**AALS ANNUAL MEETING**

January 3, 2024 – Washington DC

Marriott Hotel, Marquis Salon 3, Level M2

8-9:40 am

“A Pathway Forward”

Pipeline Programs as Response to the Elimination of Affirmative Action in Admissions

A Tool for Law Schools to Shape Democracy

1. **GOAL**

To inform legal educators of the value and success of proven high school and college pipeline programs as a means of supporting diversity in the legal profession.

A call to action to adopt. adapt, and sustain pipeline programs.

*From the AALS Website for the Annual Conference-- Focus of this program is on “****shaping the culture****”*

*Law schools can play a critical role in the future of our country and our democracy. The legal profession has never had a higher profile and greater exposure than over the last few years. Lawyers are everywhere in places of prominence, power, and policy. Lawyers have shaped and will continue to shape our democracy.*

*What, then, is our responsibility as educators of future lawyers? What role do we play in helping to ensure that our democracy endures? Our work begins with three pillars that define every law school: curriculum, scholarship, and culture. We are teaching the courses, writing the scholarship, and* ***shaping the cultures*** *that propel legal education.*

1. **CONTEXT**

Diversity is essential to democracy. AALS has recognized the challenges that law schools face as a result of the Supreme Court’s June 29, 2023, decision in *Students for Fair Admission, Inc. v. Harvard University* and the need to take steps within the Court’s limitations that would facilitate diversity within legal education and the legal profession. Its July 10, 2023, conference on affirmative action <https://www.aals.org/events/affirmative-action/> highlighted a number of possible steps and included the importance and value of pipeline programs. Such programs have been mentioned often in commentary in response to the decision. Legal educators and the legal profession recognized the value of pipeline program through focused efforts beginning around 2005. These include both college and high school pipeline programs. Such outreach is even more important now, due to the Supreme Court constraints.

Supreme Court Justice Sonia Sotomayor, in her dissent in *Students for Fair Admission, Inc. v. Harvard University*, noted that universities can legitimately promote “socioeconomic and geographic diversity,” and stated that, “institutions may continue to pursue targeted outreach, recruitment, and pipeline or pathway programs.”

The Department of Justice and Department of Education in its August 14, 2023 publication, *Questions and Answers Regarding the Supreme Court’s Decision in Students for Fair Admissions, Inc. v. Harvard College and University of North Carolina*, provided a Guidance Document that recognized that Targeted Outreach, Recruitment, and Pathway Programs are permissible (calling them “pathway programs”). Specifically, the document states the following:

For example, in seeking a diverse student applicant pool, institutions may direct outreach and recruitment efforts toward schools and school districts that serve predominantly students of color and students of limited financial means. Institutions may also target school districts or **high schools** that are underrepresented in the institution’s applicant pool by focusing on geographic location (e.g., schools in the Midwest, or urban or rural communities) or other characteristics (e.g., low-performing schools or schools with high dropout rates, large percentages of students receiving free or reduced-price lunch, or historically low numbers of graduates being admitted to the institution).

In addition to outreach and recruitment programs, institutions may offer pathway programs that focus on increasing the pool of particular groups of college-ready applicants in high school and career and technical education programs. The structure and scope of pathway programs vary significantly across institutions.

See <https://www.justice.gov/d9/2023-08/post-sffa_resource_faq_final_508.pdf>

A September 27, 2023, article in the *Chronicle of Higher Education* noted that:

Universities are being steered toward what they ought to have been doing all along. Pipeline and outreach programs have long existed, but are often undersized and underfunded; they tend to depend on the volunteered time of faculty and graduate students.

