

## A DEAN GROWS IN BROOKLYN

*Nicholas W. Allard\**

**M**OST of you have been doing this dean thing a long time, haven't you? Five years? A decade or perhaps two? Not me. I've only had this job since 2012, when my wife and I packed up our lives and moved back to our native New York from Washington, D.C., where we were living and working for the past thirty years. I'll admit it. I'm a rookie.<sup>1</sup>

Coming to Brooklyn Law School ("BLS") was thrilling, though looking back, I guess you could say I was blissfully clueless. I did not know much, and suspected even less. Sure, I had decades of experience in law and higher education, along with some idea of the range of matters that I'd have to handle as dean of a law school—collaborating with faculty, managing staff and facilities, working with a board of trustees, fundraising, schmoozing, teaching and counseling students, dealing with weak coffee in the cafeteria, and trying to resist all the food on the hustings.<sup>2</sup> But I was confident I could handle just about anything that came

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\* Joseph Crea Dean and Professor of Law, Brooklyn Law School. This Essay is dedicated to Brooklyn Law School Admissions Dean Henry "Hank" Haverstick, who retired July 1, 2015. Hank, who wore several other administrative hats before settling down to his life's work, has had an indelible, positive impact on the Law School and the profession by admitting thirty-six new classes and leading convocation and commencement for generations of outstanding students who became exceptionally fine lawyers. In the current climate of excruciating admissions challenges, Hank, like Rocky Balboa, learned how to punch and move in the ring in new ways and helped successfully overhaul our approach to admissions and student aid. It is no exaggeration, when you consider the size and quality of our most recent classes, to say that Hank has defied gravity. This Essay, as with so much that I do, would not have been possible without the invaluable help of our alumni magazine editor Andrea Strong, Communications Director Eric Riley, Assistant Dean for External and Alumni Affairs Linda Harvey, and the inspiration, support, and encouragement of the entire Brooklyn Law School community. Thank you all.

1. Rabbi Aaron Raskin of the Brooklyn Heights Lubavitch congregation, B'Nai Avraham is a great teacher. At Shabbat dinner in his home, well into my second year, I learned an important lesson. After he introduced me as "the new dean" to the more than two dozen guests sharing Shernie Raskin's delicious meal and warm, lively hospitality, I asked him, "Rabbi, when am I no longer the new dean?" "You are always the new dean," he replied, "until you leave, then you are the old dean." A bit later, after several around-the-table cycles of conversation and toasts, I put another deeply Talmudic question to Rabbi Raskin. "What is the purpose of gefilte fish?" I asked. "Well," he began to answer, but I cut him off and answered my own question emboldened with the false courage of a few kosher aperitifs: "The purpose of gefilte fish is that it is an excuse for horseradish." "Well," he said, proclaiming over his guests' loud laughter, "you may be new but you are Hamish!" So I've got that working for me. A warm cozy welcome indeed.

2. When I am asked about the worst part of the job I usually answer, "all the food," which is also one of the best parts of the job, at least in Brooklyn, where it is possible to get a great education, but it's a *certainty* you will experience world-class eating. It is an uphill battle against temptation. Recently, while my wife, Marla, and I were working out on side-by-side stair machines at the local gym, a fellow we had never seen before approached and said, "I see you two here every day. For people who are here all the time you should look a lot better." Marla laughed as she does when I say

my way. After all, I was used to negotiating complex matters. I'd spent most of my career in the nation's capital with a track record of problem solving. I worked with some of the finest law firms, leading public servants, and some of the best educational institutions in the world.

But frankly nothing quite prepared me for the email I received one afternoon during my first week on the job. It was from a nine-year-old, a daughter of a member of the faculty. She wrote politely, articulately, and persuasively about a dog, or, more accurately, her lack thereof. In her email, she asked that she be allowed to have a pet dog in the law school housing where her family lives, even though BLS policy forbids pets. She explained that she had recently moved to Brooklyn, had not yet made a lot of friends, and would love the company of a dog, which she promised to love and care for. Moreover, she promised to make sure the dog would never bother anyone. "Please, Dean Allard," she wrote, "let me have a dog." I handled tough matters in my career, but I never had to tell a lonely nine-year-old she couldn't have a dog. And, as it turned out, I had to dig very deep into my reservoir of life experience to handle such a skilled advocate.

