



## Remembering Deborah | CLP News

### In Memoriam: Deborah L. Rhode

Below and inside are remembrances submitted by SLS alumni, colleagues, and individuals that knew and loved Professor Rhode.



and complete. We were fortunate to know her, to argue with her, to learn from and be mentored by her. Her powerful legacy will last for a very long time.”

Nan Keohane, Senior Scholar, University Center for Human Values, Princeton University; former president of Duke and Wellesley

“Deborah was one of the staunchest of all the second wave feminists, a true leader for women not only in the law, but across society. Her writings were impassioned as well as reasoned, and she touched on so many important aspects of women, leadership and ethics. I always looked forward to our annual long lunch conversations when I was on campus, exploring so many topics together. Her interests were so broad and her intellect so restless

“Professor Rhode was my only female professor when I began law school in the Fall of 1981. She was whip smart, extremely practical, blissfully clear, and laser-focused on justice (which I learned did not always coincide with law). She has been that silent mentor in the corner of my brain for nearly 40 years now, urging me to do good not just do well - hence my civil rights work on behalf of minority community members disparately impacted by biased (bigoted?) climate and environmental laws. Not comfortable, but necessary - for justice. Thank you, Professor Rhode.”

Jennifer Hernandez '81,  
Partner, Holland & Knight

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## FROM THE CO-DIRECTORS

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In joining the Center on the Legal Profession this year as Co-Directors, we continue to feel humbled and privileged. We are humbled at the work that has gone before and the steep challenge of following in Deborah Rhode's footsteps, and we are so privileged to work on issues that matter, and to learn from so many on the cutting edge of defining how law is practiced—and how it should be practiced—in the modern age.

In this newsletter, we have shared excerpts of just a handful of the dozens of remembrances that flowed after Deborah's tragic death, with more available online. In these touching tributes, you see the many and important roles that Deborah played for the people around her: Inspiring teacher, transformative scholar, generous mentor, loyal friend. We'll have a further chance to honor her legacy and remember her remarkable life with a series of panels on October 15th, and a Memorial Service on October 16th.

As you'll see in the pages that follow, the CLP has accomplished a huge amount this year, despite the difficult transition and persistent public health challenges. We continue to play a central role driving forward efforts nationwide and in California to reform the regulation of legal services to promote innovation and access to justice. We've worked to strengthen legal education by engaging with the ABA on the incentives facing law schools, and we're also focused inward, helping to make Stanford a model for training lawyers in the digital age. And we've focused—and will continue to focus—on key questions at the intersection of technology and law, exploring how technology will transform the civil justice system, with particular attention to ensuring that technology makes the system fairer and does not exacerbate existing problems of inequality and access.

We'll be pursuing an even more ambitious agenda going forward, and so we'll need help. To that end, we're thrilled that our former Executive Director, Lucy Ricca, will be rejoining the Center as Director of Policy and Programs, and longtime Advisory Forum member Mark Chandler will join the Center as a Fellow. We're also thrilled that Shanin Specter and Alexandra Walsh—two of the nation's very top trial lawyers—are joining the Advisory Forum to add their unique experiences and insight.

Next year, we will continue—and will continue to expand—on this critical work. Among other activities, Mark Chandler will lead an important project to simplify and unify filing requirements as a way to spur tech-based innovation in civil justice areas where self-represented litigants too often suffer acute access challenges. We will hold a conference with access-to-justice scholars and policymakers on legal services regulation. We will run a Policy Lab to answer pressing questions related to regulatory reform. We will bring together lawyers, judges and scholars to discuss urgent issues in multidistrict litigation, including how to improve the experience of individual litigants. And, in concert with the Federal Judicial Center, we will hold a workshop for federal judges on Artificial Intelligence and the law.

We are so grateful for all of you who continue to engage with, support, challenge, and strengthen our work, and we welcome your thoughts.

**Nora Freeman Engstrom**

*Co-Director, Stanford Center on the Legal Profession  
Ernest W. McFarland Professor of Law*

**David Freeman Engstrom**

*Co-Director, Stanford Center on the Legal Profession  
Professor of Law and Associate Dean*

# Legal Tech and the Future of Civil Justice



**IN FEBRUARY AND MARCH 2021**, CLP Co-Director and Professor David Freeman Engstrom hosted a four-session virtual event that brought together academics, judges and practitioners to explore how digital technologies are reshaping the civil justice system. In each of the sessions, academic authors presented papers, followed by responses from judges and practitioners. The papers will be published in a forthcoming edited volume. More than 1,300 people from around the world attended one or more of the sessions. The sessions tackled a number of urgent questions including: What is the current state of legal tech and where can it plausibly go in the near- to medium-

term? What effect will legal tech's continued advance—from e-discovery to outcome prediction engines to virtual trials and proceedings—have on core features of our litigation system, and how should our procedural rules adapt in response? How can new digital technologies expand access to justice for low- and moderate-income individuals who often cannot retain counsel or lack the resources or know-how to engage formal legal institutions? And what aspects of judicial administration—particularly data infrastructure and accessibility—need to change in order to promote fair and responsible development of legal technologies and open the doors of justice wider for

More than 1,300 people from around the world attended one or more of the sessions which tackled a number of urgent questions.

all? Debate around each of these questions of course has accelerated in light of the deep disruptions of the COVID-19 pandemic.

