

“TODAY THE ADMINISTRATION BUILDING
BURNED DOWN ”
NOTES FROM MY FIRST YEAR AS DEAN

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IN the spring of 2000, I joined about two dozen colleagues at the Seminar for New Law School Deans presented by the Section of Legal Education and Admissions to the Bar of the American Bar Association. The conference, graciously hosted every year by Dean Bob Walsh at Wake Forest’s facility at Graylyn, provides new deans with a four-day opportunity to hear from more experienced colleagues and discuss the challenges, rewards, and mysteries of the job they are about to undertake.

In the spring of 2001, at conference organizer David Shipley’s kind invitation, I returned to the conference to present a dinner talk on “A Look Back at the First Year.” This paper in some respects expands upon those remarks.

Two things at the 2000 conference suggested that the path was not always going to be an easy one. The first occurred in the formal presentations. The typical pattern is for a group of three or four sitting and former deans to spend a ninety minute session discussing an area in which the new deans are going to operate—fund raising, student services, law school finances and the like—while offering their observations and advice. During those sessions it happened that I was seated directly across the u-shaped conference table from David Shipley, my predecessor at Kentucky. A pattern quickly developed: David would smile at me during the presentations when the presenters were discussing some particularly horrible experiences they had been through, and then during the break he would come over to where I was sitting and reassure me that “that’s not a problem at Kentucky.” I was feeling pretty good about my new school until the fourth panel discussion (the topic of which shall go undisclosed). David again smiled during the presentation, but at the break he didn’t come over. After a minute I got up and went to him. I noted the pattern of his past assurances and then asked if I should read a message into his failure to come over during that break. David smiled. “Yes,” he said, “that one is going to be a big problem for you.”

It also occurred to me that the path might be somewhat difficult when participants in the program offered solutions that for one reason or another didn’t seem particularly well-suited to my school. This came into sharp focus during a discussion of student relations. Former Mississippi College Dean and Deputy Consultant to the ABA for Legal Education Richard Hurt spoke eloquently about the need for good student relations and told us that he had a suggestion for us that, if faithfully implemented, would guarantee us good relations with our students. The room grew quiet and all of us leaned forward, pens in hand, ready to receive this sure-fire advice. “The key to success,” he told us, “is simple; have a catfish fry for

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them the first weekend.” Michael Fitts, then the new dean at Penn, looked perplexed as he turned to me and whispered, “What’s catfish?”

The incident, of course, reminds us of what a diverse group of schools we represent. We come from public schools and private, big schools and small, new schools and those that are well established. We come from schools that have substantial endowments and bright development prospects and schools that exist on the precarious margin. We come from schools in different regions and schools with very different constituencies. As the new deans’ conference nicely demonstrated in other ways, we are also a group with common problems and challenges, opportunities and accomplishments. Let me briefly share some preliminary thoughts on two of those common areas: how the law school serves the communities in which we exist, and how the law school serves the university.

I believe that law schools need to serve the communities in which we exist. For those of us at public institutions the link may be more direct, but for all of us the call to service is important. We serve the communities in a variety of ways. By educating competent and ethical lawyers, we serve the profession and our communities. This is the traditional role of law schools, to be sure, but it is also one that is changing as the profession changes.

We serve broader communities as well. For example, we serve by educating lawyers from traditionally under-represented populations. In the first instance this is a matter of admissions policy and community relations. I have had no greater satisfaction as dean than from participating in the admission, education and graduation of young people from the minority population of our urban areas and from the traditionally under-served population of the Appalachian areas of my state. Some of these students are the first in their families to attend college, much less professional school, and the opportunities that public education opens for them and for their communities are critically important. If you believe, as I do, that education is the premier engine of positive social change, then this is a wonderful place to work.

Expanding the service of our law schools to under-represented populations can come in many ways. One can expand direct service through clinical programs, an area in which we have been making progress. One can expand community education programs. The University of Kentucky has this year initiated a program with Central High School in Louisville, a historically black inner-city high school. Many colleges and departments within the university are involved at Central. The law school, in particular, has established a speakers program, has provided books and materials for the library in the legal magnet program, and has (with the assistance of LSAC) hosted a day-long program at the law school for students from Central who have evidenced interest in legal careers. On Law Day, we organized a video conference on legal ethics for high school students from Central and three high schools in the Appalachian area of the state. We are currently working with potential funding sources to initiate a summer program for academically strong high school students from traditionally under-represented communities and their teachers.

But our obligation to serve under-represented communities requires more. We must make it possible for our students to return to those communities, if they desire, to practice law. This means finding ways to finance the students’ education so that they are not required by burdensome educational debt to forego opportunities for

community service. I spent a considerable amount of time in my first year raising scholarship funds toward this end. We are also working with potential funding sources to establish a program that would pay students to take public service internships and jobs after graduation with prosecutors, public defenders, and judges. This is an area where the creative and persistent efforts of a dean can make a significant difference in the ability of the law school to meet its service obligations.

Of course, we also serve the communities through our scholarship and our work on law reform. Increasingly, that work crosses disciplines. I am fortunate to be at a university that has programs in a surprisingly wide array of areas, from medicine to agriculture, business to architecture, diplomacy to pharmacy. Our scholarship has only begun to benefit from associations across these disciplines. As the university becomes more involved in economic and community development, there are going to be significant pressures and substantial rewards for creative interdisciplinary work. The dean has several roles in this area: to fund faculty travel and scholarship and to support innovative interdisciplinary scholarship.

I am fortunate to be at a school that has a rich history of public service. Our graduates are involved in public service throughout the Commonwealth. Our professors are involved in law reform efforts at all levels and produce scholarship that well serves the communities. Our students serve through the clinic. As dean, it is my pleasant challenge to develop new ways to serve our communities and to find the resources to implement the programs we have developed.

