

The **EQUALIZER** **SALT**

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Society of American Law Teachers

April 1996

President's Column . . .



NEW STRATEGIES FOR SALT

– Linda S. Greene
*University of Wisconsin
Law School*

It is a great honor to be President of the Society of American Law Teachers. Those who have led this organization before – from our first President, **Norman Dorsen**, to our hardworking and beloved immediate past co-Presidents, **Jean Love** and **Pat Cain** – have set high standards for me. I plan to do everything possible to live up to this SALT leadership legacy.

My goals this year are quite simple. I want to improve communication among Board members and between the Board and the membership. I want to reorganize and consolidate our committees so that they are more program- and function-oriented. Related to this committee reorganization is my desire to have the committees and the Board develop a strategic plan to insure that SALT more effectively 1) involves and serves its members, 2) serves and influences the law school community and 3) serves the public by influencing legal and public policy decisions.

I plan to organize the Board into the following committees:

Board and Member Meetings: This committee will work with the President to oversee all meeting plans (including site selection, logistics and agenda development) and propose and continue to develop a calendar of meetings for at least two years in advance. **Stephanie Wildman**, one of our co-Presidents-elect, has agreed to chair this committee. I will serve on this committee and will appoint Board members of varying levels of seniority to the committee in order to insure lead-

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THE LEFT HAS WON (REPORTEDLY)

– Michael Rooke-Ley
*Nova Southeastern University
Law Center*

Last fall, an extraordinary article appeared in The Manhattan Institute's *City Journal* ("*Law School Humbug*," Autumn 1995), followed by an abridged version in the *Wall Street Journal* (November 8, 1995 at A21). To the surprise of many of us who believe that our ongoing, uphill struggling has yet to land us on a level playing field, we read that "race and feminist theory have . . . changed law schools in fundamental ways"; in fact, they "have achieved their position of dominance with little argument." Reading further, we discover that "[t]he impact of critical race theory and feminist jurisprudence doesn't stop at the ivy-clad walls of the legal academy"; they have "found an eager audience outside the academy . . . [and have] affected practice in courtrooms across the nation."

Gentle readers will appreciate that such unmitigated success must inevitably produce enemies, including, in this instance, the author of "*Law School Humbug*." "Law schools across the country," she begins sarcastically, "have taken on a new function: cleansing students' souls . . . [of] racism and sexism." She then proceeds to attack by name several minority/feminist law professors (SALT members, of course) for having created "a forum

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SALT IN SAN ANTONIO

– Joyce Saltalamachia
New York Law School

In keeping with past practice, the SALT Board convened for its meeting at 7:00 a.m. on Friday, January 5, 1996 at the AALS Meeting in San Antonio. In spite of the early hour (or because of it?), twenty-eight intrepid members and one guest met over breakfast at the San Antonio Hilton.

The meeting began with co-President Pat Cain welcoming new SALT Treasurer Scott Taylor and new and re-elected Board Members Fran Ansley, Sumi Cho, Karen Czapanskiy, Harlon Dalton, Jane Dolkart, Leslie Espinoza, Tony Farley, Paula Johnson, Nadine Taub, Frank Valdes, Eric Wright and Eric Yamamoto. Outgoing Treasurer Stu Filler reported that SALT has been maintaining its financial level throughout the past year and that he is transferring the SALT funds to New Mexico under Scott Taylor's care. As of December 15, 1995, SALT had in its treasury \$93,265.18. There are 491 paid members and 294 unpaid, for a total of 785 members. Pat Cain reported that the Stuart Filler Fellowship Fund had raised over \$1,200 to date. Avi Soifer reported that the annual Cover Conference will be held the first weekend in March at the usual location, Sargent Camp in New Hampshire. The Board authorized \$6,000 to fund this conference. Avi encouraged Board members to attend, and several indicated they were planning to do so.

Holly Maguigan distributed a recent article in the popular press which warned that law schools are being "taken over" by critical race and feminist theorists. She suggested that *The Equalizer* might devote an issue to the subject of backlash, in the same fashion as our affirmative action issue. Leslie Espinoza, Phoebe Haddon, Margaret Montoya and Holly Maguigan volunteered to organize a special issue or at least a "centerpiece" for a regular issue [see page 1 herein]. Ann Shalleck questioned whether we should go beyond *The Equalizer* in taking a position on this subject. She suggested that the new committee brainstorm to see if we can do a panel or conference on this topic. All agreed to talk more about future plans at the May Board meeting.

