



[Robina Foundation](#)

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UNIVERSITY OF MINNESOTA LAW SCHOOL
AND ROBINA FOUNDATION

REVIEW MEETING

January 14, 2011



LAW
UNIVERSITY OF MINNESOTA
LAW SCHOOL

University of Minnesota Law School Robina Foundation Review Meeting

January 14, 2011

9:00 a.m. to 4:00 p.m.

Riesenfeld Rare Books Research Center
Room N-30, Walter F. Mondale Hall
University of Minnesota Law School

AGENDA

9:00 a.m. Introductions

9:10 a.m. Context

A. Trends in legal education, nationally and at the University of Minnesota

- Carnegie Report
- Globalization and legal education
- Experiential learning
- Interdisciplinary/dual degree programs
- Law School curricular innovations
 - Practice & Professionalism
 - Capstones
 - New clinics, field placements, internships

B. Trends in the legal profession and the Law School's Response

- Employment trends
- Shifts in law firm business models
- Legal training as entre to other professions
- Specialization in practice and knowledge
- Growth areas
- Law School responses
 - Concentrations
 - Post-JD fellowships
 - Dual-degree programs

9:45 a.m. Law School Strategic Plan

- A. Invest in existing and emerging strengths
- B. Innovate in leadership training and in the core educational model
- C. Engage Alumni in more meaningful ways and harness greater participation
- D. Increase faculty and student diversity
- E. Transition to financial self-sufficiency

10:15 a.m. Break

10:30 a.m. Law School Positioning and Finances

A. Competitive position

- Student applications and trends; recruitment and scholarships
- Faculty metrics and recruitment
- US News

B. Financial Position

- Expenditures
- Revenues
- Funding sources and trends
- Endowment

11:00 a.m. Opportunities: Continued investment in LaPPs program areas

11:10 a.m. Criminal Law Institute: Rethinking criminal law

12:00 p.m. Lunch

1:00 p.m. Follow-on investments in law & science (health & bioethics)

1:30 p.m. Follow-on investments in law & science (environmental law)

2:00 p.m. Follow-on investments in international law

2:20 p.m. Rare Books Collection and Break

2:40 p.m. Transforming legal education: leadership, business concepts, entrepreneurship

3:00 p.m. Campaign Minnesota

- Match programs
- Nucleus fund support
- Scholarships

3:30 p.m. Next steps

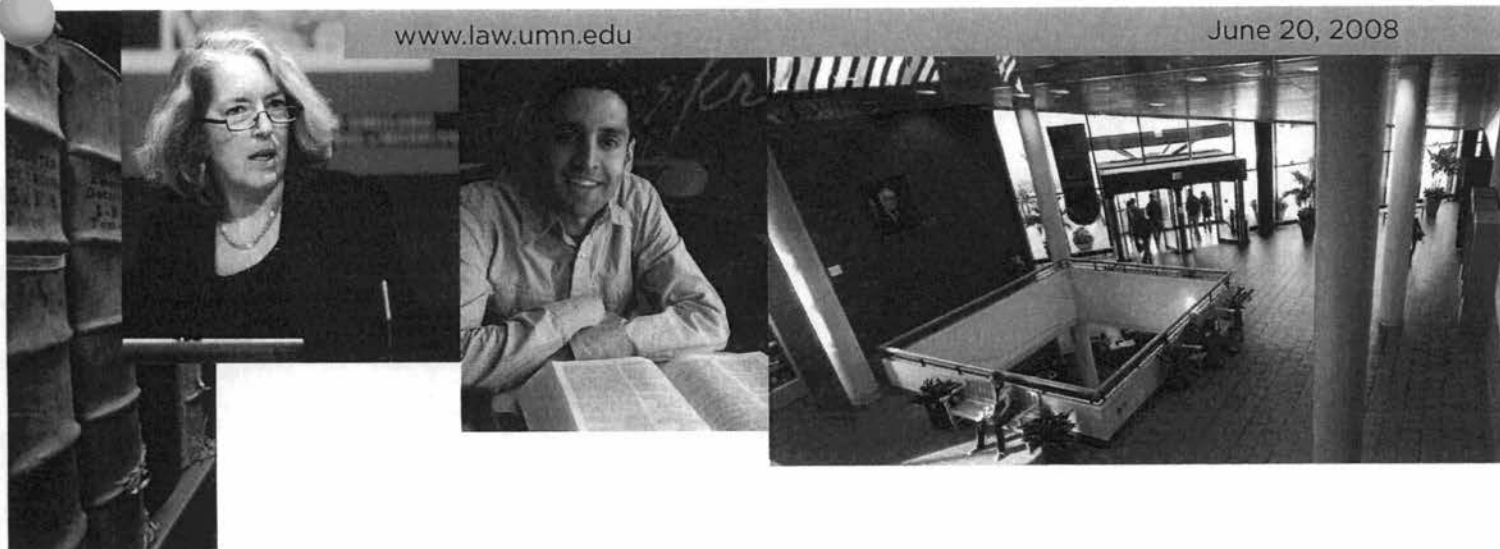


University of Minnesota Law School Proposal to the Robina Foundation

New Directions in Legal Education and Research:
The Program on Law, Public Policy, and Society

www.law.umn.edu

June 20, 2008



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On August 10, 2007, Deans Guy-Uriel Charles and Fred Morrison presented a proposal to the Robina Foundation on New Directions in Legal Education and Research. The current proposal sharpens the thematic focus of the earlier proposal to capitalize more explicitly on several of the Law School's existing areas of strength. Our objective is to make the Law School a recognized leader in developing innovative solutions to problems at the intersection of law, public policy, and society, much as Berkeley is recognized as a leader in jurisprudence and social policy, Chicago in law and economics, and NYU in international and comparative law.

The Law School's proposal has two central, closely connected elements. First, the Law School intends to transform its curriculum and teaching mission. We are already working to broaden legal education in ways that will enable our graduates to be more effective at developing innovative, multidisciplinary solutions to complex social problems. Second, we intend to leverage our existing strengths in criminal justice, international law, and health and technology to stimulate new synergies across the Law School and the broader University and to expand our ability to generate cutting-edge, policy-relevant research, scholarship, and programs.

We propose to drive this transformation in teaching and policy-relevant research through a new Program on Law, Public Policy, and Society (LaPPS). This program is similar to the civil society initiative previously proposed, but with a particular focus on teaching and research in areas of comparative advantage where the Law School can make unique, near-term contributions to the resolution of complex social problems.

The Law School is already well known as an institution that focuses on problem solving and policy making. This spring, the Law School launched the first phase of a major overhaul of the traditional Law School curriculum, with the introduction of a new first-year course, Statutory Interpretation and Legal Writing. In Spring 2009, the Law School will launch a new three-credit course called the Work of the Lawyer. That course expands conventional understandings of what it means to be a lawyer and marks an important step in the effort to revamp legal education to better equip students to address the complex legal and policy issues of the future. At the same time, clusters of distinguished faculty continue to address some of the greatest legal and social challenges of the 21st century, in areas such as criminal justice and sentencing reform, human rights, and biomedicine and life sciences.

With support from the Robina Foundation, the Law School can become one of the country's preeminent centers for practi-

New Directions in Legal Education and Research: The Program on Law, Public Policy, and Society

cal and theoretical work on complex social issues. Our graduates will assume leading roles in resolving public policy questions, in both the private and public sectors. Faculty interested in law as a vehicle for social transformation will find Minnesota increasingly attractive as an intellectual home. Gifted students interested in problem solving and public service will apply in growing numbers. And the Minnesota model of legal education and research will inspire other law schools to move in similar directions.

To accomplish this ambitious agenda, we will need both near-term funding (approximately \$2 million per year for the next three years) and more substantial long-term funding from the Robina Foundation, as well as partial matching support from the University. Below, we set out a more detailed explanation of our objectives and a budget for achieving them.

I. Background

In April 2006, the University of Minnesota Law School held a set of workshops to discuss potential projects for remodeling legal education. The Robina Foundation's start-up grant of \$75,000 paid fees, room and board, and transportation for expert consultants and scholars from leading institutions who joined Law School faculty and students in examining six major areas:

- Equality
- Law and science
- Law and environment
- Law and public health
- International law
- Public interest/legal education

In May 2006, an outside consultant facilitated an all-day retreat with Law School faculty to build on ideas generated at the workshops. In the workshops, retreat, and related discussions, the Law School focused on broad foundational questions: Where is legal education heading? What are the roles of law and lawyers in the 21st century? How do law and lawyers contribute to the creation and ongoing reform of the larger economic, political, and social circumstances of contemporary society?

A recurring refrain in those discussions was that the Law School should provide education and produce research that focuses on pressing, real-world, 21st century problems. In the intervening period, the Law School has moved forward with a sweeping and ambitious curriculum reform effort and continued its efforts to foster policy-oriented research and programs. We now seek to build on that foundation with a new program on law, public policy, and society.

New Directions in Legal Education and Research: The Program on Law, Public Policy, and Society

II. The Program on Law, Public Policy, and Society

Every sphere of organized human endeavor, including education, politics, and religion, depends on a baseline set of laws, rules, institutions, and norms. Without laws to ensure certain essentials, such as respect for rights and the free flow of information, civic and social order and economic markets cannot thrive. Fundamentally, law creates the foundation of a free society.

Because law provides structure for virtually all collective social interaction, lawyers serve as agents of social transformation in multiple, varied, and often unexpected ways. At the most fundamental level, lawyers operate at the convergence of state, civil society, and individual interests. As legislators, regulators, and judges, lawyers play central roles in the state's creation and interpretation of law. As representatives of clients, lawyers assist individuals and organizations to define their relations with each other and with the state. Because lawyers play a mediating role in developing, interpreting, and applying law, they are uniquely positioned to contribute to the formation of public policy on complex social issues, from sentencing policy to states of emergency to the legal and ethical implications of genetic testing.

With this context in mind, the Law School is launching the Program on Law, Public Policy, and Society. The Program will have an immediate and substantial impact on the Law School's core missions of teaching and research. In a nutshell, LaPPS will:

- Foster new methods of training lawyers as problem solvers
- Serve as a framework for coordinating the research agendas of policy-oriented faculty members as they work with students and other members of the community to generate practical solutions to complex public policy problems



New Directions in Legal Education and Research: The Program on Law, Public Policy, and Society

A. Training Lawyers as Problem Solvers

Most American law schools use a traditional model of legal education, the essential elements of which have been in place since the late 19th century. This model relies heavily on Socratic or quasi-Socratic analyses of appellate cases; it is designed to prepare students primarily to advise private-sector clients within an industrial economy whose principal legal concerns are addressed by the common law of the states.

A recent study published by the Carnegie Foundation for the Advancement of Teaching, prepared as the Law School was in the process of revamping its curriculum, outlined both the strengths and weaknesses of the traditional model. The traditional model successfully teaches students to "think like a lawyer." It imparts the basic skills of legal analysis, including the ability to see both sides of an argument, to sift facts and precedents for relevance, and to understand and apply legal rules. But the traditional model encourages students to abstract facts "from natural contexts," and then to apply previously determined rules and procedures to the facts so abstracted to reach legal conclusions. As the Carnegie report observed, this approach "means redefining messy situations of actual or potential conflicts as opportunities for advancing a client's cause through legal argument before a judge or through negotiations." It strips out the "rich complexity of actual situations that involve full-dimensional people, let alone the job of

thinking through the social consequences or ethical aspects of the conclusions" The Carnegie report urged changes to legal education that would offer greater exposure to the complexity of actual practice and greater emphasis on ethics, professional responsibility, and social context.

The Law School, through an extensive process of faculty discussion and review, reached similar conclusions independently of the Carnegie Foundation's work. The Law School is already in the process of revamping its first- and third-year offerings, with the second-year curriculum continuing to advance the foundations of legal education.

1. *First-Year Curriculum Changes*

Notable changes to the first-year curriculum, approved unanimously by the faculty, include:

- Addition of a required course called "The Work of the Lawyer," which introduces students to the practice of law and its theoretical and ethical underpinnings
- Formation of a new course called "Perspectives on the Law," which features collaboration with experts from various professions to broaden student engagement beyond traditional first-year concepts
- Increased emphasis on ethics and professional responsibility issues
- Additional coursework in statutory interpretation, international law, and corporations

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2. *Third-Year Capstone Courses*

The third year will feature an exciting approach to legal education unlike anything offered at other law schools. Each Robina Capstone Course will address a major contemporary legal issue or research problem. Topics might include the role of law in economic development, the legislative response to prison overcrowding, the international response to global warming, or the legal complexities of modern financial transactions.

Capstone Courses will be directed by a lead professor who is joined by experts from appropriate fields (e.g., environment, public health, business) as well as lawyers working in these fields. These courses will draw together what students have learned in doctrinal, clinical, and simulation classes, and introduce knowledge and perspectives from other disciplines. Among the advantages of Capstone Courses are:

- Replication of the teamwork necessary in modern complex litigation, transactional work, and legislative representation
- Year-long design, allowing in-depth study of an issue
- Limited class size (ideally, maximum of 20 students), which facilitates close faculty-student interaction
- Continued relevance ensured by a sunset design (each Capstone Course reviewed after five years and potentially replaced by courses addressing more pressing issues)

3. *Clinical Opportunities and Internships*

The Law School has long been a pioneer in clinical legal education, opening one of the nation's first student clinics in 1914. At present, the Law School offers 18 clinics covering subjects from bankruptcy to domestic violence. More than half of the Law School's students take at least one clinic program, double the national average. The clinics offer students real-world practice experience in a supportive setting. Students develop professional skills through a combination of classroom instruction, simulations, and live-client cases. Thus, clinics contribute directly to the goal of educating lawyers as problem solvers.

The demand for clinical experiences far exceeds the Law School's current clinical capacity. (Last year, 319 students took clinical courses; another 140 applied but could not be accommodated.) The Law School therefore seeks to develop additional clinical opportunities that will mesh seamlessly with the curriculum reforms described above and will complement the public policy focus of the LaPPS program. As an example, the Law School is presently considering hiring an additional clinical law faculty member to create a human rights clinic.

For similar reasons, the Law School seeks to offer students public policy related internships. In the long term, the Law School should be able to offer any interested law student a summer internship in a major problem-solving or public policy context. A few other top law schools already make that offer. Our students should be given opportunities to take internships in such fields as

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criminal law, health law, and human rights law. There is no better way to encourage students to pursue legal careers or at least avocations in fields of public policy than to give them internship experiences.

B. Building on Faculty Strengths in Law and Public Policy

The Law School faculty is already one of the most productive in the country. In a recent survey of scholarly impact, the Law School ranked 12th in median rank and 18th in amalgamated mean and median rank. The Law School is particularly distinguished in the use of legal expertise to solve real-world problems and policy challenges. We have some of the most accomplished faculty members in the country tackling the problems posed by criminal justice, international law, health and science, and race and poverty. We have mounting strength in additional areas, including environmental law and law and economics. With help from the Robina Foundation, we have the potential to become one of the great American law schools. We will not reach that level by competing head-to-head with Harvard or Yale for individual professors. But by building on our strengths, we can become a leading institution for intensive policy work and problem solving, attracting top faculty, students, research collaborators, visiting scholars, and postdoctoral fellows.

The University of Minnesota already has an extraordinary concentration of internationally prominent policy scholars, with particu-

lar strengths in three areas: criminal justice, international law, and health and the life sciences. Each area provides exceptional opportunities for research and policy proposals in its own right, and each is fundamental to work being done in many related fields. These three foci can serve as strategic enabling areas around which clusters of faculty develop related law, policy, and society projects.

The Law School also has significant policy strengths in other areas, including race and poverty, the environment, and law and economics. We expect faculty from these and other specialties to participate actively in LaPPS, both independently and in conjunction with projects in one of the core areas.

1. *Criminal Justice*

The Law School has unmatched strength in sentencing law, policy, and research, as well as unmatched experience in on-the-ground law reform efforts, both nationally and internationally. Kevin Reitz, Richard Frase, and Michael Tonry are arguably the leading American scholars of sentencing law and policy. Reitz was co-reporter to the third edition of the ABA's Standards on Sentencing Procedures and Alternatives and is the reporter to the ongoing revision of the sentencing and correction provisions of the Model Penal Code. Reitz has also been a central figure in recent efforts to create sentencing commissions in California and Colorado and is now consulting for the British House of Lords on sentencing policy. Frase is the leading authority on Minnesota's sentencing guidelines. Tonry's book, *Sentenc-*

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ing Matters, has long been the leading treatment of American sentencing policy. Tonry has served as the lead draftsman of the National Academy of Science report "Sentencing Reform," and the principal consultant to path-breaking sentencing commissions in Minnesota, Washington, Oregon, and Pennsylvania, among others.

In addition, Barry Feld is one of the country's leading authorities on juvenile justice, and David Stras is a rising star in criminal procedure. Fionnuala Ní Aoláin, Oren Gross, and David Wippman bring additional expertise in international criminal law and policy.

With additional resources for faculty research, visiting professors and post doctoral students, student internships, and, in particular, the addition to the faculty of one or more established or rising-star social scientists with first-class quantitative skills, the Law School could forge one of the world's best criminal justice and law reform programs. The Law School is already poised to make critical contributions to the Model Penal Code and to sentencing policies in multiple states. With support from the Robina Foundation, such contributions could multiply and intensify in these and other critical areas of criminal justice.

2. *International Law and Human Rights*

More students are attracted to the University of Minnesota Law School because of their interest in international law than any other subject. The Law School has gathered a remarkable faculty in the field, including Richard Frase (comparative criminal law), Oren Gross (business transactions, international trade, and national security), Kristin Hickman (international tax), Brad Karkainen (international environmental law), Fred Morrison (international environmental law and comparative public law), Fionnuala Ní Aoláin (European law, human rights law, and national security law), Ruth Okediji (international intellectual property), Francesco Parisi (comparative law), Gregory Shafer (international trade), Robert Stein (rule of law), Mike Tonry (comparative criminal justice), David Weissbrodt (human rights), and David Wippman (public international law).

The Human Rights Center already plays a leading role in human rights education and research. It provides fellowships to 20 students each year for internships at leading human rights organizations. More fundamentally, it is building a national human rights constituency through the development of K-12 curricula and educational materials and through a web site that posts 23,000 human rights treaties and other principal



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documents. The Center provides a wide range of policy assistance and training to key international actors; at present, the Center is assisting the U.N. Sub-Commission on the Promotion and Protection of Human Rights in preparing human rights guidelines for companies and in preparing studies on contemporary forms of slavery and on the rights of noncitizens. Individual faculty members, such as Fionnuala Ní Aoláin and Oren Gross, are producing important policy proposals on hot-button issues, such as national security and states of emergency. Professors Ní Aoláin (who serves as Associate Director of the Transitional Justice Institute in Belfast), Weissbrodt, and Wippman are partnering with key faculty at the University (including internationally known human rights experts such as Kathryn Sikkink and Barbara Frey) and abroad on significant new transitional justice projects.

These and similar policy-oriented projects can be substantially expanded with additional resources for new faculty, research and technical assistance, conferences and publications, visiting professors, student internships, and a human rights clinic.

3. *Health and Life Sciences*

Health law attracts the second largest number of students to the Law School. The University of Minnesota's faculty expertise on the legal, ethical, and policy implications of biomedicine and the life sciences is extremely strong. Professor Susan Wolf, who is jointly appointed in Law, Medicine, and the Center for Bioethics, established the University-wide Consortium on Law and Values in Health, Environment & the Life Sciences in 2000 (www.lifesci.consortium.umn.edu), as well as its student training program, the Joint Degree Program in Law, Health & the Life Sciences (www.jointdegree.umn.edu). The Consortium joins together 17 top centers and programs at the University of Minnesota to lead on questions of law and values relating to the frontiers of science and biomedicine. The Consortium has led high-profile, national work on genetic testing and insurance, the challenges of genomics and imaging research, gene patenting, the privacy of health data, children's environmental health, and oversight challenges posed by nanotechnology. The Consortium secures NIH, NSF, and private foundation grant funding for national research projects; offers annual conferences and lecture series; and publishes the *Minnesota Journal of Law, Science & Technology*. In addition to Professor Wolf, the Consortium involves distinguished faculty members including Michele Goodwin (health law, bioethics), Richard Painter (legal ethics), Dan Schwarcz (insurance law), Steve Befort (employment benefits and

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disability law), Ralph Hall (food and drug law), Ruth Okediji (intellectual property and access to pharmaceuticals), Tom Cotter (intellectual property), William McGovern (intellectual property and privacy), Brad Karkkainen (environmental law), Heidi Kitrosser (privacy), and Alex Klass (environmental law).

The Consortium is already engaged in path-breaking policy-oriented research on issues such as law and inequality at the end of life, law and public health preparedness, and law and genomic research. To maintain and enhance its leadership role in these and similar areas, the Law School needs additional resources to recruit outstanding faculty (particularly in health law and IP/biotechnology) and for research support, visiting faculty and postdoctoral students, student internships, conferences, and publications.

4. *Synergies*

Each of the areas discussed has important synergies with the other two areas and with faculty teaching and research not only in other areas of the Law School but across the University. Discrimination arising from genetic testing, for example, implicates both health and human rights law; states of emergency raise both international and national criminal law issues. Work by other faculty on poverty and race, law and economics, constitutional law, and many other areas all intersects substantially with the enabling areas discussed. Moreover, all three areas have important cross-university, national,

and international linkages. Professor Wolf's Consortium is a university-wide effort crossing all colleges. It works closely with public and private grant agencies and foundations across the country. The international law faculty work closely with three other human rights programs at the University: the Human Rights Program at the Institute for Global Studies, the Center for Genocide and Holocaust Studies in the Department of History, and the International Women's Rights Action Watch at the Humphrey Institute. In addition, they partner with human rights groups at the state, national and international levels and with the United Nations and other international organizations. The criminal justice group works closely with state sentencing commissions, governments, and nongovernmental organizations in the United States and abroad.

As a result, support for faculty hiring, research, internships, and the like in one area may have benefits for other areas of the Law School's work. For example, funding to recruit a star social scientist would benefit research across the three enabling areas and in other parts of the Law School as well.

The research and policy-formulation aspects of the proposed LaPPS also mesh integrally with the curriculum reform effort described in Part IIA. Both center on cultivating innovative multidisciplinary approaches to problem solving and policy making. By enhancing the Law School's strengths in both areas, we will position it to be one of the country's leading institutions in developing theoretical and applied approaches to the complex problems of the 21st century.

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III. Strategy and Proposed Investments

To achieve the transformative impact sought by James Binger, the Robina Foundation, and the Law School, we will need endowment funds for specialized chairs into which international stars and highly promising mid-career faculty members can be recruited; endowment funds for curriculum reform, public policy clinics, and student internships; and funds for postdoctoral fellows, high-level national conferences and publications, target-of-opportunity research, pilot projects, and, eventually, operating funds for space, administrative staff, travel, equipment, and supplies. In the short term, most of the funding required will have to come from the Law School, the University, and the Robina Foundation. Over the long term, as the Law School's reputation grows, participants in LaPPS will need to attract substantial additional funding from external sources other than the Robina Foundation, something that the leading faculty in each of the three enabling areas has a strong track record of doing successfully in the past.

The sketch that follows assumes that \$2 million in funding will be available in each of the next three years. We propose to leverage Robina Foundation funds through matching contributions from the University and the Law School. Details on each proposal are provided in the pages that follow.

At the end of the initial three-year period, we will evaluate the success of the initial Robina Foundation grants and develop a more detailed budget intended to solidify and build upon the gains of the first three years.



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Summary of Three-Year Robina Foundation Funding

A. Two Robina Research Chairs in Law, Public Policy, and Society:	\$3,000,000
B. Robina Clinical Chair in Law, Public Policy, and Society:	1,000,000
C. LaPPS Research Fund:	900,000
D. Four Robina Capstone Courses:	600,000
E. 50 Law Student Public Policy Internships:	350,000
F. LaPPS Annual Conferences:	150,000
Total over three years:	\$6,000,000

A. Two Robina Research Chairs in Law, Public Policy, and Society: \$3,000,000

The most important, and the most resource intensive, investments we will make in pursuit of the vision outlined above will be in faculty hiring. We anticipate hiring at least two mid-career and two or more star senior faculty members. It is, of course, difficult to predict how quickly we can identify and recruit such faculty members, but we are already in discussions with outstanding mid-career people who would contribute greatly to our envisioned LaPPS program if we can

induce them to join us. Given the funding that may be available in the short term, we propose creating now two endowed Robina Research Chairs aimed at mid-career faculty members. (We will seek additional chairs aimed at more senior faculty after three years.) The chairs would be endowed with Robina Foundation and University funds. The annual proceeds from the chairs' endowments would then be supplemented by annual Law School funding, as follows:

Cost for each chair: \$280,000 per annum

Salary (approximately \$190,000), fringe benefits (approximately \$60,000), associated costs, such as summer research grant, research support, travel (approximately \$30,000)

Funding for each chair:

Robina Foundation: \$1,500,000 (endowment funds)

University match: \$1,500,000 (endowment funds)

Law School: \$145,000 p.a. (\$280,000 - \$135,000 from chair)

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B. Robina Clinical Chair in Law, Public Policy, and Society: \$1,000,000

The Law School seeks to offer its students additional policy-oriented clinical opportunities. A new clinic in human rights, criminal justice, healthcare, or a related area

would complement the other components of the LaPPS program and provide excellent training for students.

Cost: \$175,000 per annum

Salary (approximately \$120,000), fringe benefits (\$30,000), other costs (\$25,000)

Funding:

Robina Foundation: \$1,000,000 (endowment funds)

University match: \$1,000,000 (endowment funds)

Law School: \$85,000 p.a. (\$175,000 - \$90,000 from chair)

C. LaPPS Research Fund: \$900,000

Funding for new or ongoing public policy related research, particularly in the strategic enabling areas of criminal justice, international law and human rights, and health and life sciences will support major research projects on sentencing reform, healthcare, and the like. Faculty would apply to the

Dean for funding with priority going to projects that will generate high visibility and impact, attract external funding, involve law students in substantive roles, and enhance the Law School's reputation as a leading institution for policy formulation.

Cost: \$300,000 per annum

Total over three years: \$900,000

Funding:

Robina Foundation: \$900,000

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D. Four Robina Capstone Courses: \$600,000

The Capstone program will introduce a method of legal education that is unique to the Law School. Each year-long course will address a major present-day legal issue or research problem. The lead professor will

be joined by multidisciplinary experts and working lawyers to give third-year students in-depth and relevant perspectives on the problem and its solutions.

Cost for each course: \$150,000

Restructured teaching load for instructor (\$50,000); interdisciplinary colleagues (\$50,000); teaching assistants, site visits, materials, etc. (\$50,000)

Total cost for four courses: \$600,000

Funding:

Robina Foundation: \$600,000

E. 50 Law Student Public Policy Internships: \$350,000

In the short term, Robina Foundation internships could support a total of about 50 law students for public policy internships for the initial three summers of this proposal. There is no better way to encourage students to

pursue policy oriented careers. Students can get a real taste of what law practice is like in various domains of public policy and public interest law.

Cost per student: \$7,000

Internship support (\$5,000), travel (\$2,000)

Total cost, 50 students: \$350,000

Funding:

Robina Foundation: \$350,000

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F. LaPPS Annual Conferences: \$150,000

The Law School would hold an annual, high-profile conference in one of the three strategic enabling areas. These conferences would attract top scholars; stimulate new re-

search; lead to edited volumes on law, public policy, and society themes; and highlight the Law School's strengths.

Cost: \$70,000 per annum

Total cost over three years: \$210,000

Funding:

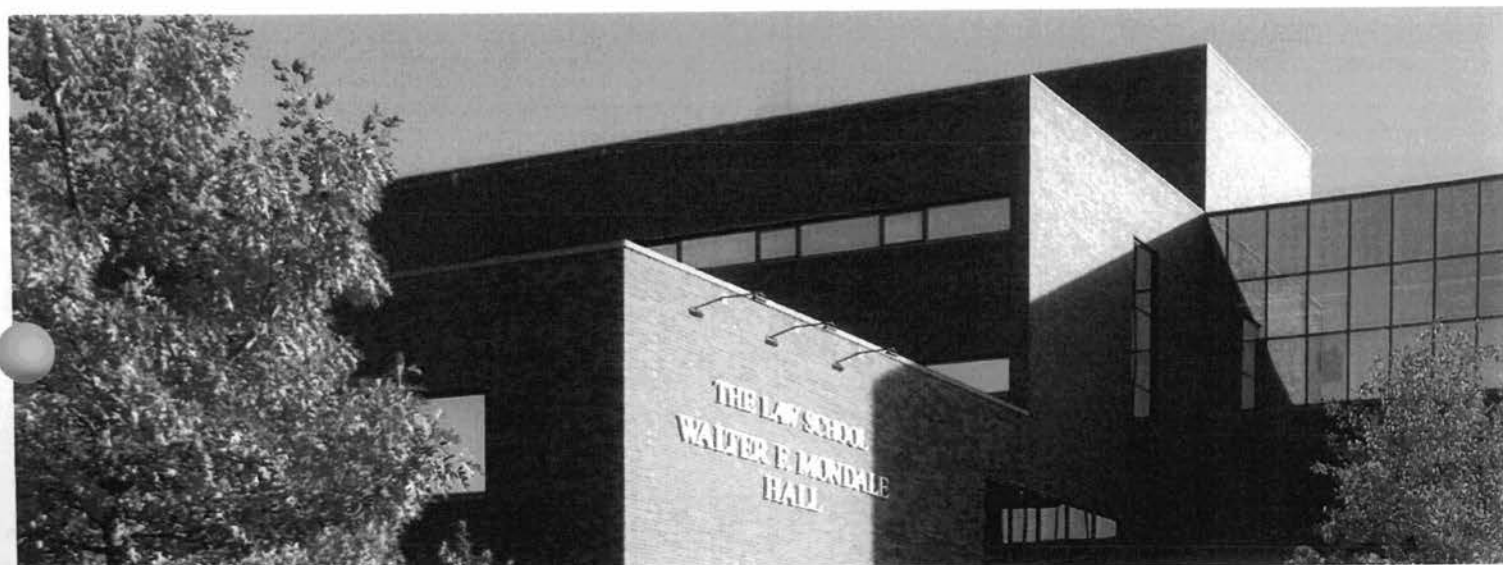
Robina Foundation: \$150,000

Law School: \$60,000

IV. Conclusion

The plan outlined in this proposal will make the University of Minnesota Law School into a national powerhouse on issues pertaining to law, public policy, and society. It will strengthen our faculty, enhance our research and scholarship, and encourage law students to pursue careers in problem solving and policy development. These proposed

contributions to the Law School will be transformative, providing a national model of curriculum reform, training a generation of students in a visionary and pragmatic approach to law, and generating research and policy proposals to solve some of the most pressing problems of the 21st century.



Annual Evaluation Report to the Robina Foundation Program on Law, Public Policy, and Society

August 3, 2010

Executive Summary

Over the course of the past year, we have made substantial further progress towards fulfilling the goals of the Robina-funded Program on Law, Public Policy, and Society (LaPPS). Among other things, we have hired two additional outstanding faculty in LaPPS program areas; launched a series of ambitious new faculty research projects; held two of the contemplated annual public policy research conferences; largely completed the restructuring of the first-year curriculum; funded 17 student human rights and public policy internships; and placed 37 students in an innovative new post-J.D. fellowship program.

Perhaps most importantly, we have integrated the LaPPS program into our draft Strategic Plan. The Plan has been under development for the past 18 months and will go to the faculty for adoption in October. The Plan has three principal goals: 1) development of a new model of legal education and research with particular strengths in four strategic enabling areas; 2) enhanced alumni engagement; and 3) transitioning the Law School to financial independence. The LaPPS program is at the core of the first goal since three of the four areas we have targeted for future investment are the three LaPPS strategic enabling areas: international law, law and science, and criminal law. (The fourth area in the Strategic Plan is corporate law and finance.)

In short, we continue to view LaPPS as a critical investment in the Law School's future. Robina funding has enabled the Law School to hire outstanding new faculty despite state funding cuts, leverage additional resources from the central University, focus Law School energy and attention on building existing areas of strength, and begin to develop a model of legal education and scholarship that we hope will serve as an inspiration to others.

In the next few years, we hope to augment and integrate the various components of LaPPS. By creating arcs to excellence in each of the three LaPPS program areas, we hope to attract outstanding students, provide them access to top faculty, offer them a rich curriculum with related clinical, capstone, and other experiential learning opportunities, fund field-related summer internships, and help them pursue exciting field-related careers on graduation. At the same time, by building centers of excellence in international law, criminal law, and law and science, we aim to foster path-breaking research and build international faculty networks that can help resolve pressing social problems in each of the three LaPPS program areas.

We are excited about progress to date and grateful to the Foundation for making it possible.

1. Original Goals and Objectives

The Program, as described more fully in our June 20, 2008 proposal, seeks to make the Law School a recognized leader in developing innovative solutions to problems at the intersection of law, public policy, and society. The Program has two central and related objectives:

- A. to leverage our existing strengths in criminal law, international law, and science and technology to broaden our ability to generate cutting-edge, policy-relevant research, scholarship, and community outreach; and
- B. to transform the Law School's curriculum and teaching mission in ways that will enable our graduates to be more effective at developing multidisciplinary solutions to complex social problems.

A. Building on Existing Strengths in Criminal Justice, International Law and Human Rights, and Law and Science

The Law School already has an extraordinary concentration of top scholars in international law and human rights, law and science, and criminal law. Each area provides exceptional opportunities for research vital to the resolution of complex social and economic problems; each is fundamental to work being done in related areas and complements strengths elsewhere in the University and the community; and each offers prospective students a challenging and distinctive career track.

By building strengths in these three areas (and, in accordance with our Strategic Plan, in corporate law), the Law School will enhance its ability to contribute to national and international policy debates on key issues; faculty with interests in these areas will seek out Minnesota as a place to work with outstanding colleagues and students; students will be attracted to Minnesota as an affordable place to combine an outstanding general education with a progressive specialization leading to clearly defined career opportunities; employers will identify Minnesota as a place to find talented and uniquely trained graduates; and alumni and community members will identify with a rising institution that contributes to the community and places its graduates in leadership roles in both the public and private sectors.

Specific goals originally identified for the LaPPS Program include:

- hire one or more new faculty members in each of the three fields of strength, to complement our existing faculty and stimulate new ideas and research through faculty interaction;
- foster cutting-edge public policy-oriented research, particularly in criminal law, international law, and law and science (especially health and life sciences); and
- hold annual high-profile conferences in one or more of the three strategic enabling areas that attract top scholars, stimulate new research, and generate new publications to disseminate conference findings to maximize policy and scholarly impact.

