rejected.

Interpretation 405-3

The proposed revision to Interpretation 405-3 requires that a school have a comprehensive system for evaluating not only candidates for promotion and tenure but also candidates for other forms of security of position

Interpretation 405-8

Revisions to Interpretation 405-8 clarify the governance role of full-time clinical faculty. Standard 405(c) requires law schools to afford full-time clinical faculty members non-compensatory perquisites reasonably similar to those provided other full-time faculty members. Participation in faculty governance is one such non-compensatory perquisite. While Interpretation 405-8 currently requires schools to afford full-time clinical faculty members “an opportunity to participate in law school governance in a manner reasonably similar to other full-time faculty members,” little guidance exists regarding the proper application of the Interpretation. The Accreditation Committee has not developed a firm practice with respect to the application of Interpretation 405-8. At times it has concluded that permitting clinical faculty to serve as voting members of faculty committees satisfies Interpretation 405-8, but at other times the Committee also has considered more generally whether clinical faculty appear to be meaningful participants in the faculty collegium. Perhaps because of the lack of guidance in current Interpretation 405-8, actual practice among the law schools varies widely, with some schools affording full-time clinical faculty full participation in governance and others providing full-time clinical faculty little voice in governance. For example, some schools deny full-time clinical faculty the opportuni-

ty to attend faculty meetings.

In view of the wide variations in practice among the law schools and the lack of a firm practice by the Accreditation Committee, the Council proposes amendments to Interpretation 405-8 to provide greater guidance to schools regarding the proper implementation of Standard 405(c)'s requirement. The proposed revision requires law schools to afford full-time clinical faculty members participation in faculty meetings, committees and other aspects of law school governance in a manner reasonably similar to other full-time faculty, including voting on non-personnel matters. In view of the requirements of Standard 405(c), which reflect the important role of clinical education in law school curricula, the

proposed revision establishes a core requirement of involvement of full-time clinical faculty in law school governance.

Interpretation 405-9

The proposed revision eliminates the reference to non-renewal in Interpretation 405-9, thereby removing what might have been viewed as an endorsement of non-renewable contracts. The proposed revision, however, is not intended to preclude the use of non-renewable contracts. The proposed revision also makes clear that law schools may continue to offer fellowship programs designed to produce candidates for the full-time teaching by offering individuals supervised teaching experience.

Standard 402. Size of Full-time Faculty

Interpretation 402-1:

In determining whether a law school complies with the Standards, the ratio of the number of full-time equivalent students to the number of full-time equivalent faculty members is considered.

(1) In computing the student/faculty ratio, full-time equivalent teachers are those who are employed as full-time teachers on tenure track or its equivalent who shall be counted as one each plus those who constitute "additional teaching resources" as defined below. No limit is imposed on the total number of teachers that a school may employ as additional teaching resources, but these additional teaching resources shall be counted at a fraction of less than 1 and may constitute in the aggregate up to 20 percent of the full-time faculty for purposes of calculating the student/faculty ratio.

(A) Additional teaching resources and the proportional weight assigned to each category include:

(i) teachers on tenure track or its equivalent who have administrative duties beyond those normally performed by full-time faculty members: 0.5;

(ii) clinicians and legal writing instructors not on tenure track or its equivalent who teach a full load: 0.7; and

(iii) adjuncts, emeriti faculty who teach, non-tenure track administrators who teach, librarians who teach, and teachers from other units of the university: 0.2.

(B) These norms have been selected to provide a workable framework to recognize the effective contributions of additional teaching resources.

To the extent a law school has types or categories of teachers not specifically described above, they shall be counted as appropriate in accordance with the weights specified above. It is recognized that the designated proportional weights may not in all cases reflect the contributions to the law school of particular teachers. In exceptional cases, a school may seek to demonstrate to site evaluation teams and the Accreditation Committee that these proportional weights should be changed to weigh contributions of individual teachers.

(2) For the purpose of computing the student/faculty ratio, a student is considered full-time or part-time as determined by the school for residence purposes, provided that no student who is enrolled in fewer than ten credit hours in a term shall be considered a full-time student, and no other student enrolled in more than 13 credit hours shall be considered a part-time student. provided that in the school's determination the student meets the minimum defined in Standard 304. In no event shall a student taking more than thirteen credit hours be considered to be part-time for the calculation of the ratio. A part-time student is counted as a two-thirds equivalent student.

