



FACULTY HIGHLIGHTS

Texas Law Deans React to Accreditation Proposal

A committee of the American Bar Association recently approved a change to a law school accreditation standard dealing with bar exam passage rates.

Law schools now have several options to meet the bar exam passage standard, but the committee's proposal would eliminate some methods. Under the proposal by the ABA Section of Legal Education and Admission to the Bar's Standards Review Committee, the sole method remaining would require at least 75 percent of graduates who took the bar exam had passed it within two years of graduation. The ABA Journal reported that the committee passed the "tougher but simpler" proposal Feb. 12.

Current standards allow a school to take more time to show a 75 percent passage rate. Schools also have alternatives. Among others, it can show that its first-time bar passage rate is not more than 15 points below the average rate for law schools in its state.

Texas Lawyer emailed the 10 Texas law school deans to see what they think about the proposal. Here are answers from four deans who responded by deadline, edited for style and length.

Texas Lawyer: What are your thoughts about how this proposal, if finally adopted, would impact the law school community in Texas, especially your school?

See Dean Holley's response below...

Texas Southern University Thurgood Marshall School of Law Dean Dannye Holley:



The proposal is ill-advised. The timing is especially ill-advised in light of the plummeting bar passage rates in Texas and around the country. It will produce a two-tiered world of accreditation in many states: those who because of their Law School Admissions Test positioning will always satisfy the proposed standard, and those constantly having to make supplication to the accreditation committee and council. Among the persistent supplicants would be those schools such as Thurgood Marshall School of Law, who do the heavy lifting with respect to diversity. We produced about 40 percent of newly licensed African-American attorneys in the state of Texas in recent years. ... For years the ABA has failed to properly administer the first-time bar passage "gap" standard. This proposal purports to drop that standard, and both current ultimate bar passage standards without an explanation of why the current ultimate standards fail to provide a benchmark that is fair to all 200 law schools and their quite different but justifiable missions. The proposal, if adopted, would make a significant contribution to the current downward spiral in the perception of the quality of legal education.

You may also view the digital version of the *Texas Lawyer* cover story in its entirety by CLICKING THE LINK BELOW:

<http://www.texaslawyer.com/id=1202750285524/Texas-Law-Deans-React-to-Accreditation-Proposal?kw=Texas%20Law%20Deans%20React%20to%20Accreditation%20Proposal&cn=20160222&pt=PM%20Alert&src=EMC-Email&et=editorial&bu=Texas%20Lawyer&slreturn=20160222142720#>



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Professor Lydia Johnson accepted an invitation to serve on the AALS Planning Committee for the 2017 Conference on Clinical Legal Education, which will be held in Denver, CO. Additionally, Professor Johnson presented her work-in-progress, “Juvenile Sex Offenders: Should they go to School with Your Kids or Create a Pedophile Academy?,” at Concordia University School of Law as part of the TMSL scholarly exchange with Concordia. She also spoke to the Concordia law students’ Constitutional Law Society on the effects of answering questions about expunctions on law school applications, which was addressed in her recent article, *The Illusion of a Second Chance: Expunctions versus the Law School and State Bar Application Process*, 9 FAMU L. Rev. 1 (2013).

Professor Stephanie Ledesma gave a presentation on “Trauma Informed Legal Representation” at the annual attorney training for the Louisiana Public Defender’s Office held on February 18-19 in Baton Rouge, LA. The Public Defender’s Office is responsible for providing representation to parents in child welfare cases and this statewide training addresses related issues. Professor Ledesma based her presentation on her work-in-progress, tentatively titled “Trauma Informed Legal Representation: How Zealous Representation of Parents in Child Abuse and Neglect Cases Equals Best Interest for Children.”



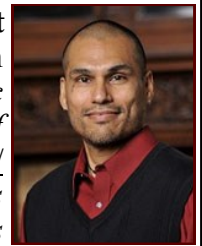
Professor Shaundra Lewis accepted an invitation to speak and present her research on the chilling effect of guns on campuses at the upcoming Scholars at Risk Global Conference in Montreal, Canada. The 2016 Global Conference theme is “Universities in a Dangerous World: Defending Higher Education Communities & Values.” Professor Lewis’s article, “Bullets and Books by Legislative Fiat: Why Academic Freedom and Public Policy Permit Higher Education Institutions to Say No to Guns,” will be highlighted as part of the conference discussion. Scholars at Risk is an international network of over 400 member institutions and thousands of individuals in 39 countries. The Global Congress is a biennial event that brings this

community together to discuss seminal issues facing the global higher education sector.



On Friday, Feb. 26, 2016, **Professor Peter Marchetti** presented a paper titled “Amending Section 546 of the Bankruptcy Code” at the 11th International Conference on Contracts (KCON XI), a conference for contracts and commercial law scholars. This year, the KCON conference was held at St. Mary’s University School of Law in San Antonio. In his presentation, Professor Marchetti discussed several recent cases that demonstrate how the precise parameters of Section 546 of the Bankruptcy Code are unclear. Namely, Professor argued there is a lack of clarity as to exactly what type of claims Section 546 preempts.