B. Transformation of Curriculum and Teaching

As noted in our June 2009 annual report, the Law School has already implemented major changes to our curriculum, particularly in the formative first year. These innovations place the law school at the forefront of a small group of leading law schools undertaking to lead the transformation of legal education nationally and internationally. Robina support of a new human rights clinic, new capstone courses, public policy internships, and post-J.D. fellowships forms an essential part of the Law School's effort to transform legal education through experiential learning aimed at better preparing students to solve the complex problems of contemporary law and society.

As before, the goals of these changes include:

- to integrate professional values, ethics, and lawyering skills throughout the Law School curriculum, and increase opportunities for skills development in both simulated and live-client settings;
- to educate students in a progressive arc about the full range of lawyering concepts, beginning with basic lawyering skills and legal doctrine and proceeding through advanced theory and highly complex problem-solving strategies;
- to promote collaboration, particularly interdisciplinary collaboration, both within the Law School and among University departments;
- to highlight the ways in which law can be original and transformative, in drafting, application, and interpretation; and
- to emphasize the professional values of social responsibility and public service.

2. Progress in Meeting Program Goals

The LaPPS Program is well under way. It has enabled the Law School to build on its strengths and initiate substantial new research on public policy issues and has helped stimulate an extraordinary set of curricular and teaching reforms.

A. Progress on Building on Existing Strengths in Criminal Law, International Law and Human Rights, and Law and Science

Robina Research Chairs in Law, Public Policy, and Society

As indicated in our June 20, 2008 proposal and subsequent correspondence, we set as a goal hiring two star faculty members to fill the Robina LaPPS chairs and to help us become one of the country's leading centers for innovative work on complex law and public policy problems. In the first year of the LaPPS Program, we hired John Borrows, one of North America's leading experts on indigenous rights and comparative constitutional law. John complements an already exceptionally strong group of faculty who work in the area of international law and human rights.

This year, we hired Antony Duff, who is widely regarded as perhaps the world's leading authority on the philosophy of the criminal law. In a recent issue of Perspectives, we described Antony as follows:

FACULTY PERSPECTIVE

New 2010 Faculty Member

Criminal law expert Antony Duff joins faculty

> **Antony Duff, a distinguished** criminal law researcher and philosopher, will join the Law School faculty as a tenured professor beginning fall semester 2010. He comes to Minnesota from the Department of Philosophy, University of Stirling, Scotland.

Duff is widely recognized for his influential writings on criminal law theory, among them *Intention, Agency, and Criminal Liability* (Blackwell, 1990), *Criminal Attempts* (Oxford, 1996), and *Answering for Crime: Responsibility and Liability in the Criminal Law* (Hart, 2009). He is also a leading scholar in punishment theory and philosophy and has written such landmark books as *Trials and Punishments* (Cambridge, 1986) and *Punishment, Communication, and Community* (Oxford, 2001).

At Stirling, Duff and colleagues recently completed a three-year interdisciplinary project examining the nature, function, and normative underpinnings of the criminal trial, funded by the U.K.'s Arts and Humanities Research Council (AHRC). The project produced the three-volume book series *The Trial on Trial* (Hart 2004, 2006, 2007). In 2008, the AHRC also funded a four-year follow-up project on criminalization.

Duff joined Stirling in 1970 following graduate work at the University of Oxford and a year of teaching at the University of Washington, Seattle. He has taught philosophy of law, moral philosophy, philosophy of action, and themes in Aristotle's ethics.

He is founding co-editor of the journal *Criminal Law and Philosophy* and of the Oxford University Press book series *Studies in Penal Theory and Philosophy*. He is a member of the AHRC



Antony Duff delivering Law School's 2009 Dewey Lecture on the Philosophy of Law

Peer Review College, and he chaired the philosophy sub-panel of the 2008 Research Assessment Exercise of the Higher Education Funding Councils, which fund British universities.

With Antony joining the faculty this fall, we will have one of the strongest groups of criminal law faculty in the country, with particular expertise on sentencing policy and a growing strength in criminal law theory. Antony's anticipated arrival this fall has galvanized a wide range of new policy-related work; he has already begun to collaborate actively with other faculty here to produce path-breaking books, articles, and policy reports. In November, Antony will convene a handful of scholars at the forefront of criminal law theory to participate in a Roundtable on the Future of Criminal Law and to consider the establishment of an international network of the world's leading criminal law theorists to address critical contemporary challenges to criminal law. In the spring, he will co-convene a conference bringing together 30 of the world's leading criminal law and human rights experts to explore cross-disciplinary understandings of human dignity and its implications for human rights, criminal law, and humanitarian law and to lay the foundations for future work in this field.

We are currently conducting a national search to find a star lateral that we could hire in the area of law and science. Our appointments committee has assembled a list of prospective candidates, and one candidate in whom we have a particular interest will interview here in October.

In the course of our law and science search last year, we identified Hari Osofsky as a rising star in the area of international environmental law. Although too junior to fill a Robina chair, Hari was an ideal person to help build a bridge between two of our areas of emphasis – international law and law and science. We recruited Hari from Washington & Lee, and she will serve as an Associate Director of the Consortium on Law and Values in Health, Environment & the Life Sciences. The Consortium, directed by law faculty member Susan Wolf, brings together 17 centers from around the University to produce cutting edge work at the intersection of law and science. Although the Consortium has focused principally on issues relating to law and health, Hari will take responsibility for expanding the Consortium's work in areas dealing with law, geography, and the environment. Hari's CV is attached as Appendix I.

As mentioned in our last annual report, we have been exploring a cluster hire strategy in the criminal law area, with the idea that we might subsequently pursue a similar strategy in law and science and international law. A year ago, we identified several of the world's top criminal law scholars with the goal of hiring, on a 50% time basis, two or three of these scholars either simultaneously or in close succession. We anticipated that the attraction of working with each other and with the other top criminal law scholars already on our faculty might tip the balance of consideration in favoring of joining us. We also believed that gathering a concentration of outstanding scholars in a particular field would spark new ideas and projects and lead to breakthroughs in research and policy formulation. Although we succeeded in hiring Antony Duff, the other two scholars we approached were not able as yet to commit to a 50% time arrangement. However, we are exploring with them the idea of regular and coordinated shorter-term visits, timed to coincide with major conferences or other activities that will allow us to capture some of the synergies implicit in bringing together a concentration of leading scholars in the field.

In line with this approach, Sir Andrew Ashworth, who holds the Vinerian Chair at All Souls College, Oxford, and is without dispute one of the world's top criminal law and procedure scholars, will spend ten days here this fall and participate in a major international criminal law conference and a series of other events. We hope to make this a regular visiting arrangement and to do the same with Professor Nicola Lacey, also now at All Souls College and a leading criminal law and feminism scholar, who visited us this spring. Eventually, we hope one or both might be able to join us permanently.

Robina Clinical Chair in Law, Public Policy, and Society

As reported last year, after an extensive national search, the Law School hired Jennifer Green, formerly a lead attorney with the Center for Constitutional Rights, to develop a human rights clinic. Jennie has been co-counsel or lead attorney in many of the most important human rights cases in the last fifteen years. She launched this year a very successful human rights clinic. In addition to her work on the clinic, Jennie has been working on a series of amicus curiae briefs on human rights cases, including one to the U.S. Supreme Court, presenting lectures at various law schools, attending experts meetings on corporate accountability for human rights violations, serving as an expert witness on child

sexual abuse under international law, and conducting research for articles on gender-based human rights violations under customary international law.

Robina-supported Faculty Public Policy Research

This year, the Law School solicited proposals from faculty for additional policy-related research projects that will have high visibility and impact, attract external funding, involve law students in substantive roles, and enhance the Law School's reputation as a leading institution for law and public policy. Preference was given to projects that relate to criminal justice, international law and human rights, or law, science, and technology.

New funded projects include:

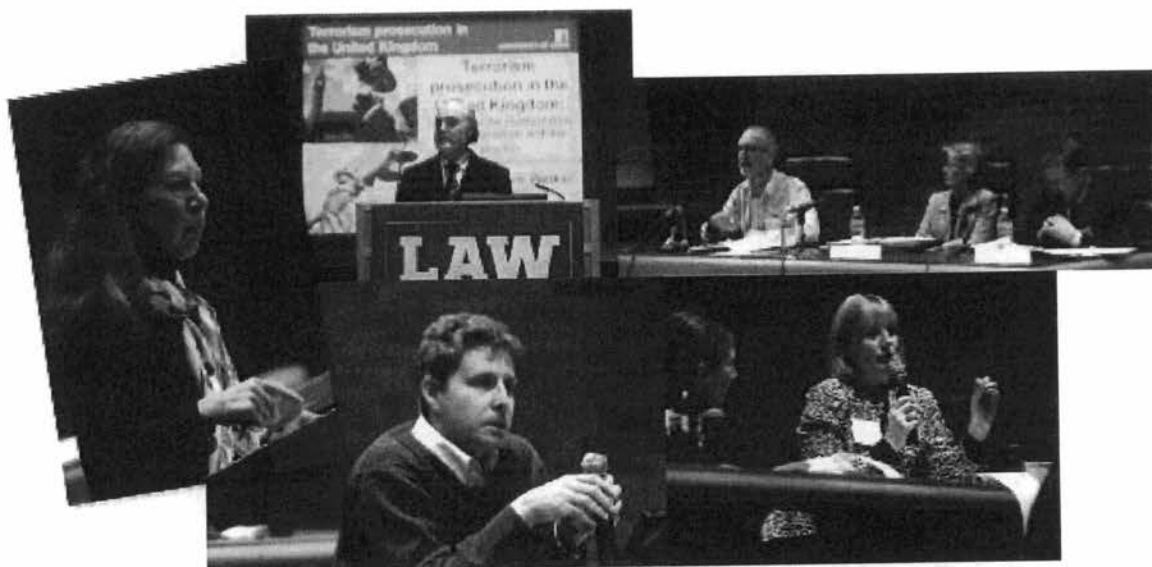
1. *Criminal Law*. Starting in November, the Law School will hold a series of conferences to bring together leading scholars to discuss drafts of books on criminal justice policy being written by Law School faculty. At present, four "books in progress" are scheduled to be presented, one each in November, March, April, and May.
2. *Criminal Law/International Law*. Professors Antony Duff and Fionnuala Ni Aolain are hosting a major symposium this fall on Human Dignity and the Criminal Law. This conference will take advantage of the Law School's exceptional strengths in both criminal and international law. Symposium papers will be published in an edited volume. The Law School is also hosting a separate one-day conference on Criminal Law and International Human Rights in September 2010, with a keynote address by Moreno Ocampo, the Prosecutor of the International Criminal Court.
3. *International Law*. Professor Michele Goodwin will be conducting further empirical research on human trafficking, focusing on young women trafficked into domestic partnerships in India, South Africa, and the Philippines. Professor Greg Shaffer will lead a group of faculty in law, sociology, and political science to study and compare the structure and coherence of transnational legal orders in human rights law, trade, and international business. The project should lead to a 3-4 day book conference involving major scholars from all three disciplines.
4. *International Law/Law and Science*. Professors Claire Hill and Fionnuala Ni Aolain will host a symposium in spring 2011 on National Security, Human Rights, and the "Other." The symposium will bring together experts from law, neuroscience, and psychology to examine how different understandings of the "other" influence human rights protections in different contexts.

Robina Public Policy Annual Conferences

The Law School held two major, Robina supported conferences this year. In October, the Law School held a major conference on Exceptional Courts and Military Commissions, and in April, the Law School held a major conference on Human Trafficking. They are described below.

AT THE LAW SCHOOL

Exceptional Courts and Military Commissions Conference



Clockwise, from left: Rebecca Snyder ('96) of Navy-Marine Corps Appellate Defense Division; Prof. Clive Walker of Leeds Law School; Prof. Colin Campbell of Transitional Justice Institute; Prof. Barbara Frey of Minnesota's Institute for Global Studies; and Dean John Jackson of University College Dublin School of Law; Prof. Haiman N. Aolam of Minnesota; and Prof. Yuval Shany of Hebrew University.

> On October 22 and 23, leading U.S. and international scholars, policy-makers, and nongovernmental organization representatives gathered at the Law School. Their focus was the use of special courts and military tribunals by democratic states to respond to terrorism and politically motivated violence. Their presentations and discussions examined the successes, failures, and limitations of such courts.

The conference began with an examination of historical and contemporary perspectives on exceptional courts, chaired by Gabor Rona, International Legal Director of Human Rights Fund, and featuring Law School Professors Carol Chomsky and Open Gross and Professor David Glazer of Loyola Law School.

Robin Phillips of Advocates for Human Rights led the discussion of where we are and where we're going,

which included Professor William Banks of Syracuse Law, Joanne Mariner of Human Rights Watch, and Professor Steve Vladeck of American University.

"Exceptional Courts in Other Places: Comparative Experiences," chaired by Law School Professor Fred Morrison, featured Professor Colin Campbell of the Transitional Justice Institute, University of Ulster; Minnesota Professor Barbara Frey; and John Jackson of the University College Dublin School of Law.

Law School Professor Jennie Green chaired the discussion by Professor Steven Greer of the U.K.'s Bristol Law School, Professor Yuval Shany of Hebrew University, Law School Professor David Weissbrodt, and Jamie Williamson of the International Committee of the Red Cross. The session was entitled "International Exceptionalism and What International Law Demands of Courts."

October 23 sessions began with a discussion of comparative experiences by Professor Andrea Pető of Hungary's Central European University; Professor Kent Roach of Toronto Law School; Minnesota Professor Kathryn Sikkink; and Professor Clive Walker of the U.K.'s Leeds Law School.

The final session, "The Rule of Law, Lawyers, and Thinking Forward," featured Dr. Sarah Mendelson of the Center for Strategic & International Studies, Law School Professor and conference organizer Haiman N. Aolam, and Rebecca Snyder ('98) of the Navy-Marine Corps Appellate Defense Division.

The conference was sponsored by the Robina Foundation, the Office of International Programs, and the Law School in conjunction with the University of Ulster's Transitional Justice Institute.

AT THE LAW SCHOOL

Roundtable Takes Hard Look at Human Trafficking



Prof. Michele Goodwin leading discussion on human trafficking



Prof. Maria Grabin-Farley, Albany Law School, delivering address on trafficking and children

> **Experts in human trafficking,** international criminal law, international children's issues, victimized populations, and other human rights fields assembled at the Law School on April 2 for the 2010 International Roundtable on Human Trafficking, the first in a human trafficking series organized by Michele Bratcher Goodwin, Everett Fraser Professor of Law. Goodwin, convenor of the roundtable, also holds joint appointments at the University of Minnesota Medical School and School of Public Health and is a prolific author and researcher on such issues as reproductive law, medical tourism, organ transplantation, law and status, and socioeconomic in medicine.

Roundtable participants engaged students, scholars, legal practitioners, and community members in dynamic discussions about a variety of issues, including international drug and sex trafficking, trafficking of human tissues, and the dark side of adoption. Some participants also shared moving personal experiences. Luz E. Nagle, Stetson University College of Law, for example, told of surviving assassination attempts as a judge in Colombia, and David M. Smolin, Cumberland School of Law, described the painful discovery that his adoptive daughters had been trafficked—essentially stolen from their mother in India.

Legal practitioners who work with

trafficking victims and survivors in Minnesota, including Beatriz Menanteau from the Women's Human Rights Program of The Advocates for Human Rights and Linda Miller from Civil Society, highlighted obstacles to justice in local trafficking cases. In attendance were local women who had once been trafficked—a testament to their endurance and perseverance as well as a unique opportunity to put a face on human trafficking in Minnesota.

Sara Dillon, Suffolk University Law School, articulated the effects of sex trafficking on women and children. Maria Grabin-Farley, Albany Law School, argued for legal alternatives to current legislation that targets trafficking victims, and Song Richardson, DePaul University College of Law, led participants in crafting new definitions and ways of reconciling the language of trafficking.

Harriet A. Washington, author of the award-winning *Medical Apartheid: The Dark History of Medical Experimentation on Black Americans from Colonial Times to the Present*, made historical connections to the racially skewed medical demand for human tissues and current problems in medical research. In addition, Emma Christopher, Australian Research Fellow at the University of Sydney and Gilder Lehrman Fellow at Yale University, offered

a historical perspective of current human trafficking issues by tracing the effects of the transatlantic slave trade on modern-day African families.

The roundtable concluded with a discussion of troubling racial imagery—caricatured depictions of dark-skinned blacks with exaggerated eyes and lips and over-sexualized women—in a photo exhibit of items being sold to tourists in the Cuban marketplace.

The international human trafficking series intends to address what the Obama administration calls "the fight against human trafficking" (see www.state.gov/secretary/rm/2009a/06/125009.htm) by examining trafficking in its many manifestations. Members of the scientific committee involved with the series are Professors Song Richardson, DePaul University College of Law; Elizabeth Sussekund, Catholic University of Rio de Janeiro; Dorothy A. Brown, Emory University Law School; Glenn Cohen, Harvard Law School; Abbe Gluck, Columbia University Law School; and Mary Summerling, Weill Cornell Medical College.

The next meeting will be in Brazil in May 2010, with Professor Goodwin leading a discussion on international organ trafficking issues. The series is supported, in part, by a grant from the Robina Foundation.

By Nicole L. Wasser Watson, CLU



One of several photographs by Prof. Michele Goodwin capturing images of typical racialized craft items promoted widely to tourists in Cuba. >

B. Progress on Curriculum and Teaching

Overview

As outlined in our last annual report, the Law School has launched a new Lawyering Program with a three-stage pedagogical model for integrating the teaching of doctrine, legal skills, values, professional identity and role, and ethics.

Stage 1 incorporates new courses and new course components on Legal Writing, Statutory Interpretation, Professional Responsibility, and Practice and Professionalism (formerly “Work of the Lawyer”). Together, these courses and course components introduce basic concepts and skills to first-year students and lay a foundation for the full integration of theory and practice.

Stage 2 expands students’ opportunities to explore areas of interest and exercise independent judgment. Through externships, pro bono opportunities, and a wide array of courses, students build on what they have learned in the first year, but also confront new professional challenges. Students are introduced to actual clients and the concomitant responsibility of making decisions with real consequences.

Stage 3 adds or amplifies the elements of collaboration, public engagement, social responsibility, and interdisciplinary coordination. Students at this stage have the opportunity to enroll in a clinic, capstone course, or other experiential learning opportunity.

Specific Reforms

During the first year of the LaPPS program, the Law School 1) introduced electives on international law, corporate law, and perspectives on the law into the first year curriculum; 2) piloted Practice & Professionalism with a small group of first-year students; 3) integrated the teaching of professional responsibility into the first year; and 4) added a module on statutory interpretation into the Legal Writing curriculum. This year, the Law School refined many of the new initiatives launched last year and made three major changes:

1. Practice and Professionalism. Practice and Professionalism (formerly “Work of the Lawyer”) became a required first-year, three-credit course. Minnesota is alone among the top-tier law schools to offer an experiential first-year course with a transactional or non-litigation focus that complements (rather than replaces) the usual legal methods curriculum. Students explore conceptual frameworks for lawyers’ professional roles and also meet weekly in groups of ten to develop lawyering skills through simulation exercises. These simulations are conducted by practicing attorneys serving as adjunct faculty.

2. Capstones. This year, the Law School launched three highly successful Robina-supported capstone courses (and two new “policy clinics,” discussed below). One capstone integrated employment law skills, labor law doctrine, and ethics through a complex and highly detailed simulation created with a national advisory committee of law professors and labor and employment attorneys selected by the American Bar Association; the course serves as a model for a national collaborative project with the ABA Section on Labor and Employment

Law. Another capstone engaged students in a multidisciplinary examination of issues surrounding the redevelopment of "brownfield" properties (i.e., real property that has been subject to contamination) through simulations, drafting exercises, and field trips; in addition, each student was paired with both an attorney and an environmental consultant working on brownfields remediation issues. The third capstone turned students into the general counsel of a hypothetical medical device company confronted with a series of unexpected problems (e.g., the arrival of mock federal agents to serve grand jury subpoenas on company executives). All three capstones addressed complex law and policy issues and used a combination of simulation, interdisciplinary team-teaching, and discussion methodologies to offer a unique learning experience. Students almost uniformly found the capstones to be among the best, and the most challenging, learning experiences they have ever had. A more detailed description of the capstones and policy clinics appears in Appendix II, a report prepared by the capstone faculty for discussion with the full faculty.

3. *Clinics.* The Law School also launched this year two new "policy clinics." Unlike conventional clinics, which typically involve direct representation of clients in courts and other fora, the policy clinics focus on policy-oriented project work for public or nonprofit entities. These courses were treated as clinics rather than capstones because the primary learning experience comes through real-world interaction with policy makers rather than simulations. One clinic focused on domestic violence, the other on zoning and land use issues.

In addition, the Law School this year launched its new Robina-supported Human Rights Clinic. Clinic students worked on a range of projects: 1) an amicus curiae brief in an appeal to the U.S. Court of Appeals for the District of Columbia in *Doe v. Exxon*, a major national human rights case; 2) representation of immigrants at deportation proceedings in Immigration Court in Bloomington, Minnesota; 3) work with Advocates for Human Rights and the Center for Victims of Torture to investigate legal remedies for immigrants in detention in Minnesota; 4) a Violence Against Women Act petition for a Chinese immigrant to remain in the United States after her marriage to a U.S. citizen became abusive; and 5) advocacy to the United Nations for increased funding for victims of sexual violence following the January 2010 earthquake in Haiti.

C. Progress on Student Internships and Post-JD Fellowships

This year the Law School funded ten Robina Human Rights internships and seven Robina Public Policy internships. We believe there is no more effective way to inspire law students to undertake a career in public service than to give them a taste of public policy and/or human rights work. Also, such practical experiences give students the contacts and first-hand knowledge so important for career and public service opportunities. Offering these internships and fellowships provides a form of experiential learning that meshes with the LaPPS emphasis on training the next generation of leaders with the skills to address complex public policy problems. Appendix III describes the individual internships and host organizations.

In addition, the Law School launched a new, post-J.D. fellowship program. This program was designed to assist recent Law School graduates to gain practical experience working at a non-profit organization or a government agency on public policy issues. Each fellowship carried a \$5000 stipend. We placed 37 students from the class of 2009 who were unable to find

permanent employment on graduation. We anticipated that the fellowships would provide valuable experience to the students and valuable assistance to the nonprofits and the community. Moreover, we hoped the fellowships would provide a bridge to more permanent employment. We allocated \$185,000 of Robina internship funding for this purpose. The program was deeply appreciated by the graduates and the organizations they served. Appendix IV identifies the participating organizations and indicates whether the graduates were able to find full-time employment following the conclusion of their fellowships. To date, approximately 2/3 of the 37 students have found such employment.

We have just begun accepting applications for these fellowships and expect to place roughly the same number of post-JD fellows from the class of 2010, starting this fall.

3. Unanticipated Results and Program Changes

So far, the LaPPS Program has largely taken shape as we had anticipated. Most of the curriculum reforms have been launched, the faculty research projects are all well under way, and two of the three chairs contemplated under our original proposal have been filled. Accordingly, we are very pleased with progress so far.

One area where we have encountered unanticipated difficulty involves the new, required Practice and Professionalism course. The course is three hours a week, divided into two tracks. Track I provides two hours per week of lawyering theory; Track II is one hour per week of adjunct-supervised simulated lawyering exercises. Students love track II but, if they do not hate, they clearly dislike Track I. In part, this stems from what has been termed the “homeless knowledge” problem. In Practice and Professionalism, students learn concepts and skills that will be put to use in largely unfamiliar settings at a later time. Even when that “later time” is just a few days later, in Track 2, they have difficulty making the connections.

To address this problem, we are making significant changes to Track I. Most importantly, we will be devoting a substantial portion of the time in the Track I class to evaluating and discussing the simulations from the preceding Track II class and to prepare students, through small group discussion and brainstorming, for the simulations in the upcoming Track II class. This should help students see the connections between the theory and practice of lawyering.

One issue that has arisen in connection with the capstone courses has been the difficulty in balancing the resource-intensive nature of the capstones with the needs of the overall curriculum. The capstones have proven to be extraordinary learning opportunities for the students and faculty who participate. Because the capstones are time-intensive for faculty, they receive 4-5 credits (40-50% of their teaching load) for what of necessity must be a small class. These constraints make it very difficult to expand significantly the number of capstones offered. We are exploring ways to shift some of the teaching load to adjuncts (who already play a major role in each capstone) but ultimately more capstones will require a larger faculty.

4. Sharing Results and Findings

In the wake of the Carnegie report, Minnesota’s curriculum reforms have generated considerable interest nationally. In the first LaPPS year, the program was spotlighted at a half dozen

curriculum workshops from Seattle to Cambridge. This year, we offered a series of additional presentations to faculty from other schools, covering developments in four key areas: programmatic innovation; teaching methodologies; assessment; and infusion of professional responsibility into the curriculum. In April we hosted a curriculum and development roundtable on "Challenges in Constructing and Reconstructing Experiential Education Programs." Papers presented at the roundtable will be disseminated through multiple on-line forums in October. Sponsors of the web-based forums include the Social Science Research Network, Best Practices in Legal Education, and the University of Minnesota. In May, Professors Nancy Cook and Perry Moriearty led a session at the annual Association of American Law Schools Clinical Law Teaching Conference to encourage reflection on curricular innovation in clinical teaching. In June, Professor Laura Cooper described the labor and employment law capstone to The Labor Law Group, an international organization of labor and employment law professors. Next month, the Law School will host ten legal educators from across the country who are developing strategies for disseminating information about and cultivating best practices in law school curricular innovations. Beginning in January, this group will be training consultants in curricular development.

The faculty research projects and conferences described above will be shared through the more conventional means of publication in books and articles. In addition, some of the conference proceedings have been videotaped and made available on the Law School's web site.

5. Income and Expense Statement

The income and expense statement requested is attached to this report as Appendix V.

6. Additional Funders

Funding for the Robina research and clinical chairs combines Robina funding, Law School operations funds, and \$4 million in University of Minnesota matching funds on the timeline indicated in our original proposal and subsequent correspondence. In addition, some of the conferences referenced above have attracted modest amounts of third-party funding, as noted in our prior annual report.

* * *

As the Law School looks ahead, we hope to make LaPPS a central component of our Strategic Plan. The Law School already offers an outstanding comprehensive legal education that integrates legal theory, doctrine, and practice, and prepares students to be skilled, motivated, visionary and ethical leaders in the legal profession. As part of a land grant university, the Law School also has a long tradition of public service, through its scholarship, teaching, and outreach.

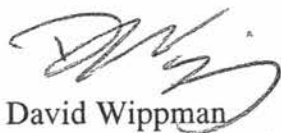
In keeping with that history, the Law School intends, by building on its existing strengths, to make signature contributions to legal education and policy formation in each of the three LaPPS areas – international law, criminal law, and law and science. We aim to do this in part by building arcs to excellence for students in each of those areas. Thus, in international law and

human rights, for example, we hope to create a continuum from recruitment to placement that will make the Law School one of the leading centers in the country for training international lawyers and human rights advocates. Specifically, the Law School will seek to attract top students interested in international law and human rights with new scholarships, provide them access to first-rate faculty and a complete range of international law and human rights courses, offer them an expanded range of international law clinics and other experiential learning opportunities, find them exciting summer internships with international businesses, law firms, and human rights organizations, and place them in international law related positions upon graduation. We hope to create similar arcs in law and science and criminal law.

As part of this transformation, we hope to expand experiential learning opportunities by adding new clinics, capstones, externships, and post-JD fellowships. By 2015, we would ideally like to be able to require every student to take at least one clinic, capstone, or externship with the longer-term objective of enabling every student to take at least two such courses. We would also like to incorporate skills-based exercises into at least half of all first-year sections. This will deepen the engagement of faculty and students in experiential learning and create a defining educational experience for our students.

Building these new arcs to excellence requires building world-class concentrations of faculty in each of the three program areas. In doing that, we can position the Law School to make fundamental and transformative contributions in each area. Among other things, we can make Minnesota a center for national and international networks of scholars interested in collaborative work on pressing social problems at the heart of each discipline.

I would be happy to provide additional detail on all of the projects described above if that would be helpful to the Board. Again, we are very grateful to Jim Binger and to the Foundation for the opportunity to launch the LaPPS Program.



David Wippman
Dean and William S. Pattee Professor of Law

Appendices

Hari Michele Osofsky

Washington and Lee University School of Law
Lewis Hall #4006
Lexington, Virginia 24450

(540) 458-8259 (tel)
(540) 458-8488 (fax)
osofskyh@wlu.edu (email)

Current Academic Position

Washington and Lee University School of Law, Lexington, VA 2008–Present
Associate Professor

- Teach *Property*, *Climate Change Litigation Practicum*, and *Climate Change and Environmental Law Seminar*.

Education

Yale Law School J.D., June 1998

- **Felix S. Cohen Prize** for the best student paper relating to legal philosophy
- **Khosla Memorial Fund Prize** for the student who best demonstrates an active engagement in advancing the values of human dignity in the international arena
- *Yale Law Journal*, Book Reviews Editor (Committee Coordinator)
- *Yale Human Rights and Development Law Journal*, Founder & Editor-in-Chief
- **Environmental Protection Clinic**
- **Lowenstein Human Rights Clinic**, Team Leader
- **Lowenstein International Human Rights Project**, Director

Yale College B.A., *magna cum laude*, May 1993
G.P.A. 3.76; Distinction in both majors, Philosophy and Studies in the Environment

- **Commendation from the President and Fellows of Yale College** for outstanding leadership in the service of the New Haven community
- 44 Public Speaking Honors including: 2nd Place National Team of the Year; National Championships, 6th Place Speaker; North-American Championships, 12th Place Team

University of Oregon Ph.D. Student, Geography

- Coursework and research focuses on law and geography, with specific emphases on the contours of interdisciplinary interaction and on climate change

Scholarly Writing

Books

- HARI M. OSOFSKY, WILLIAM C.G. BURNS & LESLEY K. MCALLISTER, *CLIMATE CHANGE LAW AND POLICY* (*Elective Series*) (forthcoming 2011, Aspen Publishers).
- *ADJUDICATING CLIMATE CHANGE: STATE, NATIONAL, AND INTERNATIONAL APPROACHES* (William C.G. Burns & Hari M. Osofsky, eds.) (2009, Cambridge University Press).

Articles

- Hari M. Osofsky, *Diagonal Federalism and Climate Change: Implications for the Obama Administration*, __ ALABAMA L. REV. __ (forthcoming 2010).
- Hari M. Osofsky, *Is Climate Change "International"?: Litigation's Diagonal Regulatory Role*, 49 VA. J. INT'L L. 585 (2009).
- Hari M. Osofsky, *The Geography of Justice Wormholes: Dilemmas from Property and Criminal Law*, 53 VILLANOVA L. REV. 117 (2008).
- Hari M. Osofsky, *The Geography of Climate Change Litigation Part II: Narratives of Massachusetts v. EPA*, 8 CHICAGO J. INT'L L. 573 (2008) (**awarded the Daniel B. Luten Award for the best paper by a professional geographer by the Energy and Environment Specialty Group of the Association of American Geographers**) (selected for the AALS-ASIL 2007 Joint Conference on International Law, Works-in-Progress Session).

- Hari M. Osofsky, *Climate Change Litigation as Pluralist Legal Dialogue?*, 26 STANFORD ENVTL. L.J. & 43 STANFORD J. INT'L L. 181 (2007) (Joint Issue) (Selected for Stanford Climate Symposium) (**runner-up for *Land Use and Environment Law Review's* compilation of the top land use and environmental law articles of 2007**).
- Hari M. Osofsky, *The Geography of Climate Change Litigation: Implications for Transnational Regulatory Governance*, 83 WASH. U. L.Q. 1789 (2005) (actual publication in 2006) (**runner-up for *Land Use and Environment Law Review's* compilation of the top land use and environmental law articles of 2006**).
- Hari M. Osofsky, *Learning from Environmental Justice: A New Model for International Environmental Rights*, 24 STANFORD ENVTL. L.J. 71 (2005).

Essays

- Hari M. Osofsky, *Climate Change and Environmental Justice: Reflections on Litigation over Oil Extraction and Rights Violations in Nigeria*, 2 JOURNAL OF HUMAN RIGHTS AND THE ENVIRONMENT __ (forthcoming 2010) (solicited; accepted through peer review process).
- Hari M. Osofsky, *The Continuing Importance of Climate Change Litigation*, __ CLIMATE LAW __ (forthcoming 2010) (solicited; accepted through peer review process as lead article of inaugural journal issue).
- Hari M. Osofsky & Janet Koven Levit, *The Scale of Networks: Local Climate Change Coalitions*, 8 CHICAGO J. INT'L L. 409 (2008).
- Hari M. Osofsky, *A Law and Geography Perspective on the New Haven School*, 32 YALE J. INT'L L. 421 (2007) (selected for Yale Journal of International Law Young Scholars Conference).

Book Chapters and Shorter Symposium Articles

- Hari M. Osofsky, *Dispute Resolution Processes*, in INTERNATIONAL LAW IN THE ERA OF CLIMATE CHANGE (Rosemary Rayfuse & Shirley V. Scott, eds.) (forthcoming 2011, Edward Elgar).
- Hari M. Osofsky, *Multiscalar Governance and Climate Change: Reflections on the Role of States and Cities at Copenhagen*, __ MARYLAND J. INT'L L. __ (forthcoming 2010).
- Hari M. Osofsky, *The Future of Environmental Law and Complexities of Scale: Federalism Experiments with Climate Change under the Clean Air Act*, __ WASH. U. J.L. & POL'Y __ (forthcoming 2010).
- Hari M. Osofsky & Janet Koven Levit, *Local Climate Regulation: Challenges at the Public/Private Intersection*, in THE PUBLIC NATURE OF PRIVATE PROPERTY (Robin Paul Malloy & Michael Diamond, eds.) (forthcoming 2010, Ashgate Publishing).
- Hari M. Osofsky, *Scaling "Local": The Implications of Greenhouse Gas Regulation in San Bernardino County*, 30 MICH. J. INT'L L. 689 (2009).
- Hari M. Osofsky, *The Intersection of Scale, Science, and Law in Massachusetts v. EPA*, 9 OREGON R. INT'L L. 233 (2007) (actual publication 2008) (Symposium Issue) (reprinted in ADJUDICATING CLIMATE CHANGE: STATE, NATIONAL, AND INTERNATIONAL APPROACHES (William C.G. Burns & Hari M. Osofsky, eds.) (2009, Cambridge University Press)).
- Hari M. Osofsky, *The Right to Frozen Water: The Institutional Spaces for Supranational Climate Change Petitions*, in PROGRESS IN INTERNATIONAL INSTITUTIONS: CONFRONTING THE 21ST CENTURY (Rebecca Bratspies and Russell Miller, eds.) (2008, Martinus Nijhoff).
- Hari M. Osofsky, *Climate Change Legislation in Context*, 102 NW. U. L. REV. COLLOQUY 245 (2008).

