

Why are law deans not fired after investigations find misconduct with women?

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Of the three law school deans who recently stepped down after sex harassment allegations—two of whom who received sexual harassment findings, while another dean's conduct was found to be bullying—none lost their jobs immediately, despite criticism from students and alumni.

The reason for that is twofold, says Saundra Schuster, an attorney at the NCHERM Group in Pennsylvania who does risk management work with universities. It's easier and cheaper to pay these deans for a year than defend the lawsuits they'd likely file if they were fired, she explains, and most academic-track administrators have tenure as part of their employment contracts. Firing someone with tenure is almost impossible, Schuster says.

Others say there's a culture at law schools where even if everyone knows a professor sexually harrasses students, little if anything is done to stop it. Despite the public's growing disapproval of sexual harassment and the negative press universities receive when their law school deans are accused of the misconduct, Schuster says that it's unlikely schools with tenure will add evidence of sexual harassment as a deal-breaker for the agreements.

Sujit Choudhry, the former law school dean of University of California at Berkeley, stepped down in March 2016 after Tyann Sorrell, an executive assistant, filed a sexual harassment lawsuit against him and the university. A 2015 school investigation found that he repeatedly kissed the employee on the cheek, which violated university policy and showed a lack of judgment.

In April 2016 he filed a grievance with the school's privilege and tenure committee, arguing that administrators launched a second investigation, with the goal of taking his tenure. Choudhry claimed that colleagues, not administrators, have the authority to determine whether he violated the university's faculty code of conduct. The parties reached a settlement agreement, which allows Choudhry to be on unpaid sabbatical leave from May 31, 2017, to May 31, 2018, a school spokesperson told the ABA Journal.

Law school deans are under a significant amount of stress, and there's often a distrust among faculty about school sexual harassment investigations, says Raymond D. Cotton, a partner at Nelson Mullins in Washington, D.C., who represents college administrators.

Tenure was created because academia had a desire to protect professors' free speech rights, Cotton says. Schuster says that it's impossible to remove someone with tenure unless the person is engaged in "egregious behavior."

Cotton says: "The higher you go in academics, the more stress you are under. People under stress will crack at some point, and we have to recognize that, and provide help."

Being sexually harassed is also extremely stressful, says Robin Runge, an adjunct professor at George Washington University Law School. She says tenure protections aren't the problem: It's that many students who experience sexual harassment don't report it because they fear retaliation and want to practice law in an area where the person harassing them is respected.

Even when the incidents are reported and investigated by schools, Runge says, that rarely leads to any action being taken.

"The problem is that most universities don't have the guts to terminate these people, typically men, who are engaging in this behavior," Drobac says. "They will often rotate them out of administration and back onto the faculty."

She also questions the notion that tenure always protects academics when it's been found that they likely engaged in sexual harassment.

"I think universities can withdraw jobs, even with tenured professors, because tenure does not give license to a violation of the law. If you break the law, you can lose your job, even if you are a tenured professor," she says. "I would encourage universities to understand that when a professor or a dean violates the law, the university is completely within its rights to terminate the employment of that person."

Program places law students in paid internships that help them see the business picture

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A team of prominent law professors and legal professionals has formed a national nonprofit, the Institute for the Future of Law Practice, which will place law students in paid internships that will expose them to legal operations principles.

These lawyers—among them professors for five law schools and leaders from the legal departments of three Fortune 500 companies—created the program to show law students how to approach legal work with a business mindset—something that they feel like is left out of law school teachings.

"The practice of law is changing in many ways, and the educational system for training lawyers isn't really set up to address those changes," said Steve Harmon, vice president and deputy general counsel at Cisco and a member of the institute team. "There's a lot more focus on operational excellence and running a legal department in concert with the other business functions, whereas traditional law school education is focused on the Socratic method and showing students how to think like lawyers."

Interns from Northwestern University Pritzker School of Law, Osgoode Hall Law School, Indiana University Maurer School of Law, Michigan State University College of Law and the University of Colorado Law School will be placed in either a corporate legal department or a law firm using innovative business solutions.

"This program, at its core, is all about improving the delivery model for legal services," said Daniel Linna, director of LegalRnD—the Center for Legal Services Innovation at the Michigan State's law school and a member of the institute team. "It's helping equip lawyers to be better counsels for their clients, to have the skills to be successful, and also instilling in them an understanding of these other disciplines."

Legal recruiter Jeffrey Lowe thinks in-house experience can give law students an advantage.

"One benefit of getting early in-house experience is the ability to work on a lot of different things under relatively short deadlines that are outside any one area," said Lowe, the managing partner at Major, Lindsey & Africa's Washington, D.C., office. "It teaches young lawyers to be more versatile and aggressive in thinking out answers, which I think is really positive development."

There is also an emphasis on in-house legal departments because they have begun to grow as traditional law firms have shrink. "Many organizations are coming to the conclusion that they can both better meet their needs and do it more economically with an in-house staff," Harmon says. "It's a simple supply and demand issue ... when the large corporate customers are doing more of their own work in-house, they don't need as much outside counsel from law firms."

The institute offers two distinct types of internships: a traditional 10-week summer program and a seven-month residency that takes up both the summer and the following semester.

The 10-week summer internship program is the Institute's primary focus at the moment. It aligns with most students' schedules and even gives rising 2Ls a chance at landing a summer internship. "We're opening up a lemonade stand in the desert for the 1Ls," said Bill Henderson, a law professor at the Indiana University Maurer School of Law.

On the other hand, the seven-month residency program, which is geared toward rising 3Ls, is still a work in progress. Harmon sees advantages in the longer internship.

Given its capacity to improve a 3L's job prospects, Henderson thinks that law schools can be convinced to try accommodating the residency model into their curricula. "All law schools are happy when their students get high-quality employment between their 1L and 2L years," he said. "But what law schools really care about is placing their graduates."

Moreover, the residency model could actually lower law school tuition costs. Students who complete a residency won't have to pay for classes for an entire semester and at the same time will earn a sizable salary for seven months. While residents are paid a minimum of \$5,000 each month they work, there are opportunities to earn even more.

"We pay our interns the same that we would pay a starting junior professional within our organization," Harmon said. "We pay well."

Henderson wants to establish the residency model as a consistent talent pipeline in the near future. But there are currently very few students eligible for it because they can only do it if they have enough academic credits to take a semester off. Law schools are hesitant to provide credits for a residency.

"The reason to not offer academic credit for internships is because then we are essentially charging students for an experience they're having largely outside of the law school," said Amy Bauer, a professor at Colorado Law and a member of the institute team. But Bauer hopes this will change