<https://www.chronicle.com/article/was-the-courts-affirmative-action-ban-a-gift-in-disguise?utm_source=Iterable&utm_medium=email&utm_campaign=campaign_7836242_nl_Academe-Today_date_20230929&cid=at&sra=true>

1. **PROGRAM SUMMARY**

In response to the Supreme Court’s June 29, 2023, decision in *Students for Fair Admission, Inc. v. Harvard University,* many have recognized the value of high school pipeline programs as a means of at least maintaining and hopefully increasing diversity. Within legal education there are already many such proven pathway/pipeline programs, so the “wheel does not need to be reinvented.” The two national high school pipeline programs that have been in existence the longest are Street Law (since 1972) and Marshall-Brennan Constitutional Literacy Program (since 1999). Now is the time for law schools to adopt, adapt, and sustain such programs. nd for them to coordinate with partners in their communities to garner the resources needed to implement these programs in sustainable ways.

This panel will give an overview and provide links to more information on

1. the value of high school and college pipeline programs,
2. sustainability of successful programs,
3. law schools’ critical role in facilitating the creation and continuation of these programs in partnership with their central campuses, local and state bar associations, local employers, and other organizations,
4. tools for measuring the success of these programs.

High school is when students decide WHAT they want to be and HOW they want to be (e.g., their role as active citizens). The *Before the JD Study: Undergraduate Views on Law School* (a 2018 AALS Report) demonstrates that African American and Latinx high school students contemplate going to law school in larger percentages than the rest of the population. See pages 31-32 of the report <https://www.aals.org/research/bjd/>.

High school years are when, if a student sees someone who “looks like them” who is a lawyer, their *interest is sparked*. Strong pipeline program curricular guidance (such as Street Law and Marshall-Brennan) can help them *build the skills* to prepare them for college and law school and can provide a *basic level of knowledge in the law*. There is no time to waste. The good news is that law schools do not need to start from square one.

As the survey results from the *Before the JD Study* show, waiting until college may be too late for some African American and Hispanic students to enhance their interest in law school. This program will focus primarily on high school pipeline programs where law students are involved that have a proven track record of sparking the interest of high school students and providing knowledge and skills to prepare them to become lawyers or other professionals and active citizens. These programs also provide the law students who teach in these programs insights and perspectives gained by teaching in these high schools. These programs have been in place long enough that there are now law schools where the law students were themselves high school students in one of these pipeline programs.

This program will highlight the Street Law program (begun in 1972 by Georgetown law students – now with programs at 100 law schools) and the Marshall-Brennan program (begun in 1999 by Professor (now Congressman) Jamie Raskin with chapters in 20 law schools and affiliations in many more). College pipeline programs are also valuable (and these have given focus by AccessLex through its funding and support). This program will focus primarily on high school programs, and it will provide an overview of the various ways that these programs are implemented at law schools – where both the high school students and the law students gain tools to “shape democracy.” It will go beyond the framework for these programs and explore how and why law schools can and should prioritize resources (including faculty and staff time) for such programs and how they can work with local and state bar associations and legal employers to adopt, adapt, and sustain these programs.

1. **SPEAKERS**

The six speakers represent a broad range of geography (New York City, Washington DC, Houston, and Louisville). They all have extensive backgrounds on a range of diversity issues, including significant experience with pipeline programs. They reflect experiences from both public and private law schools.

1. **Laura Rothstein, Professor and Distinguished University Scholar Emeritus, Louis D. Brandeis School of Law, University of Louisville -- Moderator**

**Laura Rothstein was a second year law student at Georgetown in 1972-73 and taught in the first year that Street Law began. As dean of the Brandeis School of Law (2000-2005) in 2001, she facilitated the partnership between Central High School and its Law and Government Magnet program, and its inclusion of Street Law and Marshall-Brennan beginning in 2007. She has been involved in pipeline efforts for many years, including publishing** *Shaping the Tributary: The Why, What, and How Pipeline Programs: Increase Diversity in Legal Education and the Legal Profession,*40 Journal of Law & Education 551-608 (2011).

Professor Rothstein has served in legal education as a faculty member and administrator at five law schools (beginning in 1976) during which time she twice served as a member of the Law School Admission Council Board of Trustees and in leadership roles within the Association of American Law Schools and the ABA Council on Legal Education and Admission to the Bar, including service on ABA/AALS Site Evaluation teams. In addition to her work on diversity in legal education, she writes and speaks on disability issues in higher education.

