Hearings to Be Held on Standards

The Council of the Section, upon recommendation of the Standards Review Committee, declared its intention to adopt amendments to two of the American Bar Association Standards for Approval of Law Schools. The amended Standards will be circulated for comment, and public hearings on the amendments will take place at the annual meeting in San Francisco on Sunday, August 9 at noon in the Pan Pacific Hotel.

The proposed amendments to the Standards are as follows (amendments in bold, deletions struck out):

**Standard 308**
The law school may admit with advanced standing and allow credit for studies at a law school outside the United States if the studies
(i) either were “in residence” as provided in Section 305, or qualify for credit under Section 306, and
(ii) the content of the studies was such that credit therefor would have been allowed towards satisfaction of degree requirements at the admitting school, and
(iii) the admitting school is satisfied that the quality of the educational program at the prior school was at least equal to that required for an approved school.

Advanced standing and credit allowed for foreign study shall not exceed one-third of the total required by the Standards for the first professional degree unless the foreign study related chiefly to a system of law basically followed in the jurisdiction in which the admitting school is located; and in no event shall the maximum advanced standing and credit allowed exceed two-thirds of the total required by the Standards for the first professional degree.

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Part-Time Education Conference Planned

Cleveland State University’s Cleveland-Marshall College of Law is joining the Section in sponsoring a national conference on part-time legal education. The conference, to be held at Cleveland State October 15-17, 1992, is a follow-up to a very successful conference on part-time legal education held at McGeorge School of Law two years ago. The emphasis of the conference will be on questions of fairness and equality, and topics will include:

• The current face of part-time programs
• Access to academic programs: keeping the promise of equality
• Access to skills programs: live-client externships and simulation courses
• Participation in the life of the law school: cocurricular activities
• Library services for part-time students
• Academic counseling
• Breakout sessions on academic support and academic programs
• Student support issues
• Breakout sessions on placement issues, financial aid issues and special issues of small and large schools

For further information, contact Dean Steven R. Smith, Cleveland State University, Cleveland-Marshall College of Law, 1801 Euclid Avenue, Cleveland, OH 44115, 216-687-2300.

Syllabus Introduces New Look

We are pleased to present the inaugural issue of Syllabus in its new form. Changes have occurred in the size of Syllabus (previously 11” x 17,” now 8½” x 11”), in the colors used and in the column title headings. The changes have come about as a result of feedback from a Syllabus readership survey undertaken last year. The redesign was engineered by Russell Glidden of the American Bar Association Press. Your comments on the new format of Syllabus, as well as its content, are always welcome.
During the past two years the activities of the Council have had increased focus on the international dimension of American legal education. The ongoing activities of the Section as part of the Central and Eastern European Law Initiative supporting the sister law school program have been reported in previous issues of Syllabus.

Another aspect of the Council’s focus on the demand for a greater international dimension of American legal education was a review of study by American law students in foreign institutions. The position of the Council as set forth in Standard 308 was that credit may not be transferred for work taken at a foreign law school by a student regularly enrolled at an ABA-approved law school.

In 1991, then Section Chairperson Jose Garcia-Pedrosa appointed a Special Committee to Study the Question of Transfer of Credits Earned in Foreign Law School Study. The Committee, chaired by Dean Jeffrey Lewis of the University of Florida College of Law, produced two proposals for permitting study for credit in foreign law schools by students at ABA-approved law schools. These proposals were circulated in draft form to deans for comment. The Standards Review Committee also was asked to comment on the proposals. The final proposals were then presented to the Council. The Council again circulated the proposals for comment, and after receiving comments, adopted the two recommendations of the Special Committee.

Student-Initiated Criteria

In August of 1991, the Council adopted Criteria for Law School Approval of Student-Initiated Study Abroad for Academic Credit. These criteria are only operative in the case of an occasional single student wishing to study abroad, and are not applicable to any ongoing program of study in a particular American law school. The criteria require the ABA-approved law school to develop and publish a statement that defines its general educational objective in allowing the student to study abroad for academic credit. Before commencing study abroad, each student and the supervising faculty member of the sponsoring American law school shall develop a proposal containing specific educational objectives that are to be achieved by the student during the study abroad. Only students who have completed their first year in good standing may enroll in such a program, which is limited to twelve semester credit hours.

Cooperative Program Criteria

In February of 1992, the Council adopted Criteria for a Cooperative Program of Foreign Study. These criteria are applicable where an ABA-approved law school wishes to initiate a regularized program of study by its students in a particular foreign law school. The criteria provide that the ABA-approved law school enter into a cooperative program with a foreign law school. Credit may only be given for course

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Curricular Innovations

Capital University Law School

Study Abroad at Home Program

During an eight-week summer session, law students can earn from two to eight semester credits by enrolling in comparative and international courses taught at the law school by four distinguished foreign legal educators. Each class meets for seven class periods of three hours each. In addition, each week three or more courses combine for special "bridge" classes that incorporate the expertise of at least three of the distinguished visitors with the addition of permanent faculty from the law school. The courses that will be offered this summer are The Irish Troubles and The Irish Law; European Environmental Law; Constitutional Development and Economic Development; and The Nigerian Legal System.

The Capital Law School/Jamaica Project

The project was established with the help of a Ford Foundation grant and was done in cooperation with the Jamaican Bar Association. The goal was to design a system for resolving disputes that was uniquely suited to the needs of Jamaicans. Mediation training videos were created to provide explanation and training to Jamaican attorneys, magistrates and constables. The Center also published two manuals: one, an overview exploring the meaning, uses and generic process of dispute resolution systems; the other, a mediator handbook delineating the seven-stage mediation process, using examples specific to Jamaica.

