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To: ALDA Members
From: David E. Van Zandt on behalf of the ALDA Board

At the annual meeting on January 5, 2007, there was some expression of concern about the procedures that the Board has followed in taking various actions over the past years, which may reflect some confusion about the purposes and philosophy of ALDA as well as its governance. In taking its actions over the past year and in prior years, the Board has acted based upon its general understanding on the philosophy of ALDA and its sense of where most of the membership stands.

The Board believes that it is prudent now to remind members of the general purposes and basic philosophy of ALDA with respect to ABA accreditation. I attach a short history of ALDA written several years ago by a co-founder, Ron Cass (formerly, dean at Boston University), and sent in ordinary course to all new deans when they are invited to join ALDA. The work of ALDA has largely focused on effecting positive change in the ABA's Standards for accreditation and in the procedures surrounding the accreditation process. From time to time, ALDA has also undertaken activities with respect to other issues that the Board felt was warranted. For example, in the recent past, the Board has submitted an amicus curiae brief in the Grutter case in support of the position of the University of Michigan Law School, held discussions with the leadership of the AALS about its membership review and other activities, and worked with federal judges on the clerkship process and the creation of the on-line clerkship application system. Another issue that the Board is currently considering is what position if any the Board should take with respect to Standard 211 on diversity (we welcome ideas from the membership on this).

As to the general philosophy of ALDA with respect to ABA accreditation, it is reflected in the Guiding Principles section of the Statement of the ALDA Board to the ABA Accreditation Task Force (dated January 4, 2007). While this is a recent statement, the Board believes that it has been the philosophy of ALDA from its founding. We understand that not every dean will agree with those principles, and certainly in the past a number of deans have decided not to join ALDA because they do not agree with those principles.

Finally, ALDA is governed and represented by its Board. Consistent with its by-laws, the Board is self-replicating and replacements, additions, and removals are not subject to a vote of the membership. The Board elects from its own members the officers of ALDA. In practice, your Board has been sensitive to include as its members and officers not only

deans from the so-called "elite" schools, but also deans from public law schools, independent law schools, and other private law schools and deans from around the country. The current officers and members of the Board of ALDA reflect those considerations. The governance structure exists to resolve the collective action problems that face any organization of our type. It is impossible to come up with positions that reflect all the views and interests of each member. The creation of ALDA was motivated in large part by the sense that the deans were an unorganized group of individuals with respect to influencing the accreditation process in a way that worked to our law schools' detriment particularly given the organization and focus of various interest groups in the ABA processes. That being said, the current Board is committed to improving the dialogue with its members on the critical issues that face our schools.

The Board urges each ALDA member to consider the above. It is important that each of our members agree as much as possible on the basic principles and operation of ALDA if we are to have real impact on the issues we address. We certainly understand that some individual deans may choose to withdraw from membership after this consideration. We are willing to refund to each such dean his or her dues payment for the current year if that is requested. For those of you who are not so inclined, we ask you to consider joining 29 of your colleagues and moving to the supporting member status by committing to dues of \$1,000 per year. (You can always move back in subsequent years to the regular level.) But, of course, we welcome and feel privileged to represent and work with enthusiastic members unable, at present, to increase their contributions.

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[A Short History of the American Law Deans Association5.doc](#)