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Presentation

1. **Introduction of speakers**
2. **Ensuring programs are within the guidelines of the Supreme Court ruling.**
3. **Overview of University of Louisville Brandeis School of Law partnership with Central High School Law and Government Magnet programs (2001 to present) (which includes both Street Law and Marshall-Brennan (beginning in 2007)**
4. **Telling the story in a new way -- documentary “A Pathway Forward” -- featuring the Louisville partnership and its nationally based curriculum -- in progress (with support from the Law School Admission Council and the Louisville Bar Foundation)**
5. **Charisma X. Howell, Visiting Associate Professor and Street Law Director, Georgetown University Law Center**

Professor Howell has a nearly 20-year history with Street Law at Georgetown University Law Center, the world's oldest high-school-to-law school pipeline program. She served as a Georgetown Street Law clinical teaching fellow, adjunct professor, clinic co-director, and currently visiting professor and director. Professor Howell teaches the art and science of interactive, learner-centered methodologies to legal professionals and non-lawyers worldwide.  She researched the areas of education policy, accountability, assessment, and best practices. During her time away from Street Law, Professor Howell was the deputy director and legal counsel of the Criminal Justice Coordinating Council in the District of Columbia, Executive Office of the Mayor, where she collaborated with local juvenile and adult justice agencies to create policies at the intersections of justice and education to improve outcomes for justice-involved citizens. Professor Howell also served as legislative counsel and general counsel for an education advocacy organization that promoted access to high-quality education for all students.

Professor Howell worked for the Honorable Judge John A. Houston of the United States District Court, Southern District of California. Also, she interned at the California Innocence Project, which seeks to release wrongfully convicted prisoners in California, and taught Street Law to homeless 4th graders while she was in law school.

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Presentation

1. Street Law -- “In the beginning” – more than 50 years with demonstrated success
2. History at GULC, evolution, how Street Law is implemented at GULC, success, resources, and challenges
3. Introduction of GULC alum of Street Law in high school
4. **Patrick S. Campbell, partner in the Washington, DC office of Milbank LLP**

Mr. Campbell is a member of the Federal Communications Bar Association. He is on the boards of directors of several non-profits dedicated to urban affairs and civil rights, including National Park Trust, Street Law, Inc., Live It Learn It, and DC Appleseed. Mr. Campbell received his J.D., with distinction, from Stanford Law School, where he served as an editor of the Stanford Law Review and was awarded the Carl Mason Franklin Prize for the most outstanding paper in the field of International Law. He received his B.A., cum laude, from Georgetown University. He attended high school in Washington DC (graduating in 1988), where he was taught Street Law by Georgetown law students.

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1. **Amy Wallace, Assistant Professor of Law, Director, Street Law Program, New York Law School, implements Street Law at NYLS; Advisor for Law School Programs at Street Law, Inc.**

Professor Wallace is an expert in interactive teaching methodology. She is passionate about teaching pedagogy, and she works internationally to assist law schools and organizations in the development of Street Law and other clinical programs. She founded the Street Law experiential program at NYLS and works to support new Street Law programs at law schools around the country. She has written and presented extensively on public legal education and Street Law topics. In 2023 she received the NYLS Otto L. Walter Distinguished Writing Award for her article examining the benefits of Street Law participation for law students, *Preparing Lawyers for Practice: Developing Cultural Competency, Communication Skills, and Content Knowledge through Street Law Programs*, <https://jle.aals.org/home/vol70/iss1/5/>.