- Hari M. Osofsky, *Local Approaches to Transnational Corporate Responsibility: Mapping the Role of Sub-National Climate Change Litigation*, 20 PAC. MCGEORGE GLOBAL BUS. & DEV. L.J. 143 (2007) (Symposium Issue).
- Hari M. Osofsky, *The Inuit Petition as a Bridge?: Beyond Dialectics of Climate Change and Indigenous Peoples' Rights*, 31 AM. INDIAN L. REV. 675 (2007) (Symposium Issue) (reprinted in ADJUDICATING CLIMATE CHANGE: STATE, NATIONAL, AND INTERNATIONAL APPROACHES (William C.G. Burns & Hari M. Osofsky, eds.) (2009, Cambridge University Press)).
- Hari M. Osofsky, *The Geography of the North American Commission for Environmental Cooperation's Citizen Submissions Process: Mapping the State-Corporate Regulatory Dynamic*, 14 MICH. ST. J. INT'L L. 463 (2006).
- Hari M. Osofsky, *Defining Sustainable Development After Earth Summit 2002*, 26 LOYOLA L.A. INT'L & COMP. 111 (2003).

Works in Progress

- HARI M. OSOFSKY, SCALES OF LAW: RETHINKING CLIMATE CHANGE, TERRORISM, AND THE GLOBAL FINANCIAL CRISIS (Prospective Monograph) (selected for New Voices Presentation at American Society of International Law 2009 Annual Meeting).
- Hari M. Osofsky, *Multi-Dimensional Environmental Federalism: A Law and Geography Approach* (Prospective Article).
- Hari M. Osofsky, *Geoengineering Climate Change? A Proposal for a Legal Framework* (Prospective Article).
- Hari M. Osofsky, *Rescaling Energy Regulation through Litigation: Issues of Fixity and Fluidity* (invited to submit full draft based on abstract submission to *Annals of the Association of American Geographers*; currently under review) (Prospective Essay).

Student Publications

- Hari M. Osofsky, *Domesticating International Criminal Law: Providing Justice Against Severe Human Rights Violators*, 107 YALE L.J. 191 (1997) (Student Note) (reprinted in LIBRARY OF ESSAYS IN INTERNATIONAL LAW: JURISDICTION IN INTERNATIONAL LAW (1999)).
- Hari M. Osofsky, *Environmental Human Rights Under the Alien Tort Claims Act: Redress for Indigenous Victims of Multinational Corporations*, 20 SUFFOLK TRANSNAT'L L. REV. 335 (1997).
- Hari M. Osofsky, *Foreign Sovereign Immunity from Severe Human Rights Violations: New Directions for Common Law Based Approaches*, 11 NEW YORK INT'L L. REV. 35 (1997).

Other Writing

- HARI M. OSOFSKY, SCORPION SOUP, SOCIAL CHANGE, AND 9-11: MY YEAR OF EATING DANGEROUSLY IN GUANGZHOU (Prospective Book) (Work in Progress).
- Blogger, IntLawGrrls, <http://intlawgrrls.blogspot.com/> (2007–Present).
- Hari M. Osofsky, *A Win for Oregon As Well As the Law*, THE OREGONIAN, April 5, 2007 (Opinion-Editorial).
- Hari M. Osofsky, *Transporting Climate Change: The Local Dimensions of a Global Environmental Problem*, THE NEXT AMERICAN CITY (2006).
- Hari M. Osofsky, *Katrina Disaster Exposes Environmental Injustice*, THE REGISTER-GUARD, Sept. 7, 2005 (Opinion-Editorial).

- Hari M. Osofsky, *Commentary on How to Harmonize Community Autonomy and Administrative Responsibility in Environmental Decision-Making: Environmental Hearing Institutions in Wuhan*, 24 TEMPLE ENV. L. & TECH. J. 225 (2005).
- 2 HUMAN RIGHTS DIALOGUE 11 (Joanne Bauer & Hari M. Osofsky, eds.) (Carnegie Council on Ethics and International Affairs, 2004).
- Hari M. Osofsky, *Environmental Rights Enforcement in U.S. Courts*, HUMAN RIGHTS DIALOGUE (2004).
- Hari M. Osofsky, *Understanding "Hostage Diplomacy": The Release of Wei Jingsheng and Wang Dan*, YALE HUM. RTS. & DEVEL. L.J. (1998) (New Development).
- Hari M. Osofsky, *On-Site Reflections of China's Hong Kong Takeover*, THE TIMES-PICAYUNE, at B-7, July 17, 1997 (Opinion-Editorial).

Previous Academic Positions

- | | |
|--|------------------------|
| University of Oregon School of Law , Eugene, OR | 2005–2008 |
| Assistant Professor (2006–2008); Visiting Assistant Professor (2005–06) | |
| • Taught <i>Property, Climate Change Litigation, Environmental Justice, International Law, and International Trade & Investment</i> . | |
| Whittier Law School , Costa Mesa, CA | 2003–2006 |
| Assistant Professor and Director, Center for International and Comparative Law | |
| • Taught <i>Advanced Topics in International Law, Chinese Law, Environmental Justice, International Environmental Law, and International Law</i> . | |
| Carnegie Council for Ethics and International Affairs , New York, NY | 2003–04 |
| Fellow (Non-Residential) | |
| • Research Project: <i>Learning from Environmental Justice: A New Model for International Environmental Rights</i> | |
| Vermont Law School , South Royalton, VT | Summer 2003; Fall 2002 |
| Visiting Assistant Professor; Summer Faculty | |
| • Taught <i>Environmental Ethics and International and Comparative Environmental Law</i> . | |
| Loyola Law School , Los Angeles, CA | Spring 2003 |
| Adjunct Professor | |
| • Taught <i>Chinese Law</i> . | |
| Sun Yat-sen (Zhongshan) University School of Law , Guangzhou, China | 2001–02 |
| Visiting Scholar; Yale-China Legal Education Fellow; China Law Center Fellow | |
| • Taught <i>U.S. Civil Rights Law</i> , developed and co-taught <i>Colloquium on Clinic Construction and Lawyering Skills</i> and <i>Labor Law Clinic</i> , and researched comparative clinical education. | |
| Yale College of Arts and Sciences , New Haven, CT | Spring 1998 |
| Visiting Lecturer | |
| • Taught Residential College Seminar, <i>Human Rights and the Environment</i> . | |

Other Professional Experience

- | | |
|---|-----------|
| Center for Law in the Public Interest , Los Angeles, CA | 1999–2001 |
| Fellow engaged in public interest impact litigation, with an emphasis on environmental justice. | |
| Judge Dorothy W. Nelson, 9th Circuit Court of Appeals , Pasadena, CA | 1998–99 |
| Law Clerk | |
| Professor Daniel C. Esty, Yale Law School , New Haven, CT | 1997–1998 |
| Research Assistant on international environmental law topics | |
| Teaching Assistant for <i>Environmental Law and Policy</i> | |

Professor Judith Resnik, Yale Law School, New Haven, CT Research Assistant on federalism and complex civil litigation topics Teaching Assistant for <i>Procedure</i>	Fall, 1997
United States Department of State, Washington, D.C. Summer Legal Intern, Office of the Legal Adviser, Political-Military Affairs	Summer, 1997
Hong Kong Human Rights Monitor, Hong Kong Summer Intern monitoring human rights during the governmental transition	Summer, 1997
Global Environment and Trade Study (GETS), New Haven, CT Assistant Director for Programs	1995–97
Professor W. Michael Reisman, Yale Law School, New Haven, CT Research Assistant on international law topics	Spring, 1997
Redress Trust, London, England Intern at Redress Trust researching comparative foreign sovereign immunity	Summer, 1996
FIELD, London, England Intern at the Foundation for International Environmental Law and Development (FIELD) researching trade and environment issues	Summer, 1996
Supportive Children's Advocacy Network (SCAN), New York, NY Part-time Development Assistant to Executive Director	1994–1995
New York City Department of General Services, New York, NY Urban Fellow working on the agency's Quality Management Initiative	1993–1994

Professional Leadership Positions and Other Honors

- Association for Law, Property, and Society: Inaugural Treasurer (2010–Present)
- Association of American Law Schools, Section on International Law: Executive Committee (2009–Present); Section on Property Law: Executive Committee (2006, 2010–Present)
- American Society of International Law: 2010 Annual Meeting, Co-Chair; 2008 Annual Meeting, Program Committee Member; Rights of Indigenous Peoples Interest Group, Co-Chair (2006–2008)
- *Climate Law* (peer-reviewed journal published by IOS Press), Editorial Board Member (2009–Present)
- International Law Association: Committee on the Legal Principles of Climate Change, Member (2009–Present); American Branch—International Law Weekend, Conference Co-Chair (2007 Conference), Organizing Committee Member (2006 Conference); International Law Weekend – West, Conference Co-Chair (2005 Conference); Organizing Committee Member (2007 Conference, 2003 Conference)
- *Journal of Environmental Law and Litigation*: National Advisory Board member (2009–Present)
- Junior International Law Scholars Association: Co-Organizer (2005–2007)
- Reviewer for Aspen Publishers, Cambridge University Press, MIT Press, Sinauer Associates, *Stanford Law Review*, and Stanford University Press
- Society of American Law Teachers (SALT), Board of Governors (2010–Present)
- *Vulnerable Populations and Economic Realities* (Volume forthcoming with Carolina Academic Press), Editorial Board Member (2010–Present)

Other Professional Affiliations and Service

Affiliations

- Admitted to practice before the State Courts of California, the U.S. District Court of the Central District of California, and the U.S. Court of Appeals for the Ninth Circuit.
- Memberships in American Bar Association, American Society of International Law, Association of American Geographers, International Law Association–American Branch, Law and Society Association, Society of American Law Teachers

Public Service

- Climate Legacy Initiative, Consultants Working Group (2008–Present)
- Supervisor of Class Contributions by Climate Change Litigation Practicum and Climate Change and Environmental Law Seminar to Southern Environmental Law Center (2008–Present)
- Woods Creek Montessori Board of Directors (2009–present)
- Advisor to the Western Environmental Law Center on Climate Change Litigation and Supervisor of Class Contributions by Climate Change Litigation seminar to them (2007–2008)
- Lead Counsel on *Amicus Curiae* Brief of International Law Professors and Other International Law Experts in Support of Plaintiffs-Appellants in *Sahu v. Union Carbide Corp.* (with Co-Counsel, Martin Wagner of Earthjustice & Daniel B. Magraw, Jr. of The Center for International Environmental Law)
- Contributor to petition on behalf of the Inuit Circumpolar Conference to the Inter-American Commission on Human Rights regarding climate change
- Supervisor of Environmental Justice class contribution to Earthjustice's Annual Submission to the U.N. Human Rights Commission on Environmental Human Rights (2004–2006)

Law School and University Service

- Washington and Lee University Sustainability Committee (2008–Present)
- Educational Planning and Curriculum Committee, Washington and Lee University School of Law (2008–Present)
- Faculty Advisor, Environmental Law Society, Washington and Lee University School of Law (2008–Present)
- Faculty Advisor, *Journal of Energy, Climate, and Environment*, Washington and Lee University School of Law (2008–Present)
- Faculty Advisor, Jewish Law Students Society, Washington and Lee University School of Law (2009–Present)
- Ad Hoc International Programs Committee, Washington and Lee University School of Law (2008–09)
- Task Force on Law School LL.M. Program, Washington and Lee University School of Law (Spring 2008)
- Curriculum Committee, University of Oregon School of Law (2006–2008)
- Co-Chair, Legal Theory Workshop, University of Oregon School of Law (2006–2008)
- Faculty Advisor, Philip C. Jessup International Law Moot Court Team (2006–2008)
- Faculty Advisor, *Journal of Environmental Law and Litigation* (2007–2008)

- Faculty Advisor, *Oregon Review of International Law* (2005–2008)
- Faculty Advisor, Minority Law Students Association (2006–2007)
- Chair, LLM Committee, Whittier Law School (2004–05)
- Curriculum Committee, Whittier Law School (2004–05)
- Chair, Center for Int'l and Comparative Law Committee, Whittier Law School (2003–05)
- Library and Technology Committee, Whittier Law School (2003–04)

Public Speaking

Scholarly Presentations

- Research Group on the Internationalisation of Law and Department of Public and International Law, University of Oslo Faculty of Law, *The Creation of International Law: An Exploration of Normative Innovation, Contextual Application, and Interpretation in a Time of Flux*, Invited Speaker (Oslo, Norway 2010) (forthcoming).
- AALS Mid-Year Meeting, Property Law, Plenary Panelist, *The Global Warming Crisis: Property Law* (New York, NY 2010) (forthcoming).
- Law and Society Association Annual Meeting, Panelist, *Multi-Level Environmental Governance* (Chicago, IL 2010) (forthcoming).
- Chapman University School of Law, *Beyond Copenhagen* Conference, Panel Member (Orange, CA 2008).
- Association of American Geographers Annual Meeting, Panel Member, (Washington, DC 2010).
- Association of Law, Property and Society Annual Meeting, Georgetown University School of Law, Panelist and Moderator (Washington, DC 2010).
- Workshop, Public International Law & Legal Theory, Washington University School of Law, Whitney R. Harris Institute for Global Legal Studies (St. Louis, MO 2010).
- Association of American Law Schools' Annual Meeting, Panelist, (New Orleans, LA 2010).
- Faculty Workshop Presentation, UNC School of Law (Chapel Hill, NC 2009).
- Europa Institute Seminar, *Climate Change in the Courts*, University of Edinburgh School of Law, Presenter (Edinburgh, UK 2009).
- Brodies Environmental Law Lecture, Presenter, University of Edinburgh School of Law, Presenter (Edinburgh, UK 2009).
- UC Davis School of Law, *Clean Tech in the New "Environmental Environment"* Symposium, Presenter (Davis, CA 2009).
- International Law Weekend, Presenter (New York, NY 2009).
- University of Maryland School of Law, *Global Law and Multilateral Law: Evolving Conceptions of International Law and Governance* Conference, Presenter (Baltimore, MD 2009).
- Yale Law School, 2009 Alumni Weekend, *The Regulatory Debate: Whether, What, and How? Does Clean and Green Require Mean? New Directions in Energy and Environmental Regulation* (New Haven, CT 2009).

- The ESIL-ASIL Research Forum, *Changing Futures: Science and International Law*, University of Helsinki, Presenter (Helsinki, Finland 2009).
- Faculty Workshop Presentation, Boston College Law School (Boston, MA 2009).
- *Journal of Environmental Law and Litigation*, Symposium, *Advocating for an Environment of Equality: Legal and Ethical Duties in a Changing Climate*, Presenter (Eugene, OR 2007) (remote presentation).
- George Washington University Law School, International and Comparative Law Colloquium, Presenter (Washington, DC 2009).
- Distinguished Lecture Series, Human Rights and National Security Law Program, William and Mary Law School, Presenter (Williamsburg, VA 2009).
- University of Colorado, New Thinking about Climate Change Law and Policy Works-in-Progress Symposium, Presenter (Boulder, CO 2009).
- Southeastern Association of Law Schools 61st Annual Meeting, *Climate Policy in a New Administration*, Presenter (Palm Beach, FL 2009).
- University of Colorado Property Works in Progress Conference, Presenter (Boulder, CO 2009).
- Law and Society Association Annual Meeting, Panelist, *Rethinking Transnational Environmental Governance* (Denver, CO 2009).
- Speaker Series, Whittier Law School, Presenter (Costa Mesa, CA 2009).
- American Society of International Law 2009 Annual Meeting, New Voices Presentation (Washington, D.C. 2009).
- *Washington University Journal of Law & Policy*, Symposium on New Directions in Environmental Law, Presenter (St. Louis, MO 2009).
- Washington and Lee University School of Law, *Journal of Energy, Climate, and Environment*, Symposium, *Climate Policy for the Obama Administration*, Presenter and Symposium Advisor (Lexington, VA 2009).
- Junior International Law Scholars Conference, Temple Law School, Presenter (Philadelphia, PA 2009).
- Faculty Workshop Presentation, Villanova University School of Law (Villanova, PA 2009).
- *Michigan Journal of International Law*, Symposium on Territory Without Boundaries, Presenter (Ann Arbor, MI 2009).
- Faculty Workshop Presentation and Student Certificate Program Presentation, Florida State University College of Law (Tallahassee, FL 2009).
- Tel Aviv University Faculty of Law, Environmental Law Workshop, Presenter (Tel Aviv, Israel 2009).
- Georgetown University School of Law and the Center on Property, Citizenship, and Social Entrepreneurism at Syracuse University College of Law, Workshop on the Public Nature of Private Property, Presenter (Washington, DC 2008).
- Georgetown University School of Law, International Legal Theory Colloquium, Presenter (Washington, DC 2008).
- Washington University School of Law, Whitney R. Harris Institute for Global Legal Studies, *International Climate Change: Post-Kyoto Challenges*, Presenter (St. Louis, MO 2008).

- Southeastern Association of Law Schools 61st Annual Meeting, *Climate Change Litigation*, Presenter (Palm Beach, FL 2008).
- University of Colorado Property Works in Progress Conference, Presenter (Boulder, CO 2008).
- May Gathering, University of Virginia Law School, Presenter (Charlottesville, VA 2008).
- University of California Hastings College of the Law, Monterey Institute of International Studies, *Surviving Climate Change: Adaptation and Innovation*, Presenter (San Francisco, CA 2008).
- Association for the Study of Law, Culture, and the Humanities, Panelist, *Imagining Rights in the Era of Globalization*; Presenter, *Justice and the Geographical Imagination I* (San Francisco, CA 2008).
- Faculty Workshop Presentation, Chapman University School of Law FIRST Series (Orange, CA 2008).
- *Oregon Review of International Law*, Symposium, *Multi-Scalar Civil Society?: Legal Pluralism and Inequality*, Presenter and Symposium Advisor (Eugene, OR 2008).
- Faculty Workshop Presentation, University of Iowa College of Law (Iowa City, IA 2008).
- Workshop, Public International Law & Legal Theory, Washington University School of Law, Whitney R. Harris Institute for Global Legal Studies (St. Louis, MO 2008).
- Association of American Law Schools' Annual Meeting, Panelist, *Section on Women Concurrent Session: Globalization* (New York, NY 2008).
- *Duke Environmental Law and Policy Forum* Symposium, *A Charged Atmosphere: The Future of US Policy on Global Warming*, Presenter (Durham, North Carolina 2007).
- *New York University's Environmental Law Society and Law Students for Human Rights* Symposium, *A Climate for Justice: Equity Imperatives in the Legal Responses to Climate Change*, Presenter (New York, New York 2007).
- International Law Weekend, Moderator, Plenary Panel, *The Appropriate Role of International Law in Addressing Climate Change*; Participant, *Roundtable on Interdisciplinary Approaches to International Law* (New York, NY 2007).
- *Journal of Environmental Law and Litigation*, Symposium, *Combating Climate Change on the Regional Level: West Coast Policy and Litigation*, Presenter and Symposium Advisor (Eugene, OR 2007).
- Faculty Colloquium Presentation, Lewis & Clark Law School (Portland, OR 2007).
- LatCrit XII, Panel Member, *Appearances and Realities of Power Across Scales: Dilemmas of Categorization* (Miami, FL 2007).
- Faculty Colloquium Presentation, Indiana University School of Law – Bloomington (Bloomington, ID 2007).
- Willamette Valley Junior Scholars Workshop, Presenter, Commentator, and Co-Organizer (Eugene, OR 2007).
- Law and Society Association Annual Meeting, Panelist, *Framing Regulatory Problems as Human Rights Issues and International and Comparative Law Approaches to Indigenous Peoples' Rights* (Berlin, Germany 2007).

- American Association of Law Schools and American Society of International Law, Joint Meeting on International Law, Work-in-Progress Presentation (Vancouver, BC 2007).
- University of Colorado Property Works in Progress Conference, Presenter (Boulder, CO 2007).
- The Third World and International Law Conference, Albany Law School, Presenter (Albany, NY 2007).
- Association of American Geographers Annual Meeting, Panel Member, *Questioning Scale—Politics and the Pursuit of Energy Sustainability at the State and Local Levels: Options, Politics, and Results* (San Francisco, CA 2007).
- American Society of International Law 2007 Annual Meeting, Panel Member, *Feeling the Heat?: Climate Change Litigation in the 21st Century* (Washington, D.C. 2007).
- Association for the Study of Law, Culture, and the Humanities, Moderator and Panelist, *Roundtable on Law, Geography, and Culture: Perspectives on Place, Space, and Scale* (Washington, D.C. 2007).
- *Oregon Review of International Law*, Symposium, *Complexities of Scale: The Role of the Subnational in International Law*, Presenter and Symposium Advisor (Eugene, OR 2007).
- *Yale Journal of International Law* Young Scholars Conference, Presenter, *A Law and Geography Perspective on the New Haven School* (New Haven, CT 2007).
- Work-in-Progress Presentation, Junior International Law Scholars Roundtable at Yale Law School (New Haven, CT 2007).
- University of Idaho College of Law, International Law Symposium, Free Trade or Fair: The Softwood Lumber Dispute and Beyond, Panel Member (Coeur d'Alene, ID 2007).
- UC Davis School of Law, *Journal of International Law & Policy* Symposium, *The Evolution of Colonialism in a Global Economy*, Panelist, *Neocolonialism* (Davis, CA 2007).
- Faculty Workshop Presentation, UC Davis School of Law (Davis, CA 2007).
- Stanford Climate Symposium, Panelist, *Climate Change and International Human Rights* (Palo Alto, CA 2007).
- Willamette Valley Junior Scholars Workshop, Presenter (Salem, OR 2007).
- International Law Weekend – West, Panel Chair and Participant, *Law, Geography, and Sovereignty* (Santa Clara, CA 2007).
- Association of American Law Schools' Annual Meeting, Hot Topics Panel, *The Significance of Climate Change Litigation: Massachusetts v. EPA and Other New Developments*, Moderator and Panelist (Washington, DC 2007).
- 2006 Berlin Conference on the Human Dimensions of Global Environmental Change, *Resource Policies: Effectiveness, Efficiency, and Equity*, Presenter (Berlin, Germany 2006).
- Northwest Tribal Water Rights Annual Conference, Panelist, *International Advocacy Initiatives from the Grass Roots* (Eugene, OR 2006).
- International Law Weekend, Panel Member, *State Courts and Transnational Decision-Making: The Road Ahead*; Roundtable Moderator and Participant, *Roundtable on International Law and Geography: Cross-Cutting Issues of Sovereignty, Identity, and Equity* (New York, NY 2006).
- LatCrit XI, Panel Member, *Globalization and Indigenous Peoples, Part 2: Possibilities for Progress* (Las Vegas, NV 2006).

- Faculty Workshop Presentation, Arizona State University College of Law (Tempe, AZ 2006).
- Faculty Workshop Presentation, University of Houston Law Center (Houston, TX 2006).
- American Society of International Law 2006 Annual Meeting, Rights of Indigenous Peoples and International Environmental Law Interest Groups, Panel Member, *Adjudicating Climate Change: International Approaches and Its Implications for the Interests of Indigenous Peoples* (Washington, D.C. 2006).
- Work-in-Progress Presentation, Junior International Law Scholars Roundtable (Washington, D.C. 2006).
- University of Idaho College of Law, International Law Symposium, Indigenous Peoples and International Human Rights Law: Lands, Liberties, and Legacies, Panel Member, *Legacies and Cultural Resources* (Coeur d'Alene, ID 2006).
- Association of American Geographers Annual Meeting, Panel Member, *Nature, Science and Law: Legal Geographies of Nature* (Chicago, IL 2006).
- Pacific/McGeorge Center for Global Business and Development, The Business of Climate Change: Post-Gleneagles, Post-Vientiane, and Post-Kyoto Challenges and Opportunities for Multinational Business Enterprises, Presenter (Sacramento, CA 2006).
- Association of American Law Schools' Annual Meeting, Workshop on Integrating Transnational Legal Perspectives Into the First Year Curriculum, Panel Member, *Property Session* (Washington, DC 2006).
- International Law Weekend, Panel Member, *Adjudicative Approaches to Climate Change* (New York, NY 2005).
- LatCrit X, Panel Member, *Human Rights, Sovereignty, Violence & Religion* (Puerto Rico 2005).
- Michigan State University College of Law, Conference on Trade and Foreign Investment in the Americas: The Impact on Indigenous Peoples and the Environment, Panel Member, *FTAs Within the Hemisphere and Their Environment and Investment Chapters—Impact on the Environment* (East Lansing, MI 2005).
- Law and Society Association Annual Meeting, Panelist, *Corporate Environmental Responsibility in the Age of Globalization* (Las Vegas, NV 2005).
- University of Idaho College of Law, International Law Symposium, Panel Member, *The Challenge of International Human Rights* (Coeur d'Alene, ID 2005).
- International Law Weekend – West, Panel Chair, *Corporate Compliance with International Law* (Costa Mesa, CA 2005).
- Junior International Law Scholars Roundtable, Moderator, *Is the Public/Private Divide Meaningless?* (Washington, D.C. 2004).
- Temple University Beasley School of Law, 2004 U.S.-China Environmental Law Scholars Roundtable, Commentator (Philadelphia, PA 2004).
- Carnegie Council Fellows Presentation, *Learning from Environmental Justice: A New Model for International Environmental Rights* (New York, NY 2004).
- Junior International Law Scholars Roundtable, Moderator, *Emerging Issues in Public International Law* (Washington, D.C. 2003).
- International Law Weekend, Panel Member, *Environmental Human Rights Claims under the Alien Tort Statute: Understanding Recent Setbacks* (New York, NY 2003).

- International Law Weekend – West, Panel Chair, *Sustainable Development After Earth Summit 2002* (Los Angeles, CA 2003).
- Annual Colloquium of the International Association of Legal Sciences, International Keynote Speaker, *Report on International Criminal Law: Court Enforcement of Minimum Standards* (Melbourne, Australia 2000).

Other Conference Presentations and Lectures

- Arizona State University College of Law, Sustainability Summit, Participant (Tempe, AZ 2010).
- 2008 Public Interest Environmental Law Conference: Compelling a Climate of Change, Panel Member, *Climate Change + Environmental Justice = Climate Justice* (Eugene, OR 2008).
- Fireside Presentation, *Climate Change and the Alien Tort Claims Act*, University of Oregon School of Law, Environmental and Natural Resources Law Program (Eugene, OR, 2007).
- Public Forum Discussing the Supreme Court's Ruling in *Massachusetts v. EPA*, University of Oregon School of Law, Environmental and Natural Resources Law Program and International Law Society (Eugene, OR, 2007).
- Fireside Presentation, *The Geography of Climate Change Litigation*, University of Oregon School of Law, Environmental and Natural Resources Law Program (Eugene, OR, 2006).
- Coalition Against Environmental Racism's 11th Annual Environmental Justice Conference, Keynote Lunch Speaker (Eugene, OR, 2006).
- 2006 Public Interest Environmental Law Conference: Toward A Global Public Trust, Panel Member, *Katrina and Environmental Justice & Moderator, Environmental Rights in National Constitutions* (Eugene, OR 2006).
- Business Innovation and Law 2005: Business Lawyering in the Pacific Rim Economy, Panel Member, *Overview of the Pacific Rim Business Markets and Legal Systems* (Portland, OR 2005).
- Virtual Environmental Law Guest Speaker Series, *Learning from Environmental Justice: A New Model for International Environmental Rights* (2005).
- Orange County Bar Association – International Law Section, Speaker, *New Developments in International Environmental Rights: Implications for Multinational Corporations* (Orange County, CA 2005).
- Akin, Gump, Strauss, Hauer & Feld, L.L.P., California State Bar Association Mandatory Continuing Legal Education Session, *Learning from Environmental Justice: A New Model for International Environmental Rights* (Los Angeles, CA 2004).
- Orange County Bar Association – International Law Section, Speaker, *Aftermath of the War in Iraq: Prosecution of War Crimes and Crimes Against Humanity* (Orange County, CA 2003).
- Vermont Law School, Faculty Speaker Series, *Learning from Environmental Justice: A New Model for International Environmental Rights* (South Royalton, VT 2002).
- Vermont Law School, Panel Member, *Remarks, Reflections, and Perspectives on September 11 Anniversary* (South Royalton, VT 2002).
- Yale Alumni Association of Hong Kong, *Social Change Through Legal Education: Teaching U.S. Civil Rights and Launching a Labor Law Clinic in China* (Hong Kong 2002).

- Zhongshan University, Zhuhai Campus, *Chinese Clinical Legal Education* (co-lectured with Chinese colleagues) (Zhuhai, China 2002).
- Zhongshan University, Zhuhai Campus, *American Legal Education and Clinical Legal Education* (Zhuhai, China 2002).
- Akin, Gump, Strauss, Hauer & Feld, L.L.P., California State Bar Association Mandatory Continuing Legal Education Session, *Social Change Through Active, Reflective Learning?: Clinical Legal Education in China and the United States* (Los Angeles, CA 2002).
- Guangzhou Professional Women's Association, *Social Change Through Active, Reflective Learning?: Clinical Legal Education in China and the United States* (Guangzhou, China 2002).

Radio Appearances

- Breakfast with Nancy, KOPT 1600, Monthly Program on Global Justice (2005–2006) (with Ibrahim Gassama).
- Odyssey, WBEZ/Chicago Public Radio, Guest Commentator on *Human Rights and the Environmental Movement* (2004).

SUMMARY OF “CAPSTONE” COURSES AND “POLICY CLINICS” TAUGHT IN 2009-2010

Professors:

Beverly Balos

Laura Cooper

Prentiss Cox

Ralph Hall

Alexandra Klass

We have set forth below short description of the three “capstone” courses and two “policy clinics” taught for the first time this past year at the law school. The three capstone courses (environmental law, labor and employment law, health law compliance) included an adjunct professor and/or incorporation of guest participants from the legal community, and relied heavily on a range of simulated exercises to give students practice-based experience in the substantive area taught. Two additional courses (sustainability clinic; law, public policy, and domestic violence clinic) were approved as clinics rather than capstones, as both of the courses had direct work with public or nonprofit entities in addition to readings and classroom-based discussions on the relevant legal topics. In the future, however, these types of policy clinics (where students work with clients on policy matters rather than direct representation of clients in court) will likely come under a broader definition of a “capstone” course.

The purpose of this squaretable session is to give faculty a chance to learn about the capstone courses and policy clinics offered this past year and encourage faculty to develop their own capstone courses and policy clinics for future years. In particular, the law school would like to add capstone courses in business law (a corporate start-up simulation capstone), criminal law (perhaps a policy capstone where students work with Hennepin County or the City of Minneapolis on sentencing policy issues while studying the more theoretical aspects of sentencing policy), and international law.

Law, Public Policy, and Domestic Violence – Beverly Balos

GENERAL DESCRIPTION AND GOALS: The course provides students the opportunity to engage in experiential learning in a range of community-based sites dedicated to addressing domestic violence locally, nationally, and internationally. Each student works in an agency on a project that will result in a written product having to do with domestic violence and public policy. The written work product is reviewed by me periodically and midway through the semester in collaboration with the participating agencies so as to ensure that the final, written project is thorough, solidly researched, well reasoned and useful to the agency. In addition to focusing on the public policy challenges with respect to domestic violence, the broader goal is to have students reflect on the lawyer’s role in society as problem-solver and the law’s relationship to supporting and/or challenging social values and cultural practices. The reading assignments and a two-hour weekly class component supplement and enhance the experiential learning. Students study critical theory, analyze laws and policies relating to domestic violence, and examine multi-disciplinary solutions to the range of issues underlying domestic violence. Students also have a number of opportunities to discuss those issues with experts in the field,

whom I have invited to be guest lecturers. In addition, the classroom meetings allow students to share their experiences in their respective community-based agencies with their student colleagues.

ORGANIZATION: Week 1 investigates the relationship of law to public policy. At that time each student receives an assignment to a community-based agency at which the students work collaboratively in teams of two or three students. Weeks 2 and 3 focus on critical theory so as to provide students necessary analytical tools for thinking about the causes of and the solutions to domestic violence and also situate domestic violence within society and explore the ways that the law and other institutions have historically understood what constitutes domestic violence and when and how social institutions should intervene. At this classroom meeting and subsequent ones, students prepare oral presentations about the work they are doing in the community-based agencies. Weeks 4 through 11 examine the range of challenges, constraints, and consequences of the law's response to domestic violence. The readings, as well as the guest lectures, provide students insights about the work they are doing at the community-based agencies and allow them to appreciate the broad range of unresolved and contested approaches to domestic violence. In Week 12, each team presents their written work product for the agency to the class. In Week 13, a panel of leaders from the community organizations within which the students have been working discuss the progress made in responding to domestic violence and the emerging issues and challenges that remain.

Capstone Course in Labor and Employment Law – Laura Cooper

The Capstone Course in Labor and Employment Law is a four-credit comprehensive simulation of multiple potential claims pursued and defended in diverse forums. The simulation occurs in real time outside of the classroom, while classroom sessions present practitioner-led discussion of skills appropriate to current developments in the simulation. The claims arise in a hospital setting. The problem was created with a national advisory committee of law professors from the Labor Law Group and a cross-section of labor and employment attorneys selected by the American Bar Association. The factual scenario was developed in consultation with nurses, surgeons, and professors of medicine and nursing to assure realism, and reviewed by the attorneys and law professors to assure reasonable opportunities for advocacy on all issues by all sides.

Students in the course work in four law firms representing respectively a nurse, a union, a hospital and a surgeon. Eleven others not enrolled in the course play the roles of doctors, nurses, the Director of Human Resources, the Union Business Agent and a reporter. Actual agencies (the Federal Mediation and Conciliation Service, the American Arbitration Association, the Equal Employment Opportunity Commission, the Minnesota Department of Human Rights), a mediator and arbitrators process the claims raised by the parties as they would real cases. Each of the teams has a confidential TWEN site for communications that are observed on a daily basis by the instructor. The instructor and an adjunct professor meet regularly with individuals and teams to review draft documents and team decision-making.

