THE 3L FEBRUARY BAR EXAM: AN EXPERIMENT UNDER WAY IN ARIZONA

by Sally Rider and Marc Miller

n December 10, 2012, the Arizona Supreme Court adopted a rule, on an experimental basis through 2015, allowing law school students to take the bar examination in their third year of law school. This article describes the process, initiated by several faculty members at the University of Arizona James E. Rogers College of Law ("Arizona Law"), which culminated in a rule change that we feel will not only benefit students but also improve legal education in Arizona.

THE INITIAL IMPETUS FOR THE IDEA

In the summer of 2011, several faculty members at Arizona Law began to investigate whether it might be feasible to allow students to take the Arizona Bar Examination in February of their third year of law school. We see the February bar exam option for third-year students as a unique opportunity to address some of the biggest challenges facing law schools and law school graduates today: the cost of legal education, an increasingly complex and tight job market, the persistent critique that law schools do not pay enough attention to producing graduates who are ready to practice law, and doubts about the distinctive purpose and value of the third year of law school. The February bar exam option would offer the following benefits:

 A Jump Start on Practice: Allowing students to take the bar exam before graduation will effectively decrease the cost of entering the profession because students who pass the February exam will be eligible to become members of the bar and begin to practice some five months earlier than those who take the bar exam in July. We expect that many students will want to follow the traditional path of the July bar exam. But for those students who want to begin practice sooner—and for whom taking the July bar exam means incurring additional debt, or working when they might otherwise be studying for the exam—the February bar exam is a practical option.

- Increased Employment Opportunities: As the job market for law school graduates and experienced attorneys has significantly tightened over the last several years, more employers now require that those they hire be already admitted to the bar. For students pursuing those jobs, being admitted to the bar earlier would give them an advantage in their job search. Arizona's adoption of the Uniform Bar Examination (UBE), which provides a score portable to other UBE jurisdictions, also increases the out-of-the-gate job options for Arizona graduates. Finally, students who take the February bar exam in Arizona could then also take another bar exam in July in a non-UBE jurisdiction (such as, for instance, California, Texas, or New York), potentially making them eligible to practice in even more jurisdictions right away and increasing their marketability.
- Graduates More Ready for the Full Range of Legal Jobs: We saw an opportunity to

respond to the persistent critiques that law schools do not do as much as they could to prepare graduates for many practice areas, and that the third year of law school does not have a coherent role in legal education. These critiques are joined by the idea that the third year of law school could be better focused on transitioning students from theory to practice, and that doing so would require settings, materials, and teaching methods different from those provided by traditional semester-long classes. Early examination presents the opportunity to develop a new curricular approach that would benefit not only February exam takers but other upper-level students as well. While curricular and educational reform would be possible in theory without the February bar exam option, that option provides a powerful lever to drive substantial educational reforms. The challenge of retooling the traditional curriculum to emphasize experiential learning and facilitate the transition from law school to law practice became a major driver for many of those who championed the February exam rule change.

In her President's Page in the August 2009 edition of this publication, Erica Moeser expressed her opinion that the courts, bar admission agencies, and legal educators should "revisit the matter of allowing students to sit for the bar examination during their final semester of law school," stating the benefits to graduates and the opportunities for curricular reform cited above.² In Arizona, we have taken up President Moeser's challenge.

RESEARCHING EARLY EXAMINATION IN OTHER STATES SPURS FURTHER IDEAS

We began our inquiry by looking into whether any other states allow early examination for students in their third year of law school. While we discovered that many states allow students under some circumstances to take the bar exam prior to receiving their J.D. degrees, none made it practical for students to sit for the bar in February of their third year. For instance, in a handful of jurisdictions, students are eligible to take the bar exam prior to graduation if they are expected to receive their degrees within a certain number of days after the examination (e.g., within 30, 45, or 60 days-none of which would allow testing in February for May graduates), or if they have completed all work required for graduation but their degrees may not have been conferred. West Virginia allows only third-year students who will be on active-duty deployment overseas at the time of the July bar exam to sit for the February bar exam.³ As we discussed this proposal with colleagues, however, we discovered that the February bar exam option had apparently once been available in several states, and more recently in Georgia.