(3) If there are graduate or non-degree students whose presence might result in a dilution of J.D. program resources, the circumstances of the individual school are considered to determine the adequacy of the teaching resources available for the J.D. program. (August 1999; July 2000)

Standard 405. Professional Environment

(a) A law school shall establish and maintain conditions adequate to attract and retain a competent faculty.

(b) A law school shall have an established and announced policy with respect to academic freedom and tenure of which Appendix I herein is an example but is not obligatory.

(c) A law school shall afford to full-time clinical faculty members a form of security of position reasonably similar to tenure, and non-compensatory prerequisites reasonably similar to those provided other full-time faculty members. A law school may require these faculty members to meet standards and obligations reasonably similar to those required of other full-time faculty members. However, this Standard does not preclude a limited number of fixed, short-term appointments in a clinical program predominantly staffed by full-time faculty members, or in an experimental program of limited duration.

(d) A law school shall afford legal writing teachers such security of position and other rights and privileges of faculty membership as may be necessary to (1) attract and retain a faculty that is well qualified to provide legal writing instruction as required by Standard 302(a)(2), and (2) safeguard academic freedom.

Interpretation 405-1:

A fixed limit on the percent of a law faculty that may hold tenure under any circumstances violates the Standards. (February 1973; August 1996)

Interpretation 405-2:

A law faculty as professionals should not be required to be a part of the general university bargaining unit. (July 1975; May 1980; 1995; August 1996)

Interpretation 405-3:

A law school shall have a comprehensive system for evaluating candidates for promotion and tenure or other forms of security of position, including written criteria and procedures that are made available to the faculty. (August 1978; 1995; August 1996)

Interpretation 405-4:

A law school not a part of a university in considering and deciding on appointment, termination, promotion, and tenure of faculty members should have pro-

cedures that contain the same principles of fairness and due process that should be employed by a law school that is part of a university. If the dean and faculty have made a recommendation that is unfavorable to a candidate, the candidate should be given an opportunity to appeal to the president, chairman, or governing board. (May 1980; 1995; August 1996)

Interpretation 405-5:

If the dean and faculty have determined the question of responsibility for examination schedules and the schedule has been announced by the authority responsible for it, it is not a violation of academic freedom for a member of the law faculty to be required to adhere to the schedule. (August 1979; August 1996)

Interpretation 405-6:

A form of security of position reasonably similar to tenure includes a separate tenure track or a program of renewable long-term contracts ~~a renewable long-term contract~~. Under a separate tenure track, a full-time clinical faculty member, after a probationary period reasonably similar to that for other full-time faculty, may be granted tenure. After tenure is granted, the faculty member may be terminated only for good cause, including termination or material modification of the entire clinical program.

A program of renewable long-term contracts shall ~~should~~ provide that, after a probationary period reasonably similar to that for other full-time faculty, during which the clinical faculty member may be employed on short-term contracts, the services of a faculty member in a clinical program may be either terminated or continued by the granting of a long-term renewable contract ~~that shall thereafter be renewable~~. For the purposes of this Interpretation, "long-term contract" means at least a five-year renewable contract. During the initial long-term contract or any renewal period, the contract may be terminated for good cause, including termination or material modification of the entire clinical program. (August 1984; August 1996; August 2001)

Interpretation 405-7:

In determining if the members of the full-time clinical faculty meet standards and obligations reasonably similar to those provided for other full-time faculty, competence in the areas of teaching and scholarly research and writing should be judged in terms of the responsibilities of clinical faculty. A law school should develop criteria for retention, promotion, and security of employment of full-time clinical faculty. (August 1984; August 1996)

Interpretation 405-8:

A law school shall afford to full-time clinical faculty members participation an opportunity to participate in faculty meetings, committees, and other aspects of law school governance in a manner reasonably similar to other full-time faculty members ,including voting on non-personnel matters. This Interpretation does not apply to those persons referred to in the last sentence of Standard 405(c). (December 1988; August 1996)

