

SYLLABUS

American Bar Association Section of Legal Education and Admissions to the Bar

The Educational Continuum for Lawyers:

Collaborations Among the Academy, Bench and Bar



Panelists at the first plenary session included Harry T. Edwards, U.S. Court of Appeals for the D.C. Circuit; Erica Moeser, President, National Conference of Bar Examiners; W. Taylor Reveley III, Dean, William and Mary Law School; and Pauline A. Schneider, Esq., Orrick, Herrington & Sutcliffe, LLP.

A legal education conclave composed of more than 100 people from around the country and included judges, practicing lawyers, deans and faculty members was held in Chicago on April 28-29, 2007. The conclave was sponsored by the ABA Section of Legal Education and Admissions to the Bar, and was substantially funded by grants from LexisNexis and Thomson West.

William R. Rakes, chairperson of the Section and convener of the conclave, stated the purpose of the conference: "We can identify issues relating to legal education that are important to the profession as a whole and provide a

forum for consideration among some of the brightest and most thoughtful practitioners, judges and academics we can assemble." He added, "It is hoped that the ideas that come out of the conclave can be widely exported to the judiciary, academy and bar for consideration and development over future months and years."

The first plenary session was titled "The Current State of the Professional Education Continuum." Dean W. Taylor Reveley of William and Mary Law School moderated the panel, which included Judge Harry Edwards of the District of Columbia Court of Appeals, Erica Moeser, President of the National Conference of Bar Examiners, Pauline Schneider, a practitioner from the District of Columbia, and Chief Justice Randall T. Shepard of the Supreme Court of Indiana.

The second plenary session, "Looking to the Future—A Round-Table Discussion," was moderated by Talbot "Sandy" D'Alemberte, former dean and president of Florida State University, and past president of the

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Legal Writing Community Seeks Broader Reach at Nairobi Conference

By Camille deJorna, Associate Consultant

The Conference on the Pedagogy of Legal Writing for Academics in Africa was held March 15-17, 2007, at the Fairview Hotel in Nairobi, Kenya. Organized by Laurel Oates and Mimi Samuel from the Seattle University School of Law, the Conference brought together 30 African participants from seven countries, representing 11 academic institutions, several legal aid clinics, and two bar societies, as well as 20 participants from U.S. law schools. Okech Owiti, Dean of the University of Nairobi Faculty of Law, served as a keynote speaker and provided

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From the CHAIRPERSON

By William R. Rakes, Esq.

Law schools must act on commitment to diversity

A good bit of confusion has developed about how the ABA Section of Legal Education and Admissions to the Bar considers diversity among law students and faculty when granting or extending its approval of law schools.

For nearly 30 years, since 1980, the ABA Standards have required law schools to demonstrate a commitment to diversity. Standards 211 and 212, dealing with nondiscrimination and equal opportunity, had not gener-



ated particular controversy. But in late 2004, the Section decided it was time to examine them. Despite changes in law and institutional practices, the

equal-opportunity Standards had not been reviewed or revised for a decade. To provide adequate guidance to law schools, the Section sought greater clarity in what schools are permitted and required to do.

Last year, after conducting open hearings and soliciting extensive public comment, the Section modified the diversity Standards. New Standard 212 requires schools to demonstrate their commitment to diversity by “concrete action.” It does not require any specific action. Rather, it requires action that takes into account each school’s

individual circumstances.

In essence, revised Standard 212 is an “effort” standard. It requires law schools to demonstrate that they have made an effort to diversify. It does not require specific results. An interpretation of the Standard states that while results are relevant, they are not determinative of whether the school has satisfied the Standard’s requirements.

Examples of steps that could contribute to satisfying the Standard include recruiting on college campuses with significant populations of minority students, encouraging high school students from underrepresented groups to consider law as a career, creating summer programs to help all students prepare for admission to law school, and considering factors other than undergraduate GPA and LSAT scores in making admissions decisions—factors such as student leadership, workplace experience, and graduate education.

Revised Standard 212 does not impose significant new requirements on law schools. Rather, it provides greater clarity. But the revision created a firestorm. Some who are concerned about the dearth of minority law students argued the change did not go far enough. Others who oppose affirmative action characterized it as social engineering, a disguised attempt to impose quotas, or too vague and thus inevitably subject to inconsistent application.

Both extremes reflected serious misconceptions about the revisions and their effect.

The Standards were carefully drawn to conform to the guidance

of the Supreme Court’s 2003 opinion in *Grutter v. Bollinger*, which arose out of admissions policies at the University of Michigan Law School. The *Grutter* majority found real educational value in diversity. It is that value that the ABA Standards seek to make available to law students in every ABA-approved school.

Diversity enriches the education of all students from all backgrounds. It does so by infusing the law school with a variety of perspectives, interests, and experiences. In *Grutter*, the Court also recognized that diversity is essential not only for the preservation of our democracy, but also for our nation’s continued ability to compete and lead effectively in world economic and political spheres. The Court acknowledged that numerous business interests and the military had argued that the skills needed in today’s increasingly global marketplace can be developed only through exposure to widely diverse people, cultures, ideas, and viewpoints.

Diversity can be achieved in a variety of ways, and the Standard urges law schools to seek diversity with actions that conform to each school’s mission. Contrary to the claims of critics:

- It does not require race-conscious admissions decisions, although it permits consideration of race among a range of factors a school may review.
- It does not require schools to violate state constitutions or laws. Schools in states where race-conscious admissions policies are forbidden can observe the Standard while remaining in full compliance with state law. They would have to demonstrate the commitment to achieve diversity by other means.
- It does not impose quotas. The ABA rejected a recom-

mentation that the Standards require law schools to enroll a “critical mass” of students from underrepresented minority groups, in part because that could be viewed as establishing an unconstitutional quota requirement. Aside from this concern, the Section is persuaded that the widely varying demographics of markets in which law schools recruit their student bodies means a result criterion would not be feasible.

Nonetheless, the revised Standards have sparked intense interest and heated debate. Of particular note is the challenge from the staff of the U.S. Department of Education, which claimed the Standards are too imprecise to be applied consistently. The challenge was surprising on several fronts.

First, the ABA Standards are not remarkable in the world of accrediting institutions of higher education. In fact, at least 16 other national accrediting agencies employ similar standards. None of them has been challenged either for inconsistent application or for risk that application might be inconsistent.

Second, there is not one reported instance of any school, student, or government agency suggesting the Section on Legal Education has not applied its diversity Standards consistently. As noted, the new Standard is not significantly different from the old Standard. There is no basis to conclude the Section will stray from its record now.

Third, it’s surprising that the

Department of Education staff directed their attention to the diversity Standard at all. By its own procedures and regulations, the department considers numerous factors in approving agencies to accredit institutions of education. Diversity is not among them, and diversity standards have never been at issue in the past when the department evaluated accrediting agencies for renewal.

After a December hearing, the Department of Education’s National Advisory Committee on Institutional Quality and Integrity recommended that the Section’s approval be renewed, with no mention of the diversity Standard. In effect, this overruled the recommendation of the department’s legal staff. As of this writing, the recommendation was pending with the Secretary of Education, with no timetable for a decision.

Requests have been made for a meeting with the Secretary and with the Deputy Secretary, with no responses to those requests. The Section continues to believe that the Secretary should not concern herself with the diversity Standard—it is not within the Department’s purview.

Whether or not the Secretary considers the diversity Standard, the Section is convinced that it is both legal and in the best interests of law schools, law students, the legal profession, and the future of our nation. 🏠

A portion of this article previously appeared in the May 2007 issue of Student Lawyer. Copyright 2007 American Bar Association. Reprinted by permission.

SYLLABUS

Volume 38, Number 3 • Spring 2007

Editor: Mary McNulty

Designer: Sonya Taylor

The Section of Legal Education and Admissions to the Bar publishes *Syllabus* three times a year. Opinions and positions stated in individual articles are those of the authors and not necessarily those of the American Bar Association or members of the Section of Legal Education and Admissions to the Bar.

The editor reviews all manuscripts, and those accepted become the property of the American Bar Association. Manuscripts or letters may be submitted to the American Bar Association, Section of Legal Education and Admissions to the Bar, 321 N. Clark St., Chicago, IL 60610.

Change of address should be sent to Member Services Division, American Bar Association, 321 N. Clark St., Chicago, IL 60610. Please include mailing label.

The price of an annual subscription to members of the Section of Legal Education and Admissions to the Bar is included in the dues. Subscriptions to nonmembers are \$15.

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www.abanet.org/legaled

From the CONSULTANT

By Hulett H. Askew, Consultant on Legal Education

Collaboration

Once heard Chief Justice Rehnquist compare the legal profession to a three-legged stool. The three legs are the practicing bar, the judiciary and legal educators. Each is dependent on the other two, and the system of justice depends on all three being stable or else the stool will not stand.

Having worked for 15 years for the Supreme Court of Georgia



before taking this position, I am very sensitive to the need for collaboration between and among the three legs of the profession. I have experienced the benefits of collaboration in fostering respect and understanding by the Court for the profession and for legal education. I also believe that the more transparency the State Supreme Court encourages regarding the bar exam and the bar admissions process the better.

This year, the Section is taking several steps to facilitate better communication and collaboration among the practicing bar, the judiciary and the academy. The Chairperson of the Council, Bill Rakes, came into office in August 2006 with a strong commitment to fostering this collaboration. Two "mini-conclaves," bringing together the three legs of the profession, have been planned to coincide with Council meetings. In December 2006 a mini-conclave was held in Naples, Florida,

focusing on the topic of distance education involving members of the Florida bench, bar and the academy. Another mini-conclave will be held in June 2007 in Charlottesville, bringing together Virginia judges, lawyers and legal educators to discuss the status of legal education in that state. And lastly, the National Conclave (*Educational Continuum for Lawyers: Collaborations Among the Academy, Bench and Bar*) was held in Chicago at the end of April to focus on the 15 years that have passed since the issuance of the MacCrate Report in 1992 and prospects for the future.

In addition, the Section has been invited by the Conference of Chief Justices to jointly sponsor a meeting in February of 2009 involving the Deans of all ABA-approved law schools and each of the Chief Justices. This will be a wonderful opportunity for a dis-

cussion of issues of mutual interest and concern, and hopefully will serve as a forum for exploring opportunities for collaboration in the future. A joint committee of Deans and Chief Justices will plan the agenda for the meeting.