I emailed her back and empathized with her plight. I mentioned that I had lived in Washington, D.C. for a long time and had left many friends there, and admitted that I too was trying to make new ones. I explained that, while I was getting ready to become the dean, I had lived in the very same building and hoped that she and her family would like it as much as I did. But, I continued, I thought the law school residence was a better place for humans than for dogs. I closed my email by inviting her and her family in for a meeting to get to know each other and discuss her request. The precocious child emailed back, "I can fit you in Monday between 3:45 and 4:00 p.m." I'm no dummy. I took the slot.

On the day of the meeting, in the presence of her mother, I heard the young girl argue her case in *One Dog Lover v. BLS*. I patiently explained the policy reasons behind the school's ban on pets. "I really want a dog," she replied. I made a tactical retreat. "I wanted a dog as a kid too, and my parents said, 'No,'" glancing sheepishly at her mother. "My folks gave me a goldfish instead. Perhaps you would like a pet fish? You don't have to get up early and walk a fish, or clean up after its mess." "No. I want a dog," she replied, crossing her arms and digging in. Strike two. I tried several other lines of attack, all with the same result. Finally, I resorted to a risky, desperate tactic. "How do you feel about people who smoke cigars?" I asked. "Yuck, disgusting," she shot back. "Well, I understand how you feel, but you know, you may think I am a bad person, but at the end of a long day of meetings with faculty, students, alumni, and smart children, sometimes I want to put up my feet and smoke a cigar. But we live in a 'smoke-free' school building, and so I don't smoke. We all have to obey rules meant to help different people live together, even if we don't like all the rules." "I want a dog," she countered, simply and calmly. I was done. I turned to her mother: "Not sure what to tell you here. She's a tough, capable advocate. I recommend she go to law school."

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something stupid. I warned the guy, "If I could get off of this thing without breaking my neck I'd teach you some manners." But, actually, the sad fact is, I have the same challenge facing President Obama in explaining the lingering weak economy; it could be so much worse. That is a tough case to have to make.

I'm happy to say that two years later, the child has adjusted rather well to her new Brooklyn home, even without a canine companion, and her dad's star shines even more brightly on our faculty.<sup>3</sup> And me? Well, I'll be honest. I'm in heaven-on-earth. I am the dean of the best (and yes, I know, only) law school in the biggest, most-vibrant borough, in the greatest city, in the leading state, in the best country, on the planet. That's my opening line in most of my talks to prospective students, current students, alumni, and anyone else that listens and allows me to get away with the hyperbole. I've had a long, rewarding, and rather eventful b.l.s. (before law school) career before my still-recent BLS (Brooklyn Law School) career, but today, and every day that I am dean, I feel like a very lucky guy. And here's why.

Law schools are places of unbridled energy, intellectual curiosity, and unwavering purpose, preparing leaders in law, government, commerce, and education. Law schools' dual mission is to offer students both practical, real-world experience and rigorous academic work that prepares graduates to be immediately effective as new lawyers and the intellectual firepower to be leaders advancing new—as of now unknown—issues in the future. Faculties make time not only for serious scholarship, but also for meaningful teaching and mentorship. It is a community of thinkers, doers, leaders, and motivated bright pupils, and I am truly proud to be part of it. You all know that,<sup>4</sup> but for newcomers, it is a welcome, inspiring revelation.

Sure, I am struggling with the challenges, which you all share, of being a law school dean. Every one of you reading this whimsy knows it's not easy. Law schools have been the punching bag of the media for the past couple of years, with complaints about the high cost of a legal education, the loss of legal jobs, and declining applications to law schools. I may be a newcomer to the field, with joyful exuberance and optimism, but I get that it's not easy. I have been accused of many things during my long lobbying and political career but being naïve is not one of them.

From time to time, I have heard the aphorism that the law dean feels like a fire hydrant. Perhaps that's true, but if you go into this job with the mindset that you are put upon and burdened, and that you are entitled to people's gratitude for your efforts, you're setting yourself up for a pretty miserable ride.<sup>5</sup> Sure, it's

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3. In fact, we are evaluating a change in our pet policy that may enable faculty children to enjoy pet dogs. Our youthful advocate has persisted in pressing her case and may yet prevail before she enrolls in law school.

<sup>4</sup> See Rodney A. Smolla, *Nineteen Rules to Dean By*, 36 U. TOL. L. REV. 183, 188 (2004) (describing the dean's need to collaborate with other faculty members and build community).

