What is a disability? Under what circumstances should disabled students be given accommodations? What kinds of accommodations are appropriate? How does the ADA impact upon bar examination issues? These and other topics were the subjects of discussion at the Joint Conference on Disability Issues, held April 6-8 in the Hyatt Regency St. Louis at Union Station. The conference, chaired by Dean E. Thomas Sullivan (then of the University of Arizona, now of the University of Minnesota), drew some two hundred law school and bar examination officials. Said Dean Sullivan: “No federal legislation will have as far reaching an impact in the 1990s as is and will be the case regarding the 1990 Americans with Disabilities Act.” The conference was co-sponsored by the ABA Section of Legal Education and Admissions to the Bar, the Association of American Law Schools, the Law School Admission Council and the National Conference of Bar Examiners.

ADA Overview

The conference began with an overview of the ADA provided by Professor Laura Rothstein of the University of Houston. She noted: “We [the law schools] have become the leader on these issues. Everyone uses us as a model on what to do in these issues.” Professor Rothstein described the work of a 1988 AALS Special Committee on Disability Issues and its 1990 report. She noted that the ADA really did not put additional responsibilities on the law schools; rather, the ADA makes the provisions of Section 504 of the Rehabilitation Act applicable not only to those entities receiving federal funds, but to other state agencies, including bar examining authorities. Professor Rothstein noted that the ADA defines “person with disability” as a person with substantial impairment to one or more life activities, a person having a record of such an impairment or a person regarded as having such an impairment. “The ADA requires us to be very creative in responding to requests about reasonable accommodations,” said Rothstein, “but an individual must also be otherwise qualified. No lowering of standards or fundamental alterations in the applicable program are required.” Professor Rothstein stated that, with regard to removing physical barriers for the disabled, the ADA incorporates the concept of mainstreaming, of making the least restrictive environment so that the person with a disability has the opportunity to interact meaningfully with everyone.

Robert Potts, President of the University of North Alabama, then discussed issues pertaining to the fitness to practice law. He noted that there are two hurdles an applicant must clear: the bar examination and the character and fitness determination. “The ADA impacts on the bar admissions process in both areas,” he said. Mr. Potts expressed how bar examiners implement the ADA: “There is a feeling that not every person with a disability has to have accommodations—only those whose disabilities affect test performance so that the test performance yields an underestimate of their performance on the particular test.” He stated that the applicant should establish that the disability is current and the need for special accommodations, and only then would the burden shift to the bar examiners on why the accommodations should not be given. “Trying to make the test fair to both the disabled and nondisabled applicant so that the playing

Continued on page 18
One of the most exciting activities of the Section over the past several years has been its efforts to serve as a catalyst to encourage and facilitate ABA law schools' participation in the ABA Central and Eastern European Law Initiative (CEELI). Not only have these outreaches by American law schools assisted the central and eastern European law schools, but they have stimulated a variety of new courses and research initiatives in American law schools, all bearing on a broader legal education program for American law students.

The recent activities by American law faculty have ranged from Professor Joan Howland of the University of Minnesota spending six weeks in Gdansk, Poland, lecturing and assisting with the school's library development, to Dean Gil Johnson of John Marshall Law School spending several weeks in Vilnius, Lithuania, assisting with curricular development. These are but two of many activities undertaken by American law schools this past year. Further, European faculty such as Vice Dean Zbigniew Gostynski of Katowice, Poland, have been visiting faculty at their American sister law schools (Vice Dean Gostynski has been visiting Widener University School of Law).

This coming fall the second annual Law Faculty Training Program of faculty in the New Independent States (NIS) of the former Soviet Union will take place in selected American law schools. CEELI has designed this training program to support the efforts of NIS law professors to adapt law school curricula to democratic and market reforms. This program offers participating American law schools a unique opportunity for exchange as well as clear involvement in the ongoing legal reform taking place in the NIS countries.

In 1995-96 nineteen competitively-selected NIS law professors will spend an intensive three-month period in the U.S. working under the guidance of American law professors to develop new courses for use in the NIS schools. A beginning orientation in Washington will introduce the participants to life in the United States, to American legal education, and to the goals of the training program. Following the orientation, visiting professors will travel to their host law schools, where they will work with a designated faculty mentor in the targeted area of law. Mentors will conduct weekly meetings with the visiting professor to outline relevant reading materials, to advise on classes to attend, to identify appropriate contacts within and outside the law school, and to review various research and teaching problems with the visiting professor. Mentors will guide the visiting professors in the development of new course outlines and introduce them to other aspects of legal education in the U.S., including legal writing and research programs, law library facilities, moot court, law reviews and clinical programs.

At the concluding workshop, participants will present selected features of the courses developed under the program to their NIS colleagues and explore ways in which new teaching methodologies could be applied to the courses. Participants will also make plans for future collaboration with one
LIBRARY HIGHLIGHTS

Let’s Not Put It in the Library

by Virginia C. Thomas

In a May 1995 column for Wired Magazine, Nicholas Negroponte and Michael Hawley of the M.I.T. Media Lab suggest a “Bill of Writes” as a solution to protecting “digital information.” Their proposal is simple and straightforward: Congress should enact a “digital deposit act” requiring authors and publishers to deposit the electronic versions of their hardcopy publications with the Library of Congress Copyright Office to register copyright. Then, according to the authors, the Library of Congress could be “transformed”—transfigured would be a better word—from a selected depository for copyrighted works into a “retrievatory” for all copyrighted works, an information utility making this massive amount of legislatively-mandated electronic data available to Internet users.

The Negroponte-Hawley proposal demands close examination by the library community. What follows is a brief review of three issues it raises.

The “Bill of Writes” redefines the purpose of the Library of Congress. No longer is the Library’s first priority to serve Congress. No longer is it the library of last resort for the nation’s library patrons. Nor does LC become a national library under the author’s proposal, for even a national library is engaged in systematic collection development. Rather, LC becomes our electronic warehouse—a national clearinghouse for, and largest vendor of, electronic resources on the Internet. The implication here is that greater and easier public access to electronic resources will result.

For those who bemoan the lack of coordination among resources on the Internet, this may look like progress. However, is this not just the typical reaction to not knowing what to do with “stuff”—dump it in the library? Better bibliographic control (and all that entails), not centralized warehousing, is the kind of long-term contribution that can and should characterize librarian-ship’s connection to electronic resources.

The proposal also designates the Library of Congress, a legislative arm of the federal government, as a contractually-bound guarantor of copyright protection, since the proposed legislation “must include a bonded escrow agreement so that ‘digital works’ cannot be released without author and publisher approval.” Prompted by concerns over potential financial liability for unauthorized access, the authors’ proposal would impose a kind of top-down centralization foreign to the Internet. One can easily imagine the bureaucratic nightmare of classifying and declassifying, evaluating and reevaluating, grading and scheduling user access to submitted materials based on statutory and regulatory requirements. This may be a sludge pit suitable for our national security agencies, but it is hardly appropriate for the Library of Congress. The problem arises by failing to view the Internet as the nation’s storehouse of electronic resources; instead, the authors tend to view one host as fulfilling that mission.

Finally, what effects might this proposal have on product development and competition in the electronic publishing industry? It is not hard to imagine LC taking the lead in developing technical specifications for formatting digital text, graphic, sound and multimedia files and search engine protocols for accessing electronic resources. How else could LC proceed to fulfill its new mission under this “Bill of Writes”? These are areas of interest to librarians, but should standards and specifications be developed primarily to accommodate the needs of one institution? Of course not, but the Negroponte-Hawley proposal offers nothing to stop this from happening.

One doubts that innovation will be stifled by the concentration of power that would come to rest in LC’s hands; clever workarounds will most likely present themselves. Would not this development simply bifurcate electronic resources into mass market and niche technologies making the task of accessing all Internet resources no less difficult than it is today? Clearly, the free play of market forces in the thriving decentralized environment of the Internet offers more encouraging prospects.

