Free Annual Meeting Registration

The American Bar Association aims to demonstrate its interest in law school professors and administrators with a tangible inducement: free registration for those attending their first ABA Annual Meeting.

Registration costs from $150 to $550, depending on the category in which the registrant falls. But the real value of an ABA Annual Meeting is the wealth of programming. Typically, an Annual Meeting offers some three thousand panel programs, debates, mock trials and other speaker events, in addition to section, division and committee business meetings where policy initiatives develop.

Among major speakers at the 1994 Meeting, set for August 4–10 in New Orleans, will be Professor Barbara Jordan of the Lyndon B. Johnson School of Public Affairs, University of Texas at Austin, and a former member of the U.S. House of Representatives. Jordan will receive the Margaret Brent Women Lawyers of Achievement Award, and will be the keynote speaker at the Brent Awards Luncheon.

The complimentary registration was created on a three-year trial basis this year by the ABA Board of Governors for any law school professor or administrator who has not previously attended an Annual Meeting. It was suggested by the ABA Coordinating Committee on Legal Education, chaired by Professor Jacqueline Allee of St. Thomas University, as a means to create and enhance dialogue between academic lawyers and practitioners, and to encourage academics to participate in the substantive sections of the ABA.

Fee-exempt registration forms are available from Suzanne E. Rose, staff director of the ABA Section of Legal Education and Admissions to the Bar, at 312/988-5675. Law school personnel who would qualify for this exemption but who have already paid the registration fee qualify for a refund, and may contact Rose to verify arrangements for it.

FRONT THE CHAIR

Council Creates Commission to Study Accreditation

by Robert A. Stein

In April of this year, I wrote to the deans of the ABA-approved law schools advising them that the officers of the Section intended to recommend to the Section Council that it establish a special commission to review the law school accreditation process. At its meeting in early June, the Section Council approved the establishment of a Special Commission to Review the Substance and Process of the American Bar Association's Accreditation of American Law Schools. Justice Rosalie E. Wahl of the Minnesota Supreme Court has been appointed Chair of the Commission. The other members of the Commission are Judge Rosemary Barkett, formerly Chief Justice of the Florida Supreme Court and recently appointed to the United States Court of Appeals for the Eleventh Circuit; Mr. Jack Brown of the Oklahoma Bar; Dean Ronald Cass, Boston University Law School; Mr. John Deacon of the Arkansas Bar; Dean John Feerick, Fordham Law School; Dean Herma Kay, University of California-Berkeley Law School; Mr. William Paul of the Oklahoma Bar; Ms. Pauline Schneider of the Washington, D.C., Bar; Dean E. Thomas Sullivan, University of Arizona Law School; and Ms. Diane Yu, General Counsel of the State Bar of California.

The charge to the Commission requests that it:

- Examine the validity and the justification for law school accredita-
Continued on page 13
Committee Continues Comprehensive Review of Standards

by James P. White

For the past two years the Standards Review Committee of the Section has been engaged in a comprehensive review and recodification of the ABA Standards for Approval of Law Schools and Interpretations. The Standards Review Committee is composed of legal educators, practicing lawyers and high court judges. The current Standards were adopted in 1973 and while changes and modifications have been made in the intervening years, there was not a systematic review of all of the Standards until two years ago.

Validity and Reliability Conference

The foundation for this review was laid with a 1989 Conference on the Validity and Reliability of the Standards. Some forty-five legal educators, bar examiners, bar leaders and high court judges participated in this conference. For two days conference engaged in a detailed and comprehensive discussion of the current Standards. Were they relevant to current and prospective requirements of legal education? Were they comprehensive? Were they standards? Were they clear? Could they be equitably applied? These and many other questions were considered. The conference was assisted by Dr. William MacLeod, a former vice president of the Council on Postsecondary Accreditation who acted as conference facilitator.

Drafting Subcommittee Formed

The report of this conference has served as a blueprint for the Standards Review Committee in its review of the Standards and Interpretations. Once the committee finished its initial review, a subcommittee chaired by Professor Millard L. Ruud undertook a recodification of the Standards and Interpretations. The work of the subcommittee has been completed and the Standards Review Committee will complete its review of the work of the subcommittee in early fall 1994. The recodification document will then go to the Council for its consideration.

In accordance with Section policies and procedures the Council will then submit this document, with any Council modifications, to law school deans, high court judges, boards of bar examiners and other interested parties for their consideration and review. Public hearings will be conducted. Only after an extensive comment and hearing process is completed and any changes resulting from the comments and hearings are made will the Council submit the entire revision to the ABA House of Delegates with a recommendation that the revised Standards be adopted. Simultaneously with the adoption of the Standards a recodification of the Interpretations as adopted by the Council will become effective.

Proposed Revision of Standard 201

An example of the proposed revision of the Standards is current Standard 201. Current Standard 201 states:

(a) Through development and periodic reevaluation of a written self-study, the law school shall articulate the objectives of the school's educational program consistent with the Standards.

Continued on page 12
Stanford Conference Considers NAFTA Disputes

A U.S. trade embargo on Mexican tuna is an illegal barrier to free trade, according to an international tribunal, but it is necessary enforcement of a domestic environmental law, according to a U.S. district court. How disagreements such as this can be resolved under the North American Free Trade Agreement was the subject of a symposium held at Stanford University on April 5. Sponsored by Stanford’s North America Forum, it brought together lawyers, politicians and environmentalists from Mexico and the United States. Clint E. Smith, executive director of North America Forum, and Albert Utton of the University of New Mexico School of Law co-chaired the meeting.

When the dust settled, conference participants agreed on one point: International environmental issues are solved best when nations agree to work together. The best method for promoting their cooperation was not as clear-cut, however. Mexican Ambassador Alberto Szekely voiced his anger at the 3 1/2-year-old tuna embargo, which he sees as an attempt by Mexico’s northern neighbor to impose its will on Mexico. U.S. environmentalists attending the meeting, however, said that the United States is merely protecting dolphins killed in the process of tuna fishing for U.S. markets, and that the nation has the right to protect marine mammals under its own domestic law.

The United States embargoed the import of Mexican tuna in September 1990, despite a ruling by an international tribunal for the General Agreement on Tariffs and Trade that the embargo was a violation of international trade law.