The Section's Bar Admissions Committee consists of four Supreme Court Justices; four Deans, an Associate Dean and two professors; six lawyers with bar examining responsibilities, and the Executive Director of a State Bar. It for many years has served as a think tank, if you will, for issues of vital concern to all the constituencies of the Section. The Committee has developed Model Rules on Admission on Motion and Conditional Admission, and for the last two years has been engaged in very interesting discussions of the potential for developing and promoting a Uniform Bar Exam (I will write about that work in my next column). The Committee through its work has demonstrated the value of collaboration on matters that are relevant to, and often involve important values of, the bar, the bench and the academy. ♣

VOLUNTEER OPPORTUNITIES

Site visits required by the ABA Standards for Approval of Law Schools and the Rules of Procedure for the Approval of Law Schools are organized by the Office of the Consultant on Legal Education. These visits may be regular site visits for fully-approved law schools, which take place every seventh year; visits to provisionally-approved schools, which take place each year; visits to schools seeking provisional approval; and any special site visits that may be ordered by the Accreditation Committee or the Council in accordance with the Standards and Rules of Procedure.

If you are interested in serving on a site evaluation team, please contact one of the following persons for more information:

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New Publications and Technology Manager Named

By Carl Brambrink

We are pleased to announce that Mary McNulty joined the staff of the Office of the Consultant on Legal Education as Publications and Technology Manager. A graduate of Washington College in Maryland with a B.A. in sociology, Mary also attended the Northern Illinois University School of Journalism. Before joining the Section, she was the director of development for Chicago Women in Trades where she oversaw the agency's fundraising campaigns and wrote, edited, and coordinated the production of a number of publications. As recently as 2005, she worked as a freelance writer and editor for Lake Claremont Press,

The Gale Group, the *Daily Herald*, and the *Chicago Tribune*. Not entirely new to legal education, Mary was the first non-member, professional editor for the American Association of Law Libraries, where she held the position of manager of publications and public relations from 1988 to 1993.

Mary's work as Publications and Technology Manager will focus on managing the writing services for the Section of Legal Education and Admissions to the Bar and working directly with Section leadership and senior ABA staff, to create and distribute written materials in support of the Section's priorities, public policy initiatives, and major

activities. When asked about the direction she would like to take Section publications, she said that her first focus would be "to increase the number of substantive articles on legal education in *Syllabus*." Outside of the office, Mary is an active volunteer in a number of organizations and an advocate for women's rights, serving on the board of directors of the Chicago Girls' Coalition and Chicago Women in Trades.

We are fortunate to have someone with Mary's talents and abilities join the Section in this important position. Please join us in welcoming her to the staff. 🏠



CELEBRATING DR. KING'S LEGACY

Camille deJorna, the Section's Associate Consultant, was a guest speaker at Valparaiso University's celebration of the life and legacy of Dr. Martin Luther King, Jr. in January. The theme of the four-day observance was "Partners in Change: Women, Community, and the Movement." Camille (center) is joined in the photograph by Zahra Nwabara, Director of Admissions and Chair of the 2007 MLK Committee, and Dean Jay Conison of the Valparaiso University School of Law.

Common Ground: Challenges Shared by Medicine & Law in Diversifying the Profession

By Sunny Gibson, MSW, Director, Office of Minority and Cultural Affairs
Northwestern University Feinberg School of Medicine

Diversifying a profession is an ongoing challenge, especially when that profession can only be entered after a long, cumulative educational journey. Medicine and law share common roots of social justice and common challenges in terms of building diversity among the ranks. The impetus for this article



came after serving on a panel called “Lessons We Can Learn” at a Regional Pipeline Conference sponsored by the American Bar Association’s

Presidential Advisory Council on Diversity in the Profession in March of this year. Discussing diversity with another profession was both refreshing and daunting. On one hand, there was elation that another profession was also working diligently to build diversity; on the other hand, it seemed daunting that both faced similar challenges and barriers to success.

SHARED CHALLENGES Compounding Educational Disparities

As with any graduate level profession, educational preparation is a significant barrier for many underrepresented students. Access to quality education remains unequal in this country, and disparities compound with each

level. Because of educational inequalities, many students enter college ill prepared for the challenges before them and do not get proper advising during the undergraduate years. Because the grade point average is one of the main areas of assessment for admissions, many talented minority students who may have faltered in their early college years fall short in gaining entrance to a graduate program. Educational barriers make the pool of available and “qualified” students small, which subsequently keeps the numbers of applicants low.

The Mighty LSAT/MCAT

Standardized testing for entry into the profession—and licensure in the profession—is another challenge that medicine and law share. Minority students typically score lower on standardized exams (even when controlling for parental education and socioeconomic factors), making it sometimes difficult for them to gain a competitive edge in the admissions process. The aforementioned educational disparities culminate in many students lacking a strong skill set in standardized test-taking. Add the fact that students of color are aware of test score disparities, which often creates self-fulfilling prophecies. Preparation resources are often too expensive or inadequate for many minority candidates, leaving them with fewer resources to master a difficult exam.

The admissions tests are not

perfect predictors, and often over- or under-predict success for different groups. Controversy and frustration abounds when it comes to LSATs and MCATs, but they are a reality of admissions that can be overcome. The MCAT accounts for 50 percent of the variance in student performance in medical school, so it has reasonable cause to remain one—of hopefully many—elements of assessment in the admissions process. Although tests help predict student success in the classroom, they do not provide the entire picture for potential success in the professional realm. Admissions committees are continually struggling with more reliable elements of assessment in admissions that predict success in the clinic or courtroom.

What Makes a Good Doctor/Lawyer?

The true implementation of holistic review is an ongoing challenge for professional schools. Do application elements such as service, community leadership, and research help predict who will be a successful doctor or lawyer? We understand the limitations of using a test to predict professional success, since the test content does not address other important areas such as people skills, resilience, critical thinking, problem solving, etc. Many admissions committees understand the limitations of GPAs and MCATs/LSATs and use them in a larger context of admissions rubrics, thereby

ensuring all students receive the fullest holistic consideration. However, we still have a long way to go to change the way success or rank for schools is measured. There is entirely too much focus on numbers and board/bar passage rates/scores, which makes it difficult for schools to embrace truly holistic processes.

PROPOSED SOLUTIONS

Pipeline Programming

Medicine receives national funding from various private and government sources to address the lack of representation among minority groups by building educational preparatory pipeline programs. Over the years funding and individual institutions' commitments have experienced highs and lows, but across the country, hundreds of programs address educational disparities and prepare students to enter the medical profession. Many programs begin in elementary school by exposing students to medicine through hands-on activities and mentoring. Across the educational spectrum from elementary to graduate school, there are programs in place to provide resources aimed at building diversity in medicine. Programs at advanced educational levels focus on key preparatory elements by providing requisite training, test preparation and rigorous academic experiences to give students a competitive edge in the admissions process.

Embrace Holistic Review

Institutions should embrace diversity as a means to achieving excellence and continue to implement holistic review in their admissions processes. Similarly, schools should work to identify and study the predictive validity of other characteristics or experiences among applicants. Academia needs to build a better evidence base for



using factors in addition to GPA and test scores to determine potential for professional and academic success. Until we have a broader base of measurement, success will continue to be narrowly defined by the status quo of numbers.

Build Institutional Leadership

Many institutions have created diversity or multicultural affairs offices from which to provide services and programming to students and surrounding communities. Pipeline programs and faculty diversity initiatives are often spearheaded by these offices. Diversity is an important leadership role at many schools and there is often a vice president/provost or associate dean specifically in charge of diversity efforts across the training spectrum. Many law schools have begun to adopt this model of incorporating diversity initiatives in a permanent and professional way. The commitment to diversity comes from senior administration and how diversity fits into the mission of the school must be articulated clearly by leadership to all. Although leadership structures may be centralized, institutions

must understand that progress requires investment and engagement in a distributed fashion.

Shared Responsibility and Reward

The responsibility for building diversity in a profession should not rest solely on the shoulders of people of color. Everyone must commit to the cause and be a part of the solution with the understanding that a lack of diversity is a personal and professional deficit. The varying backgrounds, perspectives, and experiences among colleagues are what create a rich field of new ideas, innovations and progress. Diversity in a profession ensures that the profession can provide excellent, responsive service to any client or patient, which is essential to professional survival. In order to meet the needs of all of our communities in both medicine and law, we must build diversity using a broad coalition of support. Building diversity honors the social justice roots of both medicine and law and ensures that we live by our proclaimed oaths to “. . . never reject the cause . . . of the defenseless or oppressed . . .” and to “do no harm.” 🏛️

Fall 2006 Enrollment Statistics Announced

The following is a comparison of Fall 2005 and Fall 2006 enrollment at 195 ABA-approved law schools. The comprehensive data show that the overall Fall 2006 J.D. enrollment is 141,031 students, compared to 140,298 students in the Fall 2005—an increase of 733 students. The data are taken from Part 2 of the ABA Annual Questionnaires from 2005 and 2006.

Males comprise 53.1% of the total J.D. enrollment for 2006 while females comprise 46.9%.

Males comprise 53.8% of the first year enrollment for 2006 while females comprise 46.2%. In 2005, males comprised 53.0% of the first year enrollment

while females comprised 47.0%.

In 2006, minorities comprise 21.6% of the total J.D. enrollment, up slightly from 21.2% in 2005. Minorities comprise 22.3% of the first year enrollment, an increase from 21.6% in 2005. Total minority enrollment in 2006 includes 11,306 Asian or Pacific Islander students, 9,529 African-American students, 2,499 Mexican American students, 1,158 American Indian or Alaska Native students, 551 Puerto Rican students, and 5,514 other Hispanic students.

