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CONCLAVES ON LEGAL EDUCATION:
CATALYST FOR IMPROVEMENT OF
THE PROFESSION

*William R. Rakes**

Some declare that the legal profession is in a state of crisis.¹ It is asserted that there are too many practicing lawyers, that they are increasingly focused on marketing and economic issues rather than public service, that professionalism and civility are waning and public respect is at a low. The judiciary is confronted with issues of legislative funding and judges are frustrated with pressures on judicial independence and declining public respect. Both the practicing bar and the judiciary are concerned with lawyer competence, an area where education is central. Law schools are facing declining applications for admission and students are graduating with enormous debt. The practicing bar is demanding that law schools provide more training to prepare graduates to hit the ground running when they enter practice. Questions are raised about whether all law schools can be successful in providing training to all students in skills and values and indeed who will pay for it.²

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1 The Dean of Yale Law School argues that the profession is not only in crisis but has moved so far from the Jeffersonian model of the lawyer-statesman and is so bereft of ideals that it finds itself in a professional cul-de-sac from which there is no way out. ANTHONY KRONMAN, *THE LOST LAWYER: FAILING IDEALS OF THE LEGAL PROFESSION* (1993). A prominent practitioner strongly disagrees with Kronman and sees a far brighter future for the legal profession. Robert MacCrate, *The Lost Lawyer Regained: The Abiding Values of the Legal Profession*, 100 DICK. L. REV. 587 (1996). For an excellent discussion of criticisms of the legal profession and an analysis of the disparate views of Sol Linowitz, Mary Ann Glendon and Anthony Kronman, see Barry Sullivan, *Professions of Law*, 9 GEO. J. LEGAL ETHICS 1235 (1996).

2 See Graham C. Lilly, *Law Schools Without Lawyers? Winds of Change in Legal Education*, 81 VA. L. REV. 1421, 1465 (1995) ("Sound educational reform is nearly always generated within the academy, where new initiatives can be matched with faculty commitments and institutional resources."); see also John Costonis, *The MacCrate Report: Of*

While I do not subscribe to the idea that either the profession as a whole or legal education is in crisis, it is clear that there are many important issues facing the profession as we prepare to enter the twenty-first century. It is also clear that there is a better chance of making meaningful improvements with the three branches of the legal profession working together to forge solutions in the best interests of both the profession and the public. Chief Justice William Rehnquist has used the stool as an analogy for the legal profession, with the legs representing the practicing bar, the legal academy and the judiciary.³ A shared responsibility is obvious.

Legal education conclaves have been developed to provide an opportunity for informed and meaningful collaboration among the three branches of our profession on legal education issues and to directly address the gap between the legal academy on the one hand and the practicing bar and the judiciary on the other.

In this paper, I will focus on the concept of a shared responsibility for legal education, the disjunction of the academy from the bar and the judiciary, the Virginia conclave model and the conclave movement. I will conclude with some observations on the role conclaves may serve in the future.

I. A SHARED RESPONSIBILITY

Until early in this century legal education was principally the responsibility of the practicing bar.⁴ Lawyers were prepared for practice by reading law under the supervision of mentors and gaining experience and skills by clerking under practitioners. By late in the nineteenth century law schools began to play a larger role. In 1881 the American Bar Association began a campaign to make attendance at law school for three years the accepted prerequisite for entry into the profession.⁵

By the early 1930s, a common educational experience was assured for most American lawyers. Legal education had been wrestled from the local control of the practicing profession and had been

Loaves, Fishes, and the Future of American Legal Education, 43 J. LEGAL EDUC. 157, 197 (1993) ("The problem, in short, is predominantly economic, not pedagogical.")

³ William Rehnquist, *The Legal Profession Today*, 62 IND. L.J. 151, 157 (1987) ("No leg of the stool can support the profession by itself, and each leg is heavily interdependent on the others.")

