

## Member Spotlight

# Q&A with Ellen Pryor



*Professor Ellen S. Pryor is the Associate Dean for Academic Affairs at UNT Dallas College of Law. Professor Pryor was elected to The American Law Institute in 1998 and formerly served as Associate Reporter on Restatement of the Law Third, Torts: Intentional Torts to Persons and on Chapter 10 of the now complete Restatement of the Law Third, Torts: Liability for Physical and Emotional Harm.*

**You have been extremely active in ALI projects, serving as an Associate Reporter on two torts projects and participating as an MCG member on several others. Why is participation so important to you?**

The explanation is the people I was lucky enough to have as my mentors. My Constitutional Law professor in my first year was Charles Alan Wright. He was kind, helpful and supportive throughout my career as a student and while I was a young professor. When I was elected to the ALI, he sent me a nice note, even though many years had passed since I had last talked to him. When I attended my first Annual Meeting, Bill Powers and Mike Green were presenting on Apportionment. Bill was my first-year Torts professor. In addition to being a fantastic teacher he has been a friend and mentor from the first days of my career. With these two as my mentors and models, I never could have envisioned anything but active participation.

**What was your first impression of working on an ALI project?**

My first experience was working as an Adviser on what became Restatement of Torts, Third: Liability for Physical and Emotional Harm. It was fantastic and intense, and I loved the conversations and gatherings with the advisers. I remember receiving a letter from then-Director Geoffrey Hazard inviting me to serve as an Adviser to the project. I couldn't believe that I was being asked to join this project, and I was a little bit insecure about whether I could make a contribution. When I arrived in Philadelphia, it was near dinnertime, and Gary Schwartz (the first reporter on that project) was in the lobby heading out for dinner by himself. He asked me to join him. I did not know him well, but I admired every word he had written on tort law. He

was so welcoming, as was another adviser whom I had never met but whose Oxford book on disability I had read several times. This was Jane Stapleton, with whom I've now had the great pleasure of spending many hours discussing torts, law, theology and more.

**What have you found to be the most challenging part of the ALI process?**

The most challenging parts are the first big steps in starting a project—envisioning the pieces and the outline of a new segment of Torts, making every word count, and making every word do the right work in conveying a complex topic. Finally, speaking on my feet and answering questions cogently has never been my strength; thus, the most anxiety-producing aspect of the process is presenting on a draft at the Annual Meeting!

**And the most rewarding?**

There are so many! Right at the top is working with a Co-Reporter such as Ken Simons, and with Mike Green, who was such a great help to me on the Chapter I drafted on liability of those who retain independent contractors. Another amazing experience is presenting to the Council. The first time I presented to the Council I was so nervous that I could barely sleep the night before. But the several hours I spent the next morning, presenting and then visiting over lunch, were one of the greatest professional experiences of my life. I was so struck with how nice and supportive they all were, and how unpretentious everyone was, even though they were all such stars in the legal profession.

**You joined UNT Dallas College of Law as Professor of Law and Associate Dean for Academic Affairs in January 2013, and were instrumental in opening the school and welcoming the inaugural class. Why was it important to you to be a part of this innovative law school?**

At the risk of sounding ponderous, this was something I felt called to do. I was not planning to leave SMU. I was involved not just in the law school but also activities and initiatives across the campus, which I greatly enjoyed. But over the previous few years I had become more dissatisfied with the traditional teaching and learning model, and had tried new approaches to

teaching upper-level classes. Of course, an extensive national dialogue about legal education was emerging as well. When I was contacted about this and realized that the UNT leadership was interested in a different type of school, I felt a call to take this leap.

**You have stated that one goal of UNT Dallas is to “widen access to legal education for those who could be superb lawyers but do not otherwise have access.” Have you begun to see a realization of that goal in your first two classes of law students?**

Most emphatically, yes. The idea seemed odd to everyone: how could there be limited access at a time when, some would argue, there are too many law school seats given factors such as structural changes in the profession and the “value” or return on investment of a law degree? Yet cost, location, and lack of flexibility limit the options for many candidates. And the LSAT is a factor in more than one way. LSAT scores affect not just who gets in, but the receipt and amount of merit scholarships in the form of discounted tuition—a cross-subsidy from one segment of entering law students to another. We took a holistic approach and encouraged interviews as well. And we decided that a core value was to provide our program at the lowest cost possible consistent with meeting our educational goals. This would open access, and reduce students’ debt load. We had between 600 and 700 applicants, both years, for an entering class of about 150 (85 in the day section, 65 in the evening section). Our student body has an average age of 33, with more than 45 percent students of color. For many of them, law school has been a dream they could not realistically attempt. In both our full-time and part-time divisions we have veterans, social workers, accountants, real estate agents, police officers and government workers.

**The core educational goal of UNT Dallas is to provide an education aimed at developing “practice-related competencies.” How does that affect a student’s course work? In what way does this philosophy better prepare UNT graduates to be successful lawyers?**

We have had the great advantage of being able to build on extensive work by many legal educators about how to move towards a competency-based model of legal education. So we did not originate this idea. But we had the rare chance to build an educational program with this goal in mind. So we used a “backward-design” approach to the entire J.D. program. What knowledge, skills and abilities should a student have when he or she graduates? We identify these “program-level” competencies and build backwards from them. Then we identify the learning outcomes for each course and map those course-level outcomes with the overall competencies. And we regularly assess our students in relation to those outcomes. This may sound like a lot of “edu-speak.” But here’s what it means for students. First, our students have a lot of required courses. As to knowledge areas, we require courses on core knowledge areas. Thus, requirements include Administrative Law, Family Law, Business Associations, Evidence and many more. As to skills, we have the foundational legal research and writing, but we

also require a 3-hour course in Interviewing and Counseling, a 3-hour course in Negotiation, a 1-hour course in Principles of Accounting and Finance for Lawyers, and a 2-hour class in Effective Oral Communication (courtroom to boardroom).

We also ensure that skills are threaded through all upper-level courses by requiring what we call “segments.” A segment is a project or assignment, or activity that is similar in scope to something that a lawyer might do in practice. So, in addition to required courses, students need 8 writing segments (in addition to the 1L year of legal writing), 8 research segments, and 10 skills segments. In all our courses students receive multiple assessments with feedback. In 1L courses, for instance, they receive regular quizzes and a midterm as well as a final. On all their writing assignments and essays, students receive feedback in the form of rubrics. Likewise, on all their skill performance assignments, we use rubrics for feedback.

**Who is your legal hero?**

Merrill Hartman. When I started law practice in Dallas, Merrill was a big-firm partner who left his firm to move into providing affordable family law representation, and he also created the “evening legal clinic” program that continues to thrive in North Texas. He had a brilliant and creative mind and a hopeful spirit; he inspired hundreds of young lawyers in this region to improve access to justice. He died of Parkinson’s-related complications about four years ago.



**Of what accomplishment are you most proud?**

As a legal scholar, I am proudest of having had the chance to serve as a Reporter on an ALI project. To me, there is no greater honor or responsibility. In an overall professional way, I am proudest of my early work in the legal clinic program in Dallas.

**Hopefully, you found some time to relax this summer. What do you do to unwind?**

Reading! Hiking (or just walking)! And a new passion: genealogy!