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Education & Practice

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The Battle Over The Core Law School Curriculum

Editor's Note: For the past year this Newsletter has published articles focused on the need for changes in the law school curriculum so that the law school experience not only prepares students to pass the bar, but prepares students for the practice of law. This year at the annual meeting of the Virginia State Bar, the Section on Education of Lawyers will present a panel discussion (The Paper Chase of the 21st Century – A Town Hall Meeting) that will focus on the fundamental skills and knowledge base needed for a new lawyer to attain competence across a range of legal matters. However, as will undoubtedly surface during this panel discussion, there is not universal agreement, both at the administrative and faculty level, as to just what is the correct balance between substantive and practical courses. There is also tension in regard to what substantive courses should be taught. The three articles below highlight these tensions. The first article by Charles Rounds, Professor of Law at Suffolk University, is particularly critical of the move towards practical and clinical courses; the second article is a response by Associate Professor Jan Levine, Director of Legal Research and Writing , Duquesne University School of Law, defending legal writing and other clinical courses as a vital part of the curriculum; and the third is a final response by Professor Rounds. These articles, which were originally published by The John William Pope Center for Higher Education (http://www.popecenter.org/), do not reflect the position of VSB Section on Education of Lawyers, but are meant to add to the important discussion regarding what law schools need to teach their students as adequate preparation for the practice law.

Bad Sociology, Not Law: The widespread abandonment of the traditional legal curriculum argues in favor of a back-to-basics law school.

By Charles E. Rounds, Jr.[1]

Cameron Stracher, a professor at the New York Law School, was on target when he suggested in the ***Wall Street Journal*** in 2007 that law schools are not preparing their graduates to *be* lawyers. That is, graduates don't learn the balanced practical judgments that seasoned lawyers must make every day in the course of representing and advising their clients.

As a veteran law professor, I tip my hat to Stracher for having the nerve to say what many only think. I disagree, however, with Stracher's diagnosis. He argues that the cause of the problem is the Socratic case method and presumably the traditional core common law curriculum in which its magic was worked, particularly Agency, Trusts, Property, Contracts, Torts, and Evidence.

As I see it, the cause of the problem is that the Socratic method has *not* dominated law school teaching for a number of decades now. When the method is employed at all, it is as a shadow of its former self, having largely been defanged by grade inflation and "sensitivity" concerns.

A discrete course in Agency is no longer mandatory in most law schools, and hasn't been for years. The same goes for Trusts. This is unfortunate, as agents and trustees are fiduciaries with a duty of undivided loyalty.

A trust is not just the component of some rich person's estate plan. To date, billions of dollars

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Chair's Column

Lawrence H. Hoover, Jr, Esq.
Hoover Penrod PLC

Those of us who practice can practice with dignity and demand the same from those with whom we deal.

I'm grateful for Jeff Summers and his committee's work on the draft of our mission and five-year plan. It has helped me get clearer on where we are as a Section and where we might want to go. The last sentence of the mission statement sees our role of educating and training lawyers "from their entry into law school and throughout their careers." The reference to "throughout their careers" caught my attention, particularly since the Section's activities seem to have centered primarily on law school and entry into law practice. Phases four and five of the draft plan call for an analysis, in coordination with the MCLE Board, of the skills needed by practicing lawyers.

Since joining the Board of Governors I have wondered how this Section might support the development of lawyering skills for the practicing lawyer. As an adjunct professor at Washington and Lee Law School since 1985, teaching negotiation and mediation, I have become increasingly aware of the excellent teaching materials available, especially focusing on client interviewing and counseling and interest-based negotiation skills. These skill sets are relevant across the board, from the solo practitioner and generalist to the big firm specialist, from the transactional lawyer to the litigator and for those lawyers who have moved to fields other than the law practice, but still remain active members of the VSB.

I have also wondered about the extent to which our planning efforts might be coordinated with the primary provider of continuing legal education in Virginia and finally got around to visiting with Gary Wilbert, the Executive Director of Virginia CLE. The rest of this column will focus on the highlights of that visit.

Technology has had a significant impact on Virginia CLE's offerings in recent years. Webcasts and other internet offerings are becoming increasingly popular. Competition has grown from national providers that have gotten a variety of internet offerings approved for credit through Virginia MCLE. Virginia CLE still offers quality programs, but the volume of services has decreased and staff reductions have been unavoidable.

Gary said that the national association of CLE providers (ACLEA) recently held a Critical Issues Summit (October, 2009). The title of the Summit was "Equipping Our Lawyers: Law School Education, Continuing Legal Education, and Legal Practice in the 21st Century."

