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From the Chair: Life in the Time of Corona

Diane F. Bosse  
Special Counsel  
Hurwitz & Fine, P.C.  
2019-2020 Council Chair

We will remember these times our entire lives. We will recall, in horror, the loss of life, livelihood, and, for too many, hope. We will celebrate the personal sacrifice made and risk assumed by so many in order to deliver care to those afflicted. We will find a new normal as we define life by before and after this pandemic.

I hope that all the members of the Section, their families, and all who are close to them are safe, healthy, and well. If there was ever a time when we needed to care for each other, it is now. We especially need to care for the class of 2020. The disarray of their final semester, the angst caused by the difficulty completing the academic work required for graduation, delayed or canceled bar exams, and the loss of jobs, and where jobs can be found, the uncertainty regarding practice orders pending delayed admission, would challenge any of us. Please reach out to this class and do what you can to facilitate their well-being as they steer through their uncertain path forward into the profession.

While this class will soon complete the academic year and receive their degrees, some at virtual commencement ceremonies, concern regarding the bar exam looms large. As of this writing, the National Conference of Bar Examiners (NCBE), in addition to making exam materials available for the traditional July dates if conditions allow, has announced that it will make bar exam materials available for two fall administrations, September 9-10 and September 30-October 1, with each jurisdiction deciding when it will administer the exam. NCBE maintains on its website a helpful and current listing of the decisions made by the jurisdictions.¹

Many jurisdictions have announced an intention to proceed with the July exam, if circumstances permit. Others have canceled the July exam, with some announcing September dates. All

jurisdictions are attempting to plan for a bar exam without knowing what crowd size and density restrictions or social distancing guidelines will be in place.

At the same time, many jurisdictions are addressing the problem of potentially delayed admission by enacting emergency rules to permit limited law practice under supervision. The NCBE website cited above includes links to the various temporary practice orders that have been issued by the states. The ABA Board of Governors adopted a resolution urging jurisdictions to adopt such rules. Importantly, the resolution reaffirmed “the historic and longstanding policy of the ABA supporting the use of a bar examination as an important criterion for admission to the bar.”

While the current challenges faced by the class of 2020 are unprecedented, with our support, albeit with some possible delay, this class will take and pass the bar exam, be admitted to practice, and go on to serve their clients with renewed compassion and resolve to seek justice. If there is some good to come of this, I hope it is that we all share that renewal.

In the midst of the pandemic, there was a change in the leadership of the Section. Bill Adams, who had served as Deputy Managing Director since 2014, was selected after a national search as our new Managing Director and began his new duties on April 6th. Bill came to the Section with substantial legal education administrative experience, having served as dean, associate dean, and professor of law, and over the last six years has developed significant expertise in the accreditation of law schools. Bill is past chair of the Association of American Law Schools (AALS) Section on Aging and the Law, the AALS Section on Sexual Orientation and Gender Identity, and the Florida Bar’s Public Interest Law Section. He is the 1994 recipient of the Dan Bradley Award, the National LGBT Bar Association’s highest award for contributions to LGBTQ equality.

Bill is smart, funny, and a tad irreverent. But what most defines Bill as I observed him over the last several years is his commitment to students. In his new position, Bill will, I am sure, continue to be a champion of law students and will insist that their interests be kept at the heart of all that we do. Please join the Council in congratulating Bill and wishing him success and satisfaction in his new position.

Bill has been baptized by fire, having assumed his duties during a public health emergency that has caused havoc and upheaval in legal education. Each day has brought a new challenge, as Bill addresses issues related to what are reasonable modifications to a school’s program of legal education in light of the on-going crisis; whether and how far, as an accrediting body recognized by the Department of Education, the Council may permit departure from the Standards; and what emergency rules might be considered — all while managing the day-to-day work of accreditation and the broader role of the Section. He has maintained his characteristic good humor while riding a river of inquiries from law schools and endless Zoom meetings and conference calls.


3 At p.8
We are not yet saying goodbye to Barry Currier, who served as Managing Director since 2013. He will continue to offer his assistance and substantial talent to the Section and the Council, and will remain in the office until later this summer. We’ll save our goodbyes — and our sincere expressions of our deep gratitude — til then.

Stay safe. Be well. And, please, take care of each other and the class of 2020.

Warm regards,
Diane
From the Managing Director: Managing in a Pandemic

William E. Adams
Managing Director of Accreditation and Legal Education

I join the Council Chair in expressing my sadness at the very real tragedies and sacrifices being endured by people during this public health crisis. I extend my condolences to anyone experiencing personal losses at their schools and to administrators, faculty, staff, and students who have lost family members or friends to the virus.

This year’s graduates from law schools and other parts of higher education face uncertainties as they face an economy reeling from the pandemic. This year’s students were confronted with new challenges in completing classes after stay-at-home orders were put in place. Even those who previously had participated in distance education classes were now in courses not designed for distance education which were being suddenly converted with hardly any notice. Faculty and Administrators, many of whom had not previously taught or administered distance education courses, were suddenly forced to learn how to do so with very little time to learn how. I have been impressed with the speed at which law schools have made the necessary adjustments to permit students to continue to learn and complete their studies this Spring. I have watched as Deans, Associate and Assistant Deans, and faculty and staff have shared strategies and information on our listservs to help each other implement the necessary changes. Not only have schools been required to ensure that students continue to learn in a new environment, they have also provided both emotional and financial support to students facing a variety of burdens wrought by the virus.