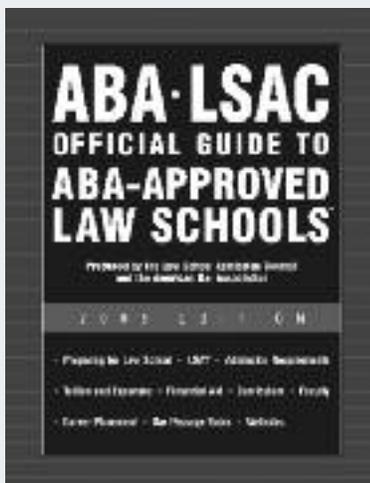
Please note that the law schools in Puerto Rico were not included in the minority enrollment counts. 🏠

	2005	2006	Net Change	Percent Change
Total Law School Enrollment	148,273	148,698	425	0.3%
Total J.D. Enrollment	140,298	141,031	733	0.5%
Total First Year Enrollment	48,132	48,937	805	1.7%

	2005	2006	Net Change	Percent Change
Total Minority J.D. Enrollment	29,768	30,557	789	2.7%
Total Minority First Year Enrollment	10,389	10,898	509	4.9%

	2005	2006	Net Change	Percent Change
Total Male J.D. Enrollment	73,685	74,946	1261	1.7%
Total Female J.D. Enrollment	66,613	66,085	-528	-0.8%
Total Male First Year Enrollment	25,550	26,322	772	3.0%
Total Female First Year Enrollment	22,582	22,615	33	0.1%

2008 Official Guide to ABA-Approved Law Schools



The 2008 *Official Guide to ABA-Approved Law Schools*, produced by the American Bar Association Section of Legal Education and Admissions to the Bar and the Law School Admission Council, gives prospective law students the ability to compare all ABA-approved law schools based on the criteria that are most important to their individual interests and needs. Much more than rankings, which say little about whether a law school offers what an applicant wants from his or her legal education, the *Official Guide* presents comprehensive information that enables prospective students to analyze law schools' attributes.

To order the **2008 Official Guide**, visit
www.abanet.org/legaled

American Bar Association Section of Legal Education and Admissions to the Bar

2007 ANNUAL MEETING

August 9-12 • San Francisco, California

The Section's portion of the 129th ABA Annual Meeting will take place August 9-12 in San Francisco. Headquarters for the Section is the **Hotel Nikko**, 222 Mason Street.

SECTION SCHEDULE AT-A-GLANCE

THURSDAY, AUGUST 9

7:00 a.m.–6:00 p.m.	Section Office
7:30 a.m.–5:00 p.m.	Section Council Meeting—Executive Session
6:00 p.m.–9:30 p.m.	Chairperson's Dinner (Invitation Only)

FRIDAY, AUGUST 10

7:00 a.m.–6:00 p.m.	Section Office
7:30 a.m.–5:00 p.m.	Council Meeting—Open Session
5:30 p.m.–7:00 p.m.	Kutak Award Presentation and Reception

SATURDAY, AUGUST 11

7:00 a.m.–6:00 p.m.	Section Office
7:30 a.m.–10 a.m.	ABA/AALS/LSAC Deans' Breakfast
2:00 p.m.–3:30 p.m.	Section Program: <i>Legal Education from an International Perspective</i>
3:45–5:00 p.m.	Section Program: <i>Challenging Assumptions about Business as Usual in Legal Education: Best Practices for Educating Lawyers</i> <i>Presented by the Clinical Skills Committee</i>
5:15 p.m.–5:45 p.m.	Annual Section Business Meeting

SUNDAY, AUGUST 12

7:00 a.m.–12 noon	Section Office
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SECTION PROGRAMS

Challenging Assumptions about Business as Usual in Legal Education: Best Practices for Educating Lawyers Two recent publications call for fundamental changes in legal education and this panel discussion is designed to generate serious debate about whether we should be challenging assumptions about legal education. The discussion will begin with an overview of the primary recommendations contained in *Educating Lawyers: Preparation for the Profession of Law* (The Carnegie Foundation for the Advancement of Teaching, 2007) and *Best Practices for Legal Education* (Clinical Legal Education Association, 2007). A law school dean will offer a perspective on the value of these recommendations for stimulating faculty discussion about curricular planning. The presenters will then engage the audience in discussing how law schools might use these two books to consider curricular changes.

Legal Education from an International Perspective Jim White, professor of law at Indiana University School of Law and former Section Chairperson, will moderate a panel discussion focusing on developments in legal education outside the United States. The role of the Section of Legal Education and Admissions to the Bar regarding collaboration and cooperation with non-U.S. legal education initiatives will also be discussed. Panel members include Colin Tyre, president of the Council of the Bars and Law Societies of Europe (CCBE), and others to be announced.

For further information about the Annual Meeting and to register, visit
www.abanet.org.

CONCLAVE

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American Bar Association. The panel included Dennis W. Archer, a practitioner from Detroit and a past president of the American Bar Association, Dean John B. Attanasio of Southern Methodist University Dedman School of Law, Dean Richard L. Revesz of New York University School of Law, Chief Justice Jean Toal of the South Carolina Supreme Court, and Michael Traynor, a practitioner from San Francisco and president of the American Law Institute.

Each of the panels provided both ideas and spirited dialogue to fuel the discussions in the small breakout groups that followed each plenary session.

Dean Nancy H. Rogers of The Ohio State University College of Law and Dean Kent D. Syverud of Washington University School of Law closed the conclave with a summation of specific concerns and ideas that came out of the plenary

sessions and the breakout groups. Among those concerns and ideas are the following, which fall into three areas: law schools, bar admissions, and continuing education.

Law Schools. There was general consensus that each law school should endeavor to include a substantial number of experienced lawyers among the new faculty members it hires, so as to ensure that the professoriate will be knowledgeable about, and supportive of, the practice of law. Participants strongly supported the adoption of state-based or national loan forgiveness programs for law graduates who pursue careers in public interest and public service. Law schools were encouraged to participate and at times to lead in convening leaders in

academia, the bench, and the bar to discuss issues confronting our system of justice and our profession. Many other suggestions for improvement of law schools were discussed, with particular emphasis on the importance of new and dynamic strategies for increasing access to law schools and the profession for economically disadvantaged individuals and members of underrepresented groups. Recent studies of experiential learning and its centrality to modern legal education were central to the discussion.

Bar Admissions. The conclave participants discussed the development of a national bar exam, with a score that is portable from one state jurisdiction to another as lawyers move. Participants also discussed a national comprehensive common law exam, which if passed would qualify non-traditional students to sit for the bar (including graduates of online law schools, unaccredited law schools, and law programs in foreign jurisdictions). The conclave emphasized the importance of harnessing new learning on assessment to evaluate students, lawyers, and law schools.

Continuing Legal Education. The conclave endorsed the pursuit of a national certifying system for continuing legal education programs that would include as one of its elements a systematic method of assessing the quality and effectiveness of programs. Participants noted serious challenges to the effectiveness of bridge-the-gap and mentoring programs, and urged systematic work to improve the educational continuum in these areas.

Hulett “Bucky” Askew, ABA Consultant on Legal Education, who was involved in planning and conducting the conclave, said plans are under way to publish the transcript of the conclave for circulation to state bars, supreme courts and law schools for possible use in formulating agendas for conclaves on the state level across the country. 🏠



Randall T. Shepard, Chief Justice of the Supreme Court of Indiana, addresses the current state of the legal education at the Conclave's first plenary session.

**Find the latest news and response to the
Goals and Principles of Law School Accreditation
in the “Comments and Reports” area
on the Section’s web site:
www.abanet.org/legaled/home.html.**



(left) Enjoying tea and talk amidst lush surroundings: (left to right) Wauna Oluoch, Nairobi Faculty of Law, Catherine Kovier, Nairobi Faculty of Law student, and Anita Koyier-Mwamba, conference coordinator and Seattle University School of Law graduate. (right) Fifty people from eight countries gathered for the Conference on the Pedagogy of Legal Writing for Academics in Africa at the Fairview Hotel in Nairobi, Kenya.

NAIROBI

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attendees with important insights about the growth of the Kenyan legal profession since Kenya obtained independence from Great Britain in 1963. I was also privileged to participate as a keynote speaker.

In their opening remarks, Professors Samuel and Oates explained that they decided to organize this conference to build on a similar U.S. venture held over 22 years ago in the early eighties. Then, 80 participants committed to legal writing from the U.S. and Canada came to the Legal Writing Institute. Today there are well over 2,000 professionals teaching legal writing in legal education. The goal for the Nairobi conference was to create a larger community with an interest in legal writing and research and to discuss better ways to prepare law students for participation in the growing global community.

Seattle alum Anita Koyier-Mwamba ('06) acted as the conference coordinator and, in addition to assisting in the organization of the conference itself, facilitated field trips for the U.S. participants to the Kenyan courts and academic institutions. We visited the High Court where we learned about the Kenyan judiciary, and the Kenyan School of Law, a one-year post-graduate program that enables students with an LL.B. to practice law. At the University of Nairobi Faculty of Law, we met with faculty and students, some of whom also attended the conference. Dean Owiti welcomed us and described the LL.B. curriculum and other programs offered by the Faculty of Law. We also enjoyed excursions to the Karen Blixen House, the Langata Giraffe Center, the Maasai markets and Bomas of Kenya—a cultural center that offers traditional Kenyan tribal songs and dances.

My talk, entitled “Looking Both Ways: Recent Developments in Legal Writing in U.S. Legal Education and Recent Developments in African Legal Education,” covered changes to the legal writing curriculum generated by recent Standards revisions and the growing importance of legal writing faculty in teaching the expanded skills curriculum. I reported on the persistent gender gaps revealed in the Association of Legal Writing Directors/Legal Writing Institute 2006 Survey (found at www.lwionline.org/survey/surveyresult.asp) and discussed the important contributions to legal education provided by the recently updated *Legal Writing Sourcebook*. Contributors to this work provide their ideas and guidance on building legal writing programs.

At the Thursday night dinner, I shared the views of Muna Ndulo, professor of law and director of the Institute for African Development at Cornell Law School, who reminded those of us who attended the session at AALS on “Legal Education in Africa: Challenges and Opportunities” that African law schools are often more comfortable teaching foreign law than their U.S. counterparts. In Professor Ndulo’s article, “Legal Education in Africa in the Era of Globalization and Structural Adjustment,” we learned that in most of Africa, legal institutions providing legal education are only 40 years old. So their experience with moving from colonial to transformative legal systems is quite recent. “The growth of education in Africa, since independence,” he writes, “is impressive.”

I also shared what Peggy Maisel, a U.S. public interest lawyer currently on the faculty at Florida International School of Law and who taught for a



Nairobi's wildlife added a distinctive element to the conference as Lisa Hatlin (assistant professor of legal writing, Marquette University Law School) and Jana McCreary (writing instructor, Texas Wesleyan University School of Law) found at the Langata Giraffe Center.

number of years at the University of Natal in Durban, said about what we could learn from African legal educators at this conference:

“What Americans can bring home is enhanced cultural sensitivity. Pay attention to how people treat each other. While Africa may not be as student centered as the U.S., every African culture has had to accommodate and be open to a multiplicity of different systems. Their legal systems have had to respond to the change in demographics following independence. The project for many is to create access to justice.”

