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Education & Practice

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What Every Lawyer Should Know About the Economic Realities of a Legal Education

By Heather Jarvis

New law graduates face unprecedented student debt burdens and weakened employment opportunities. Experienced attorneys shoulder costly student loan payments while watching their salary projections decline. Luckily, student loan repayment and forgiveness options are available and can provide help for many borrowers of federal student loans. President Obama has announced improvements to these currently available programs that will make them even more valuable for students. Unfortunately, **available student loan repayment and forgiveness opportunities are underused**, likely because they are exceedingly complicated, regularly misunderstood, and frustratingly cumbersome to access. My goal in this article is to:

- summarize the cost of legal education and student debt loads,
- review recent attorney employment data, and
- demystify key student loan repayment and forgiveness provisions including the recent expansions introduced by the Obama administration.

Legal Education is Expensive

Law school tuition increased a whopping 317 percent from 1989 to 2009, and it continues to rise. In 2009, the most recent year for which data is available, in-state tuition at public law schools averaged $18,472. Private law school tuition averaged $35,743 per year, for a total of nearly $100,000 over three years of study.[1]

Student Debt Loads are High

A new report by the Project on Student Debt found that two-thirds of the undergraduate Class of 2010 graduated with student loans, and their average debt was $25,250.[2] A typical public law school graduate borrows an additional $68,827 to finance his legal education. Private law school graduates generally borrow much more -- $106,249. A newly minted lawyer can expect to launch her legal career owing about $120,000 in student loan debt.[3]

Legal Employment Opportunities Have Declined

The employment rate for the law Class of 2010 was the lowest since 1996. James Leipold, Executive Director of NALP (the Association of Legal Career Professionals) said, "We have been watching this market deteriorate for several years now, but even I was surprised to see that the percentage of graduates employed in a **full-time job requiring bar passage had dropped to 64%**." Employment data show an unprecedented decline in the percentage of employed graduates who got their first job at a law firm. With the exception of large law firm salaries around $145,000 to $160,000, attorney starting salaries tend to cluster around the $40,000 to $65,000 range. A shift away from large law firm employment is reflected in lower average salaries; **starting private practice salaries fell**

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Heather Jarvis is a student loan lawyer and founder of askheatherjarvis.com, dedicated to providing educational resources and training for student loan borrowers and the people who love them.

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Chair's Column

Professor
A. Benjamin Spencer
Washington and Lee School of Law

It will only be through a comprehensive approach that any real improvement in the education of lawyers will occur.

Let me begin this column by thanking Professor Jim Boland of Regent University School of Law for his many years of service to the Section as its newsletter editor. He has decided that the time was right to pass the torch on to someone else; he will be missed. Succeeding him is Professor Dale Margolin of the University of Richmond School of Law. She is off to a wonderful start, as this edition of the newsletter is the product of her work as its new editor.

There continues to be much ferment regarding legal education these days. From the ABA, which is giving consideration to changing some of the standards governing law school accreditation, to lawsuits against law schools for allegedly misleading applicants about employment prospects, from reports that at least two schools were falsely reporting information about their admitted students, to some calling for an end to law schools.

What are we as legal professionals supposed to make of all of this? My principal takeaway has been that students should become more of the focus of the law school. This means not only giving them the best preparation possible for entering careers of practice, but also working tirelessly to connect them with job opportunities so that the enormous amounts of money spent on law school do not go to waste. This is easier said than done, and many legal educators are working to figure out the best ways to accomplish these goals.

For my part, I think it is incumbent on law schools to make a greater commitment to modernizing their curricula by integrating cognitive, practical, and professional instruction within courses and across the academic program. Needed also are updates to teaching and assessment methods, so that law schools can become more effective at delivering instruction and measuring results.

New approaches to career placement will be needed as well, both from law schools and from students. Students need to have a broader view of the range of opportunities they will need to consider if they want gainful employment after graduation. Law schools will need to be broad and aggressive as well, seeking out opportunities in areas where their students may not have sought employment traditionally, and urging alumni to get involved with helping students secure employment.