The Georgia experience was highly instructive. For many years, up until the mid-1990s, students attending Georgia law schools could sit for the bar exam during February of their third year. But 20 years ago Georgia law schools supported a rule change requested by the Georgia Board of Bar Examiners to discontinue the early bar exam. Those law schools reported that students sitting for the bar exam in February were neglecting their studies, that it was disruptive to the third-year curriculum, and that such students missed out on clinical experiences.

The Georgia experience emphasized the need to carefully think through curricular changes to accommodate bar preparation, alternative course scheduling, and clinic participation. In considering each of these issues, we began to realize another opportunity presented by the February bar exam: creating a twomonth window during the third year when our students could devote themselves full-time to preparing to take the bar exam.

Although graduates at Arizona Law typically have a very high pass rate, we have never had an opportunity to offer our students this sort of structured support for bar preparation while they are still students. After graduation, we expect our students to devote sufficient time and attention to bar exam study. But for students who take the February bar exam, we could effectively build that time into the curriculum.

THE BENCH WEIGHS IN

We began to detail a plan that would modify the bar exam rule and decided that we should consult with the members of the Arizona Supreme Court, which would ultimately act on a rule change petition. We wanted to get a sense of the justices' reactions to the idea before approaching the deans of the other two law schools in Arizona.

One of the joys of teaching at a law school in Arizona is that the members of the Supreme Court are accessible. When we called Chief Justice Rebecca White Berch's chambers to see about scheduling a meeting, she offered to meet us somewhere south of Phoenix so that we would not have to drive two hours from Tucson to the Court building. (We drove to the Court!)

Chief Justice Berch has served on the Arizona Supreme Court since 2002 and as Chief Justice since 2009. She has long been involved in legal education and bar admissions in her work with the American Bar Association, the National Conference of Bar Examiners, and the U.S. Conference of Chief Justices. She was one of the moving forces in Arizona's adoption of the UBE. With her background, we knew that she would immediately recognize the possibilities of the February bar exam idea but could also identify potential pitfalls and practical difficulties.

Chief Justice Berch was intrigued as we outlined our plan. Although she had many questions, she clearly saw how and why this might be done. She encouraged us to speak with her colleagues on the Court and with the other law school deans. Each of the members of the Court was willing to hear our preliminary proposal, although none of the justices endorsed the idea outright. The justices made helpful suggestions about whom we might consult among Court staff to get new thoughts about how the plan might be put into operation.

COLLABORATION WITH THE OTHER ARIZONA LAW SCHOOLS

Our next step was to talk with the deans at Arizona State University Sandra Day O'Connor College of Law and Phoenix School of Law to determine whether petitioning to amend the rule would be a joint effort. The collegial nature of our relationships with our sister schools made this outreach easy, and within days, both deans affirmed their interest. Together, we began drafting a rule change petition.

Concurrently, we met as a group with our colleagues at Arizona Law. For some time, we had been talking with faculty, staff, and students in the hallways and at faculty lunches about early examination. In November 2011 we held a formal discussion on the proposal at a faculty meeting, suggesting an incremental approach to any curricular changes. The faculty enthusiastically endorsed the idea of petitioning to change the rule, adding a motion that if the petition was adopted by the Arizona Supreme Court, instead of incremental curricular reforms, the law school should dramatically change the third-year curriculum for students opting to take the February bar exam—and, in doing so, use the reform to benefit all Arizona Law students.

Many faculty members saw the potential for changes that could improve our students' education by incorporating more experiential learning into the curriculum. In addition to the faculty discussions, we also consulted with members of the bench and bar and with some of our students. Although there were many questions about how and why we might pursue this rule change, most everyone we spoke to was intrigued by the idea.

A PETITION IS FILED

On January 5, 2012, we filed a petition with the Arizona Supreme Court on behalf of all three Arizona law schools. The petition sought to change Arizona Supreme Court Rule 34(b), Application for Admission, Applicant Requirements and Qualifications, to allow an applicant to sit for the bar examination, on a conditional basis, if the applicant submitted "a certification from the law school from which the applicant expects to obtain a juris doctor that the applicant is currently enrolled in a course of study, which, if satisfactorily completed, will result in graduation within 120 days following administration of the bar examination "4 The proposal was constructed so that each law school retained discretion in determining the criteria used to certify its students. The petition was open for public comment from January through May 2012.

While the petition was pending for comment, we worked with the State Bar of Arizona as it considered whether to file a comment on the proposal. Again, most members of the bar immediately saw the upside to allowing third-year students to take the bar exam in February, but they had many questions, for which we had ready answers. (See the sidebar on this page for some of the key questions.)

