

# Education & Practice

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## Are Cracks Appearing in the Traditional Law School Model?

*James Boland, Associate Professor, Regent University School of Law*

Even though law professors and the legal industrial establishment in general are loathe to seriously consider it, there is an express-train of dissatisfaction barreling down at the legal academy that is probably unavoidable, especially in light of the current difficult financial environment. Most law schools, with a few nascent exceptions, are tied to a century-old academic model of legal pedagogy that leaves students ill-prepared to practice law.

However, the old adage, “nature abhors a vacuum” may be coming into play to deal with students’ lack of practical lawyering skills. “Employers of recent law school graduates have had to take on the burden of providing new lawyers with the tools to perform their jobs quickly and properly.<sup>1</sup> For instance, in regard to elevating new associates’ legal writing skills to meet a firm’s minimum standards, a new group of businesses is developing in-house education models to fill this gap and “to serve these firms needs, and aside from the fact that it

seems preposterous that such education needs to take place at the new graduate places of employment, what of those whose employers cannot afford to pay for such training?<sup>2</sup>

To illustrate the problem, *Reed Smith*, a large Pittsburg-based law firm has developed its own in-house university to teach its new associates core competencies. “*Reed Smith’s* new competency model covers four main areas - legal skills, citizenship, business skills, and clients -with a focus on nine core competencies within those areas. Those competencies include mastering fundamental legal skills, support of the firm’s culture, demonstration of leadership and business skills, and understanding and effectively managing client needs.<sup>3</sup> Each of the three associate levels will be tied to an academy. “*Reed Smith University*,” the name of the in-house training program, already offers 140 in-house courses, and the firm intends to expand its training with courses and other opportunities tailored to nine core competencies.<sup>4</sup>

David Post, the I. Herman Stern Professor of Law at Temple at Temple University’s Beasley School of Law in Philadelphia, gives a law professor’s perspective on the development of in-house academies by large law firms: “[T]o the eyes of a law professor - at least, to the eyes of this law professor - there could be some serious implications (and tremendous opportunities) for law schools here.

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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.*

Don't miss the panel discussion of Washington and Lee Law's new "Third Year Program" to be presented at the annual meeting of the Virginia State Bar in Virginia Beach in June. Program Co-Chair Judge Crigler reported at the January Board of Governors meeting that the program will be presented at 2:00 p.m. on Friday, June 18 at the Cavalier Oceanfront Hotel. Inspired by W & L Dean Rod Smolla, who will facilitate the panel discussion, the program will focus on the effort to better prepare law students for the actual practice of law or participation in law related activities following graduation. The third year program is based on learning through engagement, combining practicum courses, practice simulations, client interactions, formation of professional identity and cultivation of proactive skills. The panel, to be presented in a "town hall" format, will include law school deans, practicing attorneys and students participating in the third year program. Program Co-Chair John Foote has taken leadership in planning the program and getting it on the schedule.

Dean Smolla reported at the January meeting that there is significant interest in the W & L third year program around the country, judging from the number of inquiries he has been receiving from other law schools. Another sign of national interest in an article appearing on the front page of the METRO section of the Washington Post on December 18 with a sub-heading, "Washington and Lee pushes real-world learning over theory."

A discussion of the up-coming program was preceded by a report by Jeff Summers, who has been chairing the preparation of the Section's Five-Year Plan of Goals and Objectives. Experience with the third year program gives the Section the opportunity to focus on one of the proposed tasks, which is to outline the "fundamental skills and knowledge base needed for a new lawyer to attain competence across a range of matters . . . ." In reviewing the timetable for the development of the Plan, the Committee discussed the question of whether it is time for another "Conclave on the Education of Lawyers in Virginia." The first Conclave was held in 1992 at Wintergreen. The theme of the Conclave was "Sharing the Responsibility for Legal Education among the Law Schools, the Bar and the Bench." Nineteen Ninety-two was also the year that the Section on the Education of Lawyers, the first of its kind in the country, was organized. ✧

