

SALT EQUALIZER

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SALT EQUALIZER

The *SALT Equalizer* is a publication of the Society of American Law Teachers.

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Co-Presidents' Column

Deborah Waire Post, Touro College, Jacob D. Fuchsberg Law Center, and Margaret Martin Barry, Catholic University of America, Columbus School of Law

At the last SALT Teaching Conference at Boalt Hall in the spring, one of the newer members of the Board of Governors suggested to us that the term "progressive" might not have currency with the young faculty entering the academy. Could we come up with some short sexy statement describing SALT that would persuade young faculty to join the organization? Good question, tough task.

For more than thirty years, SALT has been best known for its teaching conferences and public interest retreats, and for the Cover Workshop held each year at the same time as the AALS annual meeting. SALT has a loyal membership of faculty who think of themselves as activists. If SALT has a core mission, it is the promotion of social justice. The term "progressive"

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Margaret Martin Barry and Deborah Waire Post

Executive Director's Column

Hazel Weiser

It's been a year since I started as SALT's executive director. On my first day of work, Erwin Chemerinsky was de-hired as the dean of the first new public law school in California, UC Irvine, because his views were considered "too controversial." SALT issued a statement. Nine days later, I was in Seattle at a Dean's Workshop and attended my first SALT board meeting. It's been non-stop since then.

Working with the transition between two enormously energetic sets of co-presidents and alongside SALT's standing committees, we have accomplished a lot: illuminating members of Congress about the Department of Education's attacks on the credibility of the ABA Council



SALT Executive Director Hazel Weiser

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Co-Presidents:

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sive,” which we use to describe who we are, is explicitly political and ideological, but also sufficiently ambiguous so that we attract members who do not agree on all issues at all times. We think that is a good thing. The interests and passions of law teachers and educators who are committed to social justice are diverse. SALT members and SALT as an organization engage in activism on issues of social justice that sometimes are very local and at other times national or international in scope or significance.

SALT is a membership organization. We rely on our members to identify and address the issues that are important to us as activists. The level of engagement with SALT varies. For some members, it is reassuring simply to know that there is an organization that will speak out on the issues that are important to them. You lend your support and increase our credibility simply by joining SALT. For members who want more, one of the great benefits of membership is the sense of community that SALT members experience at the SALT Annual Dinner, the Cover Workshop, one of the Public Interest Retreats, or the biennial Teaching Conference. These are the opportunities we have to meet in real, not virtual, space. For members who want it, SALT provides an opportunity to address issues such as academic freedom, diversity in legal education, and fidelity to the rule of law here and abroad. Some of the work of the SALT committees is described in this issue of the *Equalizer*. If you are an activist looking for a way to address an issue that you think is important, we invite you to join one of SALT’s committees.

Anthropologists who write about the creation of community call that “performative cooperation.” There is no doubt in our minds that SALT is a community in the best sense of the word, a group of people united by a shared belief in their ability, working

individually and collectively, to change the world.

We cannot say now what will happen in the national election in November 2008, but in January 2009 at the Cover Workshop we will discuss the post-election 2008 progressive agenda. We would love to have every SALT member attend the meeting, but we know that is not possible. Not everyone can travel across the country to San Diego, assuming the AALS conference remains in that city, in these times of tight money and economic cutbacks. When budgets are trimmed, legal educators have to make hard choices on the way to allocate their travel money. The fact that you cannot attend the Annual Dinner or the Cover Workshop, however, should not mean that you lose the opportunity for a whole year to attend a SALT meeting. We will be working hard over the next year to raise awareness of SALT, to make it more inclusive and to ensure that any member who wishes to attend a SALT meeting will have that opportunity.

We are planning smaller, local gatherings of SALT members during the 2008-2009 academic year. Starting in September 2008, we as Co-Presidents, along with SALT’s Executive Director, Hazel Weiser, will be working with the membership committee to renew and revitalize the membership base. We hope to attract lapsed, existing and prospective members to local meetings featuring discussions on topics of interest to SALT members. We would also like to discuss in small groups the issues that concern SALT members and the ways in which SALT might support its members in teaching and working for social justice. We want new faculty to know we exist and are a resource for them, and we want to energize our existing membership. We think we made a good start on this project during the AALS New Law Teachers conferences this past summer. We met and talked with many new teachers and had several seasoned SALT members renew their membership. We would like to keep up this momentum.

Our first regional meeting will be in New York in November 2008. At that meeting, we will be honoring Professor Richard Chused, who is moving from Georgetown to New York Law School, Joyce Saltalamachia, who has stepped down as the SALT historian, and Margaret Montoya, former SALT Co-President, who is the Haywood Burns Chair at the City University of New York for 2008-2009. For those of you who do not know him, Richard has written extensively about diversity in legal education, focusing on the hiring and retention of women and minority law faculty. Furthermore, when SALT decided it was time to enter the cyber age, Richard designed and maintained our first webpage. In addition to honoring Richard, Joyce and Margaret, our hope is that every SALT member in the New York metropolitan area will find a faculty member who self-identifies as a progressive and bring him or her to the meeting. *Everyone, bring one!* We hope to have two additional meetings in the spring of 2009, in the Midwest and in the South.

Reflecting on what we have said in this column and what you will find in the rest of the articles in this issue of the *Equalizer*, perhaps we do have a definition of progressive that will suit. Progressive is a useful term because it expresses a sense of optimism. We progress towards justice, fairness and inclusion. The breadth of SALT’s activities coalesces in a vision of how we should live on this earth. We can’t come up with a short and sexy statement about the reasons that someone should join SALT, but if you come up with any ideas, be sure and email your suggestions to both of us. Meanwhile, may your new academic year be productive and may we all have continued reason to celebrate the possibilities for progress that have emerged in this election year!

Executive Director

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on Legal Education and Admissions to the Bar—ironically, a reaction to the ABA’s wholly inadequate revised diversity standard; defending the Rule of Law here, as the details about how the war on terrorism has actually been conducted, and abroad in Pakistan and China; responding to a variety of reports issued by the ABA affecting law school curricula, bar passage rates, job security, and the accreditation process. And did I mention a sold-out annual dinner, the March 2008 “Teaching for Social Change” conference, and revamping SALT’s website?

I love every minute of it!

This academic year will be especially exciting, with a presidential election this fall, and contingent plans for January 2009 depending on who wins the White House and who controls Congress.