⁴ See SECTION OF LEGAL EDUC. & ADMISSIONS TO THE BAR, ABA, LEGAL EDUCATION & PROFESSIONAL DEVELOPMENT—AN EDUCATIONAL CONTINUUM (1992) [hereinafter MACCRATE REPORT]; MacCrate, *supra* note 1, at 596; SUSAN K. BOYD, THE ABA'S FIRST SECTION: ASSURING A QUALIFIED BAR I (1993).

⁵ See MacCrate, *supra* note 1, at 597.

lodged in the law schools, subject in a great majority of the states to their meeting accreditation standards that were established by the national organization of the profession.⁶

The judiciary is intimately involved in legal education because of its responsibilities for licensing attorneys, ensuring their competence, and enforcing their ethical conduct.⁷ It also has a vested interest in legal education because the entire judiciary is made up of lawyers.

Today it is generally accepted that there is a shared responsibility for legal education among the law schools, the bar and the judiciary.⁸ Legal education conclaves are based on this concept. The *MacCrate Report* wisely concluded: "Legal educators and practicing lawyers should stop viewing themselves as separated by a 'gap' and recognize that they are engaged in a common enterprise—the education and professional development of the members of a great profession."⁹

In an introductory piece for a *Symposium on the 21st Century Lawyer*, Dean Wallace Loh poses the question: "Are law schools and the profession properly discharging their shared responsibility for the lifetime education of lawyers?"¹⁰ The *MacCrate Report* answers the question in the negative and sets forth its vision which includes significant curricular reform with respect to teaching skills and values. Dean Loh finds the great accomplishment of the *Report* to be in the debate surrounding it. "There is no magical fix or formulaic solution. But to the extent that the *Report* brings together scholars, practitioners, teachers, and judges . . . to debate the future of legal education, the *Report* has more than succeeded."¹¹

A shared responsibility for legal education surely means more than each branch of the profession independently addressing legal education issues. If that were so, the academy would exclusively take care of education in the law schools, the practicing bar would take care of MCLE, and the judiciary, without input from either the academy or the bar, would establish the standards for licensure and competence. It is self evident that each branch of the profession has

6 *Id.* at 599.

7 One way of ensuring ongoing competence is through programs of mandatory continuing legal education (MCLE), established usually by a rule of court. Thirty-eight states have MCLE requirements. See SECTION OF LEGAL EDUC. & ADMISSIONS TO THE BAR AND NAT'L CONFERENCE OF BAR EXAMINERS, ABA, COMPREHENSIVE GUIDE TO BAR ADMISSION REQUIREMENTS 1996-97, at 70-71.

8 See *infra* Parts III, IV.

9 MACCRATE REPORT, *supra* note 4, at 3.

10 Wallace Loh, *The MacCrate Report—Heuristic or Prescriptive?*, 69 WASH. L. REV. 505, 507 (1994).

11 *Id.* at 515.

interests in the work of the other. Each law school and each state bar will benefit from the experience and views of others in constructing a program of legal education, consistent with its resources and mission, to meet the needs of its constituents.

II. THE DISJUNCTION OF THE ACADEMY FROM THE BAR AND THE BENCH

An impediment to the branches of the legal profession discharging their shared responsibility for legal education is what many see as a growing disjunction between the legal academy on the one hand and the practicing bar and the judiciary on the other. The current debate was energized by a provocative article published by federal Judge Harry Edwards in the *Michigan Law Review* in the fall of 1992.¹² Judge Edwards, a former law professor at Michigan and Harvard, said:

I fear that our law schools and law firms are moving in opposite directions . . . while the schools are moving toward pure theory, the firms are moving toward pure commerce, and the middle ground—ethical practice—has been deserted by both. This disjunction calls into question our status as an honorable profession.¹³

Judge Edwards argues that theory should inform and complement doctrine in the development and administration of the law. Although he indicates tolerance for a limited amount of what he calls “impractical theory,” he claims that theoretical interests have come to dominate legal pedagogy and scholarship. He says that such a trend has created an imbalance that has dramatically changed American legal education and shortchanged students’ education. Judge Edwards argues that a growing number of law sub-disciplines, based in the social and behavioral sciences, account for the imbalance. He cites law and economics, law and literature, critical legal studies and critical race theory as examples. The connection between theory and practice is often missing, he says. “Law should have interdisciplinary scholars, but not scholars whose work serves no social purpose at all.”¹⁴ He adds:

