CEELI Program Continues to Flourish

The CEELI Sister Law School Program continues to provide opportunities for American law schools to develop relationships with Central and Eastern European law schools. The program was established by former ABA President Talbot D’Alemberte to assist Central and Eastern European countries in the formulation of legal infrastructure which will permit lasting legal, political and economic reform. Discussed below are the most recent components of the CEELI Sister Law School Program.

Fall Visit of Deans from Central and Eastern Europe

Thirty-three U.S. law schools participated in the most recent phase of the Sister Law School Program this fall. This visit, from September 27th to October 24th, brought the total number of participating Central European law school deans to 41. More than 120 U.S. law schools have participated in the program to date.

The eleven visiting deans from Bulgaria, Croatia, Lithuania, Poland, Romania, Slovakia and Slovenia spent the first week in Washington, D.C., where they visited all three branches of the United States government. Special orientation events included a meeting with Justice O’Connor at the United States Supreme Court, a reception at Winthrop, Stimpson, Putnam & Roberts and a luncheon at Squire, Sanders & Dempsey. Dean Ralph Rohner of Catholic University’s Columbus School of Law and Dean Elliott Milstein of American University’s Washington College of Law hosted special evening events in honor of the visiting deans.

Each dean spent three weeks visiting an individual consortium of three U.S. law schools to forge long-term relationships and to explore various aspects of American legal education. The deans met with members of the local community.

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Interpretation of Standard 306 Considered

In December of 1986, the Council adopted Interpretation 2 of Standard 306 regarding field placement programs. Subparagraph (e) of that Interpretation stated factors that the Accreditation Committee should consider in evaluating whether field placement program credit was “commensurate with the time and effort expended by and the education benefit to the participating student” as required in Standard 306(c).

From that time to the present, the Accreditation Committee has had a great deal of experience in dealing with many law schools concerning the application of the Interpretation to diverse field placement programs. In 1990, the Accreditation Committee formed a Subcommittee on Externships to study whether that experience warranted amendment or revision of Interpretation 2. After careful review of the history of consideration of field placements by the Accreditation Committee, the Subcommittee determined to seek the views of Deans and other interested

Continued on page 11
Adoption of Standards Is a Deliberative Process

by James P. White

I am often asked how new Standards for Approval of Law Schools are adopted or how Standards are amended. There is a popular belief that the adoption process is speedy or even hasty. Fortunately, that belief is a misconception.

Various constituencies periodically propose new Standards or amendments to existing Standards. These vary in number from ten to thirty each year. Each proposal for a new Standard or an amendment to an existing Standard is considered by the Council. Most of these are then referred to the Section’s Standards Review Committee for study and for a recommendation to the Council. If the Committee recommends that consideration be given to the adoption of a new Standard or the revision of an existing one, the Council will discuss the matter, often referring the proposal to other appropriate committees of the Section for their recommendations. Then, the proposal is again referred to the Standards Review Committee. If the Committee recommends adoption of the proposal, and if the Council concurs, the Council declares its intent to adopt the new or amended Standard.

Notice
The Council of the Section of Legal Education and Admissions to the Bar is the agency recognized by the Secretary of Education as the accrediting agency for professional schools of law. The criteria for recognition of accrediting agencies by the Secretary of Education state in part that an agency bases its decisions regarding the award of accreditation or preaccreditation status upon its published criteria and provides advance public notice of proposed new or revised criteria, providing interested parties adequate opportunity to comment on such proposals prior to their adoption.

Thus, notice is routinely given of proposed revisions in the Standards to deans of ABA-approved (and non-ABA-approved) law schools, the chief justice of each state and the chairperson of the board of bar examiners of each state. Other constituencies are often sent copies of the proposal with a request to comment.

Hearings
There are always at least two public hearings conducted with respect to any proposed changes in the Standards. Interested parties are invited to give oral or written testimony in support of or in opposition to the proposed change. After the notice and comment period has passed, and after the public hearings have taken place, the Standards Review Committee meets to consider the comments and testimony received. Often the Committee will suggest modifications of a proposal based on this information, and on occasion it will suggest a total review of the proposal. Only after careful review with ample opportunity for interested parties to comment will the Standards Review Committee make a final recommendation to the Council.

The Council then considers the report and recommendation of the

Continued on back page
Commentary

The End of Forced Retirement: Dream or Nightmare for Legal Education?

by Laura F. Rothstein

The amendments to the federal Age Discrimination in Employment Act provide that as of January 1, 1987, employers may no longer set a mandatory retirement age. Higher education has been given a reprieve from the law. It does not apply to higher education until 1994. The reprieve may be more necessary than we think; it may well take that long to prepare for what is to come.

Before examining the problems with eliminating mandatory retirement, it is important to mention that two major benefits will result from the change. The first is on the individual level. Faculty members who want to continue their academic careers will now be able to do so. Second, legal education stands to benefit. Lifting of mandatory retirement will allow law schools to keep some of their best, most accomplished faculty for a longer time.

There are, however, some serious problems that must be addressed. First, faculty near retirement age generally receive the highest salaries. Without an easy mechanism for cycling out older, more highly paid faculty, institutions will find a greater number of slots filled by those receiving higher salaries. The result may be a drain on institutional resources, thereby leaving less funding for new salary slots, travel, research funding, and other institutional support for individual faculty members.

A second serious problem is that because legal education is shrinking and few new faculty slots are being created as a result, reliance on the retirement system to create new openings is becoming increasingly important. It is not only the lower salaries of younger faculty that make them desirable for legal education—it is the importance of having new ideas and energy. It does not diminish the contribution of senior level faculty to note that fresh approaches and challenges to old ideas are important elements of the goals of legal education.

Because of these serious problems after 1994, law schools will no longer be able to tolerate "deadwood" faculty members because they are only three or four years away from retirement age. Professors will be able to remain on the faculty as long as they want unless they are terminated for cause. We in legal education know that removal of tenured faculty for cause is rare. It is usually not based on incompetence, but because of extraordinary behavior, such as extreme cases of sexual harassment.