The library community is being tested. Issues once comfortably debated only in library circles are now captivating the public’s imagination—how many of Wired’s readers closed the cover of the May issue, thinking the Negroponte-Hawley proposal was “cool”? Policy proposals have the publishing community’s undivided attention—and many publishers could find some comfort in the authors’ escrow requirement? Rapidly changing patterns of information use are challenging traditional perceptions of the library’s mission. Who could blame LC administrators for latch­ing onto the “retrievatory” notion in today’s fiscal environment?

Means of affording copyright protection for electronic data can and will be found, hopefully without the Library of Congress playing an unnecessary and potentially counterproductive role. Still, the “Bill of Writes” offers all of us something to think about. The proposal illustrates what lies ahead for the library community as a commercial interest in the Internet increases in anticipation of mass market appeal for electronic products.

Virginia C. Thomas is law librarian at the University of Miami School of Law.
Update on African Law Initiative Project
by Robert Fullerton

Their needs are different—though in the end all of the sixteen African law school deans and professors taking part in the Section’s ongoing African Law Initiative Sister Law School Program hope to speed democratization and enhance human rights in their nations.

They hope to achieve these lofty goals first by broadening links with ABA-approved law schools, then, through joint action with the American institutions, by finding ways to upgrade their curricula, adopt new teaching methods, improve exchange opportunities for their faculty and students, and upgrade libraries, many of which have not been improved since the early 1960s.

The other side of this U.S. Information Agency-funded initiative, says ABA coordinator Jessica Vapnek, is that “two-way partnerships” will emerge. U.S. law schools will benefit by acquiring a better understanding of other legal systems and by creating international programs. More importantly, said Vapnek, a U.S. Fulbright Scholar in Ghana last year, faculty and students will be personally enriched by their experiences.

“I want to stress it’s not a one-way street in which U.S. law schools just pour resources into the African law schools,” she said. “They don’t want that, nor do we. It really is a shared process. Obviously, American schools have a lot more money. So inevitably there will be resources flowing one way. But U.S. schools can learn so much from the Africans and their schools, and that is one of our goals. For instance, how many U.S. professors have helped draft a constitution? . . . Three or four of our participants are now involved in such work,” Vapnek said. “Four also have been in prison; they could speak about that and the legitimacy of the judicial process in their countries. . . . There are also many societal things we can learn as well from Africa, including about family relationships.”

Under the grant, patterned after similar ABA sister law school programs in Central and Eastern Europe and Latin America, the Africans spent April 8-23 on a study tour of U.S. law schools. They met with faculty and students, attended classes, lectured, judged moot court competitions, and toured facilities, among other activities.

The four-phase “sister law school” program actually began last December when a group of American law school deans—at their own expense—met in Nairobi, Kenya, with African faculty from Eritrea, Ethiopia, Ghana, Kenya, Malawi, Tanzania, Uganda, and Zambia to explore and plan the initiative.

According to Vapnek, those attending the four-day session developed an overall agenda for the program and exchanged ideas on current issues in legal education, including internationalization of the law school curriculum. They also discussed advances in information technology and the development of clinical legal education and examined ways to implement the USIA’s $200,000 grant, which calls for the improvement of facilities and collections at the African law school libraries.

The second phase of the initiative began with the Africans’ visit to the United States, which opened with a three-day orientation at New York University. That was followed by each participant making a two-week study tour at two or three American law schools. The group next reconvened in Washington for two days of meetings, planning, and debriefing before returning home.

“We had a core group of about twenty U.S. colleges involved, after ABA letters to 177 accredited institutions,” Vapnek said. “An additional nine more came on board for the visits after we broadened the base of the initiative.

“ABA is coordinator and match-maker, so the more potential dates you have [for the Africans] the better,” Vapnek said, adding that “our view was to bring together the schools, exchange ideas, and hopefully the schools would link up and move forward. We’re also hoping U.S. schools will be able to come up with some resources.” While the U.S. government has pledged continued support of aid to Africa, she indicated there is concern about the amount and direction of U.S. foreign aid to the continent in the future.

Later this year, in phase three of the program, American professors will visit African law schools in the eight countries “to examine their libraries, help set up clinical programs, teach minicourses, to do basically whatever the host school wants,” Vapnek said.

Phase four calls for spending about $30,000 of the USIA grant money on library improvements. Some African schools may use the money, Vapnek suggested, to pay the postage for library books and materials to be donated by American institutions. Several African countries, she said, rely on old (still useful) British law system books for precedents, “but they need modern material, modern books and cases.”

Vapnek added that physical facilities at many of the African law schools also need updating, pointing out that “plumbing and electricity are often faulty, classrooms are broken down, and windows are broken. The contrast between what we have in America and what they have in Africa is really striking.”

Regarding new linkages, she pointed out that one “draft agreement” has just been drawn up between Ghana and North Carolina Central University, one of the four historically black U.S. law schools.

“It’s not just a question of money,” Vapnek said. “They are talking joint research, student summer exchanges, providing an African master’s law
by E. Bruce Nicholson

As the 104th Congress moves into its summer consideration of budgetary matters, the future of federal support for higher education programs is very much in doubt. Longtime ABA-supported legal education programs face potential elimination this year, while competing budget plans differ fundamentally as to whether and how student financial aid programs should be supported during a several year period in which a balanced budget is achieved.

At present the initial skirmish over cuts in the present year’s budget has not been resolved. President Clinton having vetoed the 16.4 billion dollar rescissions bill for fiscal year 1995. That legislation included a cut of the entire $14.9 million appropriation for the Law School Clinical Experience program and half—$10.1 million—of $20.2 million appropriated for the Patricia Roberts Harris Fellowships. These cuts are still likely to be included in a compromise bill, if one is achieved, however, as the President based his veto on objections to cuts in such programs as AmeriCorps, national educational standards and violence and drug prevention programs. The Administrations fiscal year budget proposal earlier this year included elimination of funding for the Clinical program and the Council on Legal Education Opportunity.

Beyond current year budget decisions, the President and the Republican-led Congress are engaged in a broad debate over how to achieve a balanced budget and the place of federal support for higher education programs. A plan to balance the budget by the year 2002 has been approved by both the House and Senate that includes the potential elimination of the Department of Education and a cut of $10 billion over seven years from student loan programs. The original House budget resolution had called for elimination of the Department of Education. It also would end the in-school interest subsidy for all federal guaranteed and direct student loans, saving $12.4 billion over five years and $18.7 billion over seven years. The Senate budget resolution maintained the Department and eliminated the interest subsidy only for graduate and professional students, with a savings of $4.395 billion over seven years.

The conference agreement adopted by both houses did not make a recommendation regarding the Department of Education, therefore leaving it to each house to proceed as it will in the yearly budget process. The conference agreement also does not specifically call for savings from the loan interest subsidy, but projects a savings of $10 billion over seven years “through reform of student loan programs.”

The Congressional budget resolution faces an uncertain future, at this date, with a promised Presidential veto over tax cuts or any proposed end to the student loan interest subsidy and a very different plan for federal support for student financial aid supported by the Administration. The President’s budget proposal calls for balancing the federal budget by the year 2005, with much smaller cuts in student loan programs and a tax deduction of up to $10,000 for the cost of college, university, or vocational education.

The Republican-led Congress and the President will be slugging it out to see what priorities prevail on these issues both in the long-term budget plans and the yearly appropriations process, now beginning in earnest.