The embargo began as the result of a U.S. district court ruling requiring the U.S. government to enforce the 1972 Marine Mammal Protection Act, a U.S. law that makes it illegal to harass or kill marine mammals.

Earth Island Institute, an environmental organization, brought the lawsuit after most U.S. yellow-fin tuna fishing boats had re-flagged in other countries.

Mexico has not attempted to use appeals courts to resolve the conflict between the two court rulings, Stanford’s Smith said. It is hoping instead that the new environmental dispute resolution commission of the North American Free Trade Agreement will provide a framework for regional decision-making.

The trade agreement, ratified by Congress late last year, includes a side agreement on the environment, which calls for the United States, Canada and Mexico to set up a regional environmental commission. Leaders of the three nations must agree on an executive director and appoint their Cabinet-level and other representatives to the commission before it becomes operational.

Participants in the Stanford conference debated whether unilateral actions, such as the U.S. tuna embargo, were necessary steps that set the stage for multilateral decisions by the regional commission or whether they are barriers to further international cooperation.

Many of the conference participants expressed hope that the North American Free Trade Agreement can usher in an era in which multinational commissions can resolve conflicts between environmental protection and trade. NAFTA is “the first significant regional trade agreement to address environmental concerns in a way designed to create mechanisms, such as the environmental commission, to deal with issues of concern to environmentalists and public policymakers,” Smith said.

“But we are only at the beginning of the process; now the leadership in the three countries must demonstrate their commitment to the North American environment by ensuring that the commission is effectively led and staffed.”

John Marshall Wins Client Counseling Competition

Law students from John Marshall Law School of Chicago are the national champions of the 1994 Client Counseling Competition sponsored by the American Bar Association Law Student Division. Thomas M. Cooley School of Law (Lansing, Michigan) and Brooklyn Law School won second and third place, respectively. The national finals were held in March at Pepperdine University School of Law in Malibu, California.

Emphasizing the importance of preventive law and the need to train students to be effective counselors in the law office, the Client Counseling Competition demonstrates students’ ability to deal with a client’s nonlegal goals and concerns. Law students, acting as attorneys, are presented with a simulated client problem or transaction.

They then conduct an interview with the client and determine how they would proceed in the hypothetical situation.

Teams from 92 ABA-approved law schools participated in ten regional competitions held in February and March. Eleven teams advanced to the national finals.

The John Marshall Law School team members were John C. Spieske and Sondra J. Thorson. Thomas M. Cooley School of Law team members were George Caroll and Mark Broderick. The third place team, Brooklyn Law School, consisted of Carolyn Grose and Geri Hesle. Each winning team received portfolios donated by West Publishing Company.
Performance Test Research Conducted

by Francis D. Morrissey and Jane Peterson Smith

American College Testing recently submitted a report to the National Conference of Bar Examiners entitled “Results of Research on the NCBE Performance Test.” The report has been reviewed by the Board of Trustees and is being distributed to interested parties.

The National Conference has been studying performance testing since 1980, when it co-sponsored the California experiments that led to the July 1983 introduction of performance tests on the California bar examination. A series of grants was made to California during the 1980s, and the Conference proposed a version of the California model in 1990; in the Conference test, applicants answered two sequential tasks during a three-hour period. Prototypes of this model were distributed among bar examiners in the fall of 1991 by then-Chairman Armando M. Menocal III, who had chaired the California bar examiners during the 1980 research project. In discussions during the spring of 1992, bar examiners asked whether ninety-minute tests could be created, so that they would have the flexibility of using one or two tests rather than a single three-hour examination. NCBE undertook to find the answer to whether ninety-minute PTs were a psychometrically sound option and hired ACT to conduct a research project.

Three states, Georgia, New Mexico, and Virginia, agreed to administer performance tests as a voluntary addition to their regular bar examinations in July 1993. About 1700 applicants in those three states took two performance tests, administered either in two separately timed ninety-minute sessions or one uninterrupted three-hour session, on the Thursday morning following the traditional essay and MBE portions of the bar examination. They were told that their performance on the PTs could help them pass but could not hurt them. In addition to the three experimental states, applicants in Colorado, Alaska, and California also answered one or more of the PTs as part of their regular bar examination.

The four ninety-minute items used in the research were prepared for the National Conference by the California Performance Test Drafting Team, using two three-hour tests developed for California and separating them into subparts. Applicants in the experimental states were assigned one three-hour test or a random pair of the four ninety-minute tests. The fourteen possible combinations of items allowed ACT to examine the effect of time limits and the order in which applicants answered the items. Applicants also completed a questionnaire that solicited background information and their opinions of the tests they took.

The answers of the applicants were graded over the course of a weekend by six teams of graders recruited from ten states. About 25% of the answers were scored twice for purposes of the research.

Each performance test was designed to test three lawyering skills: legal analysis, fact analysis, and problem solving. A panel of content experts gathered to review the items and evaluate how successful they were in testing what they were designed to test.

There are three major chapters in the ACT report: one reporting the technical findings of the research; one on the content validity study; and a third on the perceptions of candidates who participated in the research.

The results of the research are mixed. Applicants thought the performance test was about as good as the essay (and better than the MBE) in measuring “legal reasoning ability.” They believed it was about as good as the MBE (but not as good as the essay) in covering their “full range of legal knowledge.” And they rated it the best of the three tests in measuring their “ability to perform as an attorney.” Applicants uniformly felt they did not have enough time to complete the tasks they were given: 75% of them felt they had either less than enough or much less than enough time. Despite that feeling, the majority of the applicants, 55%, either favored or strongly favored making performance tests a regular part of the bar examination, and another 25% were neutral.

The content panelists agreed that all four items were good tests of legal analysis and fact analysis, but felt that they were only fair at testing problem solving. As might be expected, they found that some items were better at testing one skill area than another; e.g., item B is a strong test of legal analysis but weak in measuring fact analysis. The technical quality of the materials was rated good to very good for all tasks.

The technical findings of the report are somewhat difficult to evaluate. Not unexpectedly, the four items are not equivalent to one another: some are harder than others; graders’ scores correlate higher on some than others; it mattered in what order the applicants took them. Similarly, as might be expected, scores on two tests provide better information than a score on one, and two gradings of two tests is better than one grading.