Practice skills experienced include legal research and writing, client interviewing and counseling, investigation, negotiation, mediation, arbitration (under both collective bargaining

agreements and individual contracts), discovery, motion practice, and representing clients in administrative proceedings. Issues of ethics and other questions of professionalism are both included deliberately in the materials and are designed to arise spontaneously from the actions and interactions of the students in their roles as attorneys. Potential substantive legal issues in the problem include Title VII (sexual harassment and gender discrimination), disability discrimination, state discrimination laws and other state statutes, ERISA, the Family and Medical Leave Act, immigration law, common law defamation, contract law, employment law, the National Labor Relations Act, and interpretation of collective bargaining agreements.

Environmental Sustainability Clinic – Prentiss Cox

The Environmental Sustainability Clinic will be divided into two separate clinics starting in 2010-2011. The Land Use Sustainability Clinic, taught by Adjunct Professor Jean Coleman, will focus on policy projects relating to zoning, water use, building requirements and other government regulation of development. In 2009-2010, the Clinic prepared a report for Saint Louis Park analyzing its zoning regulations in light of projected light rail development through the City in this coming decade. The Report highlighted areas in which the City could revise its zoning requirements to better support high-density use and low-impact transportation patterns around the intersections likely to be used for light rail stops.

The Energy Use Sustainability Clinic will pursue policy projects that support a transition to renewable energy production and reduced consumption of greenhouse gas emissions in our energy use. This past year the Clinic prepared a Report for the City of Minneapolis on the desirability of adopting a PACE program—a form of public financing and property tax assessments for homeowners who install residential renewable energy systems that started in California and Colorado and is rapidly expanding across the United States. The Report took the contrarian position that a PACE program for residential alternative energy systems was not desirability for Minneapolis right now. In 2010-2011, the Energy Use Clinic likely will pursue two projects, such as: (1) work with the City of Falcon Heights on establishing an alternative PACE program; and (2) help to develop legislation that would allow for installation of solar energy or other alternative energy systems notwithstanding aesthetic rules by home owner associations or local government zoning requirements that would prohibit such installations.

We classify these two classes as clinics rather capstones because the primary learning experience is in the interaction between the students and community members or policy-makers in the context of producing a (hopefully) useful work product. The focus of these classes, unlike a capstone, is on the “real world” product and relationships rather than simulations. On the other hand, these classes generally will not establish an attorney-client relationship with the recipients of the work product, and thus the professional relationship at the heart of traditional clinics is not present in these classes.

Health Law Compliance Capstone – Ralph Hall

This course uses a semester long, integrated simulation to emulate the practice of health law. Students, working in teams, serve as the chief counsel to a hypothetical device company. At the onset, students are provided with detailed company information, financial statements,

management structure, market information, regulatory data and product labeling. Over the semester, students are provided substantial additional material including simulated internal company correspondence, external correspondence, government actions and hypothetical events. A concerted effort is made to link specific scenarios across the semester such that students had to learn to "live with" prior decisions.

In some cases students are presented with a specific assignment (for example identify the issues with a proposed business arrangement and draft a contract to address those issues). On other occasions, the students have to independently identify and resolve the issue (for example a memo announcing a sales contract with a pediatric hospital when the product isn't approved for pediatric uses).

The course also presents students with realistic ethical issues.

This course differs from traditional courses in several key respects.

1. There are no traditional reading assignments.
2. Students are not told what laws or legal concepts are applicable to the issue at hand. Rather, at the start of the course, students are provided a general overview of health care laws and then have to identify the issues and applicable laws.
3. Students have to respond to some situations in real time. For example, mock federal agents arrived unannounced to serve grand jury subpoenas on several executives. Students have to immediately respond to this development.
4. Students are expected to arrive at practical solutions and to practice communicating with non-lawyer clients.

Environmental Law Capstone Course: Brownfields Remediation and Redevelopment – Alexandra Klass

Overview: This 5-credit capstone provides an in-depth treatment of the legal and practical issues surrounding the redevelopment of, and litigation over, underutilized real property that has been subject to environmental contamination (often called "brownfield" properties). Each section of the course includes simulated exercises, drafting exercises, and guest speakers in addition to the coverage of basic legal doctrine. Moreover, through reflection papers, a longer research paper, a field trip, the use of case studies, and a mentorship program, the course immerses students in the actual practice of environmental law in general and the law governing brownfields in particular. The first section of the course addresses the role of brownfields development in today's urban and suburban life. This section studies demographics, development patterns, environmental justice, regional land use planning, and regional governance. The second section of the course introduces and applies the law and policy of real estate transactions, real estate development, and land use to the issue of brownfields. This section includes basic real estate and development law, the creation of tax-increment financing districts, insurance coverage for contamination, government funding for redevelopment, eminent domain, the law relating to environmental review (NEPA and MEPA), and basic zoning and land use law. The last section covers the primary laws that govern the regulation of and litigation over contaminated property, namely the

Superfund laws (CERCLA and, in Minnesota, MERLA) and the common law torts of trespass, nuisance, negligence, and strict liability.

Simulations: Throughout the course, students participate in site visits; engage in mock city council and planning commission meetings; conduct expert depositions, court arguments, and negotiations; and hear from numerous guest speakers including lawyers, planners, city council members, and environmental scientists and consultants. Students also negotiate and draft real estate purchase agreements for contaminated properties and discuss issues surrounding insurance and government funding for brownfields development.

Case Study: Throughout the semester, students apply their growing body of knowledge regarding brownfields to a case study involving the litigation (the Reilly case referenced above) and later redevelopment of the land on which the U of MN Gopher Football Stadium now sits. Specifically, students engage in simulated exercises throughout the semester involving the site based on actual source documents available from an on-line document repository for the U of MN stadium development. For most simulations sessions, we conduct the simulation for the first hour of class and discuss and critique the simulation for the second hour of class. Students also write short reflection papers (1-2 pages) after the simulation that explain what they did to prepare for the simulation and what they would do differently if given the chance to do the simulation again.

Mentor Component: Throughout the semester, each student is paired with an attorney and an environmental consultant who work in the brownfields redevelopment area. Each student meets with their attorney mentor at least once, and also observes a hearing, city council meeting, business meeting, or telephone conference on a brownfields issue. Each student also meets (either alone or with other students) with an environmental consultant and takes a field trip to a brownfields site to view an environmental assessment or subsurface investigation. Each student writes a 3-5 page reflection paper on the experience prior to the last week of class and posts the paper on TWEN in order to share it and elicit questions from the rest of the class.

ROBINA HUMAN RIGHTS FELLOWSHIPS
THE HUMAN RIGHTS CENTER AT THE UNIVERSITY OF MINNESOTA LAW
SCHOOL <http://www.hrcenter.umn.edu>

The Human Rights Center is very grateful to the Robina Foundation for support to the Robina Human Rights Fellowships. The Robina Human Rights Fellowships support University of Minnesota law students to undertake practical experience in human rights organizations.

During the summer of 2010, ten Robina Human Rights Fellows have received the unique opportunity to carry out fascinating and meaningful internships in seven countries and three U.S. states: these internships will stick with students all their lives and will encourage them to pursue a career or public interest volunteer work in the field of human rights. Below are the short bios of our Robina Fellows, with the basic details of their projects.¹

Astrid Brouilliard
International Criminal Tribunal for Rwanda (ICTR)
Arusha, Tanzania

Astrid Brouilliard is a law student at the University of Minnesota going into her second year. In her first year she has volunteered with the Asylum Law Project to assist battered immigrant women and their children.

Astrid is using her Upper Midwest Human Rights Fellowship to provide legal assistance to the International Criminal Tribunal for Rwanda, an ad hoc tribunal created by the United Nations Security Council to prosecute perpetrators of the 1994 Rwandan genocide. In this role, she is assisting the ICTR with national reconciliation and maintaining peace in the country. She has done so well with the ICTR that they have asked her to stay in Arusha for another three months to complete a best practices book for the ICTR.

Jennifer Cornell
Human Rights Center, University of Minnesota
Minneapolis, Minnesota

Jennifer Cornell attended the University of Minnesota and received a B.A. on American Indian Studies and a M.A. in Labor Policy and Public Management. She has also completed a twenty-year career as a firefighter with the Minneapolis Fire Department. During the summer of 2009 Jennifer worked at Dorsey & Whitney, LLP, preparing memorandums for trial attorneys. She has been a third year law student at the University of Minnesota.

¹ Pre-departure thank you letters from most of the Robina Fellows will be submitted to the Dean's office on Monday, August 2nd as an appendix.

Jennifer is using her Upper Midwest Human Rights Fellowship to create a Human Rights Consortium at the University of Minnesota. The goal of the Consortium will be to serve as a forum and coordination mechanism for the varied organizations, professors, and programs concerning human rights at the University of Minnesota to work together on common projects and create a sense of community.

Anne Fuchs

**Helsinki Committee for Human Rights for the Republic of Macedonia
Skopje, Macedonia**

Anne just completed her first year at the University of Minnesota Law School. During the 2010-11 academic year, she will serve as president for the Amnesty International Student Chapter. She graduated from St. Thomas University *summa cum laude*, with a Bachelor of Arts in Justice and Peace Studies and a double minor in Philosophy and History. Anne has studied in Namibia and South Africa, where she interned with the National Society for Human Rights - Namibia working to identify and rectify human rights violations. In addition, Anne studied conflict resolution in Northern Ireland and the United Kingdom.

As a Robina Human Rights Fellow, Anne will be working with the Helsinki Committee for Human Rights for the Republic of Macedonia (MHC) as a legal assistant. MHC provides legal support for human rights issues in the Balkan region and prepares reports on them.

Jordan Harlow

**Greater Boston Legal Services - Immigration Unit
Boston, Massachusetts**

Jordan received his B.A. in Psychology from McGill University in 2008. After spending his last semester in South Africa, he developed a passion for human rights that has followed him to law school at the University of Minnesota. A member of the Human Rights Trial Advocacy and Litigation Clinic and Vice-President of the International Law Society, Jordan has a strong interest in international public law and human rights. Recently, however, he has become focused on immigration law, which led him to the position he will hold over the summer at Greater Boston Legal Services (www.gblls.org).

As a member of the Immigration Unit of Greater Boston Legal Services, Jordan will be involved in a number of immigration-related projects and casework. He will be representing clients in immigration court for standard immigration procedures, as well as human rights cases involving asylum, the Convention Against Torture, and the Violence Against Women Act. He will also be conducting research on country standards and for additional projects of the Immigration Unit.

Willy Madeira

American Refugee Committee (ARC)

Minneapolis, Minnesota

Willy Madeira is a University of Minnesota Law Student who will be entering his third year. He graduated from Bowdoin College in 2004 with a B.A. in English. Previous internships and travel opportunities have taken him to India, Kenya, and Zambia. He is proficient in three languages, Bemba, Spanish, and Swahili.

Willy will spend his Robina Fellowship working for the American Refugee Committee in Minneapolis, Minnesota. He will help to coordinate the organization's revival of its legal assistance program for its foreign worksites. The new program will target gender-based violence. In addition to the legal aid program, Willy will also work on other ARC programs, such as micro-enterprise and development.

Tatewin Means Tribal Law and Policy Institute West Hollywood, California

Tatewin Means received her B.S. in Environmental Engineering in 2002 from Stanford University. She spent the subsequent years working at the University of Minnesota Law School's Indian Child Welfare Act Clinic and the Law Offices of Leventhal & Associates. Tatewin is currently attending the University of Minnesota Law School.

During her Upper Midwest Human Rights Fellowship, Tatewin will work with the Tribal Law and Policy Institute on projects concerning violence against women and assist in the development of tribal codes and programs addressing domestic violence and stalking.

Kristin Paulson Kalika Community Hospital and GREMALTES Hospital Rasuwa, Nepal and Chennai, India

Kristin Paulson is currently attending the University of Minnesota School of Medicine earning a JD/MPH Joint Degree with the School of Public Health. At the School of Medicine, Kristin works with Dr. Valapour doing research on policy and ethics.

Kristin will use her Robina Human Rights Fellowship to work at three different nonprofit hospitals in Nepal and India, all funded and operated by foreign organizations. Kristin will shadow physicians and evaluate the services provided in order to determine what roles the hospitals play in the communities that they serve. From these experiences, Kristin will attempt to discover what level of investment will be required from the home state to replace them with domestic funding and support.

Matthew Roberts
Environmental Defender's Office of New South Wales
Lismore, Australia

Matthew Roberts is a University of Minnesota Law Student who will be graduating in May 2011. He has served on the International Moot Court, the Asylum Law Project, and the annual law student musical performance (T.O.R.T.). He was a judicial extern in summer 2009 with Minnesota's 2nd District Court.

For his Robina Fellowship, Matthew will travel to Lismore, Australia, where he will work with the Environmental Defender's Office there. He will work on casework and advocacy on major environmental issues. Owing to its unique ecosystem and history, Australia has become a major world leader in species conservation and carbon emissions standards. He expects to bring the lessons he learns in Australia back to the U.S., where he hopes to become an influential voice in the U.S. environmental law community.

Elizabeth Super
Transitional Justice Institute (TJI)
Belfast, Northern Ireland

Elizabeth Super grew up in St. Paul, Minnesota, and is currently a second-year law student at the University of Minnesota. Her interest in human rights and passion for social justice was transformed last summer while working at the Transitional Justice Institute (TJI - www.transitionaljustice.ulster.ac.uk) in Belfast, Northern Ireland, where she studied conflict resolution.

This summer, her Robina Fellowship will assist her in continuing her work at TJI on the Inquiries Observation Project. Elizabeth will assist in researching and writing the final report evaluating the inquiries into allegations of collusion by the British Government in the deaths of three individuals in Northern Ireland during the period of conflict known as the Troubles. Elizabeth is honored to receive this Fellowship and is grateful for the opportunity to return to Northern Ireland.

Catheranne Wyly
ACLU of Minnesota
St. Paul, Minnesota

Catheranne Wyly is a student at the University of Minnesota Law School. She earned her BA in Political Science and Sociology at Beloit College. Catheranne also worked for the Central Alabama Fair Housing Center assisting in client intake and community outreach.

Catheranne will use her Robina Human Rights Fellowship to help the ACLU's efforts to assess human rights abuses in detention facilities across Minnesota. Specifically, Catheranne will assist the ACLU by conducting legal research and writing letters to

address issues of immediate need to local jails in Minnesota.

ROBINA SUMMER FELLOWS

Abigail Benson (2L)

Indian Child Welfare Act Law Center (ICWA)

Minneapolis, MN

Abigail Benson is a rising second year law student. While in law school she volunteered to provide legal assistance to immigrants as a volunteer law clerk for the Asylum Law Project. She also teaches in the Street Law Program in St. Paul, Minneapolis. This summer she is reviewing of court orders from 2009 regarding specific actions that parents must take to regain custodial rights of their children. Compare the plans to determine if they meet the actual needs of the parents.

Erin Conway (2L)

National Alliance on Mental Health (NAMI Minnesota)

St. Paul, MN

Erin Conway is a rising second year student During the winter break, she worked with Mental Health Advocacy Services in New Orleans, LA. At NAMI she is researching current issues in mental health law and how it impacts the Minnesota court system.

Nick Lienesch (3L)

Housing Preservation Project

St. Paul, MN

Nick Lienesch is a rising third year student. Last summer, he was a law clerk for Southern Minnesota Legal Services in St. Paul where he appeared in housing court and researched issues involving discrimination. This summer he is working with towns and municipalities to ensure maximum affordable housing development around the Southwest LRT line. This strategy focuses on building dialogue with officials in each of the six municipalities that the Southwest LRT will affect and getting a sense of those governments' goals for affordable housing development.

Pari McGarraugh (2L)

Minnesota Disability Law Center

Minneapolis, MN

Pari McGarraugh is a rising second year student. During the winter break, she worked on immigration issues for the Asylum Law Project in Miami, FL. This summer she is researching the overlap in services and interagency coordination for youth with disabilities. She also wrote a report that includes policy recommendations and fact sheets for youth.

Elizabeth Sandberg (2L)

Minneapolis City Attorney Office

Minneapolis, MN

Elizabeth Sandberg is a rising second year law student. She has an M.S. in Justice, Law and Society from American University. Prior to law school she was a research associate for the Police Executive Research Forum from Washington DC. She works with the Minneapolis City Attorney's Office to research how other jurisdictions are reducing chronic substances abuse and chronic homeless populations. The project consists of reaching out to other large metropolitan cities, to learn what ordinances and programs they have enacted.

Jessica Shiffman (2L)
Children's Law Center (CLC)
Minneapolis, MN

Jessica Shiffman is a rising second year student. During the winter break she worked for the Louisiana Bar Foundation on issues involving the rights of nursing home residents and special education in charter schools. This summer, she is assisting with an evaluation of CLC's legislative efforts for the current session, and developing CLC's policy agenda for the following and future years. CLC has very recently increased its legislative advocacy regarding children's rights, and currently, specific legislative proposals target improvements in court practices for foster children and older youth.

Peter Stiteler (2L)
Volunteer Lawyers Network (VLN)

Peter Stiteler is a rising second year student. This summer he is working on two long term client oriented research projects for the Legal Access Point Clinic and Consumer Protection Workshop to determine what methods of representation are the most effective for VLN's brief services. He is also working in conjunction with VLN office leadership to create worksheets, handouts and online resources for use by pro-bono attorneys and pro-se clients.

Class of 2009 Post-Graduate Fellowship Summary

Robina Fellowship Employer	Fellowship Complete?	Post-Fellowship Employment/Status
Indian Child Welfare Act (ICWA) Law Center	no	Still completing fellowship hours per phone call on 7/29/10
MN 4th Judicial District, with Judge Larson	yes	Judicial clerk for Judge Janet Posten, Hennepin County
Public Defender's Office, Ramsey County	yes	Seeking as of 4/15/10, Emailed to follow up 5/12/10 & 7/29/10
Pine Tree Legal Assistance, Inc.	no	Left message to follow up, 7/29/10
Public Defender's Office, Ramsey County	yes	Account Manager, Thomson Reuters
Tax Law Project, Legal Aid Society of Minneapolis	yes	Tax Attorney, Deloitte & Touche
Volunteers Lawyers Network	yes	Judicial Clerk, Judge Jay D. Carlson, Long Prairie, MN
Immigrant Law Center of Minnesota	yes	Contract Attorney - Florida (will be published soon)
MN 4th Judicial District with Judge Koch	yes	Judicial Clerk for Hennepin County Judge
Youth Law Project, Legal Aid Society of Minneapolis	yes	Emailed to follow up, 5/18/10 & 7/29/10
Legal Services NYC	yes	Seeking a position in NY as of 7/29/10
MN Disability Law Center	yes	Associate, Patrick R. Burns Law Office, St. Paul, MN
Southern Minnesota Regional Legal Services	yes	Associate, Johnson & Lindberg, Minneapolis, MN
Public Defender's Office, Ramsey County	yes	Contract work for Robins, Kaplan, Miller & Ciresi.
Legal Aid Society of Minneapolis, Government Benefits/lit	yes	MN Dept. of Employment & Economic Development
MN 4th Judicial District, with Judge Larson	yes	Attorney Advisor, Social Security Administration
Hennepin County Examiner of Titles	yes	Judicial Clerk for Judge Mel Dickstein, Henn. County
U.S. Committee for Refugees and Immigrants Albany Field Office - (USCRI) Albany	yes	Immigration Services Coordinator for the U.S. Committee for Refugees and Immigrants in Albany, NY
United Way of Central Ohio	yes	Seeking, applying for fellowships including Equal Justice Works
Domestic Fatality Review Team	no	Seeking as of 5/24/10, emailed 7/29/10 to follow up
Minnesota Coalition Against Sexual Assault	yes	Contract attorney for MNCASA
Council on Crime and Justice	yes	Emailed to follow up 5/17/10 & 7/29/10

MN 4th Judicial District, with Judge Cahill	yes	Offer for Minnesota District Court Clerkship in Shokopee, planning to accept per conversation on 7/30/10
Circuit Attorney City of St. Louis	no	Seeking as of 4/15/10, Emailed to follow up 5/13/10 & 7/29/10
MN 4th Judicial District, with Judge Moreno	yes	Position with Foreign Service
Pine Tree Legal Assistance, Inc.	no	Seeking as of 4/15/10, Emailed to follow up 5/13/10 & 7/29/10
Legal Services Advocacy Project	yes	VISTA position, Housing Preservation Project
Public Defender's Office, Brandt Co., Michigan	yes	Associate, Law Offices of William Mauzy, Minneapolis, MN
Public Defender's Office, Ramsey County	yes	Emailed to follow up, 5/12/10 & 7/29/10
The Spokane County Public Defender	no	Seeking as of January 2010
Public Defender's Office	no	Contract position with Carlson Caspers
Volunteer Lawyer Network	yes	Attorney, Autism Advocacy and Law Center, L.L.C.
Centro Legal	yes	Completed fellowship in May, continued volunteering with Centro Legal. Seeking as of 5/29/10. Emailed to follow up 7/29/10.
Immigration Law Project (Legal Aid Society)	yes	Associate, Reyelts Bateman & Schramm
San Francisco Department of Public Health	no	AlixPartners, LLP, Dallas TX
Public Defender's Office, Ramsey Coutny	yes	Contract attorney, criminal defense work in MN
Center of Victims of Torture	yes	Seeking as of 4/15/10, Emailed to follow up 5/18/10 & 7/29/10

Total Fellows: 37

Fellows with employment: 23

Fellows seeking a position: 10

Fellows, status unknown: 4

Fellowship Helps Graduates Take Learning Into the Field

> In mid-August of 2009 Nick

Manthey ('09) left for Quito, Ecuador, to conduct research and assist five attorneys who had formed a nonprofit organization to develop a curriculum for teaching mediation and arbitration. The opportunity was part of the Law School Robina Post-Graduate Fellowship program, which offers graduates an opportunity to do public policy research for nonprofit organizations, assist public defender offices, or assist judges while adding real-life experience to their resumes.

Manthey speaks fondly of his time in Ecuador. "One thing I would say is the most meaningful work involves "opportunities where you are able to help others," he says. "I found this was true of my work in Ecuador. The people I worked with were both warm and kind, and it was a great experience trying to help a small, dedicated group of lawyers change the legal system in a country of 13 million people."



Nick Manthey ('09)

The fellowship's first year

The Law School's new Program on Law, Public Policy, and Society, which is backed by a grant from the Robina Foundation, funded a majority of the 37 fellowships awarded to graduates in the program's first, says Alan Haynes, director of the Career and Professional Development Center (CPDC). In return for a \$5,000 stipend, fellows provide 400 hours of service to the partner organization.

The fellows chosen exhibited a desire to "make a difference on a larger scale" with organizations and "would

be good representatives of the Law School," says Dana Bartocci, CPDC employer relations coordinator. Fellows either found an organization to work with or selected one from a list the Law School had established, Bartocci explains.

Many of the partnering groups have limited funding and staff available for public policy research. The fellows are able to gain experience and references while helping an organization, Bartocci says. Fellows "have a chance to reach out and help a community while improving their credentials," Haynes adds.

The Post-Graduate program follows in the footsteps of the Robina summer fellowship program, begun last year, which offers Law School students internships in the community while still attending school, Bartocci says. The Law School hopes to continue a similar program this summer, she says. The Minneapolis-based Robina Foundation funded most of the Post-Graduate fellowships. The foundation, the brainchild of well-known philanthropist and alum James H. Binger ('41), is a contributor to other Law School programs.

Filling important needs

By all accounts, Post-Graduate fellows were treated as attorneys and did not spend their time copying documents, fetching coffee, or answering phones. They got started nearly the moment they arrived making serious contributions to their organizations.

Consider Mark Torma ('09) and Josh Feneis ('09), who used their fellowships to contribute to the Volunteer Lawyers Network (VLN), a nonprofit organization offering legal services to people in poverty who face civil issues, such as housing, bankruptcy, debt collection, and family problems. Torma provided policy advice on several issues,

while Feneis offered hands-on legal advice at a VLN clinic inside the Hennepin County Government Center.

Torma did a great deal of research on organizations similar to VLN in an effort to formulate a more efficient process for providing legal services to people facing bankruptcy. VLN needed a "new model" for working with those clients, he says.

His proposal for changing the VLN process, which has been adopted, included having nonlawyer volunteers help clients collect the necessary documentation before their court date. The new process has cut the time required to manage a bankruptcy case by as much as 50% and reduced "the time and stress" of getting "mundane paperwork" in order before hearings and trials, he says.

Torma also suggested allowing VLN to serve clients with slightly higher incomes—up to 200% of the poverty level. To meet the increased workflow, VLN would have to stanch the flow of clients returning again and again as their "judgment-proof" status changed, he explains.

Clients without jobs are judgment-proof and not liable for their debts. But when they get jobs, their creditors have a right to ask for payment, Torma explains. Such clients revisit VLN repeatedly as they lose and get jobs. The solution Torma arrived at was for VLN to have judgment-proof clients go through the bankruptcy procedure so they would not cycle through VLN's system time and again. Making that change means those clients "would not be back for years rather than months," says Torma.



Mark Torma ('09)

"It was a really great experience to be out in the community connecting with people. It was a lot more beneficial than a job search done from my laptop, and it opened up a new career possibility in public policy work."—*Ellen Maxfield ('09)*

Feneis arrived at VLN after Torma, starting in January of this year. He spent much of his time at the Government Center clinic, offering



Josh Feneis ('09)

legal advice in 15- to 20-minute increments to help clients understand, for example, the impact of a default judgment or how to fight for the return of a security deposit. He used his remaining fellowship time at VLN to develop volunteer attorney clinics. "I spent a lot of time learning about the process and procedure of the system and how the law really affects people," he says.



Ellen Maxfield ('09)

Ellen Maxfield ('09) used her Post-Graduate Fellowship to work at the United Way of

Central Ohio in Columbus, her hometown. In 2010 she researched pending Ohio legislation that would have an impact on United Way, drafted legislative testimony for board members and volunteers in an effort to support a school wellness bill, and reignited the agency's dormant public policy newsletter.

Maxfield has been astonished by how quickly the United Way put her talents to work on top-line issues and in representing it at meetings. Within a month of joining the agency, she made a presentation before nearly 80 people involved with the Ohio Workforce Coalition. "I've been incredibly impressed by the work and the autonomy and the possibilities the United Way of Central Ohio gave

me," she says.

Manthey taught English at a local Quito school in 2004 and traveled widely in Central and South America. When he returned to Quito last summer to work at the human rights organization DECIDE Corporación de Estudios, he lived with a group of young people from around the world who worked in various agencies.

Ecuador's new constitution, adopted in 2008, had an overarching goal of reforming and modernizing the nation's legal system, and one objective was creation of an alternative dispute process. Manthey helped build a framework for a program to teach professors at Ecuador's 18 law schools how to integrate mediation and arbitration classes into the curriculum. In addition, he created a structure that will allow law schools to provide low-cost legal services based on models found in the Law School and at the Minnesota Justice Foundation (MJF).

Moreover, he created a Web site for the organization featuring its publications and then put to use his grant-writing skills in two ways. He translated several lengthy grants applications and identified potential financial donors to DECIDE.

Having conducted grant research for a Hennepin County judge who created a special co-parenting court for divorcing couples, Manthey had a good idea of how to find foundations willing to fund new legal projects. "I ended up using Google to find quite a few potential donors" for the nonprofit, he says. Some money DECIDE hopes to raise would be dedicated to establishing a partnership with the MJF, he points out.

The value of the experience

Torma, who found a position at the Autism Advocacy and Law Center in

Edina, Minn., during his fellowship, says the VLN project "gave me a chance to research in a field I'm deeply interested in, and it gave me a chance to meet the local bench and bar. I had a chance to meet with a lot of different people, and the work, to my mind, was very meaningful."

For at least one recipient, the fellowship turned out to be a conversation starter. During an interview with a judge for a clerkship in Todd County, Feneis pointed out that he had worked with VLN on a Robina Post-Graduate Fellowship. The judge, Jay D. Carlson, wound up hiring him. "I brought up what I had been doing the last couple of months and he was suddenly interested," says Feneis. "I believe it helped me get the job."

Maxfield's experience may have changed her outlook on nonprofit organizations. At one time, she aspired to a position with a large law firm, but now she has broadened her search to include nonprofits. "It was a really great experience to be out in the community connecting with people," she says. "It was a lot more beneficial than a job search done from my laptop, and it opened up a new career possibility in public policy work."

After his time in Ecuador, Manthey toured Columbia with a friend before returning to Minnesota to clerk for Hennepin County Judge Bruce Peterson. Manthey stays in touch with the attorneys he assisted in Quito and hopes to establish a connection between them and the MJF.

"I really love Quito," he says. "It's a center of business, nonprofit, and legal activity in South America and I knew it would be a great place to work to make a difference during my fellowship."

By Frank Jossi, a freelance writer based in St. Paul, Minn.

ROBINA SUPPORTED PROGRAMS
UNIVERSITY OF MINNESOTA LAW SCHOOL
 FY 2010 (July 2009 - June 2010)

	BUDGET FY 2010	Expend. as of 6/30/2010	
CHAIRS			
John Borrows	300,000	247,617	
Bert Kritzer: Research Chair in Law, Public Policy and Society	291,000	287,938	
Jenny Green: TBD Clinical Chair in Law, Public Policy and Society	145,000	151,079	
Rebudget to Post JD Fellowships		49,366	
SUBTOTAL	736,000	736,000	
RESEARCH FUND			
Susan Wolf	88,000	0	Cutting Edge Issues in Reprogenomics
			Empirical Studies of Intl Law: Challenges that Developing Countries Face in Using the World Trade Organization (WTO) Legal System
Greg Shaffer	17,000	5,440	
Michael Tonry (Richard Frase, Kevin Reitz, Barry Feld, Fionnuala NiAolain)	75,000	8,443	Comparative Studies of Judicial & Prosecution Systems
Fionnuala NiAolain (David Weissbrodt, Oren Gross)	100,000	40,014	Transitional Justice
			Effects of Neighborhood & School Characteristics on Incarceration Rates in Minneapolis, especially People of Color
M Orfield (Kevin Rietz)	100,000	64,457	
			Applying International Human Rights Law to Asylum Cases in the United States
Steve Meili	17,000	0	
SUBTOTAL	397,000	118,354	
CAPSTONE COURSES			
	92,000	48,097	
Labor and Employment Law			
Environmental Remediation and Redevelopment			
Health Law Compliance			
Law and Domestic Violence			
Rebudget to Post JD Fellowship		43,903	
SUBTOTAL	92,000	92,000	
PUBLIC POLICY INTERNSHIPS			
Erin Keyes	35,000	35,000	
David Weissbrodt	35,000	32,921	
Rebudget to Post JD Fellowship		2,079	
SUBTOTAL	70,000	70,000	
CONFERENCES			
Susan Wolf (Law and Science 10th Anniversary)	29,000	29,000	
Michele Goodwin (Human Trafficking)	25,000	27,226	
Michael Tonry (Comparative Study of Prosecution Systems)	25,000	0	
SUBTOTAL	79,000	56,226	
Post JD Fellowships			
Rebudgeted		195,000	
	195,000		
SUBTOTAL	195,000	195,000	
ALLOCATED TO PROGRAMS in FY 2010			
	1,569,000		
EXPENDITURES by PROGRAMS in FY 2010			
		1,267,580	
ANNUAL TARGET			
	1,400,000		
(Over)/Under committed	-169,000		
(Over)/Under Spent		132,420	

UNIVERSITY OF MINNESOTA

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July 30, 2009

Dr. Gordon Aamoth
President
Robina Foundation
4900 IDS Center
80 South 8th Street
Minneapolis, MN 55402

Re: Annual Evaluation Report

Dear Dr. Aamoth:

As requested in your letter of June 4, 2009, I am providing a detailed report of the University of Minnesota Law School's use of Robina Foundation funding to launch a new program on Law, Public Policy, and Society (LaPPS). Over the course of the past year, we have made remarkable progress towards fulfilling the Program's goals. Among other things, we have significantly restructured the first-year curriculum; initiated several new capstone courses to be launched this year; completed two of the three faculty hires contemplated by our proposal; launched multiple ambitious new faculty research projects; funded 20 student public policy internships; launched a new post-J.D. fellowship program; and held one of the contemplated annual public policy research conferences.

We view the Program as a critical investment in the Law School's future. Robina funding has enabled the Law School to leverage additional resources from the central University, focus Law School resources, energy, and attention on building existing areas of strength, and begin to develop a model of legal education and scholarship that we hope will serve as an inspiration to others. To achieve its long-range goals, the Program will need time to mature. But we are excited about the progress to date.

In many respects, Robina funding could not have come at a better time. It has enabled us to make substantial progress on our teaching and research missions at a time when state budget cuts, declining endowment income, and a reduction in philanthropic giving from other sources might otherwise have stalled our efforts to transform the Law School to meet the demands of a rapidly changing legal landscape. We are accordingly very grateful to the Foundation for its support and look forward to working with you to achieve our mutual goals and Jim Binger's vision for transformational change.

1. Original Goals and Objectives

The Program, as described more fully in our June 20, 2009 proposal, seeks to make the Law School a recognized leader in developing innovative solutions to problems at the intersection of law, public policy, and society. The Program has two central and related objectives:

- A. to transform the Law School's curriculum and teaching mission in ways that will enable our graduates to be more effective at developing multidisciplinary solutions to complex social problems; and
- B. to leverage our existing strengths in criminal justice, international law, and science and technology to broaden our ability to generate cutting-edge, policy-relevant research, scholarship, and community outreach.

A. Transformation of Curriculum and Teaching

As noted in our original proposal, the traditional model of legal education has come under considerable criticism in recent years. In particular, the Carnegie Foundation for the Advancement of Teaching has urged law schools to offer greater exposure to the complexity of actual practice and greater emphasis on ethics, professional responsibility, and social context. The Law School, through a long process of faculty review, reached similar conclusions independently. We have therefore initiated major changes to our curriculum, particularly in the formative first year. Robina support of a new human rights clinic, new capstone courses, public policy internships, and post-J.D. fellowships forms an integral and essential part of the Law School's curriculum and teaching reforms.

The goals of these changes include:

- to integrate professional values, ethics, and lawyering skills throughout the Law School curriculum, and increase opportunities for skills development in both simulated and live-client settings;
- to educate students in a progressive arc about the full range of lawyering concepts, beginning with basic lawyering skills and legal doctrine and proceeding through advanced theory and highly complex problem-solving strategies;
- to promote collaboration, particularly interdisciplinary collaboration, both within the Law School and among University departments;
- to highlight the ways in which law can be original and transformative, in drafting, application, and interpretation; and
- to emphasize the professional values of social responsibility and public service.

B. Building on Existing Strengths in Criminal Justice, International Law and Human Rights, and Law and Science

By building on existing strengths, the Law School seeks to become a leading institution for intensive policy work and problem solving. As set out in our proposal, we seek to build strength in three key areas: criminal justice, international law and human rights, and law, science, and technology. The Law School already has clusters of distinguished faculty working in each of these areas. Each area provides exceptional opportunities for important public policy research and is fundamental to work being done in other areas. The overall goal is to develop these three areas as strategic enabling areas around which clusters of faculty develop related law, policy, and society projects.