E. Bruce Nicholson is legislative counsel for the Government Affairs and Public Services Group of the ABA.
Legal Hotchpot

The explosion in use of the Internet and online communication services has brought with it a growing number of legal issues. Enter The Journal of Online Law, a new journal to examine these issues and offer solutions. The journal, edited by Professor Trotter Hardy of the College of William & Mary School of Law, is an outgrowth of an electronic discussion group called Cyberia that Hardy and others have been conducting for three years over the Internet. A board of editorial advisors with representatives from the computer industry and academia has been established. Distribution will be principally in electronic form, and subscriptions are free. New issues will be released every six months. To subscribe, send e-mail to "listserv@listserv.cc.wm.edu" with the body of the message consisting of "subscribe JOL" followed by your name.

Fordham University School of Law has announced the receipt of a $1.1 million gift for its commitment to educating students in the areas of legal ethics and public service. The gift, donated by 1926 alumnus Louis Stein, allows the law school to expand the programs and activities of the Stein Center on Ethics and Public Interest Law, which was established in 1992 to promote a dialogue between lawyers engaged in public service and the faculty and students of the law school. The Center sponsors symposia and conferences on current ethical issues, round table discussions among practitioners in public interest law and the Stein Scholars Program.

DePaul University College of Law hosted an open house this spring in the newly renovated and expanded law library. The $3.5 million renovation was begun in May of 1994. The library was designed in a style reminiscent of the Arts and Crafts movement from which the College of Law buildings are dated. An oak and glass-enclosed center staircase that joins the fifth and sixth floors is a focal point of the new library. The staircase features an ornamental metal balustrade with DePaul logos cast into the balusters. A new arch window, with oak mullions and patterned chip glass, illuminates the two-story circular staircase and allows sunlight to penetrate the floors. The new 36,690-square-foot library contains 313,738 volumes, seating for 419 people, a computer lab with thirty terminals, ten group study rooms, video facilities and a microform room.

In New Orleans in April, the Loyola University Law Clinic held a Silver Jubilee Celebration to reflect on the past twenty-five years of growth and to raise money for future development. Over the past twenty-five years, the clinic has furthered Loyola's Jesuit ideals of service and scholarship. It provides senior law students an opportunity to gain practical experience in criminal, civil and administrative law.

Duke University School of Law dedicated its $16.7 million addition this spring. The new four-story, 84,000-square-foot addition was completed in November. According to Dean Pamela Gann, the addition, designed by Gunnar Birkerts and Associates in an eclectic blend of Duke's gothic and Georgian traditions, increases the size of the facility by over 70 percent. The addition's design accommodated the redevelopment of the library into a spacious state-of-the-art facility. Other features within the building include new classrooms, renovated student spaces, expanded space for faculty, an administrative office pavilion and dramatic public spaces.

Faculty Honors

Professor Melvin B. Goldberg of William Mitchell College of Law was recently the recipient of an award recognizing his ten years of service as a member of the general faculty of the National Judicial College. The NJC invites experienced and renowned judges, lawyers and law professors from across the United States to serve as unpaid faculty members to the more than three thousand state court, tribal court and foreign judges and court personnel who attend the College each year. Professor Goldberg teaches in the areas of administrative law, criminal law and contracts, and serves as an administrative law judge for the Minnesota Office of Administrative Hearings.

The W.K. Kellogg Foundation has named Professor Laura Padilla of the California Western School of Law a Kellogg National Fellow. Professor Padilla will participate in a three-year program that offers outstanding American professionals an opportunity to broaden their social and intellectual sensitivity, awareness and leadership potential. Open to a group of no more than fifty professionals who are in the early years of their careers, participants are drawn from business, education, human service agencies, government, and private practice. During the three-year period, the group will attend seven seminars that focus on issues and problems facing leaders. Seminar locations are tailored to the issue being discussed, and at least one seminar will be held in Latin America.

Professor Philip Areeda of Harvard Law School was honored at a dinner in April for donating a gift to the law school that will ultimately exceed $5 million. The unrestricted gift is the second largest to Harvard
Law School from an individual. Areeda, renowned for his antitrust work, began teaching at the law school in 1961 and is now the Langdell Professor of Law. He has served in the Eisenhower, Nixon and Ford administrations. The Areeda gift is the latest to the Campaign for Harvard Law School, a five-year effort to raise $150 million to expand and diversify the faculty, modernize the library, and increase student financial aid.

Ernest Friesen, recently named Professor Emeritus by the California Western School of Law Board of Trustees, is the 1995 recipient of the Griswold Award, presented by the National Judicial College for outstanding teaching. Friesen, who was instrumental in founding the Judicial College and has been its Dean, has taught there since it began in 1964. The award ceremony will take place in early July in Reno, Nevada, where the college is located. Professor Friesen has had a distinguished career, working in academia and the government. Besides serving as Dean of the National Judicial College, he was the first Dean of Whittier College School of Law and Dean of California Western School of Law and has served on the law faculties at the Universities of Cincinnati, Colorado, Denver, and Birmingham (England). He recently retired from California Western.

Dean Changes

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Keck Foundation Lecturer Award

The American Bar Foundation invites nominations for the W.K. Keck Foundation Lecturer Award. The award has been established with a grant from the W.K. Keck Foundation to honor scholarly contributions in the area of professional responsibility and legal ethics and thereby advance this field of research in the academic and professional communities. The American Bar Foundation is administering the awards process.

Individuals may be nominated for the award in recognition of a single work or a body of scholarship over a period of time on professionalism and professional responsibility. The person selected as the W.K. Keck Foundation Lecturer will be expected to deliver an address on professional responsibility in February 1997 at the annual meeting of the Fellows of the American Bar Foundation, which is held in conjunction with the Midyear Meeting of the American Bar Association. The lecture will be published as a monograph and distributed widely. The lectureship carries an honorarium of $5,000 plus expenses.

An Advisory Committee, composed of noted practitioners and academics in the field of legal ethics, is now accepting nominations. The Advisory Committee will present its recommendations to the Board of Directors of the American Bar Foundation, which will name the award recipient. Nominations may be sent to:

Advisory Committee
W.K. Keck Foundation Lecturer Award
American Bar Foundation
750 N. Lake Shore Drive
Chicago, IL 60611
1995-96 Council Nominees

The Nominating Committee of the Section of Legal Education and Admissions to the Bar, consisting of Dean Nina S. Appel, Chairperson; Dean James Douglas; Harold L. Rock, Esq.; Dean Steven R. Smith; and, Dean Barry Vickrey, have submitted the following list of nominees as Section Officers and Council members for election at the Section's Annual Business Meeting on Saturday, August 5, 1995, from 4:15-4:45 p.m., Terrace, 3rd Floor, Park Hyatt Hotel, Chicago, Illinois.

Erica Moeser, Esq., Chairperson Nominee, is President of the National Conference of Bar Examiners. She is the former Executive Director of the Board of Bar Examiners of the State of Wisconsin. She is a former Chair of the Conference of Bar Administrators and a former member of the Board of the National Conference of Bar Examiners. Ms. Moeser serves as an adjunct faculty member at the University of Wisconsin School of Law. She is a member of the American Law Institute. Ms. Moeser holds a B.A. from Tulane University and a J.D. and M.S. from the University of Wisconsin. She has received an honorary L.L.D. from Nova Southeastern University School of Law.

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

Pauline A. Schneider, Esq., Vice-Chairperson Nominee, served as Chairperson of the Accreditation Committee during 1993-95. She is a partner in the Washington, D.C., office of Hunton and Williams where she practices primarily in the area of public finance. Previously, she served as director of the office of Intergovernmental Relations for Washington, D.C., and as Staff Assistant in the White House Office of Intergovernmental Affairs under President Carter. She is a 1977 graduate of Yale Law School. She earned her bachelor of arts degree from Glassboro State College and a Master of Urban Studies degree from Howard University. She also did graduate studies in International Relations at Syracuse University. She holds an honorary L.L.D. from Widener University. She is the Immediate Past-President of the District of Columbia Bar where she has served on the Board of Governors since 1988. She is a member of the Board and Vice-Chair of the Women's Legal Defense Fund and in 1995 received the Woman of the Year Award from the District of Columbia Women's Bar Association.

