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Boston, MA
2017-2018 Council Chair

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From the Chair: Character and Leadership Development in Law School – The Way Forward

Maureen A. O’Rourke
Dean, Boston University School of Law
2017-2018 Council Chair

As I conclude my year as Council Chair as well as, coincidentally, 12 years as Dean (and another 2 as Interim Dean) at Boston University School of Law, I’m struck by how much both legal education and the broader world have changed not only over the course of the past decade but even in just this last year. Rapid change in the legal profession, methods of communication, technology, and the global order seems likely to continue as a fact of life in the coming years. In this column, I focus on how this environment influences the curricular choices of law schools and the Council’s approach to curricular issues. Generally, in approaching adjustments to the accreditation standards in the future – whether related to curriculum or another topic - the Council should continue to balance the flexibility that a dynamic future demands while continuing to fulfill its critical roles. These include providing valuable services to the state supreme courts and the bar admissions process and protecting law students and the public through the ABA law school accreditation process. While we can debate many issues regarding law school curriculum, perhaps the most important ones will revolve around matters once regarded as uncontroversial – the value and maintenance of our system of government and the rule of law.

The dramatic economic downturn of 2008-09 and steep decline in law school applications between 2011 and 2016 intensified the critique of law school curriculum that some practicing lawyers and commentators have long had. More specifically, they argue that legal education, essentially on the surface little changed for at least the last half century, lacks relevance for today’s practice, and thus fails adequately to prepare graduates for their first jobs in law. At the same time, ironically, during periods of rapid change, many could argue the opposite – that the best that schools can do for their students may be to provide them with the skills they need to become lifelong learners. These basic competencies include research, writing, and analytical thinking ability that graduates will bring to whatever new technologies and challenges the practice of law presents in the future. If this argument is persuasive, then schools might be forgiven for continuing to do what they always have – provide training in all of
these skills and prepare their students to pass the bar, while delegating to employers the task of providing detailed training in the context of specific employment.

In reality, neither most schools nor the Council have stood still when it comes to curriculum – either over the last half century or in the last decade. Virtually every law school offers a wide range of clinical and externship opportunities, allowing students to gain practice skills in real-world settings. Many allow students to pursue dual degrees that help to reinforce the interdisciplinary nature of legal practice, and provide students with a broader perspective. Many schools have also re-balanced their litigation and transactional offerings, reflecting the reality that while most lawyers will never argue a case in court, most will need to counsel clients, negotiate disputes, and draft agreements. Some have integrated teaching basic business principles into the curriculum, and a few have begun to teach “Coding for Lawyers” to acquaint law students with the many and varied uses clients and firms have for technology. Schools should accelerate these trends to account for the challenges that “big data” and globalization present for both the content of and practice of law.

To the surprise of some, the Council has never mandated much in the way of curriculum in the accreditation standards. The standards set a minimum number of credit hours for the J.D. degree and historically required only courses in legal writing and professional responsibility. Bringing its professional judgment to bear, the Council recently added a requirement that all students must complete 6 credits of “experiential education,” defining that term as a clinic, externship, or simulation. That most schools’ first year programs continue to look essentially alike reflects a near universal belief in the importance of the common law method and knowledge of both basic legal doctrine and topics tested on the bar exam. What has changed, however, even in the first year, is methods of evaluation. Many schools are experimenting with assessment methods other than or in addition to a final at the end of a course. Professors increasingly provide feedback to students throughout a semester to help students assess their progress and faculty members themselves to consider whether adjustments in their teaching methodology or coverage may be appropriate. The standards encourage this process through a new requirement that all schools define learning outcomes and assess progress toward achieving them.

We can expect innovation in both curricular offerings and assessment methods to continue without the standards having to mandate particular courses. Schools may distinguish themselves by defining learning outcomes appropriate to their missions, and the Council will work to ensure that accredited schools assess the effectiveness of those outcomes and make adjustments in a rigorous manner. Thus, the traditional system of the Council’s imposing relatively minimalist curricular requirements should continue. It seems appropriately to balance schools’ desires for flexibility with methods to ensure the curriculum is in fact delivering to students what schools represent it will.

The preceding does not squarely address the criticism that schools fail to prepare students for practice. While they do more in that regard than 50 or even 10 years ago, whether “more” is “enough” is a question both worthy of debate and not simple to answer. It is made more complex because in the current legal market, students often have not secured employment until sometime after graduation. This makes it difficult to prepare them in detail during law school for what is at that time an unknown practice area. Over time too, schools have moved away from requiring courses after the first year, making students’ particular course selection individualized and thus less amenable to generalization. Grading systems too are highly variable (I suspect that the overall trend has been to increase grades), again making generalization difficult. Another complicating factor is the difficulty of pinning down
precisely what is meant by a lack of preparedness. At least some commentators point not so much to “missing” legal skills as they do to a lack of grit, resiliency, respectfulness (particularly in communication), a sense of personal responsibility, and common sense.

