Committee Studies Professionalism, Presents Annual Meeting Program

by Wm. Reece Smith, Jr.

Concern about changes in the culture of the legal profession has prompted judges, scholars and practitioners to devote considerable attention in recent years to the concept of professionalism. Some find the concept difficult to define, but nevertheless most agree it is worthy of attention not only because it serves as a source of inspiration and ideas for reform; but also because it reflects the sincere aspirations of lawyers for appreciation and understanding of their role in society.

Stanley Report

Several years ago, an ABA Task Force produced a study of professionalism in the law containing a definition of the subject and recommendations for enhancing professional and public esteem for lawyers and lawyering. Drawing upon the Pound definition of law as a learned art devoted primarily to public service, the study, commonly known as the Stanley Report, tended to stress the ideals, traditions, tenets, practices and rules of conduct historically associated with the practice of law. Despite defects which some scholars detect in this approach to professionalism, most practitioners and many scholars continue to address the subject with shared, somewhat intuitive, understanding. Most state and many local bar associations, as well as the ABA, have formed professionalism committees for the purpose of enhancing the understanding and commitment of lawyers to professional ideals and responsible conduct in the practice of law.

Professionalism Committee

When he was incoming chair, Dean Robert Stein appointed a Section committee in August 1993 “to review the role of law schools in instituting a sense of professionalism in law students during their law school study.” The committee sought in its initial year of work to develop a satisfactory definition of professionalism, to establish contact with other entities addressing the subject with shared, somewhat intuitive, understanding. Most state and many local bar associations, as well as the ABA, have formed professionalism committees for the purpose of enhancing the understanding and commitment of lawyers to professional ideals and responsible conduct in the practice of law.

New African Sister Law School Project Funded

by Frank T. Read

The Section of Legal Education and Admissions to the Bar has received a major United States Information Agency (USIA) grant to initiate a Sister Law School Program in eight African nations. The grant proposal, submitted by ABA Consultant James P. White on behalf of the Section and in coordination with twelve American law schools, was selected from several competing grant proposals. The USIA grant provides $200,000 to support the initial stages of the new project, called the African Law Initiative (AFLI) Sister Law School Program.

Project in Three Phases

The AFLI project will focus on eight African countries: Eritrea, Ethiopia, Ghana, Kenya, Malawi, Tanzania, Uganda and Zambia. The project will be conducted in three phases, beginning in December 1994. First, a three-day workshop for American and African law school deans will be held in Nairobi, Kenya, or Dar es Salaam, Tanzania, to establish the framework for cooperative relations.

Second, an intensive, two-week American study tour by one dean and one other representative per African country will include a three-day orientation in Washington on the U.S. legal system organized by the ABA; a ten-day tour of U.S. law schools; and a concluding session in Washington, DC.

Continued on page 22
Council Represents Components of the Legal Profession

by James P. White

Since its beginning as the first section of the American Bar Association in 1893, the Section of Legal Education and Admissions to the Bar has developed under certain fundamental principles. First, the legal profession itself is best equipped to form the ultimate judgment of quality. Second, participation by different components of the profession—the bench, bar and professorate—is the best way to form that professional judgment.

Thus, the members of the Council of the Section as the recognized accrediting body for American law schools reflect the three segments of the legal profession. Last year Dean Robert A. Stein of the University of Minnesota served as Section chairperson. This year Judge Joseph W. Bellacosa serves in that role, and will be succeeded next year by Erica Moeser, director of the Board of Bar Examiners of Wisconsin.

The membership of the Council and other Section officers also is representative of the three elements of the legal profession. Included are seven practitioners, two high court judges and seven legal educators. The legal educators include four deans, one former dean, an associate dean and a professor. Practitioners include a past chair of the National Conference of Bar Examiners and the general counsel of the nation’s largest state bar.

Thus, as the Council begins a new year dealing with matters including ABA accreditation standards, bar admission requirements, foreign legal education, the MacCrate Report, the financing of legal education and the requirements of the federal law and regulations, the views of the bench, bar and academic community are fully represented in the deliberations of the Council.

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

The American Bar Association Commission on Homelessness and Poverty and the Standing Committee on Legal Aid and Indigent Defendants are now accepting applications for the 1995 John J. Curtin, Jr. Legal Internship Program. Application deadline is March 1, 1995.

The internships, established to assist nonprofit and pro bono legal advocates for the indigent, give law students an opportunity to gain direct experience in a public interest forum. Awardees will be selected on the basis of their demonstrated concern for public interest law. 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.

To request an application, write to Patricia Hanrahan, Director, Commission on Homelessness and Poverty, American Bar Association, 1800 M Street, NW, Washington, DC 20036.

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Section of Legal Education and Admissions to the Bar

The price of an annual subscription to members of the Section of Legal Education and Admissions to the Bar is included in their dues. Subscriptions to nonmembers are $15.
Dear Law School Community:

As you know, the Council of the Section of Legal Education and Admissions to the Bar has recently created the Commission to Review the Substance and Process of the American Bar Association's Accreditation of American Law Schools. I have accepted the invitation of the Section's leadership to serve as the chairperson of the Commission. After broad consultation and discussion, then Section Chairperson Dean Robert A. Stein and Chairperson-Elect Judge Joseph W. Bellacosa appointed the members of the Commission.

[Editor's note: in addition to Justice Rosalie E. Wahl, members of the Commission are Judge Rosemary Barkett, formerly Chief Justice of Florida and recently appointed to the United States Court of Appeals for the Eleventh Circuit; Jack Brown, Esq., of the Oklahoma bar; Dean Ronald Cass, Boston University School of Law; President Talbot D'Alemberte, University of Florida; John Deacon, Esq., of the Arkansas bar; Dean John Feerick, Fordham University School of Law; Dean Herma Hill Kay, University of California-Berkeley School of Law; William Paul, Esq., of the Oklahoma bar; Pauline Schneider, Esq., of the D.C. bar; Dean E. Thomas Sullivan, University of Arizona School of Law; and Diane C. Yu, Esq., general counsel of the State Bar of California.]

The ambitious scope of the charge is fully matched by the diverse group of members of high quality and unsailable integrity. Our charge also requires that we complete our report to the Council of the Section by August 1995.

The purpose of this communication is to earnestly solicit your candid comments as the Commission undertakes its work. We welcome your comments and views concerning the specific issues, focus and general directions in which you believe the Commission should proceed as well as any specific issues that hold particular interest for you.

When the Commission convenes on October 6, its agenda will include the development of a schedule of hearings and appearances that will offer opportunities for thorough appraisal of the substance and process of ABA accreditation from as wide an array of persons and perspectives as possible. It is presently contemplated that public hearings will be conducted during the January 1995 AALS Annual Meeting and the February 1995 ABA Midyear Meeting. The Commission will also consider what survey instruments will be appropriate for the gathering of data and viewpoints from a broad constituency. A response to this letter represents the first of other opportunities that you will have to participate in our process. Your help is essential in shaping the direction and focus of our assignment.

For the present, I encourage you to direct your comments to me in care of James P. White at his office in Indianapolis. If anyone prefers to communicate with me directly, please do so. At this preliminary stage, I would especially welcome your suggestions and submission as to the following issues:

1. Changes that you feel are needed to the Standards for the Approval of Law Schools or their adopted Interpretations.
2. Suggestions that you feel are needed in the site evaluation process. (Site evaluations are conducted every seven years for fully approved law schools, annually for provisionally approved schools, and as warranted for schools that seek to establish a significant new undertaking such as an overseas or graduate program.) (Sabbatical visits are conducted in cooperation with the Association of American Law Schools.)
3. Suggestions for the most prudent, efficient and effective way to accommodate recently adopted Department of Education regulations governing accreditation agency independence, educational financing and consumer information protection.
4. Suggestions concerning the administration and management of the accreditation process.

As the Commission will hold its first meeting on October 6, I hope that if you wish to respond to this letter you will do so prior to that date. We welcome and solicit your views.

Thank you for contributing to the work of the Commission.

Sincerely,

Rosalie E. Wahl, Chairperson

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Duke’s New Writing/Research Course

A new approach to teaching legal research and writing to first year students at Duke University School of Law focuses on making future lawyers more effective at doing what lawyers do daily—writing legal briefs and internal memos. The program is based on the reader expectation theory, the theory that clear and effective writing can be taught by meeting the reader’s expectations, at the word, sentence, paragraph and document level.

The program integrates legal research and writing by linking specific research goals with writing tasks. Writing instructors, who also are experienced lawyers, will be paired with research instructors, who are members of the law library staff, to teach all sections.

The new program stresses the practical aspects of legal discourse, concentrating not on how writers can go about fulfilling writing assignments, but rather on how readers go about interpreting a finished document. Students will learn how to be creative in constructing a variety of interpretations of a given piece of prose and how best to limit the number of interpretations of their prose that others will be able to make.
Workshop for Adjunct Faculty Held

by William B. Powers

The Section and the ABA Coordinating Committee on Legal Education co-sponsored a Workshop for Adjunct Faculty at the Annual Meeting on August 8 from 10:00 a.m. to noon. Professor Jacqueline Allee of St. Thomas University School of Law and chair of the Coordinating Committee, moderated the program. She discussed the work of the committee, which includes trying to find ways to involve adjunct faculty more in the life and community of the law school.