## Are Cracks Appearing?

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Plenty of people have been complaining in the last decade or so about the fact that law schools do a poor job of preparing their students for the actual tasks they will be called upon to undertake as practicing lawyers. Much of that criticism is, in my opinion, well-deserved; there are many, many ways in which we could do a better job at helping our students develop the skills they'll need to practice law. At the same time, teaching anything well is ... hard, and many law schools have lots of people working there who do it well. *Reed Smith*, according to its press release, already offers 140 in-house courses, and will be expanding those offerings in the future as part of the implementation of this new training and promotion policy. Now, I'm sure that there are lots and lots of things that lawyers at *Reed Smith* can teach better than your average law professor; but I'm also certain that there are lots and lots of things I and my colleagues can teach more effectively than they can. Teaching is ... hard - ask anyone who does it well. If this *Reed Smith* experiment catches on - if, say, 20% of the large law firms in this country each start to offer hundreds of courses in-house, that's a whole lot of new courses. If I were running a law school, I'd be looking for ways to collaborate in all of that, because it's smack in the middle of our "core competencies"; and if I were running a law firm, I'd be really interested in hearing what the law schools have to

say, and to think about ways in which the law schools could help them get where they want to get, for the same reason.<sup>5</sup>

Also, and perhaps most important, surveys of law students nationally point towards this demand for more practical training in law school, finding that the next generation of lawyers feel ill-equipped for the business of the law and many are considering alternatives to a career in law.

According to the survey, 65% of law school students (and 90% of lawyers) say that school teaches students legal theory, but does not teach the practical business skills needed to practice law in today's economy. Thirty-five percent of law school students responded that they do not feel adequately prepared to succeed in the changing legal marketplace. One fifth (21%) of law school students say that based on the changing legal marketplace, they regret attending law school."<sup>6</sup>

I began this article by indicating that there are some nascent efforts in restructuring the law school curricula to face the challenge to our law schools and to our profession. In the Fall 08 edition of this Newsletter, Dean Rod Smolla, Washington and Lee Law School, wrote an article describing that school's plans to re-design its 3L year to enable a smoother transition from law school to the practice of law. Dean Smolla writes: "For its part Washington and Lee is embarking on a dramatic revision of its law school curriculum, re-inventing the third year of law school to make it an integrative and experiential year devoted to

the development of professionalism through contextual learning - simulated and actual practice experience.<sup>7</sup> On page 4 of this edition of the Newsletter, Professor James E. Moliterno describes the implementation of this new program at Washington and Lee. Also, Liberty University Law School has constructed its entire curriculum around a more practical, practice-based model.

I would also like to direct your attention to the Chairman's column in this issue of the Newsletter. Chairman Hoover has unveiled this year's Section on the Education of Lawyer's CLE at the VSB Conference in June, which deals with the topic of better preparing law students for the practice of law.

Law schools must move from experimentation to implementation of a curriculum that meets the practical needs of law firms. As Virginia law professors and administrators, are we up to the challenge? ♦

<sup>1</sup> Abigail Salisbury, *Skills Without Stigma: Using The JURIST Method To Teach Legal Research and Writing*, 59 *Journal of Legal Education* 173, 174 (November 2009).

<sup>2</sup> *Id.*

<sup>3</sup> David Post, <http://volokh.com/2009/10/31/cracks-appearing-in-law-firm-associate-model/cracks-appearing-in-law-firm-associate-model/>

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> <http://legalblogwatch.typepad.com/files/state-of-the-legal-industry-survey---executive-summary.pdf>

<sup>7</sup> Rod Smolla, *A New Approach to the Traditional Three-Year Law School Curriculum*, 17 *Education & Practice* 1 (Fall 2008). ♦

# Washington & Lee's New 3L Curriculum Debuts: Students Engage the Law As Lawyers Do

*James E. Moliterno, Vincent Bradford Professor of Law, Washington and Lee Law School*

Third year students at Washington & Lee returned to a new kind of law student experience in August this year. In all of its key parts, the new 3L curriculum at W&L has this unifying, central element: students engage the law as lawyers do rather than as students do. The new curriculum provides students with the transition from student role to lawyer role that the legal profession has long sought.

In this first pass through the new curriculum, participation was voluntary for the members of the third year class. In two years when our current first-years reach their third year, the curriculum will be a standard, required part of W&L legal education. Although voluntary in this first iteration, over two-thirds of this year's class chose to participate in the new venture. They may have sensed the value that law applicants were also sensing. Applications at W&L were up over 30% this year compared with a national increase of 6.5%.

The participating 3Ls were greeted by an intense two-week beginning to the new curriculum. They worked hard, generally from 9-5 at the law school engaged in class or small group practice activities, and left each night with work to prepare for the next day's events. They concluded that this was not much like being a student as they had come to know it, but commented that the intensity of work and critique made the experience invaluable.