As we engaged in discussions about these and other questions, most members of the legal community became more excited about the possibilities. The exception seemed to be the few people who thought that students need doctrinal studies for all three years in order to gain the best legal

Questions from Members of the **State Bar of Arizona**

Question: How can students possibly study for the bar exam while juggling the demands of law school?

Answer: Students who opt to take the February bar exam in their third year will not take regular classes in January or February of that year, when they are studying for the bar and likely taking a commercial bar review course. Instead, we plan to design a curriculum that will require students who take the February bar exam to enroll in only one course during January and February that, for most students, will be integrated with their bar exam preparation and focused on short writing assignments geared toward subjects on the bar exam.5

Question: How will you keep them engaged once they have taken the bar?

Answer: The curriculum redesign will result in a series of capstone, experiential courses that focus on the transition from theory to practice. In providing these courses, we will be asking our students to be more practitioner than student-doing things and learning things that will smooth their immediate transition into practice and give them more confidence and more connection to the bench and bar. We hope to re-create the excitement of the first semester of law school. As a small law school that is highly responsive to individual students, we have the capacity to engage our students in this new way.

Question: If the same idea failed in Georgia, what makes you think it will work here?

Answer: Georgia's experience gives us valuable insight into how thoughtfully an early bar exam option must be planned and delivered. In Georgia, students were allowed to take the February bar exam, but the schools were not the source of that rule and made no curricular accommodation. Hence, Georgia schools found it disruptive to their regular third-year curricula. Here, we are building the curriculum—substantively and practically-to support students who take the February bar exam.

education. They saw this proposal as some sort of gimmick rather than a real effort to address the cost of legal education, the more competitive employment environment, and complaints from employers and consumers that students are graduating without some fundamental lawyering skills, including a better understanding of the economics of law practice. We appreciate the very real reservations that these individuals expressed and hope that the proof will be in the careful way in which we are implementing the transition to the February bar exam.

COMMENTS TO THE PETITION ARE FILED

After considering the petition, the State Bar filed a comment in support of the change. The response noted the number of states (14 states in 2012) that currently allow third-year students to take the bar exam prior to graduation (albeit under limited circumstances) and discussed the Georgia experience at length. The Bar's comment contrasted the Georgia experience, which resulted in law schools in Georgia supporting the Georgia Board of Bar Examiners' request that third-year access to the February bar exam be eliminated, with the thoughtful plan proposed by the three Arizona law schools.⁶

Two other comments were filed in strong support of the petition: one by a recent graduate of Arizona Law and the other by Arizona Law's Student Bar Association. The only negative comment was filed by the Arizona Supreme Court Attorney Regulation Advisory Committee (ARC). Essentially, ARC members were concerned about 1) the curtailment of the Arizona Supreme Court's oversight of bar admission candidates, 2) the risk of compromising students' ability to study for the bar exam while in school, 3) the negative experience of law schools in Georgia and other states that had allowed early testing, and 4) the fact that early passage of the bar exam would not guarantee immediate admission to

the bar. The schools filed a response to ARC's comment, explaining that the petition sought to address each of the potential pitfalls raised by ARC.

THE COURT CONSIDERS THE PETITION

On August 31, 2012, after having continued its consideration of the petition, the Arizona Supreme Court posed a series of questions. The questions included whether the three Arizona schools would use the same criteria for certification of students, whether students attending out-of-state schools would be eligible, the effect of early examination on agreements with reciprocal jurisdictions, and what the experience of other states could add. (See the sidebar on page 20 for the complete list of questions.)

The Court asked that representatives of the three Arizona law schools, the State Bar, and ARC work together in order to respond to the Court's questions by November 9, 2012, so that the Court could consider the petition at a December meeting. A working group of representatives from the law schools, the State Bar, ARC, and Court staff met over the next several weeks. The working group discussed the petition, the Court's questions, and practical issues regarding implementation. It also identified and attempted to resolve concerns relating to substantive, technical, and practical issues raised by the petition.