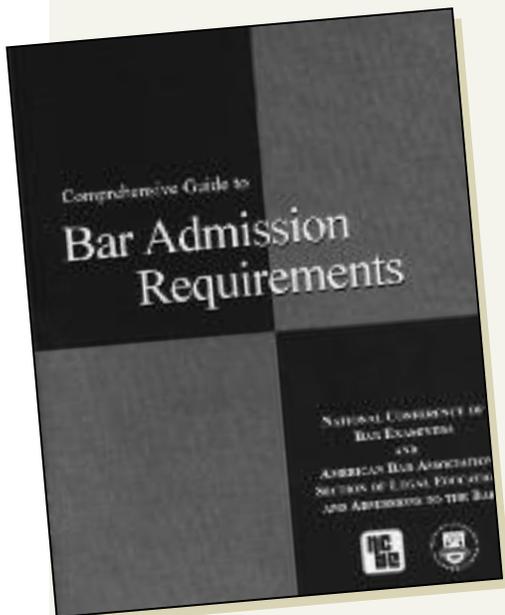
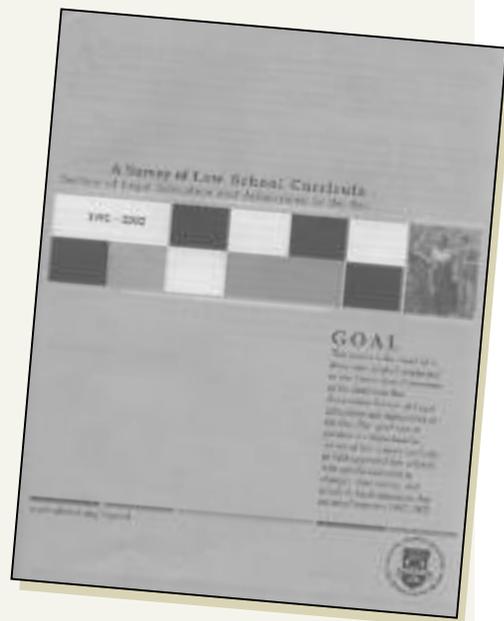
Interpretation 405-9:

Subsection (d) of this Standard does not preclude the use of short-term ~~or non-renewable~~ contracts for legal writing teachers, nor does it preclude law schools from offering fellowship programs designed to produce candidates for full-time teaching by offering individuals supervised teaching experience. (August 2001) 🏠

Curriculum Report is Available for Purchase

The Curriculum Committee’s *Survey of Law School Curricula* report is available for purchase at www.abanet.org/legaled. The three-year project reports on law school curricula at ABA-approved law schools, with attention to changes, innovations and trends in legal education between 1992-2002. The report uses data from the Annual Questionnaires from 1992-1993 and 2002-2003, and from a Web-based survey that reflects the contributions of 152 of the 187 ABA-approved law schools as of 2003.

The curriculum report concludes that there has been a decade of dynamism in legal education. From the first year required curriculum through upper division electives, law schools have revised the configuration of courses, increased emphasis in skills and professionalism, and added opportunities in electives, specializations and other degree granting offerings. The 60-page report provides these details, along with table representations of the findings. The cost of the report is \$19.



Comprehensive Guide to Bar Admission Requirements 2005 Edition

The National Conference of Bar Examiners and the ABA’s Section of Legal Education and Admissions to the Bar publish the *Comprehensive Guide to Bar Admission Requirements* each year. It sets forth the rules and practices of all U.S. jurisdictions for admission to the bar by examination and on motion: legal education, character and fitness, bar examinations, special licenses, etc. Supplemental information follows each chart.

To order, log on at www.abanet.org/legaled

Calendar

MARCH 2005

- 12 Bar Admissions Committee Portland, OR
19 Standards Review Committee Meeting Tucson, AZ

APRIL 2005

- 11 Questionnaire Committee Chicago, IL
28-30 Accreditation Committee Meeting Chicago, IL

MAY 2005

- 18 ABA Deans' Breakfast Philadelphia, PA
18 Standards Review Committee Meeting Hearing Philadelphia, PA
18 Mayflower I Philadelphia, PA
19 Mayflower II Philadelphia, PA
31- June 3 Development Conference Jackson, WY

JUNE 2005

- 3-4 New Deans' Seminar Jackson, WY
17-19 Council Meeting Santa Fe, NM
24-25 Accreditation Committee Meeting Omaha, NE

AUGUST 2005

- 3-9 ABA Annual Meeting Chicago, IL
4-5 Council Meeting Chicago, IL
4 Chairperson's Dinner Chicago, IL
5 Kutak Reception Chicago, IL
6 ABA Deans' Breakfast Chicago, IL
Section Programs
Section Annual Business Meeting

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