5. I am grateful to the incomparable John Sexton, President of New York University, for this insight, which he shared over a memorable lunch at which I felt as if I was trying to catch a sip at a "fire hydrant" of ideas. I have also heard it said that a law dean is like a funeral director: You have many people under you, but no one is listening. This has not been my experience. Indeed, one of the lessons a new dean must learn is how intently everyone seems to be listening and watching. To pick a rather ridiculous, trivial example, if, at a reception, I choose a slice of pizza with anchovies because I think the supply of other kinds of pizza might not meet demand, suddenly everyone starts serving me more anchovies, which, fortunately, I actually like, at every reception, all the time. I

difficult, but the personal satisfaction and psychic benefits are what put a spring in my step. You might say, “Well, Nick, you have only been pushing the rock up the hill for a couple of years, just wait.” I’ll admit, I do sound like someone in the honeymoon stage of a relationship. Not a day goes by that I don’t feel deeply privileged to be serving as a law school dean. But, seriously, despite all the clouds of doom, serving as a law school dean is energizing and, thankfully, given the constant demands and frustrations of the job, unceasingly rewarding.

True, if you do not like people, and prefer introspection to engagement with others, then you might not enjoy this position. But, if you derive any inkling of warmth from other people, I highly recommend the life of the law school dean. Every day you are in touch with students, faculty, staff, trustees, alumni, members of the bar, and the larger community. What could be better?

## I. OUR COMMUNITY

### A. *The Students*

Students are our purpose, not an excuse for having a law school. In our country, higher education has always made a big difference. It certainly has in my own life and in the lives of the members of my family.<sup>6</sup> We are all in a position to be part of an enterprise that helps students enter the honorable profession of the law. Lawyers have always been enmeshed in the fabric of our democracy. We serve as architects of economic growth and opportunity; champions of liberty and equal justice under law; and guardians of our incredible cantilevered, self-correcting system of limited government. When you get to be part of an institution that is launching young people into those careers, it is important work. And being a dean who is also in the classroom allows me to keep a finger on the pulse of the law school and to stay abreast of what matters. It is an indescribably, exquisitely gratifying moment seeing the “light go on” when a student suddenly just gets it. Another is learning about a problem that you can correct. Forgive me for describing as a breathtaking discovery what you all have known for so long.

Our student body is as diverse as you would expect in a community known as the Borough of Immigrants, made up of a myriad of ethnic, racial, cultural, and religious groups. And, increasingly, our students are diverse in every sense of the word, with students from most states and abroad. In each class, we have students who together speak about forty different languages. They come to us from all

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don’t have to tell any reader of this piece that many in the law school community hang on your every word and watch everything you do.

6. My wife’s Grandpa Dave, an immigrant tailor in Baltimore, Maryland, saw all three of his children receive Ph.D.’s from Johns Hopkins University before their twenty-third birthdays, one generation removed from Poland. My father was the first person in his family to graduate from college, thanks to the G.I. Bill. My maternal grandmother, the third of nine children, left the family farm in North Carolina to become a nurse. She joined the Navy to see the world but ended up working in the Brooklyn Navy Yard Hospital and marrying my grandfather, who is listed in the 1915 New York State census as an “inmate” in the Bay Ridge, Brooklyn, Klamath Swedish Orphanage. My mother was born in the Brooklyn Navy Yard Hospital. Affordable, quality education made the difference for us all.

different economic circumstances with various differences in value systems, political beliefs, gender and sexual orientation, and also all the interests that you also would expect in a large, modern, urban law school. The richness of the diversity in a law school and the enormous mutual advantages of studying in an environment that is comparable to the world in which we live has significance for how we increasingly are carrying out our mission.<sup>7</sup>

First, we can say to any admitted student that “You will not be alone. You will experience new things and be stretched, but there will be others in school like you.” Second, we must address our students as individuals, abandon one-size-fits-all approaches to curriculum, bar preparation and jobs, and admissions, for example. Third, we need to constantly attend to disparities that threaten to weaken the interwoven fabric of our community—whether it means offering introductory course and programs in the summer prior to the first year for students who can use them, doing all we can to make sure that law school is more affordable to those qualified and motivated to attend, and providing support to each individual student for bar preparation and career assistance as needed and useful.

We have student organizations, as does every law school, that run the gamut of varying affiliations, and I’m proud that they flourish under the welcoming BLS umbrella. But I do find it mildly curious that it often seems as if every student group—whether it’s the Asian Pacific American Law Students Association, the Eastern European Law Students Association, the Muslim Law Students Association, the Jewish Law Students Association, the Black Law Students Association, the Latin American Law Students Association, the LGBT leadership group “OUTLAWS,” the Federalist Society, the Young Democrats, or the Student Bar Association, for example—all serve the same thing at their events: pizza (with \$3 wine). The only group that strays from this model is the Italian Law Students Association. They serve killer barbecue and sushi (and \$3 wine). I love all their events.