It is important to note that the data were analyzed using “generalizability theory,” a broader concept than that described by the “reliability” coefficients we are used to seeing. The analyses in the report estimate the magnitude of combinations of variance components: variance due to persons, to tasks, to person-task interactions, and to raters. The bar exam research with which you may be familiar reports variance due only to raters—i.e., the correlation between
two gradings. For that reason, it is important not to try to compare the generalizability coefficients (which range from .27 for one task, one grader, to .48 for two tasks, two graders) with more traditional reliability figures, reflecting the correlation between two gradings of the same task, which in this research ranged from .48 to .70, typically above .60. Said another way, these items performed about the same way we would expect essay questions to perform if measured by the same criteria we typically use to measure the reliability of essay examinations.

One problem with the major finding of the ACT technical research is that it does not provide comparison with other bar examination formats; it identifies the generalizability coefficient of one ninety-minute performance test graded by one grader, but does not include comparable figures for essay questions or the MBE. It also contains no information on what the effect would be on total test reliability if states substituted performance test items for essay questions or if they lengthened their bar examinations by adding performance test items to existing tests.

In order to answer questions raised by the ACT report regarding the performance test's overall impact, the Conference asked Stephen P. Klein to review data gathered by ACT as well as score data from the participating jurisdictions. Dr. Klein was able to compare how applicants did on the PT to their performance on the essay portions of the state exams as well as the MBE, and his report provides more complete context for judging the relative reliability and value of a performance test component. Dr. Klein concludes that the performance test is measuring something different from that measured by essay examinations or the MBE.

In the coming months, the Conference will continue its review of the results of this major research project and will also attempt to gauge the extent to which states are interested in having performance test items included on their bar examinations.

Francis D. Morrissey is president of NCBE and Jane Peterson Smith is NCBE director of testing.

Federal Regulations Finalized
by Frank T. Read

On May 16, 1994, the Department of Education issued new regulations designed to comprehensively regulate the accrediting process for higher education. These new regulations take affect on July 1, 1994. Traditionally, higher education has been regulated by a "triad" consisting of private accrediting agencies, state higher education authorities, and the Department of Education. Under these new regulations, the Department of Education has asserted a directive role in defining how each member of the triad is to carry out its responsibilities. When the regulations were in draft form, the Secretary of Education received numerous comments, many of them negative. The Council of the Section of Legal Education, which is the Department of Education's certified accrediting agency for law schools, opposed adoption of the proposed regulations as "both overly burdensome and overly intrusive."

Despite the fact that Congress extended authority to the Department of Education to enact their new regulations, based primarily on concern about high default rates on federally secured loans to vocational students, these regulations now apply broadly to all of the accrediting activities that affect higher education.

The Council of the Section on Legal Education has appointed a study group to examine the regulations to determine all of the changes that the new regulations mandate in Council organization, standards, and procedures. For example, an initial review indicates that the long-deferred action on proposed Standard 215, requiring schools to provide "basic consumer information," must be accelerated and the scope of earlier drafts of the proposed standard must be expanded. The new regulations will also affect the relationship between the Section and the larger American Bar Association. They mandate new reporting requirements and require more fiscal and administrative independence for the Section. Some of the changes mandated must be made quickly to bring the Section into compliance with the new requirements.

It seems clear that these new regulations will have a very substantial effect on the deliberations of the committee recently appointed by Chair Robert Stein to review the accreditation process. Copies of the full regulations, with a brief covering memorandum highlighting the principal changes that affect the Section, were mailed to all deans on May 16, 1994.

Ide Initiates Public Service Challenge

Through his Public Service Challenge initiative, ABA President R. William Ide III has requested that each Section make a commitment to public service activities during the 1994 Annual Meeting in New Orleans. Dean John Kramer of Tulane University School of Law is coordinating the Section's effort in meeting the challenge of the initiative. Dean Kramer hopes to enlist the assistance of up to ten Section members on Friday morning or afternoon, August 5, for the House of Ruth Homeless Project. Volunteers would commit two hours of time fixing up housing for the homeless. Please contact Dean Kramer at (504) 865-5939 for additional information.
LIBRARY HIGHLIGHTS

Federal Depository Library Program in Trouble

by Margaret M. R. Durkin

For 150 years the Federal Depository Library Program has provided public access to government information through local libraries. There are 1,394 depository libraries located in every congressional district. Publications are distributed by the Government Printing Office (GPO) to the libraries at no charge, provided the libraries make them available free to the public with adequate assistance for their use.

Since special legislation enacted in 1978, most law school libraries have become “selective” depositories for federal documents. Selective depositories may elect to receive documents by category groupings. In recent years, the continued viability of the depository program has been threatened by budget pressures, privatization and the shift from paper to electronic formats. Recent proposals from the executive and legislative branches with respect to the “information infrastructure,” have questioned the appropriate role for the GPO and the depository program in the framework for the information future.

The suggestion has been discussed of a new decentralized model with each agency responsible for its own publications, largely for budgetary reasons. This evokes a picture of a chaotic system with each agency setting different requirements and standards. According to the American Library Association (ALA) and other interested groups, this approach would be inimical to the interests of public access. Librarians see a need for a central coordinating authority to collect and disseminate government information, to provide access through catalogs, indexes or locators, to establish and maintain standards and to assure compliance with regulations. ALA Past President Patricia Glass Schuman testified last October before the Senate Committee on Rules and Administration:

“ALA believes that such decentralization would severely impede the public’s right to know by signaling the death knell for the Depository Library Program.”

Proposals to turn various government publications over to private publishers would likewise fragment access. Privatization would also deny information to those unable to purchase it. The library community is committed to the concept of equitable, no-fee access to government information. The consensus among librarians is emerging that this mission is best accomplished by a strengthening of the existing Depository Library Program within GPO.

Moreover, the ALA and others object to placing disproportionate reliance on electronic information. For example, it has been proposed that the U.S. Code be distributed only on CD-Rom. Critics charge that making information available exclusively through electronic sources does not answer the public need for information, since some do not have access to electronic media.