Board members discussed the idea of doing a study or report on law schools' records concerning diversity. Jean Love reported that the data is easily available but complicated and suggested that we focus on articles in *The Equalizer* rather

than publishing a fame/shame list as we had earlier discussed. It was also suggested that we profile schools that are doing positive things regarding their faculty diversity. Howard Glickstein reported that the questions on the salary survey now include queries about gender and race for tenure track teachers. There was some discussion about the possibility of AALS now collecting salary data since the ABA will no longer do so.

Ann Shalleck reported on the First Monday plans for next October. She planned to have an organizing lunch in San Antonio that day to brainstorm about how to work with the Alliance for Justice. The Alliance sees First Monday as an on-



At the SALT Awards Dinner in San Antonio, clockwise from upper left: Co-Presidents-elect Phoebe Haddon and Stephanie Wildman, new President Linda Greene, outgoing co-President Jean Love, SALT honoree Dean Barbara Aldave and outgoing co-President Pat Cain.

going event created to change how law students look at the law. Next year there will be a new event with an essay contest for students.

Under old business, Margaret Montoya reported that the Indian Law Conference held in New Mexico, which was partly sponsored by SALT, had been extremely successful, and she recommended that SALT stay involved for the future [see page 3 herein].

For new business, guest Nan Hunter was present to discuss a proposal for SALT involvement. She reported that, from her perspective in Washington, the entire social welfare system is cur-

rently in jeopardy because of recent Republican trends. Not only are our existing social goals of ending poverty and expanding social justice at risk, but the entire federal jurisdictional structure is being threatened. She stated that the need for progressive scholarship and action is immediate and acute and proposed that SALT engage at this critical moment by making a conscious connection

“... SALT [should] engage at this critical moment by making a conscious connection with other developing groups to concentrate on policy issues.”

with other developing groups to concentrate on policy issues. A lively discussion followed about how SALT can best proceed and participate in attacking these trends. **Liz Schneider** agreed to chair a brainstorming committee consisting of Nan Hunter, Avi Soifer, Karen Czapanskiy, Ann Shalleck and Eric Wright to make recommendations to the Board about possible action. This committee will be prepared to report at the next Board meeting at the University of San Francisco on May 5 and 6.

1995 SALT MEMBERSHIP TOP 15 SCHOOLS

Santa Clara - 20	CUNY - 12
Harvard - 16	Miami - 12
NYU - 16	American - 11
Georgetown - 15	Wisconsin - 11
Touro - 14	NY Law School - 10
Iowa - 13	Quinnipiac - 10
Temple - 13	Rutgers Newark - 10
Yale - 13	

The main focus of SALT activity at the AALS convention is always the SALT Teaching Awards Dinner. This year SALT honored Dean **Barbara Aldave** as the recipient of our 1996 Teaching Award. Along with a number of excellent and moving speeches, this dinner featured a gathering of women deans, whom SALT hosted as

they honored “one of their own.” This being his final SALT dinner, Stu Filler was presented with a special plaque of commendation from the SALT membership. Stu spoke about the important role that SALT had played in his professional and personal life over the years. Incoming President **Linda Greene** also spoke of the achievements of our two co-Presidents, Pat Cain and Jean Love during the past two years. She remarked that they had been notable for bringing SALT into a new prominence and for enabling SALT to continue as a progressive leader in legal education.

Other SALT events in San Antonio included a panel on Teaching Sexuality in the Law with panelists **Mary Becker**, Pat Cain, **Mary Dunlap**, Nan Hunter, **Bill Rubenstein** and Frank Valdes. The Cover Study Group also had its annual gathering. This year the group, led by Mary Becker and **Tanya Banks**, considered the gendered structure of legal education. ■



