

From the Editors

As our regular readers know, the Journal of Legal Education moved swiftly in Spring 2020 to assemble reactions from law teachers across the country to the many challenges created or exacerbated by the COVID-19 panic. The national response was so marvelous and so voluminous that we are just now digging out, even as co-hosting of the Journal has begun passing from Northeastern University School of Law to our good friends at the University of California, Irvine. Our production delays, rather than any tardiness on the part of the authors, explain why many of the articles within this issue were crafted a couple of years ago. We hope you will agree, however, that the topics explored by our authors are of great interest to everyone concerned with training the next generation of lawyers.

This issue, still captained at Northeastern, contains a series of retrospective articles reflecting on some of the challenges and trends that law schools have confronted in these difficult times. We begin with a close look at a sustained effort to make on-line legal education as effective, if not more effective in some contexts, as the traditional classroom. **Karen Thornton, Steven L. Schooner** and **Markus Speidel** share their experience with on-line learning in a well-developed program at George Washington University focused on government procurement law. They provide considerable insight on what worked for them and what did not, with special emphasis on a key lesson we should all have taken to heart by now. On-line teaching at its best bears little resemblance to the haphazard approach law schools were forced to embrace when COVID-19 hit so fast and so hard. These authors make a strong case that with careful planning, suitable financial support, and guidance from those trained in on-line course creation and delivery, superb results are possible.

Armed with a treasure trove of data gathered in tri-annual surveys administered since 2007 by the Center for the Study of Applied Legal Education (CSALE), an independent nonprofit developed by the authors, **Robert R. Kuehn** and **David A. Santacroce** look back on the dramatic growth of clinical legal education and field placements that has occurred over the last fifty years. The authors document the American Bar Association's increasing emphasis on experiential legal education and delve deeply into questions of clinical faculty status, compensation, and demographics; the design of clinical and field placement programs; the leadership structure for such programs; the topics covered and methods of instruction; and the continuing unmet student demand for experiential learning. Anyone interested in the future of clinical legal education will want to review their findings and conclusions.

Katherine C. Cheng, Jessica Findley, Adriana Cimetta, Heidi Legg Burross, Matt Charles, Cayley Balsler, Ran Li, and Christopher Robertson also

look back on a controlled experiment. They describe their own endeavor, as well as similar efforts, to provide students a leg up on law school performance through summer programs that offer training and testing in key skills such as rule formulation, case briefing and issue analysis. Readers will immediately recognize the significance of such programs and their potential to level the playing field for students who have faced economic and other educational obstacles as the country enters a new era of law school admissions during which the U.S. Supreme Court has outlawed giving boosts to applicants solely based on race. And the authors' description of the success of their own program, dubbed JD-Next, provides an uplifting counterweight to the findings in our final article by **Richard Sander** and **Robert Steinbuch**.

Professors Sander and Steinbuch obtained data from three law schools concerning entering student credentials, law school performance, demographic breakdown and bar performance. They use this data in support of their conclusion that students who enter law school with academic credentials significantly below the median of their classmates at the same school tend to be less likely to pass the bar exam on the first try. Their work asks everyone in legal education to take this finding seriously, and they are hopeful that more schools will share data that might confirm or cast doubt on their hypothesis.

We understand this article presents only one narrow perspective on the far broader topic of preferences given to law school applicants whose entering LSAT or GPA might be explained by historical or individual disadvantage. Nor do the authors explore in depth the obvious alternative approach in which law schools, eager to give credit to students who have overcome obstacles, could devise programs aimed at ensuring that every student has a maximum chance to succeed. Because we want to ensure that our readers have a chance to consider multiple points of view, we will be publishing, in a subsequent issue, a reply to Professors Sander and Steinbuch that tackles the broader questions raised by what has come to be known as "mismatch" theory. In light of the Supreme Court's decision in *Students for Fair Admission v. Harvard*, restricting use of race alone as a factor in university admissions, and the Journal's desire to promote alternative points of view, we anticipate continued dialogue concerning the best way to ensure diversity in law school classrooms, a goal vital to the Association of American Law Schools, see AALS By-Law Section 6-3(c), and wholeheartedly supported by the JLE Editors.

As always, we close with book reviews. In his essay, **Peter A. Joy** assesses two books that propose meaningful criminal justice reform based upon the authors' personal, albeit contrasting, experiences with the current system. In *The Rage of Innocence: How America Criminalizes Black Youth*, Kristin Henning draws upon her years as a public defender and Director of Georgetown University's Juvenile Justice Clinic to present a compelling description of the many ways the system treats Black youth far more harshly than whites guilty of similar transgressions. In her book, *Just Pursuit: A Black Prosecutor's Fight for Fairness*, Laura Coates also tells stories of how vulnerable, and often Black, defendants get the short end of the stick and how this fact exacerbated the challenges she faced as a Black

woman prosecutor when an Assistant United States Attorney in the District of Columbia. **César F. Rosado Marzán** uses comments from his students enrolled in his seminar on low-wage work to explore Scott L. Cummings' extraordinary 688-page study, *An Equal Place: Lawyers in the Struggle for Los Angeles*, which richly describes the roles lawyers played in a series of social justice movements in our nation's second largest city. Finally, in his review of David I.C. Thomson's book, *The Way Forward for Legal Education*, **Stephen Daniels** enthusiastically applauds the author's call for a complete revamping of legal education, which would include an online/hybrid first year and far more experiential training.

We will save the many expressions of gratitude we owe to so many who have helped us these last nine years for our final issue. In the meantime, we look forward to your reactions and comments. Enjoy.

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Sonia E. Rolland
Robert Dinerstein
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