It was interesting to hear about the "forecasting of the future" by these CLE providers around the country. Here are a few samples:

- Law Schools are expected to restructure the traditional three year case dialogue curriculum to include a year of skills training or to incorporate core competencies in some classes.
- After law school, CLE providers should continue to provide expe-

riential and skills-based educational experiences.
- Traditional CLE may begin to include more and more skills-based training as attorneys move between practice areas and practice environments.
- On-line CLE will grow.
- More focus on the needs of the new attorney and the lack of "practical" training they are currently receiving.
- Broad-based, collaborative efforts are needed to help young attorneys excel at the art of practicing law.
- A Model Skills Template, drafted like a "model rule," could establish a base-line of proficiencies young attorneys need to be successful.
- In the CLE world, there is a growing trend towards skills-based training qualifying for CLE credit.

The term "core competencies" appeared frequently during these discussions, but no consensus has been reached on defining this term. It was suggested that competencies include knowledge, skills and values.

Gary and I had an interesting discussion about what these "core competencies" might look like. For starters we recognized that interest-based negotiation skills are central to the practice of law, irrespective of the area of practice. We also acknowledged that significant scholarship over the past 25 years has given us valuable practical guidelines for negotiation. Also, client interviewing and counseling has evolved from a traditional authoritarian model to a more collaborative model where the lawyer and client engage in a deliberative process, encouraging practical reasoning, wisdom and judgment. Empathy, information gathering, positive regard, sound legal advice, genuine personal warmth and professional distance are important ingredients.

As we move forward with the adoption of a five-year plan for the Section, it seems appropriate that we begin to identify the fundamental lawyering proficiencies (core competencies), and in doing so we can develop and support continuing legal education focused on the needs of the practicing lawyer and the significant number of active members of the Virginia State Bar that are no longer practicing law.

* * * * *

Board of Governors member Dean Rod Smolla has taken leadership in developing the restructuring of the third year program at Washington and Lee Law School, which emphasizes learning through engagement through practicum courses, simulations and client interactions. I encourage Section members to attend "The Paper Chase of the 21st Century" on Friday, June 18 at the annual VSB meeting. The "Town Hall Meeting," showcasing the third year program, was developed by Board of Governors members John Foote and Judge Waugh Crigler and will be moderated by Dean Smolla. ✧

CONTRIBUTIONS

SECTION ON THE EDUCATION OF LAWYERS

The section gratefully acknowledges the following individuals, corporations and Virginia law schools for their generous support of section activities during the last bar year.

Gentry Locke Rakes & Moore

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The Paper Chase of the 21st Century – A Town Hall Meeting

Sponsored by the Section on the Education of Lawyers in Virginia

Friday, June 18 • 2:00 p.m.
Coral D&E • Cavalier Oceanfront Hotel
(No CLE credit)

A revolution in legal education is underway around the country! One of the leading revolutionaries is Dean Rodney A. Smolla, of Washington & Lee University Law School. W&L has radically altered its third year curriculum so that it is now "…based on learning through engagement, combining practicum courses, practice simulations, client interactions, formation of a professional identity and the cultivation of practice skills…." W&L is not alone.

The changes are coming in response to comments from judges, practicing lawyers and clients as to the insufficiency of basic skills and readiness of recent law graduates. Given the recent market transformation experienced by law firms across the country in response to the economic downturn, this issue is one that may be of particular importance to Virginia attorneys in private practice who are balancing reduced revenues with a continued need for top-quality legal talent. The program will include law deans with their individual perspectives on these changes; law students either graduated from or currently in the program; faculty members with a teaching perspective; and practicing attorneys to discuss the perspective of law firms on the strengths and shortcomings of new lawyers.

Jeffrey A. Brauch – Dean and Professor, Regent University School of Law, Virginia Beach.

Hon. B. Waugh Crigler - Magistrate Judge, U.S. District Court, Western District of Virginia, Charlottesville.

Davison M. Douglas - Dean and Arthur B. Hanson Professor of Law, William & Mary Law School, Williamsburg.

John G. Douglass – Dean and Professor of Law, University of Richmond School of Law, Richmond.

M. Elizabeth Magill – Academic Associate Dean; Joseph Weintraub-Bank of America Distinguished Professor of Law; Horace W. Goldsmith Research Professor of Law, School of Law, University of Virginia, Charlottesville.

James E. Moliterno - Vincent Bradford Professor of Law, School of Law, Washington & Lee University, Lexington.

