ABA Granted Summary Judgment in Antitrust Suit Brought by Massachusetts School of Law

U.S. District Court Judge J. William Ditter granted the American Bar Association summary judgment in a lawsuit filed by the Massachusetts School of Law (MSL) in 1993.

MSL had alleged that the ABA’s decision not to accredit the school had injured it in violation of the antitrust laws. In granting the ABA’s motion for summary judgment, Judge Ditter ruled that under the First Amendment, the ABA had the right to adopt standards for law school approval, evaluate law schools’ compliance with the Standards, and announce which law schools complied with the Standards. Further, Judge Ditter ruled that any injury MSL allegedly suffered arose not from the ABA’s determination that MSL did not meet its standards, but from the

Redlich Receives Kutak Award

On August 3, 1996, at the ABA annual meeting Norman Redlich accepted the prestigious Kutak Award. The award, named after Robert J. Kutak, is granted annually to an individual who meets the highest standards of professional responsibility and demonstrates substantial achievement towards increased understanding between legal educators and other branches of the legal profession. In accepting the award he said he was honored to win an award named after Robert J. Kutak. He went on to say that he was grateful that he was able to serve the legal profession for so many years. Furthermore, he said that he could not have achieved his accomplishments without the support and help of his wife of 45 years—Evelyn.

Norman Redlich, Dean of the New York University School of Law from 1975-88, received his baccalaureate degree, magna cum laude, from Williams College, an LL.B., cum laude and Order of the Coif from Yale Law School, where he finished first in his class, and an LL.M. in Taxation from NYU. He is Dean Emeritus and Judge Edward Weinfield Professor Emeritus. Currently, Mr. Redlich is of counsel with the firm of Wachtel, Lipton, Rosen and Katz in New York City. He is also a delegate from the Council of the Section of Legal Education and Admissions to the Bar to the ABA House of Delegates. Moreover, he has served, in various capacities, on several other organizations, for example: Board of Directors of NAACP Legal Defense and Education Fund since 1985; Board of Visitors, Vermont Law School since 1976; Board of Overseers of the Jewish Theological Seminary since 1972; member of Lawyers Against the Death Penalty; member of New York State Committee on Improving the Availability of Legal Services; member and for two years co-chairperson of the Lawyers’ Committee for Civil Rights under Law; and Assistant Counsel, President’s Commission on the Assassination of President Kennedy. He is former corporate counsel for New York City.

Millard H. Ruud, a member of the

Continued on page 19
As we begin a new year, a major effort of the Council of the Section will be the submission of materials to the United States Department of Education seeking renewal of recognition of the Council of the Section as an accrediting agency for "professional schools of law." The Council's current recognition of five years, the maximum period of recognition expires in 1997. This Fall the Council will be filing a detailed submission to the Department of Education seeking renewal of recognition.

The current regulations of the Department of Education contain certain new requirements. One of the most significant is the requirement that a law school publish basic consumer information in a uniform style that is an accurate reflection of facts with respect to an individual law school. Standard 509 (formerly 215 as adopted by the House of Delegates in 1995) is entitled Basic Consumer Information. The Standard and Interpretations are as follows:

Standard 509. BASIC CONSUMER INFORMATION.

A law school shall publish basic consumer information. The information shall be published in a fair and accurate manner reflective of actual practice.

Interpretation 509-1:

The following categories of consumer information are considered basic:

1. admission data;
2. tuition, fees, living costs, financial aid, and refunds;
3. enrollment data and graduation rates;
(4) composition and number of faculty and administrators;
(5) curricular offerings;
(6) library resources;
(7) physical facilities; and
(8) placement rates and bar passage data. (August 1996)

Interpretation 509-2:

To comply with its obligation to publish basic consumer information under the first sentence of this Standard, a law school may either provide the information to a publication designated by the Council or publish the information in its own publication. If the school chooses to meet this obligation through its own publication, the basic consumer information shall be published in a manner comparable to that used in the Council-designated publication, and the school shall provide the publication to all of its applicants. (August 1996)

The Section will be producing a new publication in late winter.

The Section will be publishing a new publication in late winter giving basic consumer information about each law school approved by the American Bar Association as provid-

Continued on page 19
Library Highlights

Thomson Corporation to Acquire West Publishing Company

by George S. Grossman

In February of this year, the world of legal publishing was rocked by the announcement that Toronto-based Thomson Corporation had agreed to purchase West Publishing Company for $3.425 billion. President of the American Association of Law Libraries, Patrick E. Kehoe of American University, referred to the news as "perhaps the most tumultuous event in modern legal publishing."

Under Kehoe's lead, the AALL Executive Board held a four-hour working dinner with Brian Hall, President and CEO of Thomson Legal Publishing, and James Briggs, Executive Vice President of Lawyers Cooperative Publishing Company, a member of the Thomson group of companies (which also includes, most notably, Clark Boardman Callaghan). Following the meeting, the AALL Executive Board aired its concern about the possible anticompetitive aspects of a merger that would place West and Lawyers Co-op under one corporate roof. The Board decided to remain "neutral" on the merger, but appointed the AALL's Washington Affairs representative, Robert Oakley of Georgetown University, to identify specific issues of concern.

In April, Oakley drafted an eight-page letter pointing out that many West and Lawyer Co-op products significantly overlap and are in direct competition. For example, West publishes the United States Code Annotated; Lawyers Co-op publishes the United States Code Service. West Publishes Corpus Juris Secundum; Lawyers Co-op publishes American Jurisprudence 2d. And, less directly overlapping, but nevertheless in competition, West publishes key-numbered digests; Lawyers Co-op publishes annotations in the American Law Reports and the Lawyers Edition of the United States Supreme Court Reports. Moreover, some major Lawyers Co-op publications and a number of Thomson's nonlegal publications are licensed for online use to LEXIS/NEXIS, owned by Reed Elsevier P.L.C., in competition with WESTLAW.

Oakley not only raised the possibility of reductions in competition and consumer product choice but pointed to the likelihood that such reductions would be accompanied by increased prices and a slowdown in the development of new information technology. The development of new compact disc products may, in particular, be discouraged by West's copyright claims to the internal page numbers of its reporters and the possibility that Lawyers Co-op products, now on the widely used Folio platform, may be switched to the West-owned Premise platform.

After review by officers and attorneys of the AALL, Oakley's letter was sent to Anne K. Bingaman, Assistant United States Attorney General in charge of antitrust matters. In the same period, seven state governments, including New York and California, expressed concern to the Justice Department that the combination of Thomson and West might reduce or eliminate meaningful bidding for contracts to publish state statutes, court reports, and other legal publications, an appreciable source of revenue for many states.

In June, the Justice Department gave a conditional approval to the merger, but answered many of the concerns by requiring Thomson to divest itself of 58 West publications—some in paper, some in electronic form—that compete with publications owned by Thomson. Thomson is also required to license West's page citations to competitors and to extend for five years LEXIS/NEXIS's license to three nonlegal databases owned by Thomson. As for the legal databases, President Hall has given assurances in an interview that Thomson is "not pulling anything off" LEXIS, at least for "some significant period of time."

The Justice Department's decision has apparently met with wide approval. The New York Times has reported favorable quotes from W. Michael Brown, CEO of Thomson, to Jamie Love of Ralph Nader's Center for the Study of Responsive Law. With such a "tumultuous" undertaking, however, much remains to be seen. □

George S. Grossman is Professor of Law and Director of the Law Library at the University of California at Davis.