The second common challenge we face is how the law school serves the university. This is a question almost all of us share. There are many factors that tend to separate us from the rest of the university. We don't, for example, have any direct stake in discussions of undergraduate retention rates, federal research funding, the strategic alliance with Puerto Rico, and the like, which seem to occupy a great amount of our peers' time. We tend to have separate buildings, separate libraries, non-standard tenure tracks, unusual student demographics, and fairly isolated faculty. As a group, our salaries are higher and our nominal teaching loads are lower. Most of us don't have Ph.D.s. We also tend to supply the members for interdisciplinary committees who actually take language seriously. We are the ones who are vocal when the university's procedures for tenure, student discipline, parking appeals and the like are hopelessly muddled and probably unconstitutional.

As a result of all these factors, we tend to be isolated from the rest of the university. That is too bad, for them and for us. It is my experience that the deans of other colleges are receptive to overtures from the law school to engage in cooperative projects. At the start of this year, for example, I appointed a faculty committee to undertake some cooperative projects with the medical school. That committee found the other colleges to be remarkably receptive to the idea of jointly-sponsored programs. As a direct result of the law school's efforts, we will this fall be joining with the colleges of medicine, agriculture, pharmacy, social work, public health, nursing, arts and sciences, and allied health to put on a major conference on "State Law and Public Health." The conference, made possible with funding from the Robert Wood Johnson Foundation, the Centers for Disease Control, the Gallion and Baker Professorship in Law and Medicine, and the Kentucky School of Public Health, suggests a model for future cooperative efforts across the university.

A dean can search out opportunities to work with other colleges and programs within the university. One can make it clear that interdisciplinary scholarship will be accorded appropriate weight in the tenure, promotion, and evaluation processes. Both the law school and the university benefit from such efforts.

Of course, the relationship of the law school with the university can have its light moments. At about the halfway point of my first year as dean, I got a telephone call from a manager in the capital projects division of the University. He asked, "Are you going to use the ceiling tile money?" Since one quickly acquired Pavlovian response of deans is never to give up funds, I allowed as how I probably would be using the money, but needed some details on the program. The administrator happily informed me that the President had allocated \$100,000 for "ceiling tile replacement" in my building. Now, we have over the years had a leaking roof in my building (completely fixed two years ago, as was reported to the site inspection team), and as a result there are a few ceiling tiles that could be replaced. I asked how many ceiling tiles I could replace for \$100,000 and was told that the amount would cover about 65,000 square feet. Since my building has but 65,000 net square feet, this was clearly a major replacement project. I silently thanked the President for his prescience, since to my knowledge neither I nor my predecessors had ever *asked* for ceiling tile money.

Armed with the knowledge that I had \$100,000 in ceiling tile money, I began to look for ways to use the money for projects more central to our long-range plan. For example, we are renovating almost all of our classrooms, and I got an interpretation that "ceiling tile replacement" could include "ceiling ... replacement." I was working on the interpretation that "ceiling ... replacement" could include "ceiling replacement and associated work on things in or around the ceiling"—I was thinking of lights, HVAC modifications and ceiling mounted plasma displays—when my budget officer came into my office with an odd report. Every year the law school gets \$100,000 in enhancement funding. This is essentially non-recurring but annually awarded money that the law school has used for travel, speakers, and the like. When my budget officer sought to have the funds transferred to help fund summer research grants, we were told that the funds had been transferred earlier by the President's office to the capital projects division for ... law school ceiling tile replacement.

I silently withdrew my thanks to the President and set about getting the funds reprogrammed for the use we had originally planned. It took several meetings with a covey of university administrators, two memos to the President, and a solemn assurance from me that we would not soon ask for any money for ceiling tile replacements before I got some informal assurances that the reprogramming request probably would be approved.

Having accomplished this major goal, I left for a quick trip to present a paper on partnership law reform at a conference at Tilberg University in the Netherlands. On the third day of the conference, I called home and spoke to my wife. She reported that there had been a major fire on campus. She remonstrated me for hoping that it had been the law school (we *do* need a new building and a catastrophic fire would move us up on the capital projects list) and let me know that the historic administration building had burned to the ground. The good news was that I had an

airtight alibi.¹ The bad news was that the paperwork on the ceiling tiles was, I suspected, a casualty of the fire. Surely, with all of the administrative dislocation and work that was going to be required because of the fire—which came just weeks before the President and the Chancellor retired—my request for reprogramming ceiling tile funds into faculty travel money would be lost and ignored. I sank into despair and resigned myself to having some awfully nice ceilings.

The story has a happy ending. Upon my return from the Netherlands, I found a slightly charred inter-office envelope in my in-box from the President's office. My reprogramming request had been saved from the flames and approved.

For all that, the ceiling tile money and the catfish fry stand out because they are far removed from my overall impression of the role of dean. The absurdity of the two episodes stands in good contrast to the challenges and accomplishments of the role. With a fair amount of hard work and a good bit of luck, it is possible to help the law school better serve the communities and the university. That is why the job, at least at the end of the first year, is so rewarding.

1. There were many good stories to come out of the otherwise tragic event. I offer a few here for possible re-use:

It is reported that at the time of the fire there were eighteen people working in the building. Twenty-nine people made it out unhurt. [Insert name of particularly disliked administrator] made it out twelve times; they kept throwing him in and he would just scurry out again.

Or the completely untrue story that as members of the legal staff were heroically saving irreplaceable records from their offices, members of the athletic staff were throwing equally irreplaceable expense and recruiting records into the fire.

I should report that although the interior of the building was completely gutted, the exterior walls of the beloved, historic structure were saved and the building will be reconstructed.