As international human rights lawyer and South African CUNY faculty member Penelope Andrews remarked, “The U.S. legal system is excellent at teaching critical thinking and technical expertise but falls short on values.” She observed that the reverse may be true for Africans: “less training, less resources but strong on access to justice values.” The soon-to-be-released Carnegie Report, “Educating Lawyers for the Profession of Law,” makes a similar point about the shortcomings of U.S. legal education.

During a session focusing on the difficulties of

importing U.S. models of teaching legal writing to African law schools, conference participant Adam Todd from the University of Baltimore faculty discussed the importance of weighing customary law and explained how the adversarial model is not often consistent with the communitarian values often expressed in African law schools. Among the range of panels presented by African and U.S. legal educators, Professor Oates co-presented with Dr. Edwin Abuya, a Kenyan colleague, on Teaching Legal Research, and Professor Samuel co-presented with Scola Nafuna, a Ugandan colleague, on Teaching Students to Write Effective Letters to Clients.

African faculty at the conference expressed an interest in receiving U.S. law books for their libraries and for use with their students. They would welcome titles in legal writing or clinical legal education. They would also like to have titles in human rights, rule of law, constitutional law and democracy, good governance and rule of law, international law, private international law, international trade law (conflict of laws), criminal law, international comparative law, and jurisprudence.

Michele A. Butts, assistant professor of legal skills at John Marshall Law School-Atlanta, has agreed to coordinate small book shipments. You can contact Professor Butts at:

John Marshall Law School-Atlanta
1422 West Peachtree Street, NW
Atlanta, Georgia 30309
Phone: (404) 872-3593, ext. 143
Fax: (404) 872-7546
E-mail: mbutts@johnmarshall.edu

Finally, at the close of the conference, the participants voted to create a new organization dedicated to the advancement of the teaching of legal writing in Africa and to the continued exchange of ideas among U.S. and African academics. 🏠

Laurel Oates Receives Burton Award

L laurel Oates, professor and director of the Legal Writing Program at Seattle University School of Law, is this year's winner of the award for Outstanding Contributions to Legal Writing Education from the Burton Awards for Legal Achievement. The award is presented to an individual or group that has made an outstanding contribution to educating new lawyers in the field of legal analysis and/or research

and writing whether through teaching, program design, program support, innovative thinking or writing. In 1984, Professor Oates co-founded the Legal Writing Institute, which has more than 2,000 members from more than 150 law schools and which works to improve the teaching of legal writing. She is the co-author of five books including *The Legal Writing Handbook* and *Just Memos, Just Briefs, Just Writing*. 🏠

CALENDAR

JUNE 2007

- 8-10** Council Meeting • Charlottesville, Virginia
- 21-23** Accreditation Committee Meeting
Whitefish, Montana

AUGUST 2007

- 9-14** ABA Annual Meeting
San Francisco, California
- 9-12** Council Meeting
 - 9** Chairperson's Dinner
 - 10** Kutak Reception
 - 11** Deans Breakfast, Section Programs,
Section Annual Business Meeting

SEPTEMBER 2007

- 7** Site Team Chairs Workshop
Chicago, Illinois
- 27-28** Accreditation Committee Orientation
and Retreat • Chicago, Illinois
- 29** Joint Council/Accreditation
Committee Retreat • Chicago, Illinois
- 29-30** Council Retreat • Chicago, Illinois

OCTOBER 2007

- 25-27** Accreditation Committee Meeting
Salt Lake City, Utah

DECEMBER 2007

- 1-2** Council Meeting • Scottsdale, Arizona

JANUARY 2008

- 24-26** Accreditation Committee Meeting
Tucson, Arizona

FEBRUARY 2008

- 6-12** ABA Midyear Meeting
Los Angeles, California
- 7-8** Deans Workshop
- 9-10** Council Meeting

MARCH 2008

- TBA** Bar Admissions Committee Meeting • TBA

APRIL 2008

- 17-19** Accreditation Committee Meeting
Portland, Oregon

MAY 2008

- 19-21** ALI Annual Meeting • Washington, D.C.
- 21** Deans Breakfast
Standards Review Committee Hearing
Standards Review Committee Meeting
- 22** Mayflower I
Mayflower II

JUNE 2008

- 6-8** Council Meeting • Austin, Texas • TBA
- 12-15** Associate Deans Conference
Englewood, Colorado
- TBA** New Deans Seminar • TBA

AUGUST 2008

- 6-11** ABA Annual Meeting
New York, New York

Marking the 15th Anniversary of the MacCrate Report



Section Chairperson William B. Rakes (right) congratulates Robert MacCrate on the 15th anniversary of the Report of the Task Force on Law Schools and the Profession: Narrowing the Gap.

The 102 attendees of the Chicago conclave also marked the 15th anniversary of the Report of the Task Force on Law Schools and the Profession: Narrowing the Gap, *Legal Education and Professional Development—An Educational Continuum*, commonly referred to as the MacCrate Report. The Task Force's chair, Robert MacCrate, Esq., and 16 of the 37 members and consultants were on hand for the celebratory reception and dinner at the Westin O'Hare on Saturday, April 28. Below are excerpts of the speeches given by James P. White, professor of law at Indiana University School of Law and a Task Force consultant, and Robert MacCrate, Senior Counsel, Sullivan & Cromwell LLP.

James P. White:

The 1989-90 *Consultant's Annual Report* in announcing the 1989 creation of the Task Force stated the following: "The Section of Legal Education and Admissions to the Bar has sponsored a National Task Force on Law Schools and the Profession: Narrowing the Gap. The Task Force seeks to serve as a catalyst to stimulate the improved preparation of law graduates by law school to enter a legal profession which will be truly responsive to the public's need for legal services. The central focus will be upon strengthened skills instruction, better integrated both with core curriculum instruction as well as the diverse demands of modern law practice in the different prac-

tice settings of today."

In 1992 the Task Force issued its ground-breaking report that recognized the need for a continuum of legal education and professional development extending from before entering law schools and throughout a lawyer's professional life and identified the skills and values that every lawyer should seek to acquire.

We are meeting this day, 15 years after the publication of the Report, *Legal Education and Professional Development—An Educational Continuum* to honor the man who made this report possible, Robert MacCrate. In presenting the ABA medal to Bob MacCrate, then-ABA President Martha Barnett said, "I claim him as a treasure to the people of the world." We tonight claim him as a treasure for legal education and the professional throughout the world.

Robert MacCrate:

May I at the same time express my heartfelt thanks to the 37 men and women who were my colleagues from the spring of 1989 to the summer of 1992, and taught me so much while we labored together to compose by consensus *Legal Education and Professional Development—An Educational Continuum*.

Over the past 25 years, I have been privileged actively to participate in a continuing dialogue among law teachers, lawyers and judges, regarding the education of lawyers. I have learned that changing legal education, like Arthur Vanderbilt used to say about court reform, "is not for the short-winded."

The central message of these

2007 reports [*Educating Lawyers—Preparation for the Profession of Law and Best Practices for Legal Education*], drawn from the extended dialogue which we have had is that law schools should broaden the range of lessons they teach, reducing doctrinal instruction that uses the Socratic dialogue and the case method; integrate the teaching of knowledge, skills and values, and not treat them as separate subjects addressed in separate courses; and give much greater attention to instruction in professionalism.

It is my hope that this conclave may be viewed in the future as a watershed from which advances in legal education for competent and ethical lawyers will continue to flow. 🏠



Members of the MacCrate Task Force in attendance at the 15th Anniversary Reception and Dinner: (front row, left to right) Talbot D'Alemberte, Peter Winograd, Norman Redlich, Robert MacCrate, James P. White, Cory M. Amron. (back row, left to right) John O. Mudd, Maximilian W. Kempner, Marjorie A. McDiarmid, Dennis W. Archer, Joseph D. Harbaugh, Michael Traynor, Harold L. Rock, Randy A. Hertz, Bruce A. Green, Roy T. Stuckey. (Not pictured: Anthony G. Amsterdam, Curtis J. Berger, Richard G. Huber, John R. Kramer, Robert B. McKay, Peter W. Martin, Robert R. Merhige, Jr., J. Michael Norwood, Susan Westerberg Prager, Alvin B. Rubin, Albert M. Sacks, Sol Wachtler, Rosalie E. Wahl, and Marilyn Yarbrough)

Cruz Reynoso named 2007 Kutak Award Winner



Cruz Reynoso, Professor of Law Emeritus at University of California-Davis School of Law, is the recipient of the 2007 Kutak Award. Professor Reynoso is a national leader in civil rights, a founder of California Rural Legal Assistance, and a past associate justice on the California Supreme Court. In 2000, President Clinton honored Reynoso with the

Presidential Medal of Freedom.

The announcement was made by the Section's

Kutak Committee: Peter A. Winograd, Chair; Jose R. Garcia-Pedrosa, Esq.; Robert MacCrate, Esq.; Harold L. Rock, Esq.; and Honorable Randall T. Shepard. The Kutak Award, recognizing outstanding contributions to legal education in the United States, is named for Robert J. Kutak, a founding partner of the national law firm of Kutak Rock LLP. Kutak, who passed away in 1983, dedicated his career to public service and the improvement of legal education and the legal profession. He was a member of the Council of the Section, and chair of the ABA commission that proposed a major revision of the Code of Professional Conduct for lawyers that was adopted in the 1980s.

Professor Reynoso will receive his award during the ABA Annual Meeting at the Kutak Award Reception on Friday, August 10, at 5:30 p.m. at the Hotel Nikko. 🏠



Professionalism: It's no joke

By Charles E. McCallum

Lawyer jokes and cartoons have become a part of our culture. Most lawyers will laugh at them, even though they may not be very funny and if targeted at a minority group would be abhorrent. But even those that are funny and provoke a genuine laugh should give lawyers pause. Are we just misunderstood, or are we doing something seriously wrong?

