John A. Sebert, dean of the University of Baltimore School of Law, was named the American Bar Association's Consultant-Designate on Legal Education. "I am delighted that John Sebert has agreed to serve in this position so important to the quality of legal education in this country," said ABA Executive Director Robert A. Stein. "His talent and leadership will ensure that legal education in the United States will continue to be the finest in the world."

Sebert succeeds James P. White, the ABA's Consultant on Legal Education since 1974, who announced his retirement effective Sept. 1, 2000. "I am honored to be selected as the next Consultant on Legal Education," said Sebert. "Over the past 25 years, the leadership that Jim White and the Council of the Section of Legal Education have provided has resulted in major improvements in legal education in this country. I look forward to working with the leadership of the Council and the ABA to help legal education achieve further progress in the coming years."

Indiana Supreme Court Chief Justice Randall T. Shepard, immediate past chair of the Section, described Sebert as "a particularly energetic and thoughtful legal educator who is well positioned to work with the three leading parts of the legal profession—practicing lawyers, judges and academics." "Dean Sebert is especially well regarded in law school circles, and soon people in other parts of the profession will come to know him as a great leader in American legal education and a suitable successor to Jim White," Shepard added.

Sebert, of Olney, Maryland, has been dean and professor of law at the University of Baltimore School of Law since July 1993. From 1990-92, while on leave from the University of Tennessee College of Law, he was deputy director of the Association of American Law Schools. From 1974-1987 Sebert served at the University of Tennessee College of Law, first as an associate professor, then as professor of law, associate dean for academic affairs and acting dean. Sebert also served as associate professor at the University of Minnesota Law School (1970-74), as visiting associate professor at the University of Michigan Law School (summer 1973), and as attorney-advisor to the Office of the General Counsel, Department of the Air Force (1967-70). Graduating with high distinction and high honors in history from the University of Michigan, Ann Arbor, in 1964, Sebert went on to receive a Juris Doctor from that institution and to graduate magna cum laude in 1967.

Among his Section activities, Sebert currently chairs the Committee on Communication Skills, and is a member of the Accreditation Committee. He also has chaired site evaluation teams, at least one a year, since 1994 and as a member of the Pre-Law Committee (1994-1997). Among his other professional activities, Sebert is a member of the Association of American Law Schools Advisory Group on Electronic Publishing (1998-present), and served as a member of the AALS Nominating Committee (1994) and the AALS Special Committee on Problems of Substance Abuse in the Law Schools (1992-93). He is an elected member of the American Law Institute, and has served on numerous consultative groups for ALI law revision projects. He also is a fellow of the American Bar Foundation and the Maryland Bar Foundation. Sebert is married to Abbie Willard Sebert and has two children and three stepchildren.
Celebrate the birth of the 21st century by being among the historic assembly at the millennium event for lawyers and their families - the ABA 2000 Annual Meeting. Taking place from July 6-20 in two of the world's great cities — New York and London — this once-in-a-lifetime opportunity will allow us to reconnect ourselves to our common law roots in an air of celebration and camaraderie that comes only once every 1,000 years.

Our historic journey will begin in New York City July 6-12. New York will include the full range of outstanding Annual Meeting educational programs and special events that you have come to expect, including the Presidential CLE Centre, with over 300 CLE programs. New York offers limitless cultural opportunities — from world-renowned museums, restaurants and theater, to the endless diversions of New York's many ethnic communities. The Local Advisory Committee is helping to plan special events that will allow you to experience New York as never before.

And, to round off our millennium celebration, we will travel to London where we will ring in the 21st century by paying homage to the past as we reflect upon the historic roots of the American legal system. In the spirit of the new millennium, we will look to the future and explore emerging issues facing the profession in an increasingly global community.

Events in London will begin July 15 and culminate on the evening of July 20. Highlights include entry to private Inns of Court and seats of British government, the Opening Assembly at Royal Albert Hall, the President's Reception at the Tower of London, a reception at the American Ambassador's residence, a rededication of the Magna Carta Trust Memorial at Runnymede, and much more.

The ABA 2000 Annual Meeting will provide limitless opportunities to stay current on issues affecting our profession, hear from internationally sought-after speakers, reacquaint yourself with your colleagues and get to know your British counterparts, the Barristers and Solicitors who have been involved in every aspect of the social and educational programming. In addition, over the course of the meeting, you can receive up to a year's worth of CLE credit.

The ABA Section on Legal Education and Admissions to the Bar has planned a series of events in connection with the New York/London meeting of the ABA in July 2000. On Thursday and...
Friday, July 6 and 7, the Council will hold its last meeting of the ABA calendar year. Friday evening will conclude at the Annual Kutak Award ceremony and reception — please join us as we honor the Honorable Henry Ramsey, Jr.

On Saturday, July 8 the Section will host a luncheon in honor of James P. White, Consultant on Legal Education, for his 26 years of service. An encore video performance of the Jim White tribute from the April Law Schools and the Legal Profession Conference will be played during the lunch. If you did not have an opportunity to make it to Indianapolis in April — you will not want to miss this special event. The Section's annual meeting program, coordinated by Dean Harry Haynsworth, will begin at 2:00pm. The program will explore recent developments in the way professionalism is taught to law students and practicing lawyers and judges. The Section's Annual Business Meeting will begin at 5:15pm. On Sunday, July 9, from 9:30 - 11:30am Professor Karen Tokarz has coordinated a wonderful Skills Training Committee program on collaborations with adjunct faculty, entitled "Promoting Justice Goals For Law Students and Lawyers Through Innovative Law School and Bar Collaborations." On Tuesday, July 18, the Section has planned a program from 2:00 - 5:00pm in the Queen Elizabeth II Conference Center. This is a Section Presidential Showcase Program and is part of the ABA General Program. Dean Emeritus David T. Link of Notre Dame Law School is chairing this program. The program is titled "Out of the Box" and is an international summit on ideas for new systems of legal education. That evening there will be a dinner for Section members in Middle Temple Hall, Inns of Court.

On Wednesday, July 19, starting at 6:00pm Dean Patricia O'Hara of Notre Dame Law School and Professor Geoffrey Bennett, Director of the Notre Dame London Law Centre, will host a reception for all Section members at the Notre Dame London Law Centre located off Trafalgar Square. In addition, prior to the reception from 3:30 - 5:30pm, Professor Karen Tokarz will moderate an international panel discussion entitled "Designing Quality Clinical Education in Overseas Law School Programs." On Thursday, July 20, there will be a Joint Program, University of London and Section of Legal Education and Admissions to the Bar — Legal Education in the United Kingdom and the United States in the New Millennium — at Senate House University of London, hosted by London University Vice Chancellor Graham Zellick. The Program will be from 9:00am to 3:45pm and will consist of three Sessions, each with a paper presented from the United Kingdom and the United States and two commentators from the United Kingdom and the United States. The program will feature a luncheon speaker from the United Kingdom and will conclude with tea for all participants. On Friday, July 21, the Section will sponsor a trip to Cambridge to visit the new Cambridge law building, to tour the campus, and to have lunch with members of the Cambridge Law Faculty. The visit will be hosted by Professor A.T.H. Smith, Chair of the Cambridge Law Faculty.

PLEASE NOTE - Four of the events sponsored by the Section are ticketed events. In order to obtain a ticket(s), please send your completed registration form and payment to Marilyn Shannon at the Consultant's Office. Although tickets will be available at the door, we strongly encourage you to secure your tickets in advance since space is limited. Also, please note that the Section registration form is to be used only if you wish to attend a ticketed event by the Section. Registration forms for the Section ticketed events are available on the Section's Website. If you wish to register for the overall ABA Annual Meeting or if you have a question unrelated to the Section, please contact the ABA Meetings and Travel Department at 312.988.5870.

ABA REGISTRATION
www.abanet.org/annual/2000

SECTION REGISTRATION (Ticketed Events Only)
www.abanet.org/legaled
2000 Annual Meeting Program
New York

Dean Robert K. Walsh, Wake Forest University School of Law
Chair, Section of Legal Education and Admissions to the Bar

Righa Royal Hotel, 151 West 54th Street, New York, NY 10019 • (212) 307-5000
* unless otherwise noted, all events take place in this hotel

THURSDAY, July 6

10:00 a.m. to 5:00 p.m. - Section Office
Carnegie Room,
Mezzanine Level

10:00 a.m. to 5:00 p.m. - Council Meeting
Winter Garden,
Mezzanine Level

FRIDAY, July 7

7:00 a.m. to 5:00 p.m. - Section Office
Carnegie Room,
Mezzanine Level

10:00 a.m. to 3:00 p.m. - Council Meeting
Winter Garden,
Mezzanine Level

5:30 p.m. - Kutak Award Ceremony and Reception
Majestic East,
Majestic Penthouse

SATURDAY, July 8

7:00 a.m. to 5:00 p.m. - Section Office
Carnegie Room,
Mezzanine Level

7:30 a.m. to 10:30 a.m. - ABA/AALS/LSAC Breakfast for Deans of ABA-Approved Law Schools
Gershwin East,
Gershwin Penthouse

10:30 a.m. to 12:00 p.m. - Workshop for Representatives of Unapproved Law Schools
Broadway, Mezzanine Level

12:00 p.m. to 1:45 p.m. - Section Luncheon in Honor of James P. White's 26 Years

This program will explore recent developments in the way professionalism is taught to law students and practicing lawyers and judges. The panelists have developed and coordinated innovative courses and programs that are designed to inculcate a heightened awareness of professionalism issues. Information about state professionalism commissions that are now operating in several states and demonstrations of some of the more innovative professionalism teaching materials that have been developed for law students, lawyers and judges will be available at the program.

