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Gary J. Simson
Mercer University School of Law, simson_g@law.mercer.edu

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Introduction to Faculty Essays

by Gary J. Simson*

This collection of essays by Mercer law faculty is the result of a process that my predecessor as dean, Daisy Floyd, set in motion in the fall of 2008. At that time, Dean Floyd named an ad hoc committee to conduct a comprehensive review of the law school's celebrated Woodruff Curriculum. Adopted after extensive discussion, planning, and debate, the Woodruff Curriculum went into effect in 1990. Within a few years, the American Bar Association recognized the Woodruff Curriculum's distinctive and remarkably forward-looking contribution to legal education by naming the law school as the recipient of the Association's prestigious Gambrell Professionalism Award.¹ The much-discussed MacCrate and Carnegie Reports that appeared in 1992 and 2007, respectively,² unmistakably owed much to the Woodruff Curriculum that preceded them.

The fall of 2010 was my first semester at Mercer as a faculty member and dean. It was also the ad hoc committee's fifth semester of existence. Several times that semester, I discussed the committee's work with its chair, Professor Virginia Williams. I also met twice with the entire committee. The committee members' high level of sophistication about issues of law school curriculum and pedagogy was truly striking. The committee clearly had given a great deal of thought to a wide array of

* Dean and Macon Chair in Law, Mercer University.

1. See *Woodruff Curriculum*, MERCER LAW, <http://www.law.mercer.edu/academics/curriculum> (last visited Mar. 1, 2012).

2. ROBERT MACCRATE ET AL., AM. BAR ASS'N SECTION ON LEGAL EDUCATION AND ADMISSIONS TO THE BAR, LEGAL EDUCATION AND PROFESSIONAL DEVELOPMENT—AN EDUCATIONAL CONTINUUM: REPORT OF THE TASK FORCE ON LAW SCHOOLS AND THE PROFESSION: NARROWING THE GAP (1992); WILLIAM M. SULLIVAN ET AL., EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW (2007). The 1992 report is commonly called the "MacCrate Report" in recognition of the vital role played by Robert MacCrate, who chaired the task force that produced the report. The 2007 report is widely referred to as the "Carnegie Report" because it was done under the auspices of the Carnegie Foundation for the Advancement of Teaching.

possibilities for curricular reform and the likely advantages and disadvantages of each. Probably even more impressively, through a number of retreats, guest speakers, and other means, the committee had made a concerted effort to ensure that everyone on the faculty would have the background and knowledge needed to make an informed decision on the recommendations that the committee would ultimately make.

Prior to coming to Mercer, I was hardly unaware of the debates about curriculum and pedagogy that were happening in legal academia. After all, I had spent most of the prior decade serving as associate dean for academic affairs at one school and then as dean at another. In truth, however, my expertise in such matters paled alongside the committee's. By late fall of 2010, it had become clear to me that my primary contribution as dean to the law school's curriculum review process would be to do what I could to spur the committee to agree upon, and report out, concrete recommendations that the faculty could meaningfully discuss and vote up or down.

I met with Professor Williams in early January 2011, and we agreed that in the month ahead, the committee would conclude its deliberations and make whatever proposals for change it believed were warranted. I, in turn, would schedule a series of weekly special faculty meetings at which the faculty would address the committee's proposals.

Before the series of meetings got under way, faculty both on and off the committee expressed to me some concern that the meetings would prove highly contentious and divisive. The ad hoc committee regarded its proposals as true to the core principles of the Woodruff Curriculum. In its view, which I am inclined to share, the proposals essentially update, rather than move away from, the Woodruff Curriculum, modifying that curriculum to take into account some changes in legal education and the legal profession that had transpired in the two decades since the Woodruff Curriculum had gone into effect. Reasonable faculty, however, could disagree, particularly if they were among those who had been instrumental in creating the Woodruff Curriculum and who had every reason to feel proud of the curriculum that their hard work had wrought.

Ultimately, the faculty voted to adopt almost all of the committee's recommendations. Although some faculty members were happier than others with the results, and although some argued with passion for positions that failed to carry the day, the discussion was never less than respectful and collegial. Moreover, the sophistication about curricular reform and pedagogy that was so apparent to me in the meetings of the ad hoc committee was once again very much on display.

A few weeks later at our final faculty meeting of the year, I shared with the faculty a thought that had occurred to me as I reflected on the

series of meetings that had come to a close. Over the course of a career in which I had served on four different faculties, I had heard, and participated in, many thoughtful faculty discussions of curricular and instructional matters. The Mercer faculty, however, seemed to me to be in a class of its own in terms of the seriousness and sophistication with which it discussed such matters. Would it not be a valuable contribution to legal education, and a very appropriate demonstration to lawyers, judges, and law faculty across the country of what makes a Mercer law school education so special, to publish in the *Mercer Law Review* a collection of essays by Mercer law faculty on curricular reform and instructional innovation?

I asked faculty interested in writing an essay to let me know of their interest within the next few days. The rest, as the old saying goes, is history. I am grateful to the *Mercer Law Review* editorial board for their enthusiasm about publishing the proposed collection of faculty essays when I broached the matter with them. I also thank them for all their time and effort to help ensure the project's success.