Ultimately, it is about enhancing the value proposition of law school for those who choose to attend, so that the product of a legal education is a well-prepared graduate with a job. Getting there will take hard work, something to which members of this Section and the Virginia legal community at large are committed. ✧

What Every Lawyer Should Know... *cont'd from page 1*

20%. Government and public interest job median salaries remain stagnant--$52,000 for government jobs, and $42,900 for public interest jobs. More law graduates are working in one or more part-time or temporary jobs. Not including judicial clerkships, one in five jobs held by the Class of 2010 was temporary.[4]

Income-Based Repayment is Available NOW

In spite of high debt burdens and decreased earnings, student loan borrowers can stay current on their loans by taking advantage of the flexible repayment provisions offered for federal student loans.[5] Income-Based Repayment is a unique student loan repayment option that can:

- substantially reduce monthly student loan payments,
- provide a valuable interest subsidy,
- and enable student loan borrowers to earn forgiveness of student loan debt.

Right now, Income-Based Repayment allows student loan borrowers to cap monthly federal student loan payments at 15% of their discretionary income and have any remaining balance canceled after 25 years. A typical recent law graduate owing $100,000 in federal student loans and earning $60,000 would pay less than $550 per month under Income-Based Repayment. IBRinfo.org has a simple calculator borrowers can use to determine if they are eligible to choose Income-Based Repayment. Typically, borrowers who earn less than they owe in federal student loans will be eligible to choose Income-Based Repayment. **Although millions of borrowers can likely benefit, fewer than 450,000 borrowers currently participate in the Income-Based Repayment plan.**

In the 2010 State of the Union address, the President proposed – and Congress enacted – improvements to the way payments are calculated under Income-Based Repayment. These improvements were scheduled to take effect for people borrowing new loans in 2014 and beyond. The changes reduce the cap on monthly payments from 15% to 10% of discretionary income, and provide forgiveness after 20 years instead of the current 25 years.

President Obama's New Student Loan Initiatives

On October 25, 2012, the Obama administration announced executive orders designed in part to call attention to Income-Based Repayment and make it simpler for borrowers to access. The President further announced two new student loan initiatives: Pay As You Earn and "Special" Consolidation Loans.

Pay as You Earn

The President's "Pay As You Earn" initiative is the administration proposal to fast track the anticipated 2014 improvements to Income-Based Repayment so that some borrowers can take advantage of the more generous calculations as soon as 2012.[6]

Pay as You Earn is expected to be available for about 1.6 million *current students*. Early information from the administration indicates that these improvements will be available starting in 2012, for students who first borrowed federal student loans in 2008 or later, and who also borrow a federal student loan in 2012. Many specific details are not yet available and will likely not be addressed until after an upcoming rulemaking process.

"Special" Consolidation Loans

The administration has also initiated a new program of "Special" Consolidation Loans that provide a modest interest rate reduction for student loan borrowers who have a specific combination of federal student loans. *Some* law graduates will be able to take advantage of the "Special" Consolidation Loan.[7] The loans offer a limited-time discount (including a .5 percent interest rate reduction) to about 6 million borrowers who have "split loans". Borrowers who have "split loans" are those who have at least one federally held loan and at least one commercially held federal loan.

Public Service Loan Forgiveness

The public service loan forgiveness program is designed to encourage individuals to enter and continue full-time public service employment. Public Service Loan Forgiveness provides an extraordinary opportunity for attorneys and others to pursue relatively low paying public service positions in spite of high student loan debt. Federal student loan borrowers can earn loan forgiveness:

- after 25-years of repayment in the Income-Based Repayment program (or 20 years if Pay As You Earn applies), or
- for public service workers, after 10-years.

To qualify for Public Service Loan Forgiveness (PSLF), a borrower must:

- make the right kind of payments,
- on the right kind of loans,
- while working in the right kind of job,
- for 10-years.

The Right Kind of Job

Qualifying public service employment under Public Service Loan Forgiveness is full-time paid work in:

- the government;
- a 501(c)(3) nonprofit;
- an AmeriCorps or Peace Corps position; or
- for a private "public service organization."