There are those who say that few employees will want to work beyond age 70 and that few people have been forced out by mandatory retirement. While that may be true for most occupations, it may not be true for faculty in higher education. Many institutions and many departments already make it too easy to draw a comfortable salary while doing very little. Law schools are no exception. Where else can one collect a paycheck for teaching as little as six hours a week using decayed notes and doing little else? It is uncommon to require any particular level of publishing after attaining tenure, and even less common is a penalty for not doing committee or service work. Although some institutions require productivity for raises, unproductive faculty remain on the payroll. Of course, it is possible to make life difficult for unproductive faculty by taking away telephones, travel allowances, secretaries, and photocopying privileges. While that may make life in an academic position less desirable, it is still unlikely to change the behavior of those who view their positions as an easy way to be paid for doing very little. Some colleges and universities have developed a variety of early retirement incentive plans to encourage unproductive faculty to leave, but unproductive faculty are of all ages. Early retirement is not feasible for faculty in their forties or fifties and the prospect of indefinite employment of these individuals is a stark prospect indeed.

Law schools are simply going to have to start a system of review for older faculty. Implementation of a review of only older faculty, however, is legally impossible. If only older faculty are evaluated and reviewed, those subject to the review will probably have a valid claim of age discrimination under federal and state laws. The only way to have a lawful system of reevaluation, then, will be to implement an ongoing system of review of all faculty. The possibility of such a practice, in turn, raises a number of questions and concerns. These issues include how often will reevaluation be done, who will do it, what standards of productivity and competence will be applied, and what will be the impact of such a practice on tenure and academic freedom.

It is unlikely that reevaluations could be done annually because of the time and expense. Faculties are already disenchanted by the amount of time and effort it takes to evaluate the handful of individuals who currently come up for tenure, promotion, or retention each year. Who will conduct the evaluation is an even more difficult problem. While the faculty members themselves could evaluate each other, the problems of such a system are obvious. The cronyism that already occurs in promotion and tenure decisions would only be exacerbated by an ongoing review practice. There is also the possibility that an outspoken faculty member could be penalized for his or her views. If not the faculty, then
Perhaps the Dean. This raises questions about whether faculties want to trust administrators with so much power; and administrators also may be reluctant to commit such time and effort.

What standards should be applied? Is it reasonable to expect faculty to continue to maintain the level of publishing productivity that was required for tenure? Or should some other standard be applied? Should participation on a government commission or a similar panel and writing reports for such groups be deemed scholarship? After one has become known as an expert in a particular area, are different types of scholarship valid to demonstrate productivity? And what about teaching? We already know the limitations of student evaluations in measuring teaching and the jealousy, differences in style, and other factors that sometimes skew peer evaluations of teaching. And what kind of notice problems will we have with suddenly applying new standards to faculty who have not been held to any particular level for many years?

While the questions raised by eliminating mandatory retirement may seem to create insurmountable burdens on legal education, it may be that the mandate will force some changes that are long overdue. The administrative and other costs of developing and implementing fair and reasonable systems of ongoing evaluation may be high, but the cost of tolerating incompetent, irresponsible, or unproductive faculty are higher. These costs include the students' failure to learn essential concepts, the institution's inability to hire new faculty because slots are filled by deadwood, a decrease in the overall production of research and scholarship, and a public disillusionment with legal education in general.

The struggle to develop a new system of ongoing evaluation, while essential, will not be easy. Too many people with too many vested interests will find it difficult to develop procedures that may put themselves at risk. Other steps, however, also need to be taken. Law schools may need to think more carefully about initial hiring decisions and to be increasingly stringent about tenure and promotion. Perhaps they will, at the initial appointment stage, begin to provide more specific standards regarding teaching, scholarship, and service—a practice long overdue. And perhaps they will develop systems of tenure and promotion that build in greater procedural fairness for all parties.

With periodic evaluation, what will be left of the tenure system and will such a new system adversely affect academic freedom? Periodic evaluation and academic freedom need not be mutually exclusive. A balance between protection of academic freedom and an intolerance of ineffectiveness might be struck by making tenure status a mechanism that shifts the burden from the individual to the institution. Before tenure the burden would be on the individual to prove competence; after tenure the institution would have the burden of proving incompetence.

A system of reevaluation need not be viewed as a heartless and inhumane way of removing faculty. For many unproductive individuals, the incentive to regain productive status, coupled with constructive help from peers, may result in a demonstrable improvement in performance, and peer respect. For those for whom such efforts are futile, a reasonable amount of time and some institutional support for finding work elsewhere or planning retirement can and should be provided.

Major changes usually cause turmoil. For the short run, it can be expected that the effort to make changes in the reevaluation system will cause substantial tension. In the long run, however, a careful examination of current practices and implementation of a new system of ongoing evaluation should result not only in a means of removing unproductive faculty legally, but a revitalization of faculty members of all ages. And in the long run, higher education will benefit greatly from its own search for excellence.

Laura F. Rothstein is associate dean for student affairs and professor of law at the University of Houston Law Center.

Upcoming Conferences

“Bricks II” Conference at Ohio State

To follow up the very successful “Bricks and Books” conference held at Notre Dame in 1989, the Section of Legal Education and Admissions to the Bar is sponsoring a conference entitled “Components of the 21st Century Legal Learning Environment” at Ohio State University College of Law. The conference, chaired by Dean Francis X. Beytagh, begins Friday, March 5, with a session on legal learning and related spaces. On Saturday morning, March 6, a session on legal information centers of the future will take place. In the final session financing, designing and building additions and renovations, with selected success stories and Americans with Disabilities Act considerations will be discussed.

Conference for Law Deans, Presidents and Provosts

An invitational conference entitled “The Law School and the University: The Present and the Future” will bring together law school deans and university presidents and provosts. The conference, to be held March 19-20 in Chicago, will feature panel discussions on three topics: The Law School and the University: A Joint Partnership; Maintaining Quality in a Period of Recession; and Higher Education Approaches the 21st Century. Following each panel discussion, breakout discussions will be held to provide participants an opportunity to discuss the topics in more detail. After the breakout sessions, the participants will reconvene in plenary session to summarize the discussions that take place.

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**NALP Report**

**Exercises in Ethics**

*by Robert E. Kaplan*

For those involved in law school career services or legal recruitment, ethical questions are not hypothetical; they are real and arise daily. When participants at a recent NALP Annual Conference program focused on “Exercises in Ethics,” their concerns revealed the complex issues faced by professionals in the legal employment process.

“Ethical” behavior can be defined as behavior that conforms to principles of good conduct governing an individual or group. “Moral” behavior, by contrast, is based upon established or accepted notions of right and wrong. “Legal” conduct derives its authority from law.