Specific goals for the LaPPS Program include:

- hire one or more new faculty members in each of the three fields of strength, to complement our existing faculty and stimulate new ideas and research through faculty interaction;
- hire an established or rising star social scientist with first-class quantitative skills, who might partner with existing faculty in empirical or quantitative policy-oriented research;
- foster cutting-edge public policy-oriented research, particularly in criminal justice, international law, and law and science (especially health and life sciences); and
- hold annual high-profile conferences in one or more of the three strategic enabling areas that attract top scholars, stimulate new research, and generate new publications to disseminate conference findings.

2. Progress in Meeting Program Goals

The LaPPS Program is well under way. It has helped stimulate an extraordinary set of curricular and teaching reforms, and enabled the Law School to build on its strengths and initiate substantial new research on public policy issues.

A. Progress on Curriculum and Teaching

Overview

As part of the overall strategy of adapting curriculum and teaching methods to the demands of the changing legal environment, the Law School has launched a new Lawyering Program with a three-stage pedagogical model for integrating the teaching of legal skills, values, professional identity and role, and ethics. The three-stage model consists of:

Stage 1, which incorporates new courses and new course components on Legal Writing, Statutory Interpretation, Professional Responsibility, Perspectives on the Law, and Practice and Professionalism (formerly "Work of the Lawyer"). Together, these courses and course components introduce basic concepts and skills to first-year students and lay a foundation for the full integration of theory and practice. They are designed to give students exposure to professional challenges in a controlled environment.

Stage 2, characterized by increasing contextualization and exercise of independent judgment. Through externships, pro bono opportunities, and hybrid courses, students put into practice what they have learned in the first year, but also confront professional challenges generally not covered in doctrinal courses. Students are introduced to actual clients and the concomitant responsibility of making decisions with real consequences, requiring heightened reflection on the part of the students and intensive supervision by faculty.

Stage 3, which adds or amplifies the elements of collaboration, public engagement, social responsibility, and interdisciplinary coordination. Students at this stage have the opportunity to enroll in a Clinic and/or a Capstone course. Most Clinics have an individual client and litigation orientation and integrate systemic issues with personal and professional values. The Capstone courses are designed around long-term, interdisciplinary work; they will provide students not only with an intensive immersion in a particular doctrinal area, but also with experience in complex problem solving that integrates law and social policy.

Specific Reforms

The Law School has instituted six significant curricular reforms in the past two years in the areas of Practice and Professionalism; Professional Responsibility; Statutory Interpretation; Perspectives and Other First-Year Electives; Capstones; and a Human Rights Clinic. While these curricular changes are still evolving, they have already demonstrably strengthened the curriculum.

1. Practice and Professionalism. Practice and Professionalism (formerly "Work of the Lawyer") is a required first-year, three-credit course. Minnesota is alone among the top-tier law schools in the nation to offer an experiential first-year course that both has a transactional or non-litigation focus and is complementary to (rather than a substitute for) the Legal Methods curriculum.

Through lecture, discussion and short exercises, the course explores conceptual frameworks for, and theoretical understandings of, professional role. As a complement to the Practice and Professionalism class, students convene weekly in small sections of ten to develop lawyering skills through role-based performance of discrete tasks in the context of a simulated transactional law problem. Offered for the first time in the spring of 2009 as an elective, Practice and Professionalism will be mandated for all first-year law students next year.

2. Professional Responsibility. The Law School's Professional Responsibility curriculum is also undergoing a major transformation. As at most law schools, during the last few decades the Professional Responsibility course at Minnesota has been a required, upper-level, three-credit course. Now, however, at Minnesota, basic concepts and issues are introduced in the first year; fifteen percent of the Practice and Professionalism course is devoted specifically to legal ethics.

As a way of reinforcing this introduction to legal ethics, students in their first year are expected to attend a series of lectures on professionalism, and the lectures will be followed up with discussion groups that will give students the opportunity to talk informally with experienced practitioners about professional responsibility issues.

3. Statutory Interpretation. The first-year Legal Writing curriculum has been enhanced with the addition of a complementary Statutory Interpretation component.

4. Perspectives and Other First-Year Electives. This past year, for the first time, second-semester first-year students had the opportunity to choose one course from a list of

electives. In 2009, the electives included Work of the Lawyer, Perspectives, Corporations, and International Law. (Because in 2010 Practice and Professionalism (or Work of the Lawyer) is a required course, the fourth elective will be Civil Procedure II.)

5. *Capstones*. In the 2009-2010 academic year, the first of the Law School's Robina-supported capstone courses will be offered. One course integrating employment law skills, labor law doctrine, and ethics is a model for a national collaborative project involving the ABA Section on Labor and Employment Law. Another engages students in issues surrounding the existence of, redevelopment of, and litigation over so-called "brownfield" properties (i.e., real property that has been subject to contamination). Both Capstones address complex law and policy issues and both use a combination of simulation, interdisciplinary team-teaching, and discussion methodologies. The Law School is also exploring the possibility of a community-engagement model for future Capstone courses. Like the current simulation-based models, the community-engagement model would immerse students in complex problem solving in a specialized field of law. However, these classes would address actual, ongoing problems carefully chosen in collaboration with community advocates and service providers. To learn more about the potential for such a model, the Lawyering Program director will be participating in a graduate-level Capstone course being offered through the University's Humphrey Institute of Public Affairs. The Humphrey Institute, which has already developed a community-engagement model of student learning, is enthusiastic about working with the Law School on such courses.

6. *Clinics*. In the upcoming fall semester, two hybrid clinical courses will be used to test some of the methodological and interdisciplinary aspects of a community-engagement model. One clinic has as its focus domestic violence; the other will highlight environmental issues. In addition, January 2010 will see the introduction of a new Robina-supported Human Rights Clinic at the Law School. It is anticipated that the fieldwork component of this new clinical course will combine the direct representation of a traditional clinic with policy-oriented project work. Innovations in Capstone and Clinic design can be expected to stimulate empirical research and interdisciplinary scholarship in related areas.

B. Progress on Building Existing Strengths in Criminal Justice, International Law and Human Rights, and Law and Science

Robina Research Chairs in Law, Public Policy, and Society

As indicated in our June 20, 2008 proposal and subsequent correspondence, we set as a goal the hiring of two star faculty members to help us become one of the country's leading centers for innovative work on complex law and public policy problems. We have already hired John Borrows, one of North America's leading experts on indigenous rights and comparative constitutional law. A copy of John's curriculum vitae is attached. John will join the Law School faculty on September 1, 2009 as the first holder of a Robina-funded research chair on law and public policy. John joins and complements an already exceptionally strong group of faculty who work in the area of international law and human rights. John's expertise on indigenous rights fills an important gap in the Law School's scholarly and teaching agenda.

We are currently conducting a national search to find a star lateral that we could hire in the area of law and science, to fill the second Robina-funded research chair on law and public policy. Our appointments committee has assembled a list of prospective candidates, and two candidates have been scheduled for two-day interview visits this fall.

As mentioned in our 2008 proposal, we also sought to add to our faculty an established or rising star social scientist with first-class quantitative skills, who could partner with other faculty in intensive empirical projects in areas such as criminal justice law reform and race and poverty. In keeping with this objective, we hired Herbert Kritzer, one of the world's top experts on empirical legal studies, and the author of over 100 books and articles in that field. Professor Kritzer started at the Law School on July 1, and is already co-authoring articles and working on empirical projects with several other members of the faculty. His curriculum vitae is also attached.

Finally, we are considering a new strategy for building strength in the fields of criminal justice, international law, and law and science. In particular, we have identified several of the world's top criminal law scholars (based in the UK) who might consider joining the Minnesota faculty on a 50% time basis; our objective would be to hire two or three such faculty as a way of further internationalizing and strengthening our existing criminal justice faculty. If we succeed in attracting the individuals we have engaged in discussion, we would have probably the strongest group of criminal law faculty in the world. If this international cluster hire strategy succeeds in the area of criminal law, we will then consider its possible application to the other targeted fields.

Robina Clinical Chair in Law, Public Policy, and Society

After an extensive national search, the Law School hired Jennifer Green, formerly a lead attorney with the Center for Constitutional Rights, to develop a human rights clinic. Ms. Green will join the Law School faculty this month. She has been co-counsel or lead attorney in many of the most important human rights cases in the last fifteen years, and just recently won a \$15 million dollar settlement in a path-breaking human rights case against the Shell Oil Corporation. Her curriculum vitae is attached.

Robina-supported Faculty Public Policy Research

This year, the Law School solicited proposals from faculty for policy-related research projects that will have high visibility and impact, attract external funding, involve law students in substantive roles, and enhance the Law School's reputation as a leading institution for law and public policy. Preference was given to projects that relate to criminal justice, international law and human rights, or law, science, and technology. Progress on some of the projects that received funding this spring is described below.

1. *Law and Science.* Robina funds are supporting original research by Professor Susan Wolf on "Cutting-Edge Policy Issues in Reprogenomics: Revamping the Law, Ethics & Policy Governing Genomic Biobanks and Assisted Reproductive Technology." This project, running from July 2009 through June 2011, involves work on two related projects addressing issues posed by the latest advances in biomedical science in the linked domains of genomics and reproductive technologies. In both areas, the rise of

computer capacity, the Internet, and bioinformatics is posing enormous challenges. Biobanks are large collections (often more than 100,000 source individuals) of biological samples and related data, typically including genetic and genomic information. Biobanks depend on computer capacity to organize, manage, and drive research on these large collections. Health care and research institutions all over the world are establishing them at a rapid rate. They raise extremely important issues, including what constitutes adequate source consent, who is entitled to the information generated, how privacy and confidentiality will be ensured, how they should be managed over time, and what data and samples should be shared with researchers and under what conditions. Professor Wolf has been conducting related work supported by the National Institutes of Health. Her Robina-supported work will allow her to visit biobanks and interact with them directly and to focus and publish on the legal issues raised.

Professor Wolf's related work on assisted reproductive technologies (ART) also builds on the rise of computer capacity and the Internet. Individuals are increasingly using these technologies to decide on treatment, find gamete donors, and (for offspring) search for donors as well as other children produced by the same gamete donor. Parents and offspring are also using direct-to-consumer genetic testing available over the Internet, a controversial service, but one that recently helped a 15-year-old child of anonymous sperm donation locate his donor. As in the biobank realm, these developments in ART are raising major issues including consent, access to information, privacy and confidentiality.

Both the biobanks and the ART projects raise high-profile issues of immediate concern to federal and state governments, scientists, physicians, and individuals. Both projects address how legal and ethical obligations to those who are most vulnerable (participants in genomic research and children produced using reproductive technologies) should change in light of evolving technologies. Outcomes will include a major legal article on access to biobank findings and return of individual research results, a major bioethics publication, visits to biobanks and archives to get a deeper sense of how they work, and an article on the changing information technologies challenging ART policy and practice.

2. *Criminal Justice.* Professors Michael Tonry, Richard Frase, Kevin Reitz, and Fionnuala Ni Aolain have launched a major project on comparative prosecution systems. The project will consist of three major elements--a winter 2010 conference in Europe on descriptive case studies of prosecution systems, funded primarily from European sources, and resulting in a book published by a specialist legal or criminal justice publisher; preparation in summer 2010 by law student interns of case studies, drawing heavily on interviews and administrative materials, of combined judicial and prosecution systems in 6-8 countries (including the Netherlands, Switzerland, Sweden, Finland, Germany, the United States, and possibly Poland, Hungary, and Canada); and a fall 2010 or early 2011 conference in Minnesota on comparative study of judicial and prosecution systems, resulting in a book to be published by the University of Chicago Press.

Professors Tonry et al. have obtained matching funding of 10,000 euros (\$14,000) from each of four sources (the Finnish National Research Institute for Legal Policy; HEUNI [the UN crime institute in Finland]; the Netherlands Institute for the Study of Crime and

Law Enforcement; and the Criminal Law Institute of the University of Zurich). They have also obtained undertakings of support from the Swedish National Crime Prevention Institute and the Max Planck Institute on International and Comparative Criminal Law. They have also obtained funding from the Swiss National Science Foundation to support a Swiss post-doctoral student to work on the project for two years in Minnesota; her focus will be on a comparative Swiss/US analysis, which is especially interesting as Switzerland is the only other Western country in which prosecutors are elected.

The two leading US scholars of prosecution, Ron Wright of Wake Forest and Marc Miller of the University of Arizona, have agreed to participate. Principals of all the funding and supporting agencies named above have agreed to collaborate in project planning and in supervision of summer interns in on-site preparation of case studies. The Max Planck Institute has agreed to lend the services of Marianne Wade (who coordinated a 3-year comparative data collection project on prosecution in Europe) and Michael Kilchling (who 5-7 years ago organized a conference on comparative prosecution studies and edited the resulting book) to work on the project. Adam Tomczak, a Minnesota law student, has been working the past three months on preparation of a comprehensive annotated bibliography on comparative studies of prosecution systems.

3. *International Law and Human Rights.* Professors David Weissbrodt, Fionnuala Ni Aolain, and Oren Gross have launched an interconnected series of research projects relating to international humanitarian law and transitional justice. Professor Weissbrodt has already conducted an extensive analysis of the jurisprudence of the UN Human Rights Committee as it relates to the 1949 Geneva Conventions and the Additional Protocols of 1977, and has prepared a substantial law review article examining the Committee's interpretations and applications of humanitarian law. The article recommends an expanded role for the Committee as a more feasible alternative to the creation of a new international body to interpret humanitarian law. Earlier this week the article was submitted for publication review to several law reviews. That consideration process may take several months. Meanwhile, Professor Weissbrodt will be working with his research assistants, supported by the Robina Foundation, to study how other institutions interpret humanitarian law, including the U.S. Supreme Court, the Committee on the Rights of the Child, and the Committee on the Elimination of All Forms of Racial Discrimination.

Professors Ni Aolain, Weissbrodt, and Gross are also working on an international and comparative law conference on military tribunals and exceptional courts, with a strong policy focus related to ongoing debates about military commissions. Professor Ni Aolain is working on a related series of specialized symposia and a book on transitional justice, with a focus on post-conflict and post-repressive societies. Finally, with Robina Foundation research support, Professor Ni Aolain is completing a monograph to be published with Oxford University Press on women and conflict; the manuscript is due to be submitted to Oxford at the end of this calendar year.

Professor Stephen Meili has embarked on a three-year project to enhance the international human rights protections afforded to persons who seek political asylum in the United States. The project aims to combine scholarly research, transnational

comparative analysis, public advocacy, and representation of asylum seekers by the University of Minnesota Law School's Immigration and Human Rights Clinic. It will examine the roots of the United States' reluctance to invoke international human rights law in defense of non-citizens generally (including asylum seekers), and the experience of countries which have shown a greater willingness to apply that law in the asylum context (i.e., Australia, Canada, New Zealand and the United Kingdom). The project will include active participation by University of Minnesota law students, who will learn about the relevant law, hone their lawyering skills, and engage with vulnerable immigrant communities. Project research will generate papers to be delivered at various academic and public policy conferences, one or more law review articles on comparative approaches to the use of international human rights law in asylum decisions, and position papers, op-ed pieces, and other public writings in support of the use of international human rights law by U.S. tribunals. In addition, the Law School's Immigration and Human Rights Clinic, working in conjunction with Advocates for Human Rights, a Minneapolis-based NGO that advocates for asylum seekers and other non-citizens throughout the country, will seek out asylum cases that allow for cutting-edge arguments based, in part, on international human rights law.

Professor Greg Shaffer has launched a major empirical study that will result in a book examining how the legal system of the World Trade Organization (WTO) operates for countries that have few resources and less legal expertise (that is, most developing countries). According to conventional wisdom, the key to the WTO's success is its legalistic architecture under the Disputes Settlement Understanding, which supplanted the diplomacy-based framework of the WTO's predecessor, the General Agreement on Tariffs and Trade. Professor Shaffer's project seeks to assess empirically the challenges that developing countries face in using the WTO legal system. He is examining whether differences in power in the form of asymmetric legal capacity have replaced other forms of power in international trade relations. He is examining, in particular, possible strategies developing countries might consider in order to increase their ability to use this legal system. Robina funding will be used to do empirical case studies in India and South Africa, to conduct follow-up interviews in Geneva (the home of the WTO), and to hire research assistants, to help with statistical data gathering and analysis regarding determinants for participation and success in the WTO legal system.

4. *Robina Public Policy Annual Conferences.* On March 6, 2009, the University of Minnesota's Consortium on Law and Values and Joint Degree Program in Law, Health & the Life Sciences (www.jointdegree.umn.edu), marked their 10th Anniversary with a major national conference on "What's Next in Law, Health & the Life Sciences? Debating Openness, Access & Accountability." This conference, attracting an audience of more than 200, with the video now archived online for free public access (http://lifesci.consortium.umn.edu/conferences/2009_whatsnext), addressed issues at the forefront of law, health, and the life sciences. Presentations from top national experts analyzed emerging issues in genomics, neuroscience, health care, and environmental research, as well as science oversight. This conference also included a competitive call for papers from junior scholars, with presentations of the leading selected papers. This conference is resulting in publications in the *Minnesota Journal of Law, Science & Technology* (*MJLST*) (<http://mjlst.umn.edu/>), based at the Law School. Crucial funding

for this conference came from the Robina Foundation. Additional funding came from the Law School, the Office of the Executive Vice President and Provost, and the Presidential Initiative in support of interdisciplinary research and education.

A major conference on military tribunals and exceptional courts will be held in October 2009 at the University of Minnesota. Major conferences on comparative criminal prosecutions will be held in fall 2010 and 2011 in Minnesota and Europe. In addition, a major conference on Human Trafficking in the 21st Century will be held in two parts, in Brazil in February 2010, and in the United States in April 2010. We will provide additional information on those conferences as the dates draw nearer.

C. Progress on Student Internships and Post-JD Fellowships

This year, twenty law students were awarded Robina Public Policy and Human Rights Fellowships. We believe there is no more effective way to inspire law students to undertake a career in public service than to give them a taste of public policy and/or human rights work. Also, such practical experiences give students the contacts and first-hand knowledge so important for career and public service opportunities. We recently sent you a letter with a list of the organizations for whom the student interns worked. A copy of that letter is attached.

In addition, we are in the process of establishing a new, post-J.D. fellowship program. This program aims to assist recent Law School graduates to gain practical experience working at a non-profit organization or for a government agency on public policy issues. We have allocated \$125,000 of Robina internship funding for this purpose. We believe the reallocation will assist members of the class of 2009 with employment opportunities and provide the agencies for whom the graduates work with much needed assistance. The organizations that have requested a Robina public policy fellow include:

Battered Women's Legal Advocacy Project
Cancer Legal Line
Center for Victims of Torture
Children's Law Center of Minnesota
Disability Law Center
HOMEline
Minnesota Center for Environmental Advocacy
Minnesota Coalition Against Sexual Assault
Office of the Title Examiners (Real Estate Policy)
Volunteer Lawyers Network (Bankruptcy).

We have just begun accepting applications for these fellowships and expect to place fellows starting this fall.

3. Unanticipated Results and Program Changes

So far, the LaPPS Program has largely taken shape as we had anticipated. Most of the faculty research projects are in an early stage, and two of the three chairs contemplated under our

proposal have just been filled. Accordingly, it is still early to evaluate the results of that research and hiring, though we are very pleased with progress so far.

We have had somewhat greater opportunity to evaluate the curriculum and teaching components of the LaPPS Program. Taken together, the six curricular reforms that have already been instituted have moved the Law School rapidly forward in the incorporation of professional values, lawyering skills, and ethics into the overall curriculum. The new and revised courses teach a broad array of lawyering proficiencies in such fields as legislation, policy making, diplomacy, alternative forms of dispute resolution, and transactional skills, as well as in the more traditional areas of advocacy and mastery of legal doctrine.

While it is difficult at this early stage to measure outcomes concretely, the Law School has, with the support of the University's Center for Teaching and Learning, undertaken a review and assessment of the curricular reforms through small group interviews and written surveys. Initial findings relating to the Practice and Professionalism course indicate that experiential methodologies, immediate feedback, diverse viewpoints, ethical considerations, and practical relevance to professional career paths are among the perceived strengths of the new program. Feedback from students and the Center's observers has led to some minor changes in the program (for example, to connect classroom theory more closely to simulated skills) but has affirmed the soundness of the program's basic structure.

One issue that has arisen in connection with the Capstone courses has been a lack of uniformity among the capstone proposals received from faculty. Among other things, we have debated whether to call two new hybrid clinical offerings capstone courses. One of our objectives this coming year will be to refine the capstone concept and develop a clearer set of criteria for what constitutes a capstone course. It has also proven more difficult than we anticipated to recruit faculty to teach capstone courses, partly because of the amount of work required to develop a multidisciplinary, innovative new course. We are rethinking the incentives needed to induce more faculty to offer capstone courses. We hope gradually to grow the number of these courses as we gain expertise from the early capstone offerings.

As the Law School looks ahead, it has become increasingly clear that an institutional focus on complex, pressing issues requires contributions from both practitioners in the field and outside experts. The Law School is therefore building bridges with experienced practitioners engaged in complex legal and policy issues. Several possible roles for practitioners are in development for the 2009-2010 academic year. In one, experienced lawyers would serve as "senior partners" in the Practice and Professionalism course. As such, these lawyers will participate in weekend consultation sessions or "office hours" with first-year students. Students, in role as attorneys representing a client in a simulated case, can meet with a "senior partner" to discuss an issue that has arisen in the course of the simulated problem, but may also ask the lawyer general questions about practice. These sessions will provide opportunities for students to learn how practitioners define their roles, understand their obligations to the community and the profession, maintain balance in their personal and professional lives, and grow as professionals. Experienced practitioners also participate as panelists in the Professionalism Lecture Series.

In the course of the past year, the Law School has identified two very concrete needs in the areas of teaching materials and assessment tools. Because the Minnesota model is at the cutting edge

of law school innovation, there are no texts or teaching materials directly applicable to the content and methods of the new courses. These materials will have to be developed over time, and will demand considerable effort from the faculty teaching Practice and Professionalism, Statutory Interpretation, Perspectives, Capstones, Professional Responsibility (as newly conceived), and interdisciplinary Clinics. Similarly, newly devised evaluative tools are needed to ensure that pedagogical goals and institutional objectives are being met.

While Robina Foundation funding is not being used to support the entire curriculum reform effort, it is supporting enhanced experiential learning opportunities through the creation of a new Human Rights Clinic and student public policy internships and post-JD fellowships. These experiential learning opportunities are a critical part of the larger curriculum and teaching reforms being undertaken by the Law School.

4. Sharing Results and Findings

In the wake of the Carnegie report, Minnesota's curriculum reforms have generated considerable interest nationally. In the last year, the program has been spotlighted at a half dozen curriculum workshops from Seattle to Cambridge. In the coming year, presentations to teaching faculty in four additional fora are already scheduled, covering developments in four key areas: programmatic innovation; teaching methodologies; assessment; and infusion of professional responsibility into the curriculum. An article developing the idea of diffusion of innovations in the law and community context is already being planned. Moreover, in the spring, the Law School will be hosting a leadership workshop at which a select group of law school educators will address the challenges and successes of curricular innovations designed to strengthen the academy's commitment to multidisciplinary problem solving and policy-relevant research. Participants will be expected to contribute papers to an on-line publication that will be available through several law teaching organizations' websites, as well as through the University website.

The faculty research projects and conferences described above will be shared through the more conventional means of publication in books and articles. In addition, some of the conference proceedings will be videotaped and made available on the Law School's web site.

5. Income and Expense Statement

The income and expense statement requested is attached to this report.

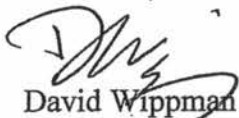
6. Additional Funders

Funding for the Robina research and clinical chairs combines Robina funding, Law School operations funds, and \$4 million in University of Minnesota matching funds on the timeline indicated in our original proposal and subsequent correspondence. In addition, some of the conferences referenced above have attracted modest amounts of third-party funding, as noted earlier in this report.

To Gordon Aamoth
July 30, 2009
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I would be happy to provide additional detail on all of the projects described above if that would be helpful to the Board. Again, we are very grateful to Jim Binger and to the Foundation for the opportunity to launch the LaPPS Program.

Sincerely,



David Wippman
Dean and William S. Pattee Professor of Law

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Enclosures

December 6, 2010
Final

**Securing the Law School's Future:
The University of Minnesota Law School Strategic Plan
2010-2015**

For over 120 years, the University of Minnesota Law School has admitted great students and graduated great lawyers. The next five years bring both unprecedented opportunities and unprecedented challenges. This Strategic Plan charts a course that builds on the Law School's existing strengths and creates significant opportunities for the future.

Vision

The Law School will become widely recognized as a national and international leader in legal education and the production of high-impact, policy-relevant research, with particular emphasis through 2015 on growth in the areas of international and comparative law; law, science, and technology; criminal justice; and law and business.

Context

Few law schools can match the University of Minnesota Law School's storied history of innovative teaching, cutting-edge scholarship, and community service. Its faculty has produced, and continues to produce, renowned scholarship on many of the critical legal issues of the day. It has long been an innovator in training top-notch lawyers. That past and present shapes the Law School's conception of itself as a place that produces not just successful lawyers but also responsible and engaged citizens.

The Law School has achieved all of this as a publicly supported institution, supplemented by strategic private contributions. But state support for higher education, in Minnesota and across the country, is declining rapidly; at the Law School, state support will soon become de minimis or disappear altogether. To maintain our excellence, to achieve our ambitious goals, and to continue to serve our students, alumni, and community at the highest level, the Law School must move swiftly to a private funding model. With consequent higher tuition, the Law School must ensure that its education leads students to fulfilling and rewarding careers.

Goals

The Plan outlined here establishes five goals that will guide the Law School through 2015: 1) create a new model of legal education that combines an outstanding comprehensive legal education with the development of "arcs to excellence" to prepare students for legal careers in fields of their choosing; 2) emphasize growth in four strategic substantive areas of law while maintaining the Law School's commitment in those areas for which it has been, and continues to be, highly regarded; 3) recruit a truly diverse faculty and student body; 4) engage alumni and friends of the Law School as full partners

in building the Law School's future; and 5) transition the Law School to financial independence. Each goal builds upon the Law School's historic mission of training the next generation of multi-dimensional leaders in the law while adapting that mission to the realities of a transformed funding model. While the initial focus will be on growth in the four substantive areas described below, as it moves forward the Law School will maintain its strength in the rest of the curriculum and seize on opportunities in emerging areas of scholarly and curricular strength outside of the initial four strategic areas

I. Create a New Model of Legal Education that Combines an Outstanding Comprehensive Legal Education With the Development of "Arcs to Excellence" to Prepare Students for Legal Careers in Fields of Their Choosing

Led by an innovative and highly productive faculty, the Law School has already initiated major changes to its curriculum, particularly in the formative first year. These innovations place the Law School at the forefront of a small group of law schools undertaking to lead the transformation of legal education nationally and internationally. These changes are designed to integrate doctrine, theory, professional values, and lawyering skills throughout the law school curriculum, and to educate students in a progressive arc about the full range of lawyering concepts and skills. The innovations equip our students in unique ways to be the next generation of legal and community leaders. In the first year, students learn core legal skills and key principles of professionalism; in the second and third years, students build on the first-year foundation, explore areas of particular interest, and develop enhanced practical skills. Across the three years, students will experience increasing opportunities for skills development in both simulated and live-client settings, beginning with basic lawyering skills and legal doctrine and proceeding through advanced theory and highly complex problem-solving strategies. Drawing on the exceptional interdisciplinary capacity of the faculty, students will also be exposed to models of multidisciplinary learning and community-oriented, teamwork-based problem solving. In a variety of ways, the Law School will better connect students and graduates to fulfilling and rewarding careers.

Recently launched initiatives to advance these goals include:

- First-year electives in international law, corporate law, and theoretical perspectives on the law, bringing internationalism, business skills, and critical thinking into the formative first year.
- New first-year module on statutory interpretation as part of the emphasis on practical skills;
- Introduction of Practice & Professionalism as a required first-year course integrating doctrine and skills with a transactional focus; and

- Capstone courses with a multidisciplinary focus to help train students to be problem-solving, innovative lawyers with the skills to work in multiple legal and professional contexts.

Even as we continue to renew and refine ongoing initiatives, we will also launch new initiatives, which will include:

- Expand experiential learning opportunities by adding new clinics, capstones, and externship placements. By 2015, enable every student to take at least one clinic, capstone, or externship with the longer-term objective of enabling every student to take at least two such courses. This ambitious program will combine practical, policy, and theoretical learning, better equipping students for practice in a rapidly evolving legal environment nationally and internationally. Over the next several years, this will require that we:
 - add 20 clinic spots for students;
 - add 100 externship spots for students; and
 - expand the number of capstone courses from three to six, including at least one international law and one business law capstone.
- Incorporate skills-based exercises into at least half of all first-year sections. This will deepen the engagement of faculty and students in experiential learning and create a defining educational experience for our students;
- Refine Practice & Professionalism and offer six sections of Professional Responsibility, two general and one each with a focus on transactional lawyering, civil litigation, criminal practice, and government service or family law to mesh practical and ethical training with particular practice areas;
- Offer specialized LLM and SJD programs to enhance the learning experience at the Law School, diversify our student body, and enhance the Law School's international reputation and brand;
- Enhance interdisciplinary learning opportunities with expanded joint and dual degree programs, new cross-listed courses, and greater interaction with affiliated faculty, thereby deepening our relationship with the broader University, attracting top faculty to the Law School, and deepening opportunities for students interested in interdisciplinary specializations;
- Add new concentrations responsive to the increasing specialization of legal practice, make the concentrations more rigorous, tie them more closely to clinics, externships, and capstones, and use them to engage students more effectively with alumni and the legal community;

- Explore new course offerings in subjects such as leadership, psychology, communication, and marketing that will offer students the “integrative skills” necessary to succeed in a global environment;
- Develop the resources and services needed to maintain and enhance the Law Library's standing as one of the country's top law school libraries;
- Develop more effective ways to assess student learning to ensure educational goals are being met;
- Develop an alumni mentoring program for all students, with an initial focus on students in existing and new concentrations, to help students connect to the legal community and deepen our relationships with alumni;
- Use the curriculum as a resource for alumni through Continuing Legal Education offerings, webinars, podcasts, and in-firm teaching opportunities;
- Provide future employers access to talented, creative, problem-solving graduates who will bring with them the best of cutting-edge legal education; and
- Strengthen career counseling and placement for both students and alumni to take better advantage of the Law School's strengths and its alumni network.

II. Emphasize Growth in Four Strategic Substantive Areas of Law While Maintaining the Law School's Commitment in Those Areas for Which It Has Been, and Continues To Be, Highly Regarded

The Law School has an extraordinary concentration of top scholars in international and comparative law; law, science, and technology; and criminal justice; and seeks to build a similar concentration in business and finance. Each area provides exceptional opportunities for research vital to the resolution of complex social and economic problems; each is fundamental to work being done in related areas and complements strengths elsewhere in the University; and each offers prospective students a challenging and distinctive career track.

Through 2015, the Law School will emphasize initiatives in these four areas. In parallel, the Law School will facilitate the growth of scholarly capacity in emerging or existing areas of strength and innovation.

By building strengths in these four areas as well as maintaining or increasing capacity in a broad range of legal arenas, the Law School will enhance its national reputation and its ability to contribute to national and international policy debates on key issues. Faculty with interests in these areas will seek out the Law School as a place to work with outstanding colleagues and students. Prospective students will be attracted to Minnesota as an affordable place to combine an outstanding comprehensive education with a progressive specialization leading to clearly defined career opportunities.

Employers will identify Minnesota as a place to find talented and uniquely trained graduates. Alumni and community members will identify with a rising institution that contributes to the community and places its graduates in leadership roles in both the public and private sectors. Although the four focus areas are discussed separately below, each overlaps with the others and with other areas of excellence in significant ways, and the Law School will exploit fully the linkages among the areas.

The Law School has a long history of excellence throughout the curriculum, and its faculty and graduates continue that history today. Even as the Law School focuses special attention on the four areas identified here, it will maintain excellence elsewhere, and the kinds of innovations described in this Plan will occur throughout the curriculum. The Law School must remain nimble and constantly adapt to new circumstances, and part of doing so requires constant review of existing and proposed initiatives, with an openness to identifying new areas of special focus as opportunities arise.

A. International and Comparative Law

Globalization has created rapidly growing demand for lawyers with international law expertise and cross-cultural skills. With a relatively modest incremental investment, the Law School will become one of the leading centers in the country for training international lawyers and the leading center for training human rights advocates. The Law School will attract top students interested in international law careers with new scholarships, provide them access to first-rate faculty and a complete range of international law courses, offer them an expanded range of international law clinics and other experiential learning opportunities, find them exciting summer internships with international businesses, law firms, and human rights organizations, and place them in international law-related positions upon graduation. Given the increasingly global and international dimensions of general legal practice, exposure to public and private international law as well comparative law will advantage all of our students and their employers. For graduates seeking human rights and development careers, the Law School will help place them with human rights and other public interest organizations, and raise money to cover the interest on any Law School loans for ten years, until the loans are forgiven under the current federal loan forgiveness program. Through this effort, the Law School will offer the country's most comprehensive and integrated program to attract and train tomorrow's leaders in international law and human rights.

New initiatives will include:

- Offer scholarships to students with demonstrated interests in international and comparative law and relevant skills or background (e.g., language skills), thereby bringing the best and most diverse students to the Law School;
- Develop new international law clinics and other experiential learning opportunities in order to deepen the practice experiences for students and augment their exposure to a wide array of legal skills;

- Deepen ties to University faculty in related fields, e.g., through development of a University-wide, interdisciplinary Human Rights Consortium, thus exposing students and faculty to the multiple benefits of a large research university;
- Create a foreign scholars program to attract distinguished faculty from universities abroad to teach short courses and work with permanent faculty, thereby advancing the goals of creating a diverse community and augmenting our international reputation;
- Work with alumni and partner institutions abroad, especially in Asia, to develop opportunities for transnational research collaborations, accelerated LLM programs, and new students;
- Enhance students' cross-cultural capabilities and international learning opportunities by:
 - Offering a concentration in international law;
 - Doubling the existing general LLM program from 25 to 50 students;
 - Offering both an LLM and an SJD in international and comparative law and human rights (the Law School will consider offering an LLM or an SJD in other strategic areas as well);
 - Strengthening the existing summer program in Beijing;
 - Restructuring the nine existing exchange programs to achieve a better balance between incoming and outgoing students and provide additional exchange opportunities outside Europe;
- Develop international and comparative law-related employment opportunities by:
 - Placing students in summer internships in international law, comparative law, development, and human rights;
 - Connecting students to alumni in the field; and
 - Expanding relevant post-JD fellowship and placement opportunities.
- Consolidate and augment the Law School's role as a resource to alumni working in international law (public and private), comparative law, and human rights.
- Expand the Law School's role as a "go to" place for expertise on international law, comparative law, and human rights, for both public and private sector firms and organizations.