Dean Nina S. Appel, Loyola University-Chicago School of Law, noted that in most law schools, the integration of adjuncts with the regular faculty is not as good as it could be. “As a result,” Appel stated, “adjuncts are a huge resource that is under utilized.”

Dean Appel also focused on two issues of concern to legal educators generally: the financial difficulties deans face in budgeting versus the high cost of attending law school, and diversity. She noted that law school tuition cannot continue to increase at levels similar to those of recent years. Yet deans are called upon to balance limited resources with program initiatives. Dean Appel also stressed the importance of achieving diversity in the legal profession, including class diversity.

Professor Victor Rosenblum of Northwestern University discussed recent trends in legal scholarship with regard to the relationship between the academy and the bar. He stated that many people have careers that involve both practice and teaching, so perhaps the gulf between the academy and the bar is not so wide. Professor Rosenblum noted that an example of cooperation between the academy and the bar is the publication of law reviews. “We are in an era where legal scholarship has depth, breadth and relevance to the private practitioner,” he said. Professor Rosenblum concluded by stressing that the relationship between the academy and the bar is and must continue to be collegial, not hierarchical.

The Honorable Robert Keeton, of the U.S. District Court in Boston, was largely responsible for setting up NITA. Judge Keeton was formerly a professor at Harvard Law School. “My primary interest in this area,” said Judge Keeton, “is how good law teaching is. No teaching occurs unless learning occurs.” He opined that, on average, law teachers have less of the following things than in the past: professional experience outside the academy; interest in research and writing about law in action; and interest in maintaining communication with the bench, the bar and with students about goals. He proposed that in as many communities as possible where there are legal education entities, workshops be developed in which law teachers, practitioners, judges and law students team-teach students.

Dean John R. Kramer of Tulane University School of Law noted the need for incentives of the four groups to participate in cooperative efforts. The incentive for students, he said, has to be intellectual interest. It is unclear what the incentive would be for professors, said Kramer, but lawyers would have an incentive to meet on an informal basis with judges. With regard to adjunct professors, Dean Kramer noted two concerns: accessibility to students and supervision, noting that there must be an evaluation of the performance of adjunct faculty.

Max Nathan, an adjunct faculty member at Tulane, concluded the program. He stated that there are many incentives for practitioners to become adjunct faculty—most notably the intellectual exercise. He added that teaching forces the practitioner to keep current in his or her field. “I’m a better lawyer and a better person for having taught,” said Nathan. He added that there are risks in using adjuncts—the telling of too many “war stories” and an overemphasis of the practical to the detriment of the theoretical.

The workshop drew a number of adjunct faculty members who participated in the discussion.

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

Kutak Committee Seeks Nominations for 1995 Award

The Section’s Kutak Award Committee invites suggestions of individuals whom it should consider for the Kutak Award in 1995. The annual Robert J. Kutak Award is given to an individual who has “met the highest standards of professional responsibility and has demonstrated substantial achievement toward increased understanding between legal education and the active practice of law.”

It would be useful to the Kutak Award Committee if the suggestion would describe the activities that especially qualify the individual for the award. Even though the committee expects to receive suggestions about a number of highly qualified individuals, it can recommend only one name for recognition by the Council. Recommendations received for the 1995 award will be carried forward for consideration in future years.

Suggestions may be sent to James P. White, American Bar Association, 550 West North Street, Indianapolis, Indiana 46202, or to Kutak Award Committee Chair Millard Ruud, University of Texas School of Law, 727 East 26th Street, Austin, Texas 78705.
Justice Rosalie E. Wahl Receives Kutak Award

The 1994 Robert J. Kutak Award was presented to Justice Rosalie Wahl of the Minnesota Supreme Court. In its report to the Council recommending that Justice Wahl receive the award, the Kutak Award Committee stated:

As you know, the Robert J. Kutak Award is granted annually to the person who 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.

Well-wishers greet Justice Wahl.

Associate Dean Peter A. Winograd, University of New Mexico; Jamienne S. Studley, deputy general counsel, U.S. Department of Education; and Abbie Willard Thorner, Georgetown University.

Justice Wahl and daughter Sarah, senior attorney in the Hennepin County Attorney’s Office.

Harold Rock, Esq., president of the Kutak Foundation; Justice Wahl; and Millard H. Ruud, chairperson of the Kutak Award Committee.

Ronald L. Seeger of Rochester, Minnesota, and Dean James Hogg, William Mitchell College of Law.
Legal Hotchpot

The W.M. Keck Foundation of Los Angeles has awarded a $200,000 grant to the University of North Carolina at Chapel Hill School of Law to fund a model program for teaching legal ethics. The three-year grant will support the Intergenerational Legal Ethics Program, a new national model that will use oral history techniques to link law students and established lawyers in an effort to better understand the nature and importance of professional ethics and values.

"We are thrilled that the Keck Foundation chose to support this outstanding program," said Chancellor Paul Hardin. "The gift will enable the university to lay a template of good values and responsible actions for the leaders of tomorrow." Law school Dean Judith Wegner added, "With renewed national attention on legal ethics and the behavior of lawyers, many law schools have integrated ethics issues into core courses and offered advanced ethics electives in specific areas. While this model has proven strengths in teaching ethical rules and lawyers' roles, we believe that much more effort must be devoted to influencing the professional attitudes and values of attorneys. That is the primary goal of our new program."

Wegner, president-elect of the Association of American Law Schools, will serve as the program's senior adviser. The program will begin this fall under the direction of former trial lawyer and judge Walter H. Bennett, Jr., clinical professor of law, who has taught legal ethics courses at the law school for eight years. Bennett will base the new teaching model on an existing course, his "Oral History Seminar." Students enrolled in the seminar undertake field work to gather oral histories from selected lawyers or judges. After interviews and transcripts are prepared, they write papers on the life stories collected.

In 1996–97, written materials and videotapes for use in disseminating the intergenerational model to other schools will be developed. A national advisory committee will advise Bennett in developing and implementing all aspects of the program. The committee will be composed of legal educators from schools across the country; lawyers and judges who have participated in programs using the intergenerational model; academics from diverse disciplines with expertise and interest of oral history techniques, professionalism and professional values; and law students.

The W.M. Keck Foundation was established in 1954 by the late William Myron Keck, founder of the Superior Oil Co., one of the nation's largest and most successful independent oil companies. Under the leadership of Chairman of the Board Howard B. Keck, the foundation has grown to become one of the nation's largest charitable organizations, with primary interests in higher education, medical research and science.

A three-year, $276,000 grant from the U.S. Department of Education will allow the State University of New York at Buffalo School of Law to expand its domestic violence clinical program from part-time to full-time status and to enlarge its focus to include the entire family, not just the spouse or partner. The new "holistic approach" — examining the impact of domestic violence on the family as a whole — is an unusual one for a law school clinic to take, notes R. Nils Olsen, professor of law and director of clinical programs. "It's important to be dealing with reality," Olsen says. "Families are impacted by this behavior, not just the victims; children are impacted by this."

The grant will allow the law school to hire an instructor who is a specialist in juvenile rights, in addition to expanding to full-time status the current instructor in the clinic.

Students also are working with the Niagara County District Attorney's Office, researching and collecting data on domestic violence in the county to try to develop a complete understanding of the dimensions of the problem, including developing a strategy for appropriate intervention. Expansion of the clinic to full-time status will significantly increase the service the clinic can provide, Olsen says.

The University of Tulsa College of Law will sponsor a conference Octo-


The Federal Judicial Center in Washington, D.C., is providing funding for twenty federal judges to attend the conference, which commemorates the twenty-fifth anniversary of Chief Justice Warren's retirement from the Supreme Court. The conference is organized by Bernard Schwartz, Tulsa's Chapman Distinguished Professor of Law, and a recognized scholar of Supreme Court history and constitutional law.

A four-phase, ten-year building project that will completely transform Boston College Law School's physical plant in Newton, Massachusetts, began last summer with the construction of a new law library. A ceremonial groundbreaking for the library was held on June 28, with actual construction commencing soon after. Boston College, which has committed funds for a significant portion of the total project, awarded a contract valued at $11.3 million to the Macomber Company.
of Boston for completion of the library. The library construction period is expected to last 18 months, with occupancy scheduled for January 1996. The new law library will be a four-story structure of more than 49,000 square feet. It replaces the 33,000-square-foot Kenny-Cottle Library, which in a later project phase will be converted into a facility for dining and other purposes. The new library will accommodate both the short- and long-term needs of the Law School. It will provide additional space for print materials as well as improved access to computer-based information. It also will feature a range of study spaces, a faculty research complex, and a rare book room showcasing the Law School's collection.

The library was designed by the Boston architectural firm of Earl R. Flansburgh & Associates. Subsequent phases of the building project will include new classrooms, faculty and student organization offices and dining areas. The entire project will allow the Law School to replace its aging facilities with a modern physical plant meeting the requirements of legal education in the twenty-first century and reflecting the high quality of the Law School's academic programs, faculty and students.