Chairperson: Dean Robert K. Walsh
Wakle Forest University School of Law

Moderator: Kurt Snyder, Esq., Assistant Consultant on Legal Education to the American Bar Association

2:00 p.m. to 5:00 p.m. - Section's Annual Meeting Program
*Hilton New York, Grand Ballroom East, 3rd Floor

Moderator: Harry J. Haynsworth, President and Dean William Mitchell College of Law

Panelists: Anthony V. Alfieri, Professor University of Miami School of Law
Robert P. Burns, Professor Northwestern University School of Law
Robert E. Cochran, Jr., Professor Pepperdine University School of Law
Ronald C. Ellington, Professor University of Georgia School of Law
Russell G. Pearce, Professor
Fordham University School of Law

Suzanne Reynolds, Professor
Wake Forest University School of Law

Roy T. Stuckey, Professor
University of South Carolina School of Law

Richard Zitrin, Esq.
Zitrin & Mastromonaco
San Francisco, California

5:15 p.m. to 5:45 p.m. - **Section Annual Business Meeting**
*Hilton New York, Grand Ballroom East, 3rd Floor*

Chairperson: Dean Robert K. Walsh
Wake Forest University School of Law

Consultant: James P. White
Consultant on Legal Education to the American Bar Association

Nominating Committee Chairperson: Beverly Tarpley, Esq.

New Chairperson: Diane C. Yu, Esq.
Managing Counsel, Pharmacia

**SUNDAY, July 9**

7:00 a.m. to 12:00 p.m. - **Section Office**
*Carnegie Room, Mezzanine Level*

7:30 a.m. to 9:30 a.m. - **Incoming Chairpersons’ Breakfast**
(by invitation only)
*Broadway, Mezzanine Level*

9:30 a.m. to 11:30 a.m. - **Skills Training Program on Collaborations with Adjunct Faculty**
*Winter Garden, Mezzanine Level*

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"Promoting Justice Goals For Law Students and Lawyers Through Innovative Law School and Bar Collaborations."

This program will explore innovative ways in which law schools and the bar can collaborate to foster justice goals for law students and lawyers. Course descriptions and teaching materials will be available at the program.

Moderator: Karen Tokarz, Professor of Law & Director, Clinical Education, Washington University (St. Louis) Law School and Chair, ABA Skills Training Committee

Panelists: Sarah Buel, Clinical Professor, University of Texas School of Law & Member ABA Commission on Domestic Violence

Deborah Fins, Director of Research and Student Services, Criminal Justice Project, H.A.A.C.P., Legal Defense Fund, & Adjunct Professor, New York University Law School

Kristin B. Glen, Dean, City University of New York Law School

Jill I. Gross, Adjunct Professor & Co-Director, Securities Arbitration Clinic, Pace University Law School

Peter Joy, Professor of Law & Director, Criminal Justice Clinic, Washington University (St. Louis) Law School

Lawrence M. Maron, Executive Director, N.J. Institute for Continuing Legal Education

Elliott Milstein, Professor of Law, American University, Washington College of Law & President, Association of American Law Schools

Brenda Smith, Associate Professor of Law, American University, Washington College of Law
2000 Annual Meeting Program • London

Program Chairs: Dean David T. Link, Dean Robert K. Walsh, Professor Geoffrey Bennett, Professor James P. White

TUESDAY, July 18

2:00 p.m. to 5:00 p.m. Section Presidential Program
Queen Elizabeth II Conference Center
Churchill Auditorium

"Out of the Box" - Thinking About the Training of Lawyers of the Next Millennium.

The shape of legal education is being affected and will be transformed by emerging trends that transcend both national and intellectual boundaries. New forms of pedagogy are emerging. After an initial presentation linking these trends to notions of professionalism and the changing role of lawyers in society, an international panel of distinguished practitioners, law professors, and other leaders in legal education will use a cross-fire format to forecast where legal education is headed.

Moderator: Dean David T. Link
Dean Emeritus, Notre Dame Law School

Panelists:
Philip S. Anderson, Esq.
Immediate Past President, American Bar Association

Professor Corinne Cooper
University of Missouri-Kansas City

Lord Peter Goldsmith, Q.C.
Former Bar Chair, London, England

Honorable Yvonne Mokgoro, Justice
South African Constitutional Court

Professor C.G.J. Morse, Chair of Law
Kings College, University of London

Roberta Cooper Ramo
Former President, American Bar Association

Professor Deborah Rhode
Stanford University School of Law

Professor Nigel Savage
The College of Law of England and Wales

Dean John E. Sexton
New York University School of Law

Honorable Randall T. Shepard
Chief Justice, Supreme Court of Indiana

Robert A. Stein, Executive Director
American Bar Association

Dean Robert K. Walsh, Chairperson
Section of Legal Education and Admissions to the Bar

Diane C. Yu, Chairperson-Elect
Section of Legal Education and Admissions to the Bar

7:30 p.m. Dinner for all Section Members attending, Middle Temple, Inns of Court ★ Ticketed Event

WEDNESDAY, July 19

3:30 p.m. to 5:30 p.m. Skills Training Committee Program
Notre Dame London Law Centre, 1 Suffolk Street

"Designing Quality Clinical Education in Overseas Law School Programs"

This international panel of experienced administrators and clinical faculty will be joined by field supervisors from London who will explore with the audience a multitude of issues — including the dangers of proselytizing, cross cultural concerns, and quality control — involved in internship/externship programs away from home campuses through semester and summer school abroad programs, individual study abroad programs, and other international educational ventures. Course descriptions and teaching materials will be available at the program.

Moderator: Karen Tokarz, Professor of Law & Director, Clinical Education, Washington University (St. Louis) Law School & Chair, ABA Skills Training Committee

Panelists:
Geoffrey J. Bennett, Professor of Law and Director, London Law Programme, Notre Dame Law School

Jeremy Cooper, Professor of Law, Middlesex University

Neil Gold, Academic Vice-President, University of Windsor

Richard Grimes, Consultant, The College of Law of England and Wales

Joe Harbaugh, Dean, Nova Southeastern University, Shepard Broad Law Center

Walt Heiser, Professor of Law & Director, London Program, University of San Diego Law School

Arlene Kanter, Associate Dean & Director, Clinical Programs, Syracuse University Law School

Elliott Milstein, Professor of Law, American University & President, Association of American Law Schools
6:00 p.m. to 7:30 p.m. Reception for all Section Members, Hosted by Dean Patricia O’Hara and Professor Geoffrey E. Bennett Notre Dame London Law Centre, 1 Suffolk Street

THURSDAY, July 20

9:00 a.m. to 5:00 p.m. Joint Program, University of London and the Section - Legal Education in the United Kingdom and the United States in the New Millennium, Senate House, University of London, Beveridge Hall

9:00 a.m. Registration and Coffee
9:30 a.m. Welcome and Introduction
   Professor Graham Zellick
   Vice-Chancellor & President of the University of London
   Professor James P. White
   Consultant on Legal Education to the American Bar Association

9:45 a.m. to 11:15 a.m. SESSION 1 Legal Education in the United Kingdom and the United States in the 21st Century

Paper Presenters:
   United Kingdom - Professor William Twining, University College, University of London, London
   United States - Dean John E. Sexton
   New York University School of Law

Commentators:
   Professor Patricia Leighton
   Manchester Metropolitan University
   Kim Economides
   University of Exeter
   Dean Robert K. Walsh
   Wake Forest University School of Law
   Dean Herma Hill Kay
   University of California, Berkeley (Boalt Hall) School of Law

11:15 a.m. to 11:30 a.m. Coffee
11:30 a.m. to 1:00 p.m. SESSION 2 Advanced Legal Education, Academic and Continuing

Paper Presenters:
   United Kingdom - Lord Justice Potter Lord Justice of Appeal
   United States - Dean Jeffrey E. Lewis
   Saint Louis University

FRIDAY, July 21

Section Members Trip to Cambridge University
   ★ Ticketed Event

Lunch with members of Cambridge Law Faculty hosted by Professor A.T.H. Smith, Chair, Cambridge Law Faculty

Members will be asked to take a train to Cambridge and to arrive in Cambridge at approximately 10:30 a.m.

Participants will meet at 11:30 a.m. at the Faculty of Law, 10 West Road for a program with Professor A.T.H. Smith, Chair, Cambridge Law Faculty. At 1:00 p.m. participants will have lunch at Queens College Old Hall
Celebrating a Magnificent Career

By Bob Walsh

On April 7 and 8, we had a wonderful conference entitled “Law Schools and the Legal Profession” in Indianapolis sponsored by the Section, together with the Indiana University School of Law—Indianapolis and its law review. This conference celebrated more than a quarter century of service by Jim White as the ABA Consultant on Legal Education. It drew a couple hundred lawyers, judges, and legal educators from all over the nation and a few from foreign countries. It was the largest “family” gathering of Section volunteers ever. These members of the Section family came not so much because of the program (which was outstanding in every way), but to honor the patriarch of the Section family, James Patrick White.

I use the term “family” gathering, because of the obvious affection and respect of the Section members for Jim White. Over the years these Section members have joined under Jim’s leadership in the common cause of making American legal education the best in the world. In addition to thoughtful talks and dialogue about the past and future of American legal education, the conference focused on the many improvements in American legal education since Jim White became Consultant on Legal Education to the ABA in 1974.

The family nature of the conference highlighted Jim’s greatest accomplishment: recruiting people who are talented and dedicated. The Section relies on volunteers in its accreditation function from inspection teams to the Accreditation and Standard Review committees. Moreover, the Section has approximately 30 committees devoted to every conceivable issue of improving legal education. Volunteers in all these efforts have full-time jobs, but each year for the past quarter century they have nevertheless given millions of hours of work, particularly on weekends, to the work of the Section. The prime force in mobilizing all of these volunteers has been the character and personality of Jim White.