As a result of the working group discussions, Arizona Law and the Sandra Day O'Connor College of Law at Arizona State University submitted a response to the Court that included answers to the Court's questions, a revised proposal, a draft application for early examination (in the form of an affidavit to be filled out by the school attesting that the student fulfills the educational requirements listed below), and a short description of the curricular changes being considered by the law schools.⁷

Arizona Supreme Court Notification and Questions

The Court has continued its consideration of the petition to amend Rule 34, Rules of the Supreme Court (R-12-0002), which would allow law students to take the uniform bar examination if they are currently enrolled in a course of study that will result in graduation within 120 days following the examination. The Court would like additional information regarding the details of the law schools' plans for their proposal. Specifically, the Court seeks answers to the following questions:

- 1. Do the three Arizona law schools plan to have a uniform set of criteria for certification of students? If not, why not?
- 2. What criteria will be used to determine whether a student qualifies for certification to take the bar examination?
- 3. Should students certified by out-of-state ABA-approved law schools be eligible to take the early bar examination in Arizona? If so, should the criteria for both in-state and out-of-state student eligibility be uniform?
- 4. If this program is not available to all those attending ABA-accredited schools, would the proposal favor students attending school in Arizona, whether or not they are from Arizona, and disfavor those (including Arizona residents) who do not attend school in Arizona? Is this a problem?
- 5. If the program is open to all those who attend ABA-accredited schools, must they be candidates for a J.D. degree? What about students working toward an LL.M. degree? What about those who transfer or visit from non-ABA-accredited schools?
- 6. Who will be responsible for monitoring the program requirements and criteria for out-of-state law schools?
- 7. How will the criteria for out-of-state student eligibility be enforced?
- 8. If, as the comment from the Attorney Regulation Advisory Committee notes, some jurisdictions do not currently recognize bar examinations taken before a degree is conferred, will that affect Arizona's agreements with reciprocal jurisdictions?
- 9. Many other states that have permitted early testing have much tighter standards (e.g., Texas allows students who are within four credit hours of graduation to take the exam, and six other jurisdictions allow exams to be taken only 30 to 60 days before graduation). Why does the proposal use 120 days?
- 10. What information can the heads of bar examinations in those states that have adopted an early examination program provide regarding how the program is working?

The Court requests that representatives of the Arizona law schools, the State Bar, and the Attorney Regulation Advisory Committee meet and develop a plan to provide this information to the Court by November 9, 2012, so that the Court can consider the matter at a December Rules Agenda.

Source: E-mail from Ellen Crowley, Chief Staff Attorney, Arizona Supreme Court (Aug. 31, 2012).

While the original proposal would have allowed each law school the discretion to determine the criteria used to certify its students to sit for the February bar exam, the revised proposal was much narrower. Students wishing to take the early bar exam would have to demonstrate

- current enrollment and good standing at an ABA-approved law school,
- expected graduation within 120 days of the administration of the bar exam,
- enrollment in a maximum of two credit hours (or equivalent) during the month of the exam and the preceding month,
- eight or fewer units needed to graduate at the time of administration of the exam, and
- academic preparedness for early testing, as attested to by the school.

Representatives of the two law schools also appeared at an ARC meeting to discuss the proposal as revised. After that meeting, ARC filed a letter with the Court reversing its earlier position and recommending approval of the revised proposal on a provisional basis, albeit with some reservations. (Three ARC members who did not attend the meeting later filed a letter with the Court noting that they would have voted against recommending approval of the revised proposal.)

THE COURT ISSUES AN ORDER AMENDING RULE 34

On December 10, 2012, the Arizona Supreme Court issued an order amending Rule 34, Rules of the Supreme Court, "effective January 1, 2013[,] until December 31, 2015," and requiring the law schools and ARC to file reports with the Court on the early examination process by November 1, 2015. (See the

sidebar on page 22 for the rule.) The amended rule incorporates the criteria in the amended proposal and requires an applicant wishing to sit for early examination to submit an affidavit "attested to by the applicant and the law school" that he or she meets the criteria for early examination. The rule provides that a "law school's decision whether to certify that the student meets the criteria is final and shall not be subject to review by the Committee [on Character and Fitness] or the Court."

The amended rule further provides, in line with the criteria in the amended proposal, that applicants may not be recommended for admission to the bar until they have graduated and completed all other admission requirements. Examination scores will not be released until the applicant provides proof of graduation within 120 days of exam administration. If the applicant fails to graduate within 120 days of the first day of the exam administration, or fails to cause the law school to submit proof of graduation within 60 days after graduation, the early exam scores will be void, but the examination shall count as an examination attempt.