Faculty Honors

Elaine Andersson. Visiting Associate Professor at Golden Gate University School of Law, spent part of May as a distinguished visiting scholar at the Unité de Formation et de Recherche, Sciences Juridiques, Administratives et Politiques of the University of Paris X, France. During her stay, Professor Andersson taught "An Overview of Disability Rights Laws in the United States." Professor Andersson introduced French law students and faculty to the three interpretations of disability which have prevailed in Western society: the moral model, the medical model and the social pathology model, and illustrated how each of these has led to a stereotyped view of persons with disabilities, institutionalized discrimination and segregation. The French audience learned of the emergence in the last twenty years of a civil rights model, from which emerged a body of law which is in the process of transforming American society. These laws affect education, employment, transportation and "public accommodations," a term which includes most businesses open to the public. The French audience was also interested in the extraterritorial application of the Americans with Disabilities Act. According to her host, Dean Jacques Phtyillis, Professor Andersson's visit was an opportunity for the Parisian students and professors to explore an emerging area of American law which is without parallel in France.

Joseph P. Tomain, Dean and Nippert Professor of Law at the University of Cincinnati College of Law, has been appointed president of the Volunteer Lawyers for the Poor Foundation. The foundation sponsors the Volunteer Lawyers Project and works with the Legal Aid Society to help provide low-income citizens in Greater Cincinnati with high-quality legal services.

Crime and Punishment in American History, the latest book by Lawrence Friedman, the Marion Rice Kirkwood Professor at the Stanford Law School, has earned a Silver Gavel Award from the American Bar Association. The award, which was announced July 8 and presented August 9, goes to the publisher, BasicBooks, a division of HarperCollins. The Silver Gavel is the highest award given by the ABA in its annual media awards program. The awards recognize "outstanding contributions to greater public understanding of the American legal system by the media."

Crime and Punishment in American History was a finalist for the 1994 Pulitzer Prize in history and received an extended review in the September 26, 1993, New York Times Book Review. The 577-page volume, released late in 1993, explores the changes from colonial days to the present in our nation's views and laws concerning criminal behavior, and relates these changes to developments in the larger culture. Examples of behavioral areas where views have changed include narcotics and alcohol, domestic violence, sexual behavior in and out of marriage, abortion and infanticide, and corporal and capital punishment.

"The story told here," Friedman notes, "is not a story of 'progress.' Whether we are better off or worse off than before is for the reader to decide. I myself think we are considerably better off but at a rather stiff price."

Susan Frelich Appleton, a professor of law at Washington University in St. Louis, has been elected to the Council of The American Law Institute (ALI). The Council is the governing body of the ALI, a national organization of about 3,000 leading attorneys, judges and law professors that drafts influential "restatements" of the law, model codes and other law reform proposals. Legal reforms suggested by the ALI often are adopted by the nation's courts and legislatures. Elected to membership in the Institute in 1987, Appleton currently serves on the Members Consultative Group for the Institute's Principles of the Law of Family Dissolution. She has served as a consultant to Jewish Family and Children's Service of St. Louis and also has been a consultant to the New Jersey Bioethics Commission.

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FROM THE CHAIR

Section Remains Resolute and Effective

by Joseph W. Bellacosa

Justice Rosalie Wahl, the chairperson of the commission on the accreditation process and a predecessor chairperson of this Section, stated recently:

I am also proud and honored to be the first member of the judiciary to receive the Kutak Award. Had the choice been mine, I would have given it posthumously to our dear friend, Justice Sam Roberts, of the Pennsylvania Supreme Court (and all the members of the highest courts of our several states) [on whose behalf] I accept the award. We are the gatekeepers of the profession by virtue of our role in admitting and licensing lawyers to the practice of law. Most of our courts have determined that—in addition to a bar examination—the best way to insure the competency of our practitioners is to require a good legal education. And because our courts have neither the expertise nor the resources to inspect and accredit law schools, we have chosen to rely on the ABA with its high standards of legal education and recognized accrediting process.

This statement provides the context for this Chairperson's Column, a synopsis of my recently released "Initial Report on the Section."

A core goal of this Section is to foster high quality in the education of law students and in the deliverance of legal services by them as eventual lawyers to clients, including the public at large. Two complementary source lines of authority recognize the ABA's accrediting role. The highest courts of the fifty states continue their long-standing reliance on the ABA list of approved law schools. This cooperation significantly affects those graduates who may take bar examinations and apply for admission to practice. The United States Department of Education also recently recertified the Council as the designated accrediting entity until 1997.

The substantial reliance and steady confidence by these primary jurisdictional sources concerning the American Bar Association's role in accreditation eclipses criticisms from other sources. Because stresses on the accreditation process have multiplied and escalated, however, a form of "entropy" is occurring. Senator Moynihan recently borrowed the word to describe the dysfunction of government. It results from the wasteful expenditure of finite energy in collateral exertions to the detriment of essential functions. The image of the application of this phenomenon to the work of this Section is the rabbit in the TV commercial having its backpack-battered energy source downloaded by a monster—named "Entropy."

Nevertheless, let me please accentuate the many positive and serious developments in the Section:

- The commission on the accreditation process, created in June, starts its first meeting on October 6.
- The Standards Review Committee continues its exhaustive overhaul of the Standards of Legal Education.
- The Council engaged in plenary consideration and acted with significant specificity and outreach on the MacCrate Report recommendations, where relevant, while recognizing that the Report does not represent a new, universal orthodoxy for legal education.
- The Council issued its detailed report and response to House of Delegates' Resolution 8A.
- The Section is a joint venturer in the key Commission studying the Financing of Legal Education, along with the AALS.
- The Council directed prompt action to ensure that the ABA accreditation process is in harmony with the new Department of Education regulations.
- The Council meets in October on its Long-Range Planning Report.
- The multisponsored Conference (AALS, ABA, LSAC and NCBE) on Disabilities in Legal Education and the Legal Profession is scheduled for April 6–9, 1995, in St. Louis.
- Conclaves on the Continuum of the Profession, Legal Education and the Judiciary (MacCrate Report) are under way in many states, with Section involvement.

Letter of Fourteen Deans

Against these positives, entropy exerts its negativity. The publicly promoted and ill-informed letter of "Fourteen Deans" (dated April 28, 1994) criticizing the ABA accreditation process is claimed by some to represent the view of "a majority of the deans." Even new math cannot divide 176 by 14 to equal one-half plus one. Notably, also, their initial letter complains essentially about microuregulation and, thus, implicates the primary jurisdiction of the U.S. Department of Education while ignoring the long-standing, dynamic fluidity of the multistopped and consultative ABA accreditation process. Additionally, there is the formal investigation by the Antitrust Division of the Department of Justice, deployed through a massive Civil Investigative Demand, embracing approximately 25 years of accreditation records for all 176 approved law schools and a host of other data (compare U.S. v Brown University, et al., 5 F. 3rd 658; see also Massachusetts School of Law v ABA, 846 F Supp 374, 1994 U.S. Dist. Lexis G751, 7219, 8222, 9898).

Please be assured that the Section
is resolutely determined to stay the positive course and defend by all lawful and appropriate means against any and all unfounded challenges. The primary response is that accreditation decisions are and have been supportable, appropriate, forthright and upright.

This first column should also close with a positive note of sincere best wishes and appreciation to my predecessor, Dean Robert Stein, for his services as chairperson of the Section, as he embarks on a new challenge and responsibility as the ABA’s executive director.

Joseph W. Bellarino

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**NALP Report**

Helping Students Accommodate Class and Interview Schedules

*by Cynthia Rold*

During the fall semester, job search activities sometimes appear to dominate the time and interests of law students to the exclusion of other important pursuits, including their academic work. Faculty and career services administrators are faced with the challenge of accommodating the need for students to attend classes while at the same time engaging in interviews and other job search activities. Students are obviously in law school to obtain an excellent education, which requires regular class attendance. However, the ultimate goal of law students is to obtain satisfying legal employment. With legal jobs somewhat less plentiful today than they were in the 1980s, some students feel even more compelled to spend large amounts of time on job searches, to the possible detriment of their classes.

Given that faculties and career services administrators not only share an interest in encouraging students to take full advantage of academic opportunities but also recognize the importance of job searches, there are many ways they can work together to accommodate students’ needs. One simple step undertaken by most career services administrators is to counsel students against missing classes in order to interview. Career services administrators stress to students that the knowledge they learn from classes will help them during their legal careers and that the grades earned in those classes will help them obtain a legal position. Faculty can reinforce the importance of class attendance.

Counseling against missing classes can range from simple discouragement to outright prohibition. Some schools forbid students from participating in on-campus interviews during scheduled classes and enforce the restriction by downloading student class schedules into the computerized interview scheduling program to ensure that conflicts do not occur. Other schools prohibit students from interviewing during class but rely on the honor code and self-reporting for enforcement. Other schools strongly discourage students from interviewing during class but allow students to make the final decision. There are some schools where it is acceptable for students to interview during class.

A number of career services administrators and faculties have devised creative measures to alleviate some of the tension between class schedules and interview schedules. Some schools, for example, try to schedule most of their classes in the morning, while scheduling on-campus interviews between noon and 7 p.m. Others do not hold any classes during one designated week during the fall semester and encourage students to schedule callback interviews during that week. Schools for which a “callback week” is not feasible might consider designating several days as callback days during which no classes are held. Another technique that is used is scheduling the bulk of on-campus interviews during an early interview week before classes start.