"Full-time" for most lawyers is an annual average of at least

30 hours per week, unless the employer requires a greater number of hours for full-time status.

The Right Kind of Loans

Only Federal Direct Loans are eligible for Public Service Loan Forgiveness. Federal Direct loans are federal student loans issued directly by the United States Department of Education. Borrowers who started borrowing student loans (like Stafford loans and GradPLUS loans) before July 2010:

- might have borrowed federal student loans from a bank or private lender through the FFEL program (Federal Family Education Loans, and
- therefore must consolidate FFEL loans into Federal Direct Loans for those loans to be eligible for Public Service Loan Forgiveness.[8]

Some students also borrow commercial loans from state or private lenders. Unfortunately, commercial loans are never eligible for Public Service Loan Forgiveness.

The Right Kind of Payments

Qualifying payments technically include more than just payments made under the Income-Based Repayment plan, but Income-Based Repayment is the only choice that makes sense for most borrowers in public service. Qualifying payments do not need to be consecutive. Borrowers can take time off from public service (for example, to stay home with children). But payments must be on time, because late payments don't count toward forgiveness.

Public Service Loan Forgiveness Should Be Relatively Secure

Public Service Loan Forgiveness is not subject to appropriations or the budgetary process. The College Cost Reduction and Access Act (the legislation that established Public Service Loan Forgiveness and Income-Based Repayment), created savings to the federal government of an estimated $43.6 billion by cutting subsidies previously paid to lenders (the formulas used to calculate lender yields on student loans were changed, lender exceptional performer status was eliminated, the level of insurance provided to lenders was reduced, the lender origination fee on loans was increased, guaranty agency retention amounts were reduced, and guaranty agency account maintenance fees, which are paid to guarantors annually by the federal government were reduced). Because only Federal Direct Loans are eligible for Public Service Loan Forgiveness, the federal government writes off debt owed rather than expending funds. For these reasons, Public Service Loan Forgiveness and Income-Based Repayment are likely to be more secure than some government programs.

Other Help For Lawyers With Student Loan Debt[9]

Some lawyers will benefit from other sources of assistance including: law school-based, state-based, and employer-based loan repayment assistance programs. Some employers provide Loan Repayment Assistance Programs for the benefit of their employees with student debt. Such programs exist at some non-profit and government employers, and are typically designed with the goal to recruit and retain qualified staff. A number of states have programs, but many state-based programs are experiencing budget cuts as funding often flows from IOLTA accounts, diminished during this economic climate. Law school-based programs exist at more than 100 law schools, providing financial aid to graduates who have educational debt and take low-paying jobs.

The John R. Justice Prosecutors and Defenders Incentive Act established a federally funded program for state and local prosecutors and state, local, and federal public defenders. These funds are administered by designated agencies in each state. ✧

1. Law school tuition data: American Bar Association Section on Legal Education and Admissions to the Bar.
2. Undergraduate borrowing data: Institute for College Access and Success.
3. Average borrowing data: American Bar Association Section on Legal Education and Admissions to the Bar.
4. Employment and salary data: NALP (the Association of Legal Career Professionals).
5. Private, alternative, and commercial student loans do not have the same flexible repayment options. Additionally, private student loans tend to be risky and expensive. Current students can typically finance their legal educations using exclusively federal student loans. Those who attended before 2006 are more likely to have substantial amounts of private student debt. Unfortunately, neither Income-Based Repayment nor Public Service Loan Forgiveness are available for private student loans. More information about managing private loan debt and the reasons why federal loans are preferable can be found online at askheatherjarvis.com.
6. These improvements will reduce the calculated payment due from the current 15% of "discretionary" income to 10% of "discretionary" income. Additionally, the time it takes to earn forgiveness will be reduced from 25 years to 20 years.
7. More information about who will benefit and how is available at askheatherjarvis.com/blog/will-the-presidents-student-loan-initiatives-help-you
8. Find out what kind of student loans you have using the National Student Loan Data System at www.nslds.gov.
9. Helpful websites for more information include:
   - Student Loan Borrower Assistance.org: Information about repayment options, avoiding and getting out of default, and dealing with collections agencies.
   - Project on Student Debt: State-by-state data, research, and policy analysis.
   - IBRinfo.org: Clear information about Income-Based Repayment and Public Service Loan Forgiveness. Check out the groovy animated student debt monster!
   - FinAid! The Smart Student Guide to Financial Aid: An online resource for comprehensive information about all aspects of financial aid.
   - GL Advisor: A financial advisory firm designed to help students and young professionals manage their student loan debt.
   - askheatherjarvis.com: The author's site including resources focused on Public Service Loan Forgiveness and Income-Based repayment.