The ABA appears serious about reexamining what we teach, how we teach it, and how we assess the success of our pedagogy. The Outcome Measures Report, issued on July 27, 2008, affords SALT the opportunity to present some of the teaching methodologies and alternative outcome measures that our members have been promoting for years. *We want to know about your progressive teaching so that SALT can fully inform the upcoming debate over the future of legal education.*

A radical change in content and teaching methodology might come with a significant price tag. The interim ABA Outcome Measures Report was issued the same day as the ABA Security of Position Report, suggesting that shifting job security by hiring more adjuncts and professional skills teachers (who may not be eligible for tenure or even long-term contracts) might be one way law schools can pay for these curricular changes. In the university setting, 48% of faculty already hold part-time appointments. Most can’t make a decent living, have no role in

faculty governance, and consequently, have lesser academic freedom. SALT is aware of the dangers that moving to an adjunct or professional skills model might pose, especially in legal education where there are decided ideologies and emotionally charged political reactions to unfamiliar or “radical” ideas that some students and colleagues might find offensive.

SALT worked with CLEA, the Legal Writing Institute, and the Association of Legal Writing Directors to produce a Security of Position statement that forewarned the ABA of the grave effect on academic freedom and faculty governance a departure from tenure might pose. In addition, since women predominate in both the clinical and legal writing fields, where job security is already diminished, a further erosion of the current security of position standards might have a devastating impact on gender equity within the legal academy.

The debate over the future of the legal academy extends beyond curriculum and hiring to access to all education, and to admissions to public law schools in particular. As of the time of this writing, three states—Colorado, Arizona, and Nebraska—might have ballot initiatives that could end what remains of affirmative action in those states. SALT has been working with local organizations to bring messaging to these regions that captures the benefits of a diverse and vibrant community of many colors and ethnicities. SALT is working with a young filmmaker, Sean Nalaboff, to create “one minute” messages that will be available on the Internet to tell the stories of people who have succeeded because the law intentionally opened a door to opportunity instead of shutting it. Check the SALT website, www.saltlaw.org, for the release dates of these short films. In addition, SALT will be helping communities infuse local discussions about the benefits of a diverse and inclusive society by providing speakers, law professors who have dedicated their public lives to opening

doors for others.

We need your membership to maintain our influence in every ABA-approved law school in the United States, to assure a rigorous, open, inclusive curriculum that values a professional ethic of community service.

We need your membership to heighten our credibility when speaking with members of Congress, the media, and policymakers.

We need your membership to fund our public interest retreats and teaching conferences. And this year, we are planning a series of regional events to attract new SALT members and allow current SALT members to maintain their relationships with colleagues living nearby.

We need your membership now. You can fill out and send in the membership form at the back of this issue of the Equalizer, or download a membership form from the SALT website, or just log on and pay online with a credit card. Join or renew your membership today.

Want to work on SALT issues or just discuss SALT with me? Call me at 631-650-2310 or email me at hweiser@saltlaw.org.



Meet SALT’s Administrative Assistant, Phyllis Coleman

Meet the Candidates: SALT Board of Governors Nominates a Slate of Nine

Joan Howarth, Michigan State University College of Law

The SALT Board of Governors, at the request of its Nominations Committee, has nominated nine outstanding candidates for positions on the Board for three-year terms that would begin in January of 2009.

This is a group that includes four newcomers—Ben Davis, Olympia Duhart, Jackie Gardina, and Ngai Pindell—who were selected from the many wonderful suggestions received from SALT members. Up for re-election are five incumbents: Bryan Adamson, Raquel Aldana, Jane Dolkart, Avi Soifer, and Kellye Testy.

The SALT Board is very excited about these wonderful candidates, all of whom are already active on various SALT committees. We are grateful for their willingness to take on this leadership role for SALT. Their candi-

date statements are printed below.

Under SALT's election bylaws, the current Board solicits potential nominees from the membership and then selects a slate of nominees to fill anticipated vacancies. The Board slate is then communicated to the membership, which is given an opportunity to add nominees. For this election cycle, any SALT member who has submitted a statement of interest, along with signatures or other written support (such as email) from at least seven additional SALT members, to incoming Nominations Committee Chair Holly Maguigan by September 12, 2008, will be included on the election ballot.

At the time this issue of the *Equalizer* went to print, the Board slate had been announced on SALT's website and in email

messages sent to SALT's members, and members had been advised of the opportunity to add nominees by September 12. After September 12, any additional candidate statements and other information will be available on the SALT website. If additional nominees are added to the ballot, the election in the fall will be contested. If no additional nominees have come forward, the election will be uncontested.

If you have questions about this process, please contact Holly Maguigan, former SALT Co-President and incoming Nominations Chair. Holly can be reached at maguigan@juris.law.nyu.edu.

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Consider a Lifetime Membership in SALT!

A lifetime membership in SALT keeps members connected after retirement.

Consider a \$900 lifetime membership. You can use the convenient membership form you'll find at the back of every issue of the *Equalizer* or join online at www.saltlaw.org. Credit cards are now accepted.

We want to keep in touch.



Meet the Candidates

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SALT Board of Governors Candidate Statements 2008



Bryan Adamson
Seattle University School
of Law

It is an honor to be nominated for a second term on the SALT Board. I believe that my work in the legal academy and public community reflects a goal of social and economic justice consonant with the mission of SALT. As a Board member, I was most actively involved in the Affirmative Action Committee. I was instrumental in developing a liaison relationship with members of the Congressional Black Caucus which, in September 2007, convened a panel on minority enrollment at law schools. I was also involved in critiquing accreditation standards as they particularly impacted minorities.

I was Director of Clinical Programs at Seattle University School of Law from 2002-2006. Since stepping out of the Director position, I have redoubled my clinical work in achieving justice for individuals victimized by predatory mortgage lending and foreclosure rescue scams. I also remain passionate about economic development for communities. It was that passion which led me to co-found Seattle University's first Community Development Clinic in 2005, a collaborative effort with the Law School and the Business School.

As a clinician, I have worked with current and former SALT members. I am a former CLEA Board Member, former Chair of the AALS Section on Clinical Legal Education and Section Executive Committee member. As Section Chair, I worked with my Board colleagues on many initiatives, including its 2003 annual conference. My current effort as Co-Chair on the Taskforce on Clinical Legal Education will result in an extensive study and recommendation on

status and security issues for clinical teachers in the academy.

