



FROM: Association of Legal Writing Directors (ALWD)
Mary E. Adkins, Board Member

DATE: December 21, 2018

RE: ABA Section on Legal Education Council Meeting Report

Dear ALWD Colleagues,

Your president, Jodi Wilson, and I attended a meeting of the Council of the ABA's Section on Legal Education and Admissions to the Bar. The meeting took place Friday, November 16, 2018, in Atlanta. ALWD is an affiliate organization of the Section, and our role was to observe, provide a report, and take note of topics the Council discussed. Highlights of the meeting follow.

The National Conference of Bar Examiners (NCBE) reported that it has created a testing task force to determine what knowledge, skills, and abilities newly licensed lawyers are using and, therefore, whether the test should be changed in any way. It also reported that the number of people sitting for the July MBE was the smallest since 2001, and that their average score of 139.5 was the second-lowest July MBE mean score ever recorded.

The AALS Executive Director, Judith Areen, presented the results of a Gallup Poll that polled roughly 30,000 students in an attempt to determine why students go to law school versus other graduate programs; when (from "before high school" to "after college") they decided to go to law school, broken down by race; the amount of time, if any, the student spent between undergraduate and law school; and the highest degree earned by the parents of the law student. The study also surveyed the criteria students use to choose a law school, broken down by LSAT scores. Among the items of interest from this poll were two revelations; first, that African-American law students tend to decide very early in life to attend law school; and second, that first-generation college students report hearing less during their undergrad years about law school than about other advanced degrees. The overview document that was distributed at the meeting is available [here](#); additional information on the poll is available [here](#).

The LSAC representative reported that LSAT registrations have been flat for the past 2 years. LSAC has recently begun offering the LSAT more often and is in the process of moving the LSAT online; by next September, administration of the LSAT is expected to be digital. Free LSAT preparation online through the Khan Academy appears to be helping test-takers improve their scores.

The NALP representative reported on a study it has conducted regarding transfer student outcomes. One revelation of this study was that students who have transferred during law school later earn a median salary nearly ten percent above the median salary (\$76,000 versus \$70,000) of all law graduates.

Our President, Jodi Wilson, gave ALWD's report of activities, which consisted of highlights from the written report she had submitted earlier to the Council (attached). Jodi highlighted our continued efforts to support and develop leaders, scholars, and teachers within the legal writing field. Among other things, she noted the organization's increased focus on fostering cultural competency and inclusivity within the organization and its members. She reported that a recent survey of ALWD's membership reflected that the majority of those who responded appreciated this focus and were interested in further opportunities to learn about implicit bias, systemic racism, and strategies and techniques for interrupting and addressing bias. One of ALWD's most significant recent initiatives, Jodi reported, is our Leadership Academy, which will be held for the first time this May, immediately before the ALWD Biennial Conference. The purpose of the Academy is to provide formal leadership training to a new generation of leaders so that they have the confidence to accept and seek out leadership roles within ALWD and LWI as well as their home institutions. Jodi reported that the leadership focus would continue during the ALWD Biennial Conference, with the theme *A Time for Transformative Leadership: Teaching and Learning*.

Jodi also reported briefly on ALWD's continuing programs: the *ALWD Guide*; *LC&R: JALWD*; teaching and scholarship grants; and scholars' fora. Jodi noted that Volume 15 of *LC&R: JALWD* is hot off the press and invited the Council to peruse the volume, noting that the journal is intended for a broad audience of legal writers, including practitioners.

Jodi closed by reporting on our two-decades-old LWI/ALWD Survey: For the 2016-17 academic year, 182 ABA-accredited or provisionally accredited law schools responded. The report provides information specific to legal writing programs, courses, and faculty. Among other things, the survey examines security of position, faculty governance, and professional development resources: the upshot is that many legal writing faculty continue to be vulnerable in terms of security of position, have limited faculty governance rights, and have less professional development support. The survey also provides demographic details for our field. Starting with the 17-18 survey, this information will be provided by individual professors responding to the survey. But we know from the 14-15 data that almost 75% of legal writing professors are women and two-thirds of new hires that year were women. The 14-15 data also discloses that 89% of legal writing professors are Caucasian and 73% of new hires that year were Caucasian. Jodi completed her report by returning to the concerns around security of position, faculty governance rights, and professional development and repeating the full citizenship statement adopted by ALWD, LWI, and SALT in 2014 and stating that ALWD looks forward to continuing its work with the ABA to improve the quality of legal education.