THE AMBITIOUS CURRICULAR REFORMS EMERGE

While working through the rule change process, we were simultaneously planning a new theory-to-practice curriculum. In the summer of 2012, we convened an Advisory Committee led by Professor Susan Salmon, Assistant Director of Arizona Law's highly respected legal writing program, and including other faculty, recent graduates, seasoned practitioners (solo and large-firm, litigators, and transactional lawyers), a representative of the State Bar, judges, and students. Our aim was to engage diverse perspectives to counsel the law schools on what a theory-to-practice curriculum *should* look like in

Excerpts from Arizona Supreme Court Rule 34, Application for Admission

Rule 34. Application for Admission

- 2. An applicant may be allowed to sit for the Arizona uniform bar examination prior to the award of a juris doctor degree if the applicant:
 - A. is a currently enrolled student in good standing at a law school fully or provisionally approved by the American Bar Association;
 - B. is expected to graduate with a juris doctor degree within one hundred twenty (120) days of the first day of early exam administration;
 - C. has satisfied all requirements for graduation with a juris doctor except for not more than eight (8) semester hours or its equivalent in quarter hours at the time of early exam administration;
 - D. will not be enrolled in more than two (2) semester hours or its equivalent in guarter hours during the month of early bar examination testing and the immediately preceding month;
 - E. has been determined by their school to be academically prepared for early testing;
 - F. provides by the deadline to the Committee on Character and Fitness, on a form provided by the Committee, an affidavit attested to by the applicant and the law school that they meet the above criteria. The law school's decision whether to certify that the student meets the criteria is final and shall not be subject to review by the Committee or the Court.

No applicant shall be recommended to practice law until graduation or satisfaction of all requirements for graduation, and completion of all requirements for admission to the practice of law under these rules. If an applicant under this subsection has not graduated with a juris doctor within one hundred twenty (120) days of the first day of early exam administration, all parts of the Arizona uniform bar examination, including the score, are void and the applicant's examination scores shall not be disclose[d] for any purpose. Scores may not be released until such time as satisfactory proof of award of juris doctor, as determined by the Court, is provided to the Committee. An early examination which is voided shall count as an examination attempt under Rule 35(c)(1).

At the completion of the juris doctor requirements and within sixty (60) days after graduation, the applicant must cause his or her law school, dean, or registrar to submit to the Committee on Character and Fitness proof of graduation, showing his or her juris doctor was conferred within one hundred twenty (120) days of the first day of early exam administration. Failure to complete the course of study within one hundred twenty (120) days of the examination and provide evidence of graduation within an additional sixty (60) days shall render the applicant's score void.

Source: Supreme Court of Arizona, Sup. Ct. R. 34, Rules for Admission of Applicants to the Practice of Law in Arizona, as Amended, Effective January 1, 2013, Application for Admission.

order to help our graduates be more practice-ready upon graduation.

This Advisory Committee met a number of times during the summer and fall of 2012, breaking down into subgroups for particular subject-matter areas. The overriding goal was to ensure that all of the classes would focus heavily on experiential learning, address needs identified by the working group, and include an ethics and professionalism component. The curriculum discussions continued through the fall, when the members of the working group developed outlines for a number of courses that might be offered.

In late fall 2012, another Arizona Law faculty member, Professor Robert Williams, agreed to take the materials that Professor Salmon's Advisory Committee had produced and outline a series of classes that could be considered by the Curriculum Committee and the faculty. (The Curriculum Committee is a standing faculty committee with authority to review and recommend denial or approval of all curricular matters.) Those classes included a number of capstone courses focused on professionalism and law practice, transactional practice in a variety of areas, and litigation practice skills. In addition, there would be a series of electives offered on a compressed schedule and emphasizing experiential learning, including both in-house and placement clinical opportunities. The capstone courses would be open to all thirdyear students, although early bar-takers would receive priority enrollment. The compressed electives would be open to all upper-level students.

The February bar exam curricular reform proposals have led to reassessment of the entire law school experience, including the integration of a wider range of experiential and "real world" learning opportunities throughout the curriculum and

throughout each student's law school experience. These include a variety of clinical and externship opportunities, innovative classroom approaches, and more pervasive conversations about client needs, document drafting, attention to the economics of legal practice, and a focus on the range of "soft" skills that a lawyer needs to succeed in a wide range of practice settings.