As a result of the success of the Jamaica Project and an Estabrook Foundation grant, the materials have been translated into Spanish and initial contact has been made with several South American countries and Israel to explore how the materials and program might be adapted to their specific countries.

Citizen Education Program

Supported by a Columbus Foundation grant, the goal of this program is to provide citizenship and law-related education to high school students and teachers. The program helps provide teaching materials to primary and secondary teachers. It also oversees a Street Law program where pairs of law students are teamed with history and government teachers in the Columbus Public Schools. Each semester, the teams visit their assigned classroom weekly for eight weeks. Utilizing case studies, mock trials, role plays, and small group exercises, the high school students receive practical information and problem-solving opportunities. Topics considered include dispute resolution, criminal and juvenile justice, consumer, family and housing law, and Constitutional rights.

Touro Law School

In the last several years there has been a movement on the part of a number of American law schools to require the completion by students of an uncompensated, noncredit pro bono experience as part of the requirements for graduation. Effective with the entering class of 1991 at Touro, every student is required to satisfy the Public Interest Law Perspective Requirement as a condition of graduation. The requirement can be satisfied by:

1. completion of one of the Law Center’s client-contact clinic courses;
2. completion of either the Rights of the Poor or Racism and the Law course;
3. completion of twenty hours of pro bono work. The work must be uncompensated, nonclerical, performed under the supervision of an attorney, and designed to address, directly or indirectly, the legal needs of poor persons or of traditionally underrepresented groups; or
4. participation in Touro’s on-campus Housing Rights Project.

The Housing Rights Project is funded by a grant obtained from the Interest on Lawyers’ Account Fund of New York, is housed in offices at the Law Center and is operated as a joint project with the Nassau Suffolk Law Services Committee, Inc. The Project’s supervisor trains Touro students in law and practice pertaining to issues of landlord-tenant and public housing. With her guidance, students participate in counseling and litigation on behalf of underprivileged clients with legal problems pertaining to private or public housing. Students receive no compensation or academic credit for participation in the Project.

The Housing Rights Project resembles a clinic offering but without as refined and comprehensive classroom component as would be required in a for-credit clinic course and with a less extensive requirement of practice experience. That the Housing Rights Project has generated considerable enthusiasm at Touro is reflected in the expressed desire of a number of faculty to participate.

Bitker Essay Contest

The ABA Standing Committee on World Order Under Law is pleased to announce that the topic of the 1992 Bitker Essay Contest is "Approaches to the Limitation of International Transfers of Conventional Arms." The contest is open to any member of the American Bar Association and students at ABA-approved law schools. The contest carries prizes of $1,000 and $500 for first- and second-prize-winning essays. Essays should not exceed 5,000 words, including footnotes. Entries must be postmarked by July 26, 1992. For further information contact Bonita J. Ross, American Bar Association, Standing Committee on World Order Under Law, 1800 M Street, N.W., 200 South, Washington, DC 20036, 202-331-2277.
Legal Technology: Slayer of the Billable Hour?

The demise of the billable hour in favor of value-based systems, small firm lawyers competing with the “big dogs” for top clients, the growing acceptance of electronic media discovery for litigators and graphics and video reenactments to influence juries were among predictions of experts at a recent national conference on legal technology sponsored by the American Bar Association Law Practice Management Section.

Conference panelists at the 1992 Techshow “Technology in the Law Practice: The Future Is Now” agreed that emerging legal technologies will significantly alter the profession, expected to swell to an estimated one million lawyers by the year 2000. Computerized advances will go well beyond just making it faster to draft wills, for example, or better manage large-scale litigation, the experts said. Technology has the potential to actually change the structure of the law, panelists told nearly 800 practitioners, law office administrators and others attending the three-day program, March 12-14 at the Chicago Hyatt Regency.

Impact on Clients

Already, technology has had an impact on the way lawyers think about their services and the way they deliver them to clients, whether corporations or individuals, the panelists said. Today’s clients are demanding more innovative, and quicker, responses to their problems, the experts pointed out, while also refusing to pay lawyers to “reinvent the wheel” each time they need legal help.

Leroy Richie, vice president and general counsel of Chrysler Corp., told a roomful of conference participants about his firsthand experience as one of those clients. “For me . . . the most important consideration in hiring outside counsel is price—what it will cost me for the services,” said Richie, who froze the rates of law firms that do business with Chrysler in 1988 and has lost only three firms because of the freeze.

The Survey Says . . .

Surveys confirm that the use of technology by lawyers and law firms has grown at an astonishing rate. In the 1991 Large Firm Survey conducted by the Center for Law and Computers at Chicago-Kent College of Law at the Illinois Institute of Technology, 127 of the country’s largest law firms responded that 61 percent of their lawyers have computer workstations at or near their desks. That is up from only 7 percent responding affirmatively to the same question in the 1986 survey, according to Ronald Staudt, director of the center at Kent, which co-sponsored the Techshow.

The computers at those workstations are increasingly more powerful machines, he added. The Kent survey also showed that computer staffs within large law firms are on the rise, up from 1,200 in 1990 to 2,000 in 1991. (One conference panelist noted the addition of a full-time “knowledge engineer” to the MIS department of a large national firm.) The 1991 Survey of Office Automation in Mid-Size Law Firms, conducted by the ABA’s Legal Technology Resource Center, confirms similar increases in computer use, with 37 percent of the responding attorneys saying they have computer workstations. But not all the law firms that computerize are initially happy with their decision, noted panelists, especially when the increased efficiency that technology affords results in a reduction of their billable hours.