A Conference on the Future of Federal Government Information was held October 19–21, 1993, in Chicago. At this conference 160 librarians and information specialists underlined the complimentary nature of information media. Paper, microform, CD-Rom and online materials must be used to provide comprehensive coverage. They also emphasized the need for a strong central authority to coordinate the information dissemination responsibilities of the federal government and the growing role that librarians have as intermediaries in this complex information environment. The final report of the Conference, “Reinventing Access to Federal Government Information,” was published in the ALA Government Documents Roundtable publication “Documents to the People” (21 DatP 234-246 [December 1993]).

Margaret M. R. Durkin is head of public services, University of California at Davis Law Library.

Section Visits Latin American Schools

In March, representatives of the Section and the AALS visited law school deans in Argentina, Peru, Brazil and Guatemala. The purpose of the visit, sponsored by the United States Information Service, was to facilitate exchange and dialogue between the law schools of the United States and those of Central and South America. The visit was part of the Latin American Sister Law School Project of the ABA Section of International Law & Practice, which was undertaken with the assistance of the Section of Legal Education and Admissions to the Bar.

One of the great interests of the courts, the bar and law schools in Central and South America is the development of a valid and comprehensive system of law school accreditation. The American system as administered by the ABA is viewed as a model by many legal educators in the Americas.

Earlier this academic year a number of deans from Central and South America visited law schools in the United States. It is hoped that an ongoing dialogue will be established between these schools. The Section plans to invite a number of Central and South American deans to attend the Deans' Workshop, which will be held in conjunction with the ABA Midwinter Meeting in February 1995.
Statistics Show Rise in Part-Time and Nonlegal Employment

By Cynthia L. Rold

The employment experiences of 1993 law graduates depict a shift in employment patterns that have important implications for law schools and their career services offices. To place this shift in context, it is helpful to note that a total of 39,914 individuals graduated from ABA-accredited law schools in 1993. The class of 1993 also marks the twentieth consecutive class of J.D. graduates for which the National Association for Law Placement (NALP) has documented employment experiences. The overall employment rate of 83.4% for the class of 1993 was virtually unchanged from that of the prior year's class (83.5%), although it contrasts sharply with employment rates ranging from 80% to 92% for the classes of 1983 to 1990. (All employment rates are based on graduates for whom employment status was known six months after graduation.)

Underlying the lack of change in the overall employment rate from the class of 1992 to the class of 1993 was a notable shift from full-time legal positions to nonlegal and part-time legal positions. Of graduates for whom employment status was known, 70.3% obtained full-time legal positions, compared with 72.5% for the prior class. Part-time legal positions and full-time nonlegal positions accounted for 4.6% and 7.0%, respectively, of graduates for whom employment status was known. This contrasts with rates of 4.0% and 5.9%, respectively, for the class of 1992.

It is the shift to more part-time and nonlegal positions that requires our attention. First, legal educators need to increasingly embrace the idea that nonlegal jobs can provide "quality" employment opportunities for graduates. Faculty can and should be invited to work with their career services administrators to help discover additional professional positions in which the flexibility and utility of the J.D. credential can be realized. For years, pre-law advisors and others have counseled students thinking about law school that a law degree provides good preparation for many different types of careers and, in fact, many graduates have pursued alternative careers after they have practiced law for a number of years. Now that more graduates are pursuing these alternatives directly out of law school, legal educators have an important role in continuing to support and affirm those choices.

Second, faculty can realize the critical role they play in helping to create and identify employment opportunities for their students. When faculty members form partnerships with their career services offices, they can work effectively with them to help students find meaningful and satisfying employment. The number of employment opportunities available to students at a particular school are products of many interrelated factors, including academic preparation, clinical training, the reputation of the law school, the strength of faculty recommendations for individual students, and the quality of the students admitted to the school. Many of these factors are beyond the control of career services administrators but are well within the control of members of the law school faculty.

Thus, everyone within the law school has an important role and responsibility to examine the employment-related factors within their control and work to strengthen those factors. Such a collaborative effort can only lead to more employment opportunities for their students. As all legal educators recognize, whether a graduate is employed and is satisfied with his or her employment correlates directly with the degree to which that graduate will support the law school, which in turn impacts the availability of future job opportunities and law school resources. The success of career services efforts is part of a seamless web within the law school, impacting not only employment but admissions, recruiting, alumni relations, development, and overall reputation of the school.

Cynthia L. Rold is assistant dean at the University of Illinois College of Law and president of NALP.

1995-96 Judicial Fellows Program

The Judicial Fellows Commission invites applications for the 1995-96 Judicial Fellows Program. The program, established in 1973 and patterned after the White House and Congressional Fellowships, seeks outstanding individuals from a variety of disciplinary backgrounds who are interested in the administration of justice 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 early September 1995, 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 $74,054.

Information about the Judicial Fellows Program and application procedure are available upon request from Vanessa Yarnall, Administrative Director, Judicial Fellows Program, Supreme Court of the United States, Room 3, Washington, DC 20543. (202) 479-3415. The application deadline is November 18, 1994.
Jackson Hole II: A Conference on Law School Development

by William B. Powers

The Section sponsored the second biennial Conference on Law School Development in Jackson Hole June 5–8, 1994. The conference, planned by the Section’s Committee on Law School Development, attracted over 250 participants.

The conference began with a discussion of the relationship between the dean and the chief development officer, moderated by Associate Dean for Development Susan S. Bell of Stanford Law School. Dean Robert W. Bennett of Northwestern University, Dean Kristine Strachan of the University of San Diego and Assistant Dean Linda Steckley of NYU agreed that there must be a relationship of trust, respect and communication between the dean and the development officer. Dean Paul Brest of Stanford Law School added, “The dean brings academic expertise and the development officer brings fundraising skills.”

The following panel, moderated by William H. Broadman, Jr., director of university capital giving at Harvard, discussed principal gifts. Dean Colin Diver of the University of Pennsylvania described Penn’s capital campaign in which $36 million was raised from 19 principal gifts, 17 of which were from individuals. He noted that only 4 of these 17 persons had a very close relationship with the law school before the solicitation took place. Diver added that 4 of the 19 gifts were unsolicited, and of the 15 solicited gifts, 5 were secured in less than one month, 5 were secured in less than one year, and 5 were secured in one or more years after the initial contact.

James W. Osterholt, assistant vice chancellor for development at UCLA, described characteristics of large-gift fundraising. “These donors are very sophisticated, and it is important to keep in mind that the donation of one gift is the beginning strategy for a succeeding gift.”