While pizza may seem like the great unifying force at the Law School, there are other common factors: namely, their pride in their law school. One impressive measure of this is how our students invest in the future of their law school. This past year, 61% of the graduating class made a gift to the annual fund before commencement, even though many are carrying significant debt and some did not even have jobs lined up yet. It’s amazing to see them want to pay it forward for future students of the Law School and to set the bar so high for other, more-established, alumni.<sup>8</sup>

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7. See generally WILLIAM G. BOWEN & DEREK BOK, *THE SHAPE OF THE RIVER* (1998) (offering longitudinal studies and measures the benefits of diversity in colleges and universities). I am not aware of and would be grateful for references to comparable studies of diversity in law schools.

8. One of our “class champions” who led the successful effort to raise money amongst her classmates suggested that, if they broke the all-time record, the dean should agree to get a tattoo chosen by the class. My wife, unhelpfully, said at the meeting this idea was raised that it was a new tradition that could go on for many years, given that the canvas was getting so large there was plenty of room for body art. I could not easily decline the suggestion on the grounds that it was too undignified for a dean, in that posters of Dean Wormer from *Animal House* and Rodney Dangerfield from *Back to School* hang behind my desk. Fortunately, the class broke the fundraising record and I only have ink on my fingertips. See generally NATIONAL LAMPOON’S *ANIMAL HOUSE* (Universal Pictures 1978); *BACK TO SCHOOL* (Paper Clip Productions 1986).

Now this doesn't mean that our students do not perplex me, or that I always get a kick out of some of their antics, or enjoy hearing, surprisingly more often than would be expected, from still-hovering parents. During the winter, when the city is battered with snow, or during hurricane season, I am often responsible for deciding whether or not to open the Law School. I have a lot of people to answer to, but I never expected to receive calls from parents asking me not to open the school so that their sons and daughters would not have to make the tough decision of whether to come to class or not, or calls asking me for transportation information about the best commute to school that particular day of inclement weather. Will the boomer parents of millennials ever let go? Will they call bosses, judges, and clients after their little darlings collect their degrees and pass the bar exam?

Like most of our faculty and administrators, whose example I follow, I also have a well-publicized open-door policy. Many students meet with me for job counseling and a range of other matters. I welcome these conversations. But I must admit that, when some arrive in their tiny, sweaty, latex gym clothes, sucking on water bottles the size of fire extinguishers, I'm ready to throw my arms up. It takes a lot to refrain from saying, "I'm so glad you're hydrated and that you dressed up to meet with the dean."

One student was recently displeased that the library was only open fourteen hours a day during the study period for the bar exam. I offered him the keys to the dean's suite, where he could study the other ten hours of the day, but I also offered some sage, fatherly advice: "If you permit me, from what I know of you, you will perform very well. You are focused, and you are doing the work. There is absolutely no question you have the smarts—none. So, if you do the work and don't twist yourself into a pretzel, you will pass. At this point an extra hour in the library isn't as important as an extra hour of sleep. Treat the rest of bar prep as a job. Put in good, hard, regular hours each day. Eight. Even ten. Then go to the movies. Go to the gym, or walk through Times Square and count all the people who wish they could be you and become a lawyer. Go to a good restaurant. Repeat. (Oh, all those stories from old school coaches about the detriments of love before the big game—nonsense.) In other words, have balance and joy in your life! Finally, be prepared for the unexpected. Remember everyone else is in the same boat. If there is a power outage, if the person next to you has unbearable body odor, if they open and start late or collect exams early, just cope. Do the best you can and that will be more than good enough."<sup>9</sup>

There are not enough hours in the day to handle these sorts of struggles, but I'm their dean, and that's what we do. Am I wrong? When I watch our students, as you more seasoned deans do, give arguments in moot court; or earn accolades, fellowships, and coveted awards; or, when I hear from people in the community

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9. It's a good thing this student relaxed a bit and didn't take me up on the offer to use my office, and also that the dozen or so others to whom I made the similar gesture also declined. My colleagues in the dean's suite might have tarred and feathered me if they all arrived at the same time. Right after the most recent bar exam, one student effusively thanked me for giving her the confidence she needed. This may be apocryphal, I certainly do not remember, but apparently we were in the same elevator the night before the test and I asked her, "How's it going?" The way she tells it, she replied, "Bar prep is so hard. There is so much I still don't know. But, I'll just handle it and wing it if need be." Supposedly, I said, "I could not be prouder of you if you knew all the material. You are ready!"

about the difference law students have made through the civil, criminal, immigration, housing, and disability clinics we run, or their volunteer work, well, any dean would be proud.