The first session, “[Legal Tech and the Innovation Ecosystem](#),” provided an overview of the state of “legal tech,” from e-discovery and technology-assisted review (TAR) to software that performs advanced legal analytics and outcome prediction, online dispute resolution (ODR) platforms that many courts have begun to deploy, and a growing catalog of digital tools that serve the unrepresented. Speakers included Oxford researchers Mari Sako and John Armour with a paper on legal tech in the U.K., and commenters included California Supreme Justice Mariano-Florentino Cuéllar and Professor Gillian Hadfield, of the University of Toronto Faculty of Law. Drawing together experts on machine learning, the organization of the legal services industry, and legal ethics and lawyer regulation, this session provided a portrait of the current state of the art and legal tech’s

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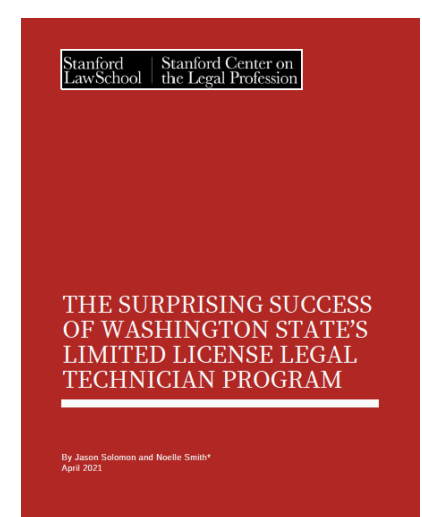
# Shaping Regulatory Reform that Increases Access to Justice

In the last few years, under Deborah Rhode's singular leadership, the Center has worked hard to reform legal-services regulation in order to increase access to justice in the United States.

**IN RECENT YEARS**, these efforts have gained momentum as several states have started to relax their regulations and rethink regulatory strategies. The Center has helped to shape this revolution through discussions with policymakers, and the production and synthesis of relevant research. The specific reforms fall into two categories. The first is to change Rule of Professional Conduct 5.4 to allow nonlawyer ownership and investment in legal service providers, through use, in some states, of a pilot program known as a “regulatory sandbox.” The second is to promote the licensing of paraprofessionals to do limited tasks for consumers who are—currently—largely unserved by lawyers. The idea, here, is essentially nurse practitioners for law.

Under the Center's new leadership, these activities will be continued and expanded—with an aim to make legal services more readily available to

American consumers. Key Center activities over the last few years have included: Fall 2019 Convening on Regulatory Reform – This gathering brought together judges, lawyers, scholars, bar leaders, non-profits, and entrepreneurs to discuss the state-of-play and plot next steps. It has led to continued collaboration. Winter 2020 Policy Lab – This course—led by Deborah Rhode and Jason Solomon, in conjunction with the DC-based nonprofit Responsive Law, and powered by five Stanford students—resulted in several interesting and useful papers on regulatory reform. One, for example, traced the origins of the nurse practitioner model and tracked how nurse practitioners improved access to care in medicine. Another explored the role of nonlawyer advocates in immigration courts. And, a third analyzed how to regulate the use of technology in providing legal advice.



CLP will release the first of these in revised form as white papers this fall.

In what follows, we provide more specifics about reform developments and the Center's vital and expanding role.

## **Could We Have the Equivalent of Nurse Practitioners for Law?**

The idea of licensed paraprofessionals comes from the nurse-practitioner analogy in medicine. Could licensed paraprofessionals play a role in lowering costs and broadening access to legal services—as they did for health care—for individuals of modest means and small businesses? Consider the example of Hello Divorce. Started by Bay Area family lawyer Erin Levine, it uses a technology platform, legal document assistants (who are authorized paraprofessionals in CA), and subscription pricing to reach middle-income individuals who can't afford (and don't need) a lawyer to handle every aspect of their case.

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## Regulatory Reform

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The average cost of a divorce with children in California is an astounding \$26,300 per person; Hello Divorce’s average is \$1,500 per couple. Hello Divorce is looking to expand nationwide, but as Levine told a FutureLaw panel, organized by the Center on Deborah Rhode’s legacy and including our Co-Directors, “regulation is my biggest challenge.”

Washington is one state that has such a program. There, starting in 2015, “legal technicians” were permitted to provide legal advice and representation in family law matters. It was a big breakthrough on paper. But there was little evaluation of how well it worked—blurring any firm conclusions about the program’s efficacy. Recognizing this gap, the Center hired 3L Noelle Smith as a research assistant to canvas the available data, and interview stakeholders like judges, lawyers, and legal-technicians themselves. The result was a CLP white paper, [“The Surprising Success of Washington’s Limited License Technician Program,”](#) released in April 2021 and available on the Center’s website. Jason Solomon testified before the Washington Supreme Court on the white paper’s findings, and he and Smith published an op-ed in Bloomberg Law on the lessons for the use of

paraprofessionals in law more broadly.

Inspired by the Washington model, the State Bar of California launched a working group in 2020 to explore whether to authorize licensed paraprofessionals to provide legal services in limited contexts. In the last few years, Utah and Arizona have launched such programs, and several other states are considering whether to follow suit. Ontario has had such a program for 15 years, and their “independent paralegals” are now considered “part of the landscape,” according to one experienced judge there. The Center has worked closely with the California working group to provide syntheses of research on the use of such paraprofessionals in other jurisdictions—through oral comments at public meetings and written submissions. California’s working group proposal is scheduled to be released for notice and comment in the fall of 2021, and it will then go to the State Bar Board of Trustees and Supreme Court.

### **Alternative Business Structures and a Regulatory Sandbox**

The Center has also been influential in the move to relax Rule 5.4’s ban on nonlawyer investment and ownership in order to promote innovation, as well as the idea that a “regulatory sandbox” might be a good way to experiment with allowing such providers.