## There are essentially four parts to the new curriculum.

1. Each semester begins with a two-week skills immersion, the intensive period that greeted 3Ls in August being the first of these. The fall semester immersion was largely litigation oriented. Students represented a client in a simulated matter. The students interviewed and counseled with their client, learned techniques of fact investigation, drafted pleadings, negotiated, wrote, filed and argued motions, observed demonstration depositions, learned techniques of trial practice, and finally tried their cases. The spring semester two-week immersion will be largely transaction oriented. The students will begin with three days of an intensive negotiation workshop, again meeting a client, and preparing for a negotiation of the client's matter, this time a non-litigation dispute between neighboring business-

people. These three days will be followed by seven days of deal-making. The students' client will be either buyer or seller of a business. The students will do a due diligence examination of the corporate minutes and other documents, and will negotiate over a series of issues that arise in the course of the transaction. They will draft documents reflecting the agreed-upon terms, and work with opposing counsel and their clients to finalize the deal.

2. Throughout the third year, the students participate in the Professionalism course. Led by Dean Rodney Smolla, this series of classes and assignments expose students to a wide range of topics that every lawyer should know about but that have no fixed place in the traditional curriculum. The students learn about law firm and public law office finances and economic realities, cultural issues in the legal profession, professional attitudes and attributes that distinguish great lawyers from good ones, and many other professional topics that students need to know about, but which have always struggled to find their place in the traditional curriculum.

3. Every student engages at least one live-client clinic worth five academic credits. Criminal defense, black lung claimant representation, general civil legal aid, capital punishment litigation, externship experiences with courts and agencies and law firms, and more. Recently in the law school newspaper, two students described their live client clinic work as the place where "it actually counts." The simulations are ideal for presenting well-designed and ordered learning opportunities to students. And it is true that some measure of unpredictability can be built in to the simulations. But actual practice presents the most vivid, most fully textured experience of law practice. No student should proceed to law practice without at least some experience assisting an actual client.

4. Each student engages several (usually three) "practicum courses." Each one is an elaborate simulation of some practice setting. Instead of a course in intellectual property law, in which the students would

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read and sit in class and take a traditional exam, these students take a course called “The Intellectual Property Practicum,” in which they engage the intellectual property law as lawyers do, creating documents, participating in meetings and negotiations and court activities that are emblematic of this practice setting. Their research into intellectual property law has immediate purpose: they are working on creating a trademark, or negotiating a license, or drafting a civil complaint claiming dilution of their client’s mark. Eventually, when the curriculum is fully implemented in two years, there will be approximately forty such courses from which students can choose.

The new 3L curriculum is no rejection of what is good with traditional law school study. The first year curriculum is unchanged by the 3L innovation. Students still study torts and contracts and other common law and procedure courses as they have successfully done for generations. The thinking and analysis skills that have always been conveyed by the first year of law study are essential for a quality legal education. The previous decade’s first year innovations at W&L, requiring both administrative law and a course in transnational law, remain intact. The second year continues to find students studying the traditional courses within the accepted canon: Evidence, Corporations, Federal Tax, Constitutional Law, and other core courses. Instead of any rejection of what is good about traditional law study, the new 3L curriculum is a way of combining the best of academic law study with an organized, designed, academically-rich period of apprenticeship that allows students to take their academic knowledge and study skills and turn them to greater use for their law careers. The knowledge acquired in the first and second year allows the students to engage law as lawyers do in the third year. W&L students will be ready for practice in ways that could never before have been said about beginning lawyers.

So far, student reaction has been quite positive. Students in the first two-week immersion realized quickly that this enterprise was different from their previous student experience, and to their credit, they embraced the intense work environment. “Intense” was the word most commonly heard when students spoke of the experience. *“Intense, but definitely more worthwhile and engaging than” the purely classroom environment. “Intense, but a good sort of intensity.” “Intense. We didn’t get much sleep in that two weeks.”*

Their evaluations of that first experience indicated that they valued the work activities more than the accompanying classroom time. The faculty involved in teaching the immersion regarded this as a positive sign

that students want to be challenged outside the classroom. The first semester of practicums is off to a successful beginning as well. Students are overheard in the halls of the law school planning work meetings and dividing joint work into manageable parts to accomplish the legitimate goals of their simulated clients. Ethical challenges of day-to-day practice are coming to life for students, as they make presentations to the “university president” and the “disgruntled trustee” in the higher education law practicum, for example. The clinics have seen students doing live client work for clients in the most engaging of settings, real work for real clients whose income or housing or freedom is on the line.

