

SOUTHEAST OF WHAT? REFLECTIONS ON SEALS' SUCCESS

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My first involvement with SEALS – which was then actually SEAALS with an extra A for “Southeastern Association of *American* Law Schools”¹ – was its 1989 meeting in Biloxi, Mississippi. Our Dean at the time had put out a general request to the faculty to see if anyone was interested in attending to represent Duke Law School. It was not a command call and the notice made clear that if no one wanted to go that would be all right, since in most years, no one from Duke attended. I was still new in the law teaching business, and did not know anything about SEALS. After asking around, I found that few of my colleagues had ever attended, but a few remarked that the group seemed to meet in nice places sometimes and that they had thought about going.

I took the Dean up on the offer to attend. I had served as a law clerk in New Orleans after graduating from law school in 1979, and had not been back to the Big Easy in a while. Attending SEALS would give me a chance to spend some time in New Orleans before heading up to Biloxi to “represent” Duke – whatever that meant. I was not scheduled to speak on any program, and do not recall having anything else set up. The conference was not memorable. There might have been some sort of reception, but if there was, I do not remember it. Back then, the conference was just a couple of days in length with minimal programming. I attended one panel that did not impress. My single recollection of the conference itself was playing tennis with some folks. I don't even remember who won (this was back before I took tennis very seriously).

My takeaway from attending my first SEALS meeting was that I was not likely to attend another SEALS meeting anytime soon. I was apparently not alone in my thinking as it was just two summers later at the infamous Homestead, Virginia meeting in 1991 that only seven people attended. When an organization reaches such a nadir, one expects it to die a natural death. But any expectations of SEALS' demise were obviously greatly exaggerated. And to my surprise, I ended up becoming a committed SEALS supporter, even serving several years on the SEALS' Board of Trustees and as its President in 2009-2010.

My transformation from uninterested observer to committed supporter began much the same way as my first encounter with a request from our Dean addressed generally to the faculty seeking a volunteer to attend SEALS. I had just been appointed as Senior Associate Dean for Academic Affairs the previous summer. In one of my weekly meetings with the Dean, we discussed SEALS. She was of the view that while it was not essential that Duke send a representative to SEALS, it would be nice if someone went. Duke was in the southeast after all, and “showing the flag” for Duke would be a good thing. Once

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¹ In 2003, at the request of AALS leadership, SEAALS agreed to drop the extra “A” and we become SEALS. I will refer to the group as SEALS even for events happening before 2003.

again, I volunteered to attend without being on the program or otherwise having much in the way of expectations.

The 2000 SEALS meeting at Captiva Island in Florida proved to be a different and positive experience. My wife Nancy was able to come, and we attended for several days. Like most SEALS conferences, it was a bit of a working vacation. We took one day off during the conference to explore some of the local area and do some biking. The conference was modestly attended – I recall there being about forty people at the receptions. There was tennis – a SEALS’ constant for me – but there also was some serious programming. What I most remember is the warm welcome offered by many of those in attendance. As we headed home from Florida, my wife and I agreed that it had been a good experience that should be repeated. From that year forward, I have not missed a SEALS’ meeting and have very much enjoyed being part of its evolving success.

But what did SEALS really have to offer? What is the distinctive purpose for a regional association of law schools? There is no “southeast” perspective on law, although on occasion SEALS’s panels explore that possibility.² There may be particular issues – such as dealing with the continuing issues of racism in the United States – that have a distinct southern focus, but that hardly justifies a separate association of law schools. What is it the SEALS can offer that cannot be fulfilled by the American Association of Law Schools (AALS)? As a national organization, AALS has a major annual conference and performs key functions of providing quality programming and numerous opportunities for professional development. Why does the world need SEALS? Or at a personal level, why do some of us find SEALS to be an important professional community?

At one very basic level, part of SEALS’ appeal is simple to explain, even if one should perhaps not admit it too publicly. Unlike AALS that meets for a few days in the dead of winter in large convention hotels in big cities, SEALS meets for a week in the summer at very nice beachfront resorts. What’s not to like? For some, this suggests that SEALS is one of the ultimate boondoggle (defined as an activity that is wasteful but has at least the appearance of providing value).

There is a certain element of unaccustomed luxury associated with SEALS’ conventions that have met multiple times at the places like the Breakers and the Ritz Carlton Amelia Island. One of my favorite SEALS moments was overhearing a conversation between two young boys in the beautiful lobby of the Ritz Amelia Island. They were on their way out to the pool. Like a lot of SEALS’ attendees, they were regulars and had been to several SEALS’ meetings.