Professor Wallace started her career as a corporate associate at Morgan, Lewis & Bockius LLP in the mergers and acquisitions group. During her time in private practice, her passion for pro bono work and public legal education programs solidified. She has worked in education since leaving private practice with a focus on public legal education programs in underserved communities. She is committed to diversity in the legal profession and helps coordinate and teaches Introduction to Legal Analysis for the NYLS PreLaw Pipeline Program. Email -- [Amy.Wallace@nyls.edu](mailto:Amy.Wallace@nyls.edu) Phone -- 212-431-2363

1. Street Law Program at New York Law School
2. Street Law, Inc., brief history; curricular materials, website information, other resources
3. Overview of the 100 law school programs in Street Law
4. Observed challenges and successes.
5. **Camille Thompson, Director of Marshall-Brennan Constitutional Literacy Project and the Office of Public Interest, and adjunct faculty at American University Washington College of Law**

Professor Camille A. Thompson is a dynamic professional whose expertise bridges the realms of law, recruitment, and education. Her journey is one steeped in accomplishment, rooted in her graduation from one of only six distinguished HBCU Law Schools in the nation, Florida A&M University College of Law (FAMU Law). While there, she served as business managing editor for FAMU Law Review. Professor Thompson has garnered two decades of experience in financial aid and admissions across diverse educational levels - undergraduate, graduate, and professional degrees.

As an adjunct faculty member at American University Washington College of Law, Professor Thompson teaches various courses, including the Marshall-Brennan seminar and Introduction to Courts and Law in the Master of Legal Studies Program. Beyond teaching, she serves as the Director of the Office of Public Interest and the Marshall-Brennan Constitutional Literacy Project.  Professor Thompson drives Marshall-Brennan’s mission to promote democratic engagement, constitutional literacy, and legal advocacy by placing talented upper-level law students in high schools to teach yearlong courses in constitutional law and oral advocacy. Her role involves managing these projects and fostering essential relationships with law schools and high schools, ultimately impacting the very fabric of college admissions.

Professor Thompson’s passion for diversity initiatives is not only evident but instrumental in the legal profession. During her tenure as the Interim Assistant Dean of Admissions at the University of the District of Columbia David A. Clarke School of Law, she orchestrated impactful recruitment strategies, streamlined admissions processes, and spearheaded programs that significantly enhanced diversity outreach efforts.

Licensed in the District of Columbia and Florida, Professor Thompson's professional journey includes a successful stint as a solo practitioner and a legal specialist for a federal government agency, focusing on advocating for fairness and justice within the legal system.

As a member of the advisory board for the Dunbar Law & Public Policy Program at Dunbar High School in Washington, D.C., Professor Thompson plays an active role in shaping the future landscape of legal education and fostering opportunities for aspiring legal minds.

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Presentation

1. Overview of the 20 law school members and other participants
2. Observed challenges and successes.
3. **Leonard M. Baynes, Dean, Hugh Roy and Lillie Cranz Cullen Distinguished Chair, and Professor of Law, University of Houston Law Center since 2014**

Leonard M. Baynes brings a national reputation as a communications law scholar with specializations in business, media, and diversity issues.   
  
Dean Baynes is the Law Center’s first dean of African descent. He is a first-generation college student and a first generation American whose parents immigrated to the U.S from St. Vincent and the Grenadines.  
  
He has engaged the larger Texas legal community with dialogues among law firm partners and corporate counsel to discuss opportunities for lawyers of all backgrounds in the State.

Being concerned about access to legal education, Baynes oversaw the implementation of several innovations in Law Center admissions. These include the initiation of the award-winning UHLC Pre-Law Pipeline Program designed to create more opportunities for first-generation, economically challenged, and under-represented college students wishing to attend law school. Students who participate in the UHLC PreLaw Pipeline Program experience, on average, LSAT score increases of 11-14 points. He has also supported the high school pipeline program for Street Law.  
  
During his deanship, the University of Houston Law Center received the National Bar Association's Presidential Leadership Award and won the Higher Education Excellence in Diversity Award ("HEED") for seven years in a row, culminating in being the only ABA law school being named a “Diversity Champion” in 2021. In addition, in 2019, the University of Houston Law Center Pre-Law Pipeline Program received Raymond Pace and Sadie Tanner Mossell Alexander Award for Excellence in Pipeline Diversity (ABA Council for Diversity) and in 2018 the CLEO EDGE Greater Equality Award. Dean Baynes received the John Mercer Langston Legal Education Leadership Award during the 15th Annual National Black Pre-Law Conference and Law Fair 2019 held at Columbia Law School.  
  