After the affiliate entity reports, the Council considered the standards review agenda for the Standards Review Subcommittee this year. The Standards Review Subcommittee will focus on minor clarification revisions to existing standards and proposing new Rules or amendments to Rules based on recent experience or as necessary to facilitate the Council's expanded work as a result of the consolidation. The specific Standards identified include Standards 202, 307, 310, 311, 502, and 603. The Subcommittee will need to prioritize the agenda.

The Council next turned its attention to Standard 316. The Council approved proposed changes to Standard 316 in October 2016 and sent those changes to the House of Delegates for approval in February 2017. The House of Delegates rejected the revisions and referred the

matter back to the Council. The Council reviewed the actions it has undertaken since then to gather information responsive to the House of Delegate's concerns, including concerns about impact on HBCUs. Those actions and the information gathered are summarized in a memo available [here](#) and bar passage data available [here](#).

The Council noted that the data shows that schools with a first-time pass rate that exceeds 60% have a good chance of reaching 75% within the time allowed, while schools below that threshold will have a hard time meeting the requirement. The Council will resubmit the revised standard to the ABA House of Delegates for consideration in January.

Erin Ruehrwein, the section director, reported that the section has moved to the editing stage on the new edition of the Sourcebook on Legal Writing Programs. She also noted that planning is underway for the Associate Deans' conference in June and financial literacy programming for students.

The Young Lawyers Division representative and the Law Student Division representative reported on activities within their divisions. Of particular note, both groups have identified diversity and inclusion initiatives as priorities for the coming year.

Respectfully submitted,

Mary E. Adkins

ALWD

ASSOCIATION OF LEGAL WRITING DIRECTORS

November 2, 2018

TO: Council of the ABA Section of Legal Education and Admissions to the Bar
Jeffrey Lewis, Chair
Barry Currier, Managing Director

FROM: Association of Legal Writing Directors (ALWD)
Jodi Wilson, President 2018-2019

RE: Report of Activities Since April 2018

Thank you for inviting ALWD to submit a written report of its activities over the last few months. ALWD values its long affiliation with the Council on behalf of the legal writing discipline and appreciates the opportunity to engage with the Council's members and its work.

1. **ALWD Strategic Plan:** Since our last report, ALWD has been moving forward with its strategic action plan.
 - a. **Organizational Diversity and Policies to Ensure Inclusion:** ALWD adopted a Diversity Strategic Action Plan in February 2018, which contains concrete steps for promoting diversity and inclusion within our organization. As part of the Diversity Strategic Action Plan, the Board hired a diversity consultant to (i) provide implicit bias and cultural competence training to the Board; (ii) help us evaluate our practices as an organization to ensure that we are creating an inclusive environment and fostering cultural competence in teachers, scholars, and leaders; and (iii) help us review and expand on the initial Diversity Strategic Action Plan.

In July, the Board met with the diversity consultant for a daylong training and strategic planning retreat. In anticipation of this day, the diversity consultant conducted focus group discussions with Board Members and conducted a survey of the ALWD General Membership. With approximately 37% of the

membership responding to the survey, the response to the Board's increased attention to issues of diversity and inclusivity was overwhelmingly positive. The information garnered through the survey and focus groups also provided the Board with critical information to inform the strategic planning process.

Since the July retreat, the Board has continued this strategic planning process. As a first step, the Board assessed the progress that ALWD committees have made on previous initiatives, such as the creation and publication of resource lists focused on issues of diversity and inclusion, establishing and publishing selection policies that encourage a wide range of applicants for grants and other opportunities, and the review and revision of Calls for Applications or Proposals to ensure that the process encourages a wide range of applicants. Building on this progress, the Board has identified additional initiatives consistent with ALWD's core mission of developing and supporting legal writing professionals as teachers, scholars, and leaders. We look forward to finalizing the plan and implementing these initiatives in the coming months and years.