In my view, all of these movements, albeit measurably different in content and purpose, have the potential to serve important educa-

12 Harry T. Edwards, *The Growing Disjunction Between Legal Education and the Legal Profession*, 91 MICH. L. REV. 34 (1992). For similar views on the disjunction of law schools from the rest of the profession, see Alex M. Johnson, Jr., *Think like a Lawyer Work like a Machine: The Dissonance Between Law School and Law Practice*, 64 S. CAL. L. REV. 1231 (1991); Lilly, *supra* note 2.

13 Edwards, *supra* note 12, at 34.

14 *Id.* at 36.

tional functions and, therefore, should have a permanent home in the law schools. However, because many of the adherents of these movements have a low regard for the practice of law, their emergence in legal education has produced profound and untoward side effects.¹⁵

Edwards deplors the declining prestige of the practical legal scholar who integrates theory with doctrine and who at one time was held in high esteem by both the profession and academia. He argues that the principal role of scholarly work is to provide guidance to lawyers and judges. According to Edwards, current legal scholarship has virtually no influence on the law as it is practiced. He fears that teaching is being adversely affected and is taking a back seat to such scholarship.

Edwards rejects the "graduate school" model of legal education that Yale Professor, George Preist proposes. Preist argues that law can best be understood with the methods and theories of the social sciences and that the division between law schools and the profession is both inevitable and healthy.¹⁶

Professor Roger Cramton of Cornell expresses little concern about the graduate school model.

But that group of law teachers, who sometimes talk of converting the American law school into a graduate school devoted to legal studies, are a minority even at the law schools at which they are most strongly represented. Although there have been some excesses, the interdisciplinary developments have many positive aspects. When legal education is more challenging intellectually, law graduates are somewhat broader in perspective.¹⁷

The August 1993 issue of the *Michigan Law Review* was devoted to a symposium in which most of the eighteen law professors who responded took exception to Judge Edwards's charges.¹⁸ The first article in this symposium issue was by Judge Richard Posner who characterized Judge Edwards's article as a "double-barreled blast at legal education and the practice of law."¹⁹ While Judge Edwards's crit-

15 *Id.* at 35.

16 George L. Preist, *The Growth of Interdisciplinary Research and the Industrial Structure of the Production of Legal Ideas: A Reply to Judge Edwards*, 91 MICH. L. REV. 1929 (1993).

17 Roger C. Cramton, *Partners in Crime: Law Schools and the Legal Profession*, 28 INT'L SOC'Y BARRISTERS Q. 346, 349 (1993).

18 Richard Posner, *The Deprofessionalization of Legal Teaching and Scholarship*, 91 MICH. L. REV. 1921 (1993).

19 *Id.*

icism of the practicing bar has gone virtually unnoticed, his criticism of legal education has sparked heated responses.

University of Virginia law professor Graham Lilly continued the debate with a thoughtful article published in the *Virginia Law Review* in 1995.²⁰ Although he takes issue with some of Edwards's positions, principally the claim that today's law school graduates are less prepared for the practice of law than those of two or three decades ago, Lilly agrees that the trend toward theory has created an imbalance in the law schools. He claims that the situation is deteriorating, particularly with regard to the relationship between law faculties and the practicing bar.