During his deanship, he was named as one of the top 100 most influential lawyers of color in the nation, and he was awarded The Houston Lawyer Association's Roberson L. King Excellence in Education Award. Dean Baynes was inducted into the Minority Media & Telecommunications Council Hall of Fame and was described as "a champion for diversity." In 2010, Baynes received the Diversity Trailblazer Award from the New York Bar Association, and in 2011, he accepted the American Bar Association Alexander Award on behalf of the Ronald H. Brown Law School Prep Program for College Students.

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Presentation

1. Balancing high school and college pipeline programs – resource and value of both
2. Role of dean in prioritizing resources to pipeline programs
3. Leadership – observed challenges and successes.
4. **Invited responses from attendees** – Comments/Questions can be sent before the program until December 31, 2023, to [laura.rothstein@louisville.edu](mailto:laura.rothstein@louisville.edu)/

**III. PUBLICATIONS AND REFERENCES**

1. Laura Rothstein, *Shaping the Tributary – Why, What and How of Pipeline Programs to Increase Diversity in the Legal Profession*,” 40 J. L.& Educ. 551-608 (October 2011)

Cited in Amicus Brief files in *Fisher v. University of Texas,* [http://www.scotusblog.com/wp-content/uploads/2015/11/National-Bar-Association-Amicus-Brief-Fisher-v.-UT-Austin.pdf](https://exchange.louisville.edu/owa/redir.aspx?C=vUY6ywoC1NxpKDDB78wRc5Rpdxyx71oh_bOHy12aWO3qy33U5lfUCA..&URL=https%3a%2f%2furldefense.proofpoint.com%2fv2%2furl%3fu%3dhttp-3A__www.scotusblog.com_wp-2Dcontent_uploads_2015_11_National-2DBar-2DAssociation-2DAmicus-2DBrief-2DFisher-2Dv.-2DUT-2DAustin.pdf%26d%3dAwMFAg%26c%3dSgMrq23dbjbGX6e0ZsSHgEZX6A4IAf1SO3AJ2bNrHlk%26r%3dFBX5nbqAb2U7qIpIZaB3X5oZn28k2zzWhuhkQZUi_ns%26m%3dKuSRInA5m1ogr_Mg2KMuTUGlWIoLmIuAwFXIaf-uJUg%26s%3dNhnfOd-FcinT2ODPNtzQts9pHXR8zxGvR7JRS7_lQpQ%26e%3d)

Fisher I: Brief of Amici Curiae Coalition of Bar Associations of Color (National Bar Association, Hispanic National Bar Association, National Asian Pacific American Bar Association, and National Native American Bar Association) in Support of Respondents   
  
Fisher II: Brief of Amici Curiae Coalition of Bar Associations of Color (National Bar Association, Hispanic National Bar Association, National Asian Pacific American Bar Association, and National Native American Bar Association) in Support of Respondents

1. *Before the JD: Undergraduate Views on Law School* (2018) – This is a 113-page report by AALS, in collaboration and with the cooperation of the major legal education organization and others. <https://www.aals.org/research/bjd/>
2. Ben Perdue and Amy Wallace, *Preparing Lawyers for Practice: Developing Cultural Competency, Communication Skills, and Content Knowledge through Street Law Programs*, 70 Journal of Legal Education 95 (2020); <https://jle.aals.org/home/vol70/iss1/5/>.
3. Websites
4. Street Law, Inc. -- <https://streetlaw.org/>
5. Marshall-Brennan Constitutional Literacy Project (American University Washington College of Law – <https://www.wcl.american.edu/impact/initiatives-programs/marshallbrennan/>
6. AccessLex Institute -- <https://www.accesslex.org/>
7. **AUDIENCE**
8. Deans – because of their leadership positions in prioritizing resources
9. DEI administrators – because of the role of pipeline programs in DEI law school programs
10. Admissions professionals – because such programs can be a recruiting tool for prospective students
11. Professional development (career service) administrators – because of the role these programs play in responding to employers who want to interview and employ students from diverse backgrounds
12. Development and fundraising administrators – because of the benefits of targeting fundraising to these programs
13. **RELATED PROGRAMS**
14. **January 3, 2024** 10:00 am - 11:40 am Room: **Marquis Salon 15** Floor: **Level M2**Pre-Law Education and Admission to Law School, Co-Sponsored by Diversity, Equity, Inclusion, and Belonging Professionals - Defending Democracy by Defending Diversity: The Ramifications of the Students for Fair Admissions