Jim’s leadership ability in recruiting quality people is also attested to by the wonderful staff that he
built up over the years in Indianapolis. I have had the
good luck to work with almost
all members of the staff on
Section committees or confer-
ces over many years. If I
tried to tell you about the
excellence of the many indi-
vidual members of the staff,
this column would be far too
long. The staff is of the first
quality and works long hours
out of intense loyalty to Dean
White.
I believe that Jim White's
leadership is one of the chief
reasons that other countries
view the United States as the
legal education system they
want to emulate. The progress
in American legal education
during Jim's tenure as
Consultant has been dramatic.
During this quarter century,
the percentage of women
attending law school has
increased 130 percent and
minority enrollment has
increased 150 percent. Jim
has been a great leader in
diversity and the implementa-
tion of both Standards 210
and 211. When Jim White
became Consultant in 1974,
clinical legal education was in
its infancy. He has been a
great force bringing it to adult-
hood and into the mainstream of
American legal education. When
Jim became Consultant, it was not
unusual for American law schools
to have student/faculty ratios as
high as 30 to 1. I believe that no
greater improvement in the qual-
ity of legal education has occurred
over this quarter century than the
improvement of student/faculty
ratios, providing smaller and
more interactive classes, necessary
particularly to simulation, prob-
lem-solving, clinical, and founda-
tional courses. Certainly, Jim's
leadership for CEEL1 and the
African Law Initiative has led the
way of the increased globalization
efforts of our law schools.

Jim White had a positive leader-
ship effect on all of these areas.
But again his greatest influence
has always been person to per-
son. Both new and established
law schools have benefitted from
his personal counsel. Deans,
university presidents, law school
faculty, lawyers, and judges have
sought his advice on old and
new issues of legal education.
On a personal note, I first met
Jim White in Atlanta in 1976
when he patiently explained to
me that the law school of which
I was then dean was not ready
for full approval of its new full-
time program. As you can imag-
ine, I was not a willing receiver
of this information at the time,
but Jim's sage advice gently given
and faithfully followed led
to our school's approval a
year later.
This is not the end of Jim
White's magnificent career.
First of all, he will be the
Consultant until September,
2000, and we have a great
number of Section programs
and accreditation activities
scheduled for the remainder
of the year. I do particularly
hope that you will get to the
Section luncheon in New
York on Saturday, July 8,
which will be in Jim White's
honor. It will be followed
by a wonderful program
chaired by Dean Harry
Haynsworth on recent devel-
opments and best practices
to teach professionalism in
law schools.
After September, Jim will
serve as Consultant to our
new Consultant for a year
before retiring from formal
ABA employment. However,
I know that he will still
serve as volunteer counselor
and leader of many ABA and
profession activities for
years to come.
Jim White's retirement is
the end of a great era.
However, I do want to her-
ard and ask your support for our
new Consultant, Dean John
Sebert of the University of
Baltimore School of Law. I was
fortunate enough to participate
in the search process that result-
ed in John's appointment as
Consultant-Designate. I believe
John is an outstanding choice. I
am optimistic about the future
of the Section under John's lead-
ership. It is hard to succeed a
legend. I believe that John is up
to the challenge and I solicit all
our Section family volunteers to
keep up the level of hard work
for the betterment of the profes-
sion that was engendered for the
past quarter century by Jim
White.
Sebert Beginning a New Era of the Consultant’s Office in Chicago

By John A. Sebert

It is a tremendous honor for me to be selected as the next Consultant on Legal Education. Jim White has done an outstanding job in that crucial role for an amazing 26 years. Legal education has made tremendous strides over the period that Jim has been Consultant, such as through the great enhancement of clinical and skills training offered by law schools, the major reduction in student/faculty ratios, the increasing internationalization of legal education in the United States, and the greatly improved diversity of our faculties and student bodies. Jim White has been at the forefront of all these developments, and many other improvements in legal education in the United States and throughout the world. All of us in legal education owe him a tremendous debt of gratitude.

We now have the best system of legal education in the world, and also the best system of accreditation of legal education institutions. Major improvements in the accreditation system have been implemented in recent years, through measures that Jim White and the Council and committees of the Section have implemented.

We now do a very good job of preparing site evaluation teams to do their work, and through the efforts of Deputy Consultant Richard Hurt (and his predecessors) and Peter Winograd, we have involved many more talented people in the site evaluation process. The revisions of the Standards and Interpretations over the past few years have, in my view, been very salutary, so that our Standards and Interpretations now focus even more carefully on the essential core of quality legal education. We have also offered an expanding array of excellent programs for deans and others who rely on the Section, such as the annual New Deans’ Workshop and the biannual Conference on Law School Development and Workshop for Associate Deans.

Thus, as I undertake the role of Consultant on September 1 of this year, I will find the accreditation process and the programs of the Section in very good shape. I very much look forward to working with the Council, the committees of the Section, and you – the members of the Section – to build on the progress of the past and to further improve the important work that we do in the approval of law schools, and to further enhance the programs and services that the Section provides.

Fortunately, I will not be doing this work alone. Jim White will continue next year as Advisor to the Consultant, for which I am very grateful. Jim and I have already been working closely together on a wide range of matters, and I look forward to his continuing assistance – not only next year but for years to come.

The Office of the Consultant and the primary office of the Section will be moving to Chicago effective this coming September 1. We will be housed in excellent new offices on the seventh floor of the main American Bar Association building, at 750 North Lake Shore Drive, at the corner of Chicago Avenue. The ABA building is adjacent to Northwestern University Law School. We will be sending out notices with the address and contact numbers by the middle of the summer.

After September 1 and for the remainder of academic year 2000-01, the Section will maintain a smaller office at its present location in Indianapolis. Dean White will be based in Indianapolis, as will two of his long-time associates, Executive Administrator Marilyn Shannon and Senior Administrative Secretary Mary Barron.

I am very pleased to report that two other key Section staff members, Cathy Schrage and Rick Morgan, will be continuing in their important roles next year. Cathy Schrage is the Executive Assistant for Accreditation. Her support of the work of the Accreditation Committee over the past 25 years has been invaluable, and she will be continuing in that role at least through June of 2001. Rick Morgan is our Data Specialist, and he has done a superb job over the past six years in revising and regularizing the various questionnaires, in providing a broad array of valuable data takeoffs for deans, and in assembling and formatting the data for our important publication, Official American Bar Association Guide to Approved Law Schools. Cathy and Rick each will have offices next year both in Chicago and Indianapolis, and will be commuting regularly.

A few years ago, Jim White established the position of Deputy Consultant, a position very similar to the AALS Deputy Director position that I held in the early 1990s. The Deputy is much like an associate dean, on a national level. Dean J. Richard Hurt has done an outstanding job in that position over the past two years, and I tried hard to convince Richard to continue in that role for at least another year. Unfortunately, the attractions of Indianapolis proved too great for
Richard and his family, and he will be remaining there as a Visiting Professor at the Indiana University School of Law — Indianapolis. I know, however, that we will be able to rely on Dean Hurt as an important volunteer in many Section activities. (Richard has already volunteered to oversee, with Peter Winograd, the annual Site Evaluation Workshops which will be held in Indianapolis this coming September 7 - 9.)

I have recently identified a very worthy successor to Dean Hurt. **Dean Barry A. Currier of Cumberland School of Law, Samford University, will be the next Deputy Consultant.** Dean Currier is completing four years as Dean at Cumberland. Prior to going to Cumberland, Barry served for nineteen years on the law faculty of the University of Florida. The last six of those years were as Associate Dean for Academic Affairs. In recent years, Dean Currier has served on many site evaluation teams and chaired a number of such teams. Thus year, Barry has chaired the ABA Law School Administration Committee. He also has served on the Board of Directors of the Law Access Group since 1999.

Barry Currier brings a wealth of experience in legal education to the position of Deputy Consultant. I know he will do an excellent job in this role, and I very much look forward to working with him as Deputy Consultant over the next three years.

I am moving quickly to hire additional key staff for the Chicago office. Carl Brambrink will be Director of Operations for the Section. Mr. Brambrink most recently has served as Fiscal Liaison for the Section in Chicago, and thus he is very familiar with the Section, its activities, and its budget. Prior to that, Mr. Brambrink served in a number of different capacities with the ABA in Chicago, and thus he comes to this new position with broad knowledge both of the Section and the ABA.

Director of Operations is a new position that I have created. As Director of Operations, Carl will assist me in managing the staff of the Office and in particular will oversee aspects of the Office's operation that relate to activities other than accreditation. Thus Carl will oversee planning for programs and events, publications, and many other activities. He will also continue to oversee the financial operations of the Section, and he will serve as liaison for the Section with many other ABA offices.

Another new member of the staff is **Melissa Wilhelm.** She will be our meetings and events planner, and she also will do some writing and editing of our publications. Ms. Wilhelm is a 1999 graduate of Loyola University, Chicago, majoring in political science and minoring in English, philosophy and Spanish. She has worked full-time with the ABA meetings department since graduation, and she worked part-time for that department for some of the time she was in school.

Additional support staff for the Chicago office will be hired over the next few weeks. I also hope soon to begin more extensive searches for individuals to fill two other new positions. One is that of **Associate Consultant.** The Associate Consultant will be a law-trained senior member of the permanent staff who will assist the Consultant and the Deputy Consultant primarily in matters related to accreditation and standards. With the combined efforts of the Deputy and Associate Consultant, we will be able to provide more assistance to site team chairs in preparing the teams for site visits, and will be able to review site evaluation reports more promptly and thoroughly. We also will be able to work more closely with schools seeking provisional or full approval. I expect to begin a national search for this new position this summer.

Finally, we will be seeking an experienced writer and editor to undertake much of the work in writing, editing and producing Section publications, and in maintaining and expanding the Section's website. The Section's publications have expanded greatly in recent years, and it now is time to have a full-time member of the staff who has a publications background and can devote a substantial portion of his or her effort to our print and electronic publications.

As we begin a new era of the Consultant's Office in Chicago, we owe sincere thanks to the many Indianapolis staff who have decided not to move to Chicago and thus will no longer be part of the Section staff after this fall. In addition to Richard Hurt, those departing staff members include Mary Kronoshek (who has been secretary to the Deputy Consultant and superbly handled arrangements for many meetings), Kim Massie (Cathy Schrage's principal assistant), Claudia Fisher (Administrative Secretary) and Kelley Hackett (Receptionist). Kurt Snyder, who has done an excellent job for the past four years as Assistant Consultant and who is responsible for many of the recent enhancements of Section publications and our website, also will be leaving us this summer. Kurt is taking a new position as the Director and Counsel of Trial Court Technology for the state of Indiana. Thanks to this fine group of people for their dedicated efforts, and best wishes to all of them.