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Fall 1996 ABA Law School Annual Questionnaire Deadline

October 15, 1996
Temple Professor Wins Award

Robert J. Reinstein, dean of the Temple University School of Law, announced that the fifth Friel-Scanlon Award has been awarded to Laura E. Little, a Temple Law School professor specializing in Federal Courts, Civil Procedure, Remedies, and Conflict of Law. The Award was established by Francis A. Scanlon '50 to honor faculty members who have published an outstanding book or article.

Professor Little’s award-winning article, which appeared in 44 American University Law Review 669 (1995), entitled “Loyalty, Gratitude, and the Federal Judiciary” explored the possible clash between a judge’s duty of impartiality and his or her feelings of loyalty and gratitude toward the benefactors who made the appointment possible. The primary thesis is that society too quickly dismisses loyalty and gratitude as base political sentiments that have no legitimate place in a judge’s consciousness. “We fail to appreciate the moral and social struggle judges may experience in performing their duties and may miss opportunities for minimizing harmful effects of this struggle on decision making,” noted Little.
said Goldberg. "He always took great pleasure in working with students."

The Law School Law Library also is honoring Arthur Goldberg with a display in the Rare Book Room celebrating his distinguished legal career.

A Chicagoan, Arthur Goldberg graduated from Northwestern University in 1929 and received his law degree in 1930. The son of Russian immigrants, he passed the Illinois bar examination at the age of 20 and started practicing law in Chicago in 1929. He first gained national recognition representing the Chicago Newspaper Guild in a 1939-40 strike against Hearst newspapers. In 1948, he became general counsel for the Congress of Industrial Organizations (CIO) and the United Steelworkers of America.

During World War II, Arthur Goldberg served as Chief of the Labor Division of the Office of Strategic Services in Europe. He was the architect of the merger of the AFL-CIO in 1955 and in December 1960 was named Secretary of Labor by President John F. Kennedy. Then in 1965 President Lyndon B. Johnson appointed him United States Ambassador to the United Nations. He returned to private practice in 1968 and was awarded the Presidential Medal of Freedom by President Jimmy Carter in 1978. He died on January 19, 1990, at the age of 81.

Washington College of Law Professor Andrew Popper received the prestigious Robert P. McKay Lifetime Achievement Award from the American Bar Association's Torts and Insurance Practice Session at the ABA's annual meeting in August in Orlando, Florida. Professor Popper was presented with the award for lifetime achievement in research, scholarship, public advocacy, teaching and leadership on tort, consumer and product liability law. Popper, who has represented the Consumer's Union in the Supreme Court on several punitive damage cases, is well known in the field of product liability.

The award was presented to Popper by Marianna Smith, a member of the ABA Board of Governors and a former associate dean at WCL. Smith recognized Popper as "a legal education giant" and praised his many years of public service.

DePaul Law School students can now enjoy their own student center on the seventh floor of the Law School. The center, dedicated on April 16, was named in honor of U.S. Court of Appeals Judge William Bauer, DePaul Honorary Trustee and graduate of the class of 1952. Hundreds attended the dedication to pay tribute to Bauer, who has inspired and mentored many attorneys during his career.

A second graduate of DePaul University College of Law has been hired as a staff attorney for the Inter-American Court of Human Rights in San Jose, Costa Rica. "The Institute is honored that DePaul's 1996 graduate, Derek Strain, joins a 1994 graduate, Bill Cartwright, as one of two North American staff attorneys at the Inter-American Court of Human Rights," said Doug Cassel, executive director of DePaul's International Human Rights Law Institute.

Both worked as research assistants with DePaul University's International Human Rights Law Institute. While at DePaul, Strain received a Sullivan Program for the American Internship in Guatemala and Costa Rica, received the Dean's Scholarship in 1994 and 1996, and was a member of the DePaul team that won Best Brief in this year's Inter-American Human Rights Moot Court Competition. In addition, Strain worked as a U.S. Peace Corps volunteer in Guatemala and as a Peace Corps trainer. He received his undergraduate degree from the University of Kansas in 1989.

St. Mary's Offers Joint Degree in Computer Science and Law

With the emerging fascination and importance of online computer technology and its legal implications, St. Mary's University now offers a joint graduate degree in law and computer science.

"This is going to be an extremely important degree program in the coming years," said Doug Hall, chairman of the Computer Science Department. "Microsoft and Intel now are sending their people to law school. They need to know about copyrights and trademarks. People with computer science degrees have the technical information and lawyers have the legal information. With everything that is going on, this is the perfect law degree."

Hall said the joint degree program was initiated by a student who wanted to earn both degrees. "We have talked about it for four or five years, and decided to act when one student asked us to implement the program," he said.

Applicants who want to earn the joint degree have to be enrolled in law school and meet the requirements for graduate study in computer science.

"The three-year program will give students a solid grounding in technical aspects of computer science as well as intellectual property laws," Hall added.

This is the eighth joint degree program the graduate school has in conjunction with the law school. The other areas of discipline are business administration, economics, international relations, public administration, theology, industrial engineering and communication studies.
House of Delegates Adopts New Standards and Interpretations

by Bob Walsh

On August 6 in Orlando, after one amendment from the floor, the ABA House of Delegates unanimously adopted the new Standards and Interpretations as proposed by the Council of the Section. This was the culmination of efforts that began four years ago to revise the Standards in order to make the organizational structure more coherent and the language more uniform. What resulted, however, was a whole new substantive recodification of the Standards and Interpretations for the first time since 1973.

The Council sent out the first recodification draft for hearings and comments in December of last year. Since that time, the Standards Review Committee held four hearings and received hundreds of written comments. I can assure you that the testimony and comments were very influential in the process of revision. Certainly, a wide variety of views were heard, sometimes opposing and forcefully stated.

I believe that the process was a good one. With regard to the result, Erica Moeser, our gallant chair of the Section throughout last year, commented at the Section annual meeting in Orlando that there were parts of the resulting recodification that she would have changed or voted against, but she thought that the recodified Standards and Interpretations were a vast improvement over those being replaced. I agree. I lost many votes in the course of the process, but I believe that now we have a much better and more coherent set of Standards and Interpretations.

There were many important changes. I will highlight only a few. Perhaps the most important change was not to the Standards themselves. It is the addition of the preamble. The Wahl Commission heard much testimony indicating that those regulated could divine no guiding purpose in the Standards and Interpretations, no “mission statement.” The preamble provides that mission statement. Although it is not itself a Standard, it is a touchstone for the Standards and Interpretations. If a Standard or Interpretation does not relate to the purposes stated in the preamble,

One subject that has engendered controversy over the years is student/faculty ratio.

either the preamble is incomplete or the Standard or Interpretation is inappropriate.

This touchstone has already been used. One of the areas of greatest comment on the first recodification draft was the addition of a third paragraph to proposed Standard 307, which would have regulated graduate programs more. There was a great deal of testimony against some of the individual requirements of this third paragraph. Good arguments were presented that the paragraph in its entirety did not come within the purposes stated in the preamble. This argument prevailed, and the proposed third paragraph of Standard 307 was dropped entirely in the recodification that was submitted and passed by the House of Delegates.

During the course of the deliberations, it seemed that almost every conceivable position on every subject covered by the Standards was advocated pro or con by someone. Once at a dean’s meeting, I listed the various proposals for new Standards that came just to the last meeting of the Standards Review Committee. It was quite a list and none were recommended to the Council for adoption.