This program delves into the legal and societal implications of these cases. Exploring the intersection of affirmative action, diversity, and democracy, the program examines how the court's decision shaped the conversation around equal opportunity in education, the preservation of diversity in the legal profession, and the broader principles of democracy in contemporary society. Panelists examine the complex challenges faced by many pursuing a legal career in the aftermath of the Supreme Court's ruling and the profound impact on the values central to a democratic society.

Speakers: [Erika Hill](https://memberaccess.aals.org/eweb/DynamicPage.aspx?webcode=IndProfileView&indkey=856afedc-157c-4cac-898c-bf32d1e9309b), Florida A&M University College of Law; [Bianca Mack](https://memberaccess.aals.org/eweb/DynamicPage.aspx?webcode=IndProfileView&indkey=ff6957f6-c7c9-4eb0-aeb6-c67c36c4fbef). University of North Carolina School of Law (Moderator); [Reginald McGahee](https://memberaccess.aals.org/eweb/DynamicPage.aspx?webcode=IndProfileView&indkey=d552a586-7a3b-498a-93aa-97d3b893db6e), Reed Smith LLP; [Michael J. States](https://memberaccess.aals.org/eweb/DynamicPage.aspx?webcode=IndProfileView&indkey=a674748f-6b2f-4e04-b8c6-bb46735ab80f); University of Wisconsin Law School; [Angela Winfield](https://memberaccess.aals.org/eweb/DynamicPage.aspx?webcode=IndProfileView&indkey=743a83b1-1959-4a61-80b1-27b42f644a79), Law School Admission Council

1. **January 4, 2024** 8:00 am - 9:40 am; **Marquis Salon 15;** **Level M2**Education Law, Co-Sponsored by Constitutional Law and Law and Interpretation - Affirmative Action and the Way Forward

The U.S. Supreme Court's rollback of 45 years of precedent supporting affirmative in the recent Students for Fair Admissions decisions has undoubtedly impacted the national education landscape and the promise of higher education opportunity for many students. This panel will explore developments in education opportunity at the intersections of race, equity, and diversity, and discuss the viability of interventions that can deliver on the promise of equity of educational opportunity.

The questions panelists will explore include:  
1) What are the implications of the ruling for colleges, universities, and law schools?  
2) What are some legally permissible best practices that promote diversity and higher education opportunity?  
3) What implications may the ruling have for K-12 schools seeking to foster diversity and educational equity?

Speakers: [Janel George](https://memberaccess.aals.org/eweb/DynamicPage.aspx?webcode=IndProfileView&indkey=01a26399-7bc5-4396-883b-9bb3f8cc7040), Georgetown University Law Center (Moderator); [David Hinojosa](https://memberaccess.aals.org/eweb/DynamicPage.aspx?webcode=IndProfileView&indkey=d8245500-ae14-439a-b1d6-b4d36476437b)

Lawyer's Committee for Civil Rights Under Law; [Twinette L. Johnson](https://memberaccess.aals.org/eweb/DynamicPage.aspx?webcode=IndProfileView&indkey=36567c15-d6f7-4bd0-841c-9af52eadd630), University of the District of Columbia, David A. Clarke School of Law; [Robert Kim](https://memberaccess.aals.org/eweb/DynamicPage.aspx?webcode=IndProfileView&indkey=c52a1214-1ba0-4efd-8e8f-6932ca867433), Education Law Center; [Kimberly Jenkins Robinson](https://memberaccess.aals.org/eweb/DynamicPage.aspx?webcode=IndProfileView&indkey=54d42b95-9b02-4a79-8dd8-eb92dbfd6265) University of Virginia School of Law