Of all the criticisms directed at legal education, this last one – that a non-trivial number of new graduates lack certain necessary characteristics – actually concerns me the most, in part because it may ultimately be the most difficult to address and symptomatic of a much more significant and urgent problem. This criticism occurs against a larger context of polls that show a decline in support for a democratic system of government among the younger population. Like many others, I worry that our educational system has failed at every level to teach the most basic civics lessons. It may be that the traditional Constitutional Law class needs to be preceded by rudimentary classes about our system of government. How can we expect young lawyers to uphold the rule of law and the Constitution if they don’t understand how and why either came to be?

Civics education, while necessary, is not sufficient. Until recently, I would have argued that the responsibility for teaching character – and its concomitant traits of integrity, honor, fair-mindedness, empathy, civility, and compassion – rests with students’ communities during their formative years prior to law school. In June, however, I was privileged to attend the ABA Board of Governors dinner at which Colonel Linell Letendre, Professor of Law at the U.S. Air Force Academy, spoke about the Academy’s Center for Character and Leadership Development. She made a compelling argument that, in fact, character can be taught. If that is the case, then legal education – as well as the rest of the educational system - should get to it.

While Col. Letendre was speaking, I thought that it must be difficult to try to teach character when society values celebrity over substance, lawmakers of both parties worry more about re-election than the national interest, who speaks loudest is more important than who speaks the truth, and complex policy debates are reduced to 140 character ad hominem “tweets.” But try we must. Law schools must graduate the next generation of leaders – the people who will be at the forefront of expanding opportunity and guarding our freedoms; who believe in ideals bigger than themselves and their own self-interest; and who possess the integrity, courage, and toughness to fight for those ideals. In so doing, we in legal education will meaningfully honor the ABA’s commitment to “defending liberty and delivering justice.”
From the Managing Director: A Fond Farewell to the AC and SRC and Thanks to Our Wonderful Volunteers

Barry A. Currier  
Managing Director of Accreditation and Legal Education

When the gavel falls on August 7th, signaling the adjournment of the ABA House of Delegates meeting and the 2018 ABA Annual Meeting, if things go as planned, the approvals needed to restructure the work of the ABA accreditation process will have been completed. The work and the responsibilities, previously shared by the Council with the Accreditation and the Standards Review Committees, going forward will rest solely with the Council.

This is a bittersweet moment. While these changes will improve our work in many ways, we will miss the contributions to our work by, and the collegiality of, these two committees.

The Accreditation Committee is at least a half-century old. The Standards Review Committee, though of more recent origin, has been part of our process for a long time. As is usually the case, the committees started small and grew larger over the years, as both legal education and the regulation of legal education evolved. In recent years, the Accreditation Committee has had 19 members and the Standards Review Committee’s roster ranged from 10-15 members. Each member could serve a maximum of six years, and most did. A little arithmetic suggests that perhaps as many as 500 individuals have served on one (and, in some cases, both) of these committees.

All time spent preparing for, attending, and following up on committee meetings was volunteered. Occasionally, someone asks if we ever calculated the value of the pro bono time given. We did not, but if we did, the number would be a big one. Trying to put a dollar value on the contributions of committee members over the years, however, really misses the point. Volunteers gave their time, wisdom, and perspective to support and advance quality legal education – for the good of the students, our country, and the rule of law.

As we move forward to the next era in the ABA accreditation process, I take this opportunity to say thank you to the many wonderful lawyers, judges, and public members who pitched in along the way. Thanks to...

This list, incomplete though it is, demonstrates the breadth and depth of the membership of these committees. Thanks also to the staff of the Consultant’s/Managing Director’s Office that supported their work over the years: my predecessors – Jim White, John Sebert, and Bucky Askew; the deputy consultants/managing directors – Tom Read, Art Gaudio, Richard Hurt, Stephen Yandle, Dan Freehling, Scott Norberg, and Bill Adams; and many colleagues in the office who have supported our work over the years, particularly Cathy Schrage, Camille deJorna, Becky Stretch, and Carl Brambrink.