Job fairs can be a good way to minimize the impact of interviewing on students’ class schedules. By gathering a large number of employers in one location and making it easy for students to interview with them all in one day, job fairs can cut down on the amount of class time students miss. Holding interviews in the law building — or in a building as close to the law building as possible — also reduces the amount of time students have to spend traveling to and from interviews.

Because professors wield a great deal of influence over students, they can play a key role in helping students balance their obligations to classes and to job search activities. Faculty can, for instance, help to convey to students the importance of defining their interests so they can interview appropriately and not waste time in unproductive interviews. Students who interview indiscriminately will tend to miss many classes and also will tend to be less effective in their interviewing. Faculty can also help lessen the amount of time students spend on job searches by assisting students in making appropriate contacts.

In view of the importance of taking full advantage of a legal education and of finding satisfactory employment, it is essential for career services administrators and faculty to work together to find creative ways to resolve any tensions that might arise between these two critical activities.

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Cynthia L. Rold, Esq., is assistant dean at the University of Illinois College of Law and is president of the National Association for Law Placement.
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While partisan bickering flared in the House of Representatives on crime legislation and in the Senate on various health care proposals, Congress moved with unusual harmony to final action on the appropriations bill for FY 1995 for the Departments of Labor, Health and Human Services and Education. Passage of the appropriations measure was assured as Congress dispensed with its yearly wrangle over funding for abortion and related services, in an uneventful Senate vote during a break from marathon August legislative sessions on health care. The Senate, like the House earlier in the summer, avoided the abortion appropriations issue that has led to divisive debates for over a decade, because funding for these services is instead being fought out within the ongoing health care legislation debate.

The $250 billion appropriations bill will provide a total of $27.15 billion for the Department of Education for FY95, up from its current $26.56 billion. Several higher education programs fared better in the Senate than in the House, most notably library resource programs and the $13.7 million for cooperative education. All of these programs had received zero funding in the House bill. The student aid portion of both bills will raise the maximum Pell grant from $2,300 to $2,340, and both will cap the number of Pell Grant recipients at 3,930,000. This first-ever cap on the number of potential recipients was instituted to avoid significant projected cuts in other higher education programs.

The FY95 appropriations bill maintains key ABA-supported programs essentially at current levels, which in the case of the Law School Clinical Experience program must be viewed as a victory for supporters. The clinical program has been repeatedly targeted in budget deficit reduction proposals, and despite the Clinton Administration’s zero funding recommendation, the Senate approved an appropriation figure of $14.78 million for FY95 for the clinical program, down approximately 1 percent from the $14.92 million appropriation for the current year. The House bill would maintain the program at its current level for next year, and the House’s figure is expected to be adopted in conference. Supporters anticipate a further battle to maintain it next year.

The Council on Legal Education Opportunity was also approved for an approximate 1 percent reduction for FY95, at $2.96 million, by both the House and the Senate. Family Education Loans (formerly Stafford Student Loans) will be increased under both bills from $2.091 billion this year to $2.662 billion for FY95. The Federal Direct Loans program, begun in FY94 with $298 million funding, was approved for an increase to $694 million for FY95. Patricia Roberts Harris graduate fellowships would also be decreased about 1 percent to $20.244 million for FY95.
Actions by the House of Delegates

The American Bar Association House of Delegates took action on a number of items of interest to legal education at its meeting of August 9–10, 1994.

Approval of Law Schools

The House of Delegates, upon recommendation of the Section of Legal Education and Admissions to the Bar, granted provisional approval to two law schools: Texas Wesleyan University School of Law in Irving, Texas, and Seattle University School of Law, which acquired the law school of the University of Puget Sound. Simultaneously with the provisional approval of the University of Seattle School of Law was the removal of the University of Puget Sound School of Law from the list of ABA-approved law schools. The date of approval for both Texas Wesleyan University School of Law and Seattle University School of Law is August 10, 1994.

Mental Health and Treatment Questions

The House of Delegates adopted the following resolution cosponsored by the Section of Legal Education and Admissions to the Bar, the Commission on Mental and Physical Disability Law and the Association of American Law Schools:

BE IT RESOLVED, That the American Bar Association recommends that when making character and fitness determinations for the purpose of bar admission, state bar examiners, in carrying out their responsibilities to the public to admit only qualified applicants worthy of the public trust, should consider the privacy concerns of bar admission applicants, tailor questions concerning mental health and treatment narrowly in order to elicit information about current fitness to practice law, and take steps to ensure that their processes do not discourage those who would benefit from seeking professional assistance with personal problems and issues of mental health from doing so.

BE IT FURTHER RESOLVED, That fitness determinations may include specific, targeted questions about an applicant’s behavior, conduct or any current impairment of the applicant’s ability to practice law.

Standard 211

The House of Delegates approved the recommendation submitted by the Section of Legal Education and Admissions to the Bar to amend Standard 211 of the ABA Standards for Approval of Law Schools to include sexual orientation in its non-discrimination clauses. Standard 211, as recommended by the Section, adopted by the House of Delegates and now in effect, states as follows:

STANDARD 211

(a) The law school shall maintain equality of opportunity in legal education, including employment of faculty and staff, without discrimination or segregation on ground of race, color, religion, national origin, sex or sexual orientation.

(b) A law school shall not use admission policies or take other action to preclude admission of applicants or retention of students on the basis of race, color, religion, national origin, sex or sexual orientation.

(c) The denial by a law school of admission to a qualified applicant will be treated as made upon the ground of race, color, religion, national origin, sex or sexual orientation if the ground of denial relied upon is

(i) a state constitutional provision or statute that purports to forbid the admission of applicants to a school on the ground of race, color, religion, national origin, sex or sexual orientation; or

(ii) an admissions qualification of the school that is intended to prevent the admission of applicants on the ground of race, color, religion, national origin, sex or sexual orientation though not purporting to do so.

(d) The denial by a law school of employment to a qualified individual will be treated as made upon the ground of race, color, religion,

national origin, sex or sexual orientation if the ground of denial relied upon is an employment policy of the school which is intended to prevent the employment of individuals on the ground of race, color, religion, national origin, sex or sexual orientation though not purporting to do so.

(e) This Standard does not prevent a law school from having a religious affiliation or purpose and adopting and applying policies of admission of students and employment of faculty and staff that directly relate to this affiliation or purpose so long as (1) notice of these policies has been given to applicants, students, faculty and staff before their affiliation with the law school, and (2) the religious affiliation, purpose or policies do not contravene any other Standard, including Standard 405(d) concerning academic freedom. These policies may provide a preference for persons adhering to the religious affiliation or purpose of the law school, but shall not be applied to use admission policies or take other action to preclude admission of applicants or retention of students on the basis of race, color, religion, national origin, sex or sexual orientation. This Standard permits religious policies as to admission, retention and employment only to the extent that they are protected by the United States Constitution. It shall be administered as if the First Amendment of the United States Constitution governs its application.

(f) Equality of opportunity in legal education includes equal opportunity to obtain employment. Each school should communicate to every employer to whom it furnishes assistance and facilities for interviewing and other placement functions the school’s firm expectation that the employer will observe the principle of equal opportunity and will avoid objectionable practices such as

(i) refusing to hire or promote members of groups protected by this policy because of the prejudices of clients or of professional or official associates;

(ii) applying standards in the hir-
ing and promoting of such individuals that are higher than those applied otherwise; 
(iii) maintaining a starting or promotional salary scale as to such 
individuals that is lower than is applied otherwise; and 
(iv) disregarding personal capabilities by assigning, in a predeter-
mained or mechanical manner, 
such individuals to certain kinds of work or departments.

The Council of the Section of 
Legal Education and Admissions to 
the Bar, at its February 1994 and 
August 1994 meetings, adopted the 
following Interpretations of Standard 
211. These adopted Interpretations of 
Standard 211, as follows, became 
effective upon adoption by the 
House of Delegates of the amend-
ment of Standard 211.

INTERPRETATIONS OF 
STANDARD 211

Interpretation 1 of Standard 211

Schools may not require appli-
cants, students, or employees to dis-
close their sexual orientation, 
although they may provide opportu-
nities for them to do so voluntarily.

Interpretation 2 of Standard 211

Nothing in the Standard requires 
a law school to adopt policies or 
take actions that would violate fed-
eral law applicable to that school.

Interpretation 1 of 211(e)

As long as a school complies 
with the requirements of Standard 
211(e), the prohibition based on sex-
ual orientation does not require a 
religiously affiliated school to act 
inconsistently with the essential 
elements of its religious values and 
beliefs. For example, it does not 
require a school to recognize or 
fund organizations whose purposes 
or objectives with respect to sexual 
orientation conflict with the essen-
tial elements of the religious values 
and beliefs held by the school.

Interpretation 1 of 211(f)

Standard 211(f) applies to all 
employers, including government 
agencies, to whom a school furnish-
es assistance and facilities for inter-
viewing and other placement ser-
ices. However, there is nothing in 
the Standard that requires a law 
school to implement its terms by 
excluding any employer unless that 
employer discriminates unlawfully.