This was not exactly how I planned to start my new responsibilities as the Managing Director, but as often happens, life does not follow our best-laid plans. I had hoped in this initial column to start to explain some of my vision and thoughts as I assumed this position at a time when legal education faces challenges. Little did I expect that those challenges would be eclipsed, at least temporarily, as this situation magnified existing problems and brought new ones. I will eventually discuss my original thoughts and vision in future columns, but this one will be devoted to what the Council and our office have been doing to deal with this crisis.
The Department of Education provided guidance to accrediting agencies to give us some discretion in permitting schools to provide distance education in excess of existing standards for this term. As noted above, we exercised that discretion to permit our law schools to continue to teach students. The Council will be considering at its May meeting how to amend our current rules so that law schools can offer expanded distance education in the fall should the Department not extend this flexibility. Along with leaders of other organizations directly or indirectly involved with legal education, I have been invited to join calls every Friday hosted by the Law School Admissions Council and Association of American Law Schools for deans and dean-designates of ABA-approved schools. On those calls, I have tried to provide updates and advice to schools as we explore ways to address their evolving needs.

As noted above, administrators and faculty have been quick to provide advice on how to deal with the challenges of the pandemic, and they have been generous in sharing tips on our listservs. I am pleased that we could provide these avenues for law schools to communicate with each other and I applaud their ingenuity and efforts to help each other.

I regret we could not hold an in-person Council meeting in May and am even more disappointed that we could not hold the round table discussions that we had planned for persons interested in the future of legal education. I promise that we will do so when we are able to do so in the future. It is part of the plans that I intended to discuss before the virus disrupted our lives. I will discuss more of that in future columns.

I am grateful to all who trusted me to take this new position and to all those who helped me manage during this unprecedented time. This includes leaders of other legal education organizations, ABA leaders, and various members of the Council. I am especially thankful to the Chair and Chair-Elect of the Council, Diane Bosse and Scott Bales, respectively, who have talked to me almost daily as we discuss the newest problems and questions posed. I also thank the great staff in our office who help in countless ways to assist schools and myself. I could not end this without expressing my gratification to my predecessor, Barry Currier, who gave me the opportunity to serve as the Deputy for these past nearly six years. I fortunately will have his wise counsel and experience to call upon as he stays with us through the summer as we seek a new Deputy Managing Director. I will have more to say about his legacy in a future column.
From the Section Director: Section Spotlight - Legal Writing Sourcebook, Adjunct Faculty Committee, Event Updates

Erin Ruehrwein
Section Director

It’s certainly been a whirlwind these past few months as we’ve all tried our best to navigate through this “new normal.” The COVID-19 pandemic has challenged us all as we work through feelings of fear, anxiety, and uncertainty, to name a few. Our day to day lives have been disrupted and many have had to adjust to new work (from home) environments and develop ways to continue our work successfully and efficiently. Most importantly, though, we’ve had to make the health and safety of ourselves, family, friends, and colleagues, our number one priority. While it hasn’t been easy, it’s been made easier by the collaborative efforts and support of our leaders, member volunteers, and colleagues, as we’ve all come together – often in new ways, such as remotely through Zoom – to continue our work. Because of that I am proud to report on several Section projects.

Legal Writing Sourcebook, Third Edition
I am thrilled to announce that the Section has published a Third Edition of its Legal Writing Sourcebook, which serves as a valuable guide and reference tool on the design, direction, and teaching of legal writing programs. This edition is available in both hardcover and e-book formats. While you can learn more about the Sourcebook later in this issue, I want to take this opportunity to express my sincere thanks and appreciation to those who so generously volunteered of their time and expertise to produce this high quality publication. This book would not have been possible without its Executive Editor, Professor J. Lyn Entrikin, who oversaw the project from start to finish, in addition to authoring several chapters, among other things. You are an absolute joy to work with, Lyn, and for that I am grateful. I also owe a debt of gratitude to our Copy Editor, Emerita Professor Mary Trevor and Executive Steering Committee members Associate Dean and Professor Olympia Duhart, Professor J. Lyn Entrikin, and Dean and Professor Anthony Niedwiecki, whose leadership and great attention to detail contributed greatly to the book. I’d also like to thank the Section’s Publications Committee for their continued support on this new edition. And to all of our authors, thank you for your dedication and willingness to share your expertise. To say it took a village is an understatement.
**Adjunct Faculty Committee**
I’d like to highlight the Section’s newly created Adjunct Faculty Committee. The Committee serves to provide a forum for law schools to discuss ways to better recruit, train, mentor, and supervise adjunct faculty, and to provide a focus within the Section for discussion of issues that are of particular interest to adjunct faculty. The Committee has worked to create a [website](#), which includes links to articles and programs of interest, among other valuable resources. Thank you to our committee members for volunteering their time and expertise to launch this new committee.

**Co-Chair Larry Ponoroff**, Professor and Former Dean, Michigan State University College of Law  
**Co-Chair David Lander**, Professor of Practice, St. Louis University School of Law  
**Jerry Brown**, Adjunct Professor, UIC John Marshall Law School  
**Danielle Conway**, Dean and Donald J. Farage Professor of Law, Dickinson Law, The Pennsylvania State University  
**William Snape**, Assistant Dean of Adjunct Faculty Affairs, American University Washington College of Law

**2020 New Deans’ Workshop/Deans’ Workshops/Law School Development Conference**
Unfortunately, due to the COVID-19 pandemic and the uncertainty surrounding restrictions on large group meetings and travel, the Section felt it was the best decision and in the best interest of all participants to cancel these in person events and reschedule them for 2021. The 2021 events will also be held at the Marriott St. Louis Grand hotel. The Section will continue to provide updates on these events. Please note that the Section is exploring the possibility of hosting a virtual workshop for new deans in June and will provide information as soon as its available.
Law Schools Need Improvement Science, Now More Than Ever

Chance Meyer
Adjunct Professor of Law
Nova Southeastern University
Shepard Broad College of Law

Times of crisis force important decisions under circumstances that make good decisions unlikely. The COVID-19 pandemic has required law schools to make major changes in a rush, in distress, and in the dark as to what the future holds. The downstream consequences, for students and educators, will be significant. For years to come, law schools will need to continuously reassess and redesign programs and operations in the unstable conditions of the pandemic’s aftermath.