Beyond Langdell

By A. Benjamin Spencer

Today's model of legal education, with its emphasis on the study of appellate court decisions as a means of ascertaining legal doctrine and teaching legal analysis, is the product of the vision of Harvard Law School Dean Christopher Columbus Langdell. In the late 19th Century, Langdell took over the Harvard Law School and introduced the notion that law schools should focus on legal doctrine, that legal doctrine was best learned through the study of cases, and that class was best spent exploring these cases through the Socratic method. Although manifold reforms have occurred since the time of Langdell—including the expansion of the educational program to embrace learning from other disciplines as well as some training in the practical skills of the legal profession—Langdell's model retains its hold on legal education, with all due acknowledgment of the many ways in which legal educators have innovated their teaching methods and curricula beyond that approach. The fact remains that notwithstanding the panoply of reforms, a steady stream of reports and commentaries—most notably the 2007 Carnegie Foundation report—have noted the extent to which students schooled in what basically remains the Langdellian law school are not sufficiently prepared for practice as legal professionals.

A fundamental problem with legal education is its focus on transmitting knowledge rather than focusing on the abilities that competent lawyers need to possess, as well as the fact that traditional law faculty tend to be hired more for their scholarly prowess than their practice experience, both Langdellian innovations. Given the ability of the Langdellian model to endure over the past 140 years, is it possible to move beyond that approach toward a model focused on developing in students the knowledge, skills, and professional experience to be practice-ready upon graduation and admission to the bar?

A. The Current State of Legal Education

Although still fundamentally consonant with the Langdellian model, law schools have reformed in many ways since Langdell's time. Professors have varied their teaching methods in ways that build on or depart from the case method. Law schools have pursued and implemented many of reforms, offering basic legal research and writing training in the first year, requiring upper-level extensive writing experiences in line with the current ABA Standards, and ensuring that students have some opportunity to experience small class sizes and group work with other students. The relevance of other disciplines to the study of law has been recognized and incorporated into the curriculum through the introduction of interdisciplinary subjects or the infusion of such learning into traditional law courses. The clinical training movement has successfully imported live-client experiences into

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CONTRIBUTIONS

SECTION ON THE EDUCATION OF LAWYERS

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the law school framework. And, increasingly, schools are offering courses that teach students the skills they need to practice law. Indeed, curricular reform is the order of the day, as schools rush to outdo each other in adjusting their programs in various ways to improve their ability to produce practice-capable graduates.

Although these contemporary reforms will yield results on the margins, they have not fostered a wholesale change in the practice-readiness of American law school graduates, a failing reflected and explored in the 2007 Carnegie Report and other recent studies. Indeed, the numerous shortcomings of the American model of legal education have been documented extensively: law school does not routinely provide training in many of the practice skill areas—such as drafting, counseling, planning, client development, management—needed to be a successful practitioner; its primary pedagogical approach (the case-dialogue method) is ineffective and demoralizing; its main approach to assessment remains the final essay exam, which reflects little about the professional competency of students and comes too late to allow self-improvement; faculty incentives promote scholarship over the needs of students; many professors (particularly the more recent ones) have little or even no experience practicing law and lack membership in the bar; and law school costs so much that most graduates have mammoth, mortgage-like debts that limit their economically viable options after graduating.