- b. Leadership Academy:** ALWD's Leadership and Development Committee is currently planning for ALWD's inaugural Leadership Academy. The Leadership Academy will be held in May 2019, in conjunction with the 2019 ALWD Biennial Conference. The goal of this academy is to help members grow as leaders in their own right and to provide mentoring to a new generation of leaders. Thus, the Leadership Academy will provide training in a small group setting for professors who have established their teaching and are turning their attention to leadership roles. Among other things, the Leadership Academy will focus on building cultural competency and other skills or practices important to developing well-rounded and inclusive leaders. The Committee is working to ensure a diverse pool of participants and facilitators. ALWD believes that this investment in leadership will not only serve ALWD but will also provide benefits to individual law schools and other organizations within the academy.

- c. Website and Online Journal:** ALWD is currently in the final stages of completely redesigning its website. As part of this redesign, the Board has evaluated and updated its brand identity. The redesigned website will have a more modern and polished look while increasing the accessibility of the

resources we provide to members, including scholarship and teaching grants. As a part of this website redesign, ALWD will take its journal, *Legal Communication and Rhetoric*, completely online. The mission of *Legal Communication and Rhetoric* is to advance the study of professional legal writing and lawyering and to become an active resource and a forum for conversation between the legal practitioner and the legal writing scholar. As the journal moves online, the Editorial Board will be working to ensure that *Legal Communication and Rhetoric* continues to reach all “do-ers” of legal writing: attorneys, judges, law students, and legal academicians. The recent volumes of the journal are available at <http://www.alwd.org/lcr/>.

2. **ALWD Biennial Conference:** ALWD will host its biennial conference in May 2019 at Suffolk University School of Law. Last year, ALWD adopted a new process for choosing the site for our biennial conference to ensure that we choose sites that are welcoming to our diverse membership. The Conference Site Selection Committee completed its work under this new process in July 2018, announcing Suffolk University School of Law as the site for the 2019 ALWD Conference. The Conference Program Committee is currently accepting presentation proposals. The conference theme is *A Time for Transformative Leadership: Teaching and Learning*. Drawing on our successful 2017 conference, the conference will include plenary speakers on transformative leadership, including speakers who will address the connection between leadership and diversity and inclusion in our classrooms, our law schools, and the legal writing community.
3. **Annual Activities:** In addition to working on its special projects for this year, ALWD is also engaged in the annual support for teaching and scholarship that has been a focus of its mission for many years. This support includes:
 - funding both teaching and scholarship grants;
 - publishing a scholarly journal;
 - hosting scholars fora; and
 - funding a visiting scholars program.
4. **Survey of Members:** ALWD annually works with its sister organization, the Legal Writing Institute (LWI), to conduct a survey of the legal writing community. This survey is crucial for collecting information about the legal writing curriculum in law schools as well as those professionals who teach legal writing across the country,

many of whom continue to be the most vulnerable members of law school faculties. Over the last several years, ALWD and LWI redesigned the survey to expand and modernize the survey instrument so that it better reflects the complex realities of legal writing programs and legal writing faculty in the 21st century. ALWD and LWI collected data for the 2016-2017 Academic Year using this redesigned survey instrument. With an 89% response rate, the survey results provide extensive details on the current state of the legal writing curriculum in law schools and those who teach legal writing. The report is available at <http://tinyurl.com/ALWD-LWI-Survey-2017-2017>. ALWD and LWI are currently preparing a report of the results for the 2017-2018 Academic Year.

- 5. New ALWD Officers and Directors:** The current Board of Directors began serving on August 1, 2018. Joining me as officers are President-Elect Anne Mullins (Stetson); Immediate Past President Megan McAlpin (Oregon); Secretary Tamara Herrera (Arizona State); and Treasurer Catherine Wasson (Elon). Continuing on the Board of Directors are Brenda Gibson (North Carolina Central); Katrina Lee (Ohio State); Ellie Margolis (Temple); Susan Salmon (Arizona); and Amy Vorenberg (New Hampshire). Our four newly elected or re-elected members of the Board are Mary Adkins (University of Florida); Shailini George (Suffolk); Laura Graham (Wake Forest); and Tonya Kowalski (Washburn).

Again, ALWD very much appreciates the opportunity to share its recent work with the Council, and we look forward to continuing to work with you to improve the quality of legal education.