I will suggest that beneath this seemingly placid surface lie currents of a major realignment, not between students and faculty, or even between students and practitioners, but rather between the faculties of major law schools and the bench and bar.²¹

In addition to reinforcing a number of Edwards's arguments, Lilly introduces new ones. He disagrees with colleagues who claim that law faculties are more diverse than ever. Questioning the enormous influence the elite (top twenty) law schools have on American legal education, and the almost obsessive reliance on academic pedigree by law school hiring committees, he cites the fact that five schools provide nearly a third of the faculty of the nation's law schools.²² Since the elite law schools produce most of the law professors and those schools are turning more toward the university and away from the profession, Lilly sees the problem as being exacerbated. However, Lilly doubts that the academy has the will to make significant changes:

Faculties at the leading law schools are tending toward academic inbreeding, not diversity, and this imbalanced pedagogy will only accelerate the law schools' divergence from the practicing bar. Law students, who must bridge the widening gap, and practicing alumni, who expect law schools to educate lawyers, will increasingly bear the brunt of this divergence. It is they who will most likely prompt reactions from schools, firms, and bar associations.²³

Lilly proposes that the key to realigning the law schools in closer proximity with the profession is to have a significant proportion of the tenured faculty who are from the profession and who address its problems. He concludes that "the best hope for reform in the profession is for the law schools to reconnect themselves with the practicing

20 See Lilly, *supra* note 2.

21 *Id.* at 1427.

22 *Id.* at 1453.

23 *Id.* at 1467.

bar and to train students to confront the environment of practice with a sense of dignity and professionalism."²⁴

Efforts are being made on many fronts to encourage greater participation by each branch of the profession in the work of the others. In a small but significant way, the recently recodified Standards for Approval of Law Schools²⁵ address the gap between law faculty and the practicing bar in two important ways. First, adjunct faculty will be counted in computing the student-faculty ratio, an indication that a greater value is now placed on lawyers and judges teaching part time in law schools. Second, the language I proposed in Standards 402 and 404 specifies for the first time an obligation on the part of law faculty to serve the legal profession, including "working with the practicing bar and the judiciary to improve the profession."²⁶

I had been troubled for some time by the lack of participation of some law faculty in the work of the bar or the profession at large. I was told by some that their law schools only count teaching, writing and service to the law school or university toward their advancement. My hope is that law schools will give greater recognition to service to the profession and evaluate such service along with publication and teaching.

III. THE VIRGINIA MODEL

Talbot "Sandy" D'Alemberte,²⁷ then president-elect of the American Bar Association, spoke at the American Bar Association's Bar Leadership Institute in Chicago in March 1991. One of the themes of his remarks was the need for a cooperative effort between the organized bar and legal educators to examine the quality and efficacy of legal education both in the law school setting and throughout a lawyer's career. He urged a greater connection between the law schools and the practicing bar and the judiciary. I attended that meeting in preparation for my service as president-elect and president of the Virginia State Bar. D'Alemberte's remarks rekindled my interest in legal education issues and I concluded that a great deal might be gained if members of the bench, bar, and academic community could be persuaded to sit down in a non-threatening environment to discuss matters of mutual interest.

24 *Id.* at 1469.

25 SECTION OF LEGAL EDUC. & ADMISSIONS TO THE BAR, ABA, STANDARDS FOR APPROVAL OF LAW SCHOOLS AND INTERPRETATIONS (1996).

26 *Id.* at 39, 43.

27 D'Alemberte has had a distinguished career as a trial lawyer, legislator, law professor and dean. He is currently president of Florida State University.

The idea for such a meeting was discussed further with D'Alemberte, a number of bar leaders, legal educators and judges. All agreed that such a gathering might offer substantial benefits. On the strength of this reaction, I began the process of organizing a Conclave on the Education of Lawyers in Virginia.²⁸ In the Fall of 1991 a planning committee was formed comprised of judges, practicing lawyers, law school deans, and professors.²⁹ This group devised a plan for a two-day meeting to be held in March 1992.³⁰

The Committee felt it was critical to the success of the endeavor to select participants who were not only interested in legal education but were of such prominence as to be able to influence reform. It was also important to have a balance of participation from the three branches of the profession. Location was important. To avoid turf issues, it was decided the Conclave should be held away from the workplace of all participants. Wintergreen, a remote resort in about the middle of the state, was selected. To inform the discussions, it was decided that a notebook of readings should be sent to the participants in advance. The Committee developed a broad agenda covering education in law school, and throughout one's professional life. It was also concluded that there must be an opportunity for discussion and interaction by all participants rather than a symposium format where most participants are being spoken to.