Six ethical principles underlying the actions of career services and recruitment professionals were identified by Dr. Alan Goodman, director of undergraduate career services at Catholic University, in his article, “The Good of Ethics—and How to Get There” (summer 1992 College Placement Council *Journal of Career Planning and Employment*). The principles include freedom of choice and opportunity (for candidates and employers); truthfulness; fairness; right to privacy (for candidates); personal responsibility (for decisions and actions); and justice (for candidates and society).

The principles seem clear-cut, but applying them is not. Consider the issue of confidentiality, the focus of much of the discussion during NALP’s “Exercises in Ethics” program. Students assume that confidentiality protects their discussions with career services professionals. Do law school career services professionals in fact owe a duty of confidentiality to students? If so, what is the basis of this duty? If not, will the candor necessary for productive career and personal advising be eroded? When, if ever, does the obligation cease? Does the institutional duty to the law school or to the legal profession override confidentiality if, for example, a student confides he or she lied on a bar application?

Recruitment administrators within law firms and other employing organizations face similarly difficult questions. For instance, suppose a student who has completed a firm’s summer program confides to the recruitment administrator that she was unhappy with the summer experience; she now believes she selected the wrong firm but wants an offer because it will make her more competitive for other employers. Is the recruitment administrator obligated to protect the candidate’s confidentiality or to notify the firm so it will not allocate an offer to her?

Participants in NALP’s “Exercises in Ethics” discussion included both recruitment administrators and hiring attorneys. Several recruitment administrators expressed an unequivocal commitment to safeguarding confidentiality; hiring attorneys contended with equal conviction that the obligation to the firm should prevail.

Ethical tensions are compounded by the fact that marketing is an inherent part of the employment process. Michael Josephson, in *Perspectives on Career Services* (National Association for Law Placement, 1991), notes, “It is sometimes hard to balance a desire to be completely honest with the desire to persuade.” Marketing literature of both law firms and law schools reflects this ethical tension. Consider, for example, a law school that, in marketing its students to employers, provides 'median LSAT scores and GPAs of admittees’—wording that only the most vigilant reader will realize means scores of all admitted, not of those actually enrolled. This marketing approach may be literally accurate, but is it ethical?

Many of the ethical questions that arise in career services and recruitment have no “correct” answers. Moreover, professionals within the same organization may view ethical obligations differently. Some might therefore dismiss “exercises in ethics” as exercises in futility. But recognizing these tensions and consciously assessing actions in light of ethical principles is in itself a significant step forward. Equally important is creating a dialogue with colleagues to examine, together, the meaning and application of the ethical principles underlying a commitment to fair employment practices.

Schwab Essay Contest

All second- and third-year full-time students, and second-, third- and fourth-year part-time students enrolled in an ABA-approved law school, and first-year students enrolled in said schools where the subject of family law is part of the first-year curriculum, are eligible to compete, except employees of the American Bar Association. The contest, sponsored annually by the Section of Family Law, awards prizes of $700, $500 and $300 for outstanding essays on any aspect of family law. All manuscripts must be submitted by April 5, 1993. Essays should not exceed three thousand words, including footnotes. For entry information write to: Howard C. Schwab Essay Contest American Bar Association Section of Family Law 750 North Lake Shore Drive Chicago, Illinois 60611
Legal Hotchpot

The Hon. Harry A. Blackmun, Associate Justice of the United States Supreme Court, will be on the Dickinson School of Law campus on Tuesday, Feb. 9, for a symposium in his honor. According to professors Christine Kellett and Gary Gildin, program coordinators, Justice Blackmun will deliver a keynote address at the conclusion of the day's presentations. Nine prominent members of the academic and legal communities will participate in this tribute to the contributions of Justice Blackmun who is serving his twenty-third term on the High Court.

"Justice Blackmun is a jurist who defies labels," commented Kellett, a friend of Justice Blackmun whose seminar students visit him at the Supreme Court each spring. "This does not mean that he lacks a well-developed judicial philosophy. His is a philosophy which is faithful to the Constitution and is ever mindful of the fact that the law is not just a body of abstract principles but that it affects people in their daily lives. He cares very much about the people whom the law affects."

John C. Roberts, dean of DePaul University College of Law, has announced that the law school will receive a $1 million gift from alumnus Robert A. Clifford for the establishment of an endowed chair in tort law and social policy. The commitment, which will establish the first endowed chair in the College of Law, represents the largest single gift in the law school's history. "It is my goal by endowing this chair on tort law and social policy to promote quality analysis in the tort reform debate," Clifford said. "I believe the legitimate interests of business and the injured victims must be properly recognized, but it must be an intellectually honest debate. This chair will serve as an instrument for intellectual rigor instead of sensationalism."

Clifford, 41, a personal injury attorney, is founder and principal partner of the law firm Robert A. Clifford & Associates in Chicago. He is a member of DePaul's Board of Trustees and is past president of the DePaul Alumni Association. Clifford graduated from the College of Law in 1976.

Lee and Joseph D. Jamail recently donated $13 million to the University of Texas at Austin for development of the Joseph D. Jamail Center for Legal Research. Five million dollars of this donation is designated as follows: $2 million to create two or more chairs to support faculty research in the School of Law; $2 million to create a Library Excellence and Research Fund in the School of Law; and $1 million to create a Dean's Discretionary Fund in the School of Law.

Joe Jamail, the famed trial attorney who won landmark judgments in the Pennzoil v. Texaco case and the Miniscribe securities fraud case in Galveston, received a bachelor's degree from UT Austin in 1950, and a law degree in 1952. He has been the lead counsel in more than 100 cases resulting in a verdict or settlement of more than $1 million.

The Jamail Center will include the Tarlton Law Library, the Center for Computer Research and Instruction, the Texas Research Center for Child Abuse and Neglect, and two new law library fellowships.

The University of Southern California Law Center has launched two new law journals: the Southern California Interdisciplinary Law Journal and the Southern California Review of Law and Women's Studies. The first issues are available now. Both journals are produced biannually by USC Law Center students and staff members.

Because of its interdisciplinary approach to legal analysis, the Southern California Interdisciplinary Law Journal is believed to be the first of its kind in the country. The faculty and student articles in the first issue and those already selected for the next issue reflect the editors' goal of drawing from the study of ethics, philosophy, medicine, sociology, psychology, economics and other disciplines in an effort to understand society and its values.