Certainly, in the recodification process, arguments were made for a far more laissez faire, deregulating approach; on the other side, there were a number of proposals for more stringent and detailed regulations to protect the public and the profession. In the resulting recodification, there are important examples of deregulation in the more flexible and modern library and physical facilities Standards. The changes and additions to Standard 302, on the other hand, are somewhat more regulatory in the area of curriculum than the old Standards, but they were thought to be in the public interest. Properly understood, they will not require new funding for additional programs.

One subject that has engendered controversy over the years is student/faculty ratio. In my opinion, the greatest contribution of the accreditation process over the last decade and a half to the improvement of the quality of American legal education is the improvement of student/faculty ratios. The old student/faculty ratio formula was widely misunderstood. It was never a talismanic number that decided whether a faculty’s size was acceptable or not. Rather, it recognized that a school is usually inspected for four days every seven years and that, therefore, it is appropriate to have a red flag for inspection teams as to whether they need to devote
special focus to the sufficiency of faculty resources for the educational program. The number of full-time faculty members is important not just for class size, but to student/faculty contact outside of class, faculty scholarship, faculty governance responsibilities in improving the program, and a host of other issues now cataloged in Interpretation 402-2(3).

In any event, the new Standards and Interpretations provide for a formula that expressly counts in the triggering formula adjuncts, administrators who teach, writing instructors, and non-405(c) clinicians in ways that will lower every single school's basic student/faculty ratio, but will hopefully preserve the quality of legal education attained under the prior Interpretations.

It has been 23 years since entirely new Standards and Interpretations were promulgated. Next time, it will be only seven years. As a part of the revision process, the Council has set up a schedule to review all of the Standards and Interpretations from stem to stern in a seven-year cycle. Section Chair Rudy Hasl has appointed a wonderful new chair of the Standards Review Committee, Dean John Feerick of Fordham, to start this process. John was a member of the Standards Review Committee last year and was chair of the Standards Subcommittee of the Wahl Commission. I know that he will do a superb job in beginning this seven-year review.

For me, one of the good things about the consent decree is term limits. My term on the Standards Review Committee is over, much to the relief of my family and of Wake Forest. To all those on the Standards Review Committee, the Council, and the Consultant's staff and to all commentators and hearing participants, I want to say that each of you made a positive difference. We have a better set of Standards than we would have had without your great efforts.

Bob Walsh is Dean and Professor at Wake Forest University School of Law, and a member of the Council to the Section of Legal Education and Admissions to the Bar.

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**LSAC Report**

**Applicants to Law School Down for Fifth Consecutive Year**

*by Jana Cardoza*

As this fall's entering class made travel plans, packing their trunks, legal pads, and notebook computers in preparation for a new life at law school, the Law School Admission Council wrapped up its annual applicant-volume count. In early August, the Council issued preliminary final figures, reporting 70,000 applicants to its 178 member law schools nationwide. That number represented about a 10 percent decline from the same time last year. As of the same date, 336,000 applications had been received at law schools across the country, bringing the decline in applications to about 12 percent from last year. With figures to be finalized later in the year, the Council expects no significant change in the numbers reported. The number of applicants has declined fairly steadily since 1991-92, the year following the all-time record applicant year in which nearly 100,000 people applied to law school.

Speculation as to reasons for the decline continues, of course, as the legal education community ponders how long the trend will go on. With law school tuition ranging from a few thousand dollars to more than $20,000 a year, and the majority of law students—approximately 80 percent—borrowing money to cover their legal education, many say that economics almost certainly play a part. Lack of employment opportunities has been cited as a reason as well, although recent news stories offer some hope, too, that opportunities for new lawyers may be improving. Others speculate that the current decline may actually be a natural adjustment of a potentially oversaturated legal market, and that once applicant figures bottom out, they will remain flat for many years. Still others believe that law school applicant trends are always cyclical, and that it is just a matter of time until applicant volume is on the rise again.

**D.C. Turnaround**

LSAC held its first-ever Washington, D.C., Law School Forum on July 13. When we announced our anticipated summer forum in *Syllabus* last spring, we had no idea that we were destined to play to a "sellout" crowd in the nation's capitol. On a rainy Saturday as the Greater Washington, D.C., area witnessed the aftereffects of Hurricane Bertha, the free forum drew more than 2,000 attendees.

Never in the 12-year history of the Law School Forums program had so many people attended a single forum in one day and certainly not in a newly introduced forum city. Representatives of more than 100 law schools from across the country attended, and many reported being pleased with the caliber of the prospective applicants they met. Admission professionals believe that summer may indeed prove the best time to attract potential law school applicants, at least in the intern-laden D.C. area.

If you know of prospective law school applicants who could benefit from an opportunity to do some one-stop shopping for a law school in a place where they can meet informally with more than 100 representatives of law schools nationwide, please tell them about the Law School Forums taking place this fall in Atlanta, Boston, Chicago, Houston, Los Angeles, and New York. Urge them to check our award-winning Web site, http://www.lsac.org, or call 215/968-1001 for more information, including exact times and locations.

Jana Cardoza is the Senior Media Specialist for the Law School Admission Board (LSAC).
Section Program:

The Future of Legal Education: Who will go to law school; what will they study; and what will they do for the rest of their lives?

by Liz Moody

The plenary session of the Section of Legal Education and Admissions to the Bar at the ABA Annual Meeting in Orlando exposed legal education in a period of evolution and revolution. The forces emanating from technology, burgeoning numbers of graduates, public demands for different and better services (delivered both effectively and efficiently) are not only changing the profession, but also affecting legal education in a way about which one can only speculate. Dean Burnell Powell set the tone for the dialogue when he stated, "The world of tomorrow will be decidedly different from anything we can imagine today."

The well-attended Saturday afternoon program featured a panel composed of persons widely known and of acknowledged expertise. They were drawn from the academy, the bench and the bar, as well as representatives of the press, testing and finance. Alfred P. Carlton, Jr., who was to take office as chair of the House of Delegates at the end of the ABA meeting and a member of the Council of the Section of Legal Education and Admissions to the Bar, served as the moderator and provocateur. The panelists included:

R. Franklin Balotti
Immedicate Past President
Delaware State Bar Association

La Ronda D. Barnes
Assistant Professor of Law
Nova Southeastern Law Center

Leslie W. Jacobs
Former Ohio Bar Examiner
Past President
Ohio State Bar Association

Hon. Elizabeth Kovachevich
Chief Judge
United States District Court
Middle District of Florida

Daniel Lau
President
Law Access

Richard A. Matasar
Dean, University of Florida
College of Law

Charles F. McCallum
Chair
Committee on Law Firms

ABA Section of Business Law

Ken Myers
Education Columnist
National Law Journal

Paula A. Patton
Executive Director,
National Association for Law Placement

Burene V. Powell
Dean of Law
University of Missouri-Kansas City

Linda Wightman
Vice President
Operations, Testing, and Research

Law School Admissions Council

Dean Elizabeth A. Moody of Stetson University College of Law and Dean Arthur N. Frakt of Widener University School of Law were co-chairs of the program.

Other members of the Program Committee who planned the presentation are:

Professor Alice Bullock
Howard University School of Law

Dean Joseph Tomain
University of Cincinnati
College of Law

Professor James Hogg
William Mitchell College of Law

Dean Burnele Powell
University of Missouri/Kansas City School of Law

Moderator: Carlton asked each panelist to look into his/her crystal ball and predict the future of legal education as we approach the twenty-first century. At the outset each panelist was allowed two minutes to make an opening statement identifying the issues to be most critical as we plunge into the next millennium.