The customary approach law schools take when deciding what organizational changes to make and how to see those changes through will not lead reliably to success. To thrive in the challenging times ahead, law schools need a disciplined methodology for developing and implementing changes designed to have the most beneficial—or least harmful—impact on outcomes, based on the unique characteristics of individual law schools.

When a law school faces a new challenge, the customary approach is to form a committee or task force to gather information and brainstorm ideas. Ideas generally involve adopting the latest, most touted teaching methods, products, or resources. The favorite ideas of the people with the greatest influence win the day. Those ideas are implemented to find out whether and how they work for the law school.

This approach is common and long-standing. It is also deeply flawed, biased, and—from an improvement standpoint—backwards.

The following example of how a law school might respond to a timely and common challenge will help illuminate the problems with the customary approach, why improvement science is far more effective, and how the improvement science process works.

Imagine a law school task force is formed and charged with redesigning an ineffective distance learning program cobbled together during the pandemic. The chair invites ideas. Professor A recently read a law review article suggesting that student-student interaction promotes engagement in online learning. Professor A recommends a new virtual classroom platform that enables breakout groups. Professor B recently heard a student complain that professors do not call on students or invite student participation in online classes. Professor B recommends faculty training in online teaching methods. Professor C insists based on forty years of teaching experience that online teaching does not work. Professor C recommends scrapping the online program and arranging for social distancing in live classes of reduced size. Other members add to the blizzard of ideas.
How will the task force members know which idea is best? How will they determine which idea will have the greatest positive impact on outcomes, such as bar passage?

Quite simply, under the customary approach, they won’t. The ideas that receive serious consideration will be determined by the proclivities, intuitions, experiences, and politics of the group. Decisions reached by vote or consensus will boil down to who has the most influence over the most decision-makers in a contest of personalities and power dynamics.

One critical problem with the customary approach is that it results in law schools, as organizations, making important decisions based on biases. In *Judgment in Managerial Decision Making*, Max Bazerman and Don Moore explain how heuristics and biases guide organizational decision-making in the absence of scientific methodology.

*Recency bias* is common. For instance, Professor A tends to feel that the law review article she read recently is more important than other articles and ideas she encountered in the past. Educators accustomed to applauding innovation may be especially likely to regard old ideas as bad ideas, whether they are or not.

*Insensitivity to sample size* is also common. For instance, Professor B tends to feel that the student complaint she heard is representative of what the entire student body thinks. Educators accustomed to sweating student evaluations may be especially likely to overvalue and overreact to each student complaint.

The bias of *overconfidence* is prevalent among those with extensive experience and high intelligence. In *Why Smart People Do Dumb Things*, Mortimer Feinberg and John Tarrant call it “self-destructive intelligence syndrome.” In *Reframing Organizations*, Lee Bolman and Terrence Deal explain why smart leaders can sometimes be “too smart for their own good.” Essentially, knowing a lot tends to make people feel like they know everything, so they discount other perspectives and opinions. For instance, Professor C tends to feel he knows what’s best based on knowledge and experience, even when someone else may know better.

Law schools that allow biases to dictate the organizational changes they make wind up jumping constantly from one idea to the next in an endless frenzy of new initiatives, burning through resources and people, without consistently or measurably improving outcomes.

In *Learning To Improve: How America’s Schools Can Get Better at Getting Better*, experts at the Carnegie Foundation for the Advancement of Teaching explain why the customary approach fails:

> [C]hange too often fails to bring improvement—even when smart people are working on the right problems and drawing on cutting-edge ideas. Believing in the power of some new reform proposal and propelled by a sense of urgency, educational leaders often plunge headlong into large-scale implementation. Invariably, outcomes fall far short of expectations. Enthusiasm wanes, and the
field moves on to the next idea without ever really understanding why the last one failed.

Under pressure to act quickly, legal educators rush to select and implement promising ideas for change. \textit{Even if they have the right ideas}, reckless implementation causes disappointing and often untraceable results. Educators then misattribute the poor results to their ideas, rather than the vagaries of slapdash implementation. So they keep looking for the next good idea, without giving good ideas a chance to work.

Legal educators have the change process backwards. Like Professors A, B, and C, they begin the process by presupposing they know the best solutions and end the process by discovering whether their solutions work when shoehorned into the pre-existing organizational system of a law school.

Improvement science puts the process in the right order. Improvers marshal the collective and diverse knowledge of organizational members to identify and test ideas for change that will have the greatest impact on outcomes once implemented at scale. Through this process, \textit{the system tells the educators what ideas it needs}, not the other way around.

That role reversal is critical, because, contrary to popular belief, law school systems and the problems they encounter are inevitably too complex for the human mind to fully conceptualize.

Each law school is a complex organizational system. When a change is made in the system—even if the change is based on a great idea that works at other schools—the system churns in unpredictable ways. Interrelated processes reorient. Resources redistribute. Influences realign. Sensemaking kicks in among organizational members. New narratives and meanings arise. Attitudes shift. Technical and normative conditions reform and reintegrate. Through churn, the impacts of a change are mediated, modulated, diluted, mitigated, eliminated, even reversed, in ways no one is capable of foreseeing.

Because of the complex nature of system change, having good ideas is not good enough to improve organizational outcomes. Improvement science is the way to get on top of all the complexity.

The improvement process is daunting, but still less so than the never-ending rollercoaster of new initiatives that results from the guesswork of the customary approach. Most importantly, improvement science works. There are numerous studies and \textit{examples} of successful improvement science initiatives in education and health care.

Many faculty and staff rushing to build capacities in distance learning during the pandemic have remarked that there is no playbook for this situation. But, in a sense, there is. In fact, there is an entire scientific discipline, packaged into a practical, step-by-step process, recommended by experts for schools struggling with complex problems in rapidly changing environments. Legal educators across the country sprung into action with admirable commitment when suddenly
faced with the need to move online. But, in the months and years to come, a more disciplined and prudent approach is available.