Honorable Joseph W. Bellacosa, Last Retiring Chairperson, has been an Associate Judge of the New York Court of Appeals (the State's Highest Court) since 1987. He is the former Chief Administrative Judge of the New York Courts. He has served as a member of the Section's Accreditation Committee. Judge Bellacosa is a former Professor of Law at St. John's University and Albany Law School. He is a member of the American Law Institute and serves as Chair of the New York State Bar Association Committee on Media Awards. Judge Bellacosa holds a B.A. and J.D. from St. John's University where he was an editor of the St. John's Law Review. Judge Bellacosa holds honorary degrees from Saint Joseph's College, Pace, St. John's, Albany and Niagara.

Council Members
(Three-Year Terms):

Honorable Marie L. Garibaldi is an Associate Justice of the Supreme Court of New Jersey. She holds a B.A. from Connecticut College, an LL.B. from Columbia University and a LL.M. in tax law from New York University. She formerly served as an attorney in the Office of the Regional Counsel of the Internal Revenue Service and practiced law in Newark, New Jersey. She has been an Associate Justice of the New Jersey Supreme Court since 1982. She is a former trustee of St. Peter's College and a recipient of distinguished alumni awards from New York University and Columbia University. She is a Fellow of the American Bar Foundation and a former President of the New Jersey Bar Association.
She serves on a number of civic boards and contributes articles to professional journals.

**Herma Hill Kay** is Dean and Jennings Professor of Law at the University of California School of Law at Berkeley (Boalt Hall). Dean Kay is a member of the American Law Institute and a member of its Council. She is a former President of the Order of the Coif and is a Fellow of the American Bar Foundation and the recipient of its Distinguished Research Award. She has received the Margaret Brent Award from the ABA Commission on the Status of Women in the Profession. Dean Kay received her B.A. from Southern Methodist University and her J.D. from the University of Chicago Law School.

**Honorable Gerald W. Vande-Walle** is Chief Justice of the North Dakota Supreme Court. Chief Justice Vande-Walle is a former First Assistant Attorney General of North Dakota. He has been a member of the North Dakota Supreme Court since 1976 and Chief Justice since January 1, 1993, by vote of the district judges and Supreme Court justices. He was re-elected to the Supreme Court in 1994 for a ten-year term. Chief Justice Vande-Walle holds a B.S.C. and J.D. magna cum laude from the University of North Dakota where he was editor of the North Dakota Law Review. He is a member of the Order of the Coif. He has served as a Co-Chair of the Section’s Bar Admissions Committee. He is the recipient of numerous civic awards and honors.

**Council Member Nominee (One-Year Term):**

**William R. Rakes, Esq.** is a practicing lawyer in Virginia with the firm of Gentry, Locke, Rakes and Moore. Mr. Rakes is a former President of the Virginia Bar Association and a former Chairman of its Disciplinary Board. He is a Fellow of the American College of Trial Lawyers, the International Society of Barristers and the American Bar Foundation. He is a member of the ABA House of Delegates. Mr. Rakes holds a B.A. and an LL.B. from the University of Virginia.

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**Robert MacCrate To Receive the 1995 Robert J. Kutak Award**

At its June 2-3, 1995, meeting, the Council of the Section of Legal Education and Admissions to the Bar named Robert B. MacCrate of New York City as the 1995 recipient of the Robert J. Kutak Award. In its report to the Council, the Robert J. Kutak Committee stated, “As you know the Robert J. Kutak Award is granted annually to the person that meets the highest standards of professional responsibility and demonstrates substantial achievement toward the increase of understanding between legal education and the active practice of law. Robert B. MacCrate fully merits this recognition.”

The previous awardees are: William J. Pincus, 1984; Richard W. Nahstoll, 1985; Robert W. Meserve, 1986; Robert B. McKay, 1987; Millard H. Ruud, 1988; Sharp Whitmore, 1989; Samuel D. Thuman, 1990; Gordon D. Schaber, 1991; Harold Gill Reuschlein, 1992; Frank A.E. Sander, 1993; and, Rosalie E. Wahl, 1994. The Award will be presented in Chicago Saturday, August 5 during the ABA Annual Meeting. In its nomination report the committee stated:

Robert MacCrate is well and favorably known through chairing the Section Task Force that produced the report: Legal Education and Professional Development—An Educational Continuum. . . . By his profession, conduct and the positions held Robert MacCrate has met the “highest standards of professional responsibility.” Among these positions held are membership on the Federal Judiciary for the Second Circuit, Association of the Bar of the City of New York’s Committee to Preserve the Independent Role of the Judiciary, and Lawyers Committee for Civil Rights Under the Law.

Serendipity brought Bob MacCrate to the presidency of the American Bar Association as Justice Rosalie E. Wahl’s leadership of the Section turned attention to a study of lawyering skills. Mr. MacCrate’s speech at a conference led to his appointment as chair of the Task Force.

Mr. MacCrate was born in Brooklyn and educated at Haverford College in Pennsylvania and received his law degree from Harvard Law School. He is a retired partner of the New York law firm of Sullivan & Cromwell, where he concentrated on litigation, business, commercial and international matters. His American Bar Association activities include: President, 1987-88; Board of Governors, 1981-84 and 1986-89; Chair of the Special Advisory Committee on International Activities, 1988-89; Chair of the Section Task Force on Law Schools and the Profession, 1989-92; Member of the House of Delegates, 1973 to the present; Fellow of the American Bar Foundation, 1973 to the present; and chair of the ABA-ALI Joint Committee on Continuing Education, 1967-88.

Mr. MacCrate is also a past president of the New York State Bar Association and of the New York Bar Foundation. He is a past chair of the Executive Committee of the Association of the Bar of the City of New York. He is past president of the American Judicature Society.
1995 ANNUAL MEETING PROGRAM

TUESDAY, AUGUST 1–MONDAY, AUGUST 7
8:00 a.m. to 5:00 p.m., Section Office, Board Room, 2nd Floor, Park Hyatt

THURSDAY, AUGUST 3
1:30 p.m. to 5:00 p.m., Drawing Room, 2nd Floor, Park Hyatt
Council Meeting

FRIDAY, AUGUST 4
8:00 a.m. to 5:00 p.m., Drawing Room, 2nd Floor, Park Hyatt
Council Meeting

SATURDAY, AUGUST 5
10:00 a.m. to noon, Terrace, 3rd Floor, Park Hyatt
Implementing the MacCrate Report—Getting Started
Co-Moderators: Professor J. Martin Burke
University of Montana School of Law
Missoula, Montana
Professor Roy T. Stuckey
University of South Carolina School of Law, Columbia, South Carolina

Curriculum Assessment in Light of MacCrate
Speaker: Professor Patrick J. Kelley
Southern Illinois University School of Law, Carbondale, Illinois

Law School/Bar Discussions: Report on the Ohio Conclave
Speakers: Dean Joseph P. Tomain
University of Cincinnati College of Law, Cincinnati, Ohio
James R. Jeffrey
President, Ohio Bar Association, Toledo, Ohio

Curricular Initiatives: The University of Tennessee College of Law
Speaker: Dean Richard S. Wirtz

Assessment of Student Performance—Challenges Presented by MacCrate
Speaker: Professor Gregory S. Munro
University of Montana School of Law, Missoula, Montana

Noon to 1:30 p.m., Grand Ballroom, Hyatt Regency
Central & Eastern European Law Initiative Luncheon,
honoring presidents of emerging democracies in Central and
Eastern Europe and Section members and schools who have
participated in the CEELI program (ticketed event)