While there will be a lot of change in the Section this coming year, there will always be one constant — the many superb volunteers who devote time and dedicated effort to our work though membership on the Council and the committees of the Section, and who are members of site evaluation teams. Our work cannot get done without you. I very much hope that those of you who have volunteered in the past will continue to do so, and that others will come forward so that we can further expand and diversify the strong cadre of lawyers, judges, law teachers and other professionals who make the Section an active and effective one. I look forward to working closely with many of you over the years.
Should Admissions And Financial Aid Work Along Side Development?

Yes, and here is one of the reasons why

by Debra A. LaMorte

For all of the purists in the audience, this article assumes that the entering class has already been admitted by the Admissions office. That having been done, how can three seemingly independent administrative offices, Admissions, Financial Aid and Development, work together to further the goals of your law school? In truth, all three offices have these fundamental goals in common: attracting the best students, raising large amounts of dollars for financial aid to reduce a graduating students’ debt burden, and developing new prospects and stewarding existing donors. At NYU Law we have discovered that working side by side to advance these goals is the key to overall institutional advancement, and making it happen is not really as difficult as it may first appear. Allow me to present one approach, among many, that has worked particularly well for NYU School of Law.

Students are the best assets we have for attracting new dollars. Donors love first-hand contact with students. We have found that if you create selection panels for named scholarships, donors can help to choose their financial aid recipients, which creates a meaningful way for donors and students to develop relationships. But the Development Office cannot and should not embark on this process alone. We need the assistance of Admissions and Financial Aid to create the panels. Their input is critical, and while working together the three offices need to understand how each office works. A working knowledge of each office’s timelines, deadlines and administrative process is key. An open line of communication before, during and after is an essential part of the process.

The process begins with the Development Office letting Admissions and Financial Aid know how many named scholarships will have selection panels and what the criteria are for the scholarships. For example, a donor may have given a scholarship for students from a particular undergraduate institution, for a student from a particular region of the country, or for a student who has demonstrated an interest in public interest law. Admissions should identify six or seven eligible students from the pool of admitted students for each panel identified by Development. During this process, Admissions is conferring closely with Financial Aid, which ultimately will have to make the financial aid awards to incoming students.

Once the number of selection panels is determined (selection panels at NYU Law are only used for awarding a full-tuition scholarship, which requires a minimum endowment of $500,000), then we strategize on who should be on the panels. They usually include the donor and a spouse or other member of the family, a faculty member, an admissions officer who can guide the participants through the process, and three other alumni. The other alumni are chosen either because they have made a gift and we want to encourage them to contribute more so they too can have their own panel, or because they are prospects who are considering a named scholarship and who would like to learn more about the school and the students before making a commitment. The selection panel process provides wonderful stewardship for the donors and terrific cultivation for the others. Having alumni meet newly admitted students is one of the most effective means of re-engaging alumni that I have ever witnessed.

The final phase of the process is also crucial. Each panel has now chosen its three top candidates for the scholarship and the students are notified. However, these students are being heavily recruited by all of your peer schools. The alumni panelists are now drawn into action to help recruit the students on their panel to your law school. The newly-admitted student is now receiving the kind of attention and information which your peer schools may not have thought about — using Trustees and other involved alumni to assist in recruiting. This is impressive to the student who may now be more likely to come to your law school. This makes the Admissions Office very happy. The alumni have helped in the selection and recruiting processes making them feel very involved with their gift and institution. Word of the success of the panel spreads to other alumni who want to get in on the action, resulting in many more scholarship dollars raised. The Financial Aid Office now has more financial aid dollars to give away to our students, reducing their debt burden. The Development Office has helped recruit great students and has helped to raise more money for the law school by involving alumni in a meaningful way.

The most rewarding aspect of this process for me is knowing that we can make a significant difference in our students’ lives. In addition, it is a great chance to work together with my colleagues from Admissions and Financial Aid, develop friendships, and promote the goals of our law school. Its a win-win for all involved.

Debra A. LaMorte is the Associate Dean for External Affairs at New York University School of Law and Vice-Chair of the Section’s Law School Development Committee.
Women may out number men in Fall 2000

by Rick L. Morgan, Data Specialist, ABA

The following observations resulted from a comparison of Fall 1999 enrollment and Fall 1998 enrollment at ABA approved law schools. It should be noted that four schools have been granted provisional approval in the last two years: University of the District of Columbia, Chapman University, Western State University, and Florida Coastal School of Law. Florida Coastal is the most recent addition, granted provisional approval in August 1999. As of October 1, 1999, a total of 183 institutions are approved by the American Bar Association: 182 confer the first degree in law (the J.D. degree); the other ABA approved school is the U.S. Army Judge Advocate’s School, which offers an officer’s resident graduate course, a specialized program beyond the first degree in law.

Total enrollment in a Juris Doctor program at ABA approved law schools in Fall 1999 was 125,184; this is 443 fewer students than total J.D. enrollment (125,627) in 1998. Conversely, total law school enrollment increased by 443 students in 1999 to 132,276, from 131,933. The entering class for the Fall 1999 semester (43,152) increased by just under one percent (.8%), or 348 students, from Fall 1998 (42,804). Using only the schools who were approved by the ABA in the Fall 1997 semester as a baseline, the number of students entering law school increased almost one percent (.9%), or 372 students from 1997 to 1999.

If the current law school admissions trend continues, academic year 1999-2000 may be the last year in which male students represent the majority of the entering class. Although men still represent a slight majority of the 1999 entering class (51.3%), their enrollment (341) decreased from 22,485 in 1998 to 22,144 in 1999. In comparison, women entering law school increased this year by 689 new students; 21,008 women enrolled in 1999, and 20,319 enrolled in 1998. Examining the percentages of entering class statistics, we find that first year male enrollment decreased 1.5% from 1998 to 1999, while first year female enrollment increased 3.4%. The 1999, 1998, and 1997 percentages of women in entering classes were 48.7%, 47.5% and 46%, respectively. Total J.D. enrollment of women increased by 1,410 students; in 1998, 46.1% (57,952) of students enrolled in a J.D. program were women, as opposed to 47.4% (59,362) in 1999.

1999 minority J.D. enrollment (25,253) remained almost unchanged from 1998 (25,266). This year, first year minority students (9,079) also remained virtually unchanged from last year (9,076).

In 1999, 1998, and 1997, minorities constituted 20.2%, 20.1%, and 19.6% of total J.D. enrollment, respectively. Minority students accounted for 21% of the total entering class in 1999, and 21.2% of the entering class in 1998.
Growth in Foreign Summer Programs

Available Programs
Participating Schools
2000 ABA Foreign Summer Program Site Visits

During this summer the Consultant's Office on Legal Education to the American Bar Association will coordinate the following site evaluations for foreign summer abroad programs. Interested persons may submit written comments regarding a school or a program to the Consultant's Office. The comments should be sent to the Consultant's Office by July 31, 2000.

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<tr>
<th>PROGRAM DATES</th>
<th>LAW SCHOOL</th>
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<td>AMERICAN</td>
<td>Santiago, Chile</td>
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<td>June 29 - Aug 8</td>
<td>ARKANSAS / BALTIMORE</td>
<td>Haifa, Israel</td>
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<td>BAYLOR</td>
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<td>DRAKE</td>
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<td>DUKE</td>
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<td>DUQUESNE</td>
<td>Beijing, People's Republic of China</td>
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WINTER 2000 — SYLLABUS — 15 —
New Study Finds Borrower's Credit History Strongest Predictor of Loan Default

A study conducted by Kirk Monteverde, Access Group's Director of Research, has found that by far the most powerful predictor of whether a law student will default on a privately guaranteed Law Access Loan is the student's individual credit history, as summarized by his or her credit bureau score. This finding holds true regardless of the perceived reputation of the borrower's law school (as measured by the school's median matriculate LSAT score), and regardless of regional employment patterns.

Entitled "Managing Student Loan Default Risk: Evidence from a Privately Guaranteed Portfolio," the study is to be published in the June 2000 issue of Research in Higher Education. It confirms the findings of previous research, that determinants of student loan default are primarily borrower-based rather than linked in any causal manner to the borrower's school of attendance.

The study found a statistically significant association between an individual borrower's credit score risk classification and his or her default odds. A borrower whose credit score at loan origination indicated that he or she was a "very high" credit risk was roughly five times more likely to default than a "low risk" borrower, all other things (e.g., time into repayment and year and region of graduation) being equal. Similarly, "very high risk" borrowers were three times more likely to default than "moderate risk" borrowers.

Other more conventional default predictors, such as a school's reputation, regional employment patterns, and geographical location, were also found to be statistically significant. Yet it is not the statistical but rather the substantive importance of the borrower credit risk category variable that makes it the most striking.

For example, according to conventional wisdom, an Ivy League school with a top reputation, as measured by a high median LSAT score, would be presumed to produce law graduates with the best possible default profile. Nevertheless, a "very high risk" individual borrower graduating from an Ivy League school is a poorer default risk, according to the paper's statistical model, than a "low risk" borrower who graduates from a school with even the very lowest perceived reputation, in a geographic region suffering from high unemployment in the attorney labor market. The borrower-based credit effect simply swamps any school reputation, region, or macroeconomic considerations.

"Therefore, as a practical matter, we have decided to rely on borrower behavior, as reflected in the credit bureau score, as our primary means of screening potential borrowers," explains Dr. Monteverde.

Study Design
The focus of the study was Access Group's Law Access Loan (LAL), a long-term, unsecured, variable-rate consumer installment loan for law students. For the study, retrospective data was gathered on 13,000 students who had borrowed LALs for the 1991-92 academic year, who were generally scheduled to graduate in 1992, 1993, or 1994. The study examined the default experience of this sample during the first four years after graduation, testing both "borrower risk proclivity" and "school of attendance" variables to see which group was more predictive of default. While both groups of variables were found to be statistically significant, the borrower's individual risk profile was a far more substantive default predictor. Furthermore, Dr. Monteverde interprets the statistical significance of "school of attendance" as an indirect result of differences in law school reputations and argues...
that school reputation is one means by which a student's ability to pay (as opposed to willingness to pay) can be enhanced (i.e., students at more prestigious schools are typically more heavily recruited and may receive higher starting salaries).