This is no way to produce competent legal professionals. Notwithstanding the addition of clinical programs, creative first-year courses, and an array of experiential learning opportunities, law school remains fundamentally Langdellian: The bulk of law school consists of standard and advanced doctrinal courses taught largely through the case-dialogue method with experiential opportunities comprising only a small part of students' overall curriculum. The overemphasis of the teaching of legal analysis and substantive legal doctrine—typically divorced from the practical context in which attorneys must use such doctrine as advocates or counselors—produces legal theorists who can think about and analyze the law but may be challenged in performing simple lawyering tasks with competency and professionalism upon graduation if they lack practical experience. Rather than focusing narrowly on the transmission of legal knowledge—a legacy of law school's place as merely preparatory for subsequent apprenticeship training and of its residence within the university system—law schools need to inculcate their students with the full range of abilities and skills that successful lawyers must have (so-called "core practice competencies"), hewing closely to the needs and demands of contemporary professional practice. Experiential supplementation and curricular tinkering have not succeeded and cannot succeed in getting the job done. Comprehensive and fundamental reform of how law school is structured is required get us past the collection of critiques that have been leveled at legal education for over a century. Law school needs to move beyond Langdell to a new model for legal education.

B. A New Model for Legal Education

Reforming legal education in a manner that will result in a serious and lasting improvement in law schools' ability to prepare their graduates for legal practice will require more than making modifications to the existing law school structure. To get to a place where practice-ready, competent professionals are the natural and expected outputs of a law school, I suggest the following reforms:

Improved Prelaw Education and Admissions Processes. To strengthen the quality and preparedness of law school applicants, some attention may need to paid to prelegal education, admissions reform, and enhanced matriculation standards. Prelegal education is not formally connected with law school training in any way, meaning that students learn little about the legal profession and law school before deciding to become a lawyer, and are not guaranteed to have had any training or learning preparatory for the study of law. This results in poor decision making about whether and where to attend law school as well as potentially poor performance once there. Admissions standards focus largely on LSAT performance, which measures reading and analytical abilities that can predict law school performance but are less connected with demonstrating an aptitude for legal practice. Developing alternate measures for screening applicants might yield better results for practice-readiness on the back end, though abandoning or deemphasizing the LSAT and undergraduate GPA as admissions metrics has its risks. After arriving at law school, students do not face major obstacles in matriculating through school, as low but not failing grades are all but guaranteed for the worst performers, permitting the awarding of J.D. degrees to those who have not truly demonstrated proficiency in their field. Might it be better to have a system that required a demonstration of merit to progress to the next year beyond individual course exams; perhaps a comprehensive exam such as the "baby bar" given in California that could assess whether students had the understanding and ability to proceed with their studies. Each of these are difficult areas that require further thought and detailed analysis. However, it is important to recognize these deficiencies and to begin imagining how law schools might respond to them.

Rationalized, Integrated Curriculum. The law school curriculum must be overhauled to provide a more solid foundation for legal learning with specified courses that introduce students to the American legal system and the legal profession; doctrinal, practical, and professional instruction should be blended throughout the three-year period; and students should universally be required pursue a broad topical concentration and extensive clinical training experiences. Where possible, the academic calendar should be divided into trimesters or quarters, with first-year students attending a summer term (before or after the 1L year), to permit the coverage of the necessary doctrinal, skills, and clinical coursework contemplated by the revised curriculum. The third year should feature a capstone course experience, in which students can combine their learning in an extended simulation within a particular field, as well as work on a major project that involves extensive research or advocacy.

More Effective Pedagogy. The case-dialogue method must be supplemented with a small-group tutorial method for basic doctrinal instruction and supplanted with a context-based method for advanced doctrinal, practical, and professional instruction. The case method is an inefficient and incomplete way of transmitting the knowledge, skills, and values that lawyer need to have. Practice simulations should be featured more heavily, and doctrinal courses should be delivered using a more problem-based, learning-in-role method than is currently the case.

