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The Law School Expansion Draft

Paul A. LeBel

Clinton administration promises law school for every state

(Washington, D.C.) — White House Communications Director Mark Gearan announced today that President Clinton intended to move quickly to fulfill a campaign pledge to the Association of Trial Lawyers of America and provide federal backing for the creation of a law school in every state. Ultimately, the Constitution's guarantee of effective assistance of legal counsel will require maintaining a law school within a 50-mile radius of any population center of more than 150,000 people, Gearan said, but for now "the administration intends to go as fast as we responsibly can in meeting this pressing need in American society."

Gearan declined to comment on reports that the administration had considered tying the law school expansion program to the health care reform measures developed by a task force under the direction of Hillary Rodham Clinton. "If you're asking whether there is a direct correlation between national health and the number of law schools, I'm afraid I'm going to have to pass."

Pilot programs for the law school expansion effort are being set up in Alaska and Nevada, two states that currently lack accredited law schools. Federal funds will guarantee the operating costs of the new law schools until such time as they become financially viable. The expected options for achieving viability include relying on tuition revenues to provide funds that are sufficient to maintain the school or acquiring the financial support of an existing university where such an affiliation can be obtained.

When asked about student demand for the new schools, Gearan replied, "In the words of that great American visionary, W. P. Kinsella, 'If you build it, they [sic] will come.'"

Staffing of the new schools was not addressed in the Clinton proposal. "There are always little details to be worked out in putting any innovative social welfare program into effect," a Clinton administration insider stated. "We're not GM. Someone else can sweat the details."

Alaska bid for law school rejected by 27 faculties

(Juneau) — The board of trustees of the newly established Alaska College of Law announced today that the school's series of attempts to acquire a law school in the lower 48 states had failed. "We hoped that we could just buy a place, lock, stock, and barrel, and move it up here," a board spokesperson said. "We approached over two dozen schools, and were unable to get a positive response from any of them."

Sources close to the trustees say that the president of one prominent eastern university was willing to trade his law school in exchange for the ability to franchise salmon fishing rights. That rumor could not be confirmed.

When asked how the effort to open the law school in Alaska would proceed, the spokesperson responded, "Darned if I know. It's really frustrating because we've got all this federal

money coming in, and no way to spend it. The people of this great state are entitled to attend a law school without having to give up the advantages of living here. It's fine for the government to say that there's a constitutional right to local legal education, but that doesn't mean that a law school's going to be opened overnight.

"The real problem is people. Someone's going to have to come up with some way to get law professors up here."

Clinton administration sources say that the most likely outcome will be for the government to rely on professional organizations to resolve the staffing problem. "We've certainly put enough law professors to work in Washington," one administration insider said in a background briefing. "Surely they can work the rest of this out themselves."

Law school expansion draft planned by AALS

(Washington) — Sources close to the administration of the Association of American Law Schools will soon announce that the group will take a page out of Major League Baseball's playbook to provide personnel for the Clinton-administration-backed law school expansion.

Association representatives, speaking on background, said that the only way the new law schools could be staffed with qualified teachers "with the experience to hit the ground running" was to conduct a draft of faculty from existing law schools.

"The plan will follow what baseball did in the 1992 National League expansion draft," according to an AALS insider. "Each school will be allowed to protect a certain percentage of faculty, and the others will be up for grabs. This will ensure that the new schools suffer no competitive disadvantage while they develop faculties that teach and write at the quality levels that the students deserve."

When asked what measures were being taken to deal with the disruption that the draft could cause those drafted faculty members who would be required to leave schools with which they might long have been associated, a source inside the AALS said, "Everyone will have an equal

chance to be protected by her or his school."

The rules for the law school expansion draft are expected to be structured along the lines of the last baseball draft, including the confidentiality requirement that was imposed on the team owners regarding the players who were on the protected list. "No law school will be permitted to tell its faculty who is protected and who is not," an association official said.

"The owners learned from the baseball experience that players who are protected can use that to their advantage in contract talks, and that players who are not protected can suffer a serious attitude problem if they think they are viewed by the ownership as peripheral to the enterprise. Our rules are going to require that any school that violates the confidentiality provision will be required to lower its entering class LSAT mean by five percentile positions for the three years following the violation, and lose the opportunity to attend the Faculty Recruitment Conference for the two faculty hiring seasons after the breach."

When asked how the schools would decide which faculty members to protect, one source close to the policy-planning circles of the AALS said, "The deans will do it, of course. That's why deans get the big bucks."

Furor over draft strategy at Pompous State law school

(Capitol City) — Police officers from both the campus and the city forces were called to the Pompous State University law building yesterday to quell a disturbance reportedly started after the publication in *The American Lawyer* of the names of faculty members to be protected in the law school faculty expansion draft that will be held next Tuesday in Washington, D.C.

"We had a near riot on our hands," a police department source said. "These people were ready to kill. I've never seen a situation get so ugly since the time that Guns N' Roses came to town the same week as the American Legion."

While no arrests were made, police officers at the scene revealed that two faculty members had to be physically separated when it appeared they were about to come to blows.

"It was the weirdest thing I've ever seen," said one officer. "Here's these two suits in an in-your-face shouting match. One of them's saying, 'That's a battery! I'll get your house and your cars for that!' And the other one goes, 'It's not a battery because I was privileged to inflict the contact!' And the first one goes, 'No reasonable person would apprehend imminent bodily harm from mere words!' And the second one says, 'Those aren't mere words when they're accompanied with a present ability to inflict harm and a threatening gesture indicating an intent to do so.'"

"I got a kid in high school that wants to be a lawyer," the officer continued, "but after this, I don't know. I hope she'll think about dental school. These people have got more than a few screws loose."

Law dean admits “Mistakes were made”

(Capitol City) — Pompous State law school dean Thomas McCandlish announced today the formation of an ad hoc faculty committee to study the problems resulting from the publication of an unofficial list of faculty members who were protected in the law school association’s law school expansion draft. “I can’t say how closely the list in *The American Lawyer* corresponds to the list that we actually submitted to the AALS,” Dean McCandlish said, “because of the confidentiality requirement.

“All I can tell you is that I think that it would have been a rational draft strategy for a school to protect its younger faculty from the draft. That is in no way a reflection on the quality of the more senior people, nor is it a statement about their lesser value to the institution.”

McCandlish was responding to a recent incident in which teachers at the law school were highly critical of the decisions that had been made regarding which faculty to make available to the new law schools created under the Clinton administration’s “a law school within an easy commute” plan.

One faculty member who refused to give his name told this newspaper that the dean was using the expansion

draft as an opportunity to settle scores with people who had opposed his policies for the school. “Look at the protected list, and it’s got everyone who has published in the last three years and everyone who is getting real good student evaluations. That’s the worst kind of cronyism and blatant attempt to make people feel unwelcome and unappreciated.”

Other faculty members refused to be quoted in connection with this story. A number of faculty members who were supposedly protected, however, independently expressed to reporters their belief that the unprotected faculty almost certainly would not have been attractive to the drafting schools.

Asked about the allegations of personal bias in the composition of the list, Dean McCandlish said, “One can always argue that mistakes were made. I think that the results speak for themselves. No one from Pompous State was drafted. That means that life can go on as before, and the students of this state can be assured that they will receive the same high-quality education from an institution committed to excellence that they would have had before the Clinton administration’s action. The quality of legal education nationally may be diluted, but that’s not going to happen around here.”