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Raquel Aldana
William S. Boyd School of Law,
University of Nevada, Las Vegas

I am honored to be nominated for a second term on the Board of the Society of American Law Teachers. I have served as a member and Co-Chair of the Post-9/11 Human Rights Committee since I joined the Board. My work has been primarily to address issues affecting noncitizens. I co-authored with Steve Bender SALT's paper on immigration and local ordinances, and most recently authored SALT's statement on the Postville raids, which I also converted into an Op-Ed. I have also supported the Post-9/11 Human Rights Committee work on U.S. post 9/11 torture practice. As well, I have served on SALT's annual dinner committee and last year worked closely with the human rights awards recipients and had the

The SALT Board is very excited about these wonderful candidates, all of whom are already active on various SALT committees. We are grateful for their willingness to take on this leadership role for SALT.

honor of introducing them at the dinner. My goal is to continue to work closely with SALT on immigrant rights issues and to support SALT's goal of "internationalizing" its work.

For the past eight years, I have combined my social justice goals with my teaching and scholarship at the William S. Boyd School of Law at UNLV. Please visit my profile at <http://www.law.unlv.edu/faculty/raquel-aldana.html>. In the summer of '09, I will join McGeorge School of Law to found and direct the Inter-American Project to train linguistically and culturally competent bilingual lawyers on trade, foreign investment and rights in Latin America.

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Ben Davis
University of Toledo College
of Law

I am honored to be nominated to be considered to be a member of the SALT Board of Governors. I received my degrees at Harvard College (1977), Business School (1983) and Law School (1983). I worked for 17 years out of Paris, as a consultant in West Africa, Belgium and France, the American counsel of the International Court of Arbitration, and Director, Conference Programmes and Manager of the Institute of World Business Law of the International Chamber of Commerce. I teach Contracts, International and Domestic Arbitration, and International Law.

Since 9/11, I have been concerned about treatment of Muslims in America. My heroes are the ordinary Americans who stood up for Japanese-American neighbors in World War II. I've worked on war crimes and torture since January 2004, before Abu Ghraib had broken. In 2006, I led the successful effort to adopt the American Society of International Law Centennial Resolution on the Laws of War and Detainee Treatment—only the 8th resolution in its history. I write essays and articles. I speak frequently on war crime topics.

I chair the SALT Peace Post 9/11 Committee. I represented SALT in February 2008 in the Non-Governmental Organization del-

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egation to the U.N. Committee on the Elimination of Racial Discrimination hearings in Geneva on the U.S. periodic report. I helped create the SALT Statement on Investigation and Prosecution of Promoters of the Use of Torture of May 5, 2008.

Goals: prosecute U.S. high-level civilians and/or generals for war crimes and block a national security court.

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Jane Dolkart

I am honored and excited to be nominated for a third term on the SALT Board. I have been on the board for six years now and have never ceased to be amazed by the commitment and creativity of the board members, and the ever-expanding amount of collaborative work that is done. SALT has an unwavering commitment to act as a progressive law professor voice in the struggle for social justice. For many years that voice was focused mostly on issues within the academy. SALT is at the forefront of advocating for diversity, academic freedom, and activist progressive teaching. Its workshops expose hundreds of students to lawyers who have dedicated their working careers to social justice. It is working to break down the barriers to entry into the legal profession and in advocating for job security for clinicians and legal writing professors.

What is most exciting about SALT is its continuous growth. SALT has now become an important activist voice beyond academia, in its post 9/11 work. SALT is in a huge growth period at present. With the grant from the Open Society Foundation and the hiring of an Executive Director and administrator, SALT's capacity to take on more issues and provide greater depth in those issues we are already involved in has grown exponentially. Of course there are also

new responsibilities to help raise money to support our organizational growth.

I have chaired the committee on the LSAT, co-chaired a teaching conference and worked on several others, chaired the dinner committee, and been a member of the nominating committee. I am presently co-chair of the dinner committee. This is the first year where SALT is gently attempting to use the dinner as a fundraising vehicle, given our change from an all-volunteer organization to one headed by an Executive Director. I am also chair of the LGBT committee. The committee is exploring what role to take in fighting the California referendum and is working to establish an institutionalized relationship with Lambda Legal Defense and Education Fund.

I am presently in a hiatus from teaching but hope to be back soon. My teaching and research have focused in the areas of sexual harassment, employment discrimination, civil procedure and law and sexuality.

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Olympia Duhart

*Shepard Broad Law Center,
Nova Southeastern University*

At the very start of my teaching career, I was lucky enough to cross paths with several people who steered me to SALT. To all of them, I am eternally grateful for my introduction to a community of progressive scholars who are dynamic, brilliant and compassionate.

I have participated in SALT's Teaching Conference, and I worked for the past year as a member of the SALT School Representatives Program, a new committee intended to galvanize involvement in SALT projects. Further, I have personally benefited from SALT's workshops and meetings. I am deeply honored to have the opportunity to expand my work with SALT through a nomination to join the Board of Governors.

My courses include Constitutional Law, Lawyering Skills and Values, and Women

and the Law. My scholarship focuses on government accountability, particularly the state's responsibility to marginalized groups. In addition, I am on the executive board of Fight Out Loud, an organization dedicated to helping GLBT individuals fight discrimination. I also have worked for several years with the Florida Innocence Project, which offers post-conviction relief to people who can be exonerated through DNA.

It would be my privilege to serve on the Board of Governors because of SALT's commitment to social justice and equality. These times present incredible challenges and opportunities for SALT, and I am committed to doing the work necessary for the changes ahead.

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Jackie Gardina

Vermont Law School

I am honored to be nominated to the SALT Board of Governors.

I am indebted to SALT for providing me with a community of individuals committed to social justice and equality and an organizational structure in which to do the work. I am excited by the opportunity to participate more fully in SALT's mission.

Even before entering the law profession, I was committed to SALT's goals. After obtaining a Masters in Social Work, I worked as a clinical social worker and community organizer, advocating for children and families in distress. I saw first-hand the devastation wrought by injustice, inequality, and a system insensitive to the needs of the disenfranchised. As a law professor, I have attempted to introduce and sensitize law students to these themes.