Many lawyer jokes and cartoons make one or more of the following points:

- *Lawyers care only about making money.* These jokes and cartoons suggest that lawyers care more about their fees than about their clients. (Such as: Lawyer discovers that a client paying fees inadvertently gave the lawyer two \$100 bills stuck together. The lawyer recognized that he faced an ethical dilemma: “Should I tell my partner?” or cartoon: Lawyer sitting across desk from worried client says: “Well, Mr. Jones, how much justice can you afford?”)
- *Lawyers care only about themselves.* Jokes and cartoons of this category imply that lawyers care only for themselves—they have no compassion for others. (Such as: Devil offers lawyer wealth and fame in exchange for the souls of the lawyer’s wife and children. After thinking for a minute, the lawyer says, “What’s the catch?”)
- *Lawyers are deceitful.* These jokes and cartoons characterize lawyers as dishonest. (Q: How can you tell if a lawyer is lying? A: His lips are moving.)

Why are we so poorly regarded? Partly, I think, because we have strayed from our professional ideals. How can we get back to them? To answer that question we first need to define what we mean by a “profession,” a term I use here to refer to what have historically been called the “learned profes-

sions”—law, health care and the clergy.

These days, the words “profession” and “professional” are sometimes used more loosely to refer to individuals engaged in a wide variety of other trades and occupations. While such individuals may share similar training (and, in some cases, licensure), the primary focus of their associations is, like medieval guilds, to advance the interests of their members. They are more trade associations than professional organizations.

What, then, defines a “profession,” as I use the term? I will suggest seven attributes that characterize professionals. I preface my suggestions as to what characterizes a professional with two general observations:

First, there is an ethical/moral dimension to what it means to be a professional. This is recognized in the Preamble to the Model Rules of Professional Conduct, which acknowledges that lawyers must be guided by “personal conscience” and the exercise of “moral judgment.” A sound moral compass is essential.

Second, as David Maister observes in *True Professionalism*, “Professionalism is predominantly an attitude, not a set of competencies.” Great professionals are distinguished, he says, not by their abilities but by the pride they take in their work, their commitment to quality, and their devotion to the interests of the client. To that I would add the notion of passion. The true professional is passionately committed to quality, passionately devoted to the interests of the client, and passionately devoted to the public interest and the administration of justice.

To be of value to the client, of course, that passion cannot be blind, but must be joined with and energize the lawyer’s exercise of independent professional judgment. The professional thus has the difficult task of being passionately committed to the client’s interest and at the same time professionally detached.

Against that background of moral dimension and passionate commitment, I suggest that the following are the principal attributes of the learned professions (including the law). While consistent with what has been written on the subject, these suggestions are based primarily on my experience of more than 40 years in the practice of law, and on what I was taught in law school and learned from mentors and role models in the profession.

1. Dedication to serving clients before self. A lawyer puts the interests of her clients before her own interests. The lawyer has an intense, fiduciary-like relationship with her clients, and accepts responsibility for advancing their interests. This relationship and responsibility underlie the ethical rules (confidentiality, avoidance of conflict of interest, zealous advocacy) that flow out of the lawyer’s overriding duty of loyalty to the client.

The very best lawyers have a fanatic, almost compulsive, dedication to client service. They learn as much as they can about their clients' business, listen closely to those clients' needs, and try to think like those clients in order better to serve them. If a single Latin word were to be the motto for the legal profession, it would be *servimus* ("we serve"). This zealous dedication to service is founded on a deeply caring attitude.

Some part of what has gone wrong in the practice of law arises out of misplaced priorities, with some lawyers allowing accumulation of wealth to be placed ahead of dedication to service. I do not mean by this to suggest that lawyers should not be businesslike in the conduct of their profession. To the contrary, efficiencies and specialization should result in services being delivered "better, faster and cheaper," a benefit to clients. Nor do I mean to suggest that a lawyer is not entitled to earn a very good living.

But, as Maister observes in *True Professionalism*, "Being a professional is neither about money nor about professional fulfillment. Both of these are consequences of an unqualified dedication to excellence in serving clients and their needs." Maister says that one of his favorite questions is to ask lawyers, "Why do you do what you do?" The answer he always listens for is "I like helping people." If that one is missing, he says he knows that he is dealing with a professional in trouble.

2. Dedication to serving the public interest. The lawyer as professional has duties, as a "public citizen," to work to improve the law, to assist the courts in the administration of the system of justice, and to assure access to justice by all, including those who cannot afford to pay for adequate legal assistance. Also, lawyers have a duty of public service as volunteers in nonprofit organizations or in unpaid appointed or elected governmental positions. It is to a large extent in consideration of their public service obligation that lawyers have been granted substantial privileges, including professional independence and self-governance.

The professional responsibility of every lawyer to provide voluntary pro bono publico legal services to those unable to pay is set forth in the Model Rules of Professional Conduct. Another equally important professional public service obligation is law reform, and in particular reforming the law and government processes so as to reduce the public's need for legal services.

We should take care to avoid the criticism that has been leveled at the medical profession—that it has focused on remedial services (requiring more professionals) rather than on preventive services (reducing the need for professionals). Our role model might be dentists, who endorsed fluoridation of water supplies and fluoridated toothpaste because they reduced the

incidence of tooth decay, despite the fact that this would over time reduce the need for dental care.

3. Honesty and integrity. The Model Rules of Professional Conduct unambiguously require uncompromising honesty and integrity. A lawyer may not engage in conduct involving "dishonesty, fraud, deceit or misrepresentation," even when in a specific instance honesty works to the client's disadvantage. Thus in representing a client a lawyer may not make a false statement of material fact or law to a third person, nor may she fail to disclose a material fact when necessary to avoid assisting a client's criminal or fraudulent act. And a lawyer may not knowingly mislead a tribunal or offer evidence that the lawyer knows to be false.

Integrity means strict adherence to a code of ethical values. Recent developments in the world of business law underscore the importance of strict adherence to ethical values. For example, a lawyer may not misrepresent his identity in the course of conducting a corporate internal investigation or, as is alleged to have occurred in the Hewlett-Packard scandal, knowingly engage a nonlawyer to do so, even if the misrepresentation does not violate applicable law. That is, a lawyer may not behave dishonestly simply because it is not criminal to do so.

Nor may a lawyer turn a blind eye when it is obvious that her services are assisting the client in the commission of a fraud or a crime, as is alleged to have occurred in the Enron debacle, or give a legal opinion to be relied on by third parties that is based on factual assumptions that the lawyer cannot reasonably believe to be true.

Honesty and integrity go together with loyalty, reliability, fairness and compassion to make up "character," which is sometimes defined simply as moral excellence. That good character is essential to professionalism is evident from the fact that processes for admission to the bar include an investigation of the applicant's character and fitness.

4. Dedication to excellence. The professional has high standards for professional services, and none higher than those he demands of himself. However many times a professional may have done a particular task, he will seek each time to do it better than before. And even though the client may impose a cap on the fees for the project, the professional will do what it takes to do the job right, regardless of the fact that he may not be paid for all of his work. The phrases "good enough" and "this will do" are anathema to the professional.

5. Practice in context. The professional serves his client with knowledge and awareness of the "big picture"—the overall setting and context in which service

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Proposed Revisions for Section Bylaws

Introduction

The Council, at its December 2006 meeting, reviewed proposed revisions to the Bylaws proposed by the Governance Committee. At its February 2007 meeting, the Council voted to approve the proposed revisions. Many of these revisions codify existing practices; some add clarification to prior provisions, and others respond to requirements of the Department of Education recognition criteria.

These Bylaw revisions are being presented to the American Bar Association Board of Governors meeting, June 14-16, 2007 (as required by ABA Rules) and will be voted on by the Section membership at the Meeting of the Section on August 11, 2007, in San Francisco at the ABA Annual Meeting.

Proposed revisions and commentaries are in **bold italic** type.

American Bar Association Section of Legal Education and Admissions to the Bar SECTION BYLAWS

ARTICLE I: NAME, PURPOSES

Section 1. Name. This section shall be known as the Section of Legal Education and Admissions to the Bar and herein referred to as the "Section."

Section 2. Purposes. The purposes of this Section shall be the purposes of the American Bar Association as stated in its Constitution within the particular area of legal education and admissions to the bar. To such end the purposes of this Section shall be to consider, discuss, and recommend to the Association:

Measures for the improvement of the system of legal education in the United States, measures for inculcating within law students a high regard for the ethics and morals of the profession and its high calling, and measures to be suggested to the highest courts of each state and their boards of bar examiners for testing the qualifications and ability of applicants for admission to the bar.

In particular the Section through its Council and subject to the review of the House of Delegates shall have the power:

(a) To establish standards and procedures to be met and observed by law schools in obtaining and retaining the approval of the Association. Such standards and procedures shall become effective after review by the House of Delegates.

(b) To receive and process applications of law schools for provisional or full approval, to grant or

deny such applications, and to withdraw, suspend or terminate approval of law schools. Such decisions concerning the approval of law schools shall become effective after review by the House of Delegates.

(c) With respect to other matters, to implement policies and resolutions referred to it by the House of Delegates.

(d) To study and make recommendations in cooperation with the National Conference of Bar Examiners for the improvement of the bar admission process.

(e) To implement the foregoing powers and foster close cooperation among legal educators, practitioners and judges through workshops, conferences and publications.

All of such standards, requirements and procedures adopted by the Section shall be printed and distributed to law schools, universities, libraries, boards of bar examiners, professional groups and associations, and others concerned with legal education.

ARTICLE II: MEMBERSHIP

Section 1. Members.

(a) The membership of the Section shall consist of those members whose dues have been paid, as provided for in this Article. Any member of the Association in good standing shall be enrolled as a member of the

Section upon request to the Secretary of the Association and the payment of the annual Section dues.

(b) Any member of the Law Student Division of the Association in good standing shall be enrolled as a Law Student Division member of the Section upon request to the Secretary of the Association and the payment of the annual Section dues applicable to members of the Law Student Division. Law Student Division members shall not be eligible to vote or hold office, but shall have the privilege of the floor at Section meetings, including the privilege to make motions and present resolutions, and shall receive Section publications on the same basis as lawyer members of the Section.

(c) Any individual elected by the Board of Governors of the Association as an Associate, upon request to the Secretary of the Association and payment of the dues as provided for Associates of the Section, shall be enrolled as an Associate of the Section. The privileges of Associates shall be prescribed by the Bylaws of the Association and by guidelines adopted by the Board of Governors.