Varied Assessment Models. The single-essay exam approach to assessment must be supplemented with multiple performance-based and portfolio-based formative and summative assessments graded based on proficiency and achievement rather than normalized measures relative merit. This means having something like a modified pass-fail system that assesses student performance against pre-determined learning objectives.

Practice-Oriented Faculty. Faculties at law schools desiring a more practical orientation—which might not be all law schools—must move from being primarily research-focused to practice-focused, with part-time and full-time professor-practitioners having active *pro bono* and fee-generating practices, along with a smaller core of doctrinal lecturers and research professors. Like the faculty practice plans of medical schools, law school faculty practices should be revenue generating to support salaries and the educational mission of the law school. Basic doctrinal courses could be taught by lecturers, who would carry a heavier course load and lack any expectation of producing legal scholarship. Research professors would be focused on supporting students in tutorials or in their capstone projects, and engaging in legal scholarship themselves.

C. Conclusion

Traditional legal education remains bound up with many of the fundamental attributes designed by Langdell at Harvard Law School more than a century ago. It is a decidedly academic, or cognitive model of legal education—centered on legal doctrine and case law—with varying degrees of elective opportunities to attain practical and professional competence. To be truly effective, however, professional legal education must give more attention to transmitting the skills and values that are essential compliments to doctrinal instruction. Mastering the cognitive, practical, and ethical dimensions of legal practice is what professional legal education must be about; focusing largely on the law in books cannot do the job. Students need to learn how to "work like a lawyer," not just how to "think like a lawyer"; both are critical components of an effective legal education program.

This has been understood by at least some since the time of Langdell, as evidenced by the continual criticism emanating from the ABA, the Carnegie Foundation, and legal commentators since the late 19th Century. What makes change possible now is that the unprecedented confluence of factors: Disintermediation in the legal profession, the stagnation of incomes in the legal job market, a bubble in law school tuition and attendant student borrowing, and the prospect of a decline in law school applications and enrollments will require all but perhaps the most elite and secure law schools to innovate or die. I have no doubt that many law professors will react to these admonitions much as most law professors have reacted to previous efforts to improve legal education—with denial or sighs of impossibility. It may require bold leadership from deans to make the case for a new vision of legal education and an insistence on the adoption of certain measures, perhaps as a condition of their taking on or continuing to serve in that role. Certainly, there may be faculties that take the lead in responding to the need for significant change. However we get there, it is clear that we need to get beyond the Langdellian model toward a truly 21st Century program of professional legal education that prepares graduates for practice; the time is ripe for getting there if we can all collectively muster the will to take the first steps. ✧

Faculty News

Appalachian

- Appalachian School of Law has added **Kendall D. Isaac** as a new assistant professor. He graduated from Capital University Law School.

Regent

- **Kenneth Ching**, **Erin DeBoer**, and **J. Haskell Murray** have joined the Regent faculty this fall.

University of Virginia

- **Quinn Curtis** became an Associate Professor of Law. He earned his J.D. at Yale Law School. Curtis teaches corporations and real estate law.
- **Mila Versteeg** joins UVA as an Associate Professor of Law. She earned her LL.M at Harvard. Versteeg's research and teaching interest include comparative constitutional law, public international law and empirical legal studies.
- **John F. Duffy** was named Armistead M. Dobie Professor of Law. John Duffy joined Virginia Law in 2011 after serving on the faculty at George Washington University Law School since 2003, most recently as Oswald Symister Colclough Research Professor of Law. Duffy teaches torts, administrative law, patent law and international intellectual property law.

Washington & Lee

- **Jill Fraley** is now at Washington and Lee as an Assistant Professor of Law. She will be teaching Property, Environmental Law, and Law and Geography. She earned her J.D. at Duke, and both an LL.M. and a J.S.D. at Yale.