Mark Your Calendar

OCTOBER 1994

5-6 ABA Section Commission to Review the 
Substance and Process of the ABA's 
Accreditation of American Law Schools

7-8 LSAC Boston Recruitment Forum

7-8 ABA Section Council Retreat

13-15 AALS Workshop on the Transactional 
Approach to Law

14-15 ABA Skills Training Committee

14-15 LSAC Chicago Recruitment Forum

14-15 Central States Law School Association

15 LSAC Board of Trustees Special Meeting

20-22 AALS Workshop for Faculty of 
Law School Administration

21-22 LSAC Atlanta Recruitment Forum

12-13 ABA Workshop for Chairpersons of 
Site Evaluation Teams

13-14 ABA Site Evaluation Workshop

27-29 AALS Accreditation Committee

28-29 LSAC Houston Recruitment Forum

27-30 ABA Standards Review Committee

NOVEMBER 1994

3-6 ABA Accreditation Committee

4-5 LSAC Test Audit Subcommittee, Test 
Development & Research Committee and 
Finance & Legal Affairs Committee Meetings

10-12 AALS Faculty Recruitment Conference

11-12 LSAC Los Angeles Recruitment Forum

17-19 AALS Executive Committee Meeting

DECEMBER 1994

2 ABA Section Officers Meeting

2-3 ABA Council Meeting

8-11 LSAC Audit Committee and 
Board of Trustees Meeting

JANUARY 1995

4 AALS Executive Committee Meeting

4-8 AALS Annual Meeting
Second Generation Diversity Issues Program
by Herma Hill Kay

Second generation diversity issues facing the legal profession got a hard look by the Section on Legal Education and Admissions to the Bar during its annual program this year.

Using an innovative role-playing approach, the Section’s presentation highlighted some of the subtle barriers still facing minority lawyers working in law firms and law schools. The program’s message was clear: Majority and minority lawyers and professors perceive many workplace situations differently because they experience different realities and—quite literally—live in different worlds. The goal was to make these differences visible and, by putting them on the table, encourage open and frank dialogue about racism and stimulate a joint search for its solution.

Section Council member Marilyn Yarbrough, who served on the Planning Committee, introduced the program and explained its goals. The action began with two brief walk-on conversations, the first between two majority law professors (played by Section Chair and Minnesota Dean Robert Stein and N.Y.U. Dean Emeritus Norman Redlich) on their way to a faculty meeting to consider a proposal to tenure a minority faculty member, and the second conversation between two senior majority partners (played by Sharp Whitmore, of Gibson, Dunn and Crutcher, Emeritus, and Harold L. Rock, of Kutak Rock) lamenting the surprising loss of yet another of the firm’s minority junior partners, an African-American woman named Sally.

The scene shifted to an informal after-work gathering of several minority law partners from different firms, discussing the decision of their friend Sally to leave the firm after ten years. Unlike the firm’s two senior partners, they were not surprised at Sally’s decision. Rather, they were surprised and frustrated that the firm had not realized how dissatisfied she had been with the lack of mentoring, the dearth of client referrals and the absence of credit she had received for the teamwork she had provided on firm matters. The minority partners voiced their own discomfort in recognizing that others thought they had “made it,” while they themselves felt that they were not fully accepted by the firm. They also expressed frustration that the performance of one minority attorney too often became a barometer for judging the performance of all minority attorneys even when, as they perceive the situation, these attorneys are held to higher standards and are not provided with the same professional opportunities as their majority counterparts.

Following the conversation among the minority partners (played by Raymond C. Marshall, president of the Bar Association of San Francisco and a partner at McCutchen, Doyle, Brown & Enersen; Pauline Schneider, president of the District of Columbia Bar and a partner at Hunton & Williams; Luis A. Perez, a partner at Adams and Reese in New Orleans; and Joan Haratani, a partner at Crosby, Heafy, Roach & May in Oakland), Section member and Cali...
Norman Redlich, Professor Harry E. Groves and Dean Nina S. Appel

California State Bar General Counsel Diane Yu engaged the audience in candid conversation among themselves and with the panelists about the issues raised by the panel. Several members of the audience shared their own experiences which were similar to those related by the panelists. Others, primarily law deans, questioned whether panel members might be reluctant to take a chance by recommending to their firms minority students who did not attend the “top” law schools. Panelists replied that, as minority members of their firms’ hiring committees, they were judged far more often than their majority partners by the success or failure of their chosen candidates. There was general agreement that law firms and law schools should work together to broaden the definition of a “qualified” candidate. All concurred as well that the issues being discussed were realistic and important—and not easy to overcome.

The scene then shifted to the faculty meeting in which the African-American female dean (played by North Carolina Associate Provost and former Tennessee Dean Marilyn Yarbrough) proposed that an African-American male faculty member be given tenure. The candidate’s record was presented as middle-of-the-road on teaching (majority students think he spends too much time on issues that will not be tested on the bar examination, e.g., slavery and environmental justice); average on service contributions (but high on the time he spent with minority students); and slim on scholarly publications in top-flight journals (there was a chapter in a treatise by a minor publisher and several Op-Ed pieces in The New York Times).

The discussion among the faculty (played by Robert Stein, Norman Redlich, Harry Groves, professor at the University of North Carolina, and Nina Appel, immediate past section chair and dean of Loyola, Chicago) exhibited the well-known tensions between those who want to base promotion decisions entirely on what they view as objective standards of scholarly excellence and those who want to take account of diversity factors in judging a minority candidate whose record is different from what has traditionally been deemed necessary for tenure. The discussion illustrated that a law faculty lives through many tenure decisions, and that all too often faculty members tend to speak from well-established positions and to revisit prior tenure battles in the context of new cases.

Following the faculty meeting, AALS President and Oklahoma Professor Rennard Strickland led the audience discussion which focused on the institutional implications of these differing positions as well as the varied meanings of scholarly excellence. One dean made the point that, as between two equally qualified “very good” candidates, one majority and the other minority, the majority candidate was more likely to be described as “brilliant,” while the minority candidate was seen as not quite up to the mark. There was general agreement that the standards applied to majority and minority candidates are highly subjective, and that no uniform concept of excellence exists.

In an epilogue, Ray Marshall called attention to material prepared and made available to the audience by the Bar Association of San Francisco which offers concrete suggestions for dealing with some of the issues raised in the program. A videotape of the Section program will be available from the Section office. The planning committee for the program was chaired by Section member and University of California, Berkeley, Dean Herma Hill Kay and included Mark Bertelsen of Wilson, Sonsini, Goodrich & Rosati in Palo Alto; Dru Ramey, executive director of the Bar Association of San Francisco; Ray Marshall; Pauline Schneider; and Marilyn Yarbrough.

Herma Hill Kay is dean of the University of California at Berkeley School of Law.
Technology Discussed at Communication Skills Program
by Barry R. Vickrey

Paperless law schools; computer software that diagnoses persuasion; lawyers either out of business for failing to use technology or a “virtual reality” bar surfing the Internet, earning the admiration of the public and salaries equal to those of major league baseball players. Those were some of the predictions—some serious, some tongue-in-cheek—at the Annual Meeting program entitled “Beyond 2001: The Impact of Technology on Legal Communication.”

The program was co-sponsored by the Section’s Committee on Communication Skills and the ABA Standing Committee on Lawyer Competence. It was planned by Professor Ralph Brill of Chicago-Kent College of Law. The program featured five speakers at the forefront of technological developments in the profession, and I was the moderator.

Bryan A. Garner, editor-in-chief of Black’s Law Dictionary and president of LawProse, Inc., discussed the effects of technology on legal education, research and document design. He noted, for example, that lawyers now have to be concerned about the appearance as well as the content of documents. In one of the tenser moments in the program, he went so far as to predict the demise of the Courier font.

Catherine A. Allen, vice president for business development and alliances at Citicorp, described the “Smart Card” technology for financial services. Calling it “virtual bank” using cards instead of currency, she noted the complex issues presented by the creation of money equivalents outside the Federal Reserve system. Allen explained the growth of the work-at-home market and the convenience and privacy advantages of Smart Card financial services for that market.

Judge Patricia R. Lykos, whose court in Harris County, Texas, handles felony criminal matters, described the new uses of technology in the courtroom. Judge Lykos, who chairs the Judicial Resources Committee of the ABA Judicial Administration Division, suggested that courts would need to supply sophisticated equipment to some counsel to ensure balanced trials. She also noted some of the problems associated with videotaping of witnesses and videotaped records of trials.

Ronald Staudt, professor of law and director of computer development at Chicago-Kent, described the present as “the end of the beginning” of computer applications to legal education and law practice. Citing research on the infusion of computer technology in law firms, he explained the potential for an electronic “collaboratory” of law schools and practicing lawyers. Staudt also demonstrated a Hypertext course kit contained in a laptop computer; this kit will replace casebooks for some Chicago-Kent students.

David R. Johnson, president and CEO of Lexis Counsel Connect and a partner at Wilmer, Cutler & Pickering, concluded the presentations. He explained how practicing lawyers can hang out a shingle electronically from anywhere and practice in association with law professors and more highly specialized lawyers. Johnson suggested that lawyers of the future must learn video production, Internet surfing, electronic publishing and writing for e-mail.

Because of the rapidity of technological change, many of the presenters’ predictions will be realized even before 2001. Yet responding to these changes, much less to those that will occur beyond 2001, poses tremendous challenges for legal education. As was obvious from some of the computer programs and other technological aids demonstrated by the presenters, these changes also provide us tremendous opportunities to prepare students better for the practice of law in the next century.