The student editors of the Southern California Review of Law and Women's Studies explain that the impetus for creating the journal was a perceived need for an interdisciplinary approach to women's issues: "A survey of law and women's journals demonstrated that they either failed to review the women behind the laws governing them or that they described women's experience without reference to legal consequences or remedies." The journal is an attempt to fill that gap, they write.

The University of Cincinnati College of Law dedicated an eight-foot statue of William Howard Taft on September 15, the 135th anniversary of his birth. U.S. Circuit Court Judge Patricia M. Wald of the District of Columbia opened the event with a Taft lecture on "Upstairs, Downstairs at the Supreme Court: Implications of the 1991 Term for the Constitutional Work of the Lower Courts." The dedication ceremony and a reception followed the lecture. Taft, the only person to serve as U.S. President and Supreme Court Chief Justice, is the college's most famous alumnus. He graduated from the Cincinnati Law School, a forerunner of the present law school, in 1880. He later served
as the college's dean, was the 27th President of the United States from 1909-13, and was Chief Justice of the Supreme Court from 1921 until shortly before his death in 1930 at age 72.

- On Monday, September 7, Regent University held formal groundbreaking ceremonies for the construction of the new Law and Justice Center which is scheduled to be completed in the fall of 1993. The new 125,000-square-foot building will enable the College of Law and Government to increase enrollment up to 500 law students and 200 public policy students.

- The New York Law School has received a $200,000 grant from the Kresge Foundation toward the creation of a new Student Center in its Tribeca facilities. The Kresge grant is made on a challenge basis, which obligates New York Law to raise an additional $356,060 by June 1, 1993, to complete funding of the $1.6 million Student Center. The new Student Center, which culminates a $16 million renovation of New York Law's historic buildings at Worth and Church Streets in Lower Manhattan, will create a two-story skylit area containing student offices, lounges and dining facilities.

- The Second International Conference on Forensic Statistics, to be held at Arizona State University March 19-21, affords a triennial opportunity for social scientists, statisticians, lawyers, and others to discuss the use of probability and statistics in legislative, administrative and judicial proceedings. In addition, a one-day pre-conference workshop for lawyers on developments in DNA testing will be conducted on March 18 by leading forensic scientists and statisticians. Abstracts or drafts of contributed papers on such topics as justice statistics, civil damages, discrimination litigation, epidemiology in judicial and administrative proceedings, environmental statistics, forensic science, parentage testing, legal theory, risk assessment, social science methods in law, and statistical expertise in court are being accepted.

- The Shepard Broad Law Center of Nova University held a formal dedication ceremony for its newly built Leo Goodwin, Sr., Hall on November 11, 1992. Rosemary Barkett, Chief Justice of the Florida State Supreme Court, will be the keynote speaker. The other six members of the Florida Supreme Court were also present. The dedication ceremony was being held exactly two years to the day following the building’s groundbreaking ceremony. Law Center faculty, staff, and students moved into the 122,000-square-foot, $8.5 million building in August 1992.

- Martin Maisner, an attorney with one of Czechoslovakia’s leading law firms, discussed the legal implications of free market reforms and the break-up of Czechoslovakia at Wake Forest University School of Law in November. His program, “Issues of Nationhood and Labor Relations in Czechoslovakia,” was held in the School of Law courtroom. A board member of both the U.S.-Czechoslovakian Chamber of Commerce and the U.S.-Czechoslovakian Enterprise Fund, Maisner specializes in commercial law with interest in construction and investment companies, labor and legal administration. One of his partners served as justice minister under former prime minister Vaclav Havel, and his wife is a judge.

- Maisner is visiting the United States and Canada, meeting with attorneys and executives about business, legal and political conditions in Czechoslovakia and other Eastern European countries. The program was sponsored by the International Law Society of Wake Forest University School of Law.

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Faculty Honors

Donald R. Price, professor of law at Temple University School of Law, is one of five Temple University faculty who received the “Great Teacher Award” for 1992 at a noontime ceremony in Feinstone Lounge of Sullivan Hall at Temple’s Main Campus on Monday, Nov. 23. The award, which carries a $10,000 cash prize for each recipient, is believed to be the largest given by a college or university for the recognition of excellence in teaching. After a decade as a practitioner and partner in a general practice law firm, Price joined the Temple Law School faculty fifteen years ago and three times has been named outstanding professor of the year by graduating classes. In establishing the Great Teacher Awards, which were first presented in 1988, President Peter J. Liacouras said they were “a recognition by the University of the importance of great teaching.”

At the annual law school scholarship convocation held in September in the courtroom of the School of Law, Professor Martha Davis of the University of South Dakota School of Law received the Attorney of the Year award, presented annually by Women in Law. Women in Law is a student organization composed of both men and women law students committed to creating awareness of current issues affecting various aspects of the law, and increasing cooperation and mutual respect between men and women in the legal profession. The award is designed to develop
relationships between students and members of the South Dakota Bar.

Westwell Daniels, librarian and professor of law at the University of Miami School of Law, received the first Spirit of Law Librarianship Award presented by Roy M. Mersky and Richard A. Leiter, compilers of _The Spirit of Law Librarianship_, published by Fred B. Rothman & Co. The award is presented to an American Association of Law Libraries member who makes a contribution toward the improvement of a social condition or toward the increased awareness of a social concern. Daniels was recognized for his contribution in the area of public interest law and for his extensive work on behalf of the homeless in the Miami area. Over the last several years Daniels has volunteered numerous hours of research and legal assistance with various lawsuits and projects as a member of the Board of Directors and the Executive Board of the Miami Coalition for the Homeless. He also co-directed the School of Law's 1990 and 1991 Summer Public Interest Seminar Programs on homelessness, which culminated in the publication of the _Homeless Legal Advocates Manual_, and he contributed several articles to the student newspaper to heighten student awareness of the issue.

Willamette University College of Law Professor Eric Holmes has been selected as a member of the Oregon State Bar's Task Force on Insurer-Insured Conflicts. The Task Force will study insurance defense conflict issues as they relate to Oregon lawyers. The study will include a number of issues surrounding the disclosure of client confidences and secrets during the simultaneous representation of an insurer and its insured.