Improvement science is how organizations get serious about getting better. Returning to our example, if the distance learning task force were to embrace systems thinking and adopt an improvement methodology described in resources like The Improvement Guide, its process would look very different. In broad strokes, over a period of weeks or months, it would involve the following.

The task force would begin by painstakingly defining the problem it was facing, without assuming that the problem is fully understood or leaping forward to proposing solutions. Causes, or drivers, of the problem would be identified and arrayed in a diagram. The diagram would align the understandings of the participants and moor their discussion to a common progression, rather than allowing it to pinball randomly among discordant ideas. Tools like fishbone diagrams would help standardize the process.

Perhaps the task force would determine that one driver of the online program’s poor results is the undermining of learning experiences by technology glitches. Perhaps another driver would be a lack of student engagement. Behind those drivers would be deeper causes to explore and diagram.

The task force would keep the process user-centered, meaning it would focus on knowledge and insights from the daily, ground-level workers who experience, live with, and interact with the organizational features being scrutinized. Users might include online teachers, ASP professionals, IT professionals, and student affairs professionals.

Opinions from top administrators and senior faculty members would not get higher billing in the diagram. Rather, the strength of an idea as a function of collective judgment would determine the idea’s import.

Tools of confirmation, like data analysis, could be used to confirm the information in the diagram.

Once the task force was satisfied that it had visualized the entire problem, it would use other tools, like an interrelationship diagram, to prioritize the drivers. By identifying the most impactful drivers, the task force would focus its limited resources where they could have the greatest effect.

Perhaps the task force would find that the technical glitches were causing student disengagement by creating frustration. Perhaps, then, addressing the technical-glitches driver would do more to help outcomes than limiting the scope of the task force’s efforts to the student-disengagement driver, which falls further downstream.

A Pareto Chart could help the group visualize which drivers were having the greatest impacts. If the Pareto Principle held true, which it often does, eighty percent of negative variance in system
outcomes would result from twenty percent of the causes. In other words, encouragingly, the task force would find that big impacts were achievable through fewer changes than expected.

Once the group was on the same page about which drivers it would target—which levers were most useful to pull—it would already be leaps and bounds beyond the progress achieved by many committees and task forces.

Only then would the task force turn to suggesting solutions. Here, an *aim statement* would anchor the task force’s discussion to a common, memorialized objective.

A good aim statement includes what improvers want to accomplish, for whom, by how much, and by when, so there is no confusion later about what constitutes success. The task force’s aim statement could be to increase scores on a certain assessment for online students in a certain course by a certain amount by a certain date. In crafting an aim statement, the task force would hold itself to practical, realistic, measurable goals.

With a clear aim and list of high-impact drivers, the task force would then undergo a process of developing *change ideas*. Eventually, those ideas would be connected to key drivers in turn connected to the aim statement in a master diagram, representing the task force’s unified theory of improvement.

Next, the task force would turn to developing a system of measurement to ensure that once the change ideas are put into practice, results would be discernable and captured in qualitative and quantitative data. Perhaps one measurement would involve collecting student scores on assessments in courses outside the improvement project, to help account for the possibility that a student having an across-the-board bad semester for personal reasons may appear within the project to be a negative reaction to the intervention.

With measurements in place, the task force would design *plan-do-study-act* (PDSA) experiments to simulate and test the change ideas in rapid iterations, accelerating the task force’s learning. Perhaps the task force would arrange small, online workshops which deliver fast data useful in predicting results on the outcome targeted in the aim statement. With a little creativity, the task force would avoid waiting for a semester to play out before being able to gather evidence.

Based on the results of iterative PDSA cycles, changes would be gradually scaled up, introducing new variation, student cohorts, and contexts, until full-scale implementation was reached.

Undeniably, the improvement process is much harder than the guesswork and brainstorming of the customary approach, but it is attainable to legal educators and practical by design. Long before COVID-19, the Carnegie researchers concluded that educators need to adopt improvement science. Law schools should heed the Carnegie Foundation’s expert advice.

Any legal educator can make the paradigm shift to becoming an improver. It is never too late to start. Resources like *The Improvement Guide* are available. Consultants are available. Efforts to
bring organizational theory into law schools have already begun, such as in Patrick Gaughan’s
Facilitating Meaningful Change Within U.S. Law Schools.

Once educators enter the world of systems thinking, old ways of pursuing change seem almost
absurd. They can no longer imagine what they would say in a task force meeting following the
 customary approach: Welcome. We are facing problems of unfathomable complexity in a vast
organizational system with networks of interrelated processes none of us can begin to fully
conceive. So, who has a good idea to fix everything?

Science is used to solve problems that are beyond the capacity of the human mind to solve. Just
as doctors will use the scientific method to collectively learn how to beat COVID-19, educators
can collectively learn how to improve student outcomes during a pandemic and in the economic
fallout.

Many predict COVID-19 will usher in an era of distance learning. It is equally likely that emergency
remote teaching will lead to poor results, and the takeaway for many professors will be that
distance doesn’t work. Rather than continuing to blame teaching methods for the consequences
of rushed implementation, we should come out of these awful events with a new commitment
to organizational learning through science-based initiatives.

Legal education could benefit tremendously from the founding of an institute for improvement
science in legal education. The institute would serve as a resource for training and technical talent
to assist law schools in improvement initiatives, and could act as the hub of a networked
improvement community, so law schools could learn from each other.