William & Mary

- William & Mary Law School welcomed four full-time professors to its ranks in 2010 and 2011. **Sarah L. Stafford** joined the law school as the Paul R. Verkuil Distinguished Professor of Public Policy, Economics and Law, a joint appointment between the Law School and the Department of Economics. Associate Professor **Jason Solomon** joined the law school from the University of Georgia. Assistant Professor **Allison Orr Larsen** also joined the law school faculty in the fall of 2010; Assistant Professor **Tara L. Grove** joined the faculty in the fall of 2011. ✧

News and Events Around the Commonwealth

Appalachian

- ASL is conducting a nationwide search for a new dean. Current Dean Clinton W. Shinn will be stepping down on June 30, 2012. A Search Committee hopes to select a candidate in the spring of 2012. ASL is seeking a candidate who is familiar with regulations of legal education, including both ABA standards and U.S. Department of Education expectations. An ideal candidate would also be a recognized scholar with experience or reputation in natural resources law.

Regent

- Regent Law celebrated its 25th anniversary during a weekend of events on September 23-25. The Saturday night banquet featured a keynote address by U.S. Supreme Court Justice, Samuel Alito.
- This summer, Regent continued its partnership with Handong Global University's Handong International Law School. Regent Law associate professors Brad Jacob and Kathleen McKee both taught courses at Handong.
- Regent University's Center for Global Justice, Human Rights, and the Rule of Law (CGJ) sent 12 law interns to aid organizations in France, India, South Korea, Russia, the United States and Mexico in their work on urgent human rights issues, including the rescue of trafficked victims, the protection of orphans and street children and the prosecution of human traffickers.
- The American Center for Law and Justice (ACLJ) and Shared Hope International presented recent research on the state of domestic sex trafficking at a special mini-symposium held October 13, 2011, sponsored by Regent's Center for Global Justice.'
- Regent will hold the Center for Global Justice Symposium on March 29-31, 2012.

University of Richmond

- Professor Shari Motro was awarded tenure. She also received the University of Richmond's Distinguished Educator Award.
- On November 1, 2011, Professor John (Jack) F. Preis argued *Minneci v. Pollard in the United States Supreme Court*. The case considers whether federal inmates may sue employees of a private company that provides prison food services under the Bivens doctrine.
- On September 9, the Richmond Law held a day-long conference entitled "Public Employment in Times of Crisis. " Organized by Professor Ann Hodges,

the program attracted over a hundred participants and brought together lawyers and policy experts to explore the full range of labor and employment issues related to public employment.

- On September 12, the National Center for Family Law at Richmond law hosted the "The State of the Family 2011." The theme of this year's conference was "The Impact of Twenty-First Century Science and Technology on the Family" and the program brought together academics, judges, practitioners and mental health professionals to explore law and social policies impacting families and children.
- On October 6, Richmond Law dedicated its newly renovated moot court room in memory of the Hon. Robert R. Merhige, Jr. The keynote speaker was U.S. Supreme Court Associate Justice Stephen G. Breyer.
- On November 11, Richmond Law hosted "Everything but the Merits: Analyzing the Procedural Aspects of the Healthcare Litigation." Organized by Professors Carl Tobias and Kevin Walsh, this symposium focused on the procedural aspects of the numerous challenges to the federal healthcare litigation. The papers from this conference will be published in the University of Richmond Law Review.

University of Virginia

- A federal judge tossed out the drug and weapon convictions and a 33-year sentence of Northern Virginia man Justin Wolfe in August, thanks to the work of the University of Virginia School of Law's Innocence Project Clinic and partnering organizations.
- Judge Raymond A. Jackson of the U.S. District Court for the Eastern District of Virginia previously overturned Wolfe's murder-for-hire conviction and death sentence, also due to the efforts of the clinic, Wolfe's pro bono attorneys at the Washington, D.C., law firm King & Spalding and the Charlottesville-based Virginia Capital Representation Resource Center.
- The New Jersey Supreme Court cited the work of University of Virginia Law professors John Monahan and Brandon Garrett in its sweeping new rules for the handling of eyewitness identifications in court, issued Aug. 24.
- It took less than an hour in juvenile court to convict a Stafford County, Va., teen of rape at age 15. But it has taken years of effort by the youth, his family, two legal clinics at the University of Virginia School of Law and a large team of lawyers to try to clear his name — even after the alleged victim recanted her story soon after his conviction in 2007.
- The International Human Rights Law Clinic at the University of Virginia School of Law contributed to a series of briefing papers on violence against women in the United States that students distributed Oct. 10 at the United Nations.
- University of Virginia law professor Douglas Laycock made his third oral argument before the U.S. Supreme Court on Oct. 5 in a case concerning whether employees of religious organizations can sue for employment discrimination.
- Virginia Journal of International Law Symposium will take place on Feb. 10, 2012, with Keynote speakers Harold Koh, Legal Adviser of the Department of States and Martin R. Flug '55 Professor of International Law, Yale Law School
- The Meador Lecture on Law and Religion, with Kent Greenawalt, University Professor, Columbia Law School, will take place on Feb. 16, 2012
- Virginia Sports and Entertainment Law Symposium will take place on March 16, 2012