Dean Matasar, despite expectations of more potential law school applicants at the turn of the century, saw the demand for legal education continuing to decline. He expressed doubts as to whether or not demand would rebound before stabilizing. He prophesied that law schools will increasingly face pressures from both the bar and the university for higher levels of performance such as teaching more skills, more values, more specialization and producing more scholarship and higher teaching loads.

Dr. Wightman, the mother and protector of the Law School Admission Test (LSAT), saw diversity in danger. She based her comments on LSAT demographic data and the massive study, which she directs, of the students beginning law school in Fall 1991. The audience was reminded that the makeup of law schools 30 years ago was 99 percent white-male. It has changed profoundly and today, 40-45 percent of the students are women and 18 percent are people of color.

Wightman postulated that, if the law schools continue to emphasize numeric predictors, diversity might not survive in the light of recent court decisions limiting affirmative action.

Dean Powell doubted if any planning that we do today will have a "long shelf life." What will be important, in his opinion, is that we have in place people and institutions down the line who are flexible enough to cope with the unexpected.

Dr. Patton, looking at studies made by the National Association for Law Placement (NALP), saw three issues as critical: employment and job availability, changing patterns of employment and career satisfaction. The
data suggest that both the patterns of employment and lawyer satisfaction with their careers has changed dramatically in the past decade.

Mr. Myers suggested that we consider at what point we are in the history of legal education. According to him, we are in the middle of a major shift in the entire profession that will certainly affect legal education. He expressed confidence in the ability of the law schools to adjust to changes because of the almost unnatural amount of scrutiny and reflection that the profession is presently devoting to legal education.

Mr. Jacobs was less optimistic than Mr. Myers. He found the law schools to have failed in their role as the gatekeepers of the profession and unlikely to change without being forced to do so. He believes: "An overabundance [of lawyers] is a bad thing for society, not a good thing," and that outside regulation by bodies such as Boards of Regents will intervene to effect change.

Mr. Baloti, a partner in a large firm, spoke as a consumer of legal education and saw the lack of language skills as the glaring weakness of law school graduates. He saw the need for law schools to take steps, not necessarily to teach practice skills, but to see that law students are proficient in the English language. He opined that law schools, generally, do a good job in training lawyers but that they fail to insist that graduates are facile with the language. He was quick to state that law schools should not be required to teach English but that they should be required to certify students as capable of using the language.

Both Professor Barnes and Mr. McCallum shared the opinion that law firms focus too much on making money and not enough on service. McCallum stated: "Law firms have lost their way... They are seriously out of kilter on the greed side... Some people should not be lawyers [if they do not enjoy serving people]."

Mr. Lau pleaded that not only legal education, but the entire profession begin to face the fact that law study is increasingly financed by student debt that graduates cannot pay back. High paying jobs are scarce and

students who graduate with debt burdens of as much as $100,000 will not find jobs that will allow them to repay the debt and support a comfortable lifestyle.

Judge Kovachevich added to the somber nature of some of the others' observations in analogizing the changes in the legal profession to changes in football. Many years ago a college coach said: "It's not winning or losing, it's how you play the game." More recently the coach of a professional football team said: "Winning isn't everything; it's the only thing."

Turning to the specific questions posed to the team in the title of the program: "Who will go to law school; what will they study; and what will they do for the rest of their lives"; the panel focused on rethinking legal education to take into account both the actualities of which we are aware and those that we cannot envision. The dialogue among the panel members, however, may have produced more questions than solutions; it centered on:

- Life-long learning. Education does not stop on graduation day. Lawyers must continually prepare themselves to deal with things that do not now exist.
- The Janus-like nature of legal education, looking with one face to the academy and one face to the practice. Can law school be both training for the business of law and general education?
- Too few lawyers chasing too few high paying jobs and too few lawyers ready to provide traditional services at reasonable costs.
- Crushing debt loads that limit students to jobs that will provide the salary levels necessary to pay back the loans. The law schools and the profession need to consider how to share some of the cost.
- Graduating better technicians and better test takers but not better lawyers than in past years. Are there measures that determine competence for law study and for practice other than the quantitative measures (LSAT, GPA, bar examinations) now used? Standards may be lower than they were 30 years ago. Fifty percent of the students were "dumb" in the sixties; now only 2 percent are dismissed for lack of academic achievement. Which is the greater hazard, setting standards too low or setting them too high?
- Professionalism and ethics may really be economic issues. Is competition leading lawyers to dip into their clients' funds?

In making closing statements, most of the panelists agreed that "there is a future for legal education" but only if the academy, the bar and the bench seriously listen to what clients, the public and lawyers themselves are saying about it and if they seriously cooperate to bring about necessary change. The consensus was: If law schools are to continue to attract students and graduates are to find satisfying careers in law, the definition of legal work must be expanded beyond the public's present perception that the profession is limited to litigators and expensive lawyers whom the public, needful of services, cannot afford. In addition, the legal profession must find ways to motivate students to aspire to serve the public as well as to making money.

Questions that need answers are:

- Is there a difference between legal education and law practice?
- In hiring, should law firms be looking at people with different skills who come from different places?
- Can we better predict who will be the "good lawyer"?
- Can we find a less onerous way to finance legal education?

Most of all, concluded the panel, we need flexibility to cope with the unknown and the unexpected.
As the new Chair of the Council of the Section of Legal Education and Admissions to the Bar, I want to express my appreciation for having the honor of serving you, the members of the Section, during the coming year. The Section is the meeting place within our profession of many diverse participants and interests. There is no other professional association that unites the law students, prelaw advisors, law school faculty members and administrators, judges, practitioners, bar admission professionals, representatives of the bar associations, government officials, and members of the public, in a mutually supportive setting to discuss and resolve problems facing the profession and legal education. The Council and its numerous committees bring together knowledgeable representatives to learn, to share, and to find creative solutions to many problems.

During the past few years, there has been so much attention directed to the accreditation function of the Section that sufficient recognition has not been given to the many other worthwhile activities of the Section, which included during the past year the development of a new statement on prelegal education, an outstanding report of the Professionalism Committee, and a new manual on legal writing programs. Significant conferences and training programs have been regularly held for the Section membership. Hundreds of individuals have given their time, energy, and insights to issues that affect the quality of life in our legal education institutions and throughout our profession.

With the entering of the final consent decree, the unanimous adoption of the revised Standards by the House of Delegates, and the granting of a summary judgment in the MSL suit against the ABA, more attention can appropriately be directed to the other work of the Section—the important work of the committees.

Our successes during the past year would not have been possible without the extraordinary leadership of Erica Moeser, who served as Chair during the tumultuous year. She provided the energy, the wisdom, the humor, and the strength to keep the Council and the Section committees focused on what needed to be done to withstand the numerous challenges and assaults to the Section's accreditation function. Only a little more than a year ago, there was serious consideration of a moratorium on accreditation activities.

She was ably assisted by two individuals whose leadership skills and determination provided the regularity of process to the key committees involved with accreditation. Claude Sowle devoted extraordinary time and his organizational abilities to make the work of the Accreditation Committee efficient, timely, and professional. Bob Walsh led the Standards Review Committee to the completion of the recodification effort and to the integration of the Consent Decree elements with the recodification.