## Sandbox Q&A

### **Q: What is a regulatory sandbox?**

**A:** A regulatory sandbox is a policy tool through which new models or services can be offered and tested to assess impact and risk, and inform future policy-making. The sandbox tool was first put to use in the financial services industry, in which a highly regulated market was grappling with significant technological advances that did not fit under the traditional regulations (think cryptocurrency). The sandbox model offers similar advantages in the legal space, a traditionally highly restricted market in which the market—and particularly services driven by technology—are outstripping the traditional regulatory approach. In the sandbox, regulations can be relaxed, data gathered, and policy improved. The sandbox metaphor is intended to convey a safe place where market participants and policymakers can experiment, with close monitoring and data collection by the regulator.

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## Regulatory Reform

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### Regulatory Reform Developments and CLP's Role

**2007** – The United Kingdom passes the Legal Services Act, allowing “Alternative Business Structures”—legal services providers that are not 100% owned by lawyers.

**2007** – Australia becomes the first country to have a publicly traded law firm, Slater and Gordon. The firm uses the capital to scale a firm that helps middle-income consumers with a range of legal needs.

**2012** – U.K. authorizes the first Alternative Business Structures.

**2016** – Professors Deborah Rhode and Gillian Hadfield publish “How to Regulate Legal Services to Promote Access, Innovation, and the Quality of Lawyering” in *Hastings Law Journal*, arguing that the U.S. should adopt the U.K.’s regulatory approach in order to promote innovation in legal services delivery.

**2017** – Gillian Hadfield speaks to Utah judges and bar leaders about the possibility of this new approach to legal services regulation that is based on calibrating risk, not following rules.

**2018** – The Utah Supreme Court and State Bar charge Justice Deno Himonas and past Bar President John Lund to form a working group to make recommendations for “optimizing the regulatory structure for legal services in the Age of Disruption.”

**April 2019** – Margaret Hagan, director of CLP’s Legal Design Lab, and Lab fellow Jorge Gabriel Jimenez publish the white paper “A Regulatory Sandbox for the Industry of Law” with the Thomson Reuters Legal Executive Institute.

**August 2019** – The Utah Work Group on Regulatory Reform—including Margaret Hagan, Lucy Ricca, and Gillian Hadfield—releases their report “Narrowing the Access-to-Justice Gap by Reimagining Regulation” recommending “regulatory sandbox” approach that “permits innovation... while addressing risk and generating data to inform the regulatory process.”

**October 2019** – CLP hosts a convening on regulatory reform and access to justice, with a kickoff panel featuring Utah Supreme Court Justice Deno Himonas and Legal Services Corporation President James Sandman.

**April 2020** – Deborah Rhode, Jason Solomon, and CLP research assistant Annie Wanless release the white paper “How Reforming Rule 5.4 Would Benefit Lawyers and Consumers, Promote Innovation, and Increase Access to Justice,” [available here](#).

**May 2020** – The State Bar of California Board of Trustees votes to move forward with a task force to explore a robust version of the sandbox. Before this divided vote, CLP submitted written and made oral testimony, organized a letter from California legal ethics scholars led by Deborah Rhode that urged moving forward, and helped to coordinate the efforts of others supporting a sandbox.

**August 2020** – Utah Supreme Court hires former Executive Director and current Fellow of CLP, Lucy Ricca, to start their Office of Legal Services Innovation and run the regulatory sandbox.

**August 2020** – Arizona Supreme Court, with support from their State Bar, abolishes Rule 5.4 and starts allowing Alternative Business Structures, without a sandbox, to “promote business innovation in providing legal services at affordable prices.”

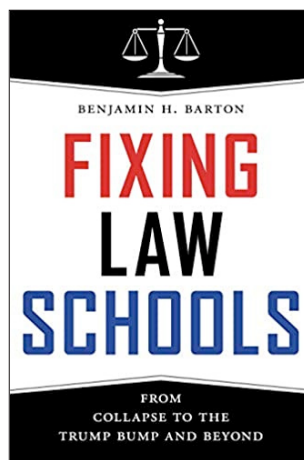
**October 2020** – Professor and now CLP Co-Director David Freeman Engstrom is appointed to the State Bar of California’s Closing the Justice Gap working group, to explore use of a sandbox.

**June 2021** – Florida Task Force recommends a regulatory sandbox, citing CLP’s 2020 white paper on Rule 5.4 and the Stanford Civil Rights Civil Liberties Journal symposium that was based on work presented at our Fall 2019 convening.

**June 2021** – CLP co-sponsors a webinar featuring Utah entities that have been submitted to the sandbox.

In **OCTOBER 2020**, the Center co-hosted a virtual convening on legal-education accreditation with the Institute for the Advancement of the American Legal System (IAALS) and Law School Transparency (LST). The context and motivation for the convening came from three important publications on legal education that came out in early 2020, before the onslaught of COVID-19: the report from the ABA Commission on the Future of Legal Education, Ben Barton’s *Fixing Law Schools*, and *LST’s 2025 Vision* from Law School Transparency. One theme of all three reports—and many other recent publications and commentary—is that legal education must do better on access, affordability, and innovation. Despite general agreement that reform is needed, change is too slow and halting, in part because law schools face structural barriers that frustrate reform efforts. This virtual convening—which included some of the country’s leading experts—zeroed in on one of these structural issues: the accreditation standards and process for law schools. All three recent publications raise concerns that the ABA’s accreditation standards contribute to the homogeneity, high cost, and lack of innovation that characterize U.S. law schools. These criticisms are not new, and indeed, the ABA Council on Legal Education—the accrediting body and

# How Should Legal Education Be Regulated?



regulator of law schools—has shifted in recent years towards less reliance on prescribing “inputs” for schools (i.e. size of the library) and more on outcome measures (i.e. what students must know and do).