On February 17, **Professor Spearlt** gave two presentations at Fairhaven College in Bellingham, WA, *Sonic Jihad: Muslim Hip Hop in the Age of Mass Incarceration*, <https://vimeo.com/155846881>, and *Shackles Beyond the Sentence: How LFOs Create a Permanent Underclass*, which he also presented on February 20 at the Poverty Law Conference at Seattle University School of Law. On March 4, he published a book review, “Crimmigration Law Comes of Age,” on Jotwell Criminal Law, <http://crim.jotwell.com>, and “Fort Wayne Killings: Fostering Distrust in Policing” in the Islamic Monthly, <http://theislamicmonthly.com/fort-wayne-killings-fostering-distrust-in-policing/>. Lastly, Professor Spearlt’s work was recently cited in the edited book, *Studies in Law, Politics, and Society* (Emerald Publishing 2016), *Mute and Moot: How Class Action Mootness Procedure Silences Inmates*, 63 UCLA L. Rev. 760 (2016), *‘Immigrants Are Not Criminals’: Respectability, Immigration Reform, and Hyperincarceration*, 53 Hou. L. Rev. 691 (2016), *Why Opposing Hyper-Incarceration Should be Central to the Work of the Anti-Domestic Violence Movement*, 5 U. Miami Race & Soc. Just. L. Rev. 585 (2015), *Crisis and Trigger Warnings: Reflections on Legal Education and the Social Value of the Law*, 90 Chi.-Kent L. Rev. 615 (2015),





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(*SpearIt cont'd.*) and the online encyclopedia, Medlibrary, for the entry, “Incarceration in the United States,” [http://medlibrary.org/medwiki/Incarceration in the United States.](http://medlibrary.org/medwiki/Incarceration_in_the_United_States)



Professor L. Darnell Weeden served as the Vice Chair of the Southeast/Southwest People of Color Legal Scholarship Conference (SE/SW POC Conference) Executive Planning Committee (EPC) at Florida Agricultural and Mechanical University College of Law on February 27, 2016. Professor Weeden has served as a member of the EPC of the SE/SW POC Legal Scholarship Conference since 2005. During the 2016 SE/SW POC Conference, Professor Weeden presented as a panelist on “Policing and the Community: The Politics and Perceptions of Power and Authority.” He discussed whether the Fourth and Fourteenth Amendments prohibit the police from implementing and engaging in a racially biased stop-and-frisk policy, where race is either the predominant or the only factor law enforcement utilizes when stopping and frisking individuals. Professor Weeden addresses this same topic in his lead law review article, entitled *Leadership Matters: Saving Judge Scheindlin's NYPD Racial Profiling Remedy In Floyd V. City Of New York*, 36 Whittier L. Rev. 95 (2014). The other members on the policing panel were John F. Acevedo, Dwayne O. Andreas School of Law, Barry University and Darrell Duane Jackson, University of Wyoming College of Law. As for the Works in Progress sessions (WIP) at the 2016 SE/SW POC Conference, Professor Weeden was honored to serve as the discussant for his former student, Professor Christopher Ogolla, Savannah Law School (Georgia). Professor Ogolla is a graduate of the Thurgood Marshall School of Law with a LL.M in health law from the University of Houston. Professor Weeden commented that Professor Ogolla’s WIP entitled *First Do No Harm: The Manipulation of Public Health for Non Public Health Purposes and its Legal Consequences* is well organized with thought provoking questions regarding very important health law issues. Lastly, on February 19, 2016, Professor Weeden spoke on a Voting Rights panel at the Civil Rights MCLE sponsored by Thurgood Marshall School of Law and co-chaired by Professor Craig Jackson. Professor Weeden’s MCLE panel comments were taken from

his law review article entitled, *The Supreme Court's Rejection Of The Rational Basis Standard In Shelby County V. Holder Invites Voter Suppression*, 33 Miss. C. L. Rev. 219 (2014). Professor Jackson noted that Professor Weeden’s panel “comments were thought provoking providing an important perspective on the challenges to voting rights under this Court.”



Professors L. Darnell Weeden, Lydia Johnson, Stephanie Ledesma presented their research at the 2016 SE/SW

People of Color Legal Scholarship Conference hosted by Florida A&M University College of Law. They are pictured here with Shiv Persaud, associate professor at FAMU College of Law and Chair of the 2016 SE/SW POC Conference. Professor Weeden served as Vice Chair of the 2016 Conference and Professors Johnson and Ledesma served as co-chairs of the Works-in-Progress Committee for the 2016 Conference. The 2016 Conference theme was “Power and Authority in Promoting Justice for All.” Next year’s 2017 SE/SW POC Legal Scholarship Conference will be hosted by Charlotte School of Law (Charlotte, NC) and Dean Weeden was elected to serve as Vice Chair for the 2017 Conference. And, Professors Johnson and Ledesma will organize the Works-in-Progress sessions (along with their co-chair Ann Marie Cavazos of FAMU College of Law). In addition, Professor Ledesma as elected to serve as the co-Treasurer for the 2017 Conference.

Professor James Douglas facilitates an hour of discussion with participating scholars, community activists, and listeners everywhere to inform the greater public on political, educational, social and economic issues that impact our daily lives on KJOZ 880 AM every Tuesday at 1:00 p.m.