*B. The Faculty*

I remember my first faculty meeting and the feeling that it was a bit like walking into the lion's den. After what I thought was a rousing inaugural inspirational talk about my vision for the Law School, I then made the fatal error of asking whether anyone had any questions. A hand shot up belonging to one of the most senior and respected members of our faculty, Professor Aaron Twerski. I said, "Professor Twerski, what's on your mind?" He replied, "So Dean, are you aware that the carpet on the seventh floor is in terrible condition and probably needs to be replaced?" All eyes turned to me with curiosity to see how I would deal with this important issue. I said, "Aaron, you have given me a gift! You've asked me about something I can take care of!" (Of course, classic rookie error: I had no idea how hard it was to get carpet replaced.) But I foolishly asked another question: "Before I get started Aaron, let me ask, have you reported it to anyone, perhaps our maintenance staff?" He answered, without missing a beat, "I didn't know I had to go that high." That tells you everything you need to know about being a law school dean.

What other group of people will use words like *oeuvre* a half-dozen times in a single faculty meeting, talking about a number of different agenda items? I never even knew that *oeuvre* was a word you said out loud! And, of all the different jobs I've had, I have never worked with anybody who throws an offsite going away party during the work week at four in the afternoon! And it's not because the bag-carrying, bourbon-swilling, duck-hunting, cigar-chomping lobbyists I worked with in Washington were stiff. Who has a party at 4 p.m.? You've gotta love it!

Aside from their surprising timing for cocktails, our faculty has been behind and largely responsible for every success the school has enjoyed before and since I arrived, including working conscientiously and tirelessly to adapt to the transformational changes we all are experiencing. They have an enormous capacity to consider and study ways in which to better educate our students and prepare them for the new world of law. I am constantly seeking their input, guidance, and support to carry out our innovations. They were integral to the development and integration, for instance, of our two-year, public-interest, public-service fellowships; bridge-to-practice fellowships; the rigorous eighty-five-credit, accelerated two-year J.D. program; the launch of the Center for Urban Business Entrepreneurship; and the overhaul and updating of our writing and legal research program, for example. Each program was greatly strengthened because of the faculty's thoughtful contributions, spread well over a year and sometimes a few years of deliberations—not exactly a flash in the pan, but brisk deliberation for academic change.

Finding consensus and obtaining faculty approval, as you know, is not always easy. I remember one faculty meeting where we had proposed one of our curricular changes for a vote. One member of our faculty spoke up and said, "That's an excellent idea, but an idea like that should originate with the faculty, so I don't think I can support it without it being a faculty idea." Truth be told, this innovation

had been based on an acorn of an idea from the faculty and, once we were able to demonstrate that, even that Doubting Thomas was able to go along and approve it.

Being a part of a law faculty is quite humbling. Where else are you going to be able to be immersed in an intellectual community of such high caliber? Where else can you enjoy and have the respect for the scholarly work and research that is produced on a regular basis by colleagues who are friends? There are other deans, whom I am in awe of, who are able to dig down and do the scholarly research and writing themselves, but so far that's not been possible for me. (Remember, I'm a neophyte and certainly no Roscoe Pound.) But, just as I can delight in the ballet dancers and musical artists performing on the grand stage of the Brooklyn Academy of Music, even though this lumbering dinosaur is incapable of himself taking flight above a dance floor or carrying a musical tune, the cornucopia of a faculty's intellectual achievement that a dean can sample vicariously is exquisite. Comprehending and contemplating the breadth and depth of our scholarly colleagues' work is a seemingly inexhaustible feast. It gives a dean ample incentive to support and facilitate their endeavors.

Nor can this dean fault the faculty's dedication and effort. An ill-informed outsider might assume incorrectly that the academic life is easy street. Actually, the seriousness and sustained scope of the effort is a thing to behold. It's not a matter of attending the odd conference or locking oneself in an office to write. It's also countless other projects: the working groups, the discussions of papers, the teaching workshops, the presentations, the symposia, the press and media interviews, and on and on. Most of this occurs under a microscope and subject to intense, though usually constructive, peer review. It's exhausting just to think about. All of these efforts demonstrate their sense of purpose and their pride in the work that they do. Their tireless dedication and service to our law school community and the outside communities is also wildly impressive.