Each borrower's credit bureau score (largely a measure of willingness to meet one's financial obligations) was used as the single summary measure of his or her relative personal creditworthiness. First, the borrowers were divided into risk classes of roughly equal thirds, based on their raw credit scores. The top one-third of borrowers was designated "low risk." The next one-third was designated "moderate risk." The bottom third of borrowers, whose scores would normally be rated "sub-prime" by the consumer credit industry, was then subdivided again into "high risk" and "very high risk" borrowers.

The cut-off between these two groups was set at the score below which a co-signer would be required today for a Law Access Loan. (For the 1991-92 retrospective sample, 9% of borrowers had scores that would have placed them in the "very high risk" class.) A logistic regression analysis was used to test the predictive power of these credit score classifications.

Study Results in Changes to Access Group Loan Programs

As a result of the finding that borrowers' attitudes toward the use of credit, as demonstrated by their credit history, are the single biggest predictor of default on privately guaranteed loans, Access Group introduced borrower-based guarantee fee pricing in the 1996-97 program year. In 1997, having been convinced of the credit score's efficacy in predicting default, the company began using the generic credit bureau score as the primary measure of credit risk. This means that a student with an excellent credit record, as indicated by a high credit score, although attending a school with a low perceived national reputation, can get a loan through Access Group with favorable guarantee fee pricing.

"We are very pleased with our new risk management system," says Dr. Monteverde. "Setting guarantee fees according to creditworthiness means that borrowers with good credit records are no longer subsidizing those with poor credit records, and using the credit score allows us to remove the highest-risk applicants from our pool of borrowers, which will help lower eventual default rates."

FOOTNOTE:

1 A credit bureau score is a statistically derived measure of an individual's past credit behavior, created by applying an algorithm to credit history elements, used to help determine the risk of extending credit to an individual. Although use of this borrower-based measure has not been previously reported in the student loan default literature, this variable quite directly captures the "borrower risk" construct that this literature has generally found most predictive of default.

NOTE: This brief synopsis does not discuss other aspects of this complex study, such as "loan seasoning," survival analysis, and secondary effects. To learn more, see the full study in the June 2000 issue of Research in Higher Education.
MacCrate Report Re-visited

by John D. Feerich

There have been many important moments in the education of future lawyers. The apprenticeship method of preparation yielded to training in law schools, of which there are now 182 ABA-approved schools. The lecture method of instruction gave way to the case method and socratic dialogue, and then clinical education entered American law schools as an additional way of preparing future lawyers.

As legal education grew, so did the role of the bar in assuring competence and integrity among its members. Codes of ethics, bar examinations, character and fitness criteria, disciplinary bodies, and continuing legal education requirements became part of the American legal landscape. There also arose in the ABA-approved law schools and the organized bar a vast array of pro bono activities and programs to assist all segments of the population gain access to justice.

Beginning in the 1980's and continuing to date, the legal profession in the United States has sought repeatedly to address the negative perceptions held by members of the public concerning lawyers. One of the largest undertakings during this period was the landmark work of the MacCrate Commission, which issued in 1992 a Report urging the academy and practicing bar to come together to foster the professional development of law students and lawyers. Twenty states responded to the challenge by holding "conclaves." Several additional states embraced initiatives other than conclaves. The ABA Section on Legal Education and Admissions to the Bar and other entities within the Association also responded in significant ways to the decline in the image of the profession.

In the fall of 1998, Dean Robert K. Walsh of Wake Forest Law School and Laurel Bellows, on behalf of the National Conference of Bar Presidents, conceived of a national dialogue between the academy and bar to raise confidence and trust in the profession. Their hope was to stimulate more dialogue and collaborative projects in each state among all parts of the profession. The centerpiece of their initiative was a day long joint program in Dallas on February 11, 2000.

The Program was a remarkable success, with approximately 500 law school deans, law professors, bar presidents, bar executives and bar foundation representatives present. The conference opened with a keynote address by Indiana's Chief Justice, Randall Shepard, who laid out areas in which greater communication was needed, if not essential, for the future of the American legal profession. A plenary panel, which included Professor Deborah Rhode, Erica Moeser, and William Rakes, responded, following which these ten highly constructive workshops took place:

- **Practical Skills Training** - What are law schools doing to prepare students for practicing law?
- **Pre-Law School Preparation of Students** - Is there a core curriculum students should complete to enter law school?
- **Transitional Education** - How can the bar best assist in the transition from law school to practice?
- **Legal Scholarship** - How does the bar benefit from legal scholarship? How can the practicing bar and law schools work together to enhance legal scholarship?
- **Professional Ethics** - How can ethics be effectively taught to law students and lawyers?
- **Civility** - Where does it begin? What can bars and law schools do to emphasize the importance of civility in areas of practice that do not involve litigation?
- **CLE** - What is the goal of CLE? Is it working?
- **Bar-Academy Dialogue to Benefit the Profession** - How can there be better communication between the practicing bar and law schools?
- **Diversity in Law School and the Legal Profession** - Is diversity being reflected in the curricula, the hiring of faculty, the granting of tenure? What is the bar's role, if any, in the affirmative action debate?
- **Law School Curriculum** - Does the current curriculum adequately provide law students with the substantive background and "thinking" skills to practice law? Is there a place for input from the practicing bar? Should a law degree be a warranty of competence and integrity to the public?

The proceedings of the day will soon be published, highlighting the discussions on all of these subjects.

One of the most moving features of the day was a luncheon address by Robert MacCrate in which he noted that all the great movements in American legal education have involved joint efforts of the practicing bar and the academy. His pride in what had taken place on February 11 was obvious and immense. Only time will tell whether this historical gathering has a lasting impact. It deserves no less!

John D. Feerich is the dean at the Fordham University School of Law and helped coordinate the highly successful joint conference in February.
Update On Ethics 2000 Project And Summary Of Recommendations To Date

by Margaret Colgate Love

The Commission on Evaluation of the Rules of Professional Conduct (the "Ethics 2000" Commission) was established in the spring of 1997 to make a comprehensive study and evaluation of the ABA Model Rules of Professional Conduct in light of developments in the law and in the legal profession since their adoption in 1983. Experience had revealed substantive shortcomings in some rules and lack of clarity in others, and the need to reconcile text and commentary in a number of cases. Moreover, while 39 states and the District of Columbia had adopted some version of the Model Rules, there were significant variations in particular rules from jurisdiction to jurisdiction. The desirability of a complete review of the rules to promote national uniformity and consistency was underscored by the extensive and innovative interpretive work of The American Law Institute's Restatement of the Law Governing Lawyers, then nearing completion.

In the two and one half years since its establishment, the Commission has met frequently, held public hearings, and circulated rule change recommendations for public comment. It has opened its meetings to the public, engaged in regular communication with its 250-member advisory council, reached out to special interest groups, and posted its discussion drafts on the Internet. It has received hundreds of comments, which have resulted in numerous responsive modifications in its proposals. The Commission expects to submit a complete set of proposed recommendations to the ABA House of Delegates in the fall of 2000, and expects debate in the House to commence in the summer of 2001.

From the outset, the Commission has taken a relative ly "minimalist" approach to its task, opting to retain the basic format and approach of the Model Rules, and generally to clarify and refine rather than make major changes in particular rules. Its presumptive operating principle has been to make no changes that are not substantively necessary. At the same time, it has been mindful of the legal profession's rapidly changing internal and external environment, particularly the expanded scope and complexity of client activities, and new competitive pressures on law practice management (including specialization, multidisciplinary practice and increased use of in-house counsel). These developments have in turn drawn into question traditional jurisdictional limits on the practice of law, ethical restrictions on practice and fee-sharing with nonlawyers, and traditional notions of confidentiality, conflict of interest, and obligation to third parties. The Commission has considered it important to address these emerging trends, as well as situations in which state versions of particular rules vary widely, such as Rule 1.6 on confidentiality, in light of the ABA's historical role in developing consensus on ethical standards for the profession.

Summarized below are some of the more significant rule revisions the Commission has proposed to date, and some additional ones it is considering – with the caveat that its work will remain something of a moving target until it submits its report to the ABA House of Delegates. Any changes to the rules will not become effective until adopted by the House, and they will not be binding on lawyers unless and until they are adopted by the states. Some changes that the Commission has decided not to recommend are also of interest.

**Terminology**

1. "Informed Consent": In a
new Rule 1.0 ("Terminology") the Commission proposes to make clear a lawyer's obligations in connection with obtaining client consent (e.g., to conflicts of interest, to limitations on scope of representation, to business transactions with clients), by replacing the concept of "consent after consultation" with the somewhat more familiar concept of "informed consent." It also proposes to require that client consent in many cases be in writing, notably in connection with conflicts waivers. The requirement of written consent may be satisfied by a confirmation letter from the lawyer that need not be signed by the client. Commentary will explain how one determines the adequacy of communication necessary to obtain consent. For example, it may be relevant that the person from whom consent must be obtained is already aware of the relevant facts and their implications, though a lawyer who does not communicate them personally assumes the risk that the consent will be invalid. Moreover, "generally a client who is independently represented by other counsel in giving the consent should be presumed to have given informed consent." (A reference to client sophistication in an earlier draft of this rule has been deleted.)

2. Other Changes in Terminology: Rule 1.0 will also contain revised definitions of "firm" (includes corporate legal departments, legal service organizations, and government agencies; may include lawyers sharing office space, depending on the facts); "tribunal" (includes a court, an arbitrator in a binding arbitration proceeding, or "a legislative body, administrative agency, or other body acting in an adjudicative capacity"); and "writing" (includes both tangible and electronic records). The Commission is also considering whether to link the definition of "fraud" in Rule 1.0 to applicable substantive law.