Catherine A. Allen and Bryan A. Garner
CEELI Develops New Programs

by Kim Parker

Through the active participation of U.S. law schools, the ABA Central and Eastern European Law Initiative (CEELI) expanded its legal education assistance into three new areas this year. With the generous support of the USIA Office of Citizen Exchanges, CEELI is conducting a training program in U.S. law schools for young faculty from the New Independent States of the former Soviet Union, providing on-site advisors to law faculties in Central and Eastern Europe to assist curriculum reform efforts, and developing a model program on skills training in American legal education for foreign visitors.

NIS Training Program

Meetings conducted by CEELI in late spring 1993 in Moscow and Minsk underscored the need for assistance in the process of curriculum reform currently underway in NIS law schools. NIS deans participating in the meeting expressed great interest in a CEELI proposal to provide selected faculty with opportunities for training in U.S. law schools to address areas of curriculum previously neglected under the communist system, including the role of the legal profession, corporate, contract and commercial law, and the protection of human and civil rights. The proposed program would also address the need to revise the teaching methods employed in NIS institutions.

In response to these issues, CEELI developed a training program to provide competitively selected NIS law faculty an opportunity to develop new law courses under the guidance of an expert U.S. faculty member. This semester-long Law Faculty Training Program is currently taking place in U.S. law schools. The program is funded by the USIA Office of Citizen Exchanges, with substantial support from the participating U.S. schools. NIS law faculty have been selected for participation based on their likely impact on legal education reform in the NIS and willingness to share the results of their training with other NIS faculty through various post-training program activities.

The program includes an orientation session in Washington, D.C., and approximately three months of training in a U.S. law school consisting of observation of classes, research, team teaching, and one-on-one guidance in the development of a course outline and related teaching materials. At the conclusion of the program, trainees will participate in a workshop on skills training in Washington, D.C. to provide participants opportunities to meet with ABA experts in this area and to plan for additional forms of post-program cooperation. CEELI hopes that this program will help to establish a cadre of professionals in NIS law schools who can lead the process of legal education reform in the NIS.

Law Faculty Specialist Program

CEELI received additional support from USIA this year to provide assistance to participating Central and Eastern European law schools in curriculum development, law school administration, teaching techniques and law library development. Under this Law Faculty Specialist Program, CEELI recruits U.S. legal education experts to travel to Central and Eastern Europe to assist in restructuring legal education programs. Advisors spend six weeks to six months working in selected law schools assisting in the development of new and existing programs, development of commercial law curricula, organization of new law schools and other projects.

Croatian Clinical Legal Education Program

CEELI-coordinated visits to U.S. law schools as well as other educational programs have provided law school deans and faculty from this region with useful exposure needed to reevaluate their own legal education systems. As a result of the fundamental changes in their legal systems, many Central and Eastern European legal professionals are interested in incorporating some form of practically oriented lawyer skills training into their traditional continental legal education systems.

CEELI has assembled a working group of experts in skills training to develop a model program to provide a group of Croatian legal professionals with an in-depth examination of various ways in which American law schools teach lawyering skills. The group is keenly interested in American programs and plans to launch their own version of clinical legal education programs in Croatian law schools. The CEELI-coordinated training program, which is scheduled to take place this fall, will examine the full range of practice-oriented educational methods used in American legal education, from the traditional classroom approaches to simulation and live client clinical programs. Through visits to seven selected U.S. law schools, the program will provide the Croatians with a comprehensive basis of comparison upon which their own pilot clinical or skills training programs can be developed.

Kim Parker is the director of the CEELI Sister Law School Program.
The Internet in Law Libraries

by Lyonette Louis-Jacques

The Internet is an invaluable resource for law librarians today. In recent years, the amount of law-related information available via the Internet has increased to such an extent that Internet use is part of day-to-day work in academic law libraries. A typical workday usually includes forwarding interesting items from an electronic mailing list or Usenet newsgroup to faculty; telnetting to another library's catalog to see if an item requested is owned and available for interlibrary loan; e-mailing a publisher or vendor to ask about the price of a new book; searching a web or gopher site for a "hot" item such as the new crime bill or NII draft report on intellectual property; posting a request on a listserv list for the text of the South African constitution or a presidential directive; ftp'ing a copy of free software; searching WAIS-indexed archives of listserve to find answers to reference questions; using Veronica, Jughead, or a Web index to identify an Internet cite that might have a specific document; and keeping current by reading press releases and news digests available via electronic mailing lists or gophers—not to mention the fun stuff like looking for lawyer jokes, cool ASCII art for .sigs, the Vatican exhibit on the web, movie reviews, cartoons, David Letterman's Top Ten lists, and rock 'n roll lyrics (on lunch breaks of course).

Many databases are now accessible via the Internet such as LEXIS, WESTLAW, RLIN, OCLC, the Current Index to Legal Periodicals, and various other periodical indexes. More and more federal and state government information is being placed on the Internet via bulletin board systems (BBSs), gopher and web servers. So it is now possible to access the latest U.S. Supreme Court opinions, the United States Government Manual, White House press releases, federal bills and bill-tracking reports, SEC filings (EDGAR), patent and copyright information, portions of the Federal Register, as well as selected federal and state statutes. Information about foreign countries is also available on the Internet through U.S. publications such as the National Trade Data Bank and the CIA Factbook, as well as through gopher servers such as the Israel Information Service (which includes background information about Israel as well as the text of important agreements) and the Internet Wiretap (a gopher that provides access to key electronic texts such as treaties and selected foreign constitutions).

International organizations such as the United Nations and its various agencies and the European Union are also on the Internet. Usually general descriptions of these organizations and texts of charters or other major documentary and press releases may be found at these sites. Amnesty International, the Electronic Frontier Foundation, the Center for the Study of Constitutionalism in Eastern Europe, the ACLU, RAND Corporation, legal publishers' law firms, and other groups have presence on the Internet.

Law librarians have access on the Internet to resources that are for the most part not available at all or else very selectively on LEXIS and WESTLAW, such as current journal table of contents services (i.e. CARL Uncover and its Reveal document delivery service, the Electronic Newstand, etc.); very new U.S. government hearings, bills, draft reports and other documents; online catalogs of libraries in the United States and overseas; English translations of foreign laws (or information directly from librarians and lawyers from abroad); notice of now-legal publications (including issue papers and journal articles); e-mail address directories of legal academics, librarians, and economists worldwide; United Nations resolutions; multilateral treaties (provided by the Fletcher School of Law and Diplomacy); reports on foreign country human rights and economic and trade practices; global crime surveys; addresses and descriptions of international social science institutions (UNESCO DARE database); German statutes, codes, and case summaries; foreign constitutions; the Library of Congress's index to Hispanic legislation; Queer Resources Directory; weather reports; country maps and travel advisories; publishers' catalogs; alternative, activist, and Third/Fourth World news digests; non-law dictionaries and encyclopedias; online phone books; the Koran and other religious texts; Shakespeare; economics working paper archives; Alice in Wonderland; and other electronic books. The Internet is very useful for locating current and hard-to-find information, interdisciplinary research, collaborative work, resource sharing, and work in cutting-edge areas of law (such as the law and policy of computer networks).

The people on the Internet are the most powerful and useful resources. Subscribers on electronic discussion lists and Usenet newsgroups will volunteer copies of a needed document; will post information about new resources, publisher practices, and other developments in the legal and library field; and will respond to requests for help from librarians, faculty, attorneys, students from Japan, Hungary, German, Canada, Mexico, the U.K., Australia, anywhere in the world. The Internet in often the first place, and sometimes the only place, where you'll hear news of interest to law libraries. People are often willing to share information, sometimes providing cites, sometimes scanning in documents, sometimes e-mailing or faxing relevant information upon request. Also helpful are the law schools and libraries that have published information about their institutions on the Internet via gopher or web such as faculty and staff directo-
ries, biographies, and lists of publications. The provision of unique information in the form of bibliographies and research guides, the full text of occasional papers or journal articles, and descriptions of special collections or programs also helps to add to the useful law-related information on the Internet.

Several guides to legal resources on the Internet such as "The Legal List" (describes all sources of relevance to law on global networks) have been created. Most of them are available via the Clearinghouse for Subject-Oriented Resource Guides at the University of Michigan gopher. Other Internet guides such as "Law Lists" (comprehensive list of law-related electronic mailing lists) and various indexes to legal information on the World Wide Web and elsewhere are accessible via gopher and web servers at law schools such as Indiana, Cornell, Chicago-Kent and the University of Chicago. Many more institutions and people are involved in improving the already incredible database of information available on the Internet. These efforts to add to and organize the legal information on the Internet are making use of the Internet in everyday work in law libraries much easier, much more efficient, and much more prevalent.

Lyonette Louis-Jacques is foreign and international law librarian and lecturer in law at the University of Chicago School of Law.

American Bar Association Names Stein Executive Director

The American Bar Association has named Robert A. Stein, dean of the University of Minnesota Law School, Minneapolis and immediate past chairperson of the Section, its executive director.

In Stein's new position, he will have overall management responsibility for staff operations at the Association's headquarters in Chicago and its Washington, D.C., office.