With the assistance of Roy Hammer, a member of the Board of Governors and Chair of a Board Committee on accreditation, Darryl DePriest, ABA General Counsel, and Bob Stein, ABA Executive Director, strategies were developed to finalize the Consent Decree, to develop Board support for the recodification of the Standards, and to convince the members of the House to adopt the recodification. The teamwork and open communication that led to such positive results need to be maintained as we continue to improve the relationship of the Section to the Board of Governors and other entities within the Association.

A final thanks must be given to Jim White, the ABA Consultant, who overcame personal attacks and enormous pressures, to continue the important work of the Section. Working without a full staff during a substantial part of the year, he was able to stay on top of the many developments and to be a central contact person for the frenetic activities of the year.

As I start my year as Chair, I acknowledge my debt to each of these individuals, whose efforts and
The 1997-98 Judicial Fellows Program

The Judicial Fellows Commission invites applications for the 1997-98 Judicial Fellows Program. The Program, established in 1973 and patterned after the White House and Congressional Fellowships, seek outstanding individuals from a variety of disciplinary backgrounds who are interested in the administration of justice and who show promise of making a contribution to the judiciary.

Up to four Fellows will be chosen to spend a calendar year, beginning in late August or early September 1997, in Washington, D.C., at the Supreme Court of the United States, the Federal Judicial Center, the Administrative Offices of the United States Courts, or the United States Sentencing Commission. Candidates must be familiar with the federal judicial system, have at least one postgraduate degree and two or more years of successful professional experience. Fellowship stipends are based on salaries for comparable government work and on individual salary histories, but will not exceed the GS 15, step 3 level, presently $76,316.

Information about the Judicial Fellows Program and application procedure is available upon request from Vanessa M. Yarnall, Administrative Director, Judicial Fellows Program, Supreme Court of the United States, Room 5, Washington, D.C. 20543 (202) 479-3415. The application deadline is November 15, 1996.

There is still much work that needs to be done.

Consultant’s Office Goes High Tech:
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The Section of Legal Education and Admissions to the Bar Web Site location:
http://www.abanet.org/legaled
Jackson Hole III
June 2–5, 1996
by Kim Parker

The Jackson Lake Lodge in Wyoming’s Grand Teton National Park was the spectacular setting for the Section’s third biennial Conference on Law School Development from June 2–5, 1996. This year’s program brought together a record number of deans, development officers, and alumni relations personnel (over 300) to discuss some of the most pressing current issues in law school development. As an indication of the growing importance of these issues for legal educators, the Conference boasted its first international participant—Dean David Weisbrot of the University of Sydney Law School in Sydney, Australia.

The Conference provided an opportunity for people who share a focus on law school development to review the fundamentals, debunk some of the common myths, and exchange bits of inspiration from a diversity of perspectives. To achieve this, the Section’s Committee on Law School Development, chaired by Bill Elwin (Associate Dean and Executive Director, Corporate Counsel Center, Northwestern University School of Law), crafted a program that balanced large group sessions on general issues and trends with smaller, group discussions focused on particular aspects of development, the role of the dean, and alumni relations. Panelists were selected from a variety of institutions and experience levels—from well-developed, prestigious programs at large university-affiliated law schools, to startup efforts at private and independent law schools throughout the nation. This proved to be one of the strengths of the program: it provided information useful to all types of schools and underscored the fact that the fundamentals tend to hold true for everyone.

The program began on Monday morning with a wide-ranging discussion of the role of the dean in strategic planning and development. Dean John Sexton (New York University School of Law), Dean Robert Clark (Harvard Law School), and Dean Donald Gifford (University of Maryland School of Law) stressed that the heart of fundraising is strategic planning. Dean Sexton revealed that “development is exhilarating, the most energizing thing I do aside from teaching.” Clark pointed out the need for each institution to build upon a sustainable comparative advantage and refuse offers contrary to the plan. Dean Gifford stressed that a Dean must have a 10-year vision for the institution that includes specifics, not just general aspirations like “better students” or “better scholarship.” Donors and faculty expect leadership and direction from the dean. As a consequence of this leadership, Gifford cautioned, institutions will either move ahead or stay behind. Clark and Sexton both stressed the value of involving alumni in strategic planning to ensure alumni support for the institution, even though their values may differ from those of the faculty.

The next panel, “The Alleged Principles of Fundraising,” led by Scott Nichols (Dean for Development and Alumni Affairs at Harvard Law School), proceeded to debunk certain common fundraising “myths” (“Just hang around rich people,” “What you’re really selling is immortality,” or “No means no”). Nichols and Panelists Richard Naum (Vice President for University Development and Alumni Relations, Columbia University), and Dean John Roberts (DePaul University College of Law), set forth a set of new tenets for fundraising in the ’90s, well worth recapping here: (1) If you want to get a gift, you’ve got to ask; (2) People respond to people, not paper; (3) Gifts result from a two-step process: cultivation fol-

owed by solicitation; (4) There must be a defined, articulated case for support; (5) Look to individuals first; (6) 90% of fundraising is research; (7) Certain patterns of giving exist, therefore, focus as much as 95% of your time on 5% of the individuals; (8) Strength and fiscal soundness attract money; (9) There is a lifecycle for giving—ask once every decade; (10) No one has ever died from being asked for too much; (11) As the needs of our institutions grow, so should our asks. We should be asking for the biggest gift imaginable; (12) Wealth and generosity are not related; (13) Giving is a habit (the second gift is key); (14) No one has ever died from being told no. No means “not today”; and (15) Forthrightness counts: Be direct, straightforward and honest.

Monday afternoon’s concurrent sessions integrated the perspectives of smaller shops and new development programs and provided participants with an opportunity to explore innovative approaches and established traditions in specific areas such as “Reunion Events and Reunion Class Giving,” “Information Technology,” and “Principal Gifts in the Context of the Capital Campaign.” The second afternoon session included “Small Shop I: Taking the First Step,” “Identifying, Recruiting and Motivating Successful Volunteers,” and “Dean-Vice President Forum: Central Development—Law School Relations.”

On Tuesday morning, panelists explored “The Art of Asking for a Major Gift” and “Major Gift Fundraising.” Dean Daniel O. Bernstein (University of Wisconsin School of Law), Associate Dean Susan Bell (Stanford Law School), Dean Robert Clark (Harvard Law School), and Dean Kristine Strachan (University of San Diego School of Law), used a series of role play scenarios to illustrate aspects of major gift fundraising and to suggest improvements in the process. The second morning session, “Major Gift Fundraising,” was headed by Dean Paul Brest of Stanford Law School. Panelists included Debra LaMorte (Assistant Dean for Alumni Relations and Development at New York Uni-
versity School of Law), Associate Dean Carroll D. Stevens (Yale Law School), and Dean Leigh Taylor (Southwestern University School of Law) who reviewed the seven steps that comprise major gift fundraising: from identification, research, involvement, to strategy, ask, close, and stewardship. Dean Brest pointed out that "Nobody spends enough time with top prospects," and reminded participants that an organization must be patient and flexible, always maintaining a sense of humor. He noted that donors do not always view major gifts in the traditional sense of investment in an institution. Some gifts are based not on institutional loyalties but on the development of an idea or key activity. Some tension between faculty consensus and donor-driven gifts is inevitable.