Section 2. Dues. ~~Annual dues for regular or associate membership in the Section shall be Thirty Dollars (\$30.00), Forty Dollars (\$40.00), payable before September 1 of each year.~~ Upon recommendation of the Council, and approval of the Board of Governors, a majority of the members present at an annual meeting of the Section may establish the amount of the annual dues for continued membership in the Section.

Section 3. Termination of Membership. Any member of the Section whose annual dues are more than six months past due shall cease to be a member of the Section. Any person who ceases to be a member of the Association shall also cease to be a member of the Section.

ARTICLE III: SECTION MEETINGS

Section 1. Annual Meeting. The Section shall meet immediately before or during the Annual Meeting of the Association, in the same city or place as the Annual Meeting of the Association, with such agenda, program and order of business as the Council or the Chairperson with the approval of the Council may arrange.

Section 2. Special Meetings. The Section may hold other meetings of its membership during the

year, provided that the Board of Governors approves the times and places of other meetings.

Section 3. Quorum. The members of the Section present at a meeting of the membership shall constitute a quorum for the transaction of business.

Section 4. Agenda. The agenda of the annual meeting of the membership shall consist of the election of officers and members of the Council and such other matters as the Chairperson of the Section or the Council deems appropriate. The agenda of a special meeting of the membership shall consist of those matters, which the Chairperson of the Section or the Council deems appropriate and of which notice has been given.

Section 5. Voting. Voting and privilege of the floor at any meeting of the Section is limited to Section members recorded 21 days prior to the meeting. The Secretary shall make this official membership roster open for inspection at any meeting to which it is applicable. All binding action of the Section shall be by a majority vote of the members present, except in those cases in which a referendum by mail ballot may be authorized by the Council pursuant to Article IV, Section 1(d).

Section 6. Parliamentary Authority. The Chairperson shall preside at all meetings of the Section. The conduct of the meetings shall in general conform to Robert's Rules of Order; however, in parliamentary situations not covered by these Bylaws and Robert's Rules of Order, the Chairperson shall give the membership of the Section at least 60 days' notice of the authority selected.

ARTICLE IV: COUNCIL

Section 1. Powers and Functions.

(a) The Council shall be vested with the powers and duties necessary for the administration of the business of the Section. It shall authorize all commitments for expenditures of Section monies.

(b) The Council shall develop separate budgets for the Accreditation of Law Schools Project and for its other activities. Both budgets shall be prepared pursuant to the generally established accounting principles used by the Sections and entities within the Association. The Accreditation of Law Schools Project budget itself, however, will not be subject to review or consultation by the Board of Governors or any other entity outside the Section. The budget for

the other activities of the Section will be subject to the Association's regular budget process. With respect to those other activities, the Council shall not authorize commitments for expenditures in a fiscal year that would exceed the income and reserves of the Section for that fiscal year without approval of the Board of Governors.

(c) The Council is authorized to establish and organize into appropriate organizational structures such committees as it deems necessary to carry out the purposes of the Section. The Council shall establish an appropriate chain of responsibility for any organizational structures and committees that it may create. No action of a Section committee or other organizational component shall be effective until approved by the Council of the Section or by the membership of the Section. The authority to establish committees and organize them into appropriate organizational structures may be delegated by the Council to the Chairperson of the Section **consistent with these Bylaws.**

(d) Between meetings of the membership, the Council shall have authority to perform the functions that the membership of the Section might perform. The Council shall report to the membership of the Section at each meeting any actions taken since the last meeting of the membership of the Section.

(e) The Council may direct a referendum by mail ballot of the members of the Section. A majority of the votes cast in the referendum shall determine the policy of the Section with respect to the question submitted. Such referendum shall be conducted according to rules established by the Council and the results certified by the Secretary.

(f) At appropriate times, as determined by the Conference of Section Chairpersons, the Council is authorized to submit a nomination for a Section member-at-large of the Board of Governors. The selection of the nominee shall be made by the Council with due regard for the eligibility requirements for election to the Board of Governors.

Section 2. Qualifications of Members of the Council. Members of the Council of the Section of Legal Education and Admissions to the Bar shall be chosen without reference to their race, color, creed, **gender, age, disability, sexual orientation** or national origin. Members of the Council shall be persons of integrity and intelligence who have evidenced interest in legal education **or admission to the bar** and whose participation is likely to be guid-

ed by the interests of the public and by the high standards of the legal professional, rather than any personal interest.

Section 3. Composition. The Council shall be composed of the following **voting members individuals**: ~~The Officers of the Section; Fifteen members at large, which~~ **who** shall include three ~~representatives of the public members who are not members of the Association~~ as is required to bring the Council into compliance with the regulations of the United States Department of Education with respect to the recognition of the Council as the national accrediting agency for professional schools of law by the Department; and a representative of the Law Student Division to be selected for nomination by the Nominating Committee from a slate of three nominees recommended to the Section by the Division no later than May 1 of each year. **The Council shall include legal educators, practitioners, members of the judiciary, and public members. No more than fifty percent of the voting members of the Council may be persons whose current primary professional employment is as a law school dean, faculty or staff member.**

An individual shall not qualify for appointment as a public member to the Accreditation Committee if that individual or his/her spouse, parent, child or sibling is:

- (a) a member or employee of the American Bar Association or an affiliated organization; or**
- (b) an employee, member of the governing board, shareholder of, or consultant to an institution or program that either is fully or provisionally accredited by the Section of Legal Education and Admissions to the Bar or has applied for accreditation.**

Section 4. Terms.

(a) The term of a member-at-large is three Association years beginning with the adjournment of the Annual Meeting during which the member is elected. The terms of at least one-third of the members at large shall expire each year. No more than two members at large shall have their principal office within the same state. No member-at-large may serve more than two successive three-year terms in that capacity **or a total of six years as a member-at-large.** The member may, however, be elected to serve as an Officer.

Section 5. Meetings.

(a) The Council shall hold at least one regular meeting each year at the time and place of the Annual Meeting of the Association. The Chairperson shall, upon request of five members of the Council,

call special meetings of the Council between Annual Meetings.

(b) There shall be neither absentee nor proxy voting.

(c) If a meeting of the Council is not feasible, the Chairperson of the Section shall, upon the written request of five members of the Council, submit in writing to each of the members of the Council any item upon which the Council may be authorized to act. The members of the Council may vote upon the proposition either by written ballot or by telephone vote, confirmed in writing, to the Secretary of the Section who shall record the proposition and votes on the matter.

Section 6. Compensation. No salary or compensation for services shall be paid to any Officer, member of the Council, or member of any committee, except as may be specifically authorized by the Board of Governors.

Section 7. Vacancies. If any member of the Council shall fail to attend two successive meetings of the Council, the member's seat on the Council shall be automatically vacated unless he or she is excused for good cause by action of a majority of the Council. ~~Between annual meetings of the Section the Council may fill vacancies in the seats of the members elected to the Council. Members so elected shall serve until the next annual meeting of the Section.~~ *A mid-term vacancy in the term of a member-at-large or public member shall be filled by the Council from the nominations received from the Nominating Committee. Members so elected shall serve the remainder of the term for which they were elected.* In the case of a Law Student Division representative, the Council may request the appropriate Division officers to propose another representative.

Section 8. Liaisons from Other Association Entities. The Council shall permit a duly designated representative from the Young Lawyers Division and the Board of Governors to attend meetings of the Council in open and executive session and to have the privileges of the floor at such meetings. Such liaison representatives, who are not elected by members of the Section but designated by the entities that they represent, are not entitled to vote.

ARTICLE V: OFFICERS

Section 1. Officers. The Officers of the Section shall be the Chairperson, the Chairperson-Elect, the

Vice Chairperson, the Secretary, and the last retiring Chairperson of the Section.

Section 2. Chairperson. The Chairperson shall:

(a) Preside at all meetings of the members of the Section and of the Council;

(b) Appoint the Chairperson and members of all committees of the Section who are to hold office during his or her term as Chairperson;

(c) Plan the program of the Section during his or her term, subject to the directions and approval of the Council;

(d) Superintend the performance of all activities of the Section;

(e) Keep the Council informed of the activities of the Section and implement its decisions; and

(f) Perform such other duties and acts as usually pertain to the office of Chairperson or as may be designated by the Council.

Section 3. Chairperson-Elect. The Chairperson-Elect shall:

(a) Aid the Chairperson in the performance of the Chairperson's responsibilities in the manner and to the extent as the Chairperson may request;

(b) Preside at meetings of the Section and the Council in the absence of the Chairperson; and

(c) Perform the duties and have the powers that usually pertain to the office or as may be designated by the Council or the Chairperson.

In case of the death, resignation, or disability of the Chairperson, the Chairperson-Elect shall perform the duties of the Chairperson for the remainder of the Chairperson's term or disability.

Section 4. Vice-Chairperson. The Vice-Chairperson shall:

(a) Aid the Chairperson in the performance of the responsibilities of the office of Chairperson in the manner and to the extent the Chairperson may request; and

(b) Preside at meetings of the Section and the Council in the absence of the Chairperson and Chairperson-Elect.

Section 5. Secretary. The Secretary shall:

(a) Consult with and assist all the Officers of the Section in the work of the Section in the manner and to the extent requested;

(b) Be the liaison between the Section and the Association staff with respect to the retention and maintenance of books, papers, documents, and other property pertaining to the work of the Section; and

(c) Keep a true record of the proceedings of all meetings of the Section and of the Council.

Section 6. Terms.

(a) The Chairperson shall not be eligible for reelection as Chairperson or Chairperson-Elect. The term of the Chairperson-Elect and the Vice-Chairperson is one Association year, beginning with the adjournment of the Annual Meeting during which he or she is elected.

(b) The Secretary shall serve a two-year term beginning with the adjournment of the Annual Meeting during which he or she is elected.

(c) The Chairperson-Elect becomes the Chairperson upon the adjournment of the next Annual Meeting of the Association and is not again eligible for either office.

Section 7. Vacancies. The office of an Officer who fails to attend two successive meetings of the Council shall be automatically vacated unless the officer is excused for good cause by action of a majority of the Council. The Council, between annual meetings of the Section, may fill vacancies in the office of Chairperson-Elect, Vice-Chairperson, or Secretary. Officers so elected shall serve until the next annual meeting of the Section, *except a person elected as secretary who shall serve the remainder of the term.*

Section 8. Consultant. The Council of the Section may, from time to time, employ a Consultant on Legal Education to the American Bar Association, who shall be responsible to the Council, and shall perform such duties relating to the business of the Council as shall be prescribed by the Chairperson and the Council and shall assist the Officers and Council in furthering the work of the Section and of the Association.

