

January 28, 2002

Dale A. Whitman
President
The Association of American Law Schools
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Suite 800
Washington, D.C. 20036-2605

Dear Dale,

Congratulations on taking the helm at the AALS!

I am writing on behalf of the Board of Directors of the American Law Deans Association with a suggestion. The suggestion grows out of a series of conversations that we deans have been having about how we might more efficiently deploy the resources of the AALS, the ABA, and the law schools to promote our shared goals.¹ It does not reflect any “official position” of the overall ALDA membership, or even the Board; rather, it attempts to convey a set of ideas that are currently “in play” among the deans.

The core idea entails having the AALS replace the current “enforcement model” of membership review with an “affirmation of commitment” model. The resources of time and money saved could be used to expand the consultative resources that the AALS makes available to member schools as they pursue their missions.

As we see it, three different functions are currently muddled among the ABA accreditation process, the AALS membership review process, and a variety of other forms of self-evaluation and self-criticism currently undertaken at American law schools:

- (1) Ascertaining whether a law school is satisfying the minimum standards necessary to ensure that its graduates are appropriate candidates for licensure to practice law (“quality control”).
- (2) Ascertaining whether a law school is appropriately committed to the core values that should unite all members of the AALS (“AALS membership”).

¹ We will be working to develop two proposals to the ABA in the same spirit, and I will send you a copy of a letter outlining those proposals, so that you can see how our thinking is evolving.

- (3) Ascertaining whether a law school is effectively pursuing the mission that it has defined for itself (“constructive advice”).

We believe that, by piggy-backing on the ABA site inspection procedure for accreditation review, the AALS is (a) leaving schools unclear about what the Society’s core values really are, and (b) missing an opportunity to play a vital role with respect to constructive advice. Our experiences with site inspections are that far too much energy and money have been devoted to a baroque and cumbersome process that is, on its surface, supposed to ensure “compliance” with membership requirements. Given that we are talking about law schools that want to be members of the AALS for its own sake (and not to pursue some other instrumental goal), we would propose replacing that process with a process of solemn affirmation, whereby a member school affirms its commitment to the core values of the AALS.²

The resources saved through an affirmation-of-commitment membership model could be redeployed by the Association to develop consulting teams that would be made available (at subsidized charges or free of charge) to member schools. Many of us have experience with outside review teams, assembled ad hoc by different law schools or universities to provide an “outsider’s perspective” on how they might better pursue their missions. Because such teams hold no power or authority, and offer advice solely for its potential value to the school, our experience has been that their work has often been extremely helpful. Rather than leaving schools to assemble such teams ad hoc, we believe the AALS could fill an important need by developing and training such teams on how they might provide such services to schools that desire them.

I would be happy to talk with you about this suggestion at greater length, at your convenience. Please let me know what would work best for you.

Sincerely,

Jeffrey S. Lehman

Cc: Barry A. Currier
Mary Kay Kane
Carl C. Monk
John A. Sebert
Philip D. Shelton
E. Thomas Sullivan
Mark V. Tushnet
Gerald W. VandeWalle

² Some of my colleagues have wondered whether, as part of a deeper meditation on the Society’s core values, it might not be better to redefine the AALS as a society of individual law professors rather than law schools. I would not say this idea has caught on yet, but I expect the conversations will continue, and they do offer another window on the question of what values really define the Society.