The Conclave was held on March 27 and 28, 1992 in Wintergreen, Virginia. It was attended by twenty-one Virginia practitioners, twenty-one academics from the six Virginia law schools (including the deans of all six schools), and ten members of the state and federal judiciary. Those in attendance were among the most prominent members of the legal profession in the state. Also participating were D'Alemberte and Professor Robert Gorman, then immediate past president of the Association of American Law Schools.

The Conclave was not designed to focus exclusively on law schools or to attempt "to fix" the legal profession by changing aca-

28 One of the definitions of a conclave is "a meeting especially of a group with shared or specialized interests." WEBSTER'S THIRD NEW INTERNATIONAL DICTIONARY OF THE ENGLISH LANGUAGE 471 (1986).

29 Members of the committee were Dean Randall P. Bezanson, Marni E. Byrum, Professor John Donaldson, Dean Joseph Harbaugh, Judge Jackson L. Kiser, Justice Elizabeth L. Lacy, Professor Richard A. Merrill, William R. Rakes, W. Taylor Reveley, III and W. Scott Street, III. Invaluable in the planning process were Thomas A. Edmonds and Elizabeth L. Keller of the Virginia State Bar staff.

30 For a detailed description of the planning and preparation for this event see the manual prepared by AMERICAN BAR ASSOCIATION COORDINATING COMM. ON LEGAL EDUC., STATE BAR & LEGAL EDUC. CONCLAVES § III(A) (1994) [hereinafter CONCLAVES].

demographic programs. The theme of the meeting was "sharing the responsibility for legal education among the law schools, the bar and the bench." The objective was to promote greater participation by practitioners and judges in the work of the law schools and greater participation by law faculty in the work of the bar and the courts. Conclave topics emphasized the development of mutual understanding and participation.

There were two general sessions held at the initial Conclave. The first featured the deans of the six Virginia law schools. Their discussion was spirited and addressed a number of questions:

Assuming that a lawyer's legal education begins in law school and continues throughout his or her career, what is the law school's role in this ongoing process? How effective does the law school believe it is in teaching its students what it most wants to teach them? How is the teaching being done? By case study and the Socratic method, by lecture, research and writing, by clinical experience? Is specialization in a substantive area of the law possible or desirable? Are there important areas of legal education that the law school intentionally leaves to the post-graduate process?³¹

The second general session featured a group of leading practitioners and judges. The main focus of that session was:

How do lawyers continue their education after graduating from law school? Do presently offered CLE programs fully bridge the gap? Do lawyers in large and small, rural and urban practices, use the same criteria in seeking continuing education? Do they find it satisfactory? How important are informal educational experiences, such as those arising from mentoring? Do the business, ethical, and basic skills aspects of the practice of law receive sufficient attention? What role should the organized bar, including local bar associations and practice interest groups, law firms and the judiciary assume in post-graduate education?³²

Each session was followed by a breakout designed to foster small group discussion. The deliberations of the Conclave were augmented by speeches from D'Alemberte, then President of the ABA, and Professor Gorman.

The discussion at Wintergreen was lengthy and intense. The participants recognized that legal education begins in law school, moves through a period now dominated by bar review courses, bar exams and bridge-the-gap programs, and then continues during all stages of a lawyer's professional life. The Conclave also recognized that, while

31 *Id.* at § III(C).

32 *Id.*

there is much that is excellent about current legal education, there is much that is frustratingly flawed. There was agreement that effective remedies require communication and cooperation.

At the end of the Conclave a Consensus Statement was drafted.³³ It first proposed the forging of a "closer relationship among the academy, practicing bar, and the judiciary on legal education issues." Under this rubric, participants urged that members of the bar make a greater contribution to the development and teaching of a number of law school courses and that the academic community get more deeply involved in continuing legal education. The Consensus Statement stressed the strength and diversity of Virginia's law schools. It urged efforts to improve the upper level curriculum but recognized the need for increased financial resources to help defray the costs of such an undertaking. It also suggested the need for a re-examination of the nature and goals of the bar examination as well as continuing legal education. It concluded by noting the erosion of practitioner commitment to new lawyer training and the value of mentoring.