The organizational theorist W. Edwards Deming once said that educators have “miracle goals
without methods.” Legal educators can no longer afford to naively hope a hodgepodge of good
ideas is enough to create good outcomes. If we are willing to learn scientific methods of
productive organizational change, we can make our method the miracle.
Nominating Committee Announces 2020-2021 Council Slate

The Nominating Committee, chaired by Dean Emerita and Professor Maureen O’Rourke of Boston University School of Law, presents the following slate to the Council and the Section for election in July 2020:

Chair (automatic under Section Bylaws)
Scott Bales
Executive Director
IAALS
Denver, CO

Scott Bales became the Executive Director of the Institute for the Advancement of the American Legal System (IAALS) at the University of Denver in September 2019 after his retirement from the Arizona Supreme Court. Bales had served on the Court since 2005, including a five-year term as Chief Justice from 2014 to 2019. He is also a member of the Council of the American Law Institute and formerly served as the chair of the Appellate Judges Conference of the ABA’s Judicial Division and on the board of directors for the Conference of Chief Justices.

Before his appointment to the Court, Bales had practiced law for nearly 20 years as both a private and public lawyer. He was a partner in firms that later became Osborn Maledon P.A. and Lewis Roca Rothgerber Christie. Bales served as Arizona’s Solicitor General from 1999–2001. He also was a Deputy Assistant Attorney General for the U.S. Department of Justice’s Office of Policy Development, a federal prosecutor in the United States Attorney’s Office in Phoenix, and a Special Investigative Counsel for the Justice Department’s Inspector General. He has often taught courses as an adjunct professor at the law schools at Arizona State University and the University of Arizona.

Bales earned a B.A., summa cum laude, from Michigan State University, an M.A. in economics from Harvard University, and a J.D., magna cum laude, from Harvard Law School, where he served as an editor on the Harvard Law Review from 1981 to 1983. He also was a Teaching Fellow from 1979 to 1983 at Harvard University and received the Allyn Young Prize for Excellence in Teaching Economics in 1980 and 1981. After graduating from law school, he clerked for U.S. Supreme Court Justice Sandra Day O’Connor, Judge Joseph T. Sneed III of the U.S. Court of Appeals for the Ninth Circuit, and the Office of the Solicitor General at the U.S. Department of Justice.

Chair-Elect
Election to a One-Year Term
Leo P. Martinez
Dean Emeritus and Professor Emeritus
University of California, Hastings College of the Law
San Francisco, CA
Leo Martinez is Dean Emeritus and Albert Abramson Professor of Law Emeritus at the University of California, Hastings College of the Law. He served as UC Hastings’ Academic Dean for twelve years and he served as the Acting Chancellor and Dean of the College in the 2009-2010 academic year. He is currently Vice Chair of the Council.

Professor Martinez is a past president of the Association of American Law Schools (AALS). He has chaired or served on more than two-dozen ABA law school site evaluation visits and he has assisted more than a dozen law schools in their strategic planning. He is a member of the American Law Institute (ALI), he was one of the academic advisers on the ALI’s Principles of the Law of Liability Insurance project, and he was a member of the ABA Task Force on the Future of Legal Education that issued its final report in 2014. He received Public Advocates’ Voices of Conscience Award in 2011, he was elected an honorary fellow of the American College of Coverage Counsel in 2017, and he was presented with the Hastings Visionary Award by the UC Hastings Board of Directors in 2018.

Outside of academia, Professor Martinez has chaired the boards of five different non-profit organizations including KQED, Inc., Public Advocates, Inc., the St. Francis Hospital Foundation, Public Media Company, and the Public Media Venture Group (a consortium of 25 public television stations). His past affiliations include a 10-year stint as a member of the board of CollegeTrack, a Bay Area-based organization that provides mentoring for high school students living in low-income and underserved areas and a six-year term as a member of the University of Kansas Chancellor’s Advisory Board.


Vice Chair
Election to a One-Year Term
Joseph K. West
Partner and Chief Diversity & Inclusion Officer
Duane Morris LLP
Washington, DC

Joseph K. West is a partner in the trial group at Duane Morris, LLP. He also serves on the firm’s partners board and is also the firm’s Chief Diversity and Inclusion Officer. He handles complex litigation matters and advises global companies on a wide array of matters. His clients currently include Walmart Stores Inc., Exxon Mobil, Chick-fil-A, Aon, and Dubai-based Al Ahli Holding Group. He has also acted as a trusted advisor to a number of clients in the sports and entertainment fields including Laurence Fishburne, Bill Duke, and the Carolina Panthers.
Mr. West was formerly Associate General Counsel - Head of Outside Counsel Management at Walmart Stores Inc. where he was responsible for managing the company's relationships with its outside law firms worldwide, including oversight of over 600 law firms and a budget of over $300 million. He was also a member of Walmart’s Class Action – Complex Litigation Group wherein he helped manage a number of groundbreaking matters including the largest class action matter in U.S. history. Prior to Walmart, he was Associate General Counsel at Entergy Corporation wherein he had first-chair responsibility for a broad array of commercial, casualty and toxic tort bench, jury trials, and arbitrations.

A nationally recognized expert on diversity and inclusion, Mr. West previously served as CEO of the Minority Corporate Counsel Association (MCCA), a national advocacy group that conducts research and training on corporate diversity and inclusion issues. He has lectured and written extensively on this issue and currently represents, trains, and advises numerous publicly traded companies, their boards, and CEOs on issues related to diversity and inclusion and the compliance, risk management, and corporate strategies associated with this important and growing area of concern. In 2019, he received the Inaugural Lifetime Achievement Award for Equity and Inclusion from Chambers & Partners. Mr. West is a member of the Board of Directors of the Lawyers Committee for Civil Rights Under Law, a member of the Board of Directors of the Black Entertainment and Sports Law Association (BESLA), and a member of the Board of Trustees of Xavier University of Louisiana.

Mr. West was appointed by ABA President Paulette Brown to the ABA Commission on Diversity and Inclusion 360. He was a member of the ABA Task Force on the Financing of Legal Education and has served on the ABA Commission on Racial and Ethnic Diversity in the Profession. He was also a member of the Association of Corporate Counsel's ACC Value Challenge Steering Committee and formerly served on the board of the Arts Council of New Orleans as well as the Walton Arts Center Corporate Leadership Council. Additionally, former Louisiana governor Kathleen Blanco appointed him to chair the Louisiana State Museum Board.