Mary Z. Natkin – Assistant Dean, Clinical Education and Public Service; Clinical Professor of Law, School of Law, Washington & Lee University, Lexington**.**

William R. Rakes – Gentry, Locke, Rakes & Moore, Roanoke; Former Chair, ABA Section of Legal Education and Admissions to the Bar; Former Member, ABA Board of Governors; Founding Chair, VSB Section on the Education of Lawyers in Virginia; Former President, Virginia State Bar.

Clinton W. (Wes) Shinn – Dean and L. Anthony Sutin Professor of Law, Appalachian School of Law, Grundy.

Robert W. Wooldridge, Jr. - Senior Lecturer in Law, George Mason University School of Law, Arlington. Mediator, The McCammon Group; Senior Counsel, Rees Broome. From 1992-2008 he served as a judge in Virginia's Nineteenth Judicial Circuit.

Scott E. Thompson– Associate Professor of Law; Director, Center for Lawyering Skills**,** Liberty University School of Law, Lynchburg.

Moderator:
Rodney A. Smolla – Dean, School of Law; Washington & Lee University, Lexington; Incoming President, Furman University, Greenville, S.C.

The Battle Over...

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worth of sub-prime mortgages are still parked in commercial trusts, the trust being the vehicle of choice for the securitization of such pools. Fidelity's mutual funds generally are structured as trusts. So are Bank of America's and Vanguard's. In 2005, the aggregate value of mutual fund assets in the U.S. was in the range of $8.9 trillion. Charities, even charities that operate in corporate form, are essentially trusts.

As for Property, well, let's just say, it is no longer your father's Property course. It's now more about politics than the fee simple. Equity is ancient history, even though almost every piece of litigation nowadays involves at least one claim for equitable relief. Evidence has been reduced to a "menu course" that may be eschewed.

Common law, of which agency and trust are critical components, is the bedrock upon which all our statutory and regulatory edifices are constructed. Unfortunately, the old required courses *in* the law—the courses necessary to master the law's basic anatomy—have largely been crowded out by courses *about* the law. Almost every self-respecting law professor is now an amateur sociologist engaged in "ground-breaking" and "cutting-edge" scholarship that has a gender, race, or sexual identity hook. Those who are less sociologically inclined are likely preoccupied with some ultra-technical aspect of the Constitution, some piece of legislation, or a regulation. Many professors manage to cobble together entire courses around their preoccupations.

In short, professors mainly teach what they want to teach, which does not overlap much with what prospective lawyers need to know in order to sort out the rights, duties and obligations of parties. Even a negotiation, mediation, or arbitration requires a context, which the core curriculum was designed to supply. Instead, law students at great expense are getting little more than bad sociology. Professional schools need to strike a balance between book-learning and real-world experience. The American law school now deserves failing grades in both departments.

But it gets worse. In response to complaints from the practicing bar that recent law graduates cannot write well and are otherwise unable to "hit the ground running," the typical law school has beefed up its in-house clinics and legal writing programs. These politicized bureaucracies behave like labor unions. They are great at self-promotion and forging national networks. They are labor-intensive and thus frightfully expensive.

At best, these programs are pedagogically inefficient; at worst they are pedagogically cancerous. By chipping away at, or crowding out altogether, traditional core courses such as Agency, Trusts, and Equity, these clinical and legal writing programs are more than just a nuisance. One's writing improves when one has something rational and coherent to express. Ten writing courses will not help the law student who is unable to connect the dots because he or she does not know where the dots are.

There is some irony here, as a lawyer is the agent of his or her client. Law schools are in the business of churning out common law agents but they no longer require that their students take a course in the law of agency? How can that be?

This de-professionalization of the American law school, a phenomenon of profound concern to many in the legal profession, suggests that there is an opening for the for-profit sector. A bare-bones, back-to-basics for-profit law school staffed by seasoned scholar-practitioners may be the answer. The more boot-camp-like the better, in that the rigor will prepare future lawyers for the work they'll actually confront in the real world.

It would be a step in the right direction (but only a small one) if law schools were to revive and require the discrete Agency course and relegate to the extracurricular "subjects" such as these: Climate Change Justice (taught at Harvard), Social Justice Lawyering (University of North Carolina), Law and Literature: Murder (University of North Carolina), Social Disparities in Health (Colorado), Wal-Mart (Colorado), Law & Literature: Race and Gender (Duke), Sexual Orientation and the Law (Duke), Ethics in Literature (Yale), Civil Disobedience (Suffolk), and Critical Race Theory (Suffolk).