After lunch, the conferees chose between concurrent sessions on principles of fundraising, alumni relations and visiting committees, advisory councils, and alumni boards. The final session of the first day featured concurrent sessions on the role of the dean in capital campaigns, annual giving and building databases.

The second day of the conference began with a session on asking for a major gift, led by Christopher J. Menard, associate director of leadership gifts and planned giving at Harvard. Cynthia J. Bradley, director of development at Northwestern University, stressed the value of being active in the community and the local bar association with regard to making contacts. Dean Scott Bice of USC noted that three types of volunteers can be helpful: information providers, cultivators (peers of the donors) and solicitors, who actually ask for the gift. Dean Ralph J. Rohner of Catholic University stressed the need to ask for the gift clearly and unequivocally and to set the figure high. He added that deans should not be hesitant to turn down gifts earmarked for programs that are not in the best interest of the law school. Dean John Kramer of Tulane University discussed how to conduct fundraising for portions of a new building when the old building already has names attached to various parts of it from a previous fundraising drive.

The second day of the conference also contained a discussion of negotiation strategy by Professor Gerald R. Williams of Brigham Young University. Concurrent sessions offered participants choices between the topics of executing the campaign plan, annual giving strategies and tactics, planning and preparing capital campaigns and reunion activities.

The final day of the conference featured panel discussions on how to tap central university development resources moderated by Dean Daniel O. Bernstine of the University of Wisconsin and an overview of capital campaigns moderated by Yale’s Associate Dean Carroll D. Stevens.

The Law School Development Committee plans to have a third biennial conference in 1996.

William B. Powers is assistant consultant on legal education to the ABA and editor of Syllabus.

Seminar for New Deans, Workshop for Administrators Held

The second annual seminar for new law school deans was held June 16–18 at Graylyn Conference Center, Wake Forest University. Eighteen new deans took advantage of the well-received workshop. Topics included A Day in the Life of the Dean, Relations with Faculty, the Personal Side of a Deanship, Law School Finances, Accreditation Issues, Relationships with the Central Administration, Building and Managing an Administrative Team, Outside Constituencies, Fundraising, Leadership and Long-Range Planning, and the Transition to a Deanship.

The Workshop for Associate and Assistant Deans was held in Indianapolis June 25. The workshop attracted more than one hundred law school administrators to discuss the following topics: A Day in the Life of the Associate/Assistant Dean, Student Services Issues, Faculty and Academic Issues, Student Disciplinary Issues, the ABA Annual Questionnaire, and the Americans with Disabilities Act.
Jackson Hole II

The conference drew over 250 participants to the Jackson Lake Lodge.

Dean Henry Ramsey, Jr., and Denise Mitchell, Howard University School of Law.

Robert A. Keller, vice chair of the Stanford Law School Campaign Steering Committee, former assistant dean for development at Stanford and former senior vice president and general counsel of the Coca-Cola Company, welcomes participants at the opening dinner.

Dean Scott H. Bice of the University of Southern California and Dean John Kramer of Tulane Law School discuss the relationship between the dean and the chief development officer.

Toni S. Turner, executive director of the Texas Law School Foundation, J. William Elwin, associate dean of Northwestern University School of Law, and Dean Nina S. Appel, Loyola University-Chicago School of Law.

Christopher J. Menard, associate director of leadership gifts and planned giving at Harvard Law School, moderates a panel discussion entitled "Asking for a Major Gift."

Professor Steven H. Goldberg of Pace University chairs the Section's Law School Development Committee and chaired the conference planning committee.

SUMMER 1994 SYLLABUS 9
Legal Hotchpot

On April 9, 1994, Northern Illinois University College of Law dedicated its entrance gallery in honor of the late Supreme Court Justice Thurgood Marshall. The events began with a speech by Judge George N. Leighton, president of the Chicago branch of the NAACP from 1952–53 and a colleague of Thurgood Marshall. Judge Leighton was introduced by Presiding Judge Ellis E. Reid of the First Municipal District Circuit Court of Cook County.

Following Judge Leighton’s speech, NIU law students presented a re-creation and updating of the oral argument in Brown v. Board of Education before a panel consisting of the Honorable Theodore McMillian, United States Court of Appeals, Eighth Circuit; Daniel O. Bernstein, Dean of the University of Wisconsin School of Law; and Mark A. Latham of the Chicago law firm of Gardner Carton & Douglas, chair of the Chicago Bar Association Minority Clerkship Program. As part of the dedication, the College of Law sponsored a contest for seventh through twelfth grade students. Submissions included essays, a video, and art work which paid tribute to the late Justice Marshall. The winning projects were presented as part of the dedication ceremony.

The University of Southern California Law Center has been awarded a $137,266 grant from the U.S. Department of Education in accordance with Title IX of the Higher Education Act’s Law School Clinical Experience Program to expand the Post-Conviction Justice Project, a clinical program providing representation to prison inmates. Since the project’s establishment in 1981, participating faculty and students have represented inmates at the all-male Federal Correctional Institution at Terminal Island, California. The grant has enabled the clinical program to extend its services to include the all-female population at the California Institution for Women at Frontera, California.

The law firm of Ruden, Barnett, McClosky, Smith, Shuster & Russell, P.A., has donated $250,000 to the Shepard Broad Law Center of Nova Southeastern University as part of the firm’s continuing efforts to promote higher learning in the South Florida community and advance the stature of Florida law schools. Ruden Barnett’s ongoing support of NSU includes providing financial assistance for numerous university-sponsored activities and through personal involvement of attorneys who have served as adjunct professors at the law center.

Pepperdine University’s Institute for Dispute Resolution has received a $90,000 grant from the Haynes Foundation in Los Angeles and a $5,000 grant from the National Institute for Dispute Resolution in Washington, D.C. The grants will fund a multi-year project that will address legal conflicts between local government agencies and will design systems to resolve them without full litigation.

St. Mary University announces the establishment of the Institute on International Human Rights Law. The Institute is designed for law students who wish to gain a deeper understanding of international human rights law and its application to real-life situations. The Institute inaugurated its first program during the last week in May, when its directors conducted a seven-day human rights study tour in El Salvador, immersing interested students in an intensive study of international human rights law in the context of the country’s political realities.