Panelists predicted that computerization within firms almost certainly will lead to a switch from hourly billing to a value-based system.

Getting Bang for Computer Bucks

Panelists also warned that while an increasing number of lawyers now have legal technology at their fingertips, many of them have yet to learn how to exploit it as productively and creatively as they could. In one untapped market for lawyers, for example, panelists pointed out that an increasing number of international clients are seeking American legal skills and that lawyers could now serve these clients through electronic mail and telephone services that have built-in translation services.

What is interesting about such developments, they added, is that lawyers don’t necessarily have to be part of a large national firm to take advantage of such markets. Technology allows lawyers with portable, or laptop, computers to carry their entire practice in a briefcase, the panelists said.

In addition to being readily connected to their offices through local area networks, or LANs, lawyers with portable computers can, from virtually anywhere in the world, plug into document management databases for litigation support, full-text transcript databases, legal-research capabilities via modem, word processing packages, spreadsheets and numerous other information and communication resources.

If they need law reporters, codes or hornbooks, for example, a single CD-ROM—an optical disk containing digitally encoded text that is being heralded as the law library of the
Public Accommodations Under the ADA Is Topic of ABA Reporter

The law protecting people with disabilities recently became effective for all businesses and services that are open to the public. As part of a series of articles examining the Americans with Disabilities Act (ADA), the American Bar Association’s Mental and Physical Disability Law Reporter analyzes U.S. Department of Justice regulations implementing the discrimination and accessibility provisions of the ADA’s public accommodations title.

It is likely that these ADA provisions will create more conflicts than any other portion of the law, says Reporter Editor-in-Chief John Parry. The reason, he says, is the difference in perspective that exists between private entities which must implement the regulations and the people for whose benefit the law was passed. “Most private businesses are unaccustomed to federal regulations requiring that they change their daily operations and their buildings and facilities to accommodate persons with a wide range of disabilities,” he says.

To help businesses comply with the ADA, the January-February issue also includes an article from the Building Owners and Managers Association International (BOMA), which not only explains many of the regulations’ technical accessibility requirements, but also walks readers through a “typical” building survey. In prior issues, the Reporter analyzed the ADA’s provisions covering employment and state and local government services, and reviewed more than fifteen years of court cases interpreting the federal Rehabilitation Act of 1973 and other laws being used to interpret key ADA provisions.

The Reporter is a professional reporting service and journal of the ABA’s Governmental Affairs and Public Services Group, which offers a variety of legal products and services to help lawyers serve the public.

One even suggested that someday a lawyer will no doubt throw a video segment into an appellate brief, thereby changing the nature of appellate practice.

A courtroom in Colorado’s Eighteenth Judicial District already has a touch of the future to it. There, the court reporter’s steno keystrokes, or codes, are fed into a computer which translates them into English text and feeds that text, within two seconds, to computers at the bench and the counsel tables. Before too long, legal technologists said, it could be common for lawyers in some courtrooms to be able to access legal research systems, outside databases or their own office networks, at the same time they are reading the transcript of the trial before them.

Despite the changes, Chief Judge Kenneth Stuart, who presides over the so-called “courtroom of the future,” said he still occasionally wonders, “Are we making justice better or are we just making it more expensive?”

For more information on the Reporter, its ADA Clearinghouse and Legal Research Service and the many other disability-related publications and services of the ABA, please contact the ABA Commission on Mental and Physical Disability Law, 1800 M Street, N.W., Washington, DC, 20036; 202/331-2240.
Legal Hotchpot

The Shepard Broad Law Center of Nova University has been awarded a $95,982 grant from the Governor's Juvenile Justice and Delinquency Prevention State Advisory Committee and the Department of Health and Rehabilitative Services (HRS). The grant will fund a one-year project, "Jail Removal Initiatives: Legal Interns and Mediations," a joint initiative of the Law Center's Charles and Lucille King Disability Law Institute and its Civil Law Clinic. The project will establish a Juvenile Justice Clinic and support expansion of the Disability Law Institute's existing Juvenile Mediation Program. The Juvenile Justice Clinic will place certified legal interns with the State Attorney's Office, Public Defender's Office and the Department of HRS. These interns will work exclusively with juveniles on juvenile justice issues. The clinic's goal will be to reduce the number of illegal juvenile detentions in the Broward County Regional Juvenile Detention Center and the Broward County Jail.

A $95,000 grant awarded last February to the Law Center from the Governor's Juvenile Justice and Delinquency Prevention State Advisory Committee helped to initiate the Juvenile Mediation Program. This program provides free mediation services for children considered to be at high risk of entering the juvenile justice system and for the individuals with whom the children have disputes. The program also diverts children from the juvenile justice system by allowing children arrested on misdemeanor charges to mediate with their parents or guardians and the alleged victims as an alternative to court intervention. The program is run with the cooperation of the State Attorney and the Department of HRS, with specially trained and supervised law students providing the mediation services. "Our mediation program has received strong support and positive response from HRS, the State Attorney and the people for whom we mediated. We will now be able to provide services to an additional three hundred juveniles to enable them to make important decisions and accept responsibility for their choices," said Fran Tetunic, administrator of the King Disability Law Institute and the attorney supervising grant.