Professor Richard Neumann's textbook, _Legal Reasoning and Legal Writing_, was rated the best in its field in a review in the _Journal of Legal Education_. The book was considered "the most pedagogically sophisticated," "the most thorough," "entertaining." Published by Little, Brown & Co. two years ago, the book is now assigned at a large number of law schools across the country.

Distinguished professor of law and university counsellor Gordon D. Schaber of McGeorge School of Law celebrated his sixty-fifth birthday in November with over one thousand well-wishers. The Salute to Gordon Schaber included a video presentation narrated by actor Raymond Burr. Among those who sent birthday greetings were Ronald Reagan, Edmund G. "Pat" Brown, and Edwin Meese. Associate Justice Anthony M. Kennedy delivered the keynote address.

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<td>LSAC Services and Programs Committee and Test Audit Group Meeting Baltimore, MD</td>
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<td>AALS Executive Committee Meeting Chicago, IL</td>
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<td>LSAC Minority Affairs Committee and Test Development and Research Committee Montreal, Quebec</td>
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Computers are now vital to most law school operations, from admissions and alumni relations to faculty research and instructional programs, yet little comparative data exist to assist law school administrators in planning for computer support services. The ABA’s Annual Questionnaire focuses on the use of computers in libraries, but doesn’t seek computer service budget and staffing information for the entire law school. Additional data would be helpful in determining the resources law schools might reasonably expect to expend in support of computer-related services.

A recent informal survey generating a response from twenty ABA-approved law schools sheds some light on the magnitude of resources devoted to computer services. Law schools replying include Arkansas-Fayetteville, Baltimore, Cincinnati, Cornell, Case Western, Duke, DePaul, Gonzaga, Iowa, Loyola-Chicago, Maine, Marquette, Maryland, Ohio State, Louisiana State, Samford, Southern Cal, Southern Illinois, SUNY-Buffalo and Texas. Here is a summary of the findings.

**Staffing**

Seventeen of the twenty law schools surveyed report employing one or more full-time computer services staff; most employ more than two. The three law schools reporting fewer than one full-time computer services employee use a combination of student assistants and campus computing personnel to provide computer services.

The total staff devoted to computer services varies up to eight or more, with most law schools (eleven) reporting fewer than three full-time equivalent computer services staff. These staff members are classified as professionals at fifteen of the law schools surveyed. While eleven law schools report that some of their computer services staff (excluding student assistants) are classified as non-professional, all but two schools report these staff members working in conjunction with at least one professionally classified staff member. Five law schools report using only full-time personnel in this area, while thirteen report using student assistants in combination with full-time computer services staff.

**Budgeting**

Few of the law schools surveyed track their computer services budgets directly. Typically, these budgets are a composite of library, law school and academic computer center budgets. Thus, it is not unusual for a law school to have a computer lab manager employed through the library, a law school network manager employed by the campus computing center and a faculty computing consultant employed through one of the other law school administrative units. Budgeting for equipment and supplies is often even more confusing and may fluctuate widely from one year to the next. Hence, only about six of the law schools surveyed were able to respond completely to this question.

The highest computer services budget reported approaches $500,000 annually, divided nearly equally between personnel and non-personnel categories. Three other law schools reported budgets close to $200,000 annually, while two reported annual budgets between $120,000 and $130,000. These budgets exclude the amounts allocated for library automation and computer database access (like LEXIS and WESTLAW).

The breakdown within these budgets varies greatly between law schools, some committing as much as 75 percent of their expenditures to staff, while others commit the same proportion to equipment and supplies. The budgets of several law schools recognize the need to continually upgrade and replace equipment, but amortization periods vary, ranging from three to six years.

**Results of this survey confirm that law school computer services demand substantial staffing and budgeting commitments.**

**Conclusions**

Results of this survey confirm that law school computer services demand substantial staffing and budgeting commitments, which are just beginning to be recognized by most law schools. Tracking current computer services expenditures on a law-school-wide basis could be a first step in effective planning, while collection of this data nationally, perhaps through the ABA Annual Questionnaire, could assist in peer comparisons. Finally, wider appreciation of the significant costs in providing law school computer support services could help law schools develop realistic budget plans for the department responsible for these services.

S. Blair Kauffman is director of the law library and professor at the University of Wisconsin School of Law.
American Bar Association Top Ten Roundup

Top Ten Selling ABA Videotapes 1991–92
3. “Dealing With the S.O.B. Litigator.”
5. “Update: The 1990 Clean Air Act.”
7. “Effective Argument to the Court.”
8. “Bankruptcy and Other Non-Accord Legal Opinions.”

Top Ten ABA Sections by Membership
1. Litigation (65,046 members)
2. Business Law (56,507 members)
3. Tort and Insurance Practice (33,653 members)
4. Real Property, Probate and Trust Law (33,593 members)
5. Taxation (24,110 members)
6. Law Practice Management (19,171 members)
7. Labor and Employment Law (17,303 members)
8. General Practice (14,453 members)
9. International Law and Practice (12,653 members)
10. Family Law (11,966 members)

Out of the estimated 799,760 active lawyers in the country, 369,438 belong to the ABA, the world’s largest voluntary professional organization. (Data compiled September 1992.)

Top Ten Best-Selling ABA Books 1991–92
7. Commercial Arbitration for the 1990s.

Top Ten Annual Meeting Sites by Registration Totals
2. San Francisco, 1992: 13,030
3. Toronto, 1988: 12,143
4. Chicago, 1990: 11,682
5. San Francisco, 1982: 11,101
7. New York, 1978: 10,828
8. Atlanta, 1991: 10,450
10. Chicago, 1984: 9,639

Past Ten ABA Medal Recipients
2. 1991: Robert B. McKay, New York City (awarded posthumously)
3. 1990: A. Sherman Christensen, U.S. District Court for the District of Utah, Salt Lake City
4. 1989: Nm. Reece Smith Jr., Tampa, Fla.
5. 1988: F. William McCalpin, St. Louis
7. 1986: Justin A. Stanley, Chicago
8. 1984: Robert W. Meserve, Boston
9. 1982: Earl F. Morris, Columbus, Ohio

The ABA Medal recognizes individuals who have rendered conspicuous service in the cause of American jurisprudence, and is conferred only in those years in which the ABA Board of Governors determines that an individual merits the honor. In addition to those listed above, past recipients included Oliver Wendell Holmes, Charles Evans Hughes, Felix Frankfurter and Leon Jaworski.