On Wednesday morning, the first of two final sessions addressed "Building the Base of Support: The Alumni Relations—Development Continuum." Dean Dennis Lynch (University of Denver College of Law), led the panel by pointing out that development is a relationship on a continuum that begins in the predmission phase and continues through to the alumni phase. Other panelists, including Dean Rudolph Hasl (St. John's University School of Law), and Catherine Nardone (Director of the Law Fund at Stanford Law School), stressed the importance of viewing students as consumers. The quality of their experience at the institution will determine their long-term relationship. A better experience, of course, makes the job of reconnecting them to the school in later years much easier. Panelists pointed out that development is an institution wide responsibility and encouraged participants to develop a shared vision and sense of community among faculty, students, and alumni. This can be accomplished through persistent efforts to find meaningful opportunities for alumni involvement in the institution—through career services, admissions, and other activities.

The final panel, "Take the Money and Run: Ethical Considerations in Law School Fundraising," led by Dean David Link (Notre Dame Law School), with Dean Dean Braveman (Syracuse University School of Law), Dean Pamela Gann (Duke University School of Law), Dean Burnelle Powell (University of Missouri-Kansas City School of Law), and Dean Tom Sullivan (University of Minnesota Law School), again relied upon a set of role play scenarios to illustrate some of the ethical issues that confront deans and development professionals. Panelists encouraged Conference participants to develop a written set of ethics and to stress full communication, candor, and disclosure to avoid similar pitfalls. The discussion ended the Conference on a sober, but important note. The Law School Development Committee has plans to conduct a fourth biennial conference in 1998. 

Kim Parker is the former director of the CEELL Sister Law School Program. She is currently vice president of the South Texas College of Law.

Bill Elwin, Associate Dean and Executive Director at Northwestern School of Law, with Scott Nichols, Dean of Development and Director of Alumni Affairs at Harvard University School of Law.
Legal educators from Africa and the United States, along with private practitioners and Ministry of Justice officials from Ethiopia, participated in a week-long workshop on clinical legal education held at the Chglon Hotel in Addis Ababa, Ethiopia. Over 50 participants gathered for the July 8-12 workshop, which was designed and organized by the Section of Legal Education. The workshop was a highlight of the Clinical Partnerships project, the latest phase of the African Law Initiative Sister Law School Program. The United States Information Agency (USIA) has funded all phases of this program and the United States Information Service (USIS) posts in Africa have assisted with its implementation.

For a vivid demonstration of the transition that is under way in Ethiopia and throughout much of Africa, on the second day of the workshop the American and African visitors to Ethiopia attended a session of the Trial of the Derg—the murderous former regime that was driven from power in 1991. Officials from the Derg—which literally means committee—have been charged with crimes against humanity, including former leader Mengistu Haile Mariam, who is in Zimbabwe and is being tried in absentia. This trial, while showing a commitment by the present regime to the rule of law, also demonstrated to the participants how recently a Marxist dictatorship ruled the country with terror and how challenging it will be to overcome this history to establish a durable rule of law. Strengthening the law schools is, of course, an indispensable part of this difficult process.

For a period of three weeks previous to the workshop, American law professors made individual site visits to six law schools in the East Africa region. Along with the Ethiopian Civil Service College and Addis Ababa University, the ABA Section of Legal Education received funding to assist the law faculties at four other universities in the East Africa region: the University of Nairobi and Moi University in Kenya, the University of Dar es Salaam in Tanzania, and Makerere University in Uganda. The six American professors—all clinical law specialists or clinical program directors—assisted on a pro bono basis with the establishment of clinical programs at the African schools: Tom Geraghty from Northwestern University and Louise McKinney from Case Western Reserve University worked at the law schools in Ethiopia; Homer LaRue from Howard University and Doug Frenkel from the University of Pennsylvania at the law schools in Kenya; Isabelle Gunning at the University of Dar es Salaam in Tanzania; and Paul Chevigny from New York University Law School at Makerere University in Uganda. In some cases these “sister school” relationships were formed at the Nairobi meeting of law school deans in December 1994 and the follow-up study tour to the United States in April 1995; in other cases these are new relationships arising from this project.

All of these American professors, along with two professors from each of the African schools, traveled to Ethiopia to attend the workshop. In addition, Tom Read, President and Dean of South Texas College of Law and former Deputy Consultant on Legal Education to the American Bar Association, “stopped by” in Addis Ababa on his way back to Houston from a visit to the summer abroad program that South Texas jointly sponsors in Shimla, India. Dean Read had attended the initial meeting of law school deans in Nairobi, Kenya, in 1994, and represented continuity from this meeting, along with Dean Zebron Gondwe from the University of Dar es Salaam Law Faculty and Dean Grace Patrick Tumwine-Mukubwa from Makerere University Law Faculty, both of whom attended the Nairobi and the Addis Ababa meetings. In addition, Professor Ibrahim Idris, former dean from Addis Ababa University’s law faculty, attended the Nairobi meeting and was instrumental in planning and carrying out the Addis Ababa workshop. Peggy Maisel, who is on a Fulbright Grant at the University of Natal Faculty of Law, traveled from South Africa to attend the workshop and to give the perspective on the clinical law programs in South Africa. The workshop had strong support from the United States Embassy in Addis Ababa, as demonstrated by the presence of the new United States Ambassador to Ethiopia, David Shinn, at his first public event since assuming the post. This project originated because of the enthusiasm of the African law school deans and professors who were first exposed to clinical teaching method-
ologies because of the links established during the early stages of a Sister-Law School Program.

The American professors worked primarily with the newly appointed clinical program coordinators at the African schools to come up with plans for the development of a practice-based curriculum at each of the law schools. In addition, meetings were held with private practitioners and at legal aid organizations and other community organizations where students might gain practical experience as well as at government agencies. While there are significant resource constraints at the African schools, in all cases there are elements of clinical legal education that they will strive to implement relatively quickly and ambitious plans for further development, including, in some cases, live-client clinics.

During the site visits as well as at the workshop, the Americans demonstrated the use of clinical methodology in the teaching of a variety of lawyering skills such as client interviewing and negotiation, as well as the teaching of mediation. Use of video as a teaching tool was demonstrated. There was a session on comparative approaches to the teaching of Trial Advocacy. In workshop sessions, participants were able to compare and contrast curricula at their schools and discuss the steps that will need to be taken to implement clinical programs in Africa. A variety of articles on clinical education, and other materials, such as student-practice rules and copies of the MacCrate Report and the ABA Model Rules of Professional Conduct, were distributed.

As Dean Read commented, the workshop highlighted major trends in the legal education world: Growing internationalization of law practice and law school curriculums, the incredibly rapid growth in global links between law schools, plus the continuing expansion of clinical legal education programs. It also came at a historic time of opportunity for the countries of East Africa that are struggling to establish the rule of law and open, democratic political systems. The workshop helped to encourage regional contacts and collaboration as well as contacts with the United States.

Contrary to media coverage of Africa that is often negative, considerable progress on a number of fronts has been made in countries in the East Africa region, and contacts with the United States will help to ensure that this progress continues.

As coordinator of this project, I am grateful to the American law professors who volunteered part of their summers to work at law schools in Africa. We hope to be able to involve additional United States law schools in the future. The next phase of the project is a study tour to the United States in October 1996 by the six Africans chosen as the clinical program directors from each of the African schools. They will arrive in Washington, and then travel as a group to a meeting of clinical law teachers in Cleveland. From there they will travel to their sister law schools where they will observe classes and law clinics in action and further develop plans for these programs at their own schools and for future cooperation between the sister schools. For further information about this program, please contact me at 202/662-1966.

Michael Wolf is the project director of the African Sister Law School Project.