The State University of New York at Buffalo has become the first American university to place teachers in Cambodia since the end of the Vietnam War, according to Stephen C. Dunnett, director of the university's internationally renowned Intensive English Language Institute. Since October 1991, the institute has operated an English Language Training Program (ELTP) in the Cambodian capital of Phnom Penh through a subcontract with the Cambodia Development Resource Institute (CDRI), a group whose immediate goal is to prepare Cambodians for normalization of relations with international aid and financial institutions after decades of war. The University at Buffalo program enrolls about forty students each semester for full-time English language study. Developed in response to the expressed needs of Cambodian universities and organizations involved in the exchange and training of professionals, it is designed to facilitate communication between these groups and their American counterparts. The program is expected to help Cambodia re-establish its place in the international economic, education and business communities by training business professionals and university students to take the place of the estimated one-third of the Cambodian population killed in war and purges since 1970. This "missing segment" of the Cambodian population is one that might otherwise be involved in establishing new links with the world community, according to Dunnett.

Enrollees are divided into three groups according to ability and need. They range from professionals involved in scientific, legal, business, finance, development planning and management fields to students preparing for university study or specialized short-term study abroad. Classes for the professional groups, for example, focus on developing the participants' ability to express themselves effectively in their fields of expertise and on helping them understand technical working documents. Professional participants are grouped according to their work specialty. One course may be for planners, another for persons working in banking investment, another for those working with legal matters relating to commerce and so on. All classes are taught through the use of multimedia tools, including a language/video laboratory, computerized word-processing programs and discussion. Class size does not exceed twenty students, which ensures adequate individual instruction and follow-up. The duration of these intensive courses is currently 8 to 10 weeks, but may be modified. The program employs UB instructors as well as Cambodian teachers who have been living in that country and abroad.

Whittier College School of Law student Carl Botterud has been elected 1991-92 president of the National Association for Public Interest Law (NAPIL). NAPIL, founded in 1986, is a national coalition of one-hundred law student
organizations. The organization acts as a clearinghouse, providing training materials, information and financial support to students and graduates who work in public interest law. “We would like to help refocus the American legal education system to incorporate concepts of justice and public service, ideas that are sadly lacking in the system today,” said Botterud, who founded the Whittier Public Interest Law Foundation (WPILF), Whittier’s public interest student group. Botterud cited an American Bar Association (ABA) study which revealed that over 80 percent of the legal needs of low-income people go unmet and only 17 percent of lawyers participate in pro bono programs. NAPIL also assists the student groups with the fundraising programs that support fellowships for students who work in public interest law. Other programs include loan repayment assistance, pro bono outreach and a proposed law school public service curriculum requirement. As president of the organization, Botterud will chair the executive committee, serve as liaison between area schools and the national organization and participate in regional training sessions.

Faculty Honors

Professor Charles Alan Wright of the University of Texas School of Law has been chosen as president designate of the American Law Institute. The Institute was organized in 1923 to promote the clarification and simplification of the law and its adaptation to social needs, to improve the administration of justice and to encourage and perform scholarly and scientific work. Meanwhile, Fred B. Bosselman of Chicago-Kent College of Law is cochairing the American Law Institute-American Bar Association’s Annual Land Use Institute, scheduled for August 19-21 in San Francisco. Professor Bosselman has served as president of the American Planning Association, assistant chair of the National Policy Council of the Urban Land Institute, and as a member of the board of directors of both the National Audubon Society and the American Society of Planning Officials.

In March, assistant professor Jeffrey Staden of Willamette University College of Law testified before U.S. Congressman Mervyn M. Dymally’s Subcommittee on Judiciary and Education of the Committee on the District of Columbia, regarding the constitutional issues involved in granting statehood to the District of Columbia.

Professors Isaak Dore and Stanislaw Frankowski will direct the newly created Center for International and Comparative Law at St. Louis University School of Law. The center will coordinate the law school’s foreign exchange programs, the summer program on law and institutions of the European Community held in Brussels, and student exchange programs at Ruhr University in Bochum, Germany. Associate professor Sanford E. Gaines has taken a leave of absence from the University of Houston Law Center to accept the position of Deputy Assistant U.S. Trade Representative for Environmental Affairs in the Office of the U.S. Trade Representative in Washington. The position will involve policy development and negotiation in bilateral and multilateral trade negotiations. Professor Gaines is the director of the Environmental Liability Law Program at Houston.

CONSULTANT

Continued from page 2

work and not for externships. The director of the program must be on site and hold appointment from either the sponsoring ABA-approved law school or the foreign institution and must have administrative responsibility for the cooperative program to both institutions.

If the director is a member of the foreign institution’s faculty, he or she shall have spent a substantial period of time in residence at an ABA approved law school, and shall have visited and demonstrated familiarity with the academic program of the sponsoring ABA school. If the director is a member from the sponsoring ABA-approved school, he or she shall have spent a substantial period of time in residence at the foreign institution prior to application for approval.

The sponsoring ABA school shall determine the academic criteria for admission to the program, which will be limited to students who have completed their first year of study in good standing. American law students may not receive more than twelve semester credit hours toward the J.D. degree. The cooperative program will be evaluated with an on-site visit every three years and will be reviewed in the interim via an annual questionnaire.

Implementation of these two sets of criteria will permit law schools to allow their students to study in foreign institutions. The guidelines require the ABA-approved law school to ensure that the foreign study meets standards equivalent to its on-campus curriculum, including evaluation of student performance.

James P. White is the ABA consultant on legal education.
WASHINGTON REPORT

by E. Bruce Nicholson

A congressional conference committee meeting to reconcile approximately 1,600 differences between House and Senate bills that would reauthorize the Higher Education Act will soon decide the fate of key ABA-supported programs, including the Council on Legal Education Opportunity, the Law School Clinical Experience program and the Stafford student loan program. The Bush Administration has renewed its pledge to veto any reauthorization legislation if it contains "excessive" student aid programs.