Dean Changes

Steven Bahls, former associate dean at the University of Montana, has become the new dean of Capital University School of Law. Douglas G. Baird of the University of Chicago has become that law school’s new dean. The University of Houston has announced that Acting Dean Raymond T. Nimmer is now the dean of the law school.

Michael Hoeflich, former dean of Syracuse University, is the new dean of the University of Kansas School of Law. Dean Hoeflich is succeeded at Syracuse by Daan Braveman, professor and former associate dean of that law school. Louis Westerfield, former chancellor of Loyola University School of Law in New Orleans, is the new dean of the University of Mississippi School of Law. Dean Westerfield is succeeded at Loyola by Marcel Garsaud, Jr.

Steven M. Barkan is the new interim dean of Marquette University School of Law. Samuel C. Thompson of U.C.L.A. is the new dean of the University of Miami School of Law. The University of Michigan has appointed Jeffrey S. Lehman as its new dean, and North Carolina Central has appointed Percy Luney as its new dean.

Arthur G. Lafrancois is the acting dean of Oklahoma City University, replacing Robert H. Henry, who was appointed to the Tenth Circuit Court of Appeals. Peter M. Shane of the University of Iowa is the new dean of the University of Pittsburgh School of Law. St. Thomas University has appointed Daniel J. Morrissey of the University of Tulsa as its new dean, and Mack Player from Florida State University goes west to Santa Clara.
University to be the new dean. Lizabeth A. Moody is the new dean of Stetson University College of Law. Mark G. Yudof, longtime dean of the University of Texas School of Law, has accepted appointment as the executive vice president and provost of that university. Michael Sharlot has been appointed acting dean of the law school in Austin. M. Thomas Arnold is the acting dean of the University of Tulsa College of Law.

Barry Sullivan of the Chicago firm of Jenner & Block is the new dean of Washington & Lee University School of Law. Joan Mahoney of the University of Missouri at Kansas City is the new dean of Western New England College School of Law. Anthony T. Kronman is the new dean of Yale Law School.

**Faculty Honors**

Samuel S. Wilson, a newspaperman, television actor and law school dean during his nearly half-century career in Cincinnati, received a 1994 Distinguished Alumnus Award at the annual spring luncheon hosted by the University of Cincinnati College of Law Alumni Association. Wilson, who retired this past December, may be best remembered by the greater Cincinnati community as Judge Paul Trevor on the television program, "Juvenile Court," which ran on WCPO from January 1975 to September 1983. After graduating from Princeton University in 1947, he became a reporter and editorial writer for the Cincinnati Times-Star. Wilson graduated from the UC College of Law in 1961 and spent four years in private practice before becoming a UC professor in 1965. He was dean of the college from 1974 through 1978, during which time he secured the commitment from the state of Ohio to finance the re-construction of the law school building. He co-authored a history of the college and claims to be the only father of a fourth-generation law graduate in the college's 161-year history.

Professor Rodney A. Smolla, Hanson Professor of Law and Director of the Institute of Bill of Rights Law, oversaw the East Coast opening of his play, The Trial of Oliver Wendell Holmes, on April 4 at the College of William & Mary. The play was first performed at the University of California at Los Angeles last November. Smolla frequently uses "nonacademic" genres to explore legal and social policy issues, including plays, short stories, and fictional dialogues. His earlier play, Flynt and Brimstone, based on his book Jerry Falwell vs. Larry Flynt: The First Amendment on Trial was read in an ensemble production in New York City in 1992, with Peter Boyle playing the lead. In his current play, four of the characters are fictional. Four additional characters, however, were real people: Oliver Wendell Holmes (the "defendant" in the trial), Socrates (the "prosecutor"), Eugene V. Debs (a witness), and Carrie Buck (in real life a litigant whose case was heard by the U.S. Supreme Court and in the play a witness against Holmes).

George Washington University Professor Yonah Alexander chaired an Institute on "Group Rights and the Work Place: Preventing Ethnic, Racial and Religious Intolerance and Violence" on May 25, 1994. The Institute was sponsored by the George Washington University in cooperation with the American Bar Association Section of Individual Rights and Responsibilities. The Institute was designed to identify sources of conflict in the workplace between minorities and the majority, or between different minorities. Experts will propose practical measures to minimize workplace tensions and violence in the U.S. and abroad.

With the use of laptop computers, cellular phones and multimedia computer programs, students with disabilities are becoming more effective, productive students who excel in mainstream classrooms. To examine the implications these opportunities will have on the future of U.S. education, University of Iowa Law Professor Peter Blanck traveled to Washington, D.C., to convene a national Annenberg conference on new classroom technology for students with disabilities.

The conference, "Communications Technology for Everyone: Implications for the Classroom and Beyond," took place Monday, April 11 and was sponsored by the Annenberg Washington Program, of which Blanck is a Senior Fellow. Walter Annenberg is an activist who over the last several years has given about $750 million to universities for education reform. The highlight of the conference was a live demonstration of classroom interactive computer programs as used by students with disabilities. In addition, the event included panel discussions with representatives from the White House, the Senate Subcommittee on Labor and Human Resources, the U.S. Department of Health and Human Services, the U.S. Office of Consumer Affairs, the U.S. Department of Education, the World Institute on Disability, the Center for Applied Special Technology and representatives from several universities.

Professor Carol Anderson of Wake Forest University School of Law has been selected to receive the 1994 Richard S. Jacobson Award of the Roscoe Pound Foundation for Excellence in Teaching Trial Advocacy. The award was established in 1983 to recognize the depth and strength of commitment to teaching the art and craft of trial advocacy and includes a $5,000 honorarium.
(b) The law school shall have the resources necessary to provide a sound legal education and accomplish the objectives of its educational program, and shall be so organized and administered as to utilize fully those resources for those purposes.

The revision proposes to separate into two new Standards the self-study requirement and the adequate resources requirement as follows:

**Standard 201. Resources for Program**

(a) The present and anticipated financial resources of a law school must be adequate to sustain a sound program of legal education.

(b) A law school must have the resources to provide a sound program of legal education and accomplish the objectives of its educational program.

(c) A law school must be so organized and administered that its resources are fully used to provide a sound program of legal education and to accomplish the objectives of its educational program.