In any case, we are more likely to see such modest back-to-basics reforms emanating from a for-profit law school, whose faculty presumably would not be tenured, than from the tenured law faculties in the non-profit sector, which tend to walk in lock step. A for-profit law school that affords its students a thorough grounding in the fundamentals would soon win the respect and admiration of the hiring partners in the nation's law firms. In time they would come to take with a grain of salt the puff pieces and propaganda of their non-profit alma maters, and of the American Bar Association which regulates them.

[1] http://popecenter.org/commentaries/article.html?id = 2281

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Don't Blame Us!: An expert in legal writing responds to Charles Rounds' critique of law schools—and throws in some critiques of his own.

By Jan M. Levine [2]

In his January 2010 column, Professor Charles E. Rounds suggests that the training of law students has suffered because of changes to the core curriculum, and he points to the banishment of the Agency course as a major failing. I agree that lawyers—and law professors—often do not understand the principles of agency and fiduciary responsibility that underlie so many basic legal principles, and that those failings may have played a part in the well-publicized and widespread failures of lawyers and boards of directors to advise and lead corporations to act properly.

But I believe Professor Rounds errs when he lays the blame for the cause of those changes in the core curriculum primarily at the feet of those involved with professional skills training in law schools. First, his Agency course began to vanish—rightly or wrongly—long before skills training began to assume a more prominent position in legal education. Furthermore, Professor Rounds seems to misunderstand the reasons why skills courses have gained ground in the past quarter-century, ground grudgingly yielded by the same entrenched interests in legal education that banished his beloved Agency course from the core curriculum.

Any examination of legal education must begin with the so-called "Socratic Method" in university-based law schools. It became the norm a long time ago, displacing one-on-one training in apprenticeships, largely for two reasons. First, it was promoted as part of a trendy "scientific" method of education. The idea was that the close examination of cases was akin to the scientist's research, leading to the derivation of theoretical truths about the law. That was intellectual cover, however, for the real reason that resulted in the success of the Socratic Method and the growth of the modern law school: financial profit.

A small cadre of highly-paid law professors could teach huge numbers of students, who would pay dearly for the chance to become lawyers. Law schools became cash cows for their hosts, because other than faculty salaries, the only significant expense in legal education was the law library (something which is rapidly declining as print gives way to computer-based databases accessed via the Internet).
The curriculum in most law schools rarely reflects well-reasoned decision-making about pedagogy and training of future lawyers. The curriculum is the product of politics, resulting from the personal interests and desires of the entrenched faculty and reflecting the reward structure that law schools have put in place for faculty scholarship and the attainment of tenure. The self-interest is tempered somewhat by the American Bar Association (ABA) Accreditation Standards, which have historically paid some attention to the wishes of lawyers and judges. Surveys of lawyers, and serious scholarship about legal education, have repeatedly pointed to the need for law schools to graduate students who can practice law. The most cited study reported on a survey of law firm hiring partners, asked about the key skills needed by young lawyers; the top three skills were written communication (90%), oral communication (91%), and library research (92%). In American law schools, those skills are taught almost exclusively in Legal Research and Writing courses and in clinical courses.

Law school administrators and faculty members have opposed increases in the credit hours and staffing for skills courses for several reasons. First, skills courses are perceived to be more expensive per student when compared to the costs of a large lecture hall filled with students and one professor. Second, allocating resources to skills training cuts into the huge slice of the pie allocated to the existing faculty. And third, the faculty have refused to teach skills courses because doing so would require too much work and time (even if they have the abilities to do so, which most do not).

We all know that the teaching of writing, in any context, requires one-on-one attention and constant evaluation and feedback. It is precisely because the effective teaching of writing is so labor-intensive that traditional law professors have resisted every effort to have them teach in that fashion. Such faculty attention to students is absent from the typical law school course, where one professor can teach a hundred students and examine them once, with an exam at the end of the semester, after the course has ended (of course, that is the worst possible pedagogical technique imaginable). And law professors love the proliferation of so-called "boutique courses" in the upper-level curriculum, because that reflects the scholarship produced by a faculty increasingly divorced from law practice experience, particularly at higher-ranked law schools who hire almost exclusively from their own ranks. Such

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boutique courses, however, are the most expensive per student in the curriculum, because of the very small numbers of students enrolled in each course and the high salaries of faculty members teaching the courses.