Overseeing a staff of more than 700 persons and a budget of more than $100 million, Stein also will be responsible for the development and execution of strategic and tactical plans designed to implement the programs and policies adopted by the ABA's Board of Governors and House of Delegates.

In making the announcement, ABA President R. William Ide III of Atlanta said that Stein is the ideal person to lead the ABA into the twenty-first century.

"To continue to serve the public and our members effectively, the Association needs dynamic staff leadership with a clear understanding of the tough issues facing our justice system, the service responsibilities of the legal profession and modern management practices. In Robert Stein, we have found a versatile, visionary person with a keen organizational sense, a strong commitment to diversity and proven leadership abilities," Ide said.

In addition to his duties as law school dean, Stein was chairman of the board of directors of the Higher Education Assistance Foundation (HEAF) during a managed wind-down and liquidation of the guaranty agency in the federal student loan program. At the close of the agency, Stein presented the U.S. Department of Education with a check for $300 million, the balance of the agency's assets. That was about twice the amount that had been anticipated when the Education Department decided to close HEAF down and appointed Stein and a new board to manage the transition.

Stein has been affiliated with the law school since 1964, first as a professor and then as dean since 1979. He was a visiting scholar with the American Bar Foundation in 1975–77, and a visiting professor at the University of Chicago Law School in 1975–76. He practiced law in Milwaukee in 1961–64, and has been of counsel to a Minneapolis firm, Gray, Plant, Mooty, Mooty & Bennett, since 1980.

In October Stein will succeed David J. A. Hayes, Jr., who is retiring after more than 28 years of service to the Association.

The national search for a new executive director was conducted by a 14-member committee of the board of governors, headed by J. Michael McWilliams of Baltimore, the immediate past president of the Association.

"The search committee was particularly impressed by Stein's management and organizational skills. Our society and profession are facing serious and difficult challenges. We need someone with the vision and experience to use our resources wisely and effectively and to lead the Association's efforts to strengthen the justice system and provide service to the legal profession," McWilliams said.

Incoming ABA President George Bushnell of Detroit, a member of the search committee, added that Stein is "familiar with the ABA, thoroughly dedicated to the justice system, a strong administrator and one who knows the profession as a calling. He will bring dignity and integrity to the Association by virtue of his outstanding personal qualities."

Other members of the search committee were Roberta Cooper Ramo of Albuquerque; Philip S. Anderson of Little Rock; Samuel S. Smith of Miami; M. Peter Moser of Baltimore; John McKay of Seattle; David E. Cardwell of Orlando; Donna C. Willard of Anchorage; Rolland E. Grefe of Des Moines; James T. Halverson of New York; Martha Barnett of Tallahassee; and Bernard Ashe of Albany.
the subject, to review relevant literature and to conduct surveys of law schools, bar associations and other interested groups for the purpose of determining the extent to which the subject of professionalism is being addressed, the values that have been identified and the manner in which those values are being taught and promoted.

Professionalism Program

The Section committee, relying primarily upon the work of Dean Harry Haynsworth of Southern Illinois University at Carbondale and Dean David Link of Notre Dame University, also developed and presented at the recent Annual Meeting in New Orleans a program on professionalism. Joining Deans Haynsworth and Link as major program participants were ABA President-Elect Nominee Roberta Cooper Ramo of the New Mexico Bar and Judy Perry Martinez, former chair of the ABA’s Young Lawyers Division, of the Louisiana Bar. I moderated the program.

In his initial presentation, Dean Link traced the historical development of the concept of professionalism in the law, noting that societal attempts to function without the assistance of lawyers have consistently failed. He found great the need today to restore the historical perspective of law and lawyering not only for the benefit of the profession’s public image but also for the welfare of society.

Effectively using a series of creative vignettes, Ms. Martinez called attention to the diversity among lawyers today. While applauding the professional and societal values of diversity, she noted across the spectrum of persons and practice the growing discontent of practitioners with their work and their profession. In some settings resources are wanting, in others the clients or the firm impose conditions which adversely affect the quality of life and practice and the desire to do rewarding work pro bono publico. As one result, independence is compromised and psychic satisfaction unrealized. Moreover, “winning at all costs” is destructive of the moral fiber of both the profession and the public.

Review by Dean Haynsworth of a partial response to the Committee’s survey of law schools brought into focus current techniques for teaching ethics and professionalism. Ethics, morals, discipline and professional responsibility are now usually addressed in a single law school course in which rules of conduct and matters of professional discipline predominate. That approach, he finds, fails to meet the needs of students and the profession:

A broader, more pervasive approach is required in order to provide constant student reinforcement. Summarizing a scholarly paper prepared for the program and subsequent publication, Dean Haynsworth made the following observations: Ethics and professionalism should be taught pervasively; students should be exposed to the bases of ethical decision making and to the principles of jurisprudence and sociology; emphasis should be placed upon the importance of personal character and professional independence and upon development of the practical wisdom and sound judgment that great lawyers possess and employ in public service; students also need better understanding of the sociology of law and law firms and of the methodologies offered by other disciplines; they need as well the opportunity to voice concern about law, morals and ethics; and they can benefit greatly from the law teacher who serves not only as a teacher but also as a role model, from supportive parallel course programming and from internal law school structures.

Responding to the previous presentations, Ms. Ramo agreed that today many lawyers are dissatisfied with their training and their calling. Many law teachers, she observed, have had little or no practice experience, a circumstance which suggests it is acceptable to study and teach law but not to practice it. What, how and who we teach invite radical change. Legal education fails to transmit to students the whole of our legal culture. Physicians are exposed to practitioners from the beginning of training but the law student is isolated in the classroom from practitioners and their work. Greater emphasis upon the commonly held beliefs and ideals of the profession is also
required. Students and lawyers alike must be constantly reminded that the essence of professionalism is accepting the personal responsibility "to do the right thing" for the public and the client no matter how hard that may be.

**Audience Discussion**

Dean Link returned to the lectern to suggest that we should be concerned about improving lawyers and law students by training and example rather than seeking to enhance professional image through public relations campaigns. He also called for dramatic change as we seek to regenerate professionalism. To stimulate discussion, he asked if the law school admissions process, and the criteria employed, are correct; should we be seeking to admit to law schools those more likely to respond to societal need; should we move away from the case method, employ problem-oriented instruction and give greater emphasis to skills training; should we abandon the initial bar examination, admit provisionally by diploma, require a period of "residency training" and only then examine for unsupervised admission to the practice? He also asked if we should train a special class of public service lawyers devoted to the highest standards of ethics and service and seek to create an ethic of tithing of time and talent in public service.

The discussion which followed ranged from views that "the profession has lost its soul" to a call for seeking to instill alike in student, teacher and practitioner "pride in being a lawyer."

Following the program, the Section committee devoted an afternoon to planning its work for the forthcoming year. That work is expected to lead to a final report to be submitted in August 1995 and thereafter, perhaps, to a national conference on professionalism in the fall of that year.

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Former ABA president Wm. Reece Smith, Jr., chairs the Section's Professionalism Committee. He is a partner in the Tampa firm of Carlton, Fields, Ward, Emmanuel, Smith & Cutler.

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**Wm. Reece Smith, Jr., Receives Pro Bono Publico Award**

Wm. Reece Smith, Jr., a past president of the American Bar Association who has spearheaded the nation's commitment to providing free civil legal service to poor persons, is among recipients of the 1994 ABA Pro Bono Publico Award.

The award was presented Monday, August 8, at the ABA's annual Pro Bono Awards Assembly Luncheon, in the New Orleans Hilton Hotel, as part of the 1994 ABA Annual Meeting. Keynote speaker for the luncheon was Millard Fuller, founder and president of Habitat for Humanity International.

Other award recipients are the law firm of Alston, Rutherford, Tardy & Van Slyke of Jackson, Mississippi; the Florida law firm of Steel Hector & Davis, with offices in Miami, West Palm Beach and Tallahassee; Andre Dennis of Philadelphia, Pennsylvania; and Douglas Robinson of Washington, D.C.

"Reece Smith may have done more than any other living person to foster a commitment to and nurture an environment supportive of meeting the legal needs of this nation's poor people," said James L. Baillie of Minneapolis, chair of the ABA Standing Committee on Lawyers' Public Service Responsibility, which presents the awards.

During his presidency of the ABA, Smith led a "March on Washington" of more than 400 legal profession leaders in behalf of the Legal Services Corporation, part of a successful campaign to thwart efforts by the executive branch during the early 1980s to eliminate all funding for the corporation and terminate its existence. The Legal Services Corporation provides grants to local providers of legal services to poor persons.

Officials of Bay Area Legal Services, Inc., of Tampa, which nominated Smith, credit Smith and the March on Washington with being the catalyst for creative partnerships across the nation to improve legal service to the poor. They note that the number of bar association legal aid programs has mushroomed from 50 at the time of the march to 900 today.

For an eight-year period, Smith gave an average of two speeches per month urging bar associations throughout the country to organize and sponsor legal aid programs. He worked tirelessly to encourage local LSC grant recipients to stimulate private attorney involvement in their efforts, noted Guilene Theodore, president of the Bay Area Legal Services board.

Smith was instrumental in the creation of the ABA Private Bar Involvement Project, which has become the ABA Center for Pro Bono, and in convincing the ABA to budget $500,000 annually to support the project's activities to encourage bar-sponsored legal aid programs.