He is a graduate of Tulane Law School and formerly served as an adjunct professor of trial advocacy at Tulane. He has lectured at the George Mason Antonin Scalia School of Law on corporate leadership and diversity and was recently retained by the school to help develop the first of its kind curriculum in corporate diversity and inclusion.

Members-at-Large

Election to a Three-Year Term

Craig M. Boise
Dean
Syracuse University College of Law
Syracuse, NY
Craig M. Boise is the 12th Dean and Professor of Law at Syracuse University College of Law, where he has established a reputation as one of legal education’s leading innovators.

During his nine years as a law school dean, he has established one of the nation’s two largest hybrid online J.D. programs, the first online joint J.D./M.B.A. program, one of the earliest Master of Legal Studies programs for non-lawyers, the nation's first law-school based incubator for solo practitioners, and a “risk-free” J.D. program granting a master’s degree in law to students who elect not to pursue a law career after successfully completing their first year of law school.

Before coming to Syracuse, Dean Boise was Dean and Joseph C. Hostetler-BakerHostetler Chair in Law at Cleveland State University’s Cleveland–Marshall College of Law. He has held faculty positions at DePaul University College of Law, where he was also Director of the Graduate Tax Program, and Case Western Reserve University School of Law. He has taught a variety of tax courses, and his scholarship on US corporate and international tax policy and offshore financial centers has been published in the *Texas International Law Journal*, the *George Mason Law Review*, and the *Minnesota Law Review*, among others.

Before beginning his academic career, Dean Boise practiced tax law for more than eight years at Cleary Gottlieb and Akin Gump, in New York, and at Thompson Hine, in Cleveland, OH. He clerked for the Hon. Pasco M. Bowman II, of the US Court of Appeals for the Eighth Circuit. Dean Boise earned his LL.M. in Taxation from NYU, his J.D. from the University of Chicago, and his bachelor’s degree in political science, summa cum laude, from the University of Missouri-Kansas City, where he also completed substantial coursework in piano performance at the university’s Conservatory of Music.

Dean Boise is a former member of the ABA Section of Legal Education and Admissions to the Bar Standards Review Committee and the Steering Committee of the AALS’s Deans’ Forum. In 2018, he served as Co-Chair of the transition team for New York Attorney General Tish James. He is a member of the New York State Judicial Institute on Professionalism in the Law and is admitted to the bar in New York and Ohio.

Susan L. Kay

**Associate Dean for Experiential Education and Clinical Professor of Law**

**Vanderbilt University Law School**

**Nashville, TN**

Susan L. Kay is the Associate Dean for Experiential Education and Clinical Professor of Law at Vanderbilt University Law School, having joined the clinical faculty in 1980. In addition to teaching in the Criminal Practice Clinic, she supervises the Trial Advocacy courses and teaches courses on Criminal Law and Evidence. Within the clinic, she has conducted major public law litigation concerning jail overcrowding, inmates’ rights, and juvenile justice. She recently served as a member of the Tennessee Supreme Court’s Indigent Representation Task Force. In 2007, she completed an assignment as a court-appointed monitor in federal litigation challenging the state’s compliance with its responsibilities to children enrolled in the TennCare program. In 2005,
she was co-reporter with on the Tennessee Bar Association Criminal Justice Section’s study of effectiveness of counsel in death penalty cases.

Professor Kay is active in many professional and service activities and has served as president of the Clinical Legal Education Association, a national association that represents more than 600 law faculty, and as president of the board of the Tennessee Alliance for Legal Services, and the Legal Aid Society of Middle Tennessee and the Cumberlands. From 2009-19, she chaired the board of the American Civil Liberties Union of Tennessee. She is a former member of the Accreditation Committee and Standards Review Committee of the ABA’s Section of Legal Education and Admission to the Bar. She is a fellow of the Nashville Bar and the Tennessee Bar, and in 2019, received the A.C.L.U. of Tennessee’s Lifetime Achievement Award.

Professor Kay holds a B.A. from Williams College and a J.D. from Vanderbilt University Law School.

**Honorable Bridget Mary McCormack**

**Chief Justice**

**Michigan Supreme Court**

**Lansing, MI**

Chief Justice Bridget Mary McCormack joined the Michigan Supreme Court in January 2013, and became the Chief Justice in January 2019.

An NYU Law graduate, Chief Justice McCormack started her legal career in New York City. In 1996 she joined the Yale Law School faculty. She then joined the University of Michigan Law School faculty, in 1998, where she taught criminal law, legal ethics, and various clinics. She was named Associate Dean for Clinical Affairs in 2002.

Chief Justice McCormack was elected to The American Law Institute in 2013. The U.S. Department of Justice and the U.S. Department of Commerce’s National Institute of Standards and Technology appointed her to the National Commission on Forensic Science in 2014. She serves as an editor on the ABA’s preeminent journal, *Litigation*. In 2019, Governor Whitmer appointed her as Co-Chair of the Michigan Joint Task Force on Jail and Pretrial Incarceration, and in 2020 she was appointed as Board Member of the Kids Kicking Cancer non-profit organization. Chief Justice McCormack continues to teach at the University of Michigan each year as well as publish in professional journals and law media.

Chief Justice McCormack is married to Steven Croley, a partner at Latham and Watkins. They have four children.
Re-election for a Three-Year Term

Daniel T. Madzelan
Associate Vice President, Government Relations
American Council on Education
Washington, DC

Daniel T. Madzelan joined ACE in 2014 as associate vice president for Government Relations. In his role, Madzelan helps advance ACE’s advocacy on behalf of the higher education community, particularly the array of federal policies and issues critical to the missions of American colleges and universities and the students they serve.