The list no doubt slants toward the more recent, when I have been part of the project. It is a privilege to have worked with them, many of whom have become friends as well as professional colleagues. Apologies to others that I failed to include. Our work, truly, could not have been done without the investment of time and talent of every person who served on either the Accreditation Committee or the Standards Review Committee over the years.
Section Spotlight: Programming Update

Erin Ruehrwein
Section Director

2018 Law School Development Conference Recap
The Section hosted its Law School Development Conference in Chicago, May 29-June 1. The conference drew over 150 deans and development officers from law schools across the country as they networked and attended engaging and relevant sessions on topics such as leadership storytelling, metrics, women in philanthropy, and social media campaigns, to name a few.

Esther Choy, President & Chief Story Facilitator of the Leadership Story Lab, led an interactive half-day plenary session on the fundamentals of storytelling in philanthropy.

Attendees also had the opportunity to attend a luncheon that featured an inspiring discussion with Valerie Jarrett, Senior Distinguished Fellow at the University of Chicago Law School and Senior Advisor to the Obama Foundation and Daniel Rodriguez, Dean and Professor at Northwestern University Pritzker School of Law.
2018 ABA Annual Meeting
The Section will host several events during the 2018 ABA Annual Meeting in Chicago.

On Friday, August 3, the Section will present a free program on student debt in collaboration with the Law Student Division.

All members are welcome to attend the Kutak Award Reception on Friday evening where we will honor the 2018 recipient, The Honorable Solomon Oliver, Jr.

The Section’s Annual Business Meeting will be held on Saturday, August 4 at 10:15 a.m.

To view a complete list of the Section’s Annual Meeting events and details, click here.

Upcoming Webinar
Career Choice Series: Academia and Becoming a Dean
August 24, 2018
1:00 PM EDT
Register Now

Save the Date
Summer 2019 – Associate Deans Conference

Program Materials Archive
Visit the Section’s Program Materials Archive to access Section webinars and past conference materials including:

- The Weight of Law School: Recognizing and Rebounding from Depression
- Best and Worst Practices in Law School Diversity Initiatives
- The Uniform Bar Exam: Where Are We Now and We Are We Headed?
- Integrating Experiential Learning in the Classroom
- Various Law School Development, Associate Deans, Deans and New Deans conference materials
Member and Staff Announcements

Cynthia Nance to Receive Margaret Brent Women Lawyers of Achievement Award

Cynthia E. Nance, a member of the Section Council, and Dean Emerita, Nathan G. Gordon Professor of Law, and Director of Pro Bono and Community Engagement at the University of Arkansas School of Law, is a recipient of the 2018 Margaret Brent Women Lawyers of Achievement Award. The award will be presented during the ABA Annual Meeting on Sunday, August 5. Established by the ABA Commission on Women in the Profession in 1991, the award recognizes and celebrates the accomplishments of women lawyers who have excelled in their field and have paved the way to success for other women lawyers. To read more about the award, click here.

George N. Leighton, Former Section Chair, Passes Away at Age 105

George N. Leighton, a Chicago lawyer and judge who also served as Chair of the Section from 1976 to 1977, passed away at the age of 105 on June 6 in Brockton, Massachusetts. Mr. Leighton was the first African American to Chair the Section. Read more about Mr. Leighton’s distinguished career and incredible accomplishments.

Section Welcomes New Staff Member Sam Kwak

Please join us in welcoming Sam Kwak, who joined the Section staff in May. As the Manager of Legal Education Assessment Services, he is responsible for administering the site visit process including the recruitment of teams, recruitment and training of new volunteers, and oversight of the report submission process. He also assists in responding to questions from schools and in the work of the Accreditation Committee.

Sam earned a B.A. in Philosophy and Political Science from the University of Washington in Seattle, where he grew up. After college, Sam received his J.D. from Duke University School of Law before practicing corporate law in New York, California and Washington. Prior to joining the ABA, Sam was an admissions officer managing law school admissions, most recently at Northwestern Pritzker School of Law.
The Honorable Solomon Oliver, Jr. is the 2018 Robert J. Kutak Award Recipient

Judge Oliver was raised, along with his five brothers and four sisters, by his parents in Bessemer, Alabama, where he attended the segregated public schools.

He was appointed to the U.S. District Court for the Northern District of Ohio by President Bill Clinton in 1994 and served as Chief Judge from 2010 to 2017. Judge Oliver holds a B.A. from the College of Wooster, an M.A. in political science from Case Western Reserve University, and a J.D. from New York University School of Law. From 1975 to 1976, Judge Oliver was a law clerk for the late Judge William H. Hastie of the U.S. Court of Appeals for the Third Circuit.

Judge Oliver was an Assistant U.S. Attorney in the U.S. Attorney’s Office for the Northern District of Ohio, from 1976 to 1982, where he served as Chief of the Civil Division and Chief of Appellate Litigation. From 1982 to 1994, he was a Professor at Cleveland State University’s Cleveland-Marshall College of Law and served as Associate Dean from 1991 to 1994. He has served as a member of the teaching faculty at the Harvard Law School Trial Advocacy Workshop. He also has had the privilege of sitting by designation on the U. S. Sixth, Ninth and Third Circuit Courts of Appeal.