Obligations to Clients

3. Fees: The Commission has proposed that Rule 1.5 ("Fees") be amended to require that the lawyer communicate the specified information about fees and the scope of representation to the client in writing. In addition, the rule will elaborate the requirement of reasonableness in connection with contingent fees, and reconsider the blanket prohibition on contingent fees in domestic relations matters. In this latter regard, the Commission has tentatively agreed that contingent fees should be permitted for post-divorce arrearages or property disputes, and will survey the various jurisdictions in contemplation of a more complete repeal. It has also determined that fees for referrals should be permitted without requiring division of work or joint responsibility (see Rule 1.5(e)), but will include a cross reference to Rule 1.1 to emphasize that referrals must be competent.

4. Confidentiality: The Commission has proposed a substantial expansion of the grounds for discretionary disclosure under Rule 1.6 ("Confidentiality of Information"), though it will recommend no change in the broadly defined concept of "information relating to the representation." Under existing Rule 1.6, a lawyer may reveal client information only if impliedly authorized to do so, to defend herself against criminal or disciplinary charges or in a fee controversy with the client, or "to prevent the client from committing a crime that is likely to result in imminent death or substantial bodily harm." The Commission's proposed changes would revise and expand the grounds for permissive disclosure, in line with the Restatement and the recommendations of a number of scholars, substantially reverting to the original proposals of the Kutak Commission. As proposed to be amended, Rule 1.6 will permit disclosure to the extent the lawyer believes necessary to prevent reasonably certain death or substantial bodily harm; to prevent the client from committing a crime or fraud likely to result in substantial financial injury, if it involves the lawyer's services; and to mitigate or rectify the consequences of a client's financial fraud or crime in which the lawyer's services were used. In addition to the existing "self-defense" exception to confidentiality, another new provision will explicitly permit the lawyer to disclose confidences to obtain legal advice about her compliance with the rules.

The Commission is currently considering how Rule 1.6 should deal with the situation where disclosure is required by some authority external to the rules ("by law or court order"), or where disclosure may be required by another provision of the Model Rules. At issue is whether Rule 1.6 should also make disclosure mandatory in such situations, or merely permissive. In a case where disclosure is required by law or court order, a parallel mandatory disclosure requirement under Rule 1.6 would add an ethical dimension to a lawyer's legal obligation, while permissive disclosure under Rule 1.6 would simply remove any ethical barrier to a lawyer's compliance with this obligation. Whichever approach is ultimately adopted by the Commission, new commentary will deal with a lawyer's duty to raise non-frivolous challenges to disclosure requirements external
to the rules. In addition, the Commission expects to reexamine the issue of whether and to what extent a lawyer may be required by other provisions of the Model Rules to disclose "information relating to the representation" in order to avoid assisting client crime or fraud.

5. Conflict of Interest - Current Clients: The Commission has completely reorganized Rule 1.7 (to be retitled "Conflict of Interest: Current Client”), in an effort to clarify its provisions on concurrent conflicts, but has made no substantial substantive change in them. It has defined what constitutes a conflict of interest, and made clear that a lawyer may not undertake a representation involving such a conflict without "informed consent" by each affected client. (See Rule 1.0 discussed in paragraph 1, supra.)

The Commission has proposed that client consent to a conflict be valid only if confirmed in writing (though the writing need not be signed by the client). It was persuaded that the requirement of a writing has proved workable in California’s diverse bar, and that it protects both clients and lawyers.

The Commission has also attempted to make clear that some concurrent conflicts are nonconsentable, notably where a lawyer or lawyers from the same firm seek to represent multiple clients asserting claims against one another in the same litigation or other proceeding before a tribunal. Moreover, under some circumstances a lawyer may not represent multiple clients even in a transactional setting, whether or not the clients wish her to do so, if she does not "reasonably believe" that she can "provide competent and diligent representation to each affected client." New commentary provides additional guidance on this point, as well as on joint representation generally (see infra).

Additions to commentary will discuss how a lawyer should respond to "unforeseen developments" giving rise to a conflict in the course of a representation, such as changes in corporate and other organizational affiliation, or the addition or realignment of parties in litigation, and whether the lawyer may continue to represent any of the clients in the circumstances. Other new comments deal with such controversial and unsettled conflicts issues as prospective waivers, corporate family conflicts, positional conflicts, the "thrust upon" conflict, and class action conflicts. (Note that conflicts of interest that may arise between an organization and its constituents, including constituents who purport to speak or act for the organization, are more specifically addressed by Rule 1.13, in whose provisions the Commission has proposed no substantive change.)

Rule 2.2 ("Intermediary") has been deleted entirely: the Commission was concerned that this rule has been the source of some confusion insofar as it suggests that a lawyer representing multiple clients as "intermediary" is not fully subject to Rule 1.7. The issues raised by joint representations are now discussed in a series of new comments to Rule 1.7. These new comments discuss the circumstances under which a lawyer may undertake a joint representation in the first place if it appears that the clients' interests potentially conflict; the effect of joint representations on client-lawyer confidentiality and the attorney-client privilege; limits on the scope of representation and advocacy in this context; and the lawyer's options if a conflict unexpectedly arises in the course of the representation and cannot be resolved (the lawyer "ordinarily . . . will be forced to withdraw from representing all of the clients if the joint representation fails"). A new rule on third party neutrals is also being proposed. (See paragraph 13 infra.)

6. Imputation of Conflicts: As under the current rules, conflicts arising under Rules 1.7 and 1.9 are imputed to all lawyers associated in a "firm" under Rule 1.10 ("Imputed Disqualification: General Rule"). The commentary to Rule 1.0 ("Terminology") explains that a "firm" may include lawyers sharing office space without adequate measures to protect confidential information. (See paragraph 2, supra.) The Commission discussed at length whether to recommend unconsented screening to avoid imputation, and decided against it.

As amended, the text of Rule 1.10 will exempt from imputation "personal interest conflicts" that do not present a "significant risk of materially limiting the representation of the client by the remaining lawyers in the firm." Thus, for example, the personal disqualification of a lawyer who has a financial interest in an opposing party, or who is personally related to or negotiating for employment with opposing counsel, will ordinarily not be imputed to other lawyers in the firm. Imputation of conflicts of former and current government lawyers will be handled as under the current rules. (See paragraph 7, infra.)

7. Conflict of Interest - Government Lawyers: No substantive change is being recommended in Rule 1.9 ("Conflict of Interest: Former Client"), except that it will now more clearly be applicable to former and current government lawyers. This means
that a former government lawyer may not, without the government's consent, represent a private client in a matter that is the same or substantially related to one in which he previously represented the government, if he would be adverse to his former government client. Moreover, he may not use or disclose information relating to his representation of the government to the disadvantage of the government, except where the information has become generally known. A current government lawyer is similarly barred from participating in any matter substantially related to one in which he represented a private client (or another government agency that is not considered to be the same client). Conforming amendments will be made to Rule 1.11 (now “Successive Government and Private Employment”, to be retitled “Special Conflicts of Interest for Former and Current Government Officers and Employees”). Rule 1.11 will now deal only with the “overflow” situation in which a former or current government lawyer wishes to participate in a matter where he will not be adverse to his former client.

Whether a former government lawyer's conflict arises under Rule 1.9 or Rule 1.11, screening will be permitted to enable lawyers associated with him to undertake a representation from which he is personally disqualified, as in the current rules. New commentary states that the screening arrangement contemplated by the rule must be instituted “in a timely manner,” and provide that the disqualified lawyer will not participate in the matter in any manner, or discuss it with any other firm member, and will be apportioned no part of the fee earned in the matter. The commentary also makes clear that, as under the current rules, conflicts of current government lawyers arising from former private representations, or from representation of another government agency, are not imputed to other associated government officers or employees, “although ordinarily it will be prudent to screen such lawyers.”

8. Prospective Clients: Under a new Rule 1.18, a lawyer will have the same duty of confidentiality to a person who consults with her about the possibility of forming a client-lawyer relationship, as she does to clients. In addition, a lawyer will not be permitted, without consent, to represent any clients against such a prospective client in the matter about which she was consulted (or one substantially related to it), if she received information from the prospective client that could be “significantly harmful” to him in the matter. Other lawyers in the firm will be permitted to undertake such a representation, however, as long as the personally disqualified lawyer “took reasonable steps to avoid exposure to more information than was necessary to determine whether to represent the prospective client” and is screened from any participation in the matter. (Note that this somewhat less rigorous treatment of the lawyer's conflict of interest obligations to prospective clients is based substantially on § 27 of the Restatement.)

9. Transactions with Clients: The Commission proposes to rework and clarify a number of the provisions of Rule 1.8 (“Conflict of Interest: Prohibited Transactions”), notably paragraph (a) regulating a lawyer's business transactions with clients. As amended, this provision will require the lawyer to advise the client in writing of the desirability of seeking independent legal counsel on the transaction, and to obtain the client's informed consent to the essential terms of the transaction and the lawyer's role in it, including whether the lawyer is representing the client's interests in the transaction. New commentary explains the risks associated with a lawyer’s dual role as legal advisor and participant in a transaction, pointing out that in some cases the conflict may be such that Rule 1.7 would preclude the lawyer from even seeking the client's consent to the transaction. New commentary also deals with such controversial issues as a lawyer's use of information relating to the representation to the client's disadvantage, appointment of a lawyer as executor of the client's estate, a lawyer's subsidization of lawsuits or administrative proceedings brought on behalf of a client, third party payment or direction, aggregate settlements, and prospective limitation of malpractice liability.

The Commission proposes to add a new paragraph (k) to Rule 1.8 to prohibit “sexual relations” between a lawyer and a client, unless a consensual sexual relationship existed at the time the client-lawyer relationship commenced. Another new paragraph (l) will make transactions prohibited by Rule 1.8 off limits to all lawyers associated in a firm, except for conflicts arising from close family relationships under 1.8(i), and from a lawyer's sexual relations with clients under the new 1.8(k). While such conflicts will usually also constitute personal interest conflicts under Rule 1.7, they will be imputed to associated lawyers only if they meet the heightened standard for imputation of such conflicts under Rule 1.10. (See paragraph 6, supra.)