ARTICLE VI: EXECUTIVE COMMITTEE

Section 1. Membership. *There shall be an*

Executive Committee of the Council comprised of the Officers and two members-at-large. The Chairperson of the Section shall appoint the members-at-large to serve on the Executive Committee for a one-year term beginning at the close of the Annual Meeting. The membership of the Executive Committee should include practitioners, members of the judiciary, and at least two legal educators.

Section 2. Duties. *The Executive Committee shall act on behalf of the Council concerning any matters that require action before the next meeting of the Council and shall have such duties as prescribed by the Council. The Executive Committee may not:*

(1) elect, appoint, or remove members of the Council or fill vacancies on the Council or any of its committees;

(2) adopt, amend, or repeal the Bylaws; or

(3) approve any action with respect to an accreditation matter, including variances or waivers of accreditation standards or rules.

Section 3. Notice and Actions. *Each member of the Executive Committee shall receive notice of the meetings of the Committee. A vote of a majority of the members of the Committee shall be necessary for Committee action in every case. The Chairperson of the Section shall timely report the actions of the Executive Committee to the Council.*

ARTICLE VII: SECTION DELEGATES

Section 1. Section Delegates.

(a) The Section Delegates shall represent the Section in the House of Delegates. At appropriate times, as determined by the Conference of Section Chairpersons, the Section Delegate so designated by the Council shall serve on the Nominating Committee of the House of Delegates.

Section 2. *To be eligible for the position of Section Delegate, a person must have served as a member-at-large on the Council. The term of a Section Delegate is ~~three~~ two Association years beginning with the adjournment of the Annual Meeting during which the Delegate is elected. A Section Delegate may serve no more than three consecutive terms. The terms of the Section Delegates shall be staggered.*

Section 3. If a Section Delegate fails to attend two

successive meetings of the Council, the position shall be automatically vacated unless the Delegate is excused for good cause by action of a majority of the Council. In the event of the absence or inability of a Section Delegate to serve, the Council shall appoint an individual to serve until the next annual meeting of the Section.

Section 4. Section Delegates are entitled to attend meetings of the Council in open and executive session and to have the privileges of the floor at such meetings. Section Delegates are not entitled to vote.

ARTICLE VIII: NOMINATING COMMITTEE

Section 1. Membership, Terms, and Qualifications. *The Nominating Committee shall consist of eight members. Six members of the Committee shall be appointed by the Chairperson of the Section from the Section membership and shall serve one three-year term. The terms of one-third of the appointed members shall expire every year. The immediate past chairperson of the Section shall serve a two-year term. The immediate past chairperson of the Section shall act as Chairperson of the Nominating Committee in the second year of his or her term on the Committee. Membership on the Committee should include legal educators, practitioners and members of the judiciary. Terms commence at the close of the Annual Meeting.*

Section 2. Nominations for General Elections. One or more candidates may be nominated by the Nominating Committee for each position to be filled by election as provided in these Bylaws. The Nominating Committee shall report the identity of each nominee and shall include a brief statement of his or her activities in the Section, in legal education, and in the legal profession. The Nominating Committee shall submit its report to the Section members not later than 45 days prior to the Opening Assembly of the Annual Meeting.

[Note: This was former Section 1 of former Article VII.]

Section 3. Nominations for Filling Vacancies. *If there is a vacancy in the term of a member-at-large of the Council, the Nominating Committee shall provide the Council with the names of at least two persons to serve the remainder of the unexpired term.*

ARTICLE IX VII: NOMINATION AND ELECTION OF OFFICERS, COUNCIL MEMBERS, LAW STUDENT DIVISION REPRESENTATIVE, AND SECTION DELEGATES

Section 1. Election. At a business meeting of the

Section, prior to the time of the election as published in the official program of the Annual Meeting of the Association, the Chairperson shall announce the nominees for the offices of Chairperson-Elect, Vice-Chairperson, Secretary, Section Delegate, Law Student Division representative, and members-at-large on the Council. The Chairperson also shall announce the time and place at which the election shall be held as stated in the official program of the Annual Meeting of the Association. All elections shall be held at a business session of the Section during the Annual Meeting. Elections for positions for which there is more than one nominee shall be by written ballot, and each such position shall be voted upon separately. Election shall be by majority of the votes cast. If there are more than two candidates for a single office and no one of them receives a majority of the votes cast then there shall be a second ballot between the two candidates having the greater number of votes on the first ballot. In the case of nominees of the Nominating Committee who are unopposed, election to fill such positions may be by voice vote.

[Note: This was former Section 3 of this Article.]

~~**Nominating Committee.** At a time not later than the close of the Midyear Meeting, the Chairperson shall appoint a nominating committee of at least five members of the Section. The Chairperson shall promptly announce the names and addresses of the members of the Nominating Committee in the Section publication to Section members. If a vacancy should occur in the membership of the Nominating Committee, the Chairperson may appoint a member to fill that vacancy. One or more candidates may be nominated by the Nominating Committee for each position to be filled by election as provided in these Bylaws. The Nominating Committee shall report the identity of each nominee and shall include a brief statement of his or her activities in the Section, in legal education, and in the legal profession. The Nominating Committee shall submit its report to the Section members not later than 45 days prior to the Opening Assembly of the Annual Meeting.~~

[Note: This is now Article VIII.]

Section 2. Petition. One or more additional nominations may be made for any office, including member-at-large of the Section Council, by petition signed by not less than 30 members of the Section in good standing, not more than 10 of whom are residents of any one state. The petition shall state that the individual nominated has agreed to the nomination, and the Secretary shall thereupon confirm the willingness of such individual to serve if elected. The petition shall be sent or delivered to the Chairperson of the Section

and must be received not less than 20 days prior to the Opening Assembly of the Annual Meeting.

ARTICLE XVIII: COMMITTEES

Section 1. ~~The Chairperson of the Section may create each year such special committees to serve the purposes of the Section.~~

Section 1 2. The Section shall have the following standing committees:

(a) Accreditation Committee. The Council shall establish an Accreditation Committee that shall act on matters relating to the accreditation of law schools. ***The Accreditation Committee shall include legal educators, practitioners, members of the judiciary, and public members. No more than fifty percent of the voting members of the Committee may be persons whose current primary professional employment is as a law school dean, faculty or staff member.***

The Chairperson of the Section shall appoint the members ***and chairperson*** of the Committee. ***Members serve for two-year staggered terms. The chairperson serves a one-year term, renewable for a second year.*** Members shall not serve more than three terms ***except that a person serving as chairperson of the Committee may serve up to eight years on the Committee. If five or more members of the Committee leave in a single year, the Chairperson of the Section may extend the terms of up to three members whose terms are expiring for an additional year.***

To be eligible for appointment as a non-lawyer public member, an individual must be knowledgeable and concerned about professional education and training and must not have a current employment or other relationship with the Association. Public members ***of the Committee*** shall include such number of representatives of the public as to bring the ~~Council~~ ***Committee*** into compliance with the regulations of the United States Department of Education with respect to recognition of the Council ***and the Committee*** as the national accrediting agencies for professional schools of law by the Department.

An individual shall not qualify for appointment as a public member to the Accreditation Committee if that individual or his/her spouse, parent, child or sibling is:

(1) a member or employee of the American Bar Association or an affiliated organization; or

(2) an employee, member of the governing board, shareholder of, or consultant to an institution or program that either is fully or provisionally accredited by the Section of Legal Education and Admissions to the Bar or has applied for accreditation.

A person may not serve simultaneously as a member of Council and as a member of the Accreditation Committee.

Committee members must be guided by the interest of the public and by the standards of the legal profession.

(b) Standards Review Committee. The Council shall establish a Standards Review Committee, which shall review all proposed Standards and Interpretations, solicit comments and conduct public hearings on proposed Standards and Interpretations and make recommendations to the Council.

The Chairperson of the Section shall appoint the members ***and chairperson*** of the Committee. ***Members serve for two-year staggered terms. The chairperson serves a one-year term, renewable for a second year.*** Members shall not serve more than three terms ***except that a person serving as chairperson of the Committee may serve up to eight years on the Committee.*** ~~Members shall serve one three-year term.~~ ***The Standards Review Committee shall include legal educators, practitioners and members of the judiciary and may include public members.***

A person may not serve simultaneously as a member of the Council and as a member of the Standards Review Committee.

(c) Governance Committee. ***The Council shall establish a Governance Committee that shall through subcommittees include a parliamentarian, a grievance subcommittee, a regulatory subcommittee, and an operational review subcommittee. Council shall prescribe membership and duties of the Governance Committee and subcommittees.***

(d) Executive and Nominating Committees. ***[Note: now Articles VI and VIII respectively]***

Section 2. Regular Committees. The Section shall have such regular committees as created from time to time by the Council. The Chairperson of the Section shall appoint the members of the regular committees for a two-year term. Members may serve up to three terms on any one regular committee. The Chairperson of the Section shall appoint

the chairpersons of regular committees for a one-year term. The chairperson may serve a second term as chair of any one regular committee.

Section 3. Special Committees. *The Chairperson of the Section may create each year such special committees to serve the purposes of the Section.*

ARTICLE XI X: AMENDMENTS

Section 1. Method of Proposing an Amendment. Any member of the Section may propose an amendment to these Bylaws by submitting the proposed amendment and a statement of its purposes to the Secretary, who shall transmit the proposed amendment and the statement of purposes to the members of the Council. The Council shall consider such a proposed amendment at the next Council meeting held 30 or more days thereafter and may consider any other proposed amendment. By majority vote the Council shall submit to the Section at the annual meeting such proposed amendments of the Bylaws, as it deems appropriate. If any amendment proposed by a member as described above is not reported favorably by the Council of the Section, the amendment shall be submitted to the Section at the following annual meeting if a petition signed by 100 or more Section members requesting its submission is filed with the Secretary at least 30 days prior to the annual meeting at which the

amendment is to be submitted to the Section.

Section 2. Adoption of an Amendment. The Section may consider only those amendments to the Bylaws that are submitted to it by the procedures described in Section 1, above. Such proposed amendments shall be submitted to a vote of the members of the Section present at the annual meeting of the Section, and are adopted by majority vote of the members of the Section present and voting. Amendments so adopted shall become effective upon approval of the Board of Governors.