2:00 p.m. to 5:00 p.m., Terrace, 3rd Floor, Park Hyatt
Section Presidential Showcase Program
“The Globalization of the American Law School”
Chairperson: Dean John B. Attanasio
Saint Louis University School of Law, St. Louis, Missouri
Speakers: Roberta Cooper Ramo
President-Elect, American Bar Association, Albuquerque, New Mexico
Peter Goldsmith, Q.C.
Dean John E. Sexton
New York University School of Law, New York, New York
Professor W. Michael Reisman
Yale School of Law, New Haven, Connecticut
Professor Isaak Dore
Director, Center for International and Comparative Law, Saint Louis University, St. Louis, Missouri
Jay M. Vogelson
Chair, Section of International Law and Practice, Dallas, Texas

2:00 p.m. to 5:00 p.m., Hyatt Regency
Lawyer Competence Mentoring Forum
(Con-sponsor with Standing Committee on Lawyer Competency)

2:00 p.m. to 5:00 p.m., Hyatt Regency
Frank E.A. Sander Dispute Resolution Lecture

4:15 p.m. to 4:45 p.m., Terrace, 3rd Floor, Park Hyatt
Section Annual Meeting
Speakers: Judge Joseph W. Bellacosa
Chair, Section of Legal Education and Admissions to the Bar, Albany, New York
Erica Moeser, Esq.
Chair-Elect, Section of Legal Education and Admissions to the Bar, Madison, Wisconsin
Dean Nina S. Appel
Chair, Nominating Committee, Chicago, Illinois
James P. White
Consultant on Legal Education to the American Bar Association, Indianapolis, Indiana

10:30 a.m. to noon, Park Hyatt, Drawing Room, 2nd Floor
Workshop for Representatives for Unapproved Law Schools
Speakers: Dean Frank T. Read
South Texas College of Law, Houston, Texas
Pauline A. Schneider, Esq.
Washington, D.C.
Dean Robert K. Walsh
Wake Forest University School of Law, Winston-Salem, North Carolina
4:45 p.m. to 5:30 p.m., Terrace, 3rd Floor, Park Hyatt
Hearing on Proposed Amendment to the Standards for the Approval of Law Schools
Speakers: Dean Robert K. Walsh
Chair, Standards Review Committee, Winston-Salem, North Carolina
James P. White
Consultant on Legal Education to the American Bar Association, Indianapolis, Indiana

5:30 p.m. to 7:00 p.m.
Kutak Award Ceremony and Reception (by invitation only)
Chair: Professor Millard H. Ruud
Chair, Kutak Award Committee, University of Texas, Austin, Texas
Speakers: Judge Joseph W. Bellacosa
Chair, Section of Legal Education and Admissions to the Bar, Albany, New York
Harold L. Rock
Chair, Robert J. Kutak Foundation, Omaha, Nebraska
Robert MacCrate
1995 Kutak Award Recipient, New York, New York

SUNDAY, AUGUST 6
7:30 a.m. to 10:00 a.m., Drawing Room, 2nd Floor, Park Hyatt
ABA/AALS/LSAC Deans’ Breakfast Meeting
Speakers: Judge Joseph W. Bellacosa
Chair, Section of Legal Education and Admissions to the Bar, Albany, New York
Erica Moeser
Chair-Elect, Section of Legal Education and Admissions to the Bar, Madison, Wisconsin
James P. White
Consultant on Legal Education and Admissions to the Bar, Indianapolis, Indiana
Dean Judith Wegner
President, Association of American Law Schools, Chapel Hill, North Carolina
Carl Monk
Executive Director, Association of American Law Schools, Washington, D.C.
Dean Leigh Taylor
Chair, Law School Admission Council, Los Angeles, California
Philip Shelton
Executive Director, Law School Admission Council, Newtown, Pennsylvania

9:00 a.m. to noon, Terrace, 3rd Floor, Park Hyatt
Clear Writing Pays: The Benefits for Lawyers and Clients
Moderator: Professor Joseph Kimble
Thomas M. Cooley Law School, Lansing, Michigan
Speakers: Duncan MacDonald
Vice President and Counsel, Citibank, Long Island City, New York

Kenneth Gluckman
Assistant General Counsel, Chrysler Corporation, Detroit, Michigan
Christopher Balmford
Plain Language Department, Phillips Fox, Australia
Bryan Garner
President, LawProse,
Chief Judge Judith Kaye
New York Court of Appeals, Albany, New York

Noon to 1:30 p.m., Hyatt Regency, Grand Ballroom
Fifth Annual Margaret Brent Women Lawyers of Achievement Awards Luncheon and Ceremony

Noon to 1:30 p.m., Drawing Room, 2nd Floor, Park Hyatt
ABA/NCBE Joint Luncheon (ticketed)
Speakers: Judge Joseph W. Bellacosa
Chair, Section of Legal Education and Admissions to the Bar, Albany, New York
Robert L. Potts
Chair, National Conference of Bar Examiners, Florence, Alabama

2:00 p.m. to 5:00 p.m., Terrace, 3rd Floor, Park Hyatt
Joint ABA/NCBE Program
Testing Under the ADA: What You Should Know About the Definition, Diagnosis, and Accommodation of Disabilities
Speakers: Dr. Frank R. Vellutino
State University of New York at Albany, N.Y.
Dr. John D. Runseen
University of Kentucky College of Medicine
Dr. Susan E. Phillips
Michigan State University
Margaret Fuller Cornelle
Director, Minnesota Board of Bar Examiners

MONDAY, AUGUST 7
7:30 a.m. to 10:00 a.m., Mezzanine Suite, 2nd Floor, Park Hyatt
Breakfast Meeting of Incoming Committee Chairpersons, Vice Chairpersons and Liaisons
Chair: Erica Moeser, Esq.
Chairperson-Elect, Section of Legal Education and Admissions to the Bar, Madison, Wisconsin

9:00 a.m. to noon, New Orleans Room, Hyatt Regency Hotel
Workshop for Law School Adjunct Faculty
Current Issues in Legal Education: The Role of Adjunct Faculty in Law School
Speaker: Dean Nina S. Appel
Loyola University Law School, Chicago, Illinois

Overview: Problems Facing Law Schools Today
Speaker: Professor Victor Rosenthal
Northwestern University Law School, Chicago, Illinois
“On Recently Published Research in Law Journals: Booster or Blaster for the Profession?”
Panel: Adjunct Faculty

SUMMER 1995 SYLLABUS
LSAC Inaugurates New Chair

by Jana Cardoza

Leigh Taylor, dean of Southwestern University School of Law in Los Angeles, is the new chair of the Law School Admission Council. Taylor, who has served the organization over the past year as chair-elect, began his two-year term as chair before representatives of the Council’s 193 American and Canadian member law schools at the organization’s annual meeting June 3 in San Francisco. Taylor succeeds George L. Dawson, law professor at the University of Florida College of Law, as Council chair.

Taylor has been an active participant in LSAC affairs for well over a decade. A member of the Board of Trustees since 1991, he recently served as trustee liaison to the Minority Affairs Committee, chair of the Committee on Loan Structure, the Audit Committee, and the Meeting Site Policy Work Group. Active in legal education for more than twenty-five years, Taylor has held leadership roles with the ABA and the AALS as well. A member of the ABA Accreditation Committee since 1991, he has chaired many law school site inspection teams for both the ABA and the AALS since 1976. Taylor currently chairs the Section’s Independent Law Schools Committee, and is the past chair of the Deans’ Workshop sponsored by the Section.

In 1993, he was elected by the ABA Board of Governors to a three-year term as representative to the Council on Legal Education Opportunity, where he currently serves on the Executive Committee. Taylor’s association with AALS includes past membership in the Committee on Bar Admissions and Lawyer Competency, the Committee on Sections, and the Minority Groups Committee. An elected member of the Law School Council of the California State Bar Committee of Bar Examiners since 1989, Dean Taylor currently serves as the Council’s chair.