B. Law, Science, and Technology

Law, science, and technology affords a great opportunity to leverage existing strengths within the Law School (in health law, intellectual property, environmental law, and related fields), the University (throughout the sciences and especially in biology), and the community (in areas such as medical devices, energy, and agribusiness) to help meet the growing demand for lawyers who can navigate the complexities of a rapidly changing regulatory climate on issues from health care to climate change. With scholarships to attract students to the Law School's joint degree programs in this area, investment in new faculty, development of new experiential learning opportunities, and a targeted placement program, the Law School will create a unique, comprehensive program to train tomorrow's leaders in law and science.

New initiatives will include:

- Recruit at least one new faculty member in law, science, and technology, augmenting the outstanding and diverse group of existing faculty in that area;
- Offer additional scholarships to students with demonstrated interests and relevant training in science, thereby attracting the best and most diverse students in those fields to the Law School;
- Create clinical offerings and externship opportunities in health care, environmental law, intellectual property, and related fields, combining policy and practice experience and making our students extremely marketable for specialized practice and business opportunities;
- Provide enhanced administrative support for faculty seeking substantial external research grants to augment our revenue in this area as well as to benefit from the esteem indicators that result from prestigious awards in key areas (e.g., NIH and NSF grants);
- Add at least one capstone course involving law and science to advance our overall curricular vision in this key arena;
- Partner with alumni working in related fields to help develop research projects and place graduates;
- Offer alumni access to the unique research and skills of the faculty in the Law and Science area;
- Contribute to key policy debates on issues such as health care, global warming, intellectual property, land use, and genomics; and
- Form research collaborations with faculty around the University in relevant fields, e.g., through the Consortium on Law and Values in Health, Environment & the

Life Sciences and the Institute on the Environment, and where feasible with private sector companies and organizations, thus leveraging our relationships with the broader University and community to the mutual benefit of all.

C. Criminal Justice

The Law School already has an internationally renowned criminal law faculty rivaling the best of any law school in the country, with unmatched strength in sentencing law and policy and exceptional experience with on-the-ground law reform efforts, both nationally and internationally. The depth and range of criminal law expertise means that Minnesota has ongoing capacity to extend its national and international scholarly and policy impact. With additional resources for student scholarships and experiential learning opportunities, the Law School will offer the country's leading program in criminal law, addressing critical social policy debates and preparing graduates for careers in both the public and private sector.

New initiatives will include:

- Offer additional scholarships to students with demonstrated interests in criminal law and justice, thereby attracting the best and most diverse students in those fields to the Law School;
- Expand existing experiential learning opportunities, e.g., with new field placements in criminal justice, thus giving students practical training and contacts in the field;
- Offer at least one capstone course with a criminal law focus in keeping with the overall curricular goals;
- Offer students new summer internships in the criminal justice system and opportunities to serve as faculty research assistants;
- Partner with alumni to place graduates in criminal law-related careers and provide post-J.D. fellowships for students working in non-profits or the public criminal justice sector;
- Identify funding to attract one or more post-doctoral students to work with criminal law faculty and thus build a cohort of new scholars and teachers in this field; and
- Make the Law School the "go to" source for policy advice for governments (federal and state), international organizations, and non-governmental organizations on issues such as sentencing policy.

D. Business and Finance

The Law School has a strong core of faculty working in corporate law, law and economics, and related fields. The Twin Cities has a strong and thriving business community with unique strengths in areas such as medical devices, agribusiness, and energy, and opportunities for collaboration with faculty in the Carlson School and elsewhere in the University abound. With additional investment, the Law School will develop a premier program in business and finance that attracts outstanding students, offers a full range of business-oriented courses, corporate externships, and other experiential learning opportunities, partners effectively with businesses in the community, and prepares students for leadership roles in business and transactional practice.

New initiatives will include:

- Hire at least one new faculty member specializing in business or finance;
- Recruit a Director of Transactional Lawyering who can help coordinate the Practice & Professionalism program and initiate new transactional capstones and related courses;
- Recruit students with educational backgrounds, leadership skills, and work experience that will position them for success in business and related fields;
- Expand the business law curriculum to offer the range of courses appropriate for a first-class business law program by:
 - Increasing the number of business and finance courses offered, including at least five sections of Contract Drafting every year;
 - Including contract drafting in most sections of Contracts;
 - Partnering with the Carlson School on a mini-MBA course or sequence of courses for law students interested in learning fundamental business concepts;
 - Adding at least one transactional clinic; and
 - Growing the existing corporate externship program.
- Hold an annual conference on topical issues of business law and policy;
- Provide students with access to leadership and entrepreneurship programs;
- Partner with the local business and legal community to address important business law issues and place graduates in leadership positions.

E. Building on Existing and Historic Strengths

The Law School must constantly adapt to new opportunities and circumstances locally, nationally, and globally. The Law School and its Strategic Plan must be nimble enough to react to internal and external dynamics ranging from the recruitment or departure of talented faculty to national and international social changes. Even as we target particular substantive areas for focused development in the next several years, we will continue to support all areas of research, teaching, policymaking, and service in which our faculty are engaged, and create structures within the Law School to generate new ideas and developments in those areas. The Law School already has strengths in areas such as administrative law, civil procedure, civil rights, constitutional law, family law, federal courts, legal history, and legal theory, among others, and we will continue to develop curricular and scholarly initiatives and to grow capacity in them as opportunities arise, especially where incremental investment can yield substantial reputational gains. Exploiting such opportunities will allow us to make investments in these foundational areas as the Law School achieves its developmental goals in the initial areas of focus.

As resources permit, new initiatives will include:

- Add new capstone courses;
- Add new clinical offerings;
- Add new concentrations;
- Make research funds available to support scholarship;
- Hold regular conferences in emerging areas of focus;
- Recruit new faculty, as needs or opportunities arise;
- Partner with alumni with expertise in these fields, including recruiting them as adjuncts to offer new courses, working with them to develop research projects, and turning to them to place graduates.

As part of its annual review process, the Strategic Planning Committee will consider whether any specific legal areas should be added to or subtracted from the list of strategic enabling areas currently receiving heightened attention.

III. Recruit a Diverse Faculty and Student Body

Our goals can only be fully realized if the Law School recruits a diverse faculty and student body. Diversity includes considering viewpoint and methodological diversity in addition to (though not in place of) traditional diversity criteria. The interaction of multiple, diverse perspectives challenges received beliefs, sparks new ideas, and enriches

learning. Diversity facilitates teaching, research, and outreach, and prepares students for careers in an increasingly diverse work environment. Graduating more diverse students will enable law firms and businesses to hire and benefit from a more diverse work force. Currently and historically neither the faculty nor the student body have been as diverse as many peer institutions; improving significantly is a high priority for the Law School.

New initiatives will include:

- Build a more diverse faculty by:
 - Working with the University's Office for Equity and Diversity to secure bridge funding and to identify employment opportunities for faculty spouses;
 - Working with alumni and community groups to identify and recruit diverse candidates;
 - Achieving sufficient diversity within the faculty to create a sense of community and alleviate the demands on individual faculty to serve as representatives of a particular group or perspective in various settings;
 - Strengthening the culture within the faculty to explore ways to more effectively embrace and support a diverse environment;
 - Helping faculty address within their classes critical issues that affect a variety of diverse communities; and
 - Directing the Diversity and Appointments Committees to prepare a joint annual report on measures taken to increase student and faculty diversity, analyzing the success of those measures, and detailing measures to be taken in the upcoming year.
- Develop a larger pool of qualified and diverse student applicants by:
 - Targeting areas where we have historically had strong job placement and institutions with diverse student bodies;
 - Considering developing a 3-3 program with the central University to attract outstanding students with diverse backgrounds;
 - Developing a more effective academic support program that meets the needs of all students;
 - Enlisting more faculty, alumni, and current students with ties to particular regions or institutions to assist with student recruitment efforts;

- Recruiting students with language skills, degrees, backgrounds, and work experience relevant to the four substantive strategic areas; and
- Building a pipeline program with area high schools.
- Increase the yield on admission offers to diverse students by:
 - Providing scholarships that meet or exceed those offered by peer institutions; and
 - Increasing funding available to faculty to guarantee outstanding diverse students opportunities to work directly with faculty as research assistants.
- Expand diversity programming at the Law School to foster a more inclusive learning environment and connect diverse students more effectively with community organizations and alumni.

IV. Engage Alumni and Friends of the Law School as Full Partners in Building the Law School's Future

The developments outlined above will lead students to productive and fulfilling careers and position them to assist the students who follow in their footsteps. Greater engagement with the Law School's strong, diverse, and loyal alumni will enable the Law School to support more fully its graduates' continuing educational and professional growth, while simultaneously enriching the intellectual life of its students and faculty. For over a hundred years, as the most distinguished (and the only public) law school in Minnesota, the Law School has benefited from a loyal national alumni of truly exceptional attorneys, judges, business executives, and public servants. The Law School's in-state alumni have been especially instrumental in developing Minnesota's legal profession, economy, infrastructure, and social programs. On the national and international levels, our alumni are leaders in the bench and bar, influential elected officials in state and federal government, educators, and entrepreneurs. Our alumni have generously supported the School financially and with their time and counsel. As our graduates increasingly find positions nationally and globally, however, it has become more difficult to maintain a sense of community among alumni and to engage them in the life of the Law School. This Plan seeks to strengthen those connections significantly.

At the same time, the Law School seeks to engage key non-alumni members of the business, non-profit, and legal communities in its mission and programs, and to encourage them to share their time, energy, and expertise in helping the Law School educate a new generation of leaders and strengthen the rule of law. As the only public law school in Minnesota, the School has a long tradition of public service and social engagement at the local, national, and international levels. This tradition influences and informs the efforts of faculty and students in teaching, scholarship, research, and service. The Law School's innovative curriculum, extensive clinics, research institutes and centers, and its many extracurricular programs are part of this effort. As the Law School

moves forward, it needs to ensure that this tradition remains vibrant and responsive to a rapidly changing legal and professional environment.

New initiatives to engage alumni and others will include:

- Map the alumni to identify alignments between alumni careers, interests, and skills and Law School priorities and objectives;
- Expand opportunities for alumni to interact with the School and with fellow alumni and other members of the legal community by:
 - Consolidating the two existing alumni boards into a single, more active Board of Advisors, with committees that can tap into a broader pool of alumni expertise and commitment;
 - Creating alumni advisory committees tied to each of the four substantive growth areas (and possibly to other areas as opportunities arise) to advise and support both faculty and students;
 - Expanding the existing program of alumni reunions and class events and improving the quality of programming to attract greater alumni participation and engagement;
 - Integrating faculty and students more fully into the social aspects of alumni events;
 - Targeting alumni programming to specific segments of the alumni population, including recent graduates, law journal editors, and minority student associations;
 - Promoting the use of Mondale Hall as a meeting venue for professional groups;
 - Developing more regional alumni activities to foster networking and social connections;
 - Creating additional opportunities for alumni and other members of the legal profession to participate in curricular, co-curricular, and extracurricular activities, e.g., by inviting more judges, lawyers, and business and community leaders to speak in Law School classes, teach as adjunct faculty, participate in moot courts, and speak at career-oriented programs;
 - Encouraging faculty involvement in the ABA, ALI, MSBA, and other legal organizations;

- Encouraging faculty to speak to and meet with attorneys in law firms and other legal organizations more frequently;
- Engaging alumni in the recruitment of potential and admitted students; and
- Creating a mentoring program that pairs current students with alumni who are willing to serve as mentors and advisors.
- Provide continuing career counseling services to alumni comparable to that offered to current students;
- Develop enhanced communication strategies, such as an E-newsletter, more alumni-centered content in *Perspectives*, and creation of an on-line alumni database; and
- Expand existing and building new partnerships with business, non-profit, and community organizations by:
 - Working with legal aid organizations and law firm pro bono programs to help meet the evolving needs of underserved populations in the state;
 - Supporting increased student engagement with legal service initiatives such as the Asylum Project and the Minnesota Justice Foundation; and
 - Sponsoring conferences, symposia, and research efforts that engage academics, practitioners, elected officials, and others in developing and implementing resolutions to legal, business, and social concerns.

V. Transition the Law School to Financial Independence

For over 120 years, the University of Minnesota Law School has offered an outstanding legal education that has been both accessible and affordable. But the historic bargain between the State of Minnesota and the Law School has been sharply undermined by rapidly declining state support. Within three to five years, the Law School's remaining state funding may disappear. As a result, the Law School will soon depend entirely on tuition, endowment earnings, external grants, and private philanthropy.

This represents a sea change in the Law School's financial model. Tuition, though still low relative to peer schools, jumped sharply for fiscal year 2010 and will continue to climb in the years ahead. But tuition has its limits. Student indebtedness has reached new highs, job opportunities remain tight, and many law firms have reduced starting salaries. Students and their families cannot absorb large tuition increases indefinitely. In response to these changes, the Law School has tripled scholarship support over the past several years, and it has launched innovative new programs to help students weather the down market, but more will be needed.

Achieving the Plan goals would likely require a net gain of 5 permanent faculty, including a Director of Transactional Lawyering and at least one new clinical faculty member. The Plan also anticipates the hiring of 10-15 new adjunct faculty, additional reference librarians, and additional staff (for a student mentoring program, additional communications and technology support, and at least one new administrative assistant). New faculty and librarians will require additional office space as well as travel and research funding. Moreover, the Law School will require higher salaries for faculty to match peer schools and additional funding for faculty research and travel. Finally, the Plan also demands substantial additional scholarship funding, money for student internships and post-JD fellowships, funding for library resources, and at some point additional classroom space.

Appendix I to this Plan specifies in greater detail the anticipated costs of Plan implementation, some of which may have to be deferred 2-3 years given anticipated cuts in state funding.

To build a solid financial base, key funding initiatives will include:

- Increase tuition to the median of schools ranked 15-25 in *U.S. News & World Report*, while reducing the resident tuition discount to 10% of non-resident tuition;
- Matriculate an entering JD class of 240-250 students;
- Double the LLM class and expand revenue from summer courses;
- Expand external grant funding, including providing enhanced administrative support for faculty seeking external research grants; and
- Launch a comprehensive campaign centered around the following priorities:
 - Legal education and student support;
 - Faculty recruitment, retention, and research; and
 - Facilities, Library, and core programmatic support.

Draft: December 4, 2010

Securing the Future

The Campaign for Minnesota Law

In 1888, Dean William S. Pattee announced that a new law school on the banks of the Mississippi would educate some 67 “young gentlemen of zeal and promise.” Today, the Law School educates some 800 young men and women of zeal and promise. With the right education, these students, like their predecessors, will be leaders, not only at the bench and bar, but also in business, government, and civil society. The Campaign for Minnesota Law will help us craft a new model of legal education that prepares our students for leadership roles in a fast-changing world.

From Regional Obscurity to National Prominence

When Dean Pattee made his proud announcement, the Law School’s physical plant consisted of a single poorly ventilated room in the basement of the University’s main administration building; its library was the Dean’s personal collection; and its entire faculty consisted of the Dean and a few adjunct lecturers. Today the Law School occupies a sprawling building on the West Bank; its library, with over one million volumes, is one of the best in the country; and over sixty of the country’s top teachers and scholars serve on its faculty.

By recruiting outstanding students and world-class faculty, the Law School gradually emerged from regional obscurity into national prominence. Many of the country’s greatest scholars and teachers have called Minnesota home, including such luminaries as Kenneth Culp Davis, William Prosser, Everett Fraser, Charles Allan Wright, Arthur Miller, Terence Sandalow, Yale Kamisar, Jesse Choper, Stefan Riesenfeld, and countless others. Their students have reached extraordinary heights. Minnesota counts among its graduates a United States Vice President, numerous Governors, Senators, Members of Congress, Ambassadors and other officials, leaders at the bench and bar around the country and around the world, and chief executive officers of such corporate giants as Dupont, Bank of America, and Honeywell.

The Law School’s rich traditions and history, and its extraordinary impact on the state, nation, and profession, can be traced to a single guiding principle, an enduring commitment to excellence. Our challenge is to carry on that commitment to excellence by continuing to provide our students with one of the best legal educations in the country, adapted to the demands of the 21st century.

Meeting Tomorrow’s Challenges Today

Today's students face a world unimaginable in 1888. It is a globalized, high tech, fast-changing world. It is a world with vast opportunities and daunting problems that demand flexible, collaborative, cross-cultural, and multi-disciplinary solutions. To emerge as tomorrow's leaders, today's students need a legal education second to none in breadth, depth, and responsiveness. And they need the financial support that will enable career decisions driven by demand and desire, not debt.

The Campaign for Minnesota Law will enable the Law School to set a new standard for preparing graduates to assume leadership roles in law, business, government, and civil society. Recent innovations already place the Law School at the forefront of efforts to transform legal education nationally and internationally. These changes integrate doctrine, theory, professional values, and lawyering skills throughout the Law School curriculum, offer students new and expanded experiential learning opportunities, and introduce students to new forms of multidisciplinary learning and community-oriented, teamwork-based problem solving.

The Law School's recent and unanimously adopted Strategic Plan charts a bold path for building on these innovations in ways that will give our students the comparative advantage they need to succeed in an intensely competitive career environment. Already, our students are among the country's very best, with a median LSAT average at the 96th percentile nationally and undergraduate GPAs to match. But it is no longer enough to teach them legal analysis and doctrine; tomorrow's leaders need the ability to think critically, communicate persuasively, and collaborate effectively. They need to solve problems for their clients and their community, and they need to do it across cultural and geographic boundaries. The Law School is already reconfiguring its curriculum to meet these needs, through innovative required courses encompassing extensive simulation exercises run by leading practitioners to new externships, capstone courses, expanded joint degree programs, and much more.

Simultaneously, the Law School is investing in areas of existing or emerging strength, areas in which our faculty and students can literally help change the world. In each of the selected fields -- law and business, international law, criminal law, and law, science and technology -- we are building centers of excellence, concentrations of world-class faculty who will work together, with faculty across the campus, and with our students to address cutting-edge legal challenges in areas ranging from health care to the environment, from sentencing to human rights, from financial regulation to intellectual property.

As we invest in these areas, we will build corridors of excellence for students seeking to combine an outstanding comprehensive legal education with a defined leadership path in a specific field. In each of the four areas, we will use scholarships to attract outstanding students with relevant backgrounds and skills, offer them access to top faculty, provide an expanded range of field-

specific courses, internships, clinics, capstone courses, and other experiential learning opportunities, and help place them in their chosen fields on graduation.

The Law School is exceptionally well positioned to lead in the reshaping of legal education. Minnesota has a long history of innovation, excellence, access, and affordability. One of the country's premier public law schools, Minnesota has long been at the forefront of curricular change, including the introduction of clinical education. But carrying those traditions forward requires us to follow a new and different path.

Towards A New Financial Model

The Law School now confronts a pivotal moment in its history, a transition point that will decide its future. To carry forward its traditions of excellence, the Law School cannot rely on the funding model of the past. For years, the Law School has been losing ground to better funded peers. The best private schools have amassed endowments that far eclipse ours; they spend per student two to three times what we can manage. Peer public institutions have already galvanized their alumni and friends to support aggressive fundraising efforts and growing endowments. Our future depends on comparable support from our alumni and friends.

Historically, the Law School has had three main sources of revenue:

- The State of Minnesota – through appropriations to the University of Minnesota
- Tuition and fees
- Private support – through outright gifts and payouts from endowed funds

Unfortunately, one of these – state support – is fast disappearing. The result is added pressure on the other two.

State Support

In the past, the State of Minnesota provided most of the resources necessary for the Law School to compete successfully with the best law schools in the country. Generations of students received a transformative education at a remarkably low cost. As recently as the 1970s, state support accounted for roughly 96% of the Law School's revenue. Even into the 1990s, state support constituted 80% or more of the Law School's revenue. But state support has been declining steadily and, in recent years, precipitously. Today state support accounts for just 11% of the Law School's total revenue, a number that will plunge in the next biennium.

Tuition and Fees

Resident tuition today is more than 60 times what it was in 1970; non-resident tuition has increased more than 30 fold. But tuition increases alone cannot make up for lost state funding. Further increases of the magnitude of the recent past risk making a Law School education prohibitively expensive. Tuition now exceeds \$32,000 per year for Minnesota residents and \$41,000 per year for non-residents. Although our tuition is still below most of our peers, we are fast sacrificing the affordability that was a hallmark of this great public Law School.

Our heavy reliance on tuition places an extraordinary burden on our students, a burden that is unsustainable for them and for the School. For students, the high cost of legal education leaves them, on average, with over \$90,000 in law school debt in one of the worst hiring markets in history. For many students, high debt loads drive career choices, shutting off public interest options even for those with a passion for social justice.

For the Law School, high tuition poses a different challenge. Competition for top students is fierce. Better funded peer schools can offer deep discounts in tuition through generous scholarships. With no reliable source of revenue to fund comparable discounts, the Law School is at a significant disadvantage in the competition to attract tomorrow's best and brightest.

Private Support

Our endowment, among the lowest of our peers, is simply not large enough to afford our students much relief from the current high cost of legal education. Nor is it large enough to support the kind of visionary change demanded by the market and laid out in our Strategic Plan. A larger endowment will enable us to fund new students, new faculty, and new programs, ensuring the institutional legacy and future capacity of the School.

At the same time, annual giving at the Law School, though increasing, still falls short of what many peer schools attain. Only 19% of our alumni contribute to annual giving, well short of the over 50% participation level achieved by the most successful schools. Every dollar we can raise in unrestricted annual gifts can immediately go to work attracting top students and faculty to the Law School.

* * *

The Campaign for Minnesota Law aims at nothing less than securing the Law School's future. It will give us the resources we need to fashion a new model of legal education, and attract the world-class faculty and students we need to sustain our rich legacy. To do all this -- to remain a first-rank law school, to recapture lost ground, to offer our students the best education and the best opportunities, to fulfill our land grant mission, to succeed at the highest level -- we must rely on the generosity of our alumni and friends.

We ask you to partner with us to make the Law School's future even brighter than its past.

Campaign goals

Student support	\$30 million
Faculty recruitment and retention	\$20 million
Curriculum and program development	\$10 million
Operating support	\$10 million
<u>Total</u>	<u>\$70 million</u>

Student Support *\$30 million*

For over 120 years, the Law School has been admitting great students and graduating great lawyers. Applications are at an all-time high, allowing us to be more selective than ever before. As a result, today's students bring extraordinary talents and credentials to the study of law. They stand poised to lead in a wide range of enterprises. But the competition for these students, and the financial barriers they face, are extraordinary.

Past generations attended the Law School when it operated under a low cost, low aid financial model. State support functioned like a large endowment, enabling the Law School to compete successfully with top private and public law schools alike despite tuition levels that pale to insignificance by today's standards. A generation ago, students could work part-time and easily cover the costs of Law School. Those days are gone.

Dwindling state support has shifted the cost of law school from the state to the student. Of necessity, the Law School has shifted to the high cost, high aid model now employed by all top law schools. Some 65% of our students receive financial aid, with the average scholarship award around \$19,000. But even as we sharply increase the resources we devote to scholarships (this year triple the amount we offered just three years ago), student debt continues to climb, reaching an average of over \$90,000, excluding undergraduate debt.

The high cost of law school is driving career choices. Students who enter law school with a passion for public service now find that careers in government or the non-profit sector are financially out of reach. Some outstanding prospective students may be deterred even from applying.

Historically, Minnesota stood for access and affordability, especially for state residents. As a land grant institution, Minnesota long served the state and the nation as an engine of social

mobility. We already provide over \$6,000,000 per year in scholarship support, most of it coming directly from our operating budget. But that is not enough. To fulfill our land grant mission, to attract the best and brightest students to Minnesota, and to afford them the full range of career opportunities when they graduate, we need new funds for scholarships and loan repayment assistance programs.

Faculty Recruitment and Retention

\$20 million

Throughout its history, Minnesota has been home to some of the most talented faculty anywhere and today's faculty are no exception. But as today's legends retire, we must have the wisdom and the resources to pass the torch to a new generation of rising stars. A stronger faculty means greater intellectual ferment and discovery, national recognition for innovative scholarship, a richer curriculum, greater interdisciplinary opportunities, new programs, centers, and activities, and new opportunities for students.

Our Strategic Plan emphasizes targeted hiring in four areas of comparative advantage, areas in which we can build greater national and international visibility, leverage strengths elsewhere on campus and in the community, energize new directions in teaching and research, and foster transformative work on some of the most pressing issues of the 21st century. We have had great success in hiring outstanding new faculty in recent years, many of them at the very top of their fields. But we are not alone in pursuing the best.

Faculty seek out schools where they can excel, where they will find like-minded colleagues and a critical mass in their fields, where they can be part of a great research university and a vibrant research culture, where they can work with the most talented students, and where they can feel part of a rich and diverse community. All of that we, the University, and the Twin Cities can provide.

But funding is equally important. We need to offer salaries and research support that match our peers. To do that, we will need new endowed chairs and professorships, support for faculty research, and funding for our many cutting-edge research institutes.

Curriculum and program development

\$10 million

Legal education is experiencing greater ferment than at any time since the 1960s and the introduction of clinical education. Minnesota was a pioneer in clinical education and today offers one of the largest and most distinguished clinical programs in the country, with 22 clinics ranging from bankruptcy to domestic violence and from consumer protection to human rights. Over half of our students take at least one live-client clinic, double the national average.

Minnesota is again poised to lead in the transformation of legal education. The 2007 Carnegie Report on legal education highlighted what the Law School already knew; today's students need a range and breadth of skills and experiences well beyond those offered by law schools still immersed in a curriculum that has changed little from its adoption in the 19th century. Today's graduates need a wider and deeper exposure to experiential learning, through new clinics but also through new simulation courses, multidisciplinary learning, externships, capstones and other innovative offerings. We have already introduced a new required first-year course, Practice & Professionalism, which serves as a gateway to the integration of doctrinal and experiential learning that occurs in the second and third years. We have launched new clinics, capstone courses, internships, and other exciting programs, designed to afford students a progressive mastery of the skills they will need to excel in the new economy. And we have expanded our programs for students from abroad to study in Minnesota and for our students to study abroad. Moreover, we are working on new courses and programs that will expand students' opportunities to focus on team-building, collaborative learning, development of public speaking and communications skills, and leadership training.

But all of this is expensive. Experiential learning works only with a very small faculty-student ratio. It is labor-intensive and therefore cost-intensive. To build the Law School of the future, we need a curriculum that offers students the best opportunities anywhere to combine theory, doctrine, and practical skills. For that, we need donor support.

Operating support

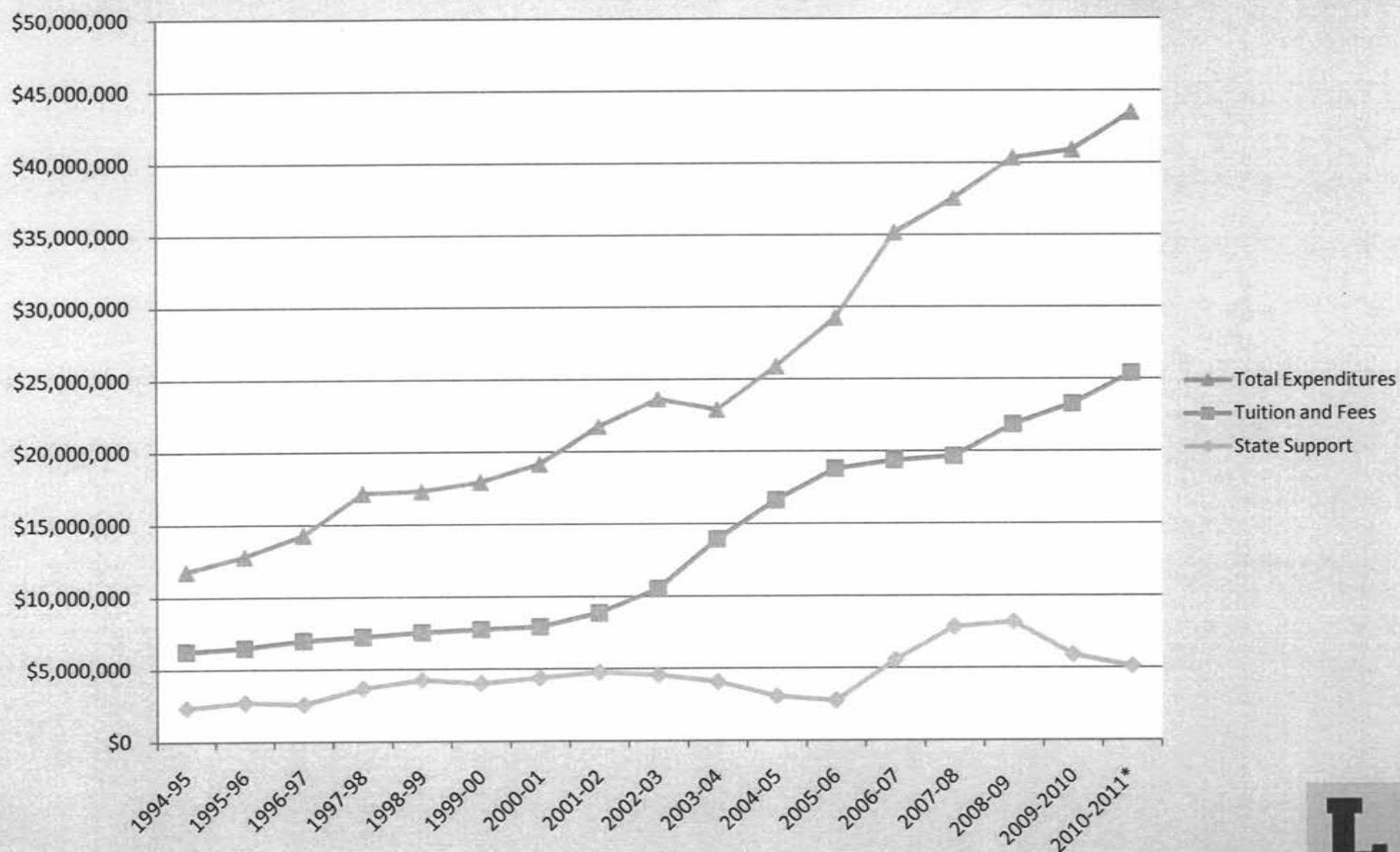
\$10 million

Even the best Strategic Plan cannot anticipate all future needs and opportunities. Unrestricted gifts afford the Law School the flexibility to meet the unexpected, to take advantage of opportunities as they arise, and to direct funding to areas of greatest need. Operating support doesn't just keep the lights on; it keeps the Law School nimble and flexible and permits it to respond in real time to both challenges and opportunities. To succeed in this campaign and beyond, we will need alumni participation in the Partners in Excellence annual fund to grow each year, until we reach our goal of at least 30% participation by 2016. We are confident that Minnesota Law alumni can meet this challenge and continue to grow participation levels well after the campaign officially concludes.

* * *

The Law School stands at a crossroads. To build on the legacy of the past, we must take what for us is the road less traveled: the road of private rather than public financing. If we are successful on this new path, then our past success will be prologue to a very bright future.

Law School Historical Revenues and Expenditures



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LAW
UNIVERSITY OF MINNESOTA
LAW SCHOOL

Rigorous. Relevant.
Ready.