Washington & Lee

- The U.S. Court of Appeals for the Fourth Circuit handed Washington and Lee law professor A. Benjamin Spencer his latest victory when it issued an opinion in the case of *United States v. Hicks*. Spencer handled the case for the government in his capacity as a Special Assistant U.S. Attorney, a position to which he was appointed in 2009 and holds as a pro bono public service.
- Washington and Lee Law Professor Russell Miller testified in Munich, Germany at hearings focused on the reform of German legal education and research. The hearings, called by the German Council of Science and Humanities, have been organized by the Working Group "The Development of Legal Education and Research," under the Chairmanship of Prof. Peter Strohschneider of the Ludwig-Maximilians University in Munich. Miller was the only American scholar who appeared to testify.

William & Mary

- William & Mary Law Professor Michael Steven Green is the first scholar to be designated as the Robert E. and Elizabeth S. Scott Research Professor of Law.
- William & Mary Law Professor Allison Orr Larsen's law review article "Perpetual Dissents" was highlighted in *The New York Times*.
- William & Mary Law Professors Alan Meese and

Timothy Zick each will be a William H. Cabell Research Professor for the 2011-2012 academic year.

- Professor Nancy Combs became the school's newest Vice Dean, effective August 10, 2011. Combs served as the 2009-11 Cabell Research Professor of Law, and was a 2009 recipient of William & Mary's Alumni Fellowship Award for teaching excellence.
- William & Mary Law School Professor William W. Van Alstyne testified before the Congressional Committee on the Judiciary on June 8 at a hearing entitled "The President's Request to Extend the Service of Director Robert Mueller of the FBI Until 2013."
- On November 1-3, William & Mary Law School, in partnership with the William & Mary Mason School of Business, co- hosted the inaugural McGlothlin Leadership Forum. The McGlothlin Forum Fellows for 2011 are David Boies -- Chairman and Managing Partner of Boies, Schiller and Flexner LLP; The Honorable John Snow -- 73rd United States Secretary of the Treasury and former CEO of CSX Corporation; William C. Weldon – Chairman and CEO of Johnson & Johnson. The Forum is sponsored by and named in honor of James W. McGlothlin, '62, J.D. '64, LL.D. '00, Chairman and CEO of The United Company.
- On October 13-15, the first international conference hosted by William & Mary Law School's Property Rights Project took place at Tsinghua University in Beijing, China. Justice Sandra Day O'Connor was honored at the conference with the 2011 Brigham-Kanner Property Rights Prize.
- William & Mary Law School Dean Davison M. Douglas presented University of Virginia Professor Fred Schauer with the Marshall-Wythe Medallion at a dinner in his honor on October 4. The award is the highest honor conferred by the law school faculty, and recognizes outstanding achievement and leadership in the field of law.
- The Institute of Bill of Rights Law held its 24th annual Supreme Court Preview on September 23-24, bringing noted scholars, journalists, advocates and justices to William & Mary Law School to discuss the issues and cases currently facing the nation's highest court.
- VA Attorney General Kenneth Cuccinelli spoke to a standing-room-only audience of students, faculty, and staff at the Law School on Sept. 15 as a guest of the Law and Public Policy class. ✧

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