INDIAN LAW CONFERENCE A GREAT SUCCESS

— Margaret Montoya
University of New Mexico
School of Law

The conference on the teaching of Indian Law hosted by the University of New Mexico School of Law, November 16, 17 and 18 at the Pueblo of Isleta and the Indian Pueblo Cultural Center in Albuquerque was a tremendous success. The Conference was planned by UNM law faculty members **Margaret Montoya**, **Gloria Valenica-Weber** and **Christine Zuni**; New Mexico Law Review editors **Kyle Nayback** and **John Harte**; and the American Indian Law Center Director **Sam Deloria** and staff attorney **Toby Grossman**. The Conference, entitled “Unique Issues in Teaching Indian Law and Developing Indian Law Clinics,” examined such issues as the various philosophies and visions in the development of Indian Law clinics, the complementary roles of Indians and non-Indians teaching Indian Law, and the relationships of law schools to local and international tribal communities. The conference was held in recogni-

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tion of the International Decade of Indigenous Peoples. Law professors from across the United States, including many of the leaders of Indian Law, were joined by professors from Canada, Chile, Germany and Venezuela. Close to 100 people attended the conference over the three-day period. The Conference was funded by SALT, the UNM School of Law, a Semester in Practice DOE grant and the Southwest Indian Law Clinic.

The conference began at Isleta Pueblo with a workshop for Indian law clinicians. The workshop, planned by UNM clinicians Margaret Montoya and Christine Zuni, addressed the cultural issues involved in Indian law clinical work. It was facilitated by nationally-known clinicians Nancy Cook of Cornell Law School and Peter

"Law professors from across the United States, including many of the leaders of Indian Law, were joined by professors from Canada, Chile, Germany and Venezuela.."

Margulies of St. Thomas University School of Law; established UNM clinicians Michael J. Norwood and Antoinette Sedillo-Lopez also assisted with the workshop.

Clinicians from nearly all the existing Indian Law clinics throughout the country as well as Indian Law instructors, students and tribal representatives attended the workshop. Navajo /Laguna film maker and author of Eye Killers, Aaron Carr, participated in the workshop to provide an interdisciplinary perspective. Esther Yazzie, Navajo court interpreter for the United States District Court of New Mexico participated in a demonstration of language barriers encountered by native speakers seeking legal help. Dinner was hosted by the elders of Isleta Pueblo at the Isleta Elderly Center. The dinner was a fundraiser for the Center. Pueblo writer Evelina Lucero of Isleta read from her published writing and her current work, including a second novel in progress. A discussion on clinical scholarship closed the workshop.

The two-day session that followed was opened by Robert Cruz, International Indian Treaty Council board member, a Tohono O'odham from Arizona. Dean Leo Romero and Professors Gloria Valencia-Weber and Christine Zuni of UNM welcomed the participants, representing law schools throughout the hemisphere. Professor Zuni explained that the conference plan incorporated native principles, including group dialogue, attentive listening, mutual respect, and commitment to accomplish the purpose for meeting. To further this end, Zuni served as special rapporteur for the conference and will produce a report on the conference proceedings. Papers on clinical development, law school relationships, non-Indians teaching Indian law, and teaching the Indian perspective were presented and discussed and will be published by the UNM Law Review in a symposium issue. In addition, several guest speakers enriched the conference agenda on a variety of topics including the history of Indian Law teaching, law school commitment to teaching of Indian law, the use of technology in teaching Indian law, and cultural issues presented in cases handled in the clinic. Among the presenters at the conference were William Rice, University of Tulsa; Dean Rennard Strickland, Oklahoma City University; John Borrows, York University; Ralph Johnson, University of Washington; Renee Taylor, University of British Columbia; James Anaya and Robert Clinton, University of Iowa; James Youngblood Henderson, University of Saskatchewan; and Mylene Valenzuela, University of Chile.

The three-day conference closed with plans for a second conference to follow. It is expected that conferences will be held throughout the International Decade of Indigenous Peoples, 1994-2004, on the subject of Indian Law teaching and that these conferences will have a profound impact on the field. ■

Please, if you haven't yet paid your annual SALT dues, spare us the pain (and expense) of begging.

Details on page 11.

Thanks.