Outside the classroom, I have made an effort to be active in addressing injustice, especially in the area of LGBT rights. In addition to participating in the last two SALT teaching conferences, I am a member of the SALT LGBT committee, a SALT school rep-

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representative, as well as a member the AALS SOGI Executive Committee. I am also a member of the Servicemembers Legal Defense Network Board of Governors. SLDN is a non-profit organization that provides servicemembers facing discharge under Don't Ask Don't Tell with free legal services while it also actively seeks the repeal of the statute.

If elected to the Board, I hope to continue my efforts to involve SALT's membership in repealing Don't Ask Don't Tell. I am also deeply committed to addressing socioeconomic segregation and issues of class that permeate the academy.

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Ngai Pindell

*William S. Boyd School of Law,
University of Nevada, Las Vegas*

I am honored to be nominated to the SALT Board of Governors. I have long admired the community SALT creates among academics and SALT's progressive leadership and advocacy on significant national and international issues. Before entering law teaching, I practiced community development law in Baltimore, MD for several years. This work involved important local issues affecting the economic and social growth of many city neighborhoods. I am looking forward to working more with SALT to affect not only local issues, but national and international ones as well.

I would be a new member of the SALT Board if elected, and I have been involved in two SALT projects. I organized the SALT-sponsored Trina Grillo Public Interest and Social Justice Law Retreat this past spring at UNLV. It was very encouraging to see so many current law students interested in progressive legal issues and social change. I also became a member of SALT's Affirmative Action committee which is focused on combating anti-affirmative action ballot initiatives

in several states. I have been teaching since 1998 and at UNLV since 2000. I teach and write in the areas of property, local government law, and community development law.

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Avi Soifer

*William S. Richardson School
of Law, University of Hawai'i*

It truly is a pleasure to report that I have been dean and professor at the William S. Richardson School of Law at the University of Hawai'i since 2003. I previously taught at the University of Connecticut, Boston University, and Boston College, where I was dean from 1993-1998. My teaching and writing are primarily about constitutional law, legal history, cultural studies, and civil rights and civil liberties.

I have been an active member of SALT virtually from its start, and a Board member since 1982. I helped to initiate and organize the annual Robert Cover Public Interest Conference and the Study Group and I have chaired and served on numerous committees. Recently I have been in charge of the annual Salary Survey and have begun to serve on the newly-formed Executive Committee. All these things required a great deal of help from my friends, and SALT has been a key source of vital assistance and wonderful friendships.

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Kellye Testy

*Seattle University School
of Law*

I greatly appreciate the opportunity to serve an additional term on the SALT Board of Governors. SALT's core commitments—(1) creating a community of caring law professors dedicated to making a difference through the power of law, (2) promoting effective, innovative, and inclusive teaching, and (3) challenging faculty and students to develop legal institutions with greater equality, justice and excel-

lence—are commitments I wholeheartedly share. As a faculty member and now Dean of Seattle University School of Law, with its mission of educating outstanding lawyers as leaders for a just and humane world, I have devoted my career to advancing these goals.

I have been a member of SALT since the early '90s and have very much enjoyed the opportunity to serve on its Board. The past several years have been important and successful ones for SALT, as it has established the core infrastructure and personnel to support its mission and work. While on SALT's Board, I have served on several committees (including budget, development, and executive) and most recently have led the creation and development of a conference designed to further diversity in law deanships. The first conference (to be held every two years) was held last September at Seattle University School of Law. Quite successful, the conference helped many faculty members learn how to position themselves to succeed in obtaining a deanship and being effective in one. I look forward to continuing to work on this project and to contributing to the many other important activities of SALT.

Prior to becoming Dean of SU in 2005, I was a member of the faculty teaching courses in contracts, corporate law, and law and sexuality. My scholarship, which also spans these areas, probes the intersection of law and inequality. During my tenure at Seattle University, I co-founded our Access to Justice Institute, and also founded our Seattle Journal for Social Justice and our Center on Corporations, Law & Society. As Dean, I have continued to advance our justice mission and our commitment to achieving our quality through diversity. Most recently, I have established a full-tuition scholarship program for students committed to social justice and an endowed faculty chair devoted to justice: the Donald and Lynda Horowitz Chair for the Pursuit of Justice, which will be held by Professor Margaret Chon.

Junior Faculty Development Workshop for Progressives: Seattle, October 2-3, 2008

Tayyab Mahmud, Seattle University School of Law

The 6th Annual LatCrit/SALT Junior Faculty Development Workshop will be held from 9:00 a.m. on Thursday, October 2, through noon on Friday, October 3, 2008, at Seattle University School of Law, immediately preceding LatCrit XIII. This annual workshop is designed for pre-tenure law professors, including clinicians, as well as those who may be contemplating a teaching career. The goal of the workshop is to help progressive junior law teachers successfully navigate the demands of the legal academy. It does so by creating a safe space in which frank counseling and discussion about the formal and informal rules of success in an academic setting can take place. Encourage your pre-tenure colleagues to read about this wonderful project on SALT's website, www.saltlaw.org, and at www.latcrit.org.

The workshop focuses on three related areas: concrete advice on teaching and scholarship, creation of support networks, and elaboration of unwritten rules of survival and success in the legal academy. The workshop will begin with a session entitled "On Jurisprudence." This preliminary session focuses on critical outsider jurisprudence, featuring a brief presentation on LatCrit's intellectual precursors in Legal Realism, Critical Legal Studies, and Critical Race Theory, as well as LatCrit basics on theory, principles, goals and values. The goal here is to furnish participants with a shared language for critical thinking, teaching, writing and practice.

The second session, "On Progressive Law Teaching: SALT Principles and SALT Values," will provide an opportunity to discuss what it means to teach a progressive curriculum and educate from a social justice perspective. This session also will be an introduction to SALT. Finally, the session will focus on the networking advantages that can result from a connection to a progressive law teachers'

organization, which focuses attention on issues related to the rule of law, inclusion, and academic freedom.

The third session, "On Scholarship: What to Write, How to Finish," will begin with

Over the years, the Junior Faculty Development Workshop has proved to be an excellent place for junior faculty to network with fellow progressives. The workshop focuses on three related areas: concrete advice on teaching and scholarship, creation of support networks, and elaboration of unwritten rules of survival and success in the legal academy.

brief presentations by casebook and clinical professors on how to (1) identify a scholarly agenda, (2) conduct/oversee research, and (3) "close" a project.