He is the recipient of the Distinguished Alumni Award from the College of Wooster and the Distinguished Alumni Award from the New York University Black, Latino, Asian-Pacific American Law Alumni Association. He has been inducted into the Cleveland-Marshall College of Law Hall of Fame and the Case Western Reserve University Law School’s Society of Benchers. He has received Honorary Doctor of Laws Degrees from the University of Akron and from New England School of Law/Boston. He is a member of the American Law Institute, the American Bar Foundation, and the Board of Trustees of the College of Wooster. Judge Oliver has served on the Judicial Conference of the United States, and as a member of its Civil Rules Advisory Committee and its Evidence Rules Advisory Committee.

In nominating Judge Oliver for the award, Joan Howland, Chair of the Kutak Award Committee stated: “Few members of the legal community equal Judge Solomon Oliver in fulfilling the spirit of the Kutak Award through fostering the collaboration of the academy, the bench, and the bar. Judge Oliver is one of those rare individuals who has been a practicing lawyer in the United States Attorney’s Office, a legal educator as a professor at the Cleveland State University Cleveland-Marshall College of Law, and a member of the judiciary as a United States District Court judge. This broad and varied experience has made him an informed, astute, and pragmatic leader of the Section’s Accreditation Committee and its Council, on which he was a member from 1996 to 2005 and from 2011 to 2015, and served as Chair from 2013 to 2014. As a current representative of the Section to the ABA House of Delegates, he brings unprecedented credibility and perspective. Judge Oliver’s commitment to diversity has been a crucial factor in moving forward many critical Section initiatives related to ensuring and improving access to legal education.”

Judge Oliver will be honored at a reception on Friday, August 3, 2018, 6:30 p.m. to 7:30 p.m., at the InterContinental Chicago Magnificent Mile during the ABA Annual Meeting. The Kutak Award is
presented annually to honor an individual who has made significant contributions to the collaboration of the legal academy, the bench, and the bar. The award was established in memory of Mr. Kutak, a respected Omaha lawyer, who was committed to legal reform and a strong advocate for legal education.
Third Party Comments Invited for Law Schools Undergoing Accreditation Site Visits in Fall 2018

The law schools listed below are scheduled for sabbatical, provisional, or full approval site evaluation visits in Fall 2018. Any additional visits scheduled after the date of this memo will be posted on the Section’s website.

Consistent with Internal Operating Practice 3(a), written comments related to current compliance with the Standards for the Approval of Law Schools may be submitted to the ABA Section of Legal Education and Admissions to the Bar. Comments on law schools with Fall 2018 visits should be sent by August 15, 2018. Please click on this link to submit third party comments.

Law schools undergoing accreditation site visits in Fall 2018 are:

2018 Fall Site Visits

- Arizona, University of (Sabbatical)
- Chapman University (Sabbatical)
- Chicago-Kent College of Law (Sabbatical)
- Concordia University (Four-Year)
- Denver, University of (Sabbatical)
- Mitchell | Hamline School of Law (Three-Year)
- Missouri, University of (Sabbatical)
- Ohio State University (Sabbatical)
- Southern Methodist University (Sabbatical)
- Yale University (Sabbatical)

Note: Your comments must be signed. Only comments directly related to the ABA Standards and Rules of Procedure for Approval of Law Schools will be considered.
New Dean Appointments

Boston University School of Law
Angela Onwuachi-Willig

Brooklyn Law School
Maryellen Fullerton (Interim Dean)

The Catholic University of America Columbus School of Law
Regina Jefferson (Interim Dean)

University of the District of Columbia School of Law
John C. Brittain (Interim Dean)

Florida International University College of Law
Antony Page

Judge Advocate General’s School
Colonel Randolph Swansiger

North Carolina Central University School of Law
Elaine O’Neal (Interim Dean)

Northeastern University School of Law
James Hackney

Oklahoma City University School of Law
Jim Roth

Regent University School of Law
Patricia L. West (Interim Dean)

Rutgers Law School – Newark
David Lopez (Co-Dean)

University of San Francisco School of Law
Susan Freiwald (Interim Dean)

Southern Illinois University School of Law
Cindy G. Buys (Interim Dean)

St. Thomas University School of Law
Tamara Lawson (Acting Dean)

Texas A&M University School of Law
Robert B. Ahdieh

Valparaiso University School of Law
David Cleveland (Interim Dean)