Dean Taylor has served on several other boards and committees for the legal profession, most notably the Merit Screening Committee for Bankruptcy Judges of the U.S. Court of Appeals for the Ninth Circuit, Central District of California. A member of the committee for over a decade, he served as its chair in 1985-86. Taylor was elected a Fellow of the American Bar Foundation in 1987. Taylor earned his B.A. and J.D. degrees at the University of Tulsa and his LL.M. degree at New York University. He was also a Fellow in Law and Economics at the University of Chicago. He joined the faculty of DePaul University College of Law in 1969, eventually serving as full professor, associate dean, and director of the DePaul law clinic. In 1977, he was appointed dean and professor at Ohio Northern University College of Law. The following year, he was recruited for the dean’s post at Southwestern where he will continue to serve throughout his tenure as LSAC chair.

Computerized Testing

The Board of Trustees of the Law School Admission Council recently approved a five-year, $4.7 million research and development project that may lead ultimately to the introduction of a computerized version of the Law School Admission Test. Like many in the standardized testing industry, the Council has recognized for many years that the era of the paper-and-pencil test may soon be behind us. The Graduate Record Examination was the first of the graduate and professional testing programs to introduce a computerized-adaptive version of its test, in November 1993.

The Council’s research will focus on the comparative advantages and disadvantages of computerized tests. At this point, some of the perceived advantages include greater flexibility in scheduling, faster reporting of scores, and shorter tests. Computerized-adaptive testing, which in essence customizes the difficulty level of each test to the particular test-taker’s abilities, has the power to make testing a kind of teaching tool. By adding diagnostic capabilities, the score reporting function could be enhanced significantly to include an analysis of the test-taker’s strengths and weaknesses. New computer-based item types not possible in a paper-and-pencil format which might test listening skills, for example, also will be explored. A broad range of issues ranging from securing appropriate test centers to disclosing items will have to be considered.

As one LSAC board member noted, computer-adaptation is an exciting evolutionary step in testing.

Jana Cardoza is senior media relations specialist for the Law School Admission Council.

CONSULTANT
 Continued from page 2

another and with U.S. faculty.

The CEELI Sister Law School Program is also planning clinical outreach programs in Romania, Slovakia and Croatia. These will be in the fall of 1995 and the spring of 1996. The project is seeking law schools to host faculty from other countries who can study and observe the operation of clinics in American law schools. The project is also seeking volunteers who will visit these countries for a brief period to assist in the development of law clinics.

For information on these programs please contact Kim Parker, the director of the CEELI Sister Law School Program, at 740 15th Street, NW, 8th Floor, Washington, DC 20005-1009. The Section is grateful to Ms. Parker for her outstanding efforts in administering the CEELI Sister Law School Program.

James P. White is consultant on legal education to the ABA.
Annual Questionnaire Workshop

The Section sponsored a Training Workshop on the Annual Questionnaire in Indianapolis on Saturday, June 17. The workshop was a hands-on, interactive training session specifically for law school staff who work with the Annual Questionnaire. Nearly ninety law school representatives attended the workshop.

Rick L. Morgan, ABA Data Specialist, highlights changes in the Fall 1995 ABA Annual Questionnaire.

Dean Steven R. Smith, Cleveland-Marshall College of Law, discusses the financial section of the Annual Questionnaire.

Associate Dean Peter A. Winograd, University of New Mexico School of Law, and Dean Steven R. Smith of Cleveland-Marshall School of Law respond to questions from workshop participants.

Paul Ciraulo, assistant dean for administration at St. John’s University School of Law, presents a case study related to filling out the financial section of the questionnaire.

The workshop was interactive, with sixty computers available for hands-on demonstrations of how the Annual Questionnaire program works.
FROM THE CHAIR

Chairperson Expresses Disappointment in Consent Decree

by Joseph W. Bellacosa

Editor's note: On June 27, 1995 ABA President George E. Bushnell issued the following news release:

The American Bar Association has today entered into a consent decree with the Department of Justice. We did so to avoid chaotically disrupting a legal education system that is the model for much of the world.

For 74 years, at the request and direction of the supreme courts of the fifty states and Puerto Rico, the American Bar Association has been accrediting law schools, thus assuring the public that every graduating law student has received the best training possible. We are proud—justifiably proud—of what we have done for almost three quarters of a century. Nothing that has occurred today detracts from that pride nor does it change the role this Association plays in legal education.

Details of the consent decree will appear in the next issue of Syllabus.

In previous utterances, I invoked the hopeful tune “Accentuate the Positive.” Today’s Swan Song column resonates to, “So Long, It’s Been Good to Know Ya.” The melancholic mood swing symbolizes this year’s percussions on the accreditation process and its deputies.

Personally, I wish this representative was more effective, especially for the sake of my wonderful friends and line officers, Erica Moeser and Rudy Hasl. Because some individuals believed and fostered the perception that I contributed to the problem instead of its solutions by being outspoken and not “with the program,” some contrition for my lack of Bar politesse might be in order. Yet, for speaking forthrightly and making a record of my views and those of the Section on enduring values of mutual professional and pedagogical concern and public interest, I beget no mea culpas. Instead, I would reprise my message fortissimo.

Balm of sorts is found in the rueful realization that this Section’s “happy few” pulled together and did as much as we could against a riptide of transient, swirling polemics. Many others should even wish eventually that they had stood and would be remembered with this Section “upon [its] St. Crispin’s day.” Regrettably, Henry’s rallying words did not carry our day, as they did his at Agincourt:

But if it be sin to covet honor, I am the most offending soul alive.

And gentlemen in England now abed Shall think themselves accurs’d they were not here.
And hold their manhoods cheap whiles any speaks
That fought with us upon Saint Crispin’s day.
(Shakespeare, The Life of Henry the Fifth, Act IV, Scene 3)

The American Bar Association, in my view, may have sacrificed a key professional jewel in the vain expectation that agonizing attrition might secure “peace in its time” from major and minor critics. The short-term price leaves a woefully weakened professional esprit. Down the long-term road, the larger loss may be debited against the public interest account. Though I surely claim no expertise concerning the Sherman Act, I do have a passing acquaintance with litigation and even with working in a public office under the hammer of a consent decree. My justice calibration is that the high ground in the matter at issue was surrendered for little or no return. Sadly, no slingshot-armed warrior emerged from hallowed tradition to at least challenge, if not slay, a visionless Goliath, Big Government.

Only a clump of days remain in my volunteer service of eight years as I pen this farewell column. It warrants saying that I am honored to have had the opportunity to stand alongside James P. White, the distinguished and dignified ABA consultant on legal education for twenty-one years. I am gratified also to be counted in the long line of volunteers of this fine, first Section of the ABA and the many committees of the Section. Let stone throwers, who dare claim comparable dedication and accomplishment, show themselves and their records. To be blunt, some people can try to diminish and tarnish the merit of this Section’s honorable service, but they are misguided in doing so and will not, in the long evaluation haul, succeed. Nor can critics, as they tried, suppress or chill my voice. I proclaim from the rooftops, or at least from the steps of my workplace in Albany, New York, my profound appreciation and admiration for the altruistic effort, sincere friendship and collegial contributions of the Section members and leadership. Each performed professional duty in the finest sense of pro bono publico, with the indispensable continuity and aid of the extraordinary Consultant and his talented Indianapolis staff.

It is time now to advise, however, that I have resolved to end my membership in the American Bar Association, effective at the conclusion of the Annual Meeting in Chicago, and will cease all activities in its affairs. I leave the Section with regrets, but the Association with none. This sitting judge of a state’s highest court can no longer prudently participate in the publicly contentious and unappreciated law schools’ accreditation functions. Therefore, this twenty-five-year member of the parent Association is left with no choice but to withdraw because the incompatibility, as has been written, is Res Ipsa Loquitur.