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for white bashing" and having "exacerbated racial tensions," for promulgating "deeply distorted" stories of "victimhood" and "feminine self-pity" and for continuing to teach despite, in at least one case, "a history of devastating student evaluations and a corpus of writing that makes Captain Queeg look well-adjusted." As for narrative and storytelling, she ridicules this non-traditional form of scholarship as "utterly useless in either practicing

"We might be amused (if also a bit bemused) and gratified for the attention were it not for the shockingly mean-spirited personal attacks on some of our most gifted, deeply-committed and hard-working colleagues."

or reforming law." And if only meritocracy would re-assert its rightful role, "no minority law clerks" would be hired, and these "mediocre scholars" would not be retained. In sum, critical race theory and much feminist theory "represent a dangerous flight from reason and logic" and "are fundamentally antithetical to the very notions of law." Students are graduating with "less legal knowledge" and (here she delivers the coup de grace) are not learning to "think like lawyers."

We might be amused (if also a bit bemused) and gratified for the attention were it not for the shockingly mean-spirited personal attacks on some of our most gifted, deeply-committed and hard-working colleagues. Several of our fellow travelers have responded in print to "Law School Humbug"; their comments appear below. Most writers found the attacks to be misleading, distorted, cruel and harmful, although one colleague thought the piece to be simply irrelevant and not worth our outrage. [Note, in particular, the creative contribution of Professor (and occasional cartoonist) Abbe Smith, who clearly has sufficient talent to quit her day job!] Your further comments are most welcome.

* * * * *

Conservative legal theorists, such as those who toil at the Manhattan Institute, know quite well that: "What is taught in the

law schools in one generation will be widely believed by the bar in the following generation." That is precisely why right-wing foundations have lavished millions of dollars upon them over the past 20 years to create a pro-corporatist legal orthodoxy.

The Manhattan Institute, for example, for whom Heather MacDonald labors, received a \$180,000 grant from the Aetna Insurance Co. for "civil justice reform." Aetna has been a leader in so-called "tort reform" advocacy. This money has not been bestowed for what might be labeled *neutral scholarship*. It has been deliberately targeted to create and spread legal theories which aid business and corporate interests in their legal battles with environmentalists and consumer advocates.

Funds from corporations and conservative foundations have been used to encourage scholarship friendly to the donors' interests and to nurture a conservative jurisprudence which gives an aura of legitimacy to the *scholarship* their generosity has commissioned.

It is ironic for those who labor in the conservative vineyards to complain about opposition scholars who devote their energies – without corporate support – to the generation of ideas which look towards a more tolerant and humane jurisprudence which has meaning to groups of individuals (women and people of color) who until most recently were all but excluded from the legal community.

– Professor Frank Askin
Rutgers - Newark Law Center

... [Law School Humbug] is such an extreme example of an absence of balance and fair-mindedness that I feel compelled to protest. The article reflected an utter inability (or staunch refusal) to comprehend the rich and complex body of work that it ridiculed. Working from the astounding pretense that feminist and critical race scholarship is now dominant in the legal academy, the article cruelly undercut some of the most humane, most intellectually sophisticated, most devoted teachers and scholars I have known. Of course, these people are not dominant in the legal academy. They are (in several significant respects) minority voices seeking a pluralism grounded in mutual respect and understanding. They are vulnerable, and

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your words have done them harm. More importantly, your words have made more difficult the already astoundingly difficult task of teaching developing lawyers to function responsibly in the fact of what virtually every legal scholar since the early decades of this nearly elapsed century has recognized to be our challenge: a measure of indeterminacy that is not unlimited, but deeply significant.

– Professor Peggy C. Davis
New York University School of Law

Is there really cause for worry? It's hard to imagine how negative reporting in the popular press can damage a legal scholar's career. Indeed, the effect in my experience is usually quite the opposite: we close ranks and defend against the barbarians. At most law schools, this sort of press means press, a desperately sought commodity, and suggests that someone is doing work interesting enough for public comment – secretly thrilling for deans and colleagues alike. The real battle is closer to home, with promotion-deciding and tenure-voting colleagues who dislike or distrust the new forms of scholarship. But even unfriendly colleagues cannot – without obvious, self-damaging idiocy – support their arguments against a scholar's promotion or tenure on the ground that William Safire has been angered.

Is there really cause for outrage? Much of the new scholarship is straightforwardly radical and subversive. Radical critiques call into question traditional, axiomatic assumptions and offer in their stead new assumptions, equally axiomatic. One simply doesn't argue about axioms and world views in the same way one argues about the precise contours of tag service jurisdiction in state courts. At this foundational level, one tends to be "converted" from one view to the other – or not – and advocates on all sides can be expected to use the evangelist's tools – exhortation, storytelling and shaming. And because much of the new scholarship is subversive, we cannot be surprised when those with material stakes in the *status quo* react swiftly and loudly.