Attendees were mostly participants from African and American law schools. Also attending were private practitioners from Ethiopia, U.S. Embassy officials, members of the Ethiopian Ministry of Justice, and members of the ABA staff.
Using Adjuncts to Team-Teach Professional Skills and Values

by Roy Stuckey

The pros and cons of using adjuncts to teach professional skills and values was the subject of a program presented by the Section at the ABA Annual Meeting in Orlando. The ABA Coordinating Committee on Legal Education cosponsored the program with the Section’s Skills Training Committee. The program was coordinated by the incoming chair of the Skills Training Committee, Professor Karen Tokarz, Washington University, St. Louis. It was moderated by Dean Nina Appel, Loyola University of Chicago, and Professor Roy Stuckey, University of South Carolina.

The other panelists were Barry Alberts, Esq., Schiff, Harden & Waite, Chicago, an adjunct professor at Northwestern and a former adjunct professor at Chicago; Professor Robert Burns, Northwestern; Marcia Cooke, Assistant U.S. Attorney, Miami, an adjunct professor at Miami, and a former adjunct professor at John Marshall; Professor Lonnie Rose, Miami; and Professor Victor Rosenblum, Northwestern.

The program began with a description by Nina Appel of the incentives that are motivating school to expand the use of part-time teachers in the professional skills curriculum. She also noted some of the key provisions relating to part-time faculty that are in the recodified accreditation Standards adopted by the ABA House of Delegates during its meeting in Orlando. Standard 403(c) encourages law schools to include experienced practicing lawyers and judges as teaching resources. Interpretation 403-1 supports the appropriate use of qualified part-time faculty to provide professional skills instruction, and it requires law schools to provide orientation, guidance, monitoring, and evaluation of adjunct faculty.

Vic Rosenblum then provided a brief overview of A Manual for Law Schools on Adjunct Faculty that the Coordinating Committee on Legal Education published in 1993. (Copies of the manual can be obtained from the ABA by calling Angela Hicks, Project Assistant to the Section of Legal Education and Admissions to the Bar, in Chicago at 312/988-5684. The manuals are available for $10 each, including shipping and handling.)

Roy Stuckey began the discussion on the main topic by describing a number of concerns that have been raised about the use of adjuncts. The most serious of these are whether adjuncts have sufficient time, commitment, or skills to provide quality education and whether law schools are willing and able to provide adequate oversight, i.e., orientation, guidance, monitoring, and evaluation. He challenged the panelists to recommend how law schools should best respond to these concerns.

The panelists described a variety of courses in which adjuncts teach professional skills and values at their schools, focusing on those elements that are important to educational quality.

Karen Tokarz endorses the view that “theory informs practice and practice informs theory.” She believes adjuncts are particularly helpful in helping students develop judgment, and problem-solving and collaboration skills. At her law school, adjuncts are viewed as long-term partners who collaborate with full-time faculty: the full-time faculty handle the administration, generate materials, and provide teaching notes for the adjuncts. The adjuncts are then free to focus on teaching. The school also provides teacher training programs for adjuncts for which CLE credits are given. Both part-time and full-time faculty attend these programs.

Using adjuncts to team-teach professional responsibility and the values of learning in context were two topics addressed by Bob Burns. He reports that the students come to understand ethical issues much more comprehensively as a result of being involved as actors in the process of resolving them and as a result of learning in an environment that allows them to engage in dialogues with practitioners about issues of professional ethics and values.

The importance of helping adjunct faculty understand their role in the overall curriculum was stressed by Professor Rose. Law schools should help part-time faculty understand how their contributions dovetail with other components of the curriculum and ensure that they know the school’s academic standards apply to teaching and learning in their courses. Part-time faculty who teach stand-alone courses rather than courses coordinated by full-time faculty need to understand the importance of preparing syllabi for their courses and giving students advance notice of their grading practices and the objectives and educational content of their courses. Professor Rose also believes it is important for law schools to tell adjunct faculty that the ABA Standards require oversight and mentoring by full-time faculty.

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members and to encourage them to participate in and take advantage of this process.

Marcia Cooke compared her experiences teaching as an adjunct at two schools. She taught doctrinal as well as skills courses. The former experience was less enjoyable because she had sole responsibility for developing and teaching the course. No one on the full-time faculty was designated as a liaison/mentor. Teaching in a coordinated skill program is much more enjoyable. A full-time member of the faculty plans the curriculum and provides teaching notes, and she knows where to get help when administrative or academic questions come up.

Many of Ms. Cooke's remarks were echoed by Barry Alberts who also explained that he takes time away from his law practice to teach because it makes him a better lawyer, which in turn makes him a better teacher. He believes one of the greatest values of using lawyers as part-time teachers is that they can help students develop better self-images as prospective lawyers by serving as role models and providing positive impressions of lawyers and law practice in ways not possible by full-time faculty.

In concluding the program, the panel agreed on a number of principles that are essential for the effective use of adjuncts in teaching professional skills and values.

- The full-time and part-time faculties should collaborate to plan courses. The full-time faculty should administer the courses and provide adjuncts with teaching notes. This provides overall quality control and allows the adjuncts to focus on teaching.
- Teacher training programs are essential. A particularly strong need is to help adjuncts understand how to interact with their students in class and in one-on-one exchanges.
- Law schools should not attempt to provide instruction in professional skills and values through the use of adjuncts alone. Professor Rosenblum said this would be like having a wheel with spokes, but no hub. A core of full-time members of the faculty with a professional interest in teaching skills and values is necessary to design the curriculum, prepare teaching notes, and provide the orientation, guidance, monitoring, and evaluation of adjunct faculty required by the ABA. Also, full-time members of the faculty who have a professional interest in professional skills and values are the most likely to conduct research and produce scholarship about the professional skills and values.
- The most successful courses appear to be those that are co-taught by adjuncts and full-time members of the faculty. In addition to putting full-time and part-time faculties together in a collaborative environment, these programs also allow adjuncts to share ideas and compare performances with each other. When a course includes simulations or problems that will be observed and discussed with students by adjunct faculty, the full-time faculty should compare ideas with the adjuncts about the ins and outs of the exercises shortly before meeting with the students.
- Adjuncts who feel they are part of the law school community are more committed to their teaching responsibilities and perform at a higher level than adjuncts who feel isolated. Therefore, law schools should integrate adjuncts as fully as possible. Some ways to accomplish this are through newsletters, invitations to social and academic events, assigning mentors, and collaborative teaching.

Dean Appel wrapped up the program by observing that law schools appear to be doing a better job, in general, of using adjuncts to teach professional skills and values than to teach other subjects. While some of the concerns about using adjuncts are legitimate, these concerns can be overcome, and adjuncts can greatly enhance instruction in professional skills and values.
The release of the results from a recent Kaplan survey of pre-law students preparing for the LSAT brought a plethora of press calls to NALP. The survey seemed to indicate that these would-be test-takers—potentially next year’s first year law students—perceived the job market for JDs to be quite dire.

"Is it true?" "Are they right?" "What are their job prospects?" the reporters asked—with a clear expectation that the worst fears of those surveyed might be confirmed by "the numbers." "If true," the press callers continued, "what are the implications for law schools?"

Surely there was a story here somewhere.

Yes—there’s a story. And it is worth telling again and again since all stakeholders in legal education and employment want to know and tell the truth about job prospects for JDs. The news is far from dire and the truth begins with the fact that the complexities of the legal employment market remain. Forces that include changes in firm structure and use of technology are changing the way the legal profession conducts its business. And the way it conducts its business impacts the timing of job offers and the type of jobs acquired by our graduates.