On average, about half of each work week of a Legal Research and Writing teacher is devoted to individual student attention, such as the critiques of student work product and the conduct of conferences. This intensive teaching is not rewarded in most modern law schools; only the production of theoretical scholarship yields tenure and security, and the respect of one's peers who are locked into the same mold. That's why law schools have traditionally delegated the responsibility for intensive skills training to cadres of teachers who have been paid less, treated as fungible, and disposed of at will. Furthermore, those cadres have been largely female ever since women were grudgingly admitted to law schools in any number, starting when Professor Rounds and I began law school in the 1970s. As a male teacher of legal writing, I'm outnumbered 3:1 by female colleagues.

The ABA Accreditation Standards, which govern law schools, are largely the expression of the interests of traditional law faculties and law school deans, who are academicians, not practitioners. Those groups control the form of legal education to a degree most other professionals, such as physicians and architects and those who train them, would find astonishing. In response to these entrenched barriers to change, and the marginalization of skills courses and teachers, Legal Research and Writing teachers and clinicians created organizations to speak to power about the need to train our students better; over the past quarter century, these efforts have resulted in better training and more stability and security for those teachers, but we are still considered second-class citizens at many law schools.

Professor Rounds also errs in his column a second time, because he misunderstands the nature of the teaching that goes on in modern Legal Research and Writing courses. I found that surprising, because his own law school at Suffolk University has developed, over the past twenty years, one of the most highly-regarded and effective Legal Research and Writing programs in the nation. I'm further surprised because he says that to write well students need something "rational and coherent to express." I agree with that statement, and so would every Legal Research and Writing professor in the nation, including those at Suffolk. Assignments in every Legal Research and Writing course are based in a highly-developed substantive context; these courses are no longer grammar courses or courses in mere citation and legal bibliography.

An example of this substantive context can be found in my own course. My students just submitted extensive appellate briefs addressing a problem about a psychiatrist's duty to warn third persons about a foreseeably dangerous outpatient. They had researched three linked problems in state and federal tort law before that, and had drafted and rewritten three memoranda. These briefs address an incredibly deep look into the applicable substantive law, speaking not only to the entire range of case law within one state about privilege and confidentiality, as well as the duty to warn, but also about the jurisprudential issues involved with the separation of powers in that state, and the authority of the legislature versus that of the courts. My students are expected to know the relevant persuasive authorities from every state in the nation, as well as be familiar with the scholarly commentary that could be brought to bear on their arguments. Their briefs cite to well over a hundred authorities, and use them well. I agree with Professor Rounds that students must be able to connect the dots; students in modern Legal Research and Writing courses find those dots via their research and can connect them better than most experienced attorneys who never had such training in their own law schools. Then they communicate their understanding in a professional manner, to other professionals, which is the hallmark of a good lawyer.

[2] http://popecenter.org/commentaries/article.html?id = 2328

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Trivializing Law School: A course in writing can't make up for law schools' purging of essential legal doctrine. *By Charles E. Rounds, Jr.* [3]

The trepidation with which I downloaded Professor Jan Levine's critique of my article ***Bad Sociology, Not Law*** was unfounded. He seems to agree with me that the gutting of the traditional core law school curriculum, particularly the marginalization of the agency and trust relationships and the fiduciary principle generally, has been unfortunate and that the American legal academy now has way too many frivolous upper-level electives.

He does not, however, agree with me that the proliferation of expensive labor-intensive "skills" programs is exacerbating the de-professionalization of the American legal academy, or that perversely there may even be a correlation between the growth of the legal research and writing establishment and the continuing decline in the ability of newly-minted lawyers to write coherently. The proof of the pudding, however, is in the eating.

In his spirited and earnest defense of law school legal research and writing programs, which I perhaps intemperately characterized as at best pedagogically inefficient and at worst pedagogically cancerous, Professor Levine suggests that writing a single brief in a course in legal writing can somehow substitute for the pedagogical marginalization, if not outright purging, of critical Anglo-American legal doctrine, particularly, although not exclusively, doctrine that is Equity-based.

Here is a brief Equity primer for our non-lawyer readers. In England in the fifteenth century and for four hundred years thereafter there were separate courts of law and equity, the latter having evolved from the custom of referring petitions that had received short shrift in the courts of law to the Lord Chancellor. The body of law that grew out of the decisions of the courts of chancery is known as Equity. (That I am responding to the comments of a legal writing professor is not without its ironies: It is said that the genealogy of modern English "goes back to Chancery, not Chaucer.")

In any case, we can thank Equity for the expansiveness of the Anglo-American fiduciary principle. The Anglo-American concept of the trust is an invention of Equity. A breach of fiduciary duty in the agency context is subject to equitable remedies, of which the injunction is one. The law of Restitution, a relatively recent invention, is essentially a fusion of the law of quasi-contracts, which is law-based, and the law of constructive trusts, which is Equity-based.