The Bush veto threat is not new. Since the reauthorization process began early last year, the White House has repeatedly stated its opposition to proposals to transform the current system of federally guaranteed bank loans to a proposed program of federal direct loans to students. The Administration's opposition played a major role in the Senate dropping a direct loan proposal from its bill and the House adopting a pilot project for a limited number of institutions instead of the proposal to go completely to a direct loan program. The Administration has also objected to the "excessive cost" of Pell grant proposals and to congressionally created limitations on the Secretary of Education's ability to manage higher education programs.

Despite these repeated threats, reauthorization bills passed both houses of Congress by overwhelming margins earlier this year, with Senate passage by a 93-to-1 vote and House passage by a vote of 365 to 3.

Both the House and Senate bills would authorize continuation of the ABA-supported programs indicated above but differ in key respects. The House provisions amend the Act to explicitly name CLEO as the administrative agency for what is now formally the Assistance for Training in the Legal Profession program, while the Senate bill would maintain the current program and keep it subject to potential grant competition. The House amendment would in effect ratify the historical role of CLEO under the Act, in which CLEO has served as the program's administrative agency since the program's federal inception in 1970. The House provisions would also raise the authorized spending limit for the program, from the current $5 million to $10 million, while the Senate bill would maintain the authorized spending limit at $5 million.

The House bill contains much more favorable provisions than those of the Senate regarding the continuation of the Law School Clinical Experience program as well, authorizing grants to "continuing programs" in addition to new programs and raising authorized expenditures from $100,000 to $250,000 per clinic program. The Senate-passed bill contains neither of these ABA-supported provisions.

Also of note is the issue of new limits on student borrowing under the Stafford and Supplemental Loan programs to be decided by the conference. While the ABA supports an increase in yearly Stafford Loan limits from the current $7,500 to $10,000, the House-passed bill would retain the current limit. The Senate bill would raise Stafford loan limits to $9,000 per year and would increase the aggregate Stafford Loan limit from $54,750 to $68,000. In addition, the Senate bill increases loan limits under the Supplemental Loan for Students (SLS) program from $4,000 to $15,000 annually, with aggregate limits increased from $20,000 to $30,000; the House bill keeps the current SLS limits.

These differences, among the 1,600 at issue, are expected to be resolved and sent early this summer to confront the President with the choice of vetoing a major education bill in an election year.

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1993-94 Judicial Fellows Program

The Judicial Fellows Commission invites applications for the 1993-94 judicial Fellows Program. The Program, established in 1972 and patterned after the White House and congressional fellowships, seeks outstanding individuals from a variety of disciplinary backgrounds who have an interest in judicial administration and who show promise of making a contribution to the judiciary.

Four Fellows will be chosen to spend a calendar year, beginning in late August or first of September 1993, in Washington, D.C. at the Supreme Court of the United States, the Federal Judicial Center, the Administrative Office of the United States Courts or the United States Sentencing Commission. Candidates must be familiar with the federal judicial system, have at least one postgraduate degree and two or more years of successful professional experience. Fellowship stipends are based on salaries for comparable government work and on individual salary histories but will not exceed the GS 15, step 3 level, presently $68,515.

Information about the Judicial Fellows Program and application procedure is available upon request from Vanessa M. Yarnall, Administrative Director, Judicial Fellows Program, Supreme Court of the United States, Room 5, Washington, DC 20543, (202) 479-3374. The application deadline is November 13, 1992.

Bruce Nicholson is the legislative coordinator for the Governmental Affairs and Public Services Group of the ABA.
Conference on Academic Freedom and Legal Education

Tulane Law School was the host of a conference on Academic Freedom and Legal Education, held April 3-4. The conference planning committee was chaired by Norman Redlich, Section delegate to the House of Delegates, and co-chaired by Professor J. Peter Byrne, Georgetown University Law Center. Other planning committee members included Professor Anita Allen, Harvard University Law School; Professor Rebecca Eisenberg, University of Michigan Law School; Dean Stephen P. Frankino, Villanova University School of Law; Dean John R. Kramer, Tulane Law School; Robert M. O'Neil, former president of the University of Virginia; and David Tatel, Esq. of Hogan & Hartson.

Institutional neutrality and academic freedom were discussed by Professor David R. Barnhizer, Cleveland-Marshall College of Law; Professor J. Peter Byrne, Georgetown University Law Center; Dean John R. Kramer of Tulane University School of Law; Dean Henry G. Manne of George Mason University School of Law; and Professor David M. Rabban, of the University of Texas School of Law.

The conference covered a wide range of topics relating to academic freedom. The first panel presented different perspectives on academic freedom. Dean Susan Westerberg Prager presented the law school dean's view; Dean Henry Ramsey, Jr. presented the law school accrediting body's view; Mr. Redlich chaired the panel; Robert M. O'Neil presented the university president's point of view; and Professor of History Walter Metzger of Columbia University, presented the view of one outside the law school.
NALP Report

1991 Recruiting Season Marked by Cutbacks

by Judith O. Saunders and Judith N. Collins

The effects of the continuing recession made 1991 a difficult recruiting season for law schools and legal employers. But how much did recruiting conditions change in 1991 compared to the previous year? NALP surveyed its membership (172 ABA-approved law schools and 800 employers) in January 1992 to determine how much conditions changed in 1991 compared to 1990 and how these changes compared to those experienced between 1989 and 1990. The results of the survey now have been published in the Report on the 1991 Recruiting Season.