The most recent numbers, recorded in the context of the employment experiences of the Class of 1995, add a unique and positive chapter to the 22 years of data NALP has amassed. The truth is: job prospects are better this year than last. The trend—beginning in 1991—in which a lower and lower percentage of graduates acquired full-time legal jobs, changed course this year. While the 70.7% figure for full-time legal job employment is a far cry from the 82% figure recorded in 1990, the turnaround is appreciable.

Interestingly, the "head counts" of graduates in full-time legal jobs for the Classes of 1990 and 1995 reveal that more new Class of 1995 attorneys acquired full-time legal jobs (22,859) than did their 1990 predecessors (22,148). This cannot be wholly attributed to the fact that NALP’s coverage has improved (74% rate in 1990 compared to 82% this year) since it can be assumed that there are no significant differences in the employment experiences of graduates not covered by the survey. The improvements are real.

Jobs for JDs: The Good News

by Pam Malone

The truth is: job prospects are better this year than last.

Similar contrasts and comparisons can be made in relation to private practice jobs. Five years ago, nearly 63% of employed graduates reported they had acquired jobs with law firms. While only 56.1% of Class of 1995 graduates did so, the “head count” suggests that the decline in percentage employed in private practice isn’t as dire as it seems. About 15,389 graduates from the Class of 1990 acquired law firm jobs while 15,752 members of the Class of 1995 did so.

Meanwhile, more graduates are taking jobs in business and industry than ever before (13.4%) and fewer in government and public interest (11.6% and 2.0%). The entry level median salary of new graduates increased to $40,000—a return to the 1991 level.

Much more could be written about the forces in the market that are impacting legal employment and compensation. Burgeoning domestic and international trade, new health care legislation, intellectual property and communications activity, abundant mergers, acquisitions and real estate transactions, and the electronic superhighway—which has given rise to increases in contracts, transactions, legislation and entrepreneurism—share a common need for legal expertise with the society that spawns them. Ever-increasing numbers of criminal cases and America’s rapidly changing demographic makeup suggests the potential for growth in criminal and civil law. Additionally, the internationalization of the world’s economy will undoubtedly focus many lawyers on global business enterprise. All of this points toward growing opportunities for attorneys. As legal work increases and demand for attorneys builds, there are expectations that overall compensation levels may begin to gain some of the ground that was lost during the recession of the early ’90s.

That is not to say that getting offers for and securing that first job is any easier today than it has been in recent years. Students must still work hard at their career planning and job search tasks and must carefully consider their abilities, inter-

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NALP Report

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estons, and debt in light of realistic employment options. Students still need all of the advice, counsel and access to employer contacts their law school can offer them.

But things are not dire. There is much good news for you to share with your new law students. Pam Malone is Director of Career Services at Vanderbilt University School of Law and President of the National Association of Law Placement (NALP).

### MASSACHUSETTS

**Continued from page 1**

Independent decisions of the various states to preclude graduates of unaccredited law schools from sitting for their bar examinations.

"The American Bar Association is gratified that Judge Ditter recognized the ABA's First Amendment right to set standards for law school accreditation and to state which schools comply with them," said N. Lee Cooper, ABA president. "We remain committed to our responsibility to support the public's interest in sound legal education, and will continue to encourage quality education in our nation's law schools through the law school accreditation process."

### CONSULTANT

**Continued from page 2**

ed by each school as part of the Annual Law School Questionnaire.

Other matters that will be addressed in the Council's submissions to the Department are conflict of interest principles for the Section, complaint procedures, branch campus procedures, effective mechanisms for evaluating compliance with the Standards, evaluation of the school's self-study and student admissions, graduation and placement requirements and rates.

We believe that this periodic assessment of the Council's accreditation requirements by the Department of Education is both healthful and helpful.

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### Mark Your Calendar

**OCTOBER 1996**

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<td>18-20</td>
<td>ABA Section Council Retreat</td>
<td>Indianapolis, IN</td>
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<td>18-19</td>
<td>LSAC Audit Committee Meeting</td>
<td>Philadelphia, PA</td>
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<td>19</td>
<td>LSAC Houston Recruitment Forum</td>
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<td>19</td>
<td>LSAC Grants Subcommittee Meeting</td>
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<td>24-27</td>
<td>AALS Evidence Workshop</td>
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<td>26</td>
<td>LSAC Board of Trustees Meeting</td>
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<td>27</td>
<td>LSAC 1997 Annual Meeting Planning Work Group</td>
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<tr>
<td>31-Nov. 2</td>
<td>AALS Faculty Recruitment Conference</td>
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**NOVEMBER 1996**

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<td>LSAC Finance &amp; Legal Affairs and Test Development &amp; Research Committee Meetings</td>
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**DECEMBER 1996**

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<td>ABA Council Meeting</td>
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**JANUARY 1997**

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<td>17-19</td>
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**FEBRUARY 1997**

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<tr>
<td>1-2</td>
<td>ABA Section Council Meeting</td>
<td>San Antonio, TX</td>
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<td>8</td>
<td>LSAT Administration</td>
<td>TBA</td>
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<tr>
<td>10</td>
<td>LSAT Administration</td>
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<tr>
<td>15</td>
<td>ABA New Site Evaluators Workshop</td>
<td>Indianapolis, IN</td>
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<td>27-Mar. 1</td>
<td>LSAC Past Presidents' Meeting</td>
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**MARCH 1997**

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<th>Date</th>
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<tr>
<td>6-8</td>
<td>ABA Section Bytes and Bricks III Conference</td>
<td>St. Louis, MO</td>
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<td>LSAC Investment Policy Oversight Group Meeting</td>
<td>Arlington, VA</td>
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<td>20-22</td>
<td>LSAC Minority Affairs Committee &amp; Test Development &amp; Research Committee</td>
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Change of Editors for Syllabus Newsletter
by William Powers

As we announced in the previous issue of Syllabus, I have resigned my position as Assistant Consultant on Legal Education and Editor of the Syllabus to become Associate Dean for Admissions and Student Affairs at The John Marshall Law School. I would like to introduce the readers of Syllabus to Kurt Snyder, my successor. Mr. Snyder received his undergraduate degree in liberal arts at Wabash College and his J.D. degree from Indiana University School of Law—Indianapolis.

Since I became editor of Syllabus in 1989, I strove to provide the readers of Syllabus with interesting feature articles and useful columns. During my tenure, we reformatted Syllabus from its former tabloid size to its current 8½ by 11-inch size, enabling us to provide more information to you at a lower cost. We undertook a readership survey to enable us to respond to your likes and dislikes. We added a column from the Chairperson of the Section each issue to keep Section members abreast of the workings of the Section’s Council.

I would like to extend my thanks to the columnists whose contributions keep Syllabus readers apprised of issues relating to legal education and bar admissions: James P. White, Consultant column; George S. Grossman, Library Highlights editor; E. Bruce Nicholson, Washington Report; Paula S. Patton, NALP Report; and James Vaseleck and Jana Cardoza, LSAC Report. I would like to extend a special note of appreciation to Russell A. Glidden of the ABA Press, who has been enormously helpful in giving Syllabus its professional appearance every quarter.

I have enjoyed my tour of duty as editor, and I am certain that Mr. Snyder will maintain, and even enhance, this quality publication that the Section provides to its members. I encourage you to contact Mr. Snyder with your comments and suggestions on the format and content of Syllabus.

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