I remember after one marathon meeting, where our Board of Trustees approved the faculty's recommendations for lateral and entry-level hiring, I went home, and having missed the latest episode of *NCIS*, turned to unwind over late night reruns of the *Lone Ranger* and *Sergeant Preston of the Yukon* while finally eating dinner.<sup>10</sup> Notwithstanding the late hour, I called the chair of the faculty appointments committee expecting to leave him a message with the good news. My call actually interrupted an ongoing meeting taking place in the law school; the faculty committee was still there reviewing the portfolios of promising candidates. Our faculty just doesn't stop giving. And I hardly believe that this is unique to our law school. We deans sit in the enviable position of being able to encourage, support, and promote the considerable accomplishments of some very bright legal minds and outstanding professionals. What a true honor.

Beyond scholarship and their activities and work in the greater legal community, what they accomplish in the classroom is inspiring. Teaching at a law school is the gift that keeps taking, because you have the teaching, the mentoring, the counseling, and the letters of recommendation, followed by the weddings, the bar mitzvahs, the christenings, hospital visits, shiva calls and wakes for family and

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<sup>10</sup> See generally *NCIS* (CBS); *THE LONE RANGER* (Apex Film Corp. 1949); *Sergeant Preston of the Yukon* (Charles E. Skinner Productions).



friends, and on and on. The time and effort invested in these close relationships is something to respect and admire. It's a wonderful biologically unrelated family to be a part of, to cheerlead, to support, and, yes, to try to live up to their example.

### C. *The Alumni*

Alumni? What can I say? Really, you all know this better than I do: Alumni are your biggest supporters and your sharpest critics. They think they own the place, and they do. They are invested in the future of their school: not only because the school's name is hanging on their wall, but because they really care. They have great affection and gratitude to faculty and staff who made a difference in their lives; they take genuine pride in the law school's success; and they are motivated to help students with whom they share a common bond. Alumni can be high maintenance, and you can be dealing with issues and complaints about the law school from the days when they were students or their interactions from people in the past you never heard of, much less knew. But the fact is that they are huge allies; they want you to succeed. There are just so many ways that they can contribute, and I don't just mean financially.

For example, our graduates help integrate our students into the profession of law. Two programs, one that I developed last year and another that is celebrating its twenty-first year, work in tandem toward this goal.

The new program, Alumni Committed to Employment of Students ("ACES"), involves alumni helping our students find worthwhile jobs.<sup>11</sup> Alumni participation through ACES provides graduates with a number of ways to engage with students and earn points—similar to frequent flier programs and such—and community-wide recognition for their efforts. The ACES Program encourages graduates to do mock interviews, participate in career center panels, help with networking, write letters of recommendation, list internships and jobs, and offer many other ways of helping our students.

Most graduates are also part of our strong mentoring program, over twenty years old, which matches individual students with lawyers working in a variety of different fields of law. Last year, 110 students were matched with alumni working in fields of particular interest to the students. Alumni not only offered advice on a range of topics but also included students in a variety of work-related activities and local networking events. We are looking to enhance and grow this program even more, so that many more students are able to access our extensive network of graduates across the globe.

While our past efforts were traditionally focused on engaging older alumni in traditional ways as adjuncts or members of the alumni association and its events, we've just rolled out The Brooklyn Law School Recent Graduate Council, comprised of BLS graduates who have graduated in the last ten years. This diverse group of dedicated young graduates advises the law school, identifying and implementing programs and initiatives to foster the professional development of students and other recent graduates. They also serve as a career resource and help

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<sup>11</sup> *Alumni*, BROOKLYN L. SCHOOL, <https://www.brooklaw.edu/careers/alumni/aces> (last visited June 1, 2015).

organize and participate in substantive programs and social events. They reach out to young alumni to encourage active participation in the Law School community, such as in programs and initiatives spearheaded by the career and alumni offices and numerous student organizations. Given the tough times experienced by law graduates in recent years, attending to and re-cultivating this cadre is an even higher priority than usual.

It's absolutely a cliché, but, when our alumni meet our students and meet our new entering classes, they say, "I doubt I would be admitted today," or "I would be intimidated competing against today's students." Alumni are impressed with how much more smart, hardworking, and experienced the current students are than when they were students. This perception, I bet, is widespread at educational institutions everywhere. But here's the dirty little secret: Our students look at our alumni and find it hard to imagine themselves achieving as much, including the basic, often-overlooked accomplishment of living a good life well, while practicing effectively in the honorable profession of law. I get a great deal of pleasure out of the times when I can help our students network with our successful alumni. Enabling our students to imagine the possibility of that sort of post-graduate leadership and success is just the right amount of inspiration to help them keep putting one foot in front of another while meeting the challenges of graduating, passing the bar, and beginning a worthwhile career.