From 2009–10, Madzelan served as acting assistant secretary for postsecondary education at the U.S. Department of Education, where he was charged with primary responsibility for administering a $2.6 billion program budget providing financial support to colleges and universities and their students, and had policy and program budget responsibility for the Title IV student financial aid programs that provided nearly $130 billion in grant, loan and work-study assistance to more than 14 million postsecondary students and their families. Previously, he was a longtime director of the forecasting and policy analysis service in the department’s office of postsecondary education. He worked in a number of capacities in that office before becoming a director.

Madzelan is a graduate of the University of Maryland, College Park, with a bachelor of arts in economics with a concentration in mathematics and statistics.

Mary Campbell McQueen
President
National Center for State Courts
Williamsburg, VA

Mary C. McQueen has served as president of the National Center for State Courts (NCSC) since August 2004. Previously, Ms. McQueen served as Washington State court administrator from 1987-2004 and director of judicial services for the Washington State Office of the Administrator for the Courts (1979-1987), president of the Conference of State Court Administrators (1995-1996), and chair of the Lawyer’s Committee of the American Bar Association/Judicial Division. She is a member of the Washington and U.S. Supreme Court Bars.

Ms. McQueen has served on numerous ABA committees and task forces including the Standing Committee on State and Federal Courts, the Commission on the Future of Legal Services, and the newly created ABA Center for Innovation. In her capacity as president of NCSC, Ms. McQueen coordinates major national initiatives for the Conference of Chief Justices (CCJ) including the review of model rules and policies on admission to the bar, legal education requirements and professional ethics for lawyers and judges. She serves as Secretary General of the International Organization on Judicial Training (IOJT) consisting of 80 country members. Ms. McQueen holds a
Phyllis D. Thompson
Judge
District of Columbia Court of Appeals
Washington, DC

Phyllis Thompson was appointed to the District of Columbia Court of Appeals by President George W. Bush in 2006. Prior to her appointment to the bench, she served for several years on the court's Committee on Admissions, grading the written component of the District of Columbia bar examination and conducting character and fitness reviews. As a judge on the court, she now serves as liaison judge to the Committee on Admissions. Since 2014, she has also served on the board of trustees of the National Conference of Bar Examiners. Her board of trustees committee assignments have included chairing the Diversity Committee and the Editorial Advisory Committee (which oversees The Bar Examiner publication), and serving on the Multistate Bar Examination Committee.

Judge Thompson received her J.D. with high honors in 1981 from George Washington University Law School, where she was elected to Order of the Coif and was a Notes Editor of the law review. She received a master's degree in religion from Princeton University in 1976 and a B.A. in anthropology in 1974 from George Washington University, where she was elected to Phi Beta Kappa during her junior year and was valedictorian of her graduating class. Prior to and during law school, she was an instructor and lecturer at Georgetown University.

Anders J. Miller
The Ohio State University Moritz College of Law
JD Expected May 2021

Anders Miller is a third-year law student at the Moritz College of Law at The Ohio State University where he serves as a Student Bar Association Senator on the faculty Academic Affairs Committee. Mr. Miller is active in many public-interest groups in the Columbus community, particularly advocating for students and public education.

Prior to law school, he taught high school English in Columbus, Ohio for three years, to nearly four hundred students. During that time in the classroom, it became apparent that new teachers were not listened to nor supported adequately.

To address these issues, Mr. Miller founded and served as Vice Chair of the National Education Association’s Young Professionals Caucus to guarantee a voice for younger members in the union’s deliberative body. Additionally, he started the Ohio Education Association’s Ohio’s New
Educators to fill that support gap for new educators in Ohio by engaging and empowering them to speak meaningfully to decision makers. For this work, Mr. Miller received his local union’s South-Western Education Association Accomplishment Award, given to a member deserving of recognition for outstanding work contributing to public education and the union.

Following Mr. Miller’s experiences serving in Representative Robert "Bobby" Scott’s personal office in the United States House of Representatives, years as a page in the Ohio Statehouse while an undergraduate, and public education advocacy in the legislative process while teaching, he looks forward to continuing his career of public service in our government’s legislative branch following law school.

Section Representative to the ABA House of Delegates
Re-election to a Second Three-Year Term
Joan Howland
Associate Dean & Professor
University of Minnesota Law School
Minneapolis, MN

Joan Howland is the Roger F. Noreen Professor of Law and Associate Dean for Information and Technology at the University of Minnesota Law School. Professor Howland teaches a course on American Indian legal history and a course on Magna Carta and the evolution of Anglo-American law. Her scholarship focuses on American Indian law and culture, information technologies, business management, thoroughbred horseracing and equine law generally, legal research methodologies, and law librarianship. She served on the Accreditation Committee from 2001 to 2006 and on the Council from 2006 to 2016, including a term as chair from 2014-2015. Professor Howland was a member of the Section’s Law Libraries Committee from 1992 through 1994 and co-chaired that committee from 1994 through 1996. In 2017, Professor Howland was elected to serve a three year term as the Section’s representative to the ABA House of Delegates.

Throughout her career, Professor Howland has been active in the Association of American Law Schools, the American Association of Law Libraries, the American Indian Library Association, and the American Library Association. She is a member of the American Law Institute. In addition to a JD, Professor Howland earned master’s degrees in history, library science, and business administration. Prior to joining the faculty at Minnesota, she held administrative positions in the law libraries at U.C. Berkeley, Harvard, and Stanford.

The election of Council officers and members will take place at the Section’s annual business meeting, Friday, July 31, during the ABA Annual Meeting.