ARTICLE XII X: REPRESENTATION OF ASSOCIATION POSITION

To be effective as the action of the American Bar Association, any action by this Section must be approved by the House of Delegates or by the Board of Governors of the American Bar Association before the action can be effective as the action of the American Bar Association. Actions taken pursuant to Article I, Sections 2(a-b) of these Bylaws shall become effective after review by the House of Delegates, as set forth in the Rules of Procedure for the Approval of Law Schools. Any resolution or recommendation adopted or action taken by the Section shall, on request of the Council or the Section, be reported by the Chairperson or Section Delegate to the House of Delegates or to the Board of Governors for action by the Association. ☰

Commentary on Changes to Section Bylaws

Article II § 2

The Council recommends deletion of the dues amount in the Bylaws. Dues are currently set at \$40.00 per member and there is no plan to change them. It takes approximately one year to amend the Bylaws and the Section must get ABA Board of Governors' approval to increase dues. Under these circumstances, it was felt that a Bylaws provision is unnecessary.

Article IV § 3

The revision clarifies that the individuals mentioned comprise the voting members of the Council. The additional sentences address Section policies that require that educators and practi-

tioners be represented on the Accreditation Committee and the Council. The Council determined that the revision should also reflect the current practice of having at least one judge on the Council and the Committee.

The words "staff members" were added to the fifty percent membership limitation to be consistent with the definition of a faculty member in Standard 402(b) and to include only those whose "current principal employment" is as a law school faculty member, dean, or staff member. Faculty with joint appointments whose principal role is in the law school, law school visiting faculty, and law school instructors with long- or short-term appointments all would continue to be included in the fifty percent limitation. However, persons who hold residual tenure in the law school and possibly teach some classes, but whose principal employment is as a

university official outside the law school (e.g. president, provost, general counsel), would not be considered law faculty, deans, or staff.

Revision to the definition of “public member” in both the Council and the Accreditation Committee portions of the Bylaws are proposed in order to make those definitions consistent and to preclude anyone who is a lawyer (even if not a member of the ABA) from being considered a public member and to preclude the spouse, parent, child, or sibling of a lawyer from being a public member. This also complies with DOE requirements.

Article IV § 4

The Council determined that the current provision requiring turnover of one third of the at-large members each year represents good policy and avoids a significant loss of Council members at any one time. To preserve this policy requires that the person filling a mid-term vacancy be elected to serve out the rest of that term rather than serving a new term upon election. The Council, however, also concluded that a person should be limited to 6 years on the Council. Therefore, a person who fills an unexpired term will only be eligible for one additional term.

Article IV § 7

The amendment reflects the current practice of requesting that the Nominating Committee provide the Council with two candidates for mid-term vacancies. Additionally, the current Bylaws provide that persons filling mid-term vacancies serve until elected by the membership at the Annual Meeting. The revision clarifies that election by the membership is for the remainder of the unexpired term.

Article VI

The current Bylaws do not create an executive committee or address the functions of such a committee although the Council has operated with an Executive Committee for a number of years. This amendment establishes such a committee and describes its functions. The Executive Committee consists of the five officers and one member-at-large appointed by the Chair for a one-year term. The Executive Committee members should reflect the three constituencies (legal educator, judge, and practitioner to the extent practical and should always include two academics.

The addition of two appointed at-large members accommodates the recommendation to have at least two legal educators.

Article VII § 2

The change places term limits on Section delegates.

Article VIII § 1

The current Bylaws merely provide that the Nominating Committee is appointed by the Chairperson of the Council by the midyear meeting and consists of “at least five members of the Section.” The practice over the past few years has been that the Immediate Past Chair of the Council is appointed to the Nominating Committee during the year that office is held and serves as Chair of the Committee the following year. The number on the Committee has fluctuated but over the past few years, the membership has been between eight and ten. Members include both Council and Section members; generally representing the Council’s three constituencies as well as a public member.

The amendment continues the current practice of a single three year term and the practice regarding former Chairpersons’ membership on the Committee and service as Committee Chair. The Nominating Committee will also reflect all three constituencies and consist of six members plus the two former Chairpersons. One-third of the membership, not counting the former Chairs, will turn over every year. This provision also allows every Council Chairperson the ability to appoint members.

Terms of the Nominating Committee are set to coincide with the Annual Meeting.

Article VIII § 3

This provision formalizes the current practice of requesting that the Nominating Committee provide the Council with two candidates for a mid-term vacancy.

Article X

The Council concluded that recognition of committees in the current Bylaws is insufficient. Only Accreditation, Standards Review, Budget, and Nominating committees are identified. The Bylaws also provide that the Council Chair may

appoint “special committees” and the Council may also appoint “committees”. Terms are not set for any committee member.

The Council recommends that the Bylaws recognize three types of committees: Standing, Regular, and Special. Standing Committees would be created in the Bylaws and would include the Accreditation, Standards Review, Executive, Governance, and Nominating Committees. The current Standing Committee called the Governance Committee would include, through subcommittees, the Grievance Panel, the Parliamentarian, a regulatory subcommittee dealing with anti-trust and Department of Education matters, and a Bylaw or Process Review subcommittee. Membership on these subcommittees would include but not be limited to Council members.

Regular Committees are those periodically created by the Council and are those currently referred to in the Bylaws as Committees created

by the Council. Examples include Bar Admissions, Curriculum, the New Deans’ Seminar, and the Kutak Committees.

Special committees are those appointed by the Council Chair for a limited purpose. The current Budget Committee identified in the Bylaws is omitted and the functions and membership of that Committee will be placed in an Internal Operating Procedure designated as a Regular Committee.

The Bylaws establish term limits for members of Regular Committees. The term is two years with two renewals for a total of six years. These terms are consistent with the terms for the Accreditation and Standards Review Committees.

The Bylaws provide that the Council Chair appoint the chairs of the Regular Committees for one-year terms. The chair may be reappointed to a second term. This recommendation is consistent with current practice and allows every Council Chair the ability to appoint committee chairs. 🏠

PROFESSIONALISM

Continued from page 17

es are rendered. A doctor, for example, cannot fulfill his professional duty to his patient by prescribing for one condition while ignoring the patient’s overall health and the potential interactions of the medication with the patient’s other conditions.

In the same way, a lawyer cannot fulfill his professional duty to the client simply by delivering an excellent real estate deed if he fails to at least raise with the client other potential issues in the acquisition of real estate, such as environmental risks. For this reason the lawyer, as a professional, seeks to know and understand the context in which the client operates and in which the lawyer’s services are being used.

6. A specialized body of knowledge and skills freely shared with other professionals. Lawyers must learn, and bar exams test, a specialized body of knowledge and skills. After admission to practice, the lawyer—as a professional—has a continuing obligation (even if not required by her state’s rules of professional conduct) to update, renew and expand such knowledge and skills through continuing legal education. And, as professionals, lawyers who develop or acquire new knowledge or techniques freely share it with the profession generally, in furtherance of the public interest, just as doctors readily share with one another new treatments that may alleviate suffering or save lives.

7. Adherence to ethical rules and participation in self-regulation. The Model Rules of Professional Conduct are disciplinary rules of professional ethics designed to serve the interests of clients and the

public. In addition to the obligation to abide by the letter and the spirit of those rules, lawyers also have the duty to work for the improvement of the profession and to assist in its self-regulation.

As a first step toward restoring professionalism, we must be mindful of and guided by those seven essential professional attributes. Understanding what it means to be a professional is not enough, however. We must articulate the message of professionalism to young lawyers and law students. This must be done in our law schools, and in our law firms, and by judges and leaders of the bar. Even more important, we must live by those professional standards in our own lives at the bar. Ultimately, it is up to the profession to re-assert professionalism.

Even if all lawyers were to “talk the talk, and walk the walk,” however, we should not expect lawyer jokes and cartoons to fade from the scene. Cultural stereotypes die hard. But if we can re-ground ourselves in professionalism, we will feel better about ourselves, individually and as a profession, and less embarrassed by those jokes and cartoons. We are embarrassed by them because they are too close for comfort. We will feel better when we can be confident that they are wide of the mark. 🏠

“Professionalism: It’s no Joke” by Charles E. McCallum published in *Business Law Today*, Volume 16, No. 3, January/February 2007. Copyright © 2007 by the American Bar Association. Reprinted with permission.

Nominating Committee Announces 2007-2008 Slate

The Nominating Committee, chaired by the Honorable Elizabeth B. Lacy and consisting of Pauline A. Schneider, Esq.; Professor Margaret Martin Barry; the Honorable Martha C. Daughtrey; President and Dean Thomas F. Guernsey; Dean Jeffrey E. Lewis; Gregory G. Murphy, Esq.; Nancy M. Neuman; Dean Steven R. Smith; and Dean Barry Vickrey, has concluded its work and forwarded its recommendations to William R. Rakes, Chair of the Section of Legal Education and Admissions to the Bar.

All of the listed individuals have indicated their willingness to have their names placed in nomination. The election of Section officers and Council members will occur at the Section's Annual Business Meeting on Saturday, August 11, 2007, from 5:15 p.m. to 5:45 p.m. at the Hotel Nikko, 222 Mason Street, San Francisco.

NOMINEES

Officers

Chairperson (automatic under the Bylaws)

Honorable Ruth V. McGregor • Arizona Supreme Court

Chairperson-Elect Nominee

Randy A. Hertz • New York University School of Law

Vice Chairperson Nominee

Jerome C. Hafter • Phelps Dunbar, LLP

Secretary Nominee

Peter A. Winograd • The University of New Mexico School of Law

Immediate Past-Chairperson (automatic under the Bylaws)

William R. Rakes, Esq. • Gentry, Locke, Rakes & Moore, LLP

At-Large Council Member Nominees

Re-election to Three-Year Terms

Joseph F. Baca, Esq. • Santa Fe, New Mexico

Becky Cain Ceperley • Greater Kanawha Valley Foundation

Phoebe Haddon • Temple University, James E. Beasley School of Law

Mary Kay Kane • University of California, Hastings College of Law

Rennard Strickland • University of Oregon School of Law

Law Student Division Member Nominee

Election to One-Year Term

Christine Brady • University of Nevada-Las Vegas, William S. Boyd School of Law

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