Is Equity a totally separate body of law? I for one endorse the view of the great Cambridge University legal historian and comparatist Frederic W. Maitland, namely that Equity is a gloss on the common law, not a free-standing regime. I also endorse Professor Maitland's view that the trust's elasticity and protean nature make it English jurisprudence's greatest achievement. Here I employ the term common law in its broadest sense, as distinguished from the continental civil law code regimes that prevail in such jurisdictions as France and Germany.

One could go on and on with examples of how equitable concepts, such as the fiduciary principle, are marbled throughout our jurisprudence, and the society, for that matter. Anglo-American mutual funds are generally structured as trusts. The trust has been the vehicle of choice for securitizing mortgages, including sub-prime mortgages. The trust's commercial applications are infinite; it is not just an estate planning vehicle. And then there is the agency. A lawyer is first and foremost his or her client's agent-fiduciary; an investment manager is an agent-fiduciary. While in most states there are no longer separate courts of law and equity, Equity itself has not gone away.

Does Prof. Levine truly believe that writing a single appellate brief addressing a problem about a psychiatrist's duty to warn third persons about a foreseeably dangerous patient, an issue that only remotely and tangentially implicates all this critical marginalized Equity-based doctrine, can adequately provide law students with the basic analytical tools they need to "connect the dots" once they get out in the real world? A course in torts does not a lawyer make. And certainly one appellate brief does not a compleat lawyer make, even a fledgling one. If only it were that easy.

I also quibble with his suggestion that there is no correlation between the gutting of the core curriculum and the explosion of expensive legal writing programs. Only five years ago law schools were still downgrading Agency and Trusts from required to elective status in order to expand their legal writing programs. I know this from first-hand experience.

So where do we go from here? He and I can go back and forth with personal anecdotes *ad infinitum*. I suggest that a truly independent cadre of senior seasoned practitioners having no affiliation with the ABA, the AALS, or the legal academy generally, who received the benefit of a classical legal education, and who recognize puffery, especially academic puffery, when they see it, that is to say, a cadre of the few complete lawyers remaining among us, take a good hard look at what is and is not being taught these days in their alma maters and issue a report on their findings. There is no time to lose. ✧

[3] http://popecenter.org/commentaries/article.html?id=2329 ✧

Faculty News

Regent Law

- **Law Professor Benjamin Madison has published a textbook**, *Civil Procedure for All States: A Context and Practice Casebook*, with Carolina Academic Press. The book is one of 25 in the Context and Practice Casebook Series, an innovative series providing context-based instruction. And so, rather than relying heavily on cases, Madison's text places students in roles as practitioners through simulated law practice problems. The book will be released in early summer 2010.

William & Mary

- **Haynes Professor Paul Marcus** received the Commonwealth of Virginia's Outstanding Faculty Award, the state's highest honor for professors, which recognizes excellence in teaching, research, and public service.

- **Professor and Associate Dean Ronald Rosenberg** was named a Chancellor Professor. Chancellor professorships recognize "distinguished service to the university in teaching, scholarship, or governance," that has had a "profound impact on the quality of the academic life of the institution." Rosenberg will hold the professorship for seven years.

- **Professor William W. Van Alstyne** contributed to and signed an amicus brief in *McDonald v. Chicago*. The Constitutional Accountability Center filed the brief on behalf of Van Alstyne and seven other scholars in support of the petitioners.

- **Christie S. Warren**, Professor of the Practice of International and Comparative Law, was appointed Senior Mediation Expert in Constitutional Issues for the U.N. for a 12-month term.

University of Virginia

- **White, Schauer Win Green Bag Awards for Legal Writing:** Two University of Virginia Law School professors are recipients of the Green Bag's Exemplary Writing 2009 award. Professors Frederick Schauer and G. Edward White won in the long articles category, White for his forward to an edition of Oliver Wendell Holmes Jr.'s "The Common Law," and Schauer for his article, "A Critical Guide to Vehicles in the Park."

- **Goluboff Wins Order of the Coif Book Award:** Professor Risa Goluboff has been awarded the Order of the Coif Book Award for her 2007 work "The Lost Promise of Civil Rights."

- **Laycock to Join Virginia Law Faculty:** Professor Douglas Laycock will join the University of Virginia law faculty in the fall. "We are delighted to welcome Doug Laycock to the Law School faculty," said Dean Paul G. Mahoney. "He is one of the nation's foremost scholars and teachers of remedies and of religious liberties."