In particular, the gathering kicked off with brief remarks from the principal authors of each of the three reports, followed by a discussion with the ABA Council’s two most recent Managing Directors on the key principles of law school regulation. The group then turned to the question of how the accreditation standards affect the kinds of educational models that emerge (and don’t emerge), spurred by remarks from former Undersecretary for Education and president of the Western Association of Schools and Colleges accreditor Jamienne Studley and an academic dean from the innovative university Minerva, which has a 100% online curriculum and is a leader in higher education at teaching and measuring learning outcomes.

Finally, the convening closed with discussion of how to do quality assurance focused on student outcomes—how to assure that new lawyers graduate with the competencies they need for practice—led by University of Michigan professor Lisa Lattuca who was the co-principal investigator of a national study on the impact of outcomes-based accreditation on student learning in engineering programs. There was also discussion about possible next steps, which the Center has pushed forward since the convening.



# Building a Diverse, Inclusive Profession



Panelists discussed the opportunities associated with in-house counsel making diversity a priority in their hiring of outside counsel.

On February 2, 2021, the Center for the Legal Profession co-hosted an event ([video here](#)) with the Black Law Students Association, Women of Stanford Law, and the Stanford Center for Racial Justice that focused on how to address the scope of racial and gender inequality in the legal profession.

Moderator Joanna Grossman, a visiting professor at Stanford and professor at SMU Dedman School of Law, framed the discussion by noting that the lack of diversity and inclusion is evident in several different measures, but one of the most telling is the pyramid shape of advancement in the profession. For example, for the past twenty years, half of law school graduates have been female, but women still comprise only 18% of equity partners in law firms. Lawyers of color are 22% of associates but only 6%

of equity partners. Women of color are the least represented, comprising slightly under 3% of equity partners. The lack of vertical equity is not the only way of measuring diversity or inclusion in the legal profession. Still, Grossman pointed out, it gives us a way of focusing on the persistent issue that reflects a much deeper set of problems: bias, structural inequities, complacency, power dynamics and resistance to change. Panelists discussed the norm of lawyers being white and male, and how that affects the

profession. Shauna Johnson Clark, Norton Rose Fulbright's global and U.S. chair, as well as its head of employment and labor in the U.S., observed that, outside of large law firms and Fortune 500 legal departments, the profession is fairly diverse. For Clark, one of the most important factors in diversifying large law firms is to create a firm culture environment that allows people to be "as close to their authentic selves as possible." Joseph West, a partner and Chief Diversity and Inclusion Officer at Duane Morris who previously served as the President of the Minority Corporate Counsel Association while in-house at Wal-Mart, emphasized the importance of implicit bias training. Such bias comes into play at different "chokepoints," he explained, including recruiting, compensation, mentoring, and who gets what work. Clark, an African-American woman, mentioned that, earlier in her career, when she was introduced to a new client, they would often say: "Where's *(continued, page 10)*



# Nora Freeman Engstrom Awarded Berkeley Law's Civil Justice Research Initiative's Best Article Prize



ON MAY 26, 2021, Nora Freeman Engstrom, Ernest W. McFarland Professor of Law and Co-Director of the Stanford Center on the Legal Profession, was honored with Berkeley Law's Civil Justice Research Initiative's inaugural Best Article prize for "[The Lessons of Lone Pine](#)," published in the *Yale Law Journal*.

Originating in a toxic-tort case in New Jersey about contamination from the Lone Pine landfill, Lone Pine orders have been used to manage cases by judges in many of the major mass-tort multidistrict litigations of the last few decades. Designed to weed out spurious claims early, these orders require plaintiffs to come forward with prima facie injury, exposure

## THE YALE LAW JOURNAL

NORA FREEMAN ENGSTROM

### The Lessons of *Lone Pine*

**ABSTRACT.** Over the past three decades, *Lone Pine* orders have become a fixture of the mass-tort landscape. Issued in large toxic-tort cases, these case-management orders require claimants to come forward with prima facie injury, exposure, and causation evidence by a date certain—or else face an early and unceremonious dismissal. So far, the orders have been mostly heralded as an inventive and efficient way to streamline and expedite the resolution of complex cases. They are, many believe, an antidote to the assertion of dubious filings. Yet it's not so simple. This Article identifies and analyzes various drawbacks associated with *Lone Pine* orders, including their inconsistent application, incompatibility with formal procedural rules, and insistence on using a binary screen to address a question that is, at bottom, inusceptible to a binary resolution. Given these problems, it ultimately concludes that courts ought to scale back their use of this potent procedural device.

But that's just the half of it. *Lone Pine* orders are not just important because of what they do. They are also important because of where they sit: squarely at the intersection of broader currents that are quietly transforming contemporary civil litigation. These currents include the rapid and seemingly insatiable growth of multidistrict litigation, the durable embrace of managerial judging, the counterrevolution against federal litigation, the ever-more-preliminary disposition of claims, and both the formal and informal customization of procedural mechanisms. Weaving these seemingly disparate currents together, this study offers fresh insights to deepen—and, in places, complicate—our understanding of these profoundly influential phenomena.

Th[e] Article is emblematic of Engstrom's work on the day-to-day operation of the civil justice system and her focus on thorny issues at the intersection of tort law, ethics and complex litigation.

and causation by a date certain—or else face an early and unceremonious dismissal. In the piece, Engstrom questions the conventional wisdom lauding Lone Pine orders and uses a deep exploration of their use to illustrate broader currents

that are quietly transforming contemporary civil litigation. This Article is emblematic of Engstrom's work on the day-to-day operation of the civil justice system and her focus on thorny issues at the intersection of tort law, ethics and complex litigation.