#### *D. The Legal and Greater Community*

Being a dean not only puts you in touch with your own community of students, faculty, alumni, and administrative and support staff, it also gives you an entrée into an amazing group of esteemed professionals—judges, other deans, scholars, lawyers, and impressive members of the bar.

I am often asked about the greatest surprise of coming from private practice to the academy, and I am chagrined and embarrassed with myself for not expecting, not fully appreciating, that being the dean of a law school, especially the only law school in the largest borough in the city of New York, would involve so much day-to-day interaction with the community and local government outside of our walls. My natural passions for public policy, politics, and community involvement continue to be fueled in this environment. Fortunately, I have been able to use a thing or two that I learned in Washington. At least that part of my professional training has not been allowed to atrophy.

We work closely and regularly with the New York City government, including, of course, our borough president across the street; the Downtown Brooklyn Partnership; the New York State, New York City, Brooklyn, and Women's Bar Associations; the Federal Bar Association; the Chamber of Commerce; the many nearby educational institutions, including, not only college and university staff, but K-12 schools; our fire fighters, police, and public prosecutors and defenders; not to mention our centers of performing and creative arts, museums, libraries, local businesses, and the clergy serving the myriad faiths of our community.

Upon reflection, the absolute hardest thing I may have done my first year as dean was lighting the giant menorah in Cadman Plaza outside Borough Hall on the eighth night of Hanukah. It was easy to accept my friend Rabbi Raskin's invitation

and an honor to have a role in the celebration. Getting in and out of the chest-high utility truck bucket used to raise us to the top of the enormous candles was a lot harder than expected and proof positive I would never be cast for Peter Pan or Spider Man in summer stock theatre productions.<sup>12</sup> After we successfully lit the menorah and the good Rabbi addressed his congregation, he asked if I would like to speak to the crowd far below. He seemed mildly surprised when I said, “Sure” and, grabbing the microphone, shouted “Acharon, Acharon, Chaviv.”<sup>13</sup> “Not bad for a Catholic, former altar boy,” quipped Rabbi Raskin. I could spot my wife beaming on the plaza even from that height.

We, in our law school, are frequently drawn together with all the social, cultural, ethnic, national, religious heritages, all the value systems that comprise the kaleidoscope of Brooklyn. We have shared missions on so many important matters, whether it be stimulating economic growth, jobs and opportunity, promoting public safety, coordinating with one another during times of a natural disaster or dealing with the needs of the less-privileged community. In all such community efforts, the rule of law and education are powerful tools and, consequently, the law dean, the law faculty, and law students are able to lend a hand.

Some very welcome help is volunteered by many friends who do not sit in official positions of authority. The unofficial mayor of Brooklyn Heights is Serge, the native Russian impresario of the Clinton Street Barbershop, where it seems almost every man, woman, or child in the neighborhood get haircuts. He works every day of the week, incredibly hard, from 7:00 a.m. to 8:00 p.m. All eight of his male and female employees are of Russian heritage and intensely patriotic about their adopted country. Little goes on in our community that Serge’s barbers and hairdressers do not learn about from those under their scissors and combs. And they are big fans and promoters of “their” law school. True story: Some law students waiting for buzz cuts were talking about the success of our graduates landing jobs. Another young guy huffed: “Are those real numbers or just phony admissions office stats?” Serge scoffed, “Are you a law student?” “Yeah,” the skeptic replied, and named an out-of-town school. Serge laughed and nodded to me, “Nick over there is our Brooklyn Dean,” said Serge. “He can hook you up if you need help.”

The same could be said for Orlando and Wanda, the sages who run the coffee truck outside our gates; or Marco, the incomparable shoe shine and repair businessman in the Marriot hotel; or with all the women officers who guard our busy intersections; or any of the waiters at whatever restaurant you choose, from Junior’s on Flatbush to the Happy Day’s diner on Montague, from the first-class Italian restaurant Queen on Court Street to Pete’s Waterfront Ale House on

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12. The miracle that night may have been that I did not split my pants or accidentally kick the Rabbi.

13. Roughly, “that which is last is best.” To be honest, I did some research to appear so conversant, which is to say, I asked Professor Twerski, Admissions Director Myron Chaitovsky, and a few knowledgeable students for advice. Like the Boy Scouts, our motto at Brooklyn Law School is “be prepared.”

Atlantic—really, anywhere in our large, close-knit neighborhood.<sup>14</sup> One does not need to listen to radio news or watch local television to get reliable weather, traffic, and political reports, nor wait for test results to learn the mood of our students. These local friends volunteer the information, which is frequently quite useful and timely.