- **Leading Child Advocate Andrew Block to Join Law School Faculty:** Andrew Block, a leading advocate for children's rights in Virginia and a lecturer at the Law School, will join the faculty full-time in August.

- **Law and Economics Expert Jason Johnston to Join Law School Faculty:** Law and economics expert Jason Johnston, whose scholarship has examined subjects ranging from natural resources law to torts and contracts, will join the Law School faculty this summer.

University of Richmond

- **Former Governor Tim Kaine to Teach at University of Richmond School of Law, Fall 2010:** Virginia Gov. Timothy M. Kaine will be back at the Law School this fall to teach 'The Future of Equality in American Constitutional Law.' Kaine offers "experience in government and politics that will bring to life our students' exploration of executive decision-making, legislative process, and public policy issues that shape the formation and interpretation of law."

- **Professor David Epstein** joins the faculty as the newly appointed Allen Chair Professor of Law. He will teach bankruptcy, creditors rights, and uniform commercial code. He also will be teaching an undergraduate first-year seminar in the School of Arts & Sciences. He served as dean at the University of Arkansas Law School and at Emory Law School.

- **Professor Kimberly Jenkins Robinson** joins the law faculty from Emory University School of Law, where she has taught since 2004. A graduate of Harvard Law School and former judicial clerk on the Ninth Circuit U. S. Court of Appeals, Professor Robinson served in the Office of General Counsel of the U. S. Department of Education for five years prior to joining the faculty at Emory.

- **Visiting Faculty Members: Professor Graham Strong and Professor Marci Kelly** will teach again next fall as Visiting Professors of Law. Professor Strong will teach Professional Responsibility and an upper level writing seminar in "Selected Issues in Evidence." Professor Kelly will teach Wills & Trusts. Professor Maurizio del Conte from Bocconi University in Milan, Italy will return for the fall semester to teach "Comparative Labor and Employment Law."

Washington & Lee

- **Washington and Lee law professor Timothy S. Jost,** one of the nation's leading health policy analysts and health reform advocates, was invited to attend the signing ceremony for the historic health reform legislation. President Obama signed the bill, which was passed by the U.S. House of Representatives in March, in the East Room of the White House. ✧

News and Events Around the Commonwealth

George Mason University

- **The 13th Annual Judicial & Legislative Reception will be held on Wednesday, May 19, in Hazel Hall's Levy Atrium at the School of Law in Arlington.** The Judicial & Legislative Reception began in 1998 as an opportunity to recognize and honor those who serve the people of our region in their capacities on the bench or in an elected position and has been characterized as *"the premier legal event in Northern Virginia,"* with attorneys, judges, legislators, and Mason law alumni in attendance. In past years, attendees have included governors, members of Congress, state legislators, and federal and state court judges from Virginia and the District of Columbia.

- **Mason Law Moot Court Teams Sweep Top Awards in Regional Competition:** On November 20 and 21, two Mason Law moot court teams swept all possible top awards in the Region IV qualifying rounds of the National Moot Court Competition sponsored by the City Bar of New York and the American College of Trial Lawyers. Held at the Federal Courthouse in Richmond, Virginia, the qualifying round was extremely competitive, drawing participants from 20 top law schools from Virginia and surrounding states.

- **Attorney General Eric Holder Visited Mason Law September 30:** The Mason Law community welcomed United States Attorney General Eric H. Holder Jr. to the law school on Wednesday, September 30. Holder presented a speech to Mason Law students, followed by a question-and-answer session in a unique opportunity for a meaningful exchange with the nation's attorney general.

Liberty

- **University Liberty Law Team Wins Regional ABA Championship:** Barely three months after taking first place in the regional American Bar Association (ABA) Law Student Division Negotiation Competition, a Liberty University School of Law team was the first-place finisher in the regional ABA Law Student Division National Appellate Advocacy Competition (NAAC) held recently in Washington, D.C.

- **Federalist Society Hosted Health Care Discussion:** On Friday, February 19, the Federalist Society at Liberty University School of Law hosted a panel discussion titled "Health Care Reform: A Diagnosis." The panel addressed nationalized medicine's side effects on creativity, freedom, and incentives for development.

- **Shannon Bream, Supreme Court Reporter for Fox News Visits Liberty School of Law:** On Wednesday afternoon, November 18, Liberty University School of Law welcomed Liberty University alumna Shannon Bream, Supreme Court reporter for Fox News Channel, to the law school. Ms. Bream spoke on her experiences within the newsroom, the media industry, as well as a detailed story of key events in her past that ultimately led to her position at FOX News.