10. Clients With Diminished Capacity: The Commission is
proposing a number of amendments to Rule 1.14 (titled to be changed from "Client Under a Disability" to "Client With Diminished Capacity") further explicating a lawyer's duties to a client whose capacity to make decisions concerning the representation is diminished by reason of minority or mental disability, or for some other reason. The term "diminished capacity" will be substituted for "disability" throughout the rule. Where the lawyer believes that a client with diminished capacity is at risk of physical, financial or other harm unless action is taken, the lawyer may take necessary protective action (including appointment of a guardian), and in such circumstances may be impliedly authorized under Rule 1.6 to reveal information relating to the representation to protect the client's interests. New commentary discusses the lawyer's relationship with the client's family members, and provides guidance for the lawyer in taking protective measures short of seeking a guardian. In considering alternatives, the lawyer "should be aware of any law that requires the lawyer to advocate the least restrictive action on behalf of the client."

11. Withdrawal from Representation: The Commission proposes to clarify and make minor revisions in the grounds for permissive withdrawal in Rule 1.16 ("Declining or Terminating Representation"). The text will be restructured to make clear that a lawyer may withdraw for any reason if withdrawal can be accomplished "without material adverse effect on the interests of the client." Where there would be such an adverse effect, paragraph (b)(4) will permit withdrawal only where the lawyer has a "fundamental disagreement" with the client's objectives or intended action, not simply where she considers them "imprudent." The Commission thus limited the lawyer's ability to threaten withdrawal whenever she disagrees with the client over the course of the representation, since this detracts from the client's ability to direct the representation. In addition, the lawyer may withdraw on grounds of "unreasonable financial burden" only if this was "unforeseeable" at the outset of the representation. Finally, lawyers will be reminded of the requirement of obtaining court approval for withdrawal in certain circumstances.

12. Sale of Law Practice: The Commission proposes to revise Rule 1.17 ("Sale of Law Practice") to allow the sale of a law practice to more than one buyer, although the rule would still require that the entire practice be sold.

13. Third Party Neutrals: The Commission will propose a new rule on lawyers serving as third party neutrals in ADR settings. This rule, temporarily designated Rule 2.x ("Lawyer Serving as Third Party Neutral"), will require lawyers serving as neutrals to make clear the nature of their role in the matter to the parties. The Commission decided after consultation with various ADR groups not to attempt further to regulate lawyers who serve as third party neutrals through lawyer ethics rules. It will, however, propose amendments to Rule 1.12 ("Former Judge or Arbitrator") to prohibit a former third party neutral (including an arbitrator) from representing any person in a matter in which she served as a third party neutral, if that person's interest would be adverse to the interests of a former party to the proceeding, without the latter's consent. The conflicts of former mediators or arbitrators would be imputed to other associated lawyers. Note that under existing Rule 1.12 the conflicts of former arbitrators, like those of former judges and other adjudicative officers, are not so imputed.

14. Limited Legal Service Programs: A new Rule 6.5 ("Non-Profit and Court-Annexed Limited Legal Service Programs") will address the ethical obligations of lawyers providing "short-term limited legal services" to persons of limited means under the auspices of a non-profit or court-annexed legal services program (such as "legal advice hotlines, advice-only clinics, or pro se counseling programs"). In these programs a client-lawyer relationship is established, but the lawyer is subject to the requirements of Rules 1.7 and 1.9(a) "only if the lawyer knows or reasonably should know that the representation of the client involves a conflict of interest." Rule 1.10 would not apply to such limited representations, so that a lawyer's personal disqualification would not be imputed to other associated lawyers. The commentary points out that a lawyer representing a client in the circumstances addressed by the rule "ordinarily is not able to check systematically for conflicts of interest," and therefore may "rely on his personal recollection and information provided by the client in the ordinary course of the consultation." If the representation becomes more extensive, the ordinary conflict of interest rules apply. The more relaxed treatment of conflicts of interest in the limited circumstances described in this rule was designed with an eye to the situation of part-time volunteers fulfilling their pro bono obligations, but the Commission is considering whether they should also apply to full-time legal service lawyers.
Obligations to Persons Other Than Clients

15. **Candor to the Tribunal:** The Commission proposes to clarify and refine a lawyer's obligation of candor to a tribunal under Rule 3.3 ("Candor to the Tribunal"). First, the Commission proposes to delete the requirement of materiality that now qualifies a lawyer's obligation not to make a false or misleading statement of fact or law to a tribunal, or fail to correct such a statement previously made. Second, with respect to the truthfulness of evidence offered by the lawyer's client or a witness called by the lawyer, the text will more clearly distinguish the situation where the lawyer "knows" the evidence is false or misleading from the situation where he only "reasonably believes" this to be the case. In the former situation, the lawyer may not offer the evidence, and must take remedial steps ("including, if necessary, disclosure to the tribunal") where he subsequently learns that "material" evidence offered by a client or a witness is false or misleading. New commentary will make clear that this obligation applies "in an ancillary proceeding conducted pursuant to the tribunal's adjudicative authority, such as a deposition." Where the lawyer does not "know" but only "reasonably believes" the evidence to be false, he may refuse to offer it but is not required to do so, and presumably is under no disclosure obligation if his doubts arise after the evidence has been offered. The testimony of a criminal defendant is excluded from this provision, so that a criminal defense lawyer may not refuse to allow his client to testify even if he "reasonably believes" his client's testimony is or will be false. The relevant commentary will be amended to refer to the constitutional right of a defendant to testify in his own behalf.

New commentary will elaborate the lawyer's duties when he believes a client intends to testify falsely, or when he learns subsequently that the client has so testified, suggesting various remedial steps that may be taken. The commentary will also discuss the level of certainty required of a lawyer before his ethical obligation of disclosure is triggered ("although a lawyer should resolve doubts about the veracity of testimony or other evidence in favor of the client, the lawyer cannot ignore an obvious falsehood"). Finally, it will delineate a lawyer's obligation to take remedial action where he learns that any person (including his client) has engaged in bribery or intimidation of a witness, juror, or other participant in the proceeding, destroying or concealing documents, or failing to disclose information to the tribunal when required to do so.

16. **Truthfulness in Statements to Others:** While the Commission has decided against proposing any change in the text of Rule 4.1 ("Truthfulness in Statements to Others"), the mandatory disclosure requirements of paragraph (b) would be extended if the Commission's proposed amendments to Rule 1.6 are adopted. (See paragraph 4, supra.) Paragraph (b) provides that a lawyer shall not fail to make disclosure to a third party where necessary to avoid assisting a client crime or fraud, "unless disclosure is prohibited by Rule 1.6." If Rule 1.6 is amended to permit disclosure to prevent or rectify the client's financial fraud or crime, as the Commission has proposed, then disclosure will no longer be "prohibited" in these circumstances, and the mandate of paragraph (b) will be correspondingly extended. In other words, some disclosures that are permitted under Rule 1.6 will now be required under Rule 4.1. (As previously noted in paragraph 4, supra, the Commission intends to reexamine the issue of whether and to what extent lawyers may be required under the rules to make disclosures in order to avoid assisting client crime or fraud.) The Commission has also recommended clarification in commentary of the definition of a "misrepresentation" prohibited or required to be disclosed under this rule (includes "partially true but misleading statements or omissions that are tantamount to an affirmative false statement").

17. **Communications with Represented Persons:** The Commission has spent a great deal of time and energy considering possible amendments to Rule 4.2 ("Communication with Person Represented by Counsel"), to meet concerns raised by the U.S. Department of Justice. Revised commentary has now been released for public comment makes one amendment to the black letter of the rule, confirming that otherwise prohibited communications may be authorized by court order. New commentary explains that "[a] lawyer who is uncertain whether a communication with a represented person is permissible may seek a court order in exceptional circumstances, for example, when a represented criminal defendant requests the prosecutor's assistance in obtaining substitute counsel in the matter."

Revised commentary will provide that communications "authorized by law" may include those made by a lawyer "on behalf of a client who is exercising a constitutional or other legal right to communicate with a government official," and those made in the course of "investigative activities of lawyers repre-
senting governmental entities, directly or indirectly through investigative agents, prior to the commencement of criminal or civil enforcement proceedings.” In this latter regard, the revised commentary reformulates the existing commentary respecting the relationship between Rule 4.2 and constitutional limits on government lawyers’ investigative activities: “The fact that a communication does not violate a state or federal constitutional right is insufficient to establish that the communication is authorized by law.”

The commentary will also make clear that the “no-contact rule” applies even when the represented person initiates the communication, and that a lawyer must immediately terminate communications if she learns that the person is one with whom communication is not permitted. Perhaps most significant, it modifies the test for determining the applicability of the rule in the organizational context: communication is prohibited with “an agent or employee of the organization who supervises, directs, or regularly consults with the organization’s lawyer concerning the matter or has authority to obligate the organization with respect to the matter, or whose act or omission in the matter may be imputed to the organization for purposes of civil or criminal liability.” The Commission also deleted the problematic reference in existing commentary to any other person “whose statement may constitute an admission on the part of the organization,” on the theory that lawyers cannot know in advance whether the information they elicit will be binding on the organization.

A new sentence has been added to the commentary to confirm that consent of the organization’s lawyer is not required for contacts with former agents and employees, reflecting the Commission’s judgment that there is not sufficient unity of interest between an organization and its former employees to justify treating a former employee as a representative of the organization. The commentary warns that a lawyer communicating with former agents or employees should not solicit or assist in the breach of any duty of confidentiality owed to the organization. Finally, the rule’s scienter requirement has been corrected to eliminate the suggestion that a lawyer’s actual knowledge can be established by proof that the lawyer had “substantial reason to believe” that a person was represented, which is inconsistent with the relevant definitions in Rule 1.0.

18. Dealing with Unrepresented Persons: The Commission proposes to restore to Rule 4.3 (“Dealing with Unrepresented Person”) a provision from the Model Code prohibiting a lawyer from giving legal advice to an unrepresented person whose interests “are or have a reasonable possibility of being in conflict” with those of her client, other than the advice to seek counsel. New commentary will provide guidance on what constitutes impermissible advice giving, and allude to the particular problems that may arise when a lawyer for an organization deals with an unrepresented constituent.