Mille grazie to my Section colleagues and friends.
NALP Report

Career Services and the Million Dollar Gift

by Kathleen Brady

In contrast to assessing the value of the law school career services office, quantifying the impact of the admissions office on the economic well-being of a law school is somewhat routine. Across the country, deans and administrators devote a great deal of time to devise formulas that ensure the proper number of students are enrolled in each class, thereby generating the requisite tuition dollars to meet the school’s operating budget. Thus, it is apparent why law school deans and faculty should focus a great deal of attention on the admissions process, even apart from the pedagogical rationales.

Yet the career services office and the successful discharge of its function can have an equally significant impact on the financial well-being of the school. Though perhaps not as easy to measure as the admission process, the reverberation of an effective career services office on fundraising can be substantial.

Today’s economy requires graduate schools to compete with undergraduate schools for alumni donations. Because undergraduate institutions have more opportunities to foster emotional ties with their alumni than law schools, they are often the beneficiaries of a larger percentage of available alumni dollars than law schools. The question then becomes what other strategies, other than provision of a quality education, can law schools depend on to engender similar loyalties that will inspire graduates to become supportive alumni?

The key may be the career services office. Within every law school, it is the one constant capable of providing support at each step of each attorney’s career—from admission to law school through retirement. On average, attorneys will change jobs five to seven times throughout their professional lives. Perhaps by adapting a “cradle to grave” philosophy of caring for graduates throughout their job transitions and development in the profession, law schools can engender this sense of loyalty to their institutions that undergraduate schools historically experience. This premise makes it clear that career services professionals can and should be more effectively utilized to promote this philosophy and foster allegiance to the law school.

Admissions

Law schools are currently under fire by graduates who feel they were duped into enrolling in law school by gaining access to tens of thousands of dollars in loans without receiving a realistic appraisal of employment opportunities. Whether this perspective is true or not, as applications to law schools have declined, there is a natural heightened reflex to market the positives and mask the negatives. By partnering with the career services office, the admission office can offer a realistic and balanced picture. Career service professionals can complement admissions efforts by providing NALP statistics—about typical career paths for members of their group. (Information is currently available describing career paths for attorneys of color and women as well as older students and evening division students.)

Alumni Affairs/Development

Perhaps the most natural alliance is between career services and the alumni office. By participating in alumni events, the career services professionals can meet multiple objectives. For example, job opportunities for students are often discovered at these events. Because career services professionals can easily connect students to employers, the ability to provide this service to alumni allows the law school to meet the needs of both constituencies easily. Filling an alum’s recruiting need is and of itself beneficial, but even beyond that, the symbolic nature of the act is also powerful. It sends a message to all alumni that the school is still there to serve them, albeit in a different format.

The visibility of the career services professionals to the alumni base also raises the alumni’s comfort level in seeking out assistance with their own job searches. As previously noted, attorneys will change jobs five to seven times throughout their careers. Knowing that they can return to their law school for assistance—even if they never do—provides a sense of well-being and comfort.

Utilizing alumni for career services programming can be the first step towards involving new graduates into the world of alumni affairs.

Continued on page 20
Curricular Innovations

The University of Baltimore School of Law is introducing an innovative curriculum designed to follow the MacCrate Report’s recommendation to better prepare students for the transition from law school to the practice of law and for law-related careers. The goals of the new curriculum are to: provide more progression in the upper-class curriculum so that students, rather than taking “introductory” courses in their last year of law school, have the experience of dealing with some area of the law in greater depth and sophistication; increase the quantity and improve the quality of student’s upper-class writing experiences; increase the amount of skills training (particularly of nonlitigation skills) available to our students; and to do more to encourage our students to think broadly about the law and legal systems.

These goals are met by starting in the first year (first and second year for evening students) with a range of traditional substantive and skills courses with special emphasis on analysis, writing, research and advocacy skills. In the second and third years (third and fourth years for evening students) a student may combine other traditional substantive courses with courses required for recognition of a concentration in a particular area of the law. The option to earn recognition as having concentrated in a particular area of the law will involve the student in a sequence of courses of increasing depth and assist the student in developing more complex professional skills. It is not intended to make the student a “specialist” in specific areas.

All students, whether they decide to obtain recognition for an area of concentration or not, will be exposed to traditional substantive courses including a perspectives course, two legal writing requirements, an upper-level advocacy requirement, workshops and clinics. Of the ninety credits required for the J.D. degree, thirty-nine must be taken in required courses: Civil Procedure I and II, Constitutional Law, Contracts I and II, Criminal Law, Evidence, Legal Analysis, Research and Writing, Moot Court, Professional Responsibility, Property, Torts I and II.

Students will be required to choose at least one perspective course from among those offered so that they get a broader view of the law and how it interacts with other disciplines.

Because language is a lawyer’s primary tool, a strong legal writing program has been developed. The two upper-level research and writing requirements may be fulfilled by the completion of two research and writing projects. One project is to be written during the second year (second or third years for evening students) and the other during the third year (fourth year for evening students). Both writing requirements can be met by submission of an acceptable law review article, by successfully completing Advanced Legal Research, or by submission of an acceptable research paper. Students have the option of meeting one of the requirements through a substantial drafting exercise in a selected course or seminar. In addition to the requirement of two written works, all students will take three writing workshops (seventy-five minutes each) during their second year (second or third year for evening students).

Areas of Concentration

Students are encouraged to take a variety of courses to prepare themselves to be capable practitioners, but they are also counselled and encouraged to obtain an in-depth knowledge of a particular area of the law. The University of Baltimore School of Law will recognize students as having concentrated in one or more of the following areas: Business Law, Criminal Practice, Environmental Law, Estate Planning, Family Law, General Practice, Intellectual Property, International and Comparative Law, Litigation and Advocacy, Public Interest Law, Real Estate Practice, and Theories of the Law.

In order to be recognized in a particular area of concentration, the student must take the core course(s) and a specified additional number of other courses listed in that concentration.

Next year the Curriculum Committee will be reviewing the first year curriculum. The School of Law will report on further revisions that are made which implement the recommendations of the MacCrate Report.

Professor Robert M. Lloyd of the University of Tennessee College of Law is designing a computer-assisted instructional program that could very well revolutionize the way law courses are taught in law schools across the nation. Professor Lloyd is using a $5,000 University of Tennessee Professional Development Grant to develop a fifteen-week series of computer lessons that would eliminate the traditional classroom lecture but still allow a student to receive full credit for a course. Lloyd has begun programming materials for UT’s Commercial Law course and will use the Professional Development Grant to finish his work this summer.

The final course materials will be used nationwide and, if successful, could become a prototype for a new approach to teaching law. Lloyd said. “There is a nationwide trend toward increasing faculty-student ratios,” Lloyd said. “If we can find areas in the law where large bodies of material can be taught by computer, then we can break it out of the traditional course and teach it by computer. That would leave the teacher free to concentrate on concepts and skills that can only be taught by the traditional law school student-teacher interaction.”

Lloyd’s computer lessons are not designed to eliminate completely the personal contact with a teacher —
but similar materials in the future could very well, he said.

Lloyd said many law schools are already using computer-assisted materials as supplements to the traditional classroom lecture, but he is not aware of any schools using computers exclusively for an entire semester's work.

Lloyd is designing approximately fifteen exercises—one for each week of the semester. Students would be required to successfully complete the week's exercise before each class meeting. The lessons are interactive and measure the student's grasp of material by their responses to questions. When a student is unable to answer a question correctly, the program routes the student back through a series of lessons and questions that eventually lead to understanding the subject matter.