Regent

- **U.S. Representative Michele Bachmann visited Regent Law** as the guest of honor during Focus on the Children, a week-long event focusing students on the responsibility we all have for foster and adoptable children. Representative Bachmann and her husband, Dr. Marcus Bachmann, have fostered 23 children. Visiting Regent was like coming home for the couple; Dr. Bachmann graduated from the School of Counseling and Mrs. Bachmann was one of the law students at Oral Roberts Law School who helped transition the school to what is now Regent Law.

- **Robert F. "Bob" McDonnell ('89 Law and Government) was elected the 71st Governor of the Commonwealth of Virginia**, the first alumnus of Regent University elected to a state's highest office. He was inaugurated on January 16th in a beautiful ceremony which many Regent students and alum attended. Governor McDonnell was also chosen to deliver the Republican response to President Obama's State of the Union address on Wednesday, January 27.

- **Regent's Trial Advocacy Board**, over the weekend of Feb. 20, defeated teams from the University of Virginia, William and Mary, and the University of Richmond to capture the 2010 Texas Young Lawyers Association Regional Championship.

- **Third year law students Efrem Craig and Tiffany Verdell advanced** past teams from Boston University and the University of Virginia to win the 2010 National Black Law Students Association (NBLSA) International Negotiation Competition held in Boston, MA on March 14.

University of Virginia

- **Three Alumni to Clerk for U.S. Supreme Court:** Three Law School graduates will clerk at the U.S. Supreme Court next year. James Stern '09 was selected by Justice Anthony Kennedy; Matt Fitzgerald '08 will clerk for Justice Clarence Thomas; Paul Crane '07 will clerk for Chief Justice John Roberts.

- **Supreme Court Litigation Clinic Gets Third Win:** The Supreme Court has ruled in favor of a client of the Law School's Supreme Court Litigation Clinic, the third victory for the clinic out of four cases decided by the court.

- **Students Launch New Criminal Law Journal:** The Law School is adding a 10th journal to its roster, the Virginia Journal of Criminal Law.

- **Virginia Journal of International Law Marks 50th Anniversary:** This year is the half-century anniversary of the Virginia Journal of International Law, the oldest continuously published student-edited international law journal in the country.

William & Mary

- **Applications for admission** to William & Mary Law School's J.D. program increased by a record 26%; applications to the Law School have increased by 48% since 2007.

- **Sandra Day O'Connor**, William & Mary Chancellor and retired U.S. Supreme Court Justice, gave the commencement address at William & Mary Law School's May graduation. She also received the Marshall-Wythe Medallion, the highest honor given by the Law School's faculty, at a dinner in her honor.

- **Spring visitors to the Law School** included Matthew Adler, Meltzer Professor, U. Penn. Law School; Joan Biskupic, author of a new biography of Justice Scalia; Tom Ginsburg, Professor, U. Chicago Law School; and Jaime Eduardo Alemán Healy, Panama's Ambassador to the U.S.

University of Richmond

- **James R. Spencer, Chief Judge, U. S. District Court for the Eastern District of Virginia**, spoke to Richmond Law graduates on the May 8 commencement. Spencer is a graduate of Clark College in Atlanta, Georgia. He received his JD in 1974 from Harvard Law School and a M. Div degree in 1985 from Howard University. In 2004 Judge Spencer became Chief Judge of the Eastern District of Virginia.

- **New Richmond Law Website and Admissions Video:** The University of Richmond School of Law has a new website www.law.richmond.edu and a new admissions video –link: http://law2.richmond.edu/news/view.php?item = 396

- **The Honorable Roger L. Gregory Received the William Green Award for Professional Excellence** University of Richmond President Edward L. Ayers and Richmond School of Law Dean John Douglass presented the Green award to Judge Gregory at the annual Law School Scholarship luncheon on March 19, 2010.

Washington & Lee

- **ABA President Delivered Law School Commencement Address:** Carolyn Lamm, president of the American Bar Association delivered this year's commencement address during the 2010 graduation exercises. She was named one of the 50 Most Influential Women in America in 2007 and one of Washington's Top 30 Lawyers by the Washingtonian magazine in 2009.

- **W&L Team Top Four Finisher at National Representation in Mediation Competition:** The Washington and Lee team of Sabina Thaler '11 and Stacey Valentine '11 earned a top four finish at the national Representation in Mediation Competition, held April 7-8 in San Francisco. The team earned a trip to nationals after winning the regional competition hosted by W&L in February. In San Francisco, they faced off against nine other teams who emerged from the regional competitions. In all, 100 teams from 54 law schools competed in the regional events. ✧

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