**Standard 202. Self-Study**

The dean and faculty of a law school shall develop and periodically revise a written self-study. The self-study must articulate the goals of the law school's program of education, assess the extent to which the law school is achieving each of its goals, and identify the means to accomplish the law school's unrealized goals.

As part of its final review this year the Standards Review Committee will review the new Department of Education Regulations, which became effective July 1 to ensure that all the requirements of the Department of Education are met since the Council of the Section is the recognized accrediting agency for professional schools of law.
FROM THE CHAIR  
Continued from page 1

The Section Council has now prepared such a report, which is available upon request to the Office of the Consultant on Legal Education. 

Second, at the Midyear Meeting several members of the House suggested that it would be desirable for the Section to review all of the law school accreditation standards. Some members of the House suggested that the Standards are too protective of law faculty, particularly as to matters such as maximum teaching loads, sabbatical requirements, and compensation, and that the Standards perhaps should mandate that law school curricula include certain subjects viewed as central to the practice of law.

A third significant development was a letter recently sent to all law school deans, signed by the deans of 14 law schools, expressing concern regarding the recently adopted Department of Justice regulations concerning antitrust. That process is currently undergoing a complete review and proposed revision of the Standards.

A fourth development affecting accreditation was the recent promulgation of regulations by the United States Department of Education regarding procedures and criteria for the recognition of accrediting agencies. These regulations are effective July 1, 1994. The Council of the Section, as the recognized national accrediting agency for law schools, must comply with these new regulations. This compliance will require revisions to both the Standards and the rules of procedure.

The current Standards were adopted in 1973. Since that time a number of interpretations have been adopted. Since 1991, the Section’s Standards Review Committee, in an effort to assure validity and reliability, has undertaken a systematic review of all of the Standards and Interpretations. That process is nearing completion. After review by the Council, the proposed revisions will be circulated for comment.

The Commission will wish to hear from law school deans, bar association leaders, judges, bar-admitting authorities, and the public regarding their perceptions of the law school accreditation process. The Commission will communicate with all of these constituencies to solicit their views. In addition, a substantial segment of the Deans Workshop at the 1995 Midyear Meeting will be devoted to a dialogue with the Commission regarding these very important matters.

I concluded my April letter to the law school deans by noting, “The appointment of this [Commission] does not mean that the approval process is seriously flawed or beset with numerous problems. Obviously, however, any process can be improved.” I hope that the work of the Accreditation Commission will result in an improved process and criteria for the accreditation of law schools. □
Section Council Nominees Announced

The Section Nominating Committee composed of Honorable Rosalie E. Wahl, Chairperson; Dean James Douglas; Professor Jane L. Hammond; Harold L. Rock, Esq.; and Professor Frank K. Walder has proposed the following nominations:

Chairperson (Automatic):

**Honorable Joseph W. Bellacosa**
Judge Bellacosa has been a judge of the New York Court of Appeals (the state's highest court) since 1987. He is the former chief administrative judge of all New York courts. He is currently a member and former vice-chairperson of the Section’s Accreditation Committee. Judge Bellacosa is a former professor of law at St. John's University and Albany Law School. He is a member of the American Law Institute and serves as chair of the New York State Bar Association Committee on Media Awards. Judge Bellacosa holds a B.A. and J.D. from St. John’s University where he was an editor of the *St. John’s Law Review*.

Chairperson-Elect:

**Erica Moeser, Esq.**
Erica Moeser is executive director of the Board of Bar Examiners of the State of Wisconsin. She served as a member of the Council for the past four years. Ms. Moeser currently serves as co-chairperson of the Section’s Bar Admissions Committee. She is a former chair of the Conference of Bar Administrators and a former member of the Board of the National Conference of Bar Examiners. Ms. Moeser has served as an adjunct faculty member at the University of Wisconsin School of Law. Ms. Moeser holds a B.A. from Tulane University and a J.D. and M.S. from the University of Wisconsin.

Vice Chairperson:

**Dean Rudolph C. Hasl**
Dean Rudolph C. Hasl is dean of St. John’s University School of Law and former dean of St. Louis University School of Law. He is an honors graduate of Xavier University in Cincinnati, Ohio, and a *cum laude* graduate of St. Louis University School of Law. In 1974 he obtained his LL.M. from New York University School of Law. Dean Hasl is a member of the American Bar Association Accreditation Committee and a former chairperson of the committee. He is a former member of the Xavier University Board of Trustees, a former President of SCIBES, the American Society of Writers on Legal Subjects, and the 1988 recipient of the Missouri Bar Spurgeon Smithson Award.

Section Delegate (three-year term):

**Norman Redlich**
Norman Redlich, Section Delegate, is of counsel at Wachtell, Lipton, Rosen and Katz in New York, New York. Mr. Redlich, former dean of New York University Law School, is Judge Edward Weinfeld Professor of Law Emeritus at NYU. Mr. Redlich is a former chairperson of the Council of the Section of Legal Education and Admissions to the Bar. He was a member of the ABA Commission on Opportunities for Minorities in the Profession. He also was a member of the Council of the ABA Section of Individual Rights and Responsibilities. He has served as chairperson of the Lawyer’s Committee for Civil Rights Under Law. He has written widely in the field of professional responsibility. He is a fellow of the American Bar Foundation, a fellow of the Institute of Judicial Administration, and board member of the Legal Aid Society and the Practicing Law Institute. Dean Redlich holds a B.A. from Williams College and an LL.B. from Yale Law School. In 1992, Dean Redlich received the Kellogg Award from Williams College.

Council Members (three-year terms):

**Dean John R. Kramer**
John R. Kramer is dean and professor of law at Tulane University Law School. He is a former professor and associate dean at Georgetown University. Dean Kramer has served as special counsel to the majority whip of the United States House of Representatives and as executive director of the National Council on Hunger and Malnutrition in the United States. Dean Kramer is a former president of the Field Foundation. He serves as chairperson of the ABA/AALS/LSAC Task Force on Student Financial Aid, as well as the chair of the Section’s Committee on Law School Public Service Activities. Dean Kramer holds the B.A. and J.D. degrees from Harvard and has done post-graduate study at Cambridge University. He also holds an honorary degree from Georgetown University.

**Professor Gary Palm**
Gary H. Palm is a professor of clinical studies at the University of Chicago Law School. He holds an A.B. from Wittenberg University and a J.D. from the University of Chicago. He formerly practiced in Chicago. He is a member of the Order of the Coif. Professor Palm teaches in the area of practice and procedure.