Top Ten Best-Selling National Institute Course Materials
2. “Compensation for Executives and Directors.”
3. “Section 1983 Civil Rights Liability and Litigation.”
5. “ERISA Litigation Tactics and Strategies.”
6. “Fidelity Bonds.”
7. “Mock Trial: Prosecuting and Defending an Americans with Disabilities Act Lawsuit.”

Top Ten Donor States to the ABA Fund for Justice and Education (Dollars donated for fiscal year 1991–92)
1. New York
2. California
3. Illinois
4. District of Columbia
5. Pennsylvania
6. Texas
7. Florida
8. Ohio
9. New Jersey
10. Michigan

The ABA Fund for Justice and Education is a 501(c)(3) tax-exempt public charity that sponsors more than 200 law-related public service and educational programs each year. Two-thirds of the contributions needed to support these activities come from the legal profession, including lawyers and law firms. Additional support is provided by corporations, foundations and government agencies.

Top Ten States by Percentage of ABA Members to Total Lawyers
1. Delaware
2. Virginia
3. Wyoming
4. Maryland
5. Nevada
6. New Hampshire
7. Maryland
8. South Carolina
9. Arizona
10. Hawaii
Ten Most Popular Law Day USA Programs

1. Free legal consultations in forums readily accessible to the public such as shopping malls, senior citizen centers, libraries and community centers.
2. Mock trial presentations and competitions.
3. Speakers programs in schools.
4. Law Day luncheons for the bar and community featuring speakers such as U.S. Supreme Court Justices, state governors, U.S. and State Attorneys General.
5. Courthouse tours.
7. Poster contests.
9. Fund-raising events for public services projects such as legal aid and scholarships.
10. Topical seminars in forums such as homeless shelters, centers for battered women and senior centers.

Law Day was conceived in 1957 by Charles S. Rhyme, a Washington, D.C., lawyer who was then president of the ABA. President Dwight D. Eisenhower established Law Day by presidential proclamation in 1958, and in 1961, May 1 was set aside by joint resolution of Congress as a “special day of celebration by the American people in appreciation of their liberties.” The Law Day theme for 1993 is “Justice for All—All for Justice.”

Top Ten States by ABA Membership

1. California (40,965)
2. New York (35,799)
3. Texas (21,866)
4. Illinois (21,621)
5. Florida (17,951)
6. Pennsylvania (17,052)
7. District of Columbia (13,151)
8. New Jersey (13,026)
9. Ohio (12,930)
10. Virginia (11,525)

ABA Presidents for the Past Ten Years

1. 1992–93: J. Michael McWilliams, Baltimore
2. 1991–92: Talbot D'Alember, Miami
3. 1990–91: John J. Curtin, Boston
5. 1988–89: Robert D. Raven, San Francisco
6. 1987–88: Robert MacCrate, New York City
7. 1986–87: Eugene C. Thomas, Boise, Idaho
9. 1984–85: John C. Shepherd, St. Louis
10. 1983–84: Wallace D. Riley, Detroit

Types of Questions Most Often Posed by Lawyers/General Public to the ABA

1. Lawyer referrals.
2. Disciplinary questions.
3. ABA membership information.
4. Law school data, especially rankings.
5. Lawyer salaries and billing rates.
6. Bar admission requirements.
7. ABA positions on legislation and other policy issues.
8. CLE requirements and courses.
9. ABA activities and publications.
10. Assistance in tracking down “lost” lawyers—old classmates, past colleagues, former “loves.”

The ABA Information Services staff in Chicago and Washington respond to more than 50,000 inquiries each year, which come through the mail, over the phone, via electronic mail and in person. In addition to general calls about the ABA, Information Services staff are occasionally asked some off-beat questions. Recent inquiries include: “In what state is it illegal for a housewife to break more than three dishes in a week?”, “Can you give me the telephone number of a ‘good embezzling lawyer’?”, and “Will you send me a list of friends and co-workers of a judge who passed away two years ago?”

Information Services in Chicago can be reached at 1-800/621-6159; in Illinois call 312/988-5158; in Washington, D.C., call 202/331-2206.

STANDARD 306
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parties. Comments were solicited by Memorandum dated May 23, 1991, and all those received were considered and were very helpful to the Committee in its evaluation project and preliminary proposals.

Some goals of the review were to set down more definite criteria to allow the schools to plan and supervise their programs better; to reduce repeated or unnecessary report-backs from law schools to the Accreditation Committee concerning their diverse field placement programs and experiences; to reduce inappropriate micro-management at the regulatory level; and to acknowledge and emphasize faculty/law school responsibility. In other words, having developed policy, on a common law application and adjudication basis, beyond the original promulgation of the factors in December of 1986, the Accreditation Committee thought that some of the advantages of promulgating policy by interpretive rulemaking would now be useful both to the schools and to the Accreditation Committee.

Following over a year of study, review, comment-gathering and discussion, the Accreditation Committee proposed a draft revision of the Interpretation. Pursuant to usual Section procedures, the matter was next reviewed by the Standards Review Committee, which proposed certain recommendations for amendments to the proposed revision of the Interpretation.

The Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association at its meeting of August...
meeting the Accreditation Committee accepted the Standards Review Committee format. The Committee observed that the revised Interpretation is a codification of the common law that has developed over a period of years in the application of the Interpretation.

After the Accreditation Committee’s action, the Standards Review Committee reviewed the matter again at its meeting of November 8–9, 1992. Before resubmission to the Council, changes were made in the combined recommended draft of the Accreditation Committee and Standards Review Committee in response to comments from the schools. The joint newly revised proposal was forwarded to the Council for adoption of the revision of Interpretation of Standard 306, with the recommendation that the effective date of the revised Interpretation be July 1, 1993.

Prior to the December 4–5, 1992 meeting of the Council, several deans again wrote stating their views concerning the proposed Interpretation.

At its December 4–5, 1992 meeting the Council resolved its intention to adopt the revised Interpretation and that the proposed revision be again circulated to deans and other interested parties for further comment and consideration. The Council also scheduled an opportunity following the 1993 Deans Workshop for explanation and discussion of the proposed revision of the Interpretation on Friday, February 5, 1993, from 3:45 to 5:00 PM in the America Ballroom South, 4th Floor, Westin Copley Place, Boston, Massachusetts.