Because the survey was conducted on an anonymous basis to encourage participation, the respondents are a self-selected group rather than a random sample. The sixty law school responses nevertheless reflect the regional distribution of NALP’s law school membership, while the 158 employer responses include somewhat higher percentages of northeast and larger employers and somewhat lower percentages of Southeast employers than NALP’s law firm membership. (NALP’s law firm membership consists mostly of large law offices, with 77% employing more than fifty attorneys.)

Finally, most employer respondents (83%) reported that their attorney number had increased or stayed about the same compared to 1990; hence these findings, while fairly representative of NALP’s law firm membership, are likely not representative of law firm experiences as a whole in 1991.

Survey Conclusions

Decreases in on-campus recruiting activity at responding schools were common between 1989 and 1990 and became more widespread between 1990 and 1991. Student job searches were more difficult and pressured in 1991 than in 1990. Most responding employers interviewed at fewer schools and made fewer “flyback” offers in 1991 than in 1990 even though most of them maintained or increased the numbers of attorneys they employ.

Furthermore, decreases in summer and full-time job offers became the rule in 1990 and 1991. More than half of responding employers decreased lateral and third-year hiring in 1991 compared with 1990. Fewer than half decreased the number of first-year students hired for the summer of 1991 compared to the summer of 1990, but a sizable minority hired no first-year students for their summer programs.

Law School Findings

Almost three-fourths of schools (74%) reported a decrease in the number of fall on-campus interview (OCI) schedules in 1990 compared to 1989. In comparing 1991 to 1990, most schools (86%) also reported a decrease. This pattern occurred in all regions; however, the percentage reporting a decrease has been consistently higher in the Northeast and Southeast than in the Midwest and West. In addition, the majority of schools (59%) reported that the number of employers conducting spring interviews on campus decreased from 1989 to 1990 and 73% reported a decrease from 1990 to 1991.

Of the fifty-five schools able to compare the rate of full-time employment offers to third-year students following their second-year summer employment, 82% reported that the rate of offers decreased in 1991 compared with 1990. These percentages ranged from 73% in the West to 93% in the Southeast. Of the forty-six schools able to compare the employment status of current second-year students with that of second-year students a year earlier, 80% reported that relatively fewer students had offers.

Information comparing the employment status of the law school class of 1991 six months after graduation with that of the 1990 class at six months is more limited. However, information from thirty-six schools indicates that for 58%, relatively fewer graduates were employed after six months. At this writing, NALP is computing data for the Class of 1991 Employment Report and Salary Survey to be published in late summer 1992.
Employer Findings

Over two-thirds of employers responding (67%) interviewed at fewer campuses in 1991 compared with 1990. In 1990, 46% interviewed at fewer campuses compared to 1989. Almost three-fourths of responding employers (71%) reported a decrease in the volume of "flyback" offers (offers to be interviewed at the firm following an on-campus interview) in 1991 compared to 1990. Percentages ranged from 67% in the West to 75% in the Northeast.

Over three-quarters of responding employers (77%) made fewer offers for summer 1991 than for summer 1990. Slightly fewer than half (46%) made fewer offers for summer 1990 compared to summer 1989. About 40% of employers responding decreased the number of first-year students hired for the summer of 1991 compared to the summer of 1990. This percentage changed little from that comparing 1989 and 1990.

Comparing 1991 and 1990, 72% of employer respondents made fewer full-time job offers. Comparing 1990 to 1989, 44% made fewer full-time job offers. Over half of responding employers (57%) hired fewer third-year students who were not part of their summer program from the class of 1991 compared to such hiring from the class of 1990. Percentages ranged from 43% in both the Southeast and Midwest to 66% in the Northeast. Comparing hiring from the classes of 1989 and 1990, a plurality of employers (43%) hired fewer from the class of 1990, but almost a third (32%) hired more. Slightly more than half of responding employers (53%) hired fewer laterals in 1991 than in 1990. For 1990 compared to 1989 the percentage was 45%.

University of Florida Introduces New Electronic Reference Room

by Rosalie M. Sanderson and Betty W. Taylor

For over twenty years the University of Florida College of Law Library has provided traditional reference services by a professional librarian stationed at a reference desk, surrounded by volumes of reference works. The desk, strategically located, served as the focal point upon entrance to the large reading room with adjacent split-level stacks. Until the last few years, the room functioned perfectly well.

The arrival of CD-ROMs and online services brought with them considerable discussion about location of equipment for the best service and use. Finally, agreement was reached that the CD-ROM indexes should be located near the hard copy volumes to encourage the transition from hard copy to computer. Other equipment joined the first two computers to provide access to other CD-ROMs that were growing rapidly in numbers, primarily for reference assistance in their use. The reference librarians also acquired a personal computer with modem for providing online assistance at the desk.

In the meantime, computer labs were established in the library for graduate tax students and in an adjacent building for all law students. Students were on duty in the larger lab to work with law students, faculty, and staff when they needed help. The staff was pleased that we were able to offer these services to the students and worked with this arrangement for many years, but we talked constantly about finding some way to improve the service.

If students asked questions at the reference desk that librarians thought could be answered best by using LEXIS or WESTLAW, librarians had two choices: (1) send the patron to the computer lab and hope that the person was able to find a satisfactory answer to the query or (2) use the computer at the reference desk to help the patron find the solution.

