

From the Editors

We are pleased to present a rich collection of articles and book reviews as this new academic year begins. Although at first glance the titles may suggest disparate themes, in fact the articles and reviews are linked by the authors' attention to fairness, equity, and humanism. These diverse authors have each, in their own ways, written about how legal educators can do a better job by carefully and fully respecting one another, our diverse students, and the diverse clients they will serve.

Before highlighting some of the contents, I note that this will be the last issue that faculty and staff at the University of Washington School of Law will edit. It has been an honor to provide this service to the AALS and to our colleagues in the academy. We have learned a great deal from all the authors we have published over the past few years, and we have particularly enjoyed collaborating with our wise, witty, and helpful colleagues at Northeastern University School of Law. I am especially grateful to the expert support I have received from Cynthia Fester, Alena Wolotira, and Cheryl Nyberg here at UW.

For our regular feature, At the Lectern, Professor Laura Webb offers pithy, practical advice on how to help law students and lawyers write better—by teaching them to think of themselves as teachers. If you ever read student work unhappily, please read Webb's advice.

Our book reviews concern important and diverse works. Professor Lisa Radtke Bliss gives a very positive review of the third edition of *Learning from Practice: A Text for Experiential Legal Education*. Externship seminar teachers and supervisors of student externships—and others interested in fostering student professional identity—will want to read the review. Professor Zinaida Miller offers a political scientist's perspective on David Kennedy's *World of Struggle*; Professor Lea Vaughn offers a thought-provoking review of legal historian Susanna Blumenthal's scholarly account of the interaction of scientific and legal theory in the development of U.S. conceptions of personal capacity and responsibility—*Law and the Modern Mind: Consciousness and Responsibility in American Legal Culture*.

In the Articles section we have grouped pieces that we think might usefully be read together. The first four articles concern the cost of legal education, particularly for students with financial need. Professor William Whitford's article offers a short course in how law schools have recently diverted their financial aid resources from need-based grants to merit scholarships as they compete for *U.S. News & World Report* ranking. The article is a must for readers who may not yet be aware of this trend, and it may inspire more faculty and bar associations to consider the effects of declining financial aid on their schools' missions and on the future demographics of the profession. Whitford suggests

some ways law schools could mitigate the trend, but he is not optimistic that it will be reversed any time soon. Nonetheless, this article is a call to arms for all those who care about social justice to figure out a better way to finance legal education for needy students.

In partial response to Whitford's piece, Professor Deborah Merritt and Andrew Merritt take on one of the alleged obstacles to reform—federal antitrust law. The authors dispute the common assumption that antitrust law bars law schools from agreeing to financial aid practices designed to mitigate the effects of the rankings race. They describe three ways in which law schools and the ABA might facilitate such agreements.

Professor Jerome Organ offers an empirical analysis of net law school tuition costs at all accredited schools in the U.S. His analysis shows that stated tuition rates vary significantly depending on a school's geographic location (from over \$60,000 to less than \$20,000) and that net tuition costs vary as a function of a student's LSAT score. His data shows that in recent years net tuition costs have risen for admitted students with the highest and lowest LSATs, while they have declined somewhat for students with scores in the middle tiers. The article confirms the view that, on average, students with the poorest post-degree earning prospects are subsidizing the tuitions of students with somewhat better earning prospects. The article should interest those concerned with the policy issues in the Whitford and Merritt articles. It will also be useful to prelaw advisors in advising students on how to maximize their return on investing in a legal education.

Finally, in this group, Professor Joni Hersch offers a different idea for mitigating the cost of law school. She suggests that law schools offer a terminal master's degree at the end of the first year of law school for those students who cannot afford to or choose not to pursue a J.D. She argues that this lessens the risk for a student who is interested in law but unsure about her future career or uncertain how well she will succeed in law school or in practice. A master's degree reduces the risk that a student might pay tuition for a year and have nothing to show for it. Hersch also argues that law schools could increase tuition revenues and diversify their student bodies by offering this degree.

We grouped the next four articles because they each concern how to create a humane, constructive, and professional learning environment for all students. Professors Ian Ayres, Joe Bankman, Barbara Fried, and Kristine Luce describe their experiences designing and teaching innovative, collaborative programs at Stanford and Yale to help first-year law students adopt cognitive behavioral techniques for managing anxiety. The authors provide interested readers with materials readers can adapt. The article also suggests paths for further research.

Professor Daniel Schwarz and his student Dion Farganis (2017 J.D.) offer another idea for how faculty can affirmatively increase students' capacity to learn more effectively in law school. They present an argument, supported by empirical data drawn from several years of experience at their school, for

providing every student with individualized feedback in at least one first-year course (in addition to the feedback usual in legal writing courses).

Professor Palma Joy Strand narrates some of her own professional development in an article that explains why and how a law teacher can facilitate a truly inclusive classroom experience. Her article provides specific ideas for content and teaching techniques for a range of subjects. She shows how a teacher can expressly acknowledge, and then try to mitigate, the fact that much of legal doctrine, as well as some teaching techniques and student demographics and expectations, leave some students feeling that they must simply endure an environment antagonistic to them, their background, or perspectives.

On a related theme, Professor Bonny L. Tavares' article offers specific techniques faculty can use to help law students build effective cross-cultural communication skills. Tavares argues that faculty must attend to these skills, first, to ensure that students have the capacity to meet professional responsibility standards and, second, to enhance their effectiveness and satisfaction as practicing lawyers.

If you want a little break from thinking about teaching and want to learn how to manage the workload on that committee your dean just assigned you to, turn to the article by Professors Andrea A. Curcio and Mary A. Lynch on "social loafing" by faculty colleagues. You know who they are—or who you are!

To complete the issue we return to teaching, grouping two articles that offer creative approaches for specific subjects. Professors Laura Dooley, Brigham Fordham, and Ann Woodley describe how they collaborated on a course that integrated first-year torts with civil procedure. They provide their theoretical and doctrinal reasons for the integration and evaluation data suggesting that students liked the course and gained a deeper understanding of both subject areas and of legal practice. The professors also learned more about their topics and obviously enjoyed their collaboration. The article is a must-read for any faculty interested in collaborating across doctrinal categories.

Finally, and so refreshingly in these noisy times, practitioner and adjunct professor Bret Rappaport offers an entertaining and erudite argument for teaching law students and practitioners the rhetorical power of silence—the rare art of prevailing by choosing not to write or say another word.

Kate O'Neill