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Article IX, Section 2 of the Bylaws of the Section of Legal Education and Admissions to the Bar provides that one or more additional nominations may be made for any designated seat on the Council, including
officers of the Council (except Chairperson and Immediate Past Chairperson), by petition signed by not less than 50 members of the Section in good standing, not more than 10 of whom are residents of any one state. A person so nominated shall be called the "petitioner". The petition shall specify which nominee the petitioner is challenging and shall state that the petitioner has agreed to the nomination and meets the criteria for the position being sought. The petition shall be delivered in person or by mail to the Section Office at the Association headquarters and must be received no later than June 1. The Secretary shall thereupon confirm that such individual is eligible to serve if elected. If additional nominations are made, the Chairperson shall distribute to the membership a final notice of nominations as soon as practical, but no later than July 15.
Section Publishes Legal Writing Sourcebook, Third Edition

The long-anticipated Third Edition of the Section’s *Legal Writing Sourcebook* has been published and is now available for purchase at a very reasonable price in the ABA’s webstore.

Available in both hardcover and e-book formats, the *Sourcebook* is the primary reference source for those designing, directing, and teaching in legal writing programs. It addresses the ever-evolving world of Legal Research & Writing (LRW) programs - focusing specifically on topics including innovation, formative assessment, teaching students with disabilities, inclusivity, and wellness, to name a few. Many in the legal writing community consider the *Sourcebook* the “go-to” reference book for designing, building, and developing legal writing curricula.

The third edition builds on the success of the first edition, published in 1997; and the second, published in 2006. The third edition provides a wealth of updated and new information reflecting the many developments in the profession over the last quarter century. The Section’s hope is that this book serves as a valuable guide in developing, improving, and sustaining successful legal writing programs, which ultimately leads to successful law students and excellent practicing lawyers.

Special thanks and gratitude go out to Executive Editor, Professor J. Lyn Entrikin; Copy Editor, Emerita Professor Mary Trevor; Executive Steering Committee members Associate Dean and Professor Olympia Duhart, Professor J. Lyn Entrikin, and Dean and Professor Anthony Niedwiecki; the Section’s Publications Committee for its continuing support; and the twenty-some authors (listed below) who generously contributed their time and expertise by writing new sections and completely revising and updating the second edition.

Below is a list of the book’s chapters and primary contributors:

I. Overview of Legal Writing in Law Schools
   Michael Smith, Jan Levine, Catherine Wasson, Sue Leimer

II. Developing a Comprehensive Legal Writing Curriculum
    Lyn Entrikin, Catherine Wasson

III. Pedagogical Methods in First-Year Courses
    Olympia Duhart, David Cleveland

IV. Assessment and Grading
    Anthony Niedwiecki, Tonya Kowalski, Emily Grant
V. Faculty Status and Governance
Suzanne Rowe, Kris Tiscione, Mel Weresh

VI. Ensuring Quality Instruction
Kim Ricardo, Olympia Duhart

VII. Law Students Who Speak English as a Second Language
Mark Wojcik

VIII. Serving Students with Special Needs
Deborah Borman, Anthony Niedwiecki, Lyn Entrikin

IX. Legal Writing Specialists and Writing Centers
Lurene Contento

X. Innovations Inside and Outside the LRW Classroom
Sara Rankin, Mary Bowman, Heather Baxter
Third Party Comments Invited for Law Schools Undergoing Accreditation Site Visits in Fall 2020

The law schools listed below are scheduled for site evaluation visits in Fall 2020. Any additional visits scheduled after the date of this memo will be posted on the Section’s website.

Consistent with Internal Operating Practice 4(a), written comments related to current compliance with the Standards for the Approval of Law Schools may be submitted to the ABA Section of Legal Education and Admissions to the Bar. Comments on law schools with Fall 2020 visits should be sent by August 15, 2020. Please click on this link to submit third party comments.

Law schools undergoing accreditation site visits in Fall 2020 are:

- Arizona State University
- Atlanta's John Marshall Law School
- Baylor University School of Law
- Cleveland State University
- Elon University School of Law
- University of Toledo College of Law
- Western New England University School of Law

Note: Your comments must be signed. Only comments directly related to the ABA Standards and Rules of Procedure for Approval of Law Schools will be considered.
ABA Updates: COVID-19 Resources, Annual Meeting, Pledge for Change

ABA Task Force on Legal Needs Arising Out of the 2020 Pandemic
In response to the growing legal needs of Americans arising from the coronavirus (COVID-19), the American Bar Association has created a nationwide task force of volunteer lawyers and judges from across the legal profession. The task force will identify the legal needs arising from the pandemic, make recommendations to address those needs, and help mobilize volunteer lawyers and legal professionals to assist people who need help.

The task force includes experts in disaster response; health law; insurance; legal needs of families to protect basic human needs such as food, shelter, medical and employment benefits; criminal justice; domestic violence; civil rights; and social justice.

The website of the task force is intended to serve as a national source of information about the coronavirus (COVID-19) and the delivery of legal services. It includes resources on remote service delivery, court access and rules changes, legal needs, public benefits programs, and pro bono mobilization. The ABA appreciates receiving new information for inclusion on the site, preferably links to dynamic content that is updated regularly. Please contact Denise Dempsey at denise.dempsey@americanbar.org with submissions for consideration.

ABA CLE programming related to COVID-19 can be found here.

2020 ABA Annual Meeting
Due to evolving pandemic-related developments, the ABA has decided to transition the 2020 Annual Meeting from an in person event to an online virtual meeting. This year’s meeting will be complimentary and will offer governance and business meetings, CLE Showcase programs, virtual networking opportunities, the General Assembly with the presentation of the ABA Medal, and the House of Delegates. Please check back for the latest information by visiting the ABA’s Annual Meeting website.

ABA Pledge for Change: Disability Diversity in the Legal Profession
Is your law school committed to increasing diversity and inclusion for persons with disabilities in the legal profession? If so, the ABA Commission on Disability Rights invites your school to join the 52 law schools who have already signed the Disability Diversity in the Legal Profession: A Pledge for Change. Doing so demonstrates to your students and the legal profession that your school supports the full and equal inclusion of persons with disabilities. For more information or questions, email cdr@americanbar.org.