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**CEELI**

*Continued from page 1*

law school administration, library staff, students and faculty members to propose cooperative relations on a variety of levels. This third phase of the Sister Law School Program was enormously successful in terms of generating follow-up programs between the schools. Highlights of these programs include long-term exchange of legal materials, numerous plans for exchange of faculty in specific areas, a joint research program in environmental law, and a proposal for a jointly conducted summer program.

To date, over 120 American law schools have participated in the program by hosting a visiting dean for one week, sharing costs of the program with CEELI and providing each dean an opportunity to establish long-term, cooperative relationships while exploring many facets of American legal education. The program has developed active relationships among participating schools, including faculty exchanges, student exchanges, summer programs, library development, joint research projects and joint textbook development. CEELI plans to bring five more deans to the United States in February 1993. Upon completion of this phase, the program will have included a representative of each law faculty in Central and Eastern Europe. Plans are underway to expand the Sister Law School Program to the New Independent States of the former Soviet Union.

**Expansion of Activities to the New Independent States of the Former Soviet Union**

Plans are underway to appoint a legal educator to spend six weeks to two months in Moscow and other cities to assess the law schools in the region. This specialist will lay the groundwork for a visit and workshop by American deans in late spring or early summer to structure a Sister Law School Program for law schools in the new states of the former Soviet Union.

**Commercial Law Faculty Training Program**

In cooperation with the U.S. Department of Commerce Commercial Law Development Program (CLDP), CEELI will provide long-term training for developing young law professors from Albania, Bulgaria, Lithuania and Poland, in commercial law areas. The training program will focus on the areas of dispute resolution, foreign investment, government procurement and intellectual property. CEELI will conduct the program within the framework of the Sister Law School Program, relying upon schools that have established sister school relations with law schools in Albania, Bulgaria, Lithuania and Poland, to provide U.S. faculty mentors for the visiting professors. Depending on the success of this pilot program, CEELI hopes to expand the program to other countries in Central and Eastern Europe in the future.

Planning for the six-month Commercial Law Faculty Training Program is well underway. Participating schools include American University, University of Baltimore, John Marshall Law School, Villanova University, Catholic University of America, McGeorge School of Law, Hamline University School of Law, Indiana University-Bloomington, University
of South Dakota School of Law, University of Toledo College of Law, Franklin Pierce Law Center, Capital University School of Law and Cleveland-Marshall College of Law. In its final stages, the program will involve several relevant agencies of the U.S. government who will provide the Central European participants with practical exposure to the U.S. government during three-week internships.

The Commercial Law Faculty Training Program, part of CEELI's Commercial Law Component in Central and Eastern Europe, will focus on improving law school curricula in the areas of dispute resolution, intellectual property, foreign investment and government procurement, in addition to increasing the involvement of the U.S. legal community in the rapidly developing commercial law reforms in Central and Eastern Europe.

In late November, CEELI and CLDP conducted interviews with over 25 Central European law faculty members with expertise or interest in commercial law areas. Seventeen participants have been selected to participate in the program. Each participating U.S. law school has designated a mentor in a targeted commercial law area to assist each faculty intern in developing a course in commercial law.

CEELI Law Faculty Training Institute

This fall, CEELI began supplementing its various technical legal assistance and educational programs with the CEELI Law Faculty Training Program. This project aims to ensure that legal education will successfully adapt to the substantive changes in the legal systems of the countries of Central and Eastern Europe.

The goal of the CEELI Law Faculty Training Program is to assist in the ongoing development of law school curriculum in Central and Eastern Europe by providing developing law professors from throughout the region with intensive training in practical law school teaching techniques. This training will be provided at periodic CEELI Law Faculty Training Institutes. Each Institute will concentrate on two or three specialized topics of the law school curriculum. Developing Central European law professors with experience in one of the designated subject areas of a given Institute will be brought together from law schools in the region to meet with experienced American legal educators who specialize in one of the academic focus areas of the Institute. The Law Faculty Training Institute will provide programs which enable European and American professors to jointly discuss issues surrounding reform of legal curriculum, including reorganization and modernization of courses, and the use of special teaching materials and texts.

The first two-week CEELI Law Faculty Training Institute took place in Lodz, Poland, from August 30 to September 13, 1992. The University of Lodz and the University of Warsaw, co-hosts of the Institute, provided facilities at the new University of Lodz Conference Center for the program. The Institute offered two separate programs concentrating on human rights and intellectual property, respectively, as subjects of law school curriculum.

Approximately 20 Central and Eastern European law professors attended the first CEELI Law Faculty Training Institute. The Institute also hosted eight American law school professors, including two law school deans, as well as one corporate practitioner with extensive experience in international intellectual property training. In addition, the ABA Consultant on Legal Education and Admissions to the Bar, James P. White, conducted the opening
ceremony for the Institute.

Morning sessions were occupied by detailed discussions, led by American specialists, on a specific area of law school curriculum, such as equal protection (human rights component) and unfair competition (intellectual property component). Afternoon sessions were devoted to small, informal working groups which focused on practical issues and comparative approaches to legal education. Special open sessions on curriculum reform were also held to bring human rights and intellectual property participants together to discuss broad concerns arising during the course of the specialized programs at the Institute.

The CEELI Law Faculty Training Program is a pilot project intended to strengthen long-term partnerships between American law schools and law faculties in Central and Eastern Europe. The Institute Program is designed to cooperatively develop new academic programs through mutual interchange and specialized targeted assistance. The program hopes to build bridges among the academic communities of Central and Eastern Europe and between those communities and their American counterparts in order to foster constructive relationships that will translate into development of improved systems of legal education.

Workshop in Sofia

In late October 1992, James P. White, ABA Consultant on Legal Education, conducted two days of discussions on legal education in Sofia, Bulgaria. Dean White led a discussion on curriculum development with members of the newly developing law faculties in Plovdiv, Bourgas, Blagoevgrad and Sofia. In a separate session, he met with drafters of the new Bulgarian code of accreditation to discuss the U.S. method of law school accreditation.

Dean White also presented the keynote address at the Centennial Celebration of the University of Sofia Faculty of Law. Other participants in the celebration included representatives of the three sister schools for Sofia University, established during the first phase of the Sister Law School Program in September 1991: Southwestern University Law School, University of Maine School of Law and Southern Illinois University at Carbondale.