Predictable adjustments are being made by students and faculty alike as the first semester of practicums nears their end. For example, students are accustomed to having a course that meets 3 times a week on a fixed schedule, let us say at 2 pm on Tuesday, Thursday and Friday. The practicum and clinic courses are more like being in a workplace, where the level of work ebbs and flows. The practicum class may meet at predictable times, but the work is spread less evenly and there is considerable work to be done between class meetings. Students, in the role of lawyer, may receive an email inquiry from a client on a Saturday evening. Projects may be due at various times throughout the semester, and the focus on work replaces the focus on an end-of-semester, winner-take-all exam. These are adjustments that must be made for the practicums to succeed, and they will progress as the culture of expectations among the students adjusts from being mostly like students to being student-lawyers.

The new 3L curriculum has been called “the boldest move in legal curriculum reform in recent years.” The same article suggested that “[t]he progress and outcomes of the new program are being closely watched within the law school community . . . . (National Law Journal, September 7, 2009 [http://www.law.com/jsp/nlj/PubArticleNLJ.jsp?id=1202433612463&Realitys\\_knocking&slreturn=1&hbxlogin=1](http://www.law.com/jsp/nlj/PubArticleNLJ.jsp?id=1202433612463&Realitys_knocking&slreturn=1&hbxlogin=1)). We have made a good start this semester. We know the significance of our work and we are treating it with the commensurate care and diligence and effort. Nothing would please us more than to better prepare our students for their lives as lawyers and at the same time change the way legal education is delivered. ✧

# Expectations of an Appellate Law Clerk

*Katherine Quinlan, Esq. and Jennifer Martschenko, Esq.*

*Law Clerks for Rossie D. Alston, Jr., Judge*

*Court of Appeals of Virginia*

Any discussion about the expectations of an appellate law clerk must start with one caveat: the specific role and responsibility of the law clerk differs in every court and in every judge's chambers. Thus, it's important to note that this article cannot speak to all the expectations a particular judge may have. We humbly acknowledge that this synopsis is not universally applicable, nor is it exhaustive. Nonetheless, we hope this article will be useful to anyone considering a position as an appellate court law clerk or to anyone interested in the role of the judicial clerk.

## A law clerk is the judge's lawyer.

You might ask yourself what role a law clerk plays in the court's operation. An oft-repeated remark in chambers is that the law clerk serves as the judge's lawyer. Many judges ask their law clerks to help them prepare for oral arguments. Some judges give their law clerks the responsibility of writing the first draft on an opinion. Other law clerks will be responsible solely for the research that will be incorporated into a final opinion. In any of these capacities, it is typically the law clerk's responsibility to supplement the legal arguments provided by the litigants and to provide further substantive legal research.

It's important that the law clerk provide an unbiased recommendation and, at times, play devil's advocate. During trial preparation, a lawyer provides his client with all possible courses of action. The lawyer may suggest the merits of one course of action, but at the end of the day, it is the client's decision to make. Similarly, the law clerk presents the judge with all the tools he or she needs to make an informed decision.

Judges are accustomed to the presentation of opposing viewpoints, so a law clerk should not fear a difference of opinions. Even if the judge disagrees with the law clerk regarding the ultimate issue, providing argument for a contrary outcome, at the very least, prepares the judge for the tough issues that an opinion must overcome, and enables him to prepare a response to a dissenting view.

Just as important as it is to share opinions and viewpoints with the judge, it's equally important to limit your discourse regarding a case to within chambers. An appellate court law clerk has an ethical obligation to be discreet. At all times, a law clerk must remember that he or she is an extension of the judge, and thus, bound by the

same ethical rules. Law clerks may never discuss the cases on which they are working prior to the release of the written opinion. Just as it would be inappropriate for a judge to communicate with one of the litigants, or discuss with a non-court employee the merits of a case, it is improper for a law clerk to discuss which way the court is leaning, or which judge is authoring an opinion. To a certain extent, the workings of the appellate court are opaque, and it is the law clerk's duty to protect the dignity of the court by guarding its internal machinations.

## Get back to basics.

Knowing what the law clerk's role is, you'll want to prepare yourself for such a position. While it's vital to hone your analytical skills, you should first be prepared to get back to basics: reading and writing.

Strong writing skills are invaluable to a law clerk. Law clerks within the appellate court system are likely to have different responsibilities when it comes to writing, but the ability to formulate clear and concise written legal arguments is universally essential. This does not mean that a law clerk should use needlessly obscure or lengthy words or write flowery, adjective-laden sentences. On the contrary, the most useful legal writing is succinct and straightforward. Some judges believe opinions should be written so that a layperson would understand them as well as a lawyer.

Of course, aside from being a competent writer, a law clerk ought to be able to put pen to paper quickly. It is certainly an art to know when to put away the codebooks and reporters, and when to start writing. Judges have an obligation to provide the prompt administration of justice, and the law clerks are duty-bound to facilitate the timely publication of opinions. There is such a thing as too much research, and a law clerk should be able to determine when further research is unnecessary.