² See, e.g., *Southern Fried Feminism*, SOUTHEASTERN ASSOCIATION OF LAW SCHOOLS, ANNUAL MEETING 14 (2005), <http://sealslawschools2.org/wp-content/uploads/2013/01/2005-program.pdf> (“This panel will focus on ‘Southern feminisms’ and whether there are qualitative differences between Northern and Southern feminism.”).

Their animated discussion was about whether the Ritz was better than the Breakers. They canvassed the relative merits according to their own values regarding such important matters as quality of the pools, restaurants, and ice cream treats. I suppose at one level, this sort of conversation – which really was not much different than the conversations that the boys’ law professor parents might have had – is a bit self-indulgent and supports an often-voiced criticism of SEALS: It is just a group that spends a week each summer sitting around the pool at a swish resort.

In response, my not-very-lawyerly answer is “Jealousy is a green-eyed monster.” What’s wrong with spending time with your family with a community of professional colleagues at a nice place? Why not be in a resort at the beach if the rate is reasonable. And make no mistake that Russ Weaver, our esteemed Executive Director, is a great negotiator and gets great deals. The rates that SEALS’ attendees pay for staying at these lovely locations are less expensive than the rates for AALS’ hotels during its conferences. So, if it is cheaper to stay at a nice place, why not do so? It seems to me that the burden should shift to those who are critical (or jealous) of SEALS to explain why this is problem.

But apart from its great locations, what has most contributed to SEALS’ special success? This raises the interesting question whether SEALS’ self-identification as a “regional” association of law schools is a key to its success? It could be that a regional group provides a focus that makes it potentially more beneficial or more intimate. Size could matter and in this context smaller might potentially be SEALS’ advantage. I have attended about a half-dozen AALS meetings sometimes participating as a speaker on a panel, and sometimes just attending. With a couple of thousand law professors in attendance, the opportunity to develop meaningful professional relations is limited. Spread out over several different hotels in large downtown settings in major cities in convention-sized hotels and facilities, it is not conducive to the type of informal meetings that flourish at SEALS.

Yet, I do not think that “regionalism” and its historical small size explains much of SEALS’ current appeal. To be sure, attendance at SEALS’ conference is not numbered in the thousands – decidedly a good thing – but SEALS’ attendance has increased dramatically in the past fifteen years. It will not be long before SEALS tops the 1,000 figure in registrations. And yet SEALS continues to be successful in creating community even as it grows.

What about SEALS’ supposed association with the “southeast”? In my view, its regional affiliation plays only a minor role, at best, in its recent success. SEALS has for many years ceased to be strongly identified as a regional organization. In part, this is a function of SEALS’ expansive view of the “southeast.” While there is no official designation of the “southeastern United States,”³ SEALS has long taken liberties with any normal understanding of that

³ There is no official Census Bureau definition of the southeastern United States. The American Association of Geographers—a group whose views on this matter perhaps should be given some weight—includes in its southeastern regional group the states of Alabama, Georgia, Florida,

region. To be sure, one's sense of U.S. geography is under assault in other contexts. In college sports, for example, the Atlantic Coast Conference now features Notre Dame and Louisville as key members despite their decidedly non-Atlantic Coast locations.

The question whether to be more precise in enforcing the "southeast" element in SEALS' identity has been an issue for SEALS in the past. During my time on the Board, we considered whether SEALS membership should be made available to all the Texas law schools (as opposed to just those in close proximity to the Gulf Coast). There was considerable support for the position that SEALS' footprint should be limited to some realistic geographic area defined by a commonplace understanding of what constitutes the southeastern United States. Similarly, there was substantial support for limiting the number of affiliate members – especially U.S. law school affiliate members as opposed to international affiliate members. But at the end of the day, SEALS' geographic footprint was expanded and no meaningful restrictions have been placed on affiliate members.

The result is quite remarkable in that SEALS' 70-plus institutional member schools include several law schools from places like central Texas, Arkansas, Missouri, and Washington D.C. that few would consider the American southeast. SEALS' 25-plus U.S. affiliate members have solid coverage over the entire continental United States including more than a half-dozen west coast law schools. Overall, almost half of all ABA-accredited law schools are SEALS members. SEALS' expansionist past led me to suggest to the Board – only half in jest – that SEALS should be officially renamed as "Southeast of Alaska Law Schools" as that would better reflect our actual membership. This would be a safe designation given that Alaska does not have a law school, so we need not worry about some Alaskan law school someday applying for affiliate membership.

So, in addition to our great venues, what accounts for SEALS' success if ultimately not its regional focus or its small size. I would suggest that there are two key factors: (1) our commitment to open programming, and (2) our inclusive approach to newer law faculty.