The fourth session, "On Pedagogy: Teaching, Authenticity, and Critical Reflection," will focus on teaching techniques, including the basic elements of critical pedagogy in clinical and textbook methods

of teaching. The session will conclude with a discussion of concrete teaching methods and experiences and an open discussion and comment period.

The fifth session, "On Professionalism & Balance: Constructing Academic and Personal Success," will focus on the basics of professionalism in the context of the North American legal academy, including key questions on institutional politics, "collegiality," and similar topics that are elemental to academic success. We will also discuss and incorporate reflections upon ways and means of balancing the various demands on our time and energy.

There will also be break-out sessions for participants to focus on issues of particular interest to small groups. These will include a session entitled "Coming Up Candidates," which will explore the issues facing those on the teaching job market, including the nuts and bolts of the AALS interview process, on-campus call-back interviews, and "closing the deal."

Over the years, the Junior Faculty Development Workshop has proved to be an excellent place for junior faculty to network with fellow progressives. When the workshop started in Cleveland in 2003, there were about 20 participants. In 2007, in Miami, more than 65 juniors attended. This growth in numbers is itself an eloquent testament to the utility and success of the project. The workshop is also a wonderful example of the fraternal and purposeful partnerships that SALT has forged with other progressive organizations, such as LatCrit.

Please encourage your new and junior colleagues to attend this workshop. To register for the workshop, go to www.latcrit.org or contact Professor Tayyab Mahmud at Seattle University School of Law.

Post 9/11 Human Rights Committee Continues to Speak Out Against “War on Terror”

Raquel Aldana, William S. Boyd School of Law, University of Nevada, Las Vegas

Nearly seven years after the September 11 attacks on the United States, our nation still confronts formidable challenges to its legal foundation and moral fabric caused by our own leaders, who continue waging wars in Afghanistan, Iraq, and globally through the omnipresent “war on terror.” The abuses in the “war on terror” have corrupted our government, American civil society, and our reputation among nations. The first military commission trial (as opposed to the plea agreement negotiated by David Hicks) against Salim Ahmed Hamdan has concluded in a guilty verdict. Hamdan was acquitted of the most serious charges of conspiracy, and convicted of providing material support to terrorism. He was sentenced to five and a half years in prison. Hamdan is just one of hundreds of detainees held at Guantanamo Bay for nearly seven years who linger *incommunicado*, in indefinite detention enduring isolation and deprivations, interrogations, and even torture. Hamdan, famous for his judicial victories in our nation’s highest courts, faced a military commission trial plagued with irregularities: secret evidence and statements resulting from prolonged and questionable methods of interrogation.

The Post 9/11 Human Rights Committee has been given a compelling mandate of speaking out against U.S. abuses of power in this “war on terror.” It is not uncommon that when nations face times of crisis, those who commit abuses are sincerely convinced that they act in society’s best interest. Tellingly, Attorney General Michael B. Mukasey is refusing to investigate or prosecute the Bush Administration officials who sanctioned and carried out torture, characterizing their acts as committed under extreme pressure and in “good faith.” As an institution of progressive lawyers and teachers committed to social justice ideals in legal institutions and law,

SALT cannot remain silent.

In May 2008, when news broke out that national security principals and their advisors met in the White House Situation Room to authorize and choreograph the torture of detainees, SALT issued a statement condemning torture and calling for the thorough and immediate investigation by Congress and the Department of Justice into the circumstances under which torture was authorized, rationalized, and implemented. SALT spoke out then in grave concern over the role of lawyers in crafting fraudulent legal authority in an attempt to justify, perhaps retroactively, the torture of detainees in a variety of venues. The statement concluded that “[t]heir work as legal counsel cannot be justified as zealous advocacy; it is unethical to advise any client to violate the law. Their misconduct, if proven, makes them as culpable as those who planned and those who conducted the acts of torture.”

Then in June 2008, in response to the largest, single-site immigration raid in U.S. history in Postville, Iowa, SALT, in conjunction with the National Lawyers Guild, issued a statement deploring the raids and calling on the Department of Homeland Security to halt immigration raids immediately and to treat those arrested humanely and in accordance with all due process guarantees available to criminal defendants. Post 9/11, immigration enforcement became a national security issue. Not only were flexible immigration enforcement tactics employed to conduct criminal investigations, but immigrants were further criminalized even when they were truly victims. The Postville raids stood out to SALT because in an unprecedented move, the Immigration and Customs Enforcement Agency (ICE) criminally charged 302 workers with aggravated theft and/or using false social security numbers; then, with uncharacteristic speed

and efficiency, ICE resolved the fate of these workers with almost all pleading guilty. These proceedings left workers without adequate opportunity to consult lawyers as they faced hard bargains from prosecutors. Indeed, the New York Times published a subsequent narration by an interpreter, Dr. Erik Camayd-Freixas, Ph.D., who uncharacteristically felt compelled to disclose what he witnessed. The piece left no doubt that most of those who pled guilty did not comprehend what they were pleading to, much less were they aware of any defense or immigration remedy against removal that they may have had. Particularly worrisome to SALT was that these raids targeted an employer under investigation by the U.S. Labor Department for serious labor rights violations. Some of these workers, now in removal proceedings with nothing to lose, are finally speaking out. Since SALT issued its statement, we have learned that children were illegally working in a slaughterhouse under deplorable conditions. Let’s hope ICE recognizes their place as witnesses and victims, and accords them available visas authorized by Congress under the Immigration and Nationality Act, rather than simply deporting yet more witnesses against a rogue employer.

Also in June, SALT issued a statement condemning China’s revocation of the professional licenses of two prominent human rights lawyers, Teng Biao and Jiang Tianyong, because they volunteered to defend Tibetans charged with participating in protests against China’s policies in Tibet. Selectively, the Post 9/11 Committee chooses to speak out on abuses that are committed by governments other than the U.S. but that are closely related to the mission of SALT. In particular, SALT speaks out on behalf of members of our profession who are singled

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SALT Submits Comments on ABA Committee Reports on Transparency, Job Security and Outcomes Measures

Carol Chomsky, University of Minnesota Law School, and Eileen Kaufman, Touro College, Jacob D. Fuchsberg Law Center

The ABA recently added SALT as an affiliated organization of the Section of Legal Education and Admissions to the Bar. We will be focusing our attention on the Council (the Section governing body) and the Standards Review Committee (which is charged with reviewing proposed changes in or additions to the accreditation standards, interpretations, policies, and procedures). Eileen Kaufman, immediate past Co-President of SALT, will act as SALT's liaison to the Council, submitting written reports and making oral presentations at Council meetings. Carol Chomsky, past Co-President of SALT, will act as SALT's liaison to the Standards Review Committee and will attend all Committee meetings in that capacity. SALT's designation as an affiliated organization will keep us better informed about the issues being discussed and debated by the Council and will provide us with the opportunity to regularly provide

comments to the Council.