The final recommendation was "that a second Conclave be held at an early date to further explore and develop the themes of this gathering."

Virtually all of the participants from the Wintergreen Conclave reassembled in Richmond for a one-day Conclave II in December 1992. The agenda included establishing a new section of the Virginia State Bar by uniting the Committee on Education and Admission to the Bar with the two Conclaves on the Education of Lawyers.³⁴ Two panels considered "Practicing Lawyers at Work in the Law Schools" and "Law Professors at Work in Continuing Legal Education." The

33 *Conclave on the Education of Lawyers in Virginia*, VA. LAW., July 1992, at 14-15 [hereinafter *Lawyers in Virginia*]; see CONCLAVES, *supra* note 30, at § III(F).

34 The new section's bylaws stated its mission:

To provide opportunities for the exchange of ideas and information and promote constructive action on legal education issues; To provide a vehicle for continuous dialogue and communication on legal education issues among the academic community, the judiciary and the practicing bar in Virginia To sponsor projects of special interest and relevance to the members of the Section and the Virginia State Bar regarding the education and training of lawyers from their entry into law school and throughout their careers; To conduct programs, publish and distribute educational and professional materials and undertake other activities which will enhance the cooperation and interaction among the law schools, the bench and the bar in Virginia.

See W. Taylor Reveley III, *Chairman's Column*, EDUC. & PRAC. (Newsletter of Virginia State Bar Section on Education of Lawyers) 1, 8 (Fall 1993) (also reproduced in CONCLAVES, *supra* note 30, at § III(I)).

Conclave was also invigorated by an exchange of differing views between two law school deans on the recently issued *MacCrate Report*.

IV. THE CONCLAVE MOVEMENT

The Virginia State Bar devoted the July 1992 issue of its magazine, *Virginia Lawyer*, to the Wintergreen Conclave.³⁵ Reports on the Conclave as well as transcripts of the two general sessions were included. At the suggestion of D'Alemberte, the magazine was mailed to law school deans throughout the country and to many bar leaders. The mailing took place just before the *MacCrate Report* was issued and undoubtedly that report provided a major stimulus of interest in the conclave concept. While the Virginia Conclave was designed principally to provide a forum for dialogue on a broad range of issues and to "narrow the gap," it is evident that the curriculum proposals of the *MacCrate Report* were the motivation for organizing some conclaves. Many of the conclaves which have been held have been devoted to *MacCrate* issues, substantially or in part.

The ABA Coordinating Committee on Legal Education adopted promotion of conclaves as a project and published a "how to" manual in February 1994.³⁶ The manual contained materials from the Virginia Conclave and the North Carolina Conclave and was made available to bar officers and law school deans around the country. Presentations to the National Conference of Bar Presidents touting the conclave idea were made in February 1993 and August 1995.

In 1995 the ABA Coordinating Committee on Legal Education conducted a survey to identify the conclaves which had been held or were planned and to develop information about the materials used, the sponsoring organizations and whether a mechanism had been developed to provide follow up.³⁷

Legal education conclaves have been held in twenty-five states.³⁸ Most conclaves were organized by state bar organizations although law

35 See *Lawyers in Virginia*, *supra* note 33.

36 See CONCLAVES, *supra* note 30.

37 ABA Coordinating Comm. on Legal Educ., *1995 State Bar and Legal Education Conclave Survey* (Aug. 1995). The survey was updated for purposes of this paper by Carolyn Ross, assistant to William R. Rakes.