If you're looking to strengthen your writing ability, read! Make a habit of reading recently published cases in the jurisdiction in which you wish to clerk. Familiarity with the court's writing style smoothes the path for emulating that writing style. Soon it will become second nature. That said, reading non-legal material can be equally beneficial. The more you read, the easier it is to differentiate between "good" writing and "bad" writing.

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### Focus on the little picture.

While much of a law clerk's job seems "big picture," it's just as important to focus on the details. No matter which judge you work for or in which court, it is almost certainly the law clerk's responsibility to edit and proofread. The importance of attention to detail and strong blue-booking skills cannot be overstated. Law clerks should expect to be the last set of eyes reviewing a document prior to its publication. A law clerk has an obligation to the practitioners and courts that rely on his or her judge's opinions to provide correct citations, including reporter and page references. This is such an important task that some judges give proofreading examinations as a part of the interviewing process.

The best way to improve your ability in this area, as in any other endeavor—practice! As a law student, there are endless opportunities to improve your editing skills. Join a journal; get involved in your legal research and writing program; work for a professor; or get real-world experience with a clinical program or externship. Any of these positions will help you become a better writer and in turn, a better editor.

Often, judges will open their chambers to law students through externships, with the goal of providing these prospective lawyers with practical legal experience. Externs are given a variety of assignments, which may include research into a particular issue, summarizing an upcoming case, editing, and even drafting parts of a pending opinion. If you're interested in an appellate clerkship post-graduation, there is no better way to prepare yourself than experiencing the job firsthand.

### Sell yourself.

A lot goes into the hiring process, so you might wonder what's most important to an appellate judge. Here, more than anywhere, each judge is distinct and will have his or her own specific criteria. However, many qualities are considered essential to any prospective judicial employer.

First, remember that a judge wants to hire someone who is personable and well-rounded. The number of staff members in a judge's chambers is typically limited, so it's important that a law clerk "mesh" with the judge and his current staff. It's difficult to give guidance in this regard—"be nice" is not really useful advice. Researching the judge prior to the interview is always recommended, and in many offices, an applicant who is active in the community or in extracurricular activities is looked upon favorably.

Second, be able to articulate why you want a position working for that particular judge or in that particular court. Having ties to the area is always a plus, as is being barred in the Commonwealth. Further, if you are interest-

ed in a particular area of law that is frequently reviewed by the court, emphasize that point. You're more likely to succeed at the Court of Appeals if you'd ultimately like to work in domestic relations. On the other hand, a clerkship with the Court of Appeals is not very useful if your interest is bankruptcy law. You may not realize that judges want to help you as much as you help them. A judge wants to know that when a law clerk finishes his tenure in chambers, he will move on to be an active, valuable member of the Virginia bar.

Third, and probably most obvious, proofread your resume, cover letter, and writing sample. A typo in one of these documents is hard to overlook, especially given the law clerk's responsibility to edit and proofread. Less obvious is your decision about the type of writing sample to include. Your writing sample should reflect the type of work you hope to do for the judge. In that regard, it's not helpful to provide the judge and his staff with your best short story.

Fourth, judges always look favorably on job experience that is applicable to the position. An internship at a local trial court or with local law firms should provide a basic understanding of court procedure, as well as a substantive framework for recurring legal issues. Specific experience with the types of cases that appear before the appellate court gives a law clerk an indispensable understanding of many of the key issues that come before that court.

And finally, know when chambers have available positions. Most judges' chambers do not post job openings on career websites; they don't need to. Judges' chambers receive unsolicited resumes every day. If you aren't sure if a position is available, don't be afraid to pick up the phone and ask if there will be a job opening in the near future. We promise that you won't regret your decision. ✧

# New Faculty and Faculty News

## George Mason

- ◆ **Johnsen's Exclusive Interview with Fiduciary News Named to Top 10 Fiduciary Stories for 2009:** Professor D. Bruce Johnson's exclusive October interview with Fiduciary News in which he discussed his study refuting the "myths" of mutual fund fees has been named to the publication's list of Top Ten Fiduciary Stories in 2009. Readers cast votes through January 3 to determine the top three stories for the year. The Top Ten list was compiled by posting several queries with various LinkedIn groups catering to fiduciaries and 401k plan sponsors. The information thus gained became the basis for the ranking.

## Regent Law New Faculty

- ◆ Regent Law welcomed **Jennifer C. Lacey** to the faculty this fall. She is teaching Legal Research and Writing I and II and also continues her private corporate law practice. Lacey received her J.D. from Stanford Law and her B.A. from the University of Virginia.