Among the most important issues currently being considered by the Council are the reports of three Special Committees: the Special Committee on Outcome Measures; the Special Committee on Transparency; and the Special Committee on Security of Position. SALT submitted comments regarding all three reports. We review below a few highlights from our comments. The full statements are available at www.saltlaw.org and on the website of the Section on Legal Education and Admissions to the Bar. The Council planned to discuss all three of the Reports at its August 8, 2008 meeting, just after this issue of the *Equalizer* went to press.

Outcome Measures

The Interim Report of the Outcome Measures Committee, dated May 12, 2008,

recommends a major shift in accreditation from the use of input measures to the adoption of an outcome-based approach that would evaluate a school's performance based on the school's own assessment of educational outcomes in light of its stated mission. The report relies on the best thinking of legal educators as reflected in the Carnegie Foundation and Best Practices reports, and reviews outcome-based accreditation standards used by other professions and by the legal profession in other countries. Among the questions left unresolved in the Interim Report is whether bar passage should remain as an independent accreditation standard that trumps other outcome measures.

SALT submitted comments to the Interim Report which a) support the recommendation to shift to an outcome-based approach; b) applaud the Committee's endorsement of the insights gleaned from the Carnegie Foundation report and the Best Practices report, which emphasized the necessity of incorporating knowledge, skills and values into the law school in a systematic and integrated manner; c) agree with the recommendation to adopt accreditation standards that provide maximum flexibility to law schools so long as they are consistent with broad parameters in the Standards that require outcomes encompassing knowledge, skills and values; d) strongly oppose retaining a bright line bar passage rate as an independent requirement of accreditation; and e) raise a cautionary note about how the shift to outcome measures might affect security of position and status for legal writing and clinical faculties, who will bear significantly greater responsibility for expanded outcomes measurement.

The Special Committee on Outcome

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Post 9/11 Human Rights Committee

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out for persecution, particularly in their quest for social justice. In Jiang Tianyong's words, "As a lawyer, I only care about whether the case can be legally defended. I will follow the right rules within the law. I don't know how to judge whether a case is sensitive or not." SALT felt compelled to back up such a simple and yet profound sentiment that reflects the highest traditions of lawyering and law training.

Most recently, with calls for preemptive pardons, congressional investigations with grants of immunity, and "truth and reconciliation"-type hearings as a way to clear our national conscience over the authorization and use of torture and other cruel, inhuman

and degrading treatment of detainees caught up in the war on terrorism, in August, SALT issued a second statement. The only way to truly understand how far afield this administration wandered in its panicked and improvised reaction to the events of September 11th is to pursue criminal investigations and prosecutions of those U.S. officials responsible for authorizing the use of torture. This country needs to muster the political will to begin an independent investigation that will, in the words of the SALT statement, "assure the people of the United States and the world that this country will recommit itself to respect for human rights and the rule of law, especially in times of uncertainty and danger, real or exaggerated."

Comments on ABA Committee Reports

▼ *continued from page 10*

Measures issued its Final Report on July 27, 2008, addressing some of the unresolved issues in the Interim report. Of particular importance is the recommendation to treat bar passage as a part of “a constellation of criteria for assessing whether a law school is adequately fulfilling its functions of teaching substantive knowledge, skills and values.” This recommendation seems consistent with SALT’s comments, which urged that bar passage function as one piece of a comprehensive set of outcome measures, rather than as a stand-alone independent accreditation requirement.

Transparency

The Preliminary Report of the Special Committee on Transparency makes recommendations to bring greater transparency to the accreditation process while also appropriately safeguarding confidentiality for information collected during accreditation reviews. SALT strongly supported several of the Report’s recommendations, including (1) upgrading the Section website to make it significantly more informative about the accreditation standards and processes, (2) preparing and sharing on the website materials that describe in more detail the accreditation process, (3) offering better training for faculty and administrators about preparation of strategic plans and self-evaluations, and (4) sharing publicly through the website the Accreditation Issues Summary that annually details issues identified as problematic for all schools for the most recent three years, in order to provide better guidance on the meaning and application of the accreditation standards. SALT expressed great concern about the Report’s recommendation to place on the Section’s website, password-protected, unredacted accreditation decision letters and follow-up correspondence between

individual law schools and the ABA Accreditation Committee, available to deans and, “as determined by each dean, to other faculty members ‘for use in the accreditation process.’” The Committee was closely divided on this recommendation, which passed by a vote of 5 to 4. SALT’s comments reflect concern that the potentially broad dissemination of the letters would make it too likely that the information would end up

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in the hands of some source that could use it to embarrass or damage the reputation of a school, and that the broader distribution of the letters would result in a practice of “sanitizing” the letters, making them less harmful if made public but also less useful to the schools under review.

Security of Position

The Report of the Special Committee on Security of Position responds to the Accreditation Policy Task Force request that the Committee consider whether the provisions in the Standards affording different types of security of position for different categories of law school members (deans, clinical faculty

members, legal writing teachers, law librarians, and faculty) ought to be reexamined. In particular, the Committee considered what alternative provisions might be adopted that would effectively protect the interests underlying the current provisions – academic freedom, attraction and retention of well-qualified faculty, and broad participation in governance by appropriate sectors of the law school faculty – while responding to expressed concerns that the current standards are unclear and inhibit innovation and autonomy. After extensive discussion but no hearings, the Committee offered a draft of three proposed alternative standards directly addressing the three underlying interests, but was unable to agree on whether the alternative standards would adequately protect those interests. The Committee suggested referring the questions to the Standards Review Committee.