19. Inadvertent disclosures: A new provision in the commentary to Rule 4.4 (“Respect for Rights of Third Persons”) deals with the currently controversial issue of the “errant FAX.” It provides that a lawyer who receives a document and has reason to believe that it was inadvertently sent, must promptly notify the sender. The Commission concluded that the rule should not otherwise attempt to sort out a lawyer’s possible obligations under other law in connection with examining and using confidential documents that come into her possession through the inadvertence or wrongful act of another.

20. Special Responsibilities of a Prosecutor: The Commission has proposed making no substantive changes to the text of Rule 3.8 (“Special Responsibilities of a Prosecutor”). It is recommending amendments to commentary to clarify that a prosecutor’s disclosure obligations under paragraph (d) go beyond those imposed by constitutional law, and extend to evidence that tends materially to impeach a government witness. It is also recommending deletion of a controversial reference in comment [1] suggesting that a prosecutor’s disclosure obligations in the grand jury are governed by Rule 3.3(d), and adoption of a new comment linking a prosecutor’s grand jury disclosure obligations to the requirement in Rule 3.8(a) that charges be supported by probable cause.

21. Nondiscrimination: The Commission decided against adding a provision to the black letter of Rule 8.4 (“Misconduct”) prohibiting discrimination, concluding that comment [2] was adequate to deal with the issue.

The Practice of Law

22. Law Firm Management and Discipline: The Commission will recommend that the text of Rule 5.1(a) (“Responsibilities of a Partner or Supervisory Lawyer”) and Rule 5.3(a) (“Responsibilities Regarding Nonlawyer Assistants”) be amended to make clear that the responsibilities imposed by these provisions to ensure that other lawyers and nonlawyer assistants
comply with the rules, apply not just to "partners" in a law firm, but to all lawyers with "managerial authority" in a firm (defined in Rule 1.0 to include corporate legal departments, legal services organizations, and government agencies, see paragraph 2, supra). In addition, it has accepted a recommendation from the ABA Standing Committee on Professional Discipline to extend these duties to law firms as well, and will propose conforming amendments to the text. The commentary to Rule 5.1 will elaborate the duty to establish internal policies and procedures to provide reasonable assurance that all lawyers in a firm will conform to the rules, including procedures designed to detect and resolve conflicts of interest, to account for client funds, and to ensure proper supervision of inexperienced lawyers, as well as nonlawyers employed by a firm. Similar additions will be made to the commentary to Rule 5.3.

The Commission considered and rejected a proposal to delete paragraph (b) of Rule 5.2 ("Responsibilities of a Subordinate Lawyer"); on grounds that this might mislead junior lawyers into thinking that they were safe in "following orders" of a senior lawyer. It decided to recommend no changes to Rule 5.6 ("Restrictions on Right to Practice").

23. Multidisciplinary Practice: The Commission has deferred action on Rules 5.4 ("Professional Independence of a Lawyer") and 5.7 ("Responsibilities Regarding Law-Related Services") pending completion of the work of the ABA Commission on Multidisciplinary Practice. (The 3/23/00 draft recommendation of the MDP Commission renews its earlier proposal that lawyers be permitted to share fees and join with nonlawyer professionals in a multidisciplinary practice, provided that the lawyers have the control and authority necessary to assure lawyer independence in the rendering of legal services.)

24. Information About Legal Services: The Commission is recommending only minor amendments to the rules governing the provision of information about a lawyer's services, including targeted solicitations and Internet advertising. It proposes to reduce Rule 7.1 ("Communications Concerning A Lawyer's Services") to a simple prohibition against false or misleading communications, and to provide additional guidance in commentary about what constitutes a misleading statement. It rejected proposals to relax the restrictions in Rule 7.3 ("Direct Contact With Prospective Clients") on in-person or live telephonic or electronic contact, but declined to adopt a proposal to establish a 30-day ban on direct-mail communication with accident victims.

25. Unauthorized Practice and Choice of Law: The Commission has approved significant changes to Rule 5.5 ("Unauthorized Practice of Law") and Rule 8.5 ("Disciplinary Authority: Choice of Law") that would recognize the fact that modern practice crosses jurisdictional boundaries in a variety of ways. Proposed amendments to Rule 5.5 would define "safe harbors" for a lawyer practicing outside his licensing jurisdiction: to prepare for a proceeding in which he expects to be admitted pro hac vice; to take action on behalf of a client of which he is an employee; and to handle a matter that is reasonably related to his practice on behalf of a client in a jurisdiction where the lawyer is licensed. This incremental approach seems to be an appropriate response to the growing sentiment against blanket "unauthorized practice" restrictions on lawyers, while acknowledging the concerns of those who may have a more parochial view.

Under proposed amendments to Rule 8.5, a lawyer practicing in a jurisdiction where he is not admitted is subject to the disciplinary authority and rules (including choice of law rules) of that jurisdiction, as well as the jurisdiction where he is licensed.

26. Mandatory Pro Bono Service: The Commission has been wrestling with the question whether to amend Rule 6.1 ("Voluntary Pro Bono Publico Service") to make mandatory a lawyer's obligation to perform 50 hours of pro bono service. One compromise option would be to leave the obligation voluntary, but require reporting. The Commission will seek public comments on this issue.

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The Commission is grateful for the strong interest shown in its work by so many members of the profession, and for the many insightful comments it has received to date on its proposals. It is especially grateful to those who have regularly attended its meetings and public hearings, and participated so helpfully and patiently in its sometimes protracted discussions. As the Commission nears completion of its work, and public interest in its recommendations intensifies, it is mindful of the debt it owes all those who made their views known early on. Their contributions have had a significant impact on the Commission's work.

From the beginning, the Commission has hoped to use the unprecedented openness of its
process to build a substantial body of support for its proposals by the time they are ready for presentation to the House of Delegates. Judging from the lively engagement of so many members of the profession, and the generally enthusiastic response to the Commission's work to date, this strategy appears to be succeeding. The Commission looks forward to delivering recommendations that will command consensus within the legal profession and respect within the larger community.

FOOTNOTES:

1 Since 1997, three additional states have adopted some version of the Model Rules.

2 The only rule that explicitly trumps Rule 1.6 is Rule 3.3 ("Candor to the Tribunal"), which requires disclosure of false or misleading evidence offered to a tribunal "even if compliance requires disclosure of information otherwise protected by Rule 1.6." See paragraph 15, infra. Rule 4.1 ("Truthfulness in Statements to Others") requires disclosure to third parties to avoid assisting client crime or fraud, but this obligation is qualified where "disclosure is prohibited by Rule 1.6." The effect of the Commission’s proposed amendments to Rule 1.6 on the disclosure requirements of Rule 4.1 is discussed in paragraph 16, infra.

3 As amended, Rule 1.7(a) would provide: A conflict of interest exists if the representation of one client will be directly adverse to another client; or, there is a significant risk that the representation of one or more clients will be materially limited by the lawyer's responsibilities to another client or to a former client or by the lawyer's own interests or duties to a third person.

4 The Commission held a number of meetings with representatives of the Justice Department in an effort to develop mutually acceptable revisions of Rule 4.2. These negotiations came close to resolving outstanding issues in the spring of 1999, and the Commission remains hopeful that the Justice Department will support the amendments to the rule when they are proposed to the House.

Joint Diversity Workshop Planned

“Action and Accountability: Diversity Imperatives for a New Century” is the theme for the Joint AALS/ABA/LSAC workshop on diversity to be held in Denver, Colorado, October 5-7, 2000. The workshop will explore the issues that affect the goal of achieving racial diversity in the legal profession.

Topics to be discussed include legal challenges, admission criteria, the law school environment, bar admission, and the supply and demand for lawyers. The workshop will include panel presentations and small group discussions.

Confirmed speakers include: Norma Cantu (U.S. Department of Education), Nathan Glazer (Professor and Author), David Hall (Northeastern University), Joseph Harbaugh (Nova Southeastern University Shepard Broad Law Center), Alex Johnson (University of Virginia School of Law), Wallace Loh (Seattle University), Peter Martin (Cornell University Law School), Henry Ramsey (Former Dean Howard Law School), Leo Romero (University of New Mexico School of Law), Kathleen Sullivan (Stanford Law School), Gerald Torres (University of Texas School of Law), and Abbie Willard (Georgetown University Law Center). Registration packets will be sent in late spring. For additional information, contact the LSAC Office of Minority Affairs 215-968-1338 or diversity2000@lsac.org.

Proposed Changes to the Standards

Pursuant to the Section's Validity and Reliability Plan, the Standards Review Committee reviewed Chapters Five, Six, and Seven during the 1999-2000 academic year. The Committee met on the following dates: October 2-3, 1999; November 21, 1999; March 4, 2000; and May 17, 2000. Three public hearings were held on the proposed changes: the first on January 6, 2000, at the Annual Meeting of the Association of American Law Schools in Washington, DC; the second on February 11, 2000 at the Mid-Year Meeting of the American Bar Association in Dallas, Texas; and the third on May 17, 2000 following the Deans' Breakfast at the Annual Meeting of the American Law Institute in Washington, DC.

At its June 3-4, 2000 meeting, the Council for the Section of Legal Education and Admissions to the Bar considered the proposed changes as recommended by the Standards Review Committee. After careful consideration, the Council adopted the proposed changes with modifications. As a result, the ABA House of Delegates will consider the proposed changes at the 2000 ABA Annual Meeting. For your convenience, the proposed changes are posted on the Section's website.
**EDITOR'S NOTE:** Unfortunately, this will most likely be my last regular issue of Syllabus as the editor. My last issue, which will be coming out shortly, will be dedicated to James P. White for his many years of service. As you probably know by now, I have started a new position as the Director and Counsel of Trial Court Technology for the state of Indiana. Although I am very excited about my new position, I will miss my involvement with Syllabus and the Consultant's Office.