Students can also be tested through the computer program and the instructor can assign grades based upon the students' progress through the fifteen weeks, Lloyd said.

Lloyd's course materials will be published by the Center for Computer Assisted Legal Instruction (CALI), a consortium of 134 law schools including virtually all of the best law schools in the United States. CALI materials are distributed to all member schools.

Publication of the material will bring considerable recognition to the University of Tennessee, Lloyd said. "Every time a student works on an exercise, the first screen he or she sees is a title screen showing the author's name and school affiliation," he said.

In June 1992, CALI published two earlier exercises written by Lloyd and since then more than 4,000 usages of the exercises at 86 different law schools have been recorded.

"Right now I'm working on only one course," Lloyd said, "but almost any law course could be taught this way. I think this is the wave of the future in legal education, especially as more and more students become familiar with computers."
Learning Disabilities

The afternoon sessions focused on learning disabilities, identified as one of the "hot topics" of the ADA. Dr. Kay Runyan, an educational consultant and learning disabilities specialist from San Francisco, discussed defining learning disabilities: "First, a student must meet a discrepancy and an exclusionary criteria which include normal intelligence. Second, there must be ability achievement discrepancy and academic disorder and a psychological process disorder not attributable to cultural and environmental reasons," she said. Dr. Runyan stated that law schools should hire an expert to interpret data from learning disability testing results. "We do have a definitive way of documenting learning disabilities," she said. "The next question is whether that disability limits them in some way that should be accommodated."

Dr. Jane Jarrow, Executive Director of the Association on Higher Education and Disability (AHEAD) stated that AHEAD has been providing services to colleges and universities for some seventeen years. There are Section 504 experts out there who can assist with interpreting the ADA," she advised, "so you don't need to worry about reinventing the wheel." Dr. Jarrow discussed the accommodation of giving extended time for examinations. "Case-by-case basis is what this is all about," she said in noting that there are no magic formulas for what accommodations are appropriate for a particular disability. Dr. Jarrow stressed that it is important that a learning disability professional perform the diagnostic test on a student, but "While you have a need to be cautious, I don't believe you have a right to be discriminatory. Overidentification of people who may not be learning disabled should be less of a concern to you than denying services and discriminating against the number of students who are learning disabled and asking for accommodation," she said. "People are uncomfortable with these accommodations because learning disabilities, unlike physical disabilities, cannot be seen or felt or heard. What we are looking to do is see to it that everyone has equal access to the educational or professional opportunity that is being presented," added Dr. Jarrow.

Paul Grossman, of the U.S. Department of Education Office of Civil Rights, discussed his perception that people fear the ADA is forcing law schools and bar examiners to place into the profession people who do not think clearly or who think slowly. "All the law is asking you to do is remove unnecessary barriers," he said. Mr. Grossman spoke of his experiences in law school as a learning disabled student. "My disability has taught me that there are many forms of intelligence," he noted. Conference participants then broke into smaller groups to discuss issues of particular concern, including admissions, architectural, career counseling, drugs and alcohol, faculty, library, student activities and testing and research issues.

Reasonable Accommodations

The first plenary session on Saturday included a discussion of reasonable accommodations for disabled students. Isis Carbajal de Garcia, University of Florida's associate general counsel, provided an overview: "The first question is, do we have someone who is protected by the ADA? The second step, is this person otherwise qualified? That is, is this a person who, with or without accommodation, meets the essential eligibility requirements of the program? If so, are accommodations necessary? If so, what accommodations are necessary? Fundamental alterations are not required. What is reasonable varies in different contexts. Accommoda-
The individual has completed some exams that should not be lost in all of the detail. We need to create a system that helps the individual get around the attitudinal barriers created by society, she said. "I can devise ways of getting around the physical barriers. It's much harder to get around the attitudinal barriers. You who think it can't be done and who say it can't be done please don't interrupt those of us who are doing it," she advised. The ADA is important for two reasons, said Professor Tucker: "First, most people with serious disabilities must have accommodations if they are going to learn anything at all. Second, we need the ADA to help non-disabled people to help recognize people with disabilities as equals."

Disclosure Relationship

The final plenary session of the conference dealt with the disclosure relationship between law schools and bar examiners. Erica Moeser, president of the NCBE and chairperson-elect of the Section, stated: "From the testing angle, those of you who work in the law schools inherit accommodations that have been given in testing from prior institutional experiences that your students have. We are at the absolute caboose in terms of giving testing accommodations and very often the accommodation requests that come to bar examiners could come with a presumption that whatever accommodations you've delivered are in fact the proper accommodations properly arrived at, properly documented, properly administered." She noted that there are clashing institutional objectives: the proper role of a law school in dealing with a student in meeting a student's needs, in nurturing a student, and the role of the bar examiners in trying to assist courts in making decisions about who should be entitled to a professional license. "But we share a role as gatekeepers," said Moeser, "There is a public interest that should not be lost in all of these equations."

A discussion of character and fitness background examinations was undertaken by Jerome Braun, senior executive for admissions, State Bar of California. Mr. Braun described the California Board of Bar Examiners, noting that it is composed of ten lawyers and nine public members of every age group, ethnic group, and both genders. He stated that the biggest problem for the legal profession with regard to character and fitness issues is alcohol and drug abuse and dependency. Mr. Braun noted that only very rarely is the decision not to license based on one single incident in an individual's background. If there is a pattern that is indicative of a substance abuse problem, the board focuses on whether the individual has completed some sort of treatment program. "The longer a person is in recovery, the less risk there is to the public," said Braun; "Bar examiners are people who want to help."

Dean John Sebert of the University of Baltimore was the conference's final speaker. Dean Sebert described his work as AALS deputy director on the AALS survey on substance abuse. He noted that 3 percent of the survey respondents said they believe they have a problem with substance abuse. "Law schools are graduating a substantial number of people with substance abuse problems," said Sebert. "If we don't discover those problems early on, these people will be before disciplinary commissions later on. We need to create a system that encourages self-reporting and encourages voluntary seeking of appropriate treatment early on."

Dean Sebert stated his concern that the bar admissions process and fears about the bar admissions process may create real disincentives to getting treatment early on because of the possibility of the granting of the license to be delayed or denied. "I hope we can work together to create some systems that will do a better job to encourage students to self-disclose early, to get the treatment early and to allow them to be admitted into a situation in which people are looking over their shoulder," Dean Sebert concluded. The panelists then discussed a number of hypothetical character and fitness situations with conference participants.

The conference concluded with panelists and participants agreeing that the opportunity to share information and describe experiences, especially in the numerous breakout sessions, was extremely valuable. "I have never known the bar examining and legal education communities to grow farther apart as a result of this kind of meeting," observed Erica Moeser. 

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NALP REPORT
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Graduates struggling to make loan payments may feel affronted if the first correspondence from their law school is a request for money. If the initial contact instead can be an invitation back to the school to speak on a panel or to serve as a mentor, graduates may feel flattered, good feelings could be generated and the groundwork laid for future giving. Similarly, if the development office is trying to cultivate a potential donor and is seeking ways to reconnect the alum to the school, the career services office can create such opportunities.

By partnering the career services professionals with admissions, student services, alumni affairs and development professionals, a law school can create an atmosphere of caring for and nurturing its law students not only throughout their academic lives, but also throughout their entire professional lives. Goodwill can have far reaching effects. After all, you never know where the next million dollar gift may come from.

Kathleen Brady is president of the National Association for Law Placement and assistant dean at Fordham University School of Law.

Council Meets in Albany

The Council of the Section of Legal Education and Admissions to the Bar met in Albany in June in the splendid New York Court of Appeals, professional home of Section Chairperson and Associate Judge Joseph W. Bellacosa. The Council was treated to a tour of this most impressive structure, including Judge Bellacosa’s and Chief Judge Kay’s chambers and the Court Library.

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