We rise or fall (ultimately) on the power of our ideas and (more immediately) on the judgement of our peers. The Wall Street Journal has very little to do with either.

If it ever does, let's speak out; otherwise, it is vain – in both senses of the word – to care about one's treatment in the popular press.

– Professor Patrick M. McFadden
Loyola University - Chicago School of Law

[*"Law School Humbug"* reflects] the backlash against those of us who know that the law has both a gender and a race, and it is white and male. The Wall Street Journal article reminded me of an incident in *Blank v. Sullivan & Cromwell*, 418 F. Supp 1 (S.D.N.Y. 1975), in which the law firm moved to have Judge Constance Baker Motley recused from an employment discrimination case because of personal bias. She refused to step aside, noting she is not the only judge with a gender and race.

Recently, at the University of Oklahoma (my home institution), one of my colleagues used the term "wetback" in class. Several students complained. The professor and many of his cohorts were convinced that the students "overreacted" and needed to "toughen up" and not be "overly-sensitive." I suppose the same could be said for the white students who reacted so dramatically in The Wall Street Journal article. The difference is that I suspect part of the white students' reaction is based on guilt and part on the fact that they are not used to losing their privileges as white students in a typical law classroom.

Who can read some of the Supreme Court's recent opinions and *not* recognize how gender and race create a particular perspective which dominates the Court's opinions? See Justice Scalia.

. . . [I]t is reassuring to know that so many of us agree that Heather MacDonald is way off base. And it feels good to say so.

– Visiting Professor Shirley A. Wiegand
Marquette University Law School

Heather MacDonald presents a bizarre distortion of the critical race theorists and feminists she attacks. Those scholars have advanced new insights that deepen our understanding of difficult issues. One of them . . . is our colleague. Far from fomenting race hatred, this quiet and thoughtful teacher publishes articles, in the traditional analytic style, proposing legal remedies for interracial violence. Such subjects can scarcely be dis-

cussed in class without confronting the reality of racial hostility – but why should unpleasant realities be excluded from law school classrooms?

Ms. Mac Donald similarly distorts the work of other professors she discusses, which is not surprising in view of the extremist views she herself has expressed in *The Wall Street Journal* and elsewhere. Readers who share her suspicion of disability benefits for children, legislation protecting disabled work-

view: My own understanding of critical legal thought is that, far from claiming that “law is merely a mask for white male power relations,” it simply challenges the idea of law as objective wisdom received from on high and recognizes that laws are written by particular individuals at particular moments in time.

According to Ms. MacDonald, a judge ideally should “decide between competing claims in reference to a given set of rules.” Critical legal studies ask valuable questions,



The wall Street Journal says that critical race theory and feminist jurisprudence are taking over the legal academy.



But not here at the Harvard Law School.



Here, despite years of uproar, there is not a single African American woman on the law school faculty.



Derrick Bell fled to New York, leaving behind a prominent African American professor, who's critical of the crits and believes it's okay to lock up blacks longer than whites for drug offenses.



of 60 tenured professors, only 7 are women and none teach a course on feminist jurisprudence.



But the wall Street Journal says that leftists, feminists, and anti-racism activists are running the nation's law schools, reshaping a generation of lawyers, and putting an end to the myth about the neutrality of law.



Never have I been so tempted to subscribe to the wall Street Journal.

– Professor Abbe Smith
Harvard Law School

ers, community care for the mentally ill and similar programs might agree with her in opposing feminist and critical race jurisprudence. The rest of us should not.

– Professors John Leubsdorf & Nadine Taub
Rutgers - Newark Law Center

Ironically, Heather MacDonald's critique of critical legal studies and the legal storytelling movement is itself couched in the form of a suspiciously familiar story about weepy, white, female law students enduring regular ideological assault at the hands of (largely African-American) radical professors . . . As a white, female, second-year student at Columbia Law School, I would like to offer a “counter-story” to Ms. MacDonald's

in a tradition inherited from such political theorists as Milton and Locke, about who made the rules, whom they benefit, and the ways in which competing claims are articulated and valued in the legal system.