Engstrom has also published a companion piece, titled "[Lone Pine Orders: A Critical Examination and Empirical Analysis](#)," in the *University of Pennsylvania Law Review* (co-authored with her research assistant, Amos Espeland). And with the help of SLS's terrific library staff, Engstrom has created a national, searchable [repository](#) of *Lone Pine* orders, to promote future study and analysis. (Because the orders are typically unpublished, before Engstrom's work, they existed beneath the radar, and research on them was difficult.) Building off this work, the Center is co-sponsoring with Berkeley's Center on Civil Justice a September webinar for lawyers on leadership in multidistrict litigation, and a small convening in January of lawyers, judges and scholars on lawyer-client relationships in multidistrict litigation, and how to ensure that MDL clients are represented in a manner consistent with the rules of professional conduct.

## Inclusive Profession

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my lawyer?” She dubbed this phenomenon “sticker shock.” Sandra Simkins, the Director and co-founder of the Children’s Justice Clinic at Rutgers Law School, argued that the norm of a female lawyer in many areas of public-interest law was itself a problem and comes with its own unique set of challenges. She pointed out that any profession that is primarily staffed with women becomes a “pink ghetto” (the subject of her recent article) with lower status and less compensation. In Simkins’s view, the gender

stratification for women in public interest begins in law schools, as clinicians and legal writing professors (both primarily women), are at the lower end of the law school hierarchy.

The panelists discussed the opportunities associated with in-house counsel making diversity a priority in their hiring of outside counsel. “Client demands drive everything,” as West put it. And he said that GCs at a range of companies were starting to prioritize diversity and inclusion. Doing this meaningfully, West pointed out, means making sure that the diverse partners

who own the client relationship are getting the “origination credit” for firm compensation purposes. Another approach—used by former GC Brad Smith at Microsoft, among others—is incentivizing in-house counsel to reach diversity and inclusion metrics by tying a portion of their bonus to such goals. Clark noted that if we want to see real change, then corporate clients need to give diverse lawyers “at-bats” to run a deal or try a case. “Greatness—performing and delivering results—is the great equalizer. The problem is giving people an opportunity to be great,” she said.

## Discussion: Indigent Defense During the Pandemic and Beyond



Professor Ron Tyler of Stanford’s Criminal Defense Clinic moderates an October 26 discussion on “Indigent Defense During the Pandemic and Beyond” with Avis Buchanan, Director of the D.C. Public Defender Service, and Ricardo Garcia, Los Angeles County Chief Public Defender. This followed an October 15 panel with some of the leading “progressive prosecutors” in the country – District Attorneys Chesa Boudin of San Francisco, Eric Gonzalez of Brooklyn, and Marilyn Mosby of Baltimore. Both panels were co-sponsored by Stanford Law’s Center on the Legal Profession and Criminal Justice Center.

likely trajectory over the near- to medium-term.

The second session, “[Legal Tech, Procedure, and the Future of Adversarialism](#),” considered the implications of the new tech tools for civil litigation and the adversarial system, particularly the ways civil procedure rules may need to adapt as legal tech continues its advance. CLP’s Co-Directors, Professors Nora and David Freeman Engstrom, presented their paper on the risks that technology exacerbates the divide between the “haves” and “have-nots” in litigation. Another Stanford Law Professor, Norman Spaulding, questioned the move to Online Dispute Resolution (ODR) and its implications for due process and meaningful participation from litigants, while Harvard Law Professor James Greiner and Harvard Access to Justice Lab Associate Director Renee Danser looked at the promise

and peril of the migration to remote proceedings, including virtual trials.

The third session, “[Legal Tech and Access to Justice](#),” considered the distributive effects of new legal technologies within the civil justice system. By necessity, COVID-19 accelerated the move to digital courts, and the coming spike of debt-collection and eviction cases—traceable to COVID’s economic fallout—will place additional pressure on state courts to innovate. This innovation includes expanded use of virtual hearings, pre-hearing diversion programs, and court-ordered online dispute resolution processes. Will this increased use of technology make it easier or harder for pro se litigants to access justice? Speakers included Michigan Supreme Court Chief Justice Bridget McCormack and David Slayton, administrative head of the courts in Texas, who talked about some of the lessons learned during their states’

move online during COVID. The final session, “[Access to Data as Access to Justice](#),” focused on a concern that is gaining momentum among civil justice experts: that relatively few actors within the legal system have privileged access to the data necessary to develop and refine effective legal tech tools. With high data costs and the failure of federal and state judicial administrators to make court data available in bulk, relatively few litigants will be able to make effective use of potent new analytics. That’s worrisome because, over time, those with the means and technical know-how to harness data analytics will have a decided leg-up. In this context, speakers and commenters considered the challenges of access to court data and its uses and abuses, and innovative ways to expand access to court data while protecting privacy interests.

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Professor Rhode  
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“I worked for Professor Rhode as a research assistant, during the summer of 2000 and occasionally afterwards, while I was a student at Stanford Law School. It was an enormously rewarding experience – seeing her mind work, hearing her talk through her ideas, and watching her writing process. She brought much-needed insight to a host

of issues – from legal ethics, to gender discrimination, and beyond. And she was personally generous, giving me helpful advice and making well-timed calls to bring me to the attention of judges who clearly respected her immensely. She gave me, as a graduation gift, a print she had made of one of her famous photographs of Justice Marshall. Over the nearly two decades since then, that photograph has

moved with me, displayed with pride on the wall of every office I have had, reminding me of Justice Marshall, of Deborah, and the aspirations they both had for a fairer, more just legal system. I am immensely grateful for having known her, and deeply saddened to hear of her passing.”