CONCLUSION

The Code of Recommended Standards for Bar Examiners (as adopted in 1987 and published annually in the *Comprehensive Guide to Bar Admission Requirements*) provides that "[e]ach applicant should be required to have completed all requirements for graduation with a J.D. or LL.B. degree from a law school approved by the American Bar Association before being eligible to take a bar examination . . ."9 We hope that our experience with early bar exam administration in Arizona can influence rethinking of this recommendation.

We recognize that the Arizona 3L February bar exam experiment is just one illustration of the larger challenge that law schools and the legal profession face in responding not only to changing times, but to times that are likely to continue to change for the foreseeable future. One of the most notable aspects of this experiment is that it required not only a good idea and the internal efforts at one school, but the collaboration of three law schools, the State Bar, lawyers throughout the state, and a state Supreme Court open to innovation.

As with all good ideas, the devil is in the details. We have come a very long way from our first discussions about early bar examination and a theory-to-practice curriculum. As we begin the 2013–2014 school year and welcome the first group of 3L February bar examinees, we are moving from

trepidation to excitement in creating new opportunities for our students, leading the way in improving legal education, and demonstrating that the early bar option is an innovative way to help our students transition from theory to ethical and effective practice.

Notes

- The idea began with conversations between Professor Gabriel (Jack) Chin, now at the University of California, Davis, who first asked why medical students should be able to take their licensing exams during medical school but law students could not, and Professor Marc Miller (now Dean of Arizona Law). Dean Miller had been thinking about curriculum and program reforms that would provide a better transition from theory to practice; provide more exposure to clients, documents, and actual challenges faced by lawyers in a wide range of settings; and give coherence to the third year of law school. Professor Sally Rider, Associate Dean for Administration, Chief of Staff, and Director of the William H. Rehnquist Center on the Constitutional Structures of Government at Arizona Law, enthusiastically joined the conversation and led the discussions with Court administrators and other institutional representatives in the process described in this article.
- Erica Moeser, President's Page, 78(3) THE BAR EXAMINER 4 (August 2009).
- 3. See National Conference of Bar Examiners and American Bar Association Section of Legal Education and Admissions to the Bar, Comprehensive Guide to Bar Admission Requirements (National Conference of Bar Examiners and American Bar Association 2013), available at http://www.ncbex.org/assets/media_files/Comp-Guide/CompGuide.pdf, at 1, Chart 1: Basic Information.
- Petition to Amend Rule 34, Rules of the Supreme Court, Arizona Supreme Court No. R-12-0002 (filed January 5, 2012).
- 5. Offering bar preparation courses for credit was enabled in 2004 by the repeal of former Standard 302(f) of the ABA STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS, which had prohibited such offerings. Although the repeal was initially accompanied by Interpretation 302-7, which restricted the use of the credit (prohibiting such credit from being counted toward the minimum requirements for graduation, and prohibiting law schools from requiring successful completion of a bar prep course as a condition of graduation), Interpretation 302-7 was repealed in 2008, allowing law schools to offer bar preparation courses for credit without any restrictions on the use of the credit earned.
- Comment of the State Bar of Arizona on Petition to Amend Rule 34 of the Arizona Rules of the Supreme Court, Arizona Supreme Court No. R-12-0002 (filed May 7, 2012).
- Supplemental Information Regarding Early Bar Proposal, Petition to Amend Rule 34, Rules of the Supreme Court, Arizona Supreme Court No. R-12-0002 (filed November 8, 2012).

- Order Amending Rule 34, Rules of the Supreme Court, Arizona Supreme Court No. R-12-0002 (filed December 10, 2012).
- 9. Supra note 3, Code of Recommended Standards for Bar Examiners, Section II, Paragraph 6. The Code of Recommended Standards for Bar Examiners is a series of recommendations to the state authorities who are responsible for admission to the bar, and to lawyers and law schools generally. It was adopted by the policy-making bodies of the American Bar Association, the National Conference of Bar Examiners, and the Association of American Law Schools.



SALLY RIDER is Associate Dean for Administration and Chief of Staff at the University of Arizona James E. Rogers College of Law, and Director of the William H. Rehnquist Center on the Constitutional Structures of Government.



MARC MILLER is Dean and Ralph W. Bilby Professor at the University of Arizona James E. Rogers College of Law.