It is surely not radical to claim that law reflects the values of the era in which it is produced; otherwise, there never would have been a *Plessy* decision, nor a *Brown v. Board of Education* to overturn it. Nor is it untrue that law serves as a repository for deeply felt social mores. For example, we collectively accept some rationales as valid excuses for murder, historically including self-defense and marital infidelity, and reject others as socially invalid. Given that this is the case, it makes sense to

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evaluate law for more sinister biases and to afford law the opportunity to change that is inherent in the potential to set new precedent.

Ms. MacDonald claims that "the concept of law as story . . . is utterly useless in either practicing or reforming law." Yet courts regularly justify their decisions on the basis of a particular worldview: the *Brown* decision's unsupported claim that segregation

"Rather than dividing communities . . . [critical legal studies] suggests ways in which the law can countenance every kind of experience, hear more than just one kind of story, and better serve all people."

inflicts psychic damages on African-American children is perhaps the most famous example of a court telling stories to uphold its holding. The story model is pervasive in our adversarial system of justice, whose procedural and substantive rules are designed to ensure that each party is afforded the opportunity to present its side. Students in Evidence classes are routinely advised to construct a prosecution or defense according to a "theory of the case" – that is, a story – that the jury will find persuasive. And as the O.J. Simpson trial made evident, every legal conflict brings its own set of prejudices into the courtroom, long before the lawyers have a chance to introduce the "race card" or any other version of the facts.

Critical legal studies is not to blame for the prejudices and unreliability of the legal system, as Ms. MacDonald suggests; instead, it is a useful tool for perceiving the ways in which law absorbs the ideologies of the world beyond the law. Rather than dividing communities, it suggests ways in which the law can countenance every kind of experience, hear more than just one kind of story, and better serve all people.

– Alexandra Wald
*Reprinted from Letters to the Editor
The Wall Street Journal
December 8, 1995* ■

THE FIRST ANNUAL LATCRIT CONFERENCE: CHRISTENING A THEORY AND ITS PRACTICE

LA JOLLA, CALIFORNIA
MAY 2-5, 1996

– Francisco Valdes
Visiting, University of Miami

The First Annual LATCRIT Conference will be held in La Jolla, California, May 2-5, and SALT members are encouraged to attend. This event is intended to promote discourse and scholarship focusing on Latina/o issues, voices and communities. It follows up on the Colloquium devoted to "Critical Race Theory and Latina/os" that was held in Puerto Rico last October as part of the Hispanic National Bar Association's annual meeting. The Conference is being sponsored by California Western School of Law and co-sponsored by the *Harvard Latino Law Review*, which will publish an edited version of the panel presentations and proceedings.

Substantively, the program is designed to track, address and focus on four key themes: 1) intra-Latina/o perceptions of sameness and difference, and how such perceptions affect or should affect Latina/o critical legal discourse; 2) inter-people of color perceptions of sameness/difference, how these perceptions affect relations among and between Latina/os, African-Americans and Asian-Americans, and how these perceptions can or should affect LATCRIT theory vis-a-vis critical race theory; 3) multiplicities and intersectionalities more generally, focusing on sex, class and sexuality, to amplify the prior sameness/difference themes and their relevance to LATCRIT theory; and 4) bridging and blending practice and theory in LATCRIT projects, including teaching, scholarship and service. These four themes as a set serve as the substantive organizing principle for Conference events because they have and continue to bedevil outsider jurisprudence, so LATCRITS ought to tackle them head on.

This four-day, three-night event combines panel presentations with moderated roundtable discussions to ensure interactive discussions that can engage all viewpoints and participants. The Conference will kick off on Thursday, May 2, in the mid-afternoon with a panel of historians and soci-

ologists designed to create a scholarly, cross-disciplinary framework for the remainder of the discussions. **Richard Delgado** will deliver a keynote talk on Thursday evening, as well. Other confirmed speakers and participants include **Elvia Arriola, Leslie Espinoza, Trina Grillo, Ian Haney-Lopez, Berta Hernandez, Gerry Lopez, Margaret Montoya, Rachel Moran, Juan Perea, Cruz Reynoso, Celina Romany and Gerald Torres**. If you have not yet registered but would like to attend, please contact Francisco Valdes *immediately* at 305-284-1780. ■



SEXUAL ORIENTATION AND THE AMERICAN LAW SCHOOL: MORE COURSES AND A NEW JOURNAL

— Francisco Valdes
Visiting, University of Miami

At the AALS meeting in San Antonio, SALT sponsored an extremely well-attended program on "Teaching Courses on Law and Sexuality or Sexual Orientation: Ways and Means." This program followed up on the findings of a nationwide study of this subject conducted last year. This study concluded that great strides have been made during the past ten years in bringing these courses to American law schools, but that "most law schools in this country still fail to provide an opportunity for their students to learn about the laws and the policies that regulate the expression of human sexualities."