Legal Specialist Positions

Through the Sister Law School Program, CEELI is in the process of recruiting interested U.S. faculty members to serve as legal specialists for one- to three-month assignments in Central and Eastern Europe and the former Soviet Union. The Sister Law School Program will also work with law professors to structure upcoming sabbaticals in the region in a wide variety of areas including Criminal Law, Constitutional Law, Judicial Training, Commercial Law and other areas.

Liaison Support Project

In connection with the appointment of CEELI liaisons in each of the Central European countries, CEELI has begun to establish working groups to facilitate requests for information from the host country and to assist in developing assistance programs under the direction of the liaisons. CEELI has begun a program to involve law students interested in Central and Eastern Europe to facilitate the technical legal assistance requests that come from liaisons. Requests range from providing information on U.S. construction industry laws to assisting Romania in its efforts to regulate its construction industry to providing information to assist Central European countries in their efforts to reform their judicial system.

The program will provide students a unique opportunity to become involved in the provision of technical legal assistance to Central and Eastern Europe while they develop legal research skills in various areas of U.S. law. CEELI is also open to allowing each participating U.S. law school to initiate larger research projects developed through CEELI and the designated faculty member or dean.

The CEELI Liaison Assistance Program is another pilot project which will involve a limited number of American law schools. As CEELI liaisons are placed in the new states of the former Soviet Union, this program will be extended into these areas.

Benjamin Franklin Fellowship Program

Through a grant from the United States Information Agency, the Benjamin Franklin Fellowship Program awarded 160 qualified students from the nations of the former Soviet Union fellowships for graduate study in the U.S. this year. This new program provided full scholarships for graduate study in four disciplines: law, economics, business, and public administration. The Soros Foundation, one of the four organizations in charge of administering the program, asked the American Bar Association through the Consultant on Legal Education and the Sister Law School Program, to conduct the placement process for Benjamin Franklin Fellows pursuing graduate study in law. Twenty-five participating law schools contributed close to $300,000 in the form of tuition waivers in support of the program.

USIA Faculty Resource Advisor Program

With support from the United States Information Agency, CEELI will develop a faculty exchange program within the Sister Law School Program to respond to requests from the law faculties in Central and Eastern Europe. Beginning in January 1993, CEELI will select qualified law professors to spend two to four months working with their sister law schools on a wide range of issues including curriculum development, textbook development, law school administration, and joint research projects. Participating law professors may also teach a course to English-speaking students or “team teach” a course with an English-speaking professor to contribute to curriculum development.
Site Evaluation Workshop in Indianapolis

The fifth annual site evaluation orientation workshop was held in Indianapolis in October. The workshop is designed to assist law schools in preparing for sabbatical or other site evaluation visits. The site evaluation orientation workshop followed the annual chairpersons workshop, which is designed to train chairpersons in the appropriate conduct of site visits.

Dean Steven R. Smith of Cleveland-Marshall College of Law discusses how law schools should prepare for the site visit.

John E. Ryan, executive vice president of the University of the Pacific, explains how the law school accreditation process works.

Professor Martin Frey with Dean Patrick K. Hetrick of Campbell University School of Law.

The chairpersons workshop was preceded by a reception and dinner. Seated left to right are Professor Lucy McGough, Louisiana State University; William B. Powers, Research Lawyer and Editor of Syllabus; Professor Barry Vickrey, University of North Dakota School of Law; Erica Moeser, Executive Director of the Wisconsin Board of Law Examiners; Dean Henry Ramsey, Jr., Howard University School of Law; Cathy A. Schrage, Executive Assistant, ABA Consultant's Office; Professor Fred Hart, University of New Mexico School of Law; and Professor Martin Frey, University of Tulsa School of Law.

Members of the Accreditation Committee discuss the site evaluation report. Seated left to right are Professor Laura Gassaway, University of North Carolina School of Law; Dean Leigh Taylor, Southwestern University School of Law; Dean Ramsey; Professor Hart; and Ms. Moeser.
Nominations are now being accepted for the Third Annual E. Smythe Gambrell Professionalism Awards, recognizing law schools and bar associations for projects designed to enhance professionalism among lawyers. “An important goal of the awards is to promote outstanding professionalism programs that are replicable and thus able to reach the greatest number of lawyers throughout the country. In each of the first two years, announcement of the award winners generated numerous requests from bar associations and law schools wishing to replicate the programs. It is clear that lawyers and the organizations serving them are looking for effective new ways to improve the norms of conduct, service and involvement,” said Seth Rosner of New York, chair of the ABA Standing Committee on Professionalism.

The committee, a component of the ABA Center for Professional Responsibility, will present three Gambrell Awards of $3,750 each during the ABA Annual Meeting next August in New York City. Gambrell served simultaneously as president of the ABA and of the American Bar Foundation in 1955-56. He founded the Legal Aid Society in Atlanta, where he practiced law from 1922 until his death in 1986. Previous winners have been William and Mary College’s Marshall-Wythe School of Law, the Virginia State Bar, Case Western Reserve University School of Law, the State Bar of Arizona, the Cook County (Illinois) Bar Association and the Nashville (Tennessee) Bar Association.

Entries for the 1993 awards are due April 2. Entry forms, guidelines and additional information are available from Arthur Garwin, ABA Center for Professional Responsibility, by writing to 541 N. Fairbanks Court, 14th Floor, Chicago, Ill. 60611-3314, or calling 312/988-5294.

Shepard Receives Harley Award

The Honorable Randall T. Shepard, Chief Justice of the Supreme Court of Indiana and a member of the Section’s Council, was honored with the American Judicature Society’s Herbert Harley Award in November. Justice Shepard was presented with the award in recognition of his wide-ranging contributions to improving the administration of justice in Indiana. Founded in 1913, the American Judicature Society works to improve federal and state courts. The award is named for the Society’s founder.

CONSULTANT

Continued from page 2

Standards Review Committee and the written comments received. The Council makes a determination whether to recommend that the proposal be adopted.

The process of changing the Standards is careful, deliberative and extended, often lasting two or three years with ample opportunities for comment from interested parties. The process insures the integrity and appropriateness of new or amended Standards. As a result of this careful and deliberative process, only an occasional revision or new Standard is adopted, probably only one out of fifty proposals.

James P. White is consultant on legal education to the American Bar Association.