In a typical situation, the reference librarian would work with students and suggest appropriate databases or files. Then the librarian would discuss search strategy with the patron and demonstrate an actual search. Often, particularly when more difficult searches were involved, the librarian would print a copy of the search request so that the student could go to the computer lab and work on the search independently. The student would have received some direction from the librarian, some idea about databases that might be useful and some help to form a query. However, the Reference Desk personal computer could not be tied up indefinitely with the work of a single student. The student would be forced to perform the search at a different workstation to actually browse documents retrieved from the search.

Students learn much more from the hands-on experience. Librarians were frustrated with these options. For one reason, they were never sure the patron even went to the computer lab, or if so, if he or she used the computer systems properly, or ever found the answer to the query. For a second reason, while the librarians tried to use the computer at the reference desk as a teaching tool with the students, librarians were never sure that students learned from watching them how to handle the transaction independently. Without having an independent hands-on experience did the student learn to access the systems, frame queries, or find solutions to problems?

The reference staff desperately wanted workstations for students located close to the reference desk, so that reference librarians would be able to help students help themselves. It is a far different experience for students to search themselves while being assisted by the reference librarian, than to observe while librarians perform a search. Students learn much more from the hands-on experience. They encounter the problems and learn how to solve them, making subsequent search encounters far less intimidating. While searching for some way to provide additional workstations close to the reference desk, we ran headlong into our constant problem, lack of space. The one obstacle we face in every change is lack of space as we are at near capacity in seating, shelf space, work areas and storage.

Our vision of the ideal arrangement was to integrate the computer services with the reference services so that librarians could point patrons to the proper resources for solutions to their information queries—whether hard copy or computerized data. Plans began to evolve for bringing all of the computers into the reference area. The concern was acceptance of the concept, impact on study and reference in the reading room, a place for instruction in computer use and support of the administration and faculty.
Our first choice was the main floor of the reading room adjacent to the reference desk but with a glass partition to reduce noise from equipment and patron conversation. Since funds were limited, the glass partition was deleted from the proposal. With this element gone from the plan, the staff decided to locate the computers on the upper level of the stacks off the main reading room. They proceeded with floor plans and when it came to implementation, the electricians pointed out that all the wiring would have to come from the ceiling and that would be much more expensive. The vision of all these poles in the room soon discouraged that plan.

Back to the main reading room, the staff laid out plans for the physical arrangement. We planned to make space for sixteen PCs, eight WESTLAW PCs and eight LEXIS PCs. We selected tables that would hold two workstations each. Four tables each with a custom-designed cabinet to hold two printers—one on top of the other—were ordered along with 16 computer chairs. The furniture and equipment arrived and the services were installed just prior to the commencement of classes in August 1991. We were adamant that the furniture and PCs be installed before classes began. We thought that students would be more receptive to the change if it were in place when classes began. Students don’t seem to like major changes in mid-semester.

We are gratified by the acceptance of our plan. The equipment is noiseless and has caused no complaints of any kind from occupants of the reading room. Most of the conversation is between a reference librarian and student, and is kept to a minimum. No negative comments have been heard from anyone to our knowledge.

Most of all, the staff is elated over the improvement of service. When a patron asks for assistance at the reference desk, the librarian assesses the query, type of patron (some patrons would not have passwords to use the systems), and determines the best method for reaching a solution to the problem. Once the assessment is made, the librarian then pursues the problem—either by having the student work at the computer under guidance or by way of appropriate reference materials.

Librarians can now advise students of their best alternatives in finding information and can capture their attention when there is a need for workstation for quick reference.

The impact of the sixteen LEXIS-WESTLAW workstations in the reference area has been overwhelmingly positive. These workstations stay fairly busy throughout the day and evening. In fact, they are busier than our main LEXIS-WESTLAW lab in the Media Center, which is located in a separate building. Reference librarians are much more involved helping students with LEXIS and WESTLAW than in the past. The students also spend a lot of time helping each other.

For the first time, students are integrating their use of print and online materials. Every morning, librarians find print copies of law reviews, codes or reporters on the computer tables at the workstations. Obviously, students have been using the print and online sources together. While we have always encouraged students to integrate use of print and online materials, it has been almost impossible because our main CALR lab and the Legal Information Center are in separate buildings. In addition to learning more about online searching, students have been learning about print materials as well. For example, one student asked a reference librarian if there were a print equivalent of LH. This was a great opportunity to discuss legislative history, source documents, commercial publications and indexes.

Just maintaining the equipment and keeping paper and ink available has been an added responsibility. Because librarians are often working with students at the workstation, we have changed our reference desk staffing patterns. For several years a part time library assistant has helped at the reference desk every afternoon. After the new lab opened at the reference desk, we needed more help. Library technical assistants from Technical Services are working on a rotation for two hours every morning to help us staff the reference desk. These technical assistants are highly skilled and are very helpful with LUIS, our integrated automation system. They also help with telephone reference...
and other reference and location questions.

The reference facility also has been used as an additional training area during peak training times. We did not anticipate using this area for training. We thought students would complain about the noise. However, training 200 students twice each year taxes the facilities very heavily, and the reference workstations were welcomed facility. When we realized that we would be forced to use the reference facility for training sessions, we posted signs announcing the time of training, and to our great surprise we received no complaints from anyone. Our impression is that students who want to work in quiet find other places to study when they know there are training sessions scheduled in the reference area.

Overall, we are delighted with this new facility. We think it helps us provide better, total reference service to students. We don’t just give them information; we try to teach them how they can best find what they need whether they use a print or nonprint source. In the future, if we have a new building, we might plan to locate all of our CALR workstations in the reference area instead of only sixteen.

Christopher Simoni is the associate director and head of public services at Northwestern University Law Library.