In its comments, SALT urges that the Council *not* refer the Security of Position Report to the Standards Review Committee at this time. SALT argues that the articulated alternative standards would weaken, not maintain or strengthen, academic freedom for all faculty; would lead to further stratification within faculty ranks; would not promote more active participation in governance by clinical faculty and legal research and writing faculty, which is vital as the academy seeks to implement the goals of the Carnegie Foundation and Best Practices reports; and would have no beneficial effect on attraction and retention of well-qualified faculty. While acknowledging that the current security of position standards are flawed, SALT argues that a more thorough consideration, and greater consensus, is warranted before the matter is referred to the Standards Review Committee.

As noted earlier, the full SALT statements are available at www.saltlaw.org; the committee reports as well as the comments of SALT and others, are available at abanet.org.

Anti-Affirmative Action Initiatives: 2 Down, 3 to Go

Roberto Corrada, University of Denver Sturm College of Law, and
Reginald Oh, Cleveland-Marshall College of Law

Ward Connerly's dreams of an anti-affirmative action Super Tuesday are surely beginning to fade as he and his supporters have been dealt fatal blows in two states, with uphill battles continuing in another three. In Missouri and Oklahoma, Connerly was forced to pull his initiatives after he failed to gather the required number of signatures to get on the ballot. In Colorado, Connerly just barely met the signature requirement (some 76,000—the lowest requirement of the five states) after the Secretary of State pared down his 129,000 signatures to 86,000, based on an unprecedented number of failed signatures. Coloradans for Equal Opportunity, headed by Melissa Hart, a SALT member, have challenged the signatures further in court, charging that there were even more problems with the sample, and the initiative should be thrown out altogether. The group weathered a motion to dismiss and a trial is scheduled on the issue starting September 2. Meanwhile, Coloradans for Equal Opportunity have continued with efforts to place an alternative initiative on the ballot. The alternative uses the same first line as the Connerly amendment—"The state shall not discriminate against or grant preferential treatment to any individual or group on the basis of race, sex, color, ethnicity or national origin in the operation of public employment, public education or public contracting"—but then defines "preferential treatment" as "quotas or awarding points solely on the basis of race, sex, color, ethnicity, or national origin." 115,000 signatures were filed in favor of the alternative initiative on August 4, and supporters are awaiting the results of the Secretary of State investigation as this issue of the *Equalizer* goes to press.

The Arizona initiative received press recently when presidential candidate

John McCain reversed his stance on anti-affirmative action measures, declaring that

Please consider joining in this effort if you have any expertise involving affirmative action issues. The Committee is particularly in need of Op Eds dealing with the substance of the initiative, but also addressing the myth of merit, the issue of why affirmative action is still necessary, the conflation of race and poverty (countering arguments that helping the poor eliminates the need for affirmative action), and how the Supreme Court has reigned in affirmative action without needing any more help from the states.

he was supporting the Connerly initiative because he's against "quotas," an about-face on his 1998 statement that these types of measures were "divisive" and that he was against them. Connerly has filed signatures in Arizona and Nebraska as well, but is facing legal challenges in those states. By All Means Necessary, a Michigan-based group created in the context of the *Grutter* and *Gratz* cases, is challenging signatures in Arizona while Nebraskans United has filed a signature challenge suit in Nebraska.

SALT's Affirmative Action Committee continues to stay abreast of developments involving the three remaining initiatives. The Op Ed Subcommittee is the busiest at the present, attempting to develop Op Eds for placement in Colorado, Arizona, and Nebraska newspapers. Please consider joining in this effort if you have any expertise involving affirmative action issues. The Committee is particularly in need of Op Eds dealing with the substance of the initiative, but also addressing the myth of merit, the issue of why affirmative action is still necessary, the conflation of race and poverty (countering arguments that helping the poor eliminates the need for affirmative action), and how the Supreme Court has reigned in affirmative action without needing any more help from the states. For more information about the Committee's work, or to ask about helping with Op Eds, please feel free to contact either of the Affirmative Action Committee Co-chairs, Roberto Corrada (rcorrada@law.du.edu), or Reggie Oh (Reginald.Oh@csuohio.edu).

Battle Over Same-Sex Marriages Looms in California

Jane Dolkart

On May 1, 2008, in a 4-3 decision, the California Supreme Court decided *In Re Marriage Cases*, granting same-sex couples the same right to marry as heterosexual couples. Governor Schwarzenegger immediately declared that he would uphold the court's ruling, and thousands of lesbian and gay couples have since married. Less than two months later, New York Governor David Patterson announced that New York State would recognize marriages of same-sex couples performed in other jurisdictions, thereby providing a route for lesbian and gay New Yorkers to obtain legal recognition of their marriages.

These historic advances for lesbian and gay civil rights are threatened by a coalition of anti-gay marriage proponents who started collecting signatures for a ballot initiative even before the California Supreme Court's ground-breaking decision. Under the rubric of "Protect Marriage," the group gathered sufficient signatures for the "California Marriage Protection Act," Initiative 1298, Proposition 8, to be certified to appear on the November 4th ballot.

Equality California immediately formed the organization "No On 8" to fight the ballot measure. The first move was a lawsuit requesting a writ of mandate and a stay directing the state not to include the initiative on the ballot. Represented by the National Center on Lesbian Rights and other lesbian and gay legal organizations, Equality California argued that the wording of the initiative was materially misleading and that it was a constitutional revision, not a proposed constitutional amendment, and thus could not use the initiative process. The California Supreme Court, in *Bennett v. Bowman*, issued a decision on July 18th refusing to remove the initiative from the ballot. The pleadings in the case appear on the SALT website.

Thus, a battle of major proportions over same-sex marriage looms in California. The two sides are each raising money from individuals and business interests. PG&E, California's largest public utility, has given \$250,000 to fight against the initiative and is a founding member of the Equality Business Advisory Council, formed to aid in the battle against the initiative. "Protect Marriage" has also received large gifts from business leaders, chief amongst them developer Doug Manchester, owner of the Manchester Grand Hyatt in San Diego, who contributed \$125,000 to help ban same-sex marriage. As most of you are aware, the Manchester Grand Hyatt is the main hotel for this January's AALS Annual Meeting. SALT has written a letter to Carl Monk urging that the AALS make every effort to find an alternative location for the meeting and if it cannot, to

limit activities to the extent possible. (The letter is on the SALT website.) Some groups and sections have indicated that they will not hold their programs and activities in the hotel, and the Section on Sexual Orientation and Gender Identity Issues has made clear that its all-day program will not go on unless there is an alternative location. To its credit, the AALS is attempting to find a viable alternative to the Grand Hyatt and will make a decision at its August Executive Committee meeting.