With respect to its programming (which now is comparable in number of substantive programs to that offered at AALS), SEALS' approach is the opposite of a "top down" regime of organizations such as AALS. There is no small group of leaders selecting the topics or the speakers. Any one who proposes a panel or discussion group also submits the panelists or discussion leaders. There are no section chairs or gatekeepers who approve panels.⁴ It is rather a "bottom up"

Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Maryland, Virginia, and West Virginia (thus excluding Texas, Missouri, Louisiana, Arkansas and Washington, D.C. which SEALS' expansive southeast footprint includes). See *About Regional Divisions*, AMERICAN ASSOCIATION OF GEOGRAPHERS (last visited Oct. 11, 2017), http://www.aag.org/cs/membership/regional_divisions.

⁴ See *Navigating the SEALS Program Submission Proposal Process*, SOUTHEASTERN ASSOCIATION OF LAW SCHOOLS (last visited Oct. 11, 2017), <http://sealslawschools.org/wp-content/uploads/2012/09/Navigating-the-Submission-Process-CR.pdf>.

approach where anyone can work on developing a panel, workshop, or discussion group. The rules are minimal – there is a requirement that most of the panelists be from one of the many Institutional Member Schools, but this nod to SEALS' expansive southeastern focus is at most a modest limitation.⁵

As someone who has long been involved in developing programming, I can attest that SEALS' commitment to this “democratic” style of programming generally works well. For the past decade, I have worked with a number of faculty to develop programming in the Civil Procedure area. Our programming has run the gamut from a day-long workshop on emerging issues to roundtables and discussion groups covering pedagogical approaches to the subject or “hot topic” issues like discovery reform. Like in many areas of SEALS' programming, the focus has evolved into something far different than the usual “talking head” panel presentations. Instead, we have core group of Civil Procedure devotees who meet each year in a smaller setting – more like a seminar than a lecture – to share thoughts about important developments in the world of Civil Procedure.

SEALS' open approach to programming also provides the opportunity for some eclectic and different types of presentations. With SEALS, you can pursue an unusual programming idea that may attract only a small group of interested professors. For example, one of my particular passions is architecture. I have served as Duke Law School's building committee chair for many years and oversaw over \$60 million in law school renovations and new construction. Taking advantage of that interest, one year I helped put together a panel on law school architecture that included the architect who had recently designed our new wing and clinic space.⁶ SEALS has also provided a venue for my interest in law-related documentaries (even including a few “Night at the Movies” where we showed some of the documentaries that I have produced).⁷ AALS simply does not provide the flexibility and innovative potential for programming that SEALS offers.

There are admittedly some potential weaknesses in SEALS' open approach to programming. At times, there is a certain redundancy to SEALS' panels: it seems some topics are repeated year after year. And on occasion when there is some hot topic, there may be overlapping programs that if there were more oversight one would have been canceled or the programs might have been combined. But what is the great harm in having two programs that might plough some of the same ground? There is also perhaps more of a risk that some of the program participants may not stay “on task” – SEALS workshops and discussion

⁵ *Id.*

⁶ See *Law School Architecture*, SOUTHEASTERN ASSOCIATION OF LAW SCHOOLS, ANNUAL MEETING 17 (2004), <http://sealslawschools2.org/wp-content/uploads/2013/01/2004-program.pdf>.

⁷ See *A Night at the Movies: Hillary: The Supreme Court Case!*, SOUTHEASTERN ASSOCIATION OF LAW SCHOOLS, ANNUAL MEETING 38 (2009), <http://sealslawschools2.org/wp-content/uploads/2013/01/2009-program.pdf>.

groups often include a large number of participants. A more “top down” approach might have insured that all the panelists were fully vetted to ensure literally “getting with the program,” but the occasional tangential presentation is a small price to pay for the inherent inclusiveness and openness of SEALS’ approach.

SEALS’ commitment to newer faculty is another obvious strength. The New Scholars’ program (formerly “Young Scholars” before it was recognized that not all new faculty are necessarily young) is an amazing commitment to inclusivity. One of the most gratifying part of my involvement with SEALS has been to have the privilege of being a mentor most years to one of the new scholars. Even more gratifying is seeing the new scholars return to SEALS in future years (sometimes even serving on panels that I have helped organize). This commitment has been expanded recently to include significant efforts to include applicants to the legal academy (many of whom are already visiting association professors at law schools).

As I look back on my almost twenty years of involvement with SEALS, I am truly amazed at the transformation of this organization from its humble roots – which had come quite close to withering – into a dynamic community of literally hundreds of talented law professors. It has accomplished this transformation because of its commitment to valuing the contributions of all of those interested in being involved. And it didn’t hurt that we were at the beach.