## Washington & Lee

- ◆ **Law Dean Rodney Smolla Named President of Furman University:** Rodney A. Smolla, dean and Roy L. Steinheimer, Jr. Professor at Washington and Lee University School of Law, has been named president of Furman University in Greenville, S.C. Smolla will assume his new position on July 1, 2010.
- ◆ **Prof. Brian Murchison Lectures about Blogging and Free Speech during Australia Visit:** Brian Murchison, Charles S. Rowe Professor of Law at Washington and Lee, recently spent several weeks in Australia as a visiting scholar at the University of Melbourne Law School and its Center for Media and Communications Law.
- ◆ **Law Professor's Research Explores Influence of Supreme Court Clerks:** Research by Washington and Lee Law School visiting professor Todd C. Peppers was featured in a New York Times article exploring the influence of U.S. Supreme Court law clerks. The study, co-authored with Christopher Zorn of Penn State, shows that political leanings of law clerks do influence votes of Supreme Court justices.

- ◆ **Law Professor Christopher Bruner Wins AALS Scholarly Papers Competition:** Christopher Bruner, Associate Professor of Law at Washington and Lee University School of Law, has been named the winner of the Association of American Law Schools 2010 Scholarly Papers Competition.

## William & Mary

- ◆ **Jayne W. Barnard** was named the 2009-10 Kelly Professor for Excellence in Teaching. She also recently was recognized as one of 2009's "Leaders in the Law" by *Virginia Lawyers Weekly*.
- ◆ **Scott Dodson** joined the faculty as Associate Professor from the University of Arkansas. He is an expert on the law of procedure in federal courts and recently was named to the Advisory Committee on Rules of Court, a part of the Judicial Council of Virginia.
- ◆ **Susan Grover** was appointed to serve on the ABA's Commission on Lawyer Assistance Programs. She also is a member of the Board of Directors for Virginia Lawyers Helping Lawyers, which provides "confidential, non-disciplinary assistance to members of the legal profession in Virginia who experience professional impairment as a result of substance abuse."
- ◆ **Laura A. Heymann** was promoted to Associate Professor. She writes in the areas of copyright law and trademark law. Prior to entering academia, she served as an assistant general counsel at America Online, Inc.
- ◆ **Charles H. Koch, Jr.**, presented the 2009 St. George Tucker Lecture on the topic of the European Economic Community. The lecture recognizes the scholarly achievements of a senior member of the faculty.
- ◆ **Linda A. Malone** will spend spring 2010 in Italy as the Distinguished Fulbright Chair in International Environmental Law. The Fulbright Scholars Program selects only about 40 individuals worldwide each year as Distinguished Chairs.
- ◆ **Michael Stein** was on hand at the White House in July for the administration's announcement that the U.S. would sign the U.N. Convention on the Rights of Persons with Disabilities. Stein was among the few American members of the Ad Hoc Committee that drafted and negotiated the treaty. Stein also attended the signing of the treaty at the U.N. in July.

## University of Virginia New Faculty

- ◆ **Saikrishna Prakash:** David Lurton Masee, Jr., Professor of Law; Sullivan & Cromwell Professor of Law J.D., Yale Law School, 1993; B.A., Stanford University, 1990. Saikrishna Prakash's scholarship examines the origins and meanings of presidential powers. He teaches Securities Regulation, Foreign Relations Law and

Presidential Powers at the Law School. Prakash was formerly Herzog Research Professor of Law at the University of San Diego School of Law.

- ◆ **Ethan Yale:** Professor of Law;J.D., Tulane University School of Law, 1999;B.S., Cornell University, 1993. Ethan Yale's teaching and research focus on tax law and policy. Yale was a member of the Georgetown Law faculty from 2004 to 2009.
- ◆ **Pierre-Hugues Verdier:** Associate Professor of Law, LL.M., Harvard Law School, 2004; Diploma, Hague Academy of International Law, 2007; LL.B., McGill University, 2001; B.C.L., McGill University, 2001. Pierre-Hugues Verdier joined the faculty in 2009. He specializes in international law, financial regulation and the role of law in international economic relations. His current research focuses on the role of transnational networks of regulators in supervising financial and banking markets, and on the design of international regulatory regimes.
- ◆ **Michael D. Gilbert,** Associate Professor of Law: Ph.D., University of California at Berkeley, 2008;J.D., University of California at Berkeley School of Law, 2005;B.S., Tulane University, 1999. Michael Gilbert's areas of interest include law and economics, voting rules, judicial decision-making and direct democracy. He teaches legislation and election law.