For instance, the study found that 44 schools reported offering 48 courses that are devoted "primarily" to law and sexuality or sexual orientation. These findings reveal a near doubling of schools with "primary" courses in the five years since **Gene Schultz** conducted a similar survey, finding then that 13 schools reported offering 14 of these courses. The current study also found that another 40 schools reported offering 64 courses that are "related" to the subject, such as AIDS and the Law. These numbers, the study concluded, show that (adjusted for overlaps) 66 of 176 AALS

schools have made room in their curriculum for one or both types of courses.

The study also found that enrollment figures ranged from three to 60 students, with an average of about 20 students per "primary" course. Generally, these courses are being offered annually and usually for 2-3 credits. Faculty for the courses tend to be regular, full-time law professors, but with a substantial number of adjuncts filling in these ranks.

The findings of this comprehensive study were published in their entirety last year in the *National Journal of Sexual Orientation Law*, the nation's first law review to be published exclusively via the Internet. (Hard copies of this study may be obtained by calling me at 305-284-1780.)

* * * * *

The Journal's primary purpose is to disseminate information and ideas about law and sexual orientation in an efficient and timely manner, but without duplicating the recent inclusion of articles on sexual orientation in traditional law reviews.

The Journal specializes in four distinct types of works:

- 1) The (re)publication of reports or studies germane to gay and lesbian legal issues in order to make them more easily accessible to (and citable by) scholars and others working in this field across the country;
- 2) The transcription and publication of proceedings of panels and programs held in various conferences or settings around the country, again in order to make them more accessible to scholars and others by permitting a form of "vicarious attendance" at these events;
- 3) The publication of briefs filed by litigators in key cases, thus building a brief bank that is accessible to scholars, advocates and other interested parties;
- 4) Finally, essays, student works and other forms of "traditional" pieces that, due to space limitations, may not be published at all in the traditional reviews and journals.

In this way, the Journal employs on-line technology to expand the base of information and the range of ideas regarding law and sexual orientation.

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Patricia Cain, Ruth Colker, Barbara Cox, Arthur Leonard, Daniel Ortiz, Rhonda Rivera, Ruthann Robson and Francisco Valdes serve on our Advisory Board. Our Editor-in-Chief is **Mary Sylla**.

* * * * *

The inaugural issues of the Journal have included the following articles:

Volume 1, No. 1

Coming Out and Stepping Up: Queer Legal Theory and Connectivity, Prof. **Francisco Valdes**, California Western School of Law.

Analysis of the Opinion of The Attorney General of California on the Registration of Names of Family Associations by the Secretary of State, **Thomas F. Coleman & David F. Link**, Family Diversity Project.

A (Personal) Essay on Same-Sex Marriage, Prof. **Barbara J. Cox**, California Western School of Law.

Recognition of Domestic Partnerships by Governmental Entities and Private Employers, Prof. **Lewis Becker**, Villanova University Law School.

Death Penalty for Lesbians, Prof. **Victor Streib**, Cleveland State University.

Baehr v. Lewin: Will Equal Protection Lead to the End of Prohibitions on Same-Sex Marriages?, **Greg Ladner**, Student, Villanova University Law School.

Volume 1, No. 2

Becoming Visible – Sexual Minorities in American Legal Education.

Foreword: Becoming Visible, Prof. **Mary Becker**, University of Chicago.

Tracking and Assessing the (Non)Inclusion of Courses on Sexuality and/or Sexual Orientation in the American Law School Curriculum: Reports from the Field After a Decade of Effort, Prof. **Francisco Valdes**, California Western School of Law.