LAW SCHOOL REVENUES

	FY 2008-2009	% of Total Exp.		FY 2009-2010	% of Total Exp.	Projected FY 2010-11	% of Total Exp.
DIRECT REVENUES							
Tuition	21,202,743	48.24%		22,367,234	53.71%	24,338,884	53.72%
Fees	2,136,065	4.86%		2,533,273	6.08%	2,458,146	5.43%
State Allocations	8,632,329	19.64%		6,328,766	15.20%	5,515,364	12.17%
Subtotal Student Tuition and Fee Revenue	31,971,137	72.74%	0	31,229,273	74.99%	32,312,394	71.31%
Grants and Sponsored Funds	1,629,414	3.71%		1,526,230	3.66%	1,800,000	3.97%
Philanthropy and Endowments	8,410,262	19.14%		7,508,306	18.03%	9,526,971	21.03%
Other Sources of Income (auxiliary income, room rental, sales, CLE, etc.)	1,939,645	4.41%		1,380,896	3.32%	1,671,504	3.69%
Subtotal Grant, Gifts and Endowments, and Other Revenue	11,979,321	27.26%	0	10,415,432	25.01%	12,998,475	28.69%
TOTAL REVENUES	43,950,458	100.00%		41,644,705	100.00%	45,310,869	100.00%

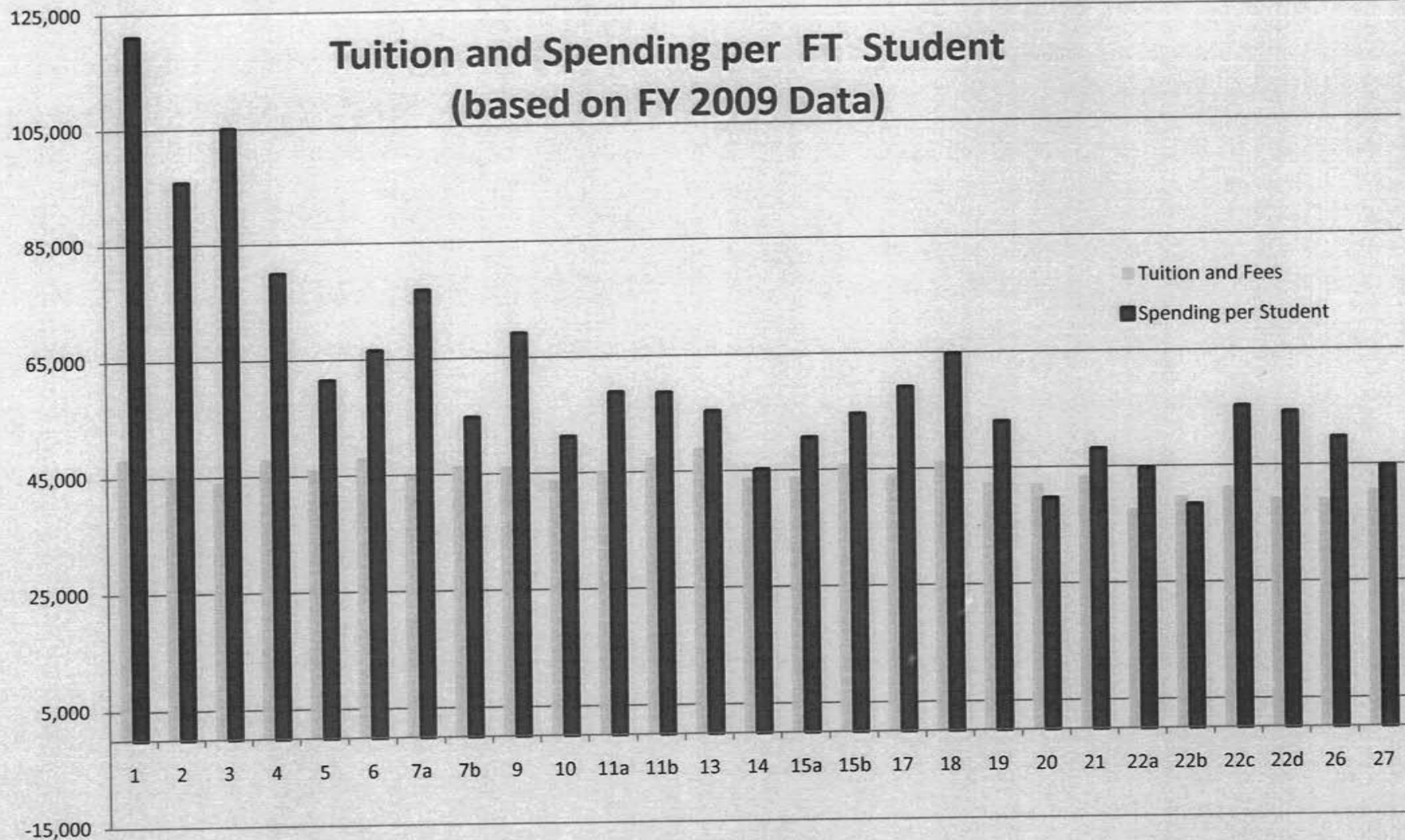
LAW SCHOOL EXPENDITURES

	FY 2008-2009	% of Total Exp.		FY 2009-2010	% of Total Exp.
DIRECT EXPENSES					
Instructional Compensation	12,213,723	28.14%		13,188,233	31.05%
Summer Compensation	1,027,211	2.37%		1,023,592	2.41%
 Administrative Compensation (Admissions, Advancement, AV/Ed Tech, Career Services, CLE, IT, Faculty Administrative Support, Student Services, Dean's Office, Student Journals, CALI)	6,321,583	14.56%		5,539,849	13.04%
Library Compensation	2,349,067	5.41%		2,341,581	5.51%
Other Compensation (Institutes, International Programs, Clinical Administrative support, student work study)	2,929,497	6.75%		2,590,592	6.10%
 Subtotal Compensation	24,841,081	57.22%	0	24,683,847	58.12%
 Library Expenses	2,502,310	5.76%		2,504,376	5.90%
Law School Expenses	5,285,533	12.18%		4,686,811	11.04%
Student Scholarship	5,428,070	12.50%		5,297,331	12.47%
Subtotal Other Expenses	13,215,913	30.44%	0	12,488,518	29.41%
 TOTAL DIRECT EXPENSES	38,056,994	87.67%		37,172,365	87.53%
 Number of Students	852			847	
 ABA Reported Expenditures per Student (FY 2010 is math)	44,635			50,142	
 Indirect Expenses					
University Cost Pool Allocations	5,352,956	12.33%		5,297,494	12.47%
TOTAL INDIRECT EXPENSES	5,352,956	12.33%		5,297,494	12.47%
 TOTAL EXPENDITURES	43,409,950	100.00%		42,469,859	100.00%

AVERAGE DIRECT EXPENDITURE PER STUDENT

US News
Ranking
(in 2010)

		2008	2009
1	Yale	113,002	121,019
3	Stanford	91,351	105,065
2	Harvard	88,899	95,777
4	Columbia	85,192	79,916
5	University of Chicago	68,969	76,794
9	University of Michigan	58,695	69,165
7	UC - Berkeley	63,732	66,484
18	University of Southern California - Gould	59,437	64,717
6	New York University	58,513	61,449
17	Vanderbilt	53,708	59,038
11	Duke	52,311	58,772
11	Northwestern	51,508	58,572
13	Cornell	50,303	55,261
22	Emory University	51,379	55,214
7	University of Pennsylvania	53,388	54,723
15	University of California - Los Angeles	47,989	54,500
22	University of Notre Dame	43,360	54,141
19	Washington University in St. Louis	48,512	52,918
10	University of Virginia	47,392	51,170
15	University of Texas at Austin	44,677	50,500
26	University of Iowa	47,684	49,674
21	University of Illinois - Urbana-Champaign	44,089	48,081
28	Boston College	42,767	46,077
14	Georgetown	44,438	45,133
27	Indiana University - Bloomington (Maurer)	37,067	44,719
22	University of MN	39,762	44,635
20	George Washington University	35,384	39,629
22	Boston University	36,593	38,334



1: Yale University
 2: Harvard University
 3: Stanford University
 4: Columbia University
 5: New York University
 6: Univ. of California, Berkeley
 7a: University of Chicago

7b: University of Pennsylvania
 9: University of Michigan
 10: University of Virginia
 11a: Duke
 11b: Northwestern
 13: Cornell
 14: Georgetown University

15a: University of Texas, Austin
 15b: University of California, Los Angeles
 17: Vanderbilt University
 18: University of Southern California (Gould)
 19: Washington University
 20: George Washington University
 21: University of Illinois - Urbana

22a: University of Minnesota
 22b: Boston University
 22c: Emory University
 22d: Notre Dame
 26: University of Iowa
 27: Indiana University - Bloomington

Executive Summary

A Concept Paper

The Robina Institute on Criminal Law and Justice University of Minnesota Law School

January 10, 2011

The University of Minnesota has the potential to create the preeminent program on criminal law and justice in the United States, and one of the strongest in the world. Everyone will win if that happens. The visibility and status of the University of Minnesota and its Law School will be enhanced, the Law School's faculty and curriculum will be strengthened, new opportunities for students will be created, relations with practicing lawyers and government officials will be enriched, and, not least, the Law School will be in a position to help transform research, doctrine, and policy concerning criminal law and justice in the United States. American criminal law, procedure, and justice are broken. The Institute will play a major role in fixing them.

The proposed Robina Institute is the mechanism for making these changes happen. It will be built around the Law School's existing senior criminal law faculty, augmented by promising younger faculty and strategic new hires. The Institute will establish on-going substantive—not pro forma, but substantive—collaborations with other leading criminal law programs in the United States and Europe. There will be collaborations with other University of Minnesota departments (government, philosophy, sociology, political science, history) and a steady flow of visiting professors, post-doctoral students, and distinguished practitioners. The Institute's work will be organized around 4 research streams: criminal law philosophy and theory, criminal procedure, sentencing law and policy, and international criminal law. Each will be led by joint coordinators, one from Minnesota and one from elsewhere; they will develop strategic, cumulative programs of research, conferences, law reform proposals, and publications. Annual Robina Conferences will highlight their work. The streams, and their work, will feed into a major reorganization of criminal law teaching and learning in the classroom, the law clinics, and student work opportunities. The rest of this summary provides background and highlights some program elements.

Background Factor (1). No other American law school could realistically propose such a program. Our senior criminal law faculty is often described as the strongest in the United States and possibly the world. Its breadth and depth of coverage are matched nowhere. In criminal law theory and doctrine, no other law school can match Antony Duff, Richard Frase, and Michael Tonry as a group. Nor can any law school match Frase, Kevin Reitz, and Tonry on sentencing law and policy. Barry Feld has few equals in juvenile justice and Perry Moriearty runs a cutting-edge juvenile justice clinic. The international criminal law group of Jennie Green, Oren Gross, Fionnuala Ni Aolain, and David Wippman, is extraordinarily strong. The Minnesota faculty is equally impressive in disciplinary breadth. Antony Duff is a world-class philosopher and

probably the leading specialist in criminal law theory. Michael Tonry is the leading criminal justice policy specialist on a law school faculty. Barry Feld is one of the two or three leading juvenile law scholars and the preeminent empirical researcher of juvenile justice. Susanna Blumenthal is a leading younger criminal law historian.

Background Factor (2). The American systems of criminal law and justice are a mess. Forty and fifty years ago, criminal law and procedure were glamorous, dynamic subjects. They attracted the most talented academics and the most idealistic students. The *Model Penal Code* served as a law reform model throughout the English-speaking world, the Supreme Court was celebrated world-wide for integrating human rights concerns and protections into criminal procedure, and the U.S. was admired everywhere as a beacon of progressive, humane criminal justice policies and practices. In 2011, it is different. With its three-strikes, life-without-possibility-of-parole (LWOP), and mandatory sentencing laws; an 800 per 100,000 imprisonment rate—8 times higher than the average of other developed countries; and one-third of black men in their 20s in prison or jail or on probation or parole, the United States is the exemplar of what not to do. Substantive criminal law and criminal procedure have atrophied as the Supreme Court weakened and muddled doctrine in response to the exigencies of the War on Drugs. In law schools, most of the glamour and excitement are long gone. BUT, that will all change. American criminal law and procedure, and criminal justice and sentencing policy, must change, and will. Minnesota can help show the way.

Potential Projects & Outcomes. The work plans of the separate streams will vary with their subject matter, but all will have large ambitions. Here are four examples.

1. **Substantive criminal law.** Criminal law theory may seem arcane. U.S. jurisdictions, however, need to rebuild their substantive criminal laws from the ground up, and they will need help doing it. The Model Penal Code provides essentially no guidance. It was written half a century ago to meet the needs of an era in which policy makers were guided almost exclusively by utilitarian aims. That world disappeared 30 years ago but the substantive (as opposed to the sentencing) parts of the Code, like flies in amber, endure unchanged and address the problems of a time long past. The work in the criminal law theory and doctrine track will in different ways—one more theoretical, one more applied—lay the foundations for a Model Penal Code for the 21st century.
2. **Mass imprisonment.** No one 30 years ago would have wanted, chosen, or worked to achieve the sentencing and corrections systems America now has. Far too many people are in prison and far too many of them are black and Hispanic. American states and counties can no longer afford to operate their overloaded and under-performing jail, prison, and probation systems. Yet no jurisdiction has done more than nibble at the edges of the problem. The sentencing and criminal justice strand will attack different facets of those problems and work at devising short and long-term solutions. The methods will include conferences, commissioned policy reviews and think pieces, original empirical analyses, formation of blue ribbon task forces, and professional dissemination of reports and recommendations.

3. **Technology transfer.** Other countries have frequently emulated particular American criminal justice policies. Examples include pretrial diversion, release on recognizance, community service programs, victim-offender mediation, and electronic monitoring. Others--zero-tolerance policing, LWOPs, three-strikes laws, capital punishment--have found few or no takers. Many other countries have faced and addressed problems that stymie American policy makers. Work in several of the strands will look at what U.S. policy makers can learn from other places. Products will include policy briefs and briefings concerning importable ideas.
4. **Basic knowledge.** All of the strands will encompass theoretical, policy, and practice issues, albeit with different emphases. Some will address basic knowledge. Here is an example. Since the early 1990s, crime rates have been falling throughout much of the world--the U.S., the other major English-speaking countries, all regions of Europe, most of South America, and South Africa--and no one has a good explanation why. The reason is not mass incarceration, capital punishment, or long prison sentences (only the U.S. in the West has those) or globalization, high unemployment, or economic recession (all countries are affected by these). The Institute will convene a multi-year initiative, the first anywhere, including policy makers, social theorists, econometricians, and historians to try to understand why crime is almost everywhere falling. A final report will explain what has been happening and why.

Collaborators. Two final introductory points warrant mention: collaborating institutions and enrichment of student experiences and opportunities. For each research stream, there will be an external co-coordinator and at least one continuing collaborating institution. Here are some illustrative possibilities. For criminal law theory, the inside coordinator would be Duff and the outsider Stuart Green or Douglas Husak (both Rutgers); the corresponding institutions would be Rutgers and Roskilde University, Copenhagen. For sentencing law and policy, the inside coordinator would be Frase or Reitz and the outsider Joan Petersilia, Stanford, or Andrew Ashworth, Oxford; the corresponding institutions would be Stanford and Oxford. For sentencing and criminal justice policy, the inside coordinator would be Tonry and the outsider Jeffrey Fagan, Columbia, or Hans-Jörg Albrecht, director, Max Planck Institute, Freiburg; corresponding institution: Max Planck Institute.

Teaching and students. The work of the streams will feed naturally into broadening the criminal law curriculum, strengthening the criminal law concentration, expanding criminal law clinical programs, establishing new degree programs, providing numerous opportunities for students to work for and participate in stream activities, and creating a variety of new job opportunities. There will be many opportunities for student placements and internships nationally and internationally. One example, concerning law reform: If the institute subsidized student internships, Minnesota faculty have the contacts to arrange summer placements, internships, and externships in most of the leading criminal justice reform organizations (examples include Human Rights Watch, the Vera Institute in New York, the Sentencing Project in Washington, the ACLU, the CATO Institute, various Open Society Institute affiliates nationally and internationally, and internationally active NGOs). Over time, those associations will provide rich networks of employment opportunity.

DRAFT

A Concept Paper for the Robina Institute on Criminal Law and Justice

January 9, 2011

The University of Minnesota Law School proposes to create the Robina Institute on Criminal Law and Justice, with funding for an initial period of six years; an application for further funding for a longer period may be made on the basis of the Institute's performance over its first four years. This document describes the Institute's basic structure (s. 1); the context that makes its creation both important and likely to be fruitful (s. 2); the Institute's aims (s. 3); how it will be organized to achieve those aims (s. 4); how its success will be defined and assessed (s. 5); and how it will be able to continue after the end of funding from the Robina Foundation (s. 6).

1. The Institute

The Institute will be based in the University of Minnesota Law School.

Personnel will include—

- a director and an assistant director: full-time tenured faculty (the director a senior scholar, the assistant director a more junior scholar), who will give intellectual leadership and direction.
- existing senior and mid-career criminal law faculty at the University of Minnesota Law School (Blumenthal, Duff, Feld, Frase, Green, Reitz, Tonry, & Moriarty).
- one or two entry-level faculty appointments, in addition to one criminal law clinical law appointment to advance experiential learning capacity in the criminal law arena.
- a small number of visiting assistant professors (VAP's), targeted at post-doctoral students with speciality in the criminal law field.
- a full-time administrator;
- faculty from other departments in the University with relevant interests and expertise in criminal justice (political science, sociology, philosophy) and other local law schools;
- prosecutors, government officials, and practitioners with an interest in criminal law theory and policy;
- a management board composed of scholars from the Law School and from elsewhere in the United States (including the directors of the various research streams, discussed below), and appropriate local practitioners and policy makers.

The Institute's central functions will include the following activities—

- the initiation of, and pump-priming support for, coordinated research in a number of streams dealing with different aspects of criminal justice;
- the advancement and maintenance of a preeminent role for the University of Minnesota Law School in curricular developments and innovation in the criminal law and criminal justice;
- the development of experiential and external learning opportunity for students interested in criminal law and criminal justice while at the law school;
- the provision of fellowships for senior scholars, junior scholars, early career researchers, and policy makers and practitioners;
- the organization of a major annual Robina Conference;
- the development of a web site to assist the coordination and dissemination of research and curricular innovation;
- the development of appropriate links between researchers, policy makers and the public, and the dissemination of Institute reports and proposals to academics, policy makers, news media, and others in a position to influence the development of criminal law and procedure.

These activities are sketched in a little more detail in s. 3 below. A central aim is the development and strengthening of boundary-crossing connections and conversation: between researchers from different disciplinary backgrounds, different jurisdictions, and different traditions of criminal law theory; between scholars and policy makers and practitioners; between researchers and students. The international dimension, especially connecting American and European thought, is crucial.

2. *The Context*

Several features of the local, national and international context make this a very appropriate time and place to create such an institute. Part of that context is the climate of crisis that surrounds criminal law and criminal justice both in the US and elsewhere. The perceived crises include—

- *Overcriminalization.* Our criminal law is constantly expanding, as legislatures seem prone to reach for criminalization as a first rather than as a last resort. More and more people thus become liable to conviction and punishment for an ever wider range of conduct, conduct that is often increasingly remote from the harms or mischiefs with which the criminal law is properly concerned. More fundamentally, we have lost any understanding that we once might have shared about the proper aims of criminal law and the role it should play in a modern democracy.
- *Policing and Prosecuting.* A further effect of an ever-expanding criminal law is that police and prosecutors are forced to exercise an ever-wider discretion in deciding which cases to investigate, whom to prosecute, and on what charges. Such discretion has obvious dangers: the danger of selective, discriminatory police attention that bears especially harshly on some (often disadvantaged) groups; the danger that prosecutors will choose cases, charges and

plea-bargains on the basis of convenience and economy of effort, or of actual or perceived bias, rather than of justice.

- *Criminal Process.* Overcriminalization also undermines the criminal process and the criminal trial. Instead of a process through which alleged wrongdoers are called to answer to appropriate charges and are convicted and punished only after a fair process in which they have a chance to make an answer to those charges, they are too often processed through a system of plea bargaining that has little to do with justice or the truth of the charges that they face, and more to do with the cost-effective control of an expanding criminal population.
- *Criminal Punishment.* The most dramatic effect of overcriminalization is over-punishment, especially when that punishment so often consists of imprisonment, and when the lengths of prison terms are constantly ratcheted up. It is by now a commonplace to note, and to deplore, the massive difference between imprisonment practices (the number and per capita rate of people in custody; the length of time they are held) in the US and those in most other countries—in particular those in other western democracies. It is also worth noting the very large numbers of people in the US who are in other ways under the restrictive control of the criminal justice system (for instance on probation). It is also a commonplace to note, and to deplore, the great over-representation in prison and other custodial populations of members of minority groups and of members of socially disadvantaged groups.
- *After Punishment.* Punishment effectively continues for many offenders after the completion of their formal criminal sentence. They might notionally have “paid their debt” to society, but they do not gain the readmission to ordinary civic life that the metaphor of debt-paying suggests: they may be subject to further legal restrictions (including disenfranchisement, which is of enormous symbolic importance); they are also likely to face a range of economic and social barriers that make resocialization almost impossible.

The proper role of the criminal law in a free society is arguably to define a limited range of public wrongs (wrongs which properly concern the political community as a whole); to provide for the investigation of such wrongs and to call to account those who are alleged to have committed them through a fair criminal process; and to convict and punish those proved guilty of such wrongs through such a process. The criminal law that we have now has moved further and further away from its proper role, to expand in ways that must create serious moral doubts about its legitimacy; it has done so without adequate public discussion of whether that narrower vision of the criminal law’s role is sustainable, or of how it should be revised or replaced. We are left with a system, or a collection of systems, whose proper functions or purposes have become quite unclear; whose operations are certainly expensive and harmful, but whose benefits are far from clear; and whose legitimacy is increasingly called into doubt both by those subjected to the law’s coercion and by those in whose name the criminal law claims to act.

A second, more hopeful, aspect of that context is that there is no lack of intellectual resources to address the various crises of criminal justice. In the US a large number of researchers and scholars are engaged, from different disciplinary backgrounds and with different agendas, with aspects of criminal justice, and are producing both incisive diagnoses of our current malaises and innovative ideas for how to tackle them. Some of these researchers, notably some of the

internationally recognised leaders of research in sentencing and penal policy, are already based in the University of Minnesota Law School. Outside the US—especially in Canada, in Britain, and elsewhere in Europe, where problems akin to those facing the US have been tackled in different ways, on the basis of political and moral ideals that should resonate with American thinking—there is also a wealth of creative thinking about the proper purposes and workings of criminal law. *What is missing is the kind of institutional structure (and resources) that would enable these researchers and scholars to work together more effectively; to engage effectively with policy makers and practitioners; and to train new generations of students and scholars who can take the work forward.* One thing that makes the need for such a structure particularly acute is that productive research in this area must be genuinely interdisciplinary and inter-jurisdictional: it must mobilise the resources of a range of disciplines, including law, criminology, philosophy, political science, and history; it must involve conversations and explorations between different countries and different legal traditions. What is required is nothing less than a rethinking of criminal law—of its proper aims, of its place in a contemporary democratic polity, of the principles that should guide and structure its operations. Such a rethinking will need to be historically situated, empirically grounded, and informed by deep normative theorizing; it can be achieved only collaboratively, through extensive conversations and explorations reaching across disciplinary and jurisdictional boundaries. But these kinds of collaboration are very hard, often impossible, to secure and maintain without appropriate institutional resources.

A third, more local aspect of the context is the existing research strength to be found in the Law School at the University of Minnesota, where scholars have for some years been engaged in just the kind of empirically grounded, theoretically informed, policy-oriented research that is needed. Scholars such as Michael Tonry, Barry Feld, Richard Frase, and Kevin Reitz, have produced seminal work in areas such as sentencing policy and juvenile justice. The criminal law faculty has recently been strengthened by the appointment of Antony Duff, who is internationally recognised as a leading theorist of criminal law and punishment, and who brings with him experience of running large interdisciplinary research projects in the UK (on the criminal trial and on criminalization) as well as close connections to a European network of criminal law theorists. Close relations have also been established with two leaders in criminal law scholarship and policy-oriented research in Britain—Andrew Ashworth and Nicola Lacey (All Souls, Oxford); they will be regular visitors to Minneapolis. In addition to this core group of senior scholars, the Institute would support the appointment, mentoring and development of the next generation of leading scholars/teachers in the criminal law area; this will enable the Institute to sustain and grow its intellectual and policy influence nationally and internationally. The Law School also has internationally recognised groups working in international law and human rights and in law and science, with which fruitful collaborations will be possible (the burgeoning field of international criminal law is a key focus for research, and important new work is being done on the question of what impact science, especially neuroscience, should have on the content and operations of the criminal law). The Law School's existing reputation as a center for criminal justice research, and the wealth of relevant experience among its faculty, make it an ideal place in which to create a new Institute that will transform research in criminal justice in the U.S.

3. *The Institute's Mission*

The Institute's mission will be to foster the systematic, critical, interdisciplinary, international, and integrated policy-oriented study and teaching of criminal law—

- *systematic*, because what is needed is an institutional structure that will bring together some of the often disparate kinds of research being done in criminal justice (e.g., to bring together work on criminal procedure and work on substantive criminal law);
- *critical*, because what is needed is not just to understand where we are now, but why we have the problems we do and how we can pursue viable reforms to address those problems;
- *interdisciplinary*, because any serious critical work of this kind will need to draw on a range of disciplines, to understand the operations and underpinnings of our present systems, and to explore plausible directions for reform;
- *international*, because we can gain a clearer understanding of our present situation, and of possible directions for change, by drawing on the thought and experience of other countries, and because the increasing transnational and international dimensions of criminal law make international collaboration and dialogue ever more important;
- *policy-oriented*, because an essential aim must be to engage productively with policy-makers and practitioners of criminal justice in ways that make a difference to their understanding of what they are doing, and that help them rethink criminal law in practice.
- *Integrated*, because in addition to applying these dimensions to scholarly and policy arenas we will also train and teach the next generation of leading practitioners, policy-makers and scholars, making Minnesota the leading educational home for thinking about, teaching in, and changing the criminal law.

The Institute will connect deep theory to policy and practice, and bring together researchers from different disciplinary and national backgrounds to work together fruitfully on common themes, to engage with policy-makers and practitioners about practicable ways of responding to the serious problems that we face, and to equip new generations of students to tackle those problems. This linkage between policy and practice will enhance and revitalize the student experience and students will be the direct beneficiaries of an invigorated and challenging environment, advancing the broader model of arcs to excellence that pervades the Law School's approach to scholarly and teaching distinction.

4. *The Institute's Operations*

The Institute's main proposed functions were outlined in s. 2 above; a slightly more detailed account of them is provided here.

Research Streams

The research streams will build on the existing scholarly and policy strengths of our criminal law faculty, augmented by a number of strategic appointments bringing greater depth and diversity to the group of criminal law scholars at the Law School. This generational approach to new

appointments will be particularly important in developing a balanced cohort of scholars, where generational leadership and the transfer and development of leadership skills will be a core element. The research streams give capacity for a depth of coverage and expertise at the Law School which will be unrivalled by any university in the United States, and arguably elsewhere. In terms of its scholarly and policy work, the Institute will create and provide the initial funding for a series of research streams, each dealing with one dimension of criminal justice. A possible set of streams is—

- **Substantive criminal law:** the proper scope of the criminal law, its relation to other modes of legal regulation, the principles of criminal liability. (*Duff's current (UK-based) project on the principles of criminalisation is one example of a project that could fall within this stream; other examples include the criminalisation of drug possession and use, and the growing use of strict liability offenses.*)
- **Criminal process:** policing, prosecutorial activity, and the criminal trial (especially the role of plea-bargaining). (*Tonry's new project on comparative prosecutorial practice could feed into this stream, as could Feld's research on police interrogation of juveniles, which he plans to expand to cover interrogations of adult suspects.*)
- **Sentencing and alternative dispositions:** the punishments that should be available to courts, sentencing principles, possible non-punitive dispositions. (*Reitz's ongoing work on a new version of the Model Penal Code sentencing provisions and Frase's work on a principled framework for sentencing are examples of projects that could fall within this stream; further work on non-custodial punishments will also be important.*)
- **International criminal law:** the foundation, scope and authority of international criminal law, and its relationship to domestic criminal law. A particularly important and developing area is the influence that the development of the International Criminal Court and other hybrid courts are having on the application of domestic norms and procedures. There is substantial expertise on the international law faculty in the area of international criminal law (Gross, Green, Ni Aoláin, & Wippman) and this research stream offers the capacity to leverage the research and policy strengths of the Law School in two concentrations of scholarly strength in a complimentary way. (*Gross & Ni Aoláin, are working on domestic complementarity of international criminal law; Green is working on transnational legal accountability; Duff has also begun work on issues concerning the authority of international criminal tribunals that will feed into this stream.*)

In each stream the emphasis must be on new thinking—on new ways of conceptualizing criminal law and its role in contemporary politics, new ways of thinking about our responses to crime. Two goals are paramount; 1) to influence policy making at both the domestic and international level, and 2) to apply insights from theory to the teaching of a new generation of students whose understanding of the function, capacity and future of domestic and international criminal law will have influence far beyond the Law School.

Each stream will be led by two directors whose main responsibility will be to stimulate, assist and coordinate collaborative research projects on topics within the stream, which would include

the identification of suitable researchers, both within and outside the US, to pursue such projects. In advancing the goal of solidifying and sustaining the influence of the Law School, particular emphasis will be placed on utilizing our existing scholars and giving prominent roles to newly appointed scholars in the leadership of the Institute and its various streams. We place particular importance on fostering the new generation of scholars and thinkers in the criminal law, developing and honing their leadership skills.

However, given our broader ambitions for the project and the sense that the influence of the Law School can be national and international there is an important role for researchers from elsewhere in the US in leading roles: senior researchers from other universities will be invited to co-direct some of the research streams. To this end, to facilitate course and administrative relief for our own as well as some external faculty, the Institute will offer some initial funding to cover the cost of some of the directors' time and of preliminary meetings and workshops; an important task for the directors and the researchers will be to identify other sources of external funding for their projects.

Coordination and collaboration between the streams will be crucial to the success of the whole enterprise: the problems of our criminal justice systems can be effectively tackled only by a properly connected series of projects that can draw on and learn from each other. This will be one task for the Institute's director, assisted by regular meetings between the directors of all the streams and the management board, and by the web site and the annual conference (see below).

Academic Staff

Faculty Appointments: The core of the Institute's mission will be strengthened by the addition of one or two outstanding early career scholars. With support from the Robina Foundation, the Law School has already added an internationally recognized senior scholar (Duff) and is building visiting relationships with two of the leading scholars of criminal law in Europe (Ashworth & Lacey). Robina has also supported a number of valuable research initiatives in the criminal law. This strategy has augmented our visibility in the scholarly and policy fields and means that with our existing senior scholars (Tonry, Duff, Frase, Reitz, Feld), we have the strongest group of senior scholars in the criminal law in the country working together in one institution. However, we are conscious that without the presence of a younger cohort of scholars, we may lose the opportunity to build and influence the next generation of scholars and teachers.

Clinical Appointments: In tandem, we view criminal law as a key site for advancing skills based learning, particularly for those students wishing to pursue some form of criminal practice in their careers (e.g. white collar crime, criminal defence, public prosecution). To that end, the Institute would also support an expansion of our clinical offerings by appointing one full time clinical member of the faculty. The clinical appointment would be fully integrated into the research life of the Institute, and the clinical program would offer exciting opportunities to advance and address 'real-life' problems encountered in the broader criminal law research streams.

Visiting Assistant Professors: To help develop the next generation of leading teachers and scholars in the United States and elsewhere, the Institute would also support the appointment of one or two Visiting Assistant Professors (VAP) in criminal law and criminal justice each year. These appointments would typically be post-doctoral students preparing to enter the teaching market. These positions are modelled on the VAP programs of other leading universities, none of which has a program specifically focused on the development and enhancement of research and teaching in the criminal law. These visiting faculty would undertake a major research project as part of one of the Institute's research streams, and would have the substantial benefit of being mentored by the leading criminal law scholars in the country. The VAP program offers the route to 'export' to other Law Schools the Minnesota model of teaching and policy-oriented research in criminal law.

Fellowships

The Institute's mission will also be furthered by the funding of various fellowships, to be held at the Institute.

- ***Robina Visiting Professors:*** These will be high profile, internationally known researchers in criminal justice, from the US and from overseas. They will normally spend between two and four weeks in the Law School (but longer visits will be possible) during which they will work with other Institute members and fellows; pursue their own projects and receive feedback on them; give at least one public lecture; participate in a workshop or conference on a theme connected to their work; and put on or contribute to an intensive seminar course for students at the Law School.
- ***Robina Visiting Fellows:*** These will be more junior scholars; the aim will be to invite some of the rising stars in criminal justice research, from the US and from overseas. They too will normally spend between two and four weeks in the Law School (but longer visits will also be possible), during which they will work with other Institute members and fellows, pursue their own projects and receive feedback, participate in a workshop or conference, and put on or contribute to an intensive seminar course for students at the Law School.
- ***Robina Practitioner Fellowships:*** These will be held (either full-time for a short period or part-time for a longer period) by leaders in the criminal justice field—for instance, policy makers, legislators, judges, prosecutors, senior police officers, and journalists. The fellowships will enable the Fellows to step back from their daily work and reflect on the criminal justice issues with which the Institute will deal; to engage with other members and fellows of the Institute in conversations that will benefit all parties; and to engage with the Law School's students by offering seminars or contributing to courses.

This set of fellowships will serve a number of important aims. It will advance research and collaboration in criminal justice; it will help young researchers to establish themselves and to develop their skills; it will foster fruitful interaction between practitioners and researchers, and enable practitioners to reflect on their practice; and it will significantly enrich the criminal law curriculum for the Law School's students. It will also, of course, help to establish the Institute and the Law School yet more firmly as the center of criminal law research in the U.S.

Student Support & Opportunities

The Institute has a strategic and overarching role to play in generating support for students interested in the study and practice of criminal law and criminal justice. In this context, the broader strategic goals of the Law School with respect to student support dovetail with the utilitarian and pragmatic vision of the Institute. The Institute wants the best and brightest students with an interest in criminal law and criminal justice to come to the law school. When they graduate, we want their career choices to be driven by choice rather than debt. To that end, the Institute would provide —

- ***Student Fellowships in Criminal Law and Criminal Justice*** (10). These will fund 5 entering students with a demonstrated interest or experience in criminal law. The students will be selected with input from the Director and Associate-Director of the Institute working with the Law School admissions committee. The students will be identified as a cohort and will have a sustained relationship of support and mentoring from Institute faculty prior to and during their law school studies. A further 5 students will be competitively selected at the end of the first year for as Student Fellows, having during the course of their first year excelled in their criminal law studies, and demonstrated notable interest or external experiences in the criminal law.
- ***Robina Student Externships***: These will be held by students during the course of their J.D. studies. We envisage up to 20 student fellowships being offered each year to upper-class students with a demonstrated interest in criminal law, criminal justice and/or international criminal law. The Institute will help place the fellows in leading organizations engaged in criminal law reform or public interest oriented criminal law practice. Student Fellows will also be invited and expected to attend a range of Institute scholarly, research and policy events throughout the course of their fellowships.
- ***A capstone course*** embedded in one of the Institute's research projects: this will provide the students with a thorough, hands-on, introduction to criminal justice research, and to the task of connecting theory to practice.
- ***Special seminar courses*** taught by Robina Visiting Professors and Fellows: these will give students a chance to learn from and to engage with some of the leading people in the field of criminal justice.
- ***Research assistantships***: students will be selected to work as part-time research assistants on Institute projects, which will give them invaluable training.

Institute Physical Infrastructure

The addition of new faculty, as well as the range of activities, visitors and programs instigated by the Institute, will require dedicated and refurbished space at the Law School, to include office space for faculty, support staff, and visitors. Appropriate space will heighten the sense of community, deepen relationships, and facilitate academic, policy and student engagement.

Library Infrastructure

As the criminal law group and capacity expands at the Law School it will be necessary to expand the support structures that underpin the research and teaching enterprise. The library is to the social sciences as the laboratory is to the experimental scientist. The growth of faculty, the expansion of curricular offerings, and the extension of research streams will all require substantial support from the library. The Law School has been fortunate to have a reference librarian in the human rights and international law arena for many years; a similar degree of expert support will also be needed to address fully the research needs of an expanded faculty, a robust group of Institute-affiliated scholars, and the expansion of student course offerings.

The Robina Conference

The Institute will hold at least one major, international conference each year, to highlight the Institute's activities, to disseminate the results of research projects conducted under its aegis, and further to promote the interdisciplinary and international conversations on which productive research must depend. The theme of each year's conference would be drawn from one of the research streams, but it would also and crucially aim to strengthen connections between the different streams.

Communications and Web Site

To maximize the Institute's policy impact, it will be necessary to disseminate the Institute's research, reports, and policy proposals widely, with a particular emphasis on reaching the government officials, legislators, prosecutors, public defenders, scholars, and others in a position to influence the future development of criminal law and criminal justice institutions. To this end, the Institute will seek funding for the wide dissemination of its work. One key mechanism will be a dedicated web site. This site will become an important resource for members and fellows of the Institute, for those working on projects in the various themes, and for researchers and practitioners more broadly. It would serve to publicize research projects, workshops and conferences; to disseminate the results of research; to maintain useful data bases of information and links to other resources; and to enable those working on different projects in different streams to keep in contact.