38 Virginia: Mar. 1992, Dec. 1992, May 1995; North Carolina: Sept. 1993, Mar. 1996; Wyoming: Jan. 1994, Mar. 1994; Louisiana: Mar. 1994; New Hampshire: Mar. 1994; South Carolina: Mar. 1994; Hawaii: May 1994; Mississippi: May 1994; Colorado: Sept. 1994; Ohio: Sept. 1994; Oklahoma: Sept. 1994; South Dakota: Sept. 94, Dec. 1994, Sept. 1995, Mar. 1996; North Dakota: Oct. 1994; Missouri: Nov. 1994; New York: Mar. 1995; Maine: June 1995; Kentucky: Aug. 1995; Idaho: Sept. 1995; Illinois: Oct. 1995; Nebraska: Oct. 1995; Pennsylvania Nov. 1995; Michigan: Sept. 1996; New Jersey:

schools were sponsors or co-sponsors in a few states. Financing came from bar operating budgets, foundation grants, law school operating budgets and in some instances from law firm and corporate sponsors. Budgets ranged from a low of \$500 to a high of \$35,000. Most conclaves were held over a two-day period although some were held in a single day. The average number of participants was fifty-two and all conclaves provided an opportunity for active dialogue by all participants.

In some states vehicles other than conclaves have been used to address legal education issues. For example, in Wisconsin a Commission on Legal Education was established by the State Bar of Wisconsin. It published its final report in June 1996. The Commission made fifteen recommendations, including an endorsement of the findings of the *MacCrate Report* and recommendations for implementation of the *Report*.

V. FUTURE CONSIDERATIONS

The *MacCrate Report* substantially contributed to the vitality of the conclave movement. A new report on professionalism has similar potential. The Professionalism Committee of the American Bar Association Section of Legal Education and Admissions to the Bar, comprising both academics and practitioners, made recommendations directed to law schools, law firms, the judiciary, and bar associations. The report, *Teaching and Learning Professionalism*, has been distributed to law schools, bar associations and the judiciary.³⁹ Among its many recommendations is that practitioners, judges and legal academics hold conclaves to discuss the appropriate roles of each in legal education and the teaching of ethics and professionalism on a continuing basis.⁴⁰

Conclaves are summit meetings. They involve leaders of the three branches of the legal profession, those who can influence reform. Conclaves are not designed for the implementation of programs but are in the nature of think tanks. Conclaves should inform and foster respect among the participants. Periodic conclaves should

June 1996; Tennessee: Nov. 1996; Indiana: Feb. 1997. Only those conclaves are listed which are statewide and include representatives of all law schools within the state, the judiciary and the practicing bar. Legal education conclaves have also been held by some law schools, local bar associations and courts.

39 See SECTION OF LEGAL EDUC. & ADMISSIONS TO THE BAR, ABA, *TEACHING AND LEARNING PROFESSIONALISM* (1996) [hereinafter *PROFESSIONALISM*]; see also William R. Rakes, *Ethics and Professionalism: Starting in the Law Schools*, VA. LAW., Oct. 1996, at 47; John Gibeaut, *Nourishing the Profession*, A.B.A. J., Jan. 1997, at 92.

40 *PROFESSIONALISM*, *supra* note 39, at 31.

be held to revisit philosophical issues and to set direction. However, for reform to take place and the branches of the profession to become closer, it is essential that vehicles for ongoing work be developed. Whether through a section of the state bar, a commission appointed by the judiciary or some other organized forum, it is essential that the issues identified as important to each jurisdiction be addressed on a continuing basis by a body representative of the three branches of the profession in that jurisdiction.

It is also important that individuals in each branch of the profession seek out opportunities to interact with those who work in the other branches. Faculty who work and interact with practitioners are more likely to develop an interest in the practice of law and possibly direct their scholarship toward the profession. Such interaction may also affect their attitudes about the practice of law and make them better role models for future lawyers. Likewise, those practitioners and judges who involve themselves with the law schools will be better informed and less likely to blame the ills of the profession on the law schools.

I am convinced that the broad-based involvement of practitioners, judges and legal academics will be essential if we are to make real progress in addressing the serious challenges facing our profession. None of us can solve the problems of our profession alone. Working together, the academy, the bar and the bench can continue to advance legal education and improve the profession in ways that none can accomplish alone.

Conclaves on legal education can be an effective catalyst for improvement of the profession. I urge you to encourage and support such a gathering in your state.