What a Difference a Gay Makes: An Empirical Study of the Impact of "Out" Gay Law Faculty on Law School Curriculum and Policies, Prof. **Steven Hartwell**, University of San Diego.

Queer L, **Brad Sears**, Student, Harvard Law School.

Dorothy's Friend Goes to Law School, **Kevin Reuther**, Student, Harvard Law School.

Articles & Essays

Fighting to Win and Keep the Freedom to Marry: The Legal, Political, and Cultural Challenges Ahead, **Evan Wolfson**, Senior Staff Attorney and Director of the Marriage Project, Lambda Legal Defense and Education Fund.

Overview and Commentary: Bagaz 721/94 El-Al v. Danilowitz and the Future of Sexual Minority Rights in Israel, Prof. **Alon Harel**, David Ben Gurion Scholar in Residence, University of Southern California Law Center 1994-95 and Senior Lecturer in Law, Hebrew University.

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Because the National Journal of Sexual Orientation Law is available on-line, subscription is free. The Journal may be found on the World Wide Web at <http://sunsite.unc.edu/gaylaw>. Individuals may subscribe to the Journal by e-mailing to "listserv@unc.edu" the following message: **subscribe gaylaw first-name last-name**

Subscribers thus receive each issue of the Journal as it comes on-line by calling it up on their screens and by printing a hard copy of it, or portions of it, with their on-site printers as they wish.

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For more information about the Journal, or to become involved with the Journal, please e-mail the editors at gaylaw@sunsite.unc.edu.

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Other discussion groups on the Internet that may be of special interest to readers and subscribers of the Journal include:

Queerlaw, a discussion list devoted to the analysis and promulgation of Queer legal theory and all other aspects of sexual orientation and the law. To subscribe, send to majordomo@qrd.org the following message: **subscribe queerlaw**.

Teachsex, a discussion list devoted to the exploration and dissemination of teaching ideas, methods and materials for courses on sexuality and/or sexual orientation in a law school setting. To subscribe, send to majordomo@cwsl.edu the following message: **subscribe teachsex**. ■

continued from page 1 - President's Column

ership development and continuity of SALT operations.

Awards, Conferences and Programs: This committee will oversee ongoing programs (such as the Annual SALT Awards Dinner, the Cover Conference and our teaching conferences) and propose the continuation, modification, diversification, addition or elimination of programs. The committee will develop a calendar of programs for the next two or more years. **Joyce Saltalamachia**, who is also our SALT Historian, will chair this committee. I hope that one of the Co-Presidents-elect will be able to work closely with this committee.

Membership Development and Board Nominations: This committee will develop a two-year plan for member retention and expansion (if appropriate) and Board development and diversification.

Public Positions: This Committee will develop a plan and a process to facilitate SALT's opinion formation and public statements in a variety of contexts, including the legal academy, public interest litigation, legislation and public policy.

Budget and Fundraising: This committee will oversee the development of a biennial budget, quarterly and annual revenue and expense statements, and short/medium term (2-3 years) fundraising and office/staff plans. **Scott Taylor**, our Treasurer, has agreed to chair this committee.

Publications and Communications: This committee will oversee SALT publications (including *The Equalizer*) and develop a plan to improve communication among Board members, Board committees and the membership. I want this committee to consider fax and e-mail, as well as the creation and maintenance of a SALT web site and home page.

The Board will meet in San Francisco at the University of San Francisco School of Law, 2130 Fulton Street, San Francisco, on Sunday, May 5 from 6:00 pm to 9:00 pm for a dinner meeting; and on Monday, May 6 from 8:30 am to 2:00 pm. The agenda will be old business and a discussion of SALT'S and each SALT committee's proposed plans through May 1998. **Stephanie Wildman** is the May Board Meeting Coordinator.

When you have comments or suggestions on any SALT issue, please contact me or any Board member. I look forward to this time as your President, and the Board and I need your involvement and advice to provide effective and bold leadership for SALT.

[Send ideas and comments to Professor Linda Greene at: University of Wisconsin Law School, Madison Wisconsin 53706. She can be reached by phone at (608) 265-6776 (until June 1st) and (608) 262-6351 (after June 1st); by fax at (608) 263-2046 (until June 1st) and (608) 262-5485 (after June 1st); and by e-mail at lsgreene@facstaff.wisc.edu.] ■

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