A central aim of the Institute's communication efforts would be to build and maintain links between researchers and practitioners—to ensure that researchers are able to talk to practitioners about their concerns, and that practitioners are able and helped to interact with researchers and to benefit from (as well as contributing to) the Institute's research agenda and projects. The Institute will also find ways to engage the wider public in informed debate about criminal justice: since one obvious barrier to the reform of our criminal justice institutions is the strength of public opinion on the issues, we must find ways both of giving citizens a better and deeper understanding of the issues, and of facilitating more educated public debate about them. (The Community Workshops on the state budget that the Citizens League has been organizing in and around Minneapolis provide one good model of what might be done for criminal justice.)

5. Measures of Success

The Institute will have three sets of goals against which the extent of its success will be assessed.

- **Internal goals:** The simplest set of goals consists in the fulfilment of the functions specified in s. 4 above.
 - **Research streams** will be designed and started in Year 1, and directors appointed within the first six months. By the end of Year 1, initial projects will have been planned within each stream; initial workshops will be held in Year 2. By the end of Year 4 each stream should have succeeded in obtaining external funding for at least one substantial project, and should have initiated at least two other smaller projects.
 - **Fellowships:** The first fellows will be appointed during Year 1. The number of fellows in each category will depend on the level of funding.
 - **Student opportunities** will be developed from the start: the capstone course and research assistantships will begin as soon as suitable research project have started; the seminars by Robina fellows will begin as soon as they are appointed.
 - **Robina Conferences** will begin in Year 1, as major events to highlight the Institute's work: after Year 1, each will be based on work being done in one of the research streams, but will connect that work with the other streams.
 - **The Website** will be designed during Year 1.
 - **Policy makers** will be engaged from the beginning, through the management board and more informal contacts. Work on improving public engagement will begin in Year 1, and the first public meetings or workshops will be held during Year 1.
- By the end of Year 6, each stream will have completed at least two substantial projects, and published their results.
- **Fund-raising:** As noted above, a key task for those working within each research stream will be to obtain external research funding for their projects, since the Institute will provide only initial, pump-priming funding. A further measure of success will therefore be the number and size of grants secured: given the difficulty of securing grants in the present economic climate, it will be a success if each stream has secured funding for two substantial projects by Year 6, and smaller grants for at least three smaller projects.
- **Changing the world:** The Institute's primary aims are also those for which success will be hardest to assess.
 - **Transforming research in criminal justice:** We can count the number of fellows who are appointed to the Institute, the number of researchers engaged in each stream, the number of grants secured, conferences held, books and articles published, and the number of citations these publications generate: but all these will have been worthwhile only if scholars can talk after a decade about the way in which criminal justice research has been transformed by the more systematic and interconnected depth that the Institute has made possible.

- ***Transforming student learning:*** We can count the number of students who benefit from the Institute's activities, but the success of those activities will lie in the improvement in the quality of the students who graduate from the Law School having specialized in criminal justice, and the difference they then make in their profession.
- ***Transforming penal thinking:*** We cannot provide a list of changes in penal policy, or in substantive criminal law or in the criminal process, that the Institute will aim to secure—partly because the question of what kinds of change are necessary and possible will be a central theme of the Institute's work, but also because the deeper aim is to transform the character of public debates and deliberations about criminal justice among politicians, policy makers, practitioners and lay citizens. It will take time to be able to point to particular changes that could be attributed to the Institute's work (e.g., adoption of a revised Model Penal Code that reflects Institute research and proposals). Our hope is that, looking back, those involved in criminal justice will be able to say that the Institute made a substantial contribution to deepening and improving the process of debating and formulating penal policy—both directly through the projects that it initiates and the conferences and workshops that it runs, and less directly through the activities and influence of the students, researchers and fellows who pass through it.

Progress in all these dimensions will be monitored by the management board: the Director of the Institute and the Directors of the research streams will make detailed annual reports to the board, which will also appoint external assessors to evaluate the Institute's work after three years and after five years.

6. *The Institute's Future*

This proposal seeks funding for an initial six years for the Institute, to give it time to establish its structure and activities and to begin to produce substantial research. If the Foundation allows this, an application for funding for a further four years might be made on the basis of a successful first four years. Ultimately, however, the Institute will need to become financially self-supporting—and should be able to do so.

- The Law School will eventually take over the costs of the Director's and the Assistant Director's posts: they will have been appointed to tenured posts in the Law School.
- An important role for the Director from Year 3 onwards will be to pursue other sources of funding for the Institute's future. If the Institute succeeds as it should, it should be possible to find financial support from other foundations and grant-awarding bodies.
- One merit of the proposed structure of the Institute is that it will be able to adapt to different levels of funding: the number of Robina fellows can be varied, as can the support provided to the different research streams.
- Given the funding that is now sought, the Institute will be well enough established, and will have gained a high enough profile and reputation, before that funding ends to be able to raise further funding for its own future work.

7. Conclusion

This is an ambitious (and expensive) proposal, but it is appropriate to the scale and importance of the problems to be addressed. The Institute could transform research in criminal justice in the U.S., thus making a major impact on some of the most important social problems that we face; it could be transformative for students and early career researchers, and thus for the future education and training of people to work in this area; and it could be transformative for policy makers and for a wider public, by deepening and enriching public debate and deliberation about criminal justice. It will enable us all—researchers, students, policy makers, lay citizens—to understand our present predicament more clearly; and it will facilitate and support research that will explore new ways of dealing with that predicament.

Robina Foundation Analysis 2009-2010

Human Rights and Public Policy, University of Minnesota Law Students

In 2009

Zainab Akbar	\$ 1,351.00	NY, US
Mike Brehm	\$ 3,000.00	MN, US
Sean Burke	\$ 3,450.00	LA, US
Alisha Hilde	\$ 4,500.00	Liberia
Nick Manthey	\$ 3,189.00	Ecuador
Timothy Meyer	\$ 2,500.00	MN, US
Monica Miller	\$ 1,390.00	Netherlands
Graham Ojala-Barbour	\$ 2,300.00	MN, US
Taylor Pierce	\$ 2,500.00	Ghana
Jordan Shepherd	\$ 4,320.00	Turkey
Tyler Simmons	\$ 1,000.00	Malawi
Elizabeth Super	\$ 2,500.00	Northern Ireland
Jennifer Swedberg	\$ 3,000.00	MN, US
13 Fellows	\$ 35,000.00	

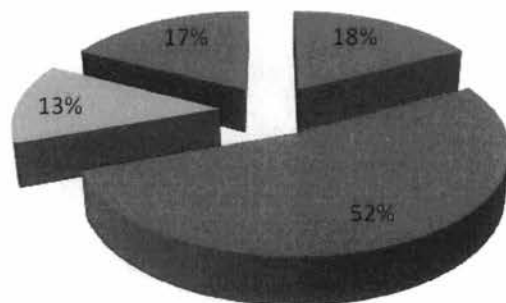
In 2010

Astrid Brouilliard	\$ 4,500.00	Tanzania
Jennifer Cornell	\$ 4,200.00	MN, US
Anne Fuchs	\$ 2,800.00	Macedonia
Jordan Harlow	\$ 3,500.00	MA, US
Willy Madeira	\$ 2,100.00	MN, US
Tatewin Means	\$ 3,000.00	MN, US
Kristin Paulson	\$ 3,600.00	Nepal & India
Matthew Roberts	\$ 3,500.00	Australia
Elizabeth Super	\$ 4,000.00	Northern Ireland
Catheranne Wyly	\$ 3,800.00	MN, US
10 Fellows	\$ 35,000.00	

<u>Africa</u>	<u>Americas</u>	<u>Asia and the South Pacific</u>	<u>Europe</u>	Overall Region Distribution
4	12	3 (4)	4	23 Fellows (24 Locations)
\$ 12,500.00	\$ 35,390.00	\$ 11,420.00	\$ 10,690.00	\$ 70,000.00

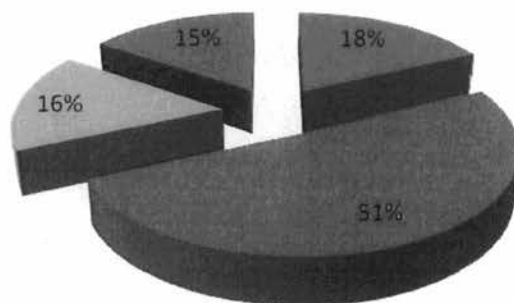
Overall Region Distribution

■ Africa ■ Americas ■ Asia and the South Pacific ■ Europe



Overall Fund Distribution

■ Africa ■ Americas ■ Asia and the South Pacific ■ Europe



List of Organizations

ACLU of Minnesota - St. Paul, Minnesota
American Refugee Committee - Minneapolis, Minnesota
Center for Public Interest Law (CEPIL) - Accra, Ghana
Center for Victims of Torture - Minneapolis, Minnesota
DECIDE Corporacion de Estudios - Quito, Ecuador
Empowerment Society International - Duayee, Liberia
Environmental Defender's Office of New South Wales - Lismore, Australia
Greater Boston Legal Service - Immigration Unit - Boston, Massachusetts
GREMALTES Hospitals - Chennai, India
Helsinki Committee for Human Rights for the Republic of Macedonia - Skopje, Macedonia
Homeless Advocacy/UNITY Homeless Coalition - New Orleans, Louisiana
Human Rights Center - Minneapolis, Minnesota
Immigrant Law Center of Minnesota - Minneapolis, Minnesota
International Criminal Tribunal for Former Yugoslavia (ICTY) - The Hague, Netherlands
International Criminal Tribunal for Rwanda (ICTR) - Arusha, Tanzania
Kalika Community Hospital - Rasuwa, Nepal
Malawi Human Rights Commission - Lilongwe, Malawi
Midwest Coalition for Human Rights - Minneapolis, Minnesota
Neighborhood Defenders' Service of Harlem - New York, New York
Refugee Advocacy and Support Program (RESP) - Istanbul, Turkey
Transitional Justice Institute (TJI) - Belfast, Northern Ireland
Tribal Law and Policy Institute - St. Paul, Minnesota
United Nations Voluntary Trust Fund for Victims of Contemporary Forms of Slavery - Minneapolis, Minnesota

Robina Foundation Analysis

Career Center, University of Minnesota Law School

Post-JD Fellowship Program

\$5000 awards for 400 hours of service by Fellows in legal and public policy roles for graduates seeking employment.

In 2009

Zachary Atherton-Ely	MN
Alex Baggio	MN
Joshua Beck-Esmay	MN
Angela Berry	ME
Michael Boyd	MN
Chad Cardon	MN
Joshua Feneis	MN
Mariana Ferreira	MN
Jacob Fischer	MN
Toddie (Melissa) Gotfredson	MN
Jennifer Greenlee	NY
Anna Hagstrom	MN
Richard Houghton	MN
Peter Ihrig	MN
Mary Kaczorek	MN
Mao Lin	MN
Shana Marchand	MN
Grier Martin	NY
Ellen Maxfield	OH
Keith Miller	MN
Elizabeth Morrissey	MN
Vidya Neni	MN
Tyler Norsted	MN
Daniel Portnoy	MO
Anna Richey	MN
David Robbin	ME
Kari Rudd	MN
Casey Rundquist	MI
Paige Stevenson	MN
Ryan Sypherd	WA
Lucas Tomsich	MN
Mark Torma	MN
Esteban Trevino	MN
Amy Urberg	MN

Candice Wagner	CA
Christy Wells	MN
Alycia Wright	MN

37 Fellows

In 2010

Zainab Akbar	MI
Hans Anderson	MN
Patrick Bruso	CA
Zhu (June) Cheng	MN
Mary Cloutier	NH
Thomas Cutts	MN
Peter Ebnet	MN
Steven Fenske	MN
Afsheen Foroozan	MN
Erin Fraser	WI
Susan Gad	MN
Sami Hasan	CA
Matthew Hurm	MN
Aaron McClintock	MN
Amy McGowan	MN
Frederic Nguyen	MN
Megan O'Rourke	MN
Rachel Petersen	MN
Carl Peterson	MN
Andrew Schmidt	MN
Erin Schobe	MN
Sara Seeger	MN
Charles Sloane	MN
Katie Stennes	MN
Ronald Sung	MN
Adosh Unni	MN
Yi Wang	NY
Carolyn Westra	MN
Andrew Whalen	NY
Sara Wilkinson	MD
Barbara Wold	MN

31 Fellows (as of 1-11-11)

List of Organizations

American Civil Liberties Union of Michigan – Detroit, MI
California Court of Appeals, 4th Judicial District – Riverside, CA
Center of Victims of Torture – Minneapolis, MN
CentraCare Health System – St. Cloud, MN
Centro Legal – Milwaukee, WI
Circuit Attorney, City of St. Louis – St. Louis, MO
Council on Crime and Justice – Minneapolis, MN
Domestic Fatality Review Team – Minneapolis, MN
Empire Justice Center – Albany, NY
Grafton County Attorney's Office – North Haverhill, NH
Hennepin County Examiner of Titles – Minneapolis, MN
Immigrant Law Center of Minnesota – St. Paul, MN
Indian Child Welfare Act (ICWA) Law Center – Minneapolis, MN
Innocence Project of Minnesota – St. Paul, MN
Legal Aid Society of Milwaukee – Milwaukee, WI
Legal Aid Society of Minneapolis – Minneapolis, MN
Legal Services Advocacy Project – St. Paul, MN
Legal Services NYC – New York, NY
Minnesota AIDS Project – Minneapolis, MN
Minnesota Coalition Against Sexual Assault – St. Paul, MN
Minnesota Disability Law Center – Minneapolis, MN
Minnesota District Court, Fourth Judicial District – Minneapolis, MN
Office of the General Counsel of the University of Minnesota – Minneapolis, MN
Office of the Public Defender for the Second Judicial District – St. Paul, MN
Pine Tree Legal Assistance, Inc. – Portland, ME
Public Defender's Office, Brandt County – Anoka, MI
Public Justice Center – Baltimore, MD
Public Law Center – Santa Ana, CA
Ramsey County Attorney's Office, Appeals Division – St. Paul, MN
San Francisco Department of Public Health – San Francisco, CA
Score NYC – New York, NY
Southern Minnesota Regional Legal Services – St. Paul, MN
The Spokane County Public Defender – Spokane, WA
Tubman Family Alliance – Minneapolis, MN
U.S. Committee for Refugees and Immigrants Albany Field Office – Albany, NY
United States Equal Opportunity Employment Commission – Minneapolis, MN
United Way of Central Ohio – Columbus, OH
Volunteer Lawyers Network – Minneapolis, MN

Summer Fellowship Program

Awards for public policy projects by first- and second-year law students.

In 2009

Jessica Arck	MN
Peter Christian	MN
Mollie Gurian	DC
Mia Hunt	MN
Catherine London	MN
Crystal Shaw	MN
Lindsay Smith	MN

7 Fellows

In 2010

Abigail Benson	MN
Erin Conway	MN
Nick Lienesch	MN
Pari McGarraugh	MN
Elizabeth Sanberg	MN
Jessica Shiffman	MN
Peter Stiteler	MN

7 Fellows

List of Organizations

American Civil Liberties Union – St. Paul, MN
Association for Advancement of Retired People – Washington, DC
Children's Law Center – St. Paul, MN
Disability Law Center – Minneapolis, MN
Farmer's Legal Action Group – St. Paul, MN
Housing Preservation Project – St. Paul, MN
Indian Child Welfare Act Law Center – Minneapolis, MN
Minneapolis City Attorney's Office – Minneapolis, MN
Minnesota Disability Law Center – Minneapolis, MN
Minnesota Coalition Against Sexual Assault – St. Paul, MN
Minnesota Coalition for Environmental Advocacy – St. Paul, MN
National Alliance on Mental Illness – St. Paul, MN
Volunteer Lawyers Network – Minneapolis, MN

KATHLEEN BLATZ, *Board of Directors, Robina Foundation*

Kathleen Blatz is an attorney in private practice, specializing in arbitration and mediation. Prior to re-entering private practice, Kathleen was Chief Justice of the Minnesota Supreme Court from 1998 to 2006 and served as Associate Justice from 1996 to 1998. Prior to her appointment to the Supreme Court, she served as a Fourth Judicial District Court Judge, chambered in Hennepin County, Minnesota. Kathleen began her legal career in private practice at a large Minneapolis law firm before serving as an Assistant County Attorney in Hennepin County. In 2007, she was recognized by Minnesota Law & Politics as one of the "100 Most Influential Attorneys in State History."

Beginning in 1979, Kathleen Blatz served eight terms in the Minnesota House of Representatives, which included five years as an Assistant Minority Leader. She also has an extensive record of service on national and regional boards, including serving as a Trustee of St. Thomas University, a board member of the Minneapolis Big Brothers Big Sisters, and as a member of the Judicial Conference Committee on Federal-State Jurisdiction.

Presently, Kathleen serves as a Director of the RiverSource Funds and as a Trustee of Blue Cross Blue Shield of Minnesota.

Kathleen Blatz has received numerous national and regional honors, awards, and honorary degrees. She holds a B.A., summa cum laude, from the University of Notre Dame, and an M.S.W. and J.D. with honors from the University of Minnesota.

THOMAS M. CROSBY, JR., *Chairman and Treasurer, Robina Foundation*

Tom Crosby is an attorney in private practice in Minneapolis. He was a partner at Faegre & Benson LLP, an international law firm based in Minneapolis from 1972 through 2008. Tom served as Chair of the Firm's Management Committee and in other administrative positions within the Firm.

Mr. Crosby has a broad-based transactional practice which has included general corporate counsel, private placements, public securities offerings, and mergers and acquisitions. His current emphasis is on real estate, nonprofit organizations and estate planning.

Tom has also served on and chaired the governing boards of the Greater Twin Cities United Way, The Walker Art Center, The Minnesota Orchestral Association and Abbott-Northwestern Hospital. Tom has been a member of the Medina City Council and is presently mayor.

Presently Mr. Crosby serves on the advisory board of Investment Company of America and a community bank in suburban Minneapolis. He is active as trustee to several private foundations including the Robina Foundation.

He graduated from Yale University in 1960, spent two years on active duty in the U.S. Navy and graduated from the Yale Law School in 1965.

KRISTINE S. ERICKSON, *Partner, Queenwood Capital Partners*

Kris received her B.A. from Lawrence University, her M.A. from the University of Chicago, and her J.D. from the University of Minnesota Law School. She was a partner at Lindquist and Vennum, a law firm in Minneapolis. She is presently a partner at Queenwood Capital Partners, LLC, a private investment company based in Minneapolis.

Kris has served on and chaired the boards of The Blake School, the Minnesota Women's Economic Roundtable, Planned Parenthood of Minnesota, and the University of Minnesota Law School's Board of Visitors. She has also served as a Trustee of Lawrence University, the Greater Twin Cities United Way, the Animal Humane Society and Lakewood Cemetery.

Kris is the chair of the University of Minnesota Law School's Board of Advisors and a member of the Law School's Campaign Cabinet.

PENNY HUNT, *Executive Director, Robina Foundation*

Penny retired in 2007 from Medtronic, Inc., where she was Vice President, Community Affairs and Executive Director, The Medtronic Foundation for nearly 15 years. Penny led the development and implementation of Medtronic's worldwide philanthropy strategies, with primary responsibility for the development of major partnerships and strategic relationships and grants with local, national and international organizations. During her tenure, Medtronic Foundation grants grew from \$2.4 million to more than \$25 million per year, with focus in the areas of health, education and community.

Prior to joining Medtronic, Penny was Director of Public Affairs for the Dayton Hudson Department Store Company (now Target Corporation), where she managed charitable giving, government and public affairs. An experienced lawyer, Ms. Hunt spent more than 14 years working for law firms and in private practice, with a concentration in real estate law and development. She also taught French at the high school and college levels.

Ms. Hunt holds a bachelor's degree magna cum laude in French from Carleton College, a master's degree in arts and teaching from Duke University, Durham, North Carolina, and a juris doctor degree magna cum laude from William Mitchell College of Law, St. Paul, Minnesota. Penny was a Fulbright Scholar in Lyon, France.

Penny's community involvement currently includes membership in the Minnesota Women's Economic Roundtable and on the boards of MacPhail Center for Music, Mill City Commons and Housing 150, an affordable housing collaboration.

Past community involvement includes the boards of William Mitchell College of Law, the Minnesota Women's Campaign Fund, the Conference Board's Contributions Council, the Council on Foundations' Committee on Corporate Grantmaking, the Minnesota Council on Foundations and the United Way of Minneapolis.

ELLIOT S. KAPLAN, *Partner; Robins, Kaplan, Miller & Ciresi*

Elliot S. Kaplan is a named partner of Robins, Kaplan, Miller & Ciresi L.L.P. He received a B.A. degree in Business Administration from the University of Minnesota, and is a 1961 graduate of the University of Minnesota Law School where he graduated with honors. He has tried cases before numerous state and federal courts, and has argued matters before several courts of appeals and the United States Supreme Court.

Mr. Kaplan served for numerous years as a member of the firm's Executive Board and as its Chairman from 1987 to 1995; he has also served as chair of the firm's Business Litigation Department from 1970 to 1992.

In addition to his legal efforts, Mr. Kaplan has been involved with various civic, cultural and religious boards of directors. He has for several years been an officer and director of Best Buy Co., Inc. (30 years), a director of *infoUSA*, Inc. (20 years), and Chairman of the Board of Directors and an owner of the Bank of Naples. He has served as a member of the Law School Alumni Board and in 1991 served as its President. He is a Past-President of Temple Israel, Minneapolis. He is a former member of the Board of the St. Paul Chamber Orchestra. He was a member of the Board of Trustees of the Minneapolis Institute of Arts, is past- Chairman of the Board of Trustees of the University of Minnesota Foundation, a member of the Board of Trustees of the Minnesota Historical Society, and serves on the Board of Directors of the Robins, Kaplan, Miller & Ciresi Foundation for Children.

Mr. Kaplan was Chairman of the 2001-2002 capital development campaign for the University of Minnesota Law School and has led numerous other fundraising drives. He is currently co-chair of a new capital campaign for the University of Minnesota Law School.

Mr. Kaplan was the recipient of the 2002 Outstanding Achievement Award of the University of Minnesota; and received the 2006 Sidney Barrows Lifetime Commitment Award for legal service.

ALEXANDRA B. KLASS, *Professor of Law; Associate Dean for Academic Affairs; Solly Robins Distinguished Research Fellow*

Alex teaches and writes in the areas of environmental law, natural resources law, tort law and property law. She was named the Stanley V. Kinyon Teacher of the Year for 2009-2010.

Prior to her teaching career, Alex was a partner at Dorsey & Whitney LLP in Minneapolis, where she specialized in environmental law and land use cases. During her years in private practice from 1993-2004, she handled cases in federal and state trial and appellate courts in Minnesota and other states involving contaminated property, wetlands, environmental review law, environmental rights law, zoning, eminent domain, and environmental torts. She continues to represent clients pro bono in cases involving environmental law and land use matters. She was an Associate Professor of Law at William Mitchell College of Law from 2004-2006.

Professor Klass received her B.A. degree in political science and French with distinction from the University of Michigan in 1988, and her J.D. cum laude from the University of Wisconsin

Law School in 1992. She clerked for the Honorable Barbara B. Crabb, Chief Judge of the U.S. District Court for the Western District of Wisconsin, from 1992-1993.

Professor Klass has served in leadership positions in state and national bar organizations. She is currently on the Board of Directors of the Minnesota Chapter of the Federal Bar Association and is on the Governing Council of the Environmental and Natural Resources Section of the Minnesota State Bar Association. She served as co-chair of the Environmental Law Section of the Hennepin County Bar Association from 2000-2006. She is a Member Scholar at the Center for Progressive Reform, and a Resident Fellow at the University of Minnesota's Institute on the Environment.

BRUCE W. MOOTY, *Principal, Gray Plant Mooty*

Bruce is a business lawyer who represents and counsels public and private companies in a wide variety of industries. For several years, Bruce served as Gray Plant Mooty's managing officer and chair of its Board of Directors.

He represents buyers and sellers in numerous acquisitions, mergers and divestitures in the restaurant, sports, entertainment, transportation, real estate development, computer, water conditioning, musical instrument, and retail merchandising industries, as well as other industries.

Bruce received his B.A. *summa cum laude* from the University of Minnesota and his J.D., *with honors*, from the University of Minnesota Law School. Bruce is a member of the American Bar Association, Business Law section, Forum Committee on Franchising section. He is past chair of the Minnesota State Bar Association's Business Law Institute and Community Relations Committee. He is also a member of the Hennepin County Bar Association.

He has been named a "Super Lawyer," by *Minnesota Super Lawyers*, 1990s-2010; one of the Top 10 Mergers and Acquisitions Lawyers in Minnesota, *Minnesota Law & Politics*, *Twin Cities Business Monthly* and *Minneapolis/St. Paul Magazine*; and a "Distinguished Alumni" by the University of Minnesota Law School.

Bruce is involved in numerous community organizations, including the Colonial Church of Edina, Edina A Better Chance Foundation, Fund for the Legal Aid Society, United Way, University of Minnesota Alumni Association, University of Minnesota Law School Board of Visitors and Dean's Advisory Council, Urban Leadership Academy, Volunteer Lawyers Network Benefactors Board, and the YMCA.

Bruce is co-chair of the Law School's Campaign Cabinet.

FIONNUALA D. NI AOLAIN, *Dorsey & Whitney Chair in Law at the University of Minnesota Law School; Professor of Law and co-founder and Associate Director, University of Ulster's Transitional Justice Institute in Belfast, Northern Ireland*

Fionnuala received her LL.B. and Ph.D. in law at the Queen's University Law Faculty in Belfast, Northern Ireland. She also holds an LL.M. degree from Columbia Law School.

In 2008, she was invited to participate as an expert in an Expert Seminar organized by the Working Group "Protecting human rights while countering terrorism" of the United Nations Counter-Terrorism Implementation Task Force.

She has previously been Visiting Scholar at Harvard Law School (1993-94); Associate-in-Law at Columbia Law School (1994-96); Visiting Professor at the School of International and Public Affairs, Columbia University (1996-2000); Associate Professor of Law at the Hebrew University in Jerusalem, Israel (1997-99) and Visiting Fellow at Princeton University (2001-02). Professor Ní Aoláin is the recipient of numerous academic awards and honors, including a Fulbright scholarship, the Alon Prize, the Robert Schumann Scholarship, a European Commission award, and the Lawlor fellowship.

Her teaching and research interests are in the fields of international law, human rights law, national security law, and feminist legal theory. She has published extensively in the fields of emergency powers, conflict regulation, transitional justice, and sex-based violence in times of war. Her most recent book, *Law in Times of Crisis* (Cambridge University Press, 2006), was awarded the American Society of International Law's preeminent prize in 2007: the Certificate of Merit for creative scholarship. She was a representative of the Prosecutor at the International Criminal Tribunal for the Former Yugoslavia at domestic war crimes trials in Bosnia (1996-97). In 2003, she was appointed by the Secretary-General of the United Nations as Special Expert on promoting gender equality in times of conflict and peace-making.

She has been nominated twice by the Irish government to the European Court of Human Rights, in 2004 and 2007, the first woman and the first academic lawyer to be thus nominated. She was appointed by the Irish Minister of Justice to the Irish Human Rights Commission in 2000 and served until 2005. She remains an elected member of the Executive Committee for the Belfast-based Committee on the Administration of Justice, and is also a member of the Irish Council for Civil Liberties.

HARI M. OSOFSKY, *Associate Professor of Law, Adjunct Associate Professor of Geography, and Associate Director of Law, Geography, and Environment with the Consortium on Law and Values in Health, Environment & the Life Sciences*

Hari joined the faculty in 2010 and is also a Ph.D. student in the Department of Geography at the University of Oregon. She completed her B.A. in philosophy and environmental studies at Yale College in 1993 and her J.D. at Yale Law School in 1998. She clerked for Judge Dorothy W. Nelson of the Ninth Circuit Court of Appeals in Pasadena, Calif., in 1998-99, served as a Fellow at the Center for Law in the Public Interest in 1999-2001, and was a Yale-China Legal Education Fellow and visiting scholar at Sun Yat-sen University School of Law in 2001-02. In 2002-03, she began her academic career, as a visiting assistant professor at Vermont Law School and an adjunct professor at Loyola Law School. She then served as an assistant professor and director of the Center for International and Comparative Law at Whittier Law School in 2003-06, a visiting assistant professor and then assistant professor at the University of Oregon School of Law in 2005-08, and an associate professor at Washington and Lee University School of Law in 2008-10.

Her scholarship brings an interdisciplinary law and geography perspective to climate change governance questions. Her publications have won the Daniel B. Luten Award for the best paper by a professional geographer from the Energy and Environment Specialty Group of the Association of American Geographers and have twice been runner-up for inclusion in the annual compilation of top land use and environmental law articles by Land Use and Environment Law Review. Her co-edited book *Adjudicating Climate Change: State, National, and International Approaches* was published by Cambridge University Press in 2009, and her co-authored casebook *Climate Change Law and Policy* is scheduled for release by Aspen Publishers in 2011.

She is a member of the Climate Legacy Initiative's Consultants Working Group, the International Law Association's Committee on the Legal Principles of Climate Change, the American Association of Law Schools' Section on International Law and Section on Property Executive Committees, the *Journal of Environmental Law and Litigation's* National Advisory Board, and the Board of Governors of the Society of American Law Teachers.

MICHAEL TONRY, *Professor of Law and Russell M. and Elizabeth M. Bennett Chair in Excellence*

Mike specializes in criminal law. He teaches courses in criminal law, jurisprudence, and comparative law. In 1990, he was named the Marvin J. Sonosky Chair of Law and Public Policy. From 1999 to 2004 he was also Professor of Law and Public Policy and director of The Institute of Criminology at Cambridge University. Since 2001, he has been a visiting professor at the University of Lausanne, Switzerland. He has also been a senior fellow of The Netherlands Institute for the Study of Crime and Law Enforcement, Leiden, since 2003.

Mike received his A.B. from the University of North Carolina, Chapel Hill, and his LL.B. from Yale. He practiced law with Dechert, Price & Rhoads in Philadelphia and with Sonnenschein, Carlin & Nath in Chicago, specializing in corporate and real estate finance. Before joining the Minnesota faculty in 1990, he held academic posts at the University of Chicago; the University of Birmingham, England; and the University of Maryland.

In 1983, he moved to Maine to practice law, direct the Castine Research Corporation, a non-profit corporation created to receive government and foundation grants to support research and scholarship, and edit *The Castine Patriot*, a weekly rural newspaper. He founded and, from 1987 to 1990, directed the MacArthur Foundation-United States Department of Justice Program on Human Development & Criminal Behavior. During 1994-95, he was a Fellow of All Souls College, Oxford University. He has at various times held visiting posts at the University of Leiden, The Netherlands; the University of Lausanne, Switzerland; and The Max Planck Institute on Comparative and International Criminal Law, Freiburg. He edits *Crime and Justice - A Review of Research*, the Oxford University Press series *Studies in Crime and Public Policy*, the Oxford University Press *Oxford Handbooks on Criminology and Criminal Justice*, and *Criminology in Europe*.

DAVID WIPPMAN, *Dean and William S. Pattee Professor of Law*

David Wippman became dean of the University of Minnesota Law School on July 1, 2008. He is a recognized authority in international law and has taught public international law, international criminal law, international human rights, and ethnic conflict. He received his B.A., *summa cum laude*, from Princeton University in 1976, his M.A. through a fellowship in the Graduate Program in English Literature at Yale University in 1978, and his J.D. from Yale Law School in 1982. He clerked for The Honorable Wilfred Feinberg, Chief Judge of the U.S. Court of Appeals for the Second Circuit.

Previously, he was a professor and Associate Dean at Cornell law School and served as Vice Provost for International Relations at Cornell University. In 1998-99, he served as a director in the National Security Council's Office of Multilateral and Humanitarian Affairs, where he worked on war crimes issues, the International Criminal Court, economic sanctions, and U.N. political issues.

Before joining Cornell, David practiced law for nine years in Washington, D.C., with a focus on international arbitration, political consulting on public and private international law issues, and representation of developing countries in litigation. He has been a visiting scholar at the University of Ulster, Northern Ireland. He has co-authored two recently released books on international law: *International Law, Norms, Actors, Process: A Problem-Oriented Approach* and *Can Might Make Right? Building the Rule of Law After Military Interventions*.

SUSAN M. WOLF, *McKnight Presidential Professor of Law, Medicine & Public Policy; Faegre & Benson Professor of Law; and Professor of Medicine*

Susan is the founding Director of the Joint Degree Program in Law, Health & the Life Sciences and the founding Chair of the Consortium on Law and Values in Health, Environment & the Life Sciences. She is also a faculty member in the University's Center for Bioethics.

She is an elected member of the National Academy of Sciences' Institute of Medicine (IOM), an elected fellow of the American Association for the Advancement of Science (AAAS), and an elected fellow of The Hastings Center as well as a past-member of the Fellows' Council. She has received numerous grants to support her research, including from the National Institutes of Health (NIH), National Science Foundation (NSF), and The Greenwall Foundation. In 2007-2010, Wolf served as a member of the Law & Neuroscience Project funded by the MacArthur Foundation. She is a senior consultant to The Hastings Center on its project on guidelines for end-of-life care, funded by the Donaghue Foundation and Sussman Trust.

Susan teaches in the areas of health law, law and science, and bioethics. She is the faculty chair of the Law School's Concentration in Health Law & Bioethics. She received an A.B. degree *summa cum laude* from Princeton University and a J.D. degree from Yale Law School. She clerked for Judge Leonard B. Sand of the U.S. District Court for the Southern District of New York and then practiced with the New York law firm of Paul, Weiss, Rifkind, Wharton & Garrison from 1981 to 1984. In 1984-85, Professor Wolf was a National Endowment for the

Humanities (NEH) Fellow at The Hastings Center in New York, a senior bioethics research institute. She then became the Center's Associate for Law. She also taught law and medicine at New York University School of Law as an adjunct associate professor from 1987 to 1992. In 1992-93, she was a Fellow at Harvard University in the Program in Ethics and the Professions.

Susan has served on numerous panels for organizations including the American Bar Association (ABA), American Medical Association (AMA), and American Society for Reproductive Medicine (ASRM). She is a past chair of the AALS Section on Law, Medicine and Health Care and a past board member (elected) of the American Society of Bioethics and Humanities (ASBH).