Smith is chair emeritus of the Florida law firm of Carlton, Fields, Ward, Emmanuel, Smith & Cutler, which has offices in Tampa, Orlando, Pensacola, Tallahassee and West Palm Beach. He has taught on the faculty of the University of Florida College of Law and at Stetson University College of Law, and was city attorney and head of the City of Tampa Legal Department. He was interim president of the University of South Florida in Tampa, and was named distinguished professorial lecturer for Stetson University College of Law in 1991. Smith began his career as a sole practitioner in Plant City, Florida, in 1949.

In addition to his efforts on behalf of legal aid, Smith has served the Tampa Philharmonic Association, the Hillsborough County Mental Health Society, the Tampa Chapter of United Cerebral Palsy, the Florida Gulf Coast Symphony Association and a variety of other community service organizations. He currently serves the Section as chairperson of the Professionalism Committee.
AFRICAN
Continued from page 1

Third, there will be a six-week visit to the paired African law school by one faculty member from one of the paired sister U.S. law schools to jointly assess needs and define prospects for future long-term programs. The visiting faculty member will also conduct seminars and workshops and consult on library and curriculum development. Specialized support such as library reference and research books, textbooks, audiovisual materials and computers would accompany the faculty member.

These three phases would comprise only the beginnings of a process that would lead to a long-term cooperation such as 1) faculty and student exchanges, 2) a law faculty advisor program, 3) an internship program for African law faculty and students and 4) a variety of short-term training programs for the participating African law schools. The precise nature of these projects would be defined jointly by participating African and American law schools as the relationships evolve.

Assistance of CEELI

Consultant White stated that this successful grant proposal would not have been possible without the exception assistance of the ABA's Central and Eastern Europe Law Initiative (CEELI) offices in Washington, D.C., and the cooperation of the twelve American law schools, led by the University of North Carolina at Chapel Hill. The USIA Request for Proposal (RFP) was issued with an extremely tight time line. The RFP was modeled on the successful sister school projects in central and eastern Europe coordinated by CEELI and the Section in the past three years. With CEELI's expertise and the high energy of the University of North Carolina, which has had substantial experience in East Africa, eleven other American law schools expressed a firm commitment to this new initiative: the University of Arkansas, Harvard University, the University of Illinois, the University of Mississippi, Northern Illinois University, the University of Pittsburgh, Southern Illinois University, Southern University, Texas Southern University, Wayne State University and the University of Wisconsin.

A letter will be sent to all ABA-approved law schools to solicit additional interest in the AFLI project. Meanwhile, a working group from the twelve American law schools that initially expressed support for the project is being formed to engage in detailed planning for the first stages of the project. American law schools interested in participating in this exciting new project should contact ABA Deputy Consultant Frank T. Read, who along with Kim Parker of CEELI will be providing staff assistance.

Death of A. Kenneth Pye

A. Kenneth Pye, who resigned as president of Southern Methodist University June 22, died of cancer early Monday morning, July 11. Pye resigned from the SMU presidency because of his declining health. Upon his resignation, he was appointed the William Hawley Atwell Professor of Constitutional Law in the SMU School of Law in recognition of his contributions in education and the legal field.

A legal scholar and leader in higher education for nearly 40 years, Pye left a lasting imprint on two institutions: SMU, which he served as president from 1987 to 1994, and Duke University, where his 21-year association included two terms as chancellor and two terms as law school dean.

Pye became the ninth president of SMU in the fall of 1987. He had a major impact on the university during one of the most challenging periods in its history. He is credited with significant accomplishments, ranging from achieving financial stability to increasing campus diversity. He initiated undergraduate curricular changes emphasizing global perspectives and technological and scientific literacy within a liberal arts context.

He also strengthened graduate education in selected fields.

Before coming to SMU, Pye was associated with Duke University beginning in 1966. He served as professor of law, university counsel, director of international studies, twice as dean of the law school, twice as chancellor of the university, and as its acting president. As chancellor, Pye was credited with actions that helped transform Duke from a regional institution into one of national prominence. When he resigned as chancellor in 1982 to return to full-time teaching, he was named the Samuel Fox Mordecai Professor of Law at Duke.

An expert on issues in higher education, Pye served on more than 50 national and state commissions, committees and task forces. During Pye's SMU presidency, his leadership positions included serving on the Board of Directors of the National Association of Independent Colleges and Universities, as chair of the Committee on Government Relations of the American Council of Education, as a member of the Knight Commission on Intercollegiate Athletics and Board of Directors of Independent Colleges and Universities of Texas, and as chair of the Council of Presidents of the Southwest Athletic Conference.

As a legal scholar, Pye was a specialist in the fields of criminal procedure, evidence and international law. He published more than 50 articles and monographs and one book. His leadership positions in the legal profession included serving as president of the Association of American Law Schools and as a member of the House of Delegates of the American Bar Association. He also served on the Section's Council and Accreditation Committee.

Pye is survived by his wife, Judith Hope Pye, and their son, Henry Williams Pye, both of Dallas. The A. Kenneth Pye Cancer Research Fund has been established at the University of Texas Southwestern Medical Center at Dallas for those who wish to make memorial gifts.
Section/NCBE Joint Program on Bar Admissions

At the ABA Annual Meeting in New Orleans, the Section and the National Conference of Bar Examiners co-sponsored a program entitled “Teaching and Testing Clinical Skills: What Are Law Schools Teaching Students to Perform? Can Law Schools and Bar Examiners Develop Sound and Relevant Performance Measures?” The panel was moderated by Jane Peterson Smith, director of testing for the NCBE, and Frank T. Read, deputy consultant on legal education to the ABA. The panel was composed of Kathryn H. Federle of Tulane University School of Law; Alan Ogden, Colorado Board of Law Examiners; Roy T. Stuckey, University of South Carolina School of Law; and Laura Taylor Swain of the New York Board of Law Examiners.

Professor Federle argued that there are limits to what performance testing can show. She noted that when law professors teach professional skills, they teach them in a substantive context. She noted that if people are concerned about the subjectivity of performance testing, they should realize that everything that is taught is highly subjective.

Professor Stuckey noted that law schools have amassed a substantial amount of experience in testing skills, including which skills are important to test and how to go about testing them. He views the advent of performance testing as a positive development in bar admissions.

Alan Ogden discussed the Colorado Performance Test. He noted that it tests legal analysis, fact analysis and research skills, but not legal writing skills. Mr. Ogden also discussed the cost of performance testing, noting that the more skills that are to be evaluated, the more it will cost to administer.

Laura Taylor Swain provided background on New York’s deliberations about creating a performance test. She noted that the California test was examined thoroughly as a model, and that among the issues New York must consider is how much time to allot the performance test, and how to remove that time from the bar examination as it now exists.

Co-moderator
Jane Peterson Smith

Co-moderator
Frank T. Read
Law School Admission a 50-50 Proposition

by Jana Cardoza

Final application figures are in for the fall 1994 entering class.

The 1993–94 admission season marked the third consecutive year of decline in the number of law school applicants, and the second consecutive year of decline in the number of applications filed at law schools across the county. As of August 8, the Law School Admission Council reported that 84,700 applicants had filed 422,500 applications at U.S. law schools. The number of applicants is down 1.7 percent from this time last year, while applications are down less than one percentage point. There remain approximately two applicants for every seat in law school.

Law schools in Puerto Rico and the southeastern states of Mississippi, Alabama, Georgia and South Carolina had been hardest hit, with a 6.3 percent decrease in applications filed compared to the previous year. Conversely, law schools in the south central states—Texas, Oklahoma, Arkansas and Louisiana—experienced a 9 percent increase in applications. The number of applicants who hailed from the northwestern region of the country increased by 10.9 percent, while applicants from the New England states declined by 10.8 percent.

A look at the demographic makeup of the 1993–94 applicant pool shows increases for virtually every ethnic group. American Indians experienced the greatest increase in the number who applied to law school for the fall of 1994 (16.1 percent). The number of Asian-American applicants increased 8.3 percent over last year, while the number of Mexican-American applicants rose 7.6 percent. Black Americans composed the largest ethnic group in the pool in terms of sheer numbers (9,340), but showed only a 4.3 percent increase over last year. Puerto Ricans were the only ethnic group to experience a decline (3.1 percent).

The gender makeup of the applicant pool remained fairly consistent with last year’s profile. There were 37,700 females (a decline of less than one percentage point from last year) and 46,900 males (down 2.8 percent from the previous year). Also consistent with last year’s pool, the majority of applicants were between 23 and 25 years of age, and the number in that age group increased by 1.6 percent over last year. The second largest group was 22 years old and younger, although this group experienced a significant decline of 8.9 percent. There was a slight increase (2 percent) over last year in the number of applicants aged 35 and over.

A close look at the types of law schools to which this year’s entrants were applying revealed that private schools received more applications than public schools. Perhaps surprisingly, the higher-end tuition schools ($18,000 per year and above) experienced a 6.5 percent increase in the number of applications received while schools in the middle tuition range experienced declines. For more information on the 1993–94 applicant pool, contact Law Services at (215) 968-1364.

Jana Cardoza is senior media relations specialist for Law Services.

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