## University of Richmond

- ◆ **Governor Tim Kaine to teach at University of Richmond School of Law:** Former Virginia Governor Timothy M. Kaine will return to the University of Richmond. He will teach at the Law School and the University's Jepson School of Leadership Studies. A Harvard law graduate who also has served as Richmond's mayor and Virginia's lieutenant governor, Kaine also is completing a term as chair of the Democratic National Committee. Before seeking public office, he taught law at Richmond, including courses in professional responsibility. He will teach one course this winter at Jepson, and a course at the Law School in the fall of 2010.
- ◆ **Three Distinguished Scholars Join University of Richmond School of Law:** A former United States Supreme Court clerk, an expert in family law and an intellectual property scholar and practitioner have joined law school faculty.  
**Kevin Walsh** is an assistant professor of law and will teach constitutional law and federal courts. He received an A.B. cum laude from Dartmouth, an M.A. in theological studies from the University of Notre Dame and a J.D. magna cum laude from Harvard Law School. Following law school, Walsh clerked for Judge Paul V. Niemeyer of the U.S. Court of Appeals for the Fourth Circuit and then for U.S. Supreme Court Justice Antonin Scalia.

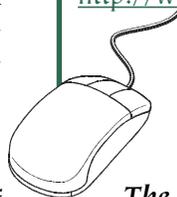
**Meredith Johnson Harbach** is an assistant professor of law and will teach family law and children and the law. She joins the law school from New York University School of Law's Lawyering Program, where she taught for four years and acted as the program's director for the last two. Harbach graduated from Columbia Law School. After graduation, she clerked for U.S. District Judge Nancy F. Atlas in the Southern District of Texas.

**John Carroll** is an assistant clinical professor of law and director of the law school's new Intellectual Property Law and Transactional Law Clinic. He also holds an LL.M. from New York University School of Law and a B.S. in engineering from Virginia Tech. Carroll will establish and supervise the Intellectual Property and Transactional Law Clinic, where Richmond law students will gain hands-on experience representing clients in business and intellectual property transactions. ✧

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# News and Events Around the Commonwealth

## University of Virginia

- ◆ **Law School Creates Law and Public Service Program:** The Law School is launching an intensive new program designed to prepare students for careers in public service. The Program in Law and Public Service will offer a select group of students comprehensive training on topics ranging from prosecution to international human rights. “The central aim of the program is to help prepare students for a career in public service and to enable them to begin that career immediately after graduation,” said Professor Jim Ryan, who will lead the program. “We also hope that the program will strengthen the sense of community among students interested in public service.”
- ◆ **Class of 2012 Most Qualified, Diverse on Record:** The Class of 2012 was chosen from the largest applicant pool in school history, and set new records for both academic qualifications and diversity, according to Admissions Office data. The 368 enrolled students have a median LSAT score of 170 and a median undergraduate GPA of 3.85, up from 3.8 for the previous class. About 27 percent identify themselves as minority students, up from 16 percent the previous year. The new class also has the second-highest percentage of females in school history, at 47 percent.
- ◆ **“Fifty Years After the Sit-ins: Reflecting on the Role of Protest in Social Movements and Law Reform,”** Jan. 28-30, 2010; sponsored by UVA’s Center for the Study of Race and Law, the Mid-Atlantic People of Color Legal Scholarship Conference, and the Virginia Journal of Social Policy and the Law. Keynote lecture by Julian Bond. For more information, go to [www.law.virginia.edu/race](http://www.law.virginia.edu/race)
- ◆ **11th Annual Conference on Public Service and the Law,** Feb. 26-27, 2010; with keynote address by California Secretary of State Debra Bowen.

## George Mason University

- ◆ **Mason Law Moot Court Teams Sweep Top Awards in Regional Competition:** On November 20 and 21, 2009 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. This year’s competition represented the first time that both Mason Law teams reached the semifinals of the Region IV qualifying event.
- ◆ **National Lawyers Convention Program Includes Five Mason Law Professors:** The Federalist Society’s 2009 National Lawyers Convention included five Mason Law professors in its lineup of speakers for the three-day event. The convention, whose theme was “The Federal Government’s Economic Role in our Constitutional System,” opened on Thursday, November 12, and concluded on Saturday, November 14. Among the events held at its Mayflower Hotel venue in Washington were an annual dinner featuring U.S. Supreme Court Associate Justice Samuel Alito, Jr.; a lecture by The Honorable Douglas H. Ginsberg, United States Court of Appeals, District of Columbia Circuit; and a debate between The Honorable Guido Calabresi, United States Court of Appeals, Second Circuit, and The Honorable Frank Easterbrook, United States Court of Appeals, Seventh Circuit.
- ◆ **Mason Professor Debates Future of U.S. Policy Toward International Criminal Court:** Professor Jeremy Rabkin debated the future of U.S. policy toward the International Criminal Court (ICC) at an October 8 event held at Harvard Law School and hosted by the law school’s Federalist Society. Presenting an opposing view was Professor Lori Damrosch of Columbia Law School, currently visiting at Harvard Law. Rabkin fears that if the U.S. joins the Court, it could lead to second-guessing of American field troops by an international prosecutor with no military experience attempting to enforce vague and un-established law.