Joshua Klein '02, Deputy Solicitor General, California Department of Justice



## Professor Rhode

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"I took Professor Rhode's legal ethics class in the spring of 2004. One thing she said stuck with me for all of these years. To paraphrase: "While a principle of our judicial system is that everyone deserves a defense, the ethical question you must all ask yourselves is whether this person deserves a defense from me." These words have guided me through my legal practice, and I am certain had a similar effect on myriad other alumni. Her impact was immense."

Valerie Alter '05, Special Counsel, Sheppard Mullin Richter & Hampton LLP

"I am forever grateful to have spent time as a Scholar-in-Residence at Stanford Law School's Center on the Legal Profession, where Deborah hosted me with such generosity in 2015. She organized workshops for my writing and our conversations sparked ideas for new research. We walked her favorite routes with the then-new-puppy Stanton, swam regularly in her pool with the Beatles playing, and nurtured our minds and souls at museums and book talks, including Katha Politt and Scott Turow. That time solidified her as a dear and treasured friend, in addition to being a mentor. She supported me professionally and personally, a sounding board for moving academic homes and taking the chance on love after loss. For my July 4, 2020, wedding (largely relegated to Zoom because of the pandemic's rage), she not only showed up but, in characteristic Deborah form, ignored my instructions of no gifts. I'm so glad she did, because now in the entryway of my home hangs the black and white photo she took of Justice Thurgood Marshall walking through the entryway of the United States Supreme Court, embraced by Justice William Brennan. It's a reminder to me of the things she loved so much – moments captured in a black and white photograph, walking with a friend, and the pursuit of justice."

Renee Knake Jefferson, Professor of Law and the Joanne and Larry Doherty Chair in Legal Ethics, The University of Houston Law Center

"As a Stanford graduate student, I felt immensely humbled and grateful to have Professor Deborah Rhode as the primary advisor of my doctoral dissertation on gender-based violence and women's violence in Haiti. She put so much time and effort into my project and taught me the value of making the difference for victims by bringing their stories and sufferings to light through my work.

To me and so many other women in academia and in the legal profession, Professor Deborah Rhode has represented a true role model and an endless source of

inspiration for improving women's rights and equality through her scholarship and writings. I profoundly treasure her empathy and generosity in guiding me through the process of completing my doctoral dissertation and then turning that into a published book as well as supporting me all the way in finding an academic job at Golden Gate University School of Law.

I truly think that I would have not become who I am without Deborah in my life. I am sure that's true for many more.

A decade later, Professor Deborah Rhode still took a great deal of time to mentor

me, discuss my new research projects, and listen to my personal quests while swimming together in her pool or walking her adorable dog, Stanton. Her precious friendship, beautiful mind, and endearing sense of humor will forever be missed."

Benedetta Faedi Duramy, JSD '10, Professor of Law & Associate Dean of Faculty Scholarship, Golden Gate University



## Professor Rhode

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“I am deeply saddened by the passing of Professor Deborah Rhode. She was a titan, a brilliant legal mind and first-rate writer whose prolific scholarship will continue to shape legal discourse for years to come. When she arrived, so too did the subjects of gender and the law, legal ethics, and leadership in the legal field—she compelled us to take these subjects seriously and we are the better for it. She was a champion for women’s rights.

Professor Rhode also changed my life. I was her student and research assistant for one of her books, which meant that during some of the most formative moments of my career, I witnessed what it meant to be a rigorous thinker with a true mastery of ideas. She taught me that the best writing is always courageous. And I remember her as a dedicated mentor and sponsor. Professor Rhode never forgot how much calls and letters matter in the beginning of your career. But perhaps what will stay with me the longest is that she was the first law professor who made me feel that I belonged, and that what I did with my career would matter. Professor Rhode gave me the confidence and belief that I could eventually find my footing in a profession with few people who look like me. This was and still remains profound for me.”

Katherine Lin ’14,  
Housing Counsel at East Bay  
Community Law Center



“The Stanford Women’s Community Center honors the life and legacy of Professor Deborah Rhode. She made incredible contributions at Stanford and beyond, and the WCC is grateful for her commitment and action towards gender equity. She was incredibly generous with her time and wisdom with students and community at the WCC. From serving as a panelist for various presentations, to speaking at our inaugural Stanford Women’s Leadership Conference in 2006, Professor Rhode was always willing to help and share her experience and research with students. I remember one particular time she served as a faculty panelist and let me know that she had to run to teach a class immediately after the session. Even though it was the end of the day and she had a long walk and a class to shift gears into, during the panel she was 100% present with the community and was intentional in her comments and time. We are incredibly grateful for her presence and contributions to the WCC. The photo is of Professor Rhode as a guest speaker at the 2006 Stanford Women’s Leadership Conference hosted by the Stanford Women’s Community Center.”

Faith Kazmi, Associate Dean and Director,  
Women’s Community Center, Stanford

“Deborah inspired generations to public service and is admired by many at the Haas Center for Public Service, where she served on our Faculty Steering Committee and provided leadership for the Social Entrepreneurs in Residence Program. But my fondest memories of her will remain the occasional encounter while walking our dogs around Lake Lag. She will be so dearly missed.”