**Honorable Randall T. Shepard**
Honorable Randall T. Shepard, council member, is chief justice of the Indiana Supreme Court. Chief Justice Shepard was appointed to the Indiana Supreme Court in 1985 and was elected chief justice in 1987. Prior to his service on the Supreme Court he served as judge of the Vanderburgh Superior Court in Evansville, Indiana. He is a *cum laude* graduate of Princeton University and earned his J.D. degree at Yale Law School. Chief Justice Shepard served as chairman of the Historic Landmarks Foundation of Indiana and as chairman of the Indiana Commission on the Bicentennial of the Constitution. He is a member of the Board of Directors of the National Trust for Historic Preservation.

**Dean Robert K. Walsh**
Robert K. Walsh serves as dean and professor at Wake Forest Univer-
LSAC Report

U.S. Law School Applicant/Application Decline Slows

by Jana Cardoza

With an estimated 98 percent of the 1993-94 law school applicant pool accounted for as of May 20, the Law School Admission Council reported 83,060 applicants to U.S. law schools—down 1.9 percent from this time last year. As of May 20, 417,100 applications had been filed at the nation’s 176 ABA-approved law schools, representing a decrease of less than one percentage point from the previous year.

With only three months to go until the application cycle officially ends, law school admission personnel nationwide can breathe a collective sigh of relief that the expected decline will not be more severe. Although this will be the third year in a row that the number of applicants to law school is down, it will not be down by much compared to the past two years. In August 1993, we reported 86,500 law school applicants for 1992-93—a 5.9 percent decrease from the previous year. In August 1992, we reported 92,000 law school applicants for 1991-92—a 2.2 percent decrease from the previous year. Applications to the nation’s law schools declined by 5.6 percent in 1992-93, and year-end data from 1991-92 show that applications increased, but by only 1 percent.

Law schools in Puerto Rico and the state of Mississippi, Alabama, Georgia, and South Carolina have been hardest hit, experiencing a 6.2 percent decrease in applications. Conversely, law schools in Texas, Oklahoma, Arkansas, and Louisiana—experienced a 9.2 percent increase in applications. Applicants who hail from the New England region declined by 11.3 percent and applicants from the Northeast—New York, New Jersey, and Pennsylvania—dropped by 8.3 percent from the previous year, while applicants from the Northwest increased by 10.8 percent. The year-end data report, available in August, will include a look at the applicant volume by age, gender, and ethnic group. For more information, contact the Law School Admission Council public affairs staff at (215)968-1186.

LSAC’s New Minority Initiatives

The LSAC Board of Trustees recently authorized expenditures for several minority affairs projects, underscoring its ongoing commitment to addressing the underrepresentation of minorities in legal education and the profession. As a result of the recent Board action, the Minority Affairs Committee will sponsor a third academic assistance training workshop for law schools interested in developing such programs. The committee will also oversee production of a videotape on academic assistance programs as well as completion of a technical manual to be used by schools in conducting such programs.

To enhance the Minorities Interested in Legal Education (MILE) program, the Board approved sponsorship of law school visits by the college freshmen and sophomores who participate in the program. The Board also approved special MILE programming at the 1994 Law School Forums as well as additional funding of $100,000 for the overall program.

At this writing, our agenda for the new fiscal year is chock-full of projects designed to better serve the law school community. Since the publication of our column in the last issue of Syllabus, we have heard from several readers interested in the LSAC-sponsored workshop on disability matters and the ADA. The workshop promised law schools in the Toledo, Ohio, region is now scheduled to take place July 22. An earlier session is available on videotape. For more information, call JoAnne Wieland at (215)968-1152.

Jana Cardoza is the senior media relations specialist for LSAS.
Curtin Internship Awardees Announced

The John J. Curtin, Jr., Legal Internship Program, an important source of financial assistance to law students who are interested in public interest law, has just awarded its 1994 summer internships. Begun only a year ago with stipends for three students, the program now funds the work of four summer interns.

The 1994 stipend winners are Marissa Boyers, a second-year student at Temple University School of Law who will be working at the Southern Arizona People's Law Center; Laurie Malkin, a first-year student at the University of Pennsylvania Law School who will be working at the Lawyers Clearinghouse on Affordable Housing and Homelessness in Boston; Katerina Rohner, a second-year student at American University's Washington College of Law who will provide legal assistance to homeless individuals and families at the Washington Legal Clinic in the District of Columbia; and Matthew Schneider, a first-year student at City University of New York Law School at Queen's College who will work in the advocacy department of the Coalition for the Homeless in New York City.

The awardees were chosen from a crowded field of stipend hopefuls eager to work on the cutting edge of legal advocacy for homeless people. As many applicants already had experience in the area of public interest law, the caliber of those applying was extraordinarily high. According to former ABA President John J. Curtin, Jr., "This year's recipients of the John J. Curtin, Jr., Justice Fund are the most outstanding of an outstanding group of applicants. Their proposed projects will attack homelessness and poverty on many fronts. The grantees will not only make a substantive contribution to alleviate problems of indigence, poverty and homelessness, but they will also deepen their own knowledge of the practical problems of poverty and help educate the legal community about them."

Each intern receives a $2,000 stipend for dedicating two months of continuous work in organizations serving homeless clients or those at risk of becoming homeless. Application information is available in the fall from the ABA Commission on Homelessness and Poverty.

Justice Wahl to Receive Kutak Award

At its June 2-4, 1994 meeting the Council of the Section named Justice Rosalie E. Wahl of the Minnesota Supreme Court as the 1994 recipient of the Robert J. Kutak Award. At its report to the Council, the Robert J. Kutak Committee stated, "as you know the Robert J. Kutak Award is granted annually to the person that meets the highest standards of professional responsibility and demonstrates substantial achievement toward the increase of understanding between legal education and the active practice of law. Justice Rosalie E. Wahl fully merits this recognition. She has given distinguished service to legal education and the profession."

The Award will be presented at an Award Ceremony and Reception on Saturday, August 6, during the ABA Annual Meeting. The Reception will be at 5:30 p.m. at the Convention/Blondville Room, 201 Julia Street, New Orleans, Louisiana.