--- SYLLABUS --- SUMMER 1992 ---
Training in Academic Assistance Programs

by Jana Cardoza

Representatives of sixty law schools across the U.S. and Canada participated in an intensive training program on the implementation and improvement of academic assistance programs June 2-7 at the University of Colorado School of Law in Boulder.

LSAC sponsored the week-long workshop and assembled a faculty comprised of representatives from LSAC-member law schools. Featured speakers included successful attorneys who had benefitted from academic support programs and law school faculty members who manage academic support programs. The workshop also drew upon the expertise of those outside legal education who have demonstrated success in the field of education.

The principal texts for the workshop were two guides developed by LSAC consultant Dr. Lawrence Salmony and recently published by LSAC: An Introduction to Academic Assistance Programs and a training manual. Issues addressed included student eligibility and the stigma associated with being part of an academic assistance program. Participants learned how to structure, support, staff and fund summer and school-year academic support programs. Specifics of program design, including teaching techniques and class materials, were also discussed.

The workshop was structured to allow for a maximum of small group interaction. Small group sessions followed panel presentations to allow participants ample time to exchange ideas and concerns about academic support programs. Workshop participants learned from each other by exchanging ideas, opinions and concerns about how to help students adjust to the academic and social pressures of the law school environment. As a result of the intensive training, participants were able to return to their law schools with school-specific program plans and ideas.

LSAC received 100 applications for the workshop, but could only accommodate sixty law schools in order to make such productive, small-group interaction possible. From among the faculty and administrators who applied, a representative group was selected in order to assure both diversity of experience and representation from a variety of schools and program models. Criteria for eligibility included the applicant's direct involvement in planning for or directing academic assistance programs, geographical diversity among member schools, proportionate representation between public and private, day and day/evening schools and percentage of minority students and faculty at each school.

All conference materials, including videotapes and training materials, will be made available to member law schools. For more information, contact Kent D. Lollis, LSAS Associate Director and Assistant to the President for Minority Affairs, at (215) 968-1227.

Jana Cardoza is the coordinator for public affairs for LSAS.

HEARINGS

Continued from page 1

Standard 213

The law school shall not discriminate against handicapped persons with disabilities in its program of legal education. The law school shall provide full opportunities for the study of law and entry into the profession by qualified handicapped persons, disabled persons. The law school shall not discriminate on the basis of disability in the hiring, promotion and retention of otherwise qualified faculty and staff.

INTERPRETATIONS

Standard 213

Interpretation 1 of Standard 213: Handicapped Person with disability, for the purpose of this Standard, is defined in Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Section 706, as further defined by the regulations on postsecondary education, 45 C.F.R. Section 84.3(k)(3) and by the Americans with Disabilities Act, 42 U.S.C. Sections 12101 et seq.

Interpretation 2 of Standard 213: As to those matters covered by Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act, this Standard is not designed to impose obligations upon law schools beyond those provided by that those statutes.

Interpretation 3 of Standard 213: The essence of proper service to handicapped persons with disabilities is individualization and reasonable accommodation. Each person must be individually evaluated to determine if he or she meets the academic standards requisite to admission and participation in the law school program. The use of the term "qualified" in the Standard requires a careful and thorough consideration of each applicant and each student's qualifications in light of reasonable accommodations. Reasonable accommodations are those that do not fundamentally alter the nature of the program, that can be provided without undue financial or administrative burden, and that can be provided without lowering academic and other essential performance standards.
New Bar Foundation Activities Survey Available

A new survey on national, state, local and Canadian bar foundations is available from the ABA Division for Bar Services. It contains information on leadership, relationships with bar associations, law-related education, public relations/publications, fundraising, grantmaking and Interest on Lawyer Trust Accounts (IOLTA). Also included is information on staff size, expenditures and assets.

The survey contains responses from 45 state, 52 local, 10 Canadian and 4 national foundations to more than 75 questions covering foundation activities. The 1991 Bar Foundation Activities Survey is the only source of such comprehensive information.

Copies of the survey are available for $44.95 plus $3.95 for shipping and handling ($29.95 for members of the National Conference of Bar Foundations). Copies can be ordered by sending a check to Joanne O’Reilly, ABA Division for Bar Services, 541 N. Fairbanks Ct., 14th Floor, Chicago, IL, 60611-3314.

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Mark Your Calendar

AUGUST

7 ABA Officers Meeting San Francisco, CA
7-8 ABA Council Meeting San Francisco, CA
7 ABA Section Reception San Francisco, CA
7 AALS Executive Committee San Francisco, CA
8 ABA Section NCBE Joint Program San Francisco, CA
8 ABA Coordinating Committee on Legal Education San Francisco, CA
8 ABA Kutak Award Reception San Francisco, CA
9 ABA Presidential Showcase: Report of the Task Force on Law Schools and the Profession: Narrowing the Gap San Francisco, CA
9 ABA/AALS/LSAC Deans’ Meeting San Francisco, CA
10 ABA Section Annual Meeting San Francisco, CA
10 ABA Section Program: Financing Legal Education in a Period of Scarc Resources San Francisco, CA
12-14 Southeastern Association of Law Schools Annual Meeting St. Simons Island, GA

SEPTEMBER

14-17 LSAC Admission Training Workshop for New Admission Personnel and Faculty Philadelphia, PA
18-19 LSAC New York Recruitment Forum New York, NY
19-20 LSAC Test Audit Group Meeting TBA
25-26 LSAC Atlanta Recruitment Forum Atlanta, GA
30-October 1 Chairs of ABA Site Evaluation Teams Workshop Indianapolis, IN

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