## University of Richmond

- ◆ **University of Richmond School of Law Professor Wins Family Advocacy Award:** Dale Margolin, University of Richmond School of Law assistant professor and Director of the Jeanette Lipman Family Law Clinic, was awarded the “FACES Empowerment Award” for her dedication to the empowerment of youth aging out of foster care and the education of the community through the Greater Richmond Housing Summit, and her continued efforts to represent youth through the University of Richmond Family Law Clinic.

- ◆ **The Virginia Law Foundation has selected Dean John G. Douglass** among its latest class of fellows. Winners of the fellowships are selected for excellence in the profession. They must have been active or associate members of the Virginia State Bar for at least 10 years, residents of Virginia, persons of character and integrity who have maintained the highest standards of the profession, outstanding members of the community, and distinguished in the practice of law.
- ◆ **Professor Joel Eisen**, who spent the spring '09 semester as a Fulbright scholar in China, recently developed a simulation for his students at Richmond and in China on the United Nations climate change treaty negotiations in Copenhagen in December 2009. The student teams representing nations from around the world will negotiate a draft international treaty on global warming.
- ◆ **Professor Noah Sachs** was named the University of Richmond's "Rising Star" Professor for 2009. The University nominated Professor Sachs for the state-wide "Rising Star" professor competition, sponsored by the State Council of Higher Education in Virginia, and the winner of the state-wide competition will be announced in 2010.
- ◆ The Law School reopened its **McGlothlin Courtroom** after an extensive renovation project undertaken during summer 2009. A jury box designed to accommodate jurors with disabilities, such as visual or mobility impairment, is among the new additions.
- ◆ Fall visitors to the Law School included **James Comey**, former deputy attorney general of the U.S.; Columbia University Law Professor **Nathaniel Persily**, who gave the Cutler Lecture titled "Originalism in the American Mind"; Harvard University Professor Emeritus **Richard E. Pipes**, who was honored during the Brigham-Kanner Property Rights Conference; and Spain's Ambassador to the U.S., **Jorge Dezcallar de Mazarredo**.

## Washington & Lee

- ◆ **Combating Sexual Violence in Tanzania:** Law students in Washington and Lees International Human Rights Practicum recently traveled to Tanzania to investigate enforcement of the country's 1998 Sexual Offenses Act. The landmark legislation amended the country's penal code to include tougher penalties for sexual assault and also outlawed human trafficking and the harmful cultural practice known as female genital mutilation. In this video, students present background on the Act and discuss their findings.
- ◆ **New Research Considers Impact of Investment Disputes on Developing World:** Global Arbitration Review, a leading journal focused on international public and private arbitration, featured research by Washington and Lee law professor Susan Franck in a recent article examining potential bias against developing nations in investment treaty arbitration. ✧
- ◆ **School of Law Exceeds Virginia Bar Exam State Wide Average:** First-time test takers from Regent University School of Law's class of 2009 passed the February and July Virginia Bar Exams at an overall rate of 77.8 percent, exceeding the statewide average of 76.4 percent for all first time takers.
- ◆ The Trial Advocacy Board took home **1st Place from the National Pre-Trial Competition**, hosted by Stetson University in October. The team was also awarded Overall Best Brief and two team members were honored with Best Oral Advocate in their respective rounds.
- ◆ In October the **Law Review hosted its annual symposium**. This year special guests, including the Honorable Andrew P. Napolitano and Congressman Trent Franks (AZ-2), examined the intersection of media and the law.

## William & Mary

- ◆ The Institute of Bill of Rights Law hosted its 22nd Annual Supreme Court Preview Conference in October. This year's Preview panelists included three former solicitors general; two federal appeals court judges; and leading Supreme Court journalists, advocates, and academics. Justice **Sandra Day O'Connor**, Chancellor of the College of William & Mary, was also among the participants.

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