Tom Schnaubelt, Executive Director, Haas Center for Public  
Service, Stanford

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## Professor Rhode

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“This is heartbreaking news. In law school, Professor Rhode was one of my main mentors and has been ever since. She helped me become a law professor, and researching and coauthoring together shaped my approach as an academic today.

Professor Rhode’s scholarship emphasized the importance of doctrine and theory – but also empirical reality and policy impact. She wanted to show how the law worked on the ground and how law and the legal profession could be used (and improved) to make the world a better place.”

Deborah was a generous mentor and friend. She cared more about my development as a human being than a scholar and voice in the world. She was a strong proponent of prioritizing life over career, which says a lot as she is one of the most-cited legal academics of her generation.

I’ll never forget the advice she offered when I went on the teaching market: Prioritize a city

and community where your family can thrive, and only secondarily a law school where you can succeed as a teacher, scholar, and leader. (I took that advice to heart, and fortunately didn’t have to choose between those tradeoffs here in Columbus and at Ohio State. And that advice has shaped many of my career decisions since.)

Deborah was always there when I needed support or celebration. For example, she supported me after a difficult first year out of law school – something I will never forget. She celebrated my marriage (her gift remains on our kitchen table) and the birth of each of our four kids.

Whenever we caught up over the years since I became a law professor, we wouldn’t do so in her office or over a meal. Her tradition was for us to go on walks around the university (and the ‘dish’ reserve). Those walks were life highlights. During the walks, her first questions were always about how my family and I were doing, and only secondarily ‘what are you

working on.’ (To be sure, she cared a lot about what I was working on.) Those walks were energizing and inspiring. I will so, so miss them.

Deborah, you left the world too soon. But you leave behind an amazing legacy – in the groundbreaking scholarship you’ve published, in the trailblazing work you’ve done as a law prof & leader in the profession, and in the thousands of students & lawyers you’ve taught & inspired.

I will always be grateful that you invested in me as a young law student back in 2003 (and ever since) and that you lived your life and career in a way that inspired mine (and those of so, so many others). I miss you so much, but am forever grateful for your impact on my life.

My thoughts and prayers go out to the Stanford Law community and the countless friends and family who are grieving this loss. Rest in peace, my dear friend.”

Christopher J. Walker ’06,  
Bricker Professor of Law,  
The Ohio State University

“Profoundly rocked by the loss of Deborah, who was a dear friend, walking partner, brilliant colleague who I met two decades ago—we shared many many “intellectual roundtable” dinners with friends for drink and feisty conversation deep into the evening. She was always, always alert to issues of diversity, passionate about addressing institutional and systemic inequities, and always was key in trying to bring people together in conversation and change. I am deeply mourning the loss of her powerful force and light in the world.”

Michele Elam, Professor of English and the William Robertson Coe Professor of American Studies, Stanford





## Professor Rhode

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"I met Deborah when I was an undergraduate at Yale, at a breakfast with members of the Yale Corporation. A few years later, as a 1L at Stanford (in part because of the impression she made on me), I was assigned to interview her for the law student newspaper. Mid-way through our conversation she offered me a job as her research assistant – a job I kept for the remainder of law school, and one that certainly eased my path into the legal academy. Her presence is woven into all of my law school memories – not only her seminars and the opportunity to watch her craft her extraordinary scholarship, but also the change to get to know the other incredible graduate students in her orbit (as well as my most embarrassing racquetball defeat!)."

Joan Krause '92, Dan K. Moore Distinguished Professor of Law,  
The University of North Carolina School of Law

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"When I entered teaching in 1985 to teach professional responsibility, my dean, Mark Yudof, took me aside to bring the scholarship of Deborah Rhode to my attention. He said, "This work challenges fundamental concepts in our profession in a powerful way." Of course, Deborah's work in this field and in gender studies forged a path for all of us to study. As many have noted, her work for the underserved clients of the legal profession helped to show our faults in failing to address access of justice for all. Her work for gender equality was very influential. It is difficult to imagine a world of teaching, writing, and learning in professional responsibility without Deborah Rhode. She left this world at the top of her profession, far too soon, and we must embrace her passionate search for a better legal profession."

John Dzienkowski, Dean John F. Sutton, Jr. Chair in Lawyering and  
the Legal Process, The University of Texas at Austin School of Law

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"I was so sorry to hear of Deborah's passing. Her enormous body of work is of the highest quality. She was always collegial, honest, direct, and helpful. I taught at SLS twice as a one-semester adjunct lecturer and Deborah was quite helpful to me. And I particularly recall doing a panel with Deborah and Michael Asimow at Stanford about the television series "Better Call Saul." As always, Deborah was prepared, insightful, clever, and funny. She will be deeply missed."

John Steele, California legal ethics lawyer

"I will so miss Deborah. She and I go way back, and had a lot of fun serving together on the ABA Commission on Women. I remember when she took over the chairmanship of the Committee. She had a vision of what was possible for women lawyers that shocked even the dedicated feminists on the Board. And we loved it! She was brilliant and brave and dedicated, but most of all I will miss her kind heart. She leaves a powerful legacy."

Mary Cranston '75, Director,  
Visa; former chair and CEO,  
Pillsbury LLP



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“Deborah Rhode’s passing is an incalculable loss for the legal profession, the legal academy, and the country. She touched so many lives in so many positive ways. At my home institution, Thomas Jefferson School of Law, she helped us launch our Women and the Law Conference Series by being, in 2001, our first conference keynote speaker. At the time, she was chair of the ABA Commission on Women in the Profession. We remain so grateful that she agreed to speak at a little known law school to help us establish what became a very successful annual conference series. After that first conference, she began to cite my published work on sex harassment, and would, when she thought I could add value, direct reporters to me when they wrote stories on the topic. I last saw her in May 2018 at Stanford Law School. She moderated a panel on #MeToo and the Law. I presented a paper. She was warm and supportive about that work. I was so happy to see her. My experience with Deborah was not unique. This is simply who she was as a person.”