A recent California poll suggests that the initiative is likely to be defeated 51% to 42%. SALT's LGBT Committee members will continue to monitor activities concerning the initiative and the AALS Annual Meeting and will be pro-active where our input is useful.

SALT's Annual Public Interest and Social Justice Retreats: Coming Soon to a Location Near You!

Cover Retreat: The 2009 Cover Retreat will be held during the weekend of February 27-March 1, 2009, at the Boston University Sargent Center in Peterborough, New Hampshire. It is being coordinated by four law schools: Maine, Howard, Western New England, and New England. The organizers are currently deciding on the retreat theme. Please contact Amanda Zane (amanda.zane@maine.edu) or Heidi Pushard (heidi.pushard@maine.edu) for more information.

Amaker Retreat: The 2009 Amaker Retreat will likely move from Bradford Woods, Indiana, to a retreat facility in the upper Midwest. Details on date, location and theme will be forthcoming. Keep an eye on the SALT website, www.saltlaw.org, for updates.

Grillo Retreat: The 2009 Grillo Retreat will be held at Stanford Law School on February 20 and 21, 2009. The theme is "International Human Rights Across Boundaries and Disciplines." Susan Feathers, the Executive Director of the Levin Center of Public Service and Public Interest Law at Stanford, is organizing the retreat. Please contact her for more details at feathers@law.stanford.edu or at 650-725-4192.

Save the Date!

SALT's Annual Cover Workshop

Wednesday, January 7, 2009

8:00 p.m. to 9:30 p.m.

Thomas Jefferson School of Law

San Diego, California

This year's theme is "The Way Forward: The Post Election 2008 Progressive Agenda." A reception co-hosted by the National Lawyers Guild will follow.

Watch the SALT website, www.saltlaw.org, for more information after the November election!

LGBT Committee Update

Jane Dolkart

The SALT LGBT Committee is working on several new projects. First, we are looking at states with domestic partner benefits or marriage to determine how many law schools in those states still do not offer such benefits to their employees. If you are at such a law school, please let us know by contacting Hazel Weiser at HWeiser@saltlaw.org.

Second, we are upgrading our website to provide a list of, and links to, websites providing materials on LGBT legal and public policy issues. SALT will include a brief description of each website. We would love to hear from you if there is a site you think we should include. Contact jdolkart@gmail.com.

SALT to Honor Wizner, Copelon at 2009 Annual Dinner

Ruben Garcia, California Western School of Law, and Jane Dolkart

The SALT Dinner Committee continues its planning for the SALT Annual Dinner, despite the issue of the dinner's ultimate location being unresolved at this writing. SALT and a number of other organizations have raised concerns about the AALS Annual Meeting's location at the Manchester Hyatt, given the \$125,000 donation made by the hotel's namesake, Douglas Manchester, to support an initiative banning same-sex marriage in California.

In a letter to AALS Executive Director Carl Monk, SALT has expressed its concerns that holding the meeting at the Manchester Hyatt would weaken the strong stand that the AALS has taken against sexual orientation discrimination. The letter requests that the AALS find an alternative location for the meeting or limit activities at the hotel, and that AALS make Mr. Manchester aware of the concern that many AALS members have about his support of a measure that would write discrimination into the California Constitution. In solidarity with LGBT communities in California, the union representing employees in the hospitality industry, UNITEHERE Local 30, has called for a boycott of the hotel. Thus, the AALS should, as it has done in the past, move the meeting because of an active labor dispute.

It remains to be seen how the AALS will respond to the requests of SALT, the Teaching Methods section, the Legal Writing Institute and other groups. The meeting may be moved to another hotel in San Diego or to another city entirely, such as Washington, D.C.

If the meeting is held in San Diego, SALT's Annual Dinner will not be affected because it will not be held at the Hyatt. The dinner will be held at the Prado in beautiful Balboa Park on Friday, January 9, 2009. Balboa Park is San Diego's "Central Park"—just five minutes from downtown. The Prado is a public facility that is catered by the

outstanding Prado Restaurant right next door. The menu will include California fare with special San Diego accents. There will be seafood, beef and vegetarian fare alike. The dinner will feature an outdoor reception (weather permitting) and plenty of wine and conviviality into the night.

If the meeting is moved, the Dinner Committee will work quickly to find a new location that has all of the elements of the dinner in San Diego—great food, wine, and company—with the possible exception of great weather.

SALT will also continue its plans to honor some of the most admired members of the progressive legal movement at the dinner. The "Great Teacher" Award has been awarded to a number of luminaries in the academy, including deans, judges, clinical professors, and entire law schools. This year, we will honor Stephen Wizner of Yale Law School for his lifetime of contributions to training dedicated professionals in the service of clients. The M.



Steve Wizner

Shanara Gilbert Human Rights Award has been presented to members of Congress, human rights lawyers, and nonlawyer activists. This year,



Rhonda Copelon

Rhonda Copelon of CUNY Law School will receive the award for her work as a scholar-activist for equality.

We hope that you will join us for a wonderful night of good food and good company on January 9, 2009. Keep an eye on your e-mail and www.saltlaw.org for the final word on the location of the Annual Dinner, and the deadline to buy your tickets (probably in mid-December).

We'll see you in San Diego, or wherever the 2009 AALS meeting is held!

Society of American Law Teachers

Membership Application (or Renewal) 2008–2009 Academic Year

You can register to become a member online and pay by credit card by going to www.saltlaw.org, or you can complete and mail in this form, together with a check or credit card information.

Enroll me/renew my membership: *(When dues are paid from professional rather than personal funds, we request that you pay at the higher rate.)*

- I enclose \$125 (for those earning \$125,000 or more per year)
- I enclose \$90 (for those earning at least \$100,000 but less than \$125,000 per year)
- I enclose \$65 (for those earning at least \$75,000 but less than \$100,000 per year)
- I enclose \$40 (for those earning less than \$75,000 per year)
- I enclose \$900 for lifetime membership

Additional contributions:

- I am contributing \$_____ to the Dorsen Fellowship Fund, made possible through the generosity of Norman Dorsen, to support public interest internships with SALT.
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