Susan Bisom-Rapp, Professor of Law, Thomas Jefferson School of Law

“I’m still reeling from the news of Deborah’s passing....Deborah was a great scholar, but even more importantly, a uniquely good person. Her steadfast commitment to doing and urging greater good in the world, through public interest law, practical ethics, equality, fairness, opportunity, and practical, moral leadership, was a constant source of inspiration to me and so many of us. Tackling some of the most fundamental problems we all face, often as a creative pathfinder, and doing so with unfailing patience and good humor, Deborah was unquestionably one of the key role models throughout my life, as I know she was for countless others.

Our relationship goes back to her being not just one of my profs at law school there, but by far the most empathic. It extended to a strong lifelong friendship including recurring conversations on public interest law, ethics, and leadership. We had lunches and phone calls to discuss her interest in leadership as it grew into the Stanford course, where I was privileged to repeatedly join her as a guest lecturer, and the center on ethics and program on social entrepreneurship she founded....

I join all who knew her in profoundly mourning Deborah’s unexpected passing, and the loss at such a crucial time of such a uniquely wise, kind, courageous, hard-working, and irreplaceable leader. But the powerful memory of her example joins with her voluminous distinguished scholarly and practical contributions to guide us in these times both perilous and filled with positive possibility. Continuing to follow that guidance will be the best way to honor her remarkable life and legacy.”

Chip Pitts ’85, lawyer and human rights activist

## OUTREACH 2020-21 ACADEMIC YEAR

Deborah Rhode, Keynote Address, "Leadership During Times of Social Unrest," Vision for Leadership Conference, co-sponsored by Baylor Law School and the AALS Section on Leadership Education, September 14, 2020.

Deborah Rhode, Panel, "A New Era of Equality: Redefining Leadership from a Lens of Allyship," University of Pennsylvania Law School, September 15, 2020.

Deborah Rhode, Keynote Conversation, "What Is Inclusive Leadership in a Changing Political Economy?," for a Conference on Inclusive Leadership, University of Pennsylvania Law School, October 12, 2020.

Deborah Rhode, Presentation on Access to Justice to New York Commission on the Future of the Courts, October 2020.

Jason Solomon, Panelist, Centre for Legal Innovation webinar, "The New Legal Industry Regulatory Regime – Who's regulating whom, how and why?," November 12, 2020.

Deborah Rhode, Symposium Panel, Mental Health in the Legal Profession, Fordham Law School, November 16, 2020.

Deborah Rhode, Panel, "Equality in the Law: How feminist interpretations of constitutions promote equality," UN Women Leaders for Generation Equality, Equal in Law and Life: Tribute to Justice Ruth Bader Ginsburg, co-sponsored by Stanford and Harvard CLP and Penn Law School, International Human Rights Day, December 10, 2020.

Jason Solomon, The Recorder op-ed, "Getting More Legal Help to Californians," January 15, 2021.

Nora Freeman Engstrom, Reflections on Deborah L. Rhode: Pioneer and Pathbreaker, Santa Clara Law Review Symposium on Lawyers, Leadership, and Change, February 2021.

Nora Freeman Engstrom, "Legal Tech and the Litigation Playing Field," Stanford Conference on Legal Tech and the Future of Civil Justice, February 2021.

Jason Solomon, Keynote Address, "The Works of Deborah Rhode: Legal Ethics and Its Application to Kenya," Strathmore Law School, March 5, 2021.

Ralph Baxter and Zack DeMeola, Daily Journal op-ed, "The Legal System is Broken. It's Time for a Change," March 22, 2021.

Jason Solomon, Tribute to Deborah Rhode, Colorado Bar Association CLE series, "Lawyers as Leaders," April 16, 2021.

Jason Solomon, Testimony to the Washington Supreme Court, "The Surprising Success of Washington's Limited-License Legal Technician Program," April 28, 2021.

Lucy Ricca and Jason Solomon, Daily Journal op-ed, "Will Lawyers be Part of the Growth in Legal Services?," May 17, 2021.

Jason Solomon and Noelle Smith, Bloomberg Law op-ed, "A Promising Path to Increase Access to Justice," May 18, 2021.

Nora Freeman Engstrom, Law and Society Association Roundtable, "The Past and Future Influence of Deborah Rhode," May 28, 2021.

Nora Freeman Engstrom, Commentator, 27th Annual Clifford Symposium at DePaul Law School: Civil Litigation in a Post-Covid World, June 2021.

Jason Solomon, Panelist, International Bar Association webinar, "'Sandboxes' and legal services regulation: the new playground for non-lawyers?," June 28, 2021.

### Equal in Law and Life:

#### Tribute to Justice Ruth Bader Ginsburg

The Leaders for Generation Equality campaign, together with partners, honor the global legacy of Justice Ginsburg in a high-level interactive conversation with eminent leaders, jurists and others across the world.

#### International Human Rights Day

10 December 2020

9:00 am - 11:30 am EST



In partnership with

Harvard Law School Center  
on the Legal Profession

Stanford Law School  
Center on the Legal  
Profession

University of Pennsylvania  
Carey Law School

"Women will only  
have true equality  
when men share  
with them the  
responsibility of  
bringing up the  
next generation."

- Ruth Bader Ginsburg



Curated by UN Women



## CLP Advisory Forum

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