One of the changes—and, hopefully, a new tradition—I instituted when I first became dean was to overhaul convocation, our opening exercise for new entering classes, which takes place at the magnificent ceremonial court room in the Eastern District of New York. Before the program, we assemble the entire new class in the Law School plaza and walk together through the downtown community to the federal courthouse (law students do not “march,” they “amble”). The procession is very moving; it marks not only the beginning of law school for the entering class but also the start of their relationship with the world as lawyers. I want our students to understand and see our community members, and, frankly, I want our community to see our students, the next generation of lawyers and leaders.

But my first-year convocation did not go off without a hitch. I had just returned from out of town, and my wife and I ran the short distance to our Law School’s plaza. We had fifteen minutes to spare, and yet the plaza was empty. I had no idea what happened. Did I have the wrong date? Had my watch stopped? Finally, I was able to locate a maintenance worker who told me the procession had taken off early, without me. Sure enough, there they were, in the distance, quickly moving away toward the courthouse. So, Marla and I rushed after them and caught up to them in a sweat just after they began to go through security. (No one can fault our law school for taking much time to get students into a courtroom.) I had to laugh to myself. Here, I had engineered a grand new plan, a procession that I would lead through downtown Brooklyn, and I was left behind. It’s the perfect example of the secondary role of the dean. You can think of an idea, you can chart the course, but it’s the faculty, staff, and students who will run with it and determine whether or not it succeeds.

The following year I made sure that I was present at the correct time, but another challenge presented itself: rain. Not just little drops, but biblical, torrential, continuous rain. Fortunately, a few days before, I had called to tell the Most Reverend Nicholas DiMarzio, the Bishop of the Diocese of Brooklyn, that one of his protégés, a priest who lives in the bishop’s residence, had been admitted to our evening program at the Law School. At the time, the Bishop expressed his

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14. Except maybe Peter Luger, the incomparable steak house under the Williamsburg Bridge, where, if you are lucky, the waiters are as impassive as the bear-fur-helmeted Queen’s Guards in England. Usually, the Peter Luger waiters are more forthcoming, abrasively so. When I first “arrived,” several well-known Brooklynites wanted to introduce me to the great restaurant, including the irrepressible then-Borough President Marty Markowitz, and the incredible former Mr. Everything in Brooklyn, our alumnus Steven Cohn ’73. When they tried to impress the head waiter by introducing me as the new dean, they said I was a bigger deal than Miss America hailing from Brooklyn and opening day of the Barclays Center combined. The waiter felt compelled to poke his finger in my chest and tell me, “Look, buddy, only two people get linen tablecloths here: the head of the Gambino family, and the Cardinal. But I repeat myself.” (In that the mob boss is being fed and clothed at government expense rather than dining at steak houses, and because there is no Brooklyn Cardinal (yet) and Timothy Cardinal Dolan is Irish, I realized I was being treated to a performance and what passes for a warm Brooklyn welcome.)

gratitude and offered to help me if he could ever be of service. So, on the day of the convocation, in the midst of the deluge, I called the Bishop and asked if he had ever seen the movie *Patton*.<sup>15</sup> He indicated it was one of his favorite films. I reminded him of the scene where General Patton's Third Army was unable to engage during the Battle of the Bulge because of a lingering winter storm that grounded all allied air cover. Patton, memorably, asked his chaplain for a "weather prayer," and the clouds miraculously lifted and the rest is history. I too asked the Bishop for a weather prayer.<sup>16</sup> He was noncommittal. However, the record will show that, about an hour after my petition, the sun came out and burned so brightly that every inch of downtown Brooklyn was completely dry by the time our processional stepped off without delay.<sup>17</sup>

#### E. Staff

In the several decades where I have had the privilege of working in the public and private sector, I have never worked with as skilled, experienced, and capable a group of people as those who manage and run our operations. I know that this sounds familiar and no exaggeration to other law deans. They are the unsung heroes.

All deans rely on such stalwarts. They are people such as, for example, the best known, most popular figure in the Law School, the public safety officer who runs our front desk in our lobby or the lead public safety officer at our largest residence, Feil Hall. Both are outstanding ambassadors who constantly go above and beyond their professional responsibilities. I must also mention the example of Mary Lee Bedford, who served as secretary to five law school deans and as a guardian angel for thousands upon thousands of students. This saint-like woman, a former Dominican nun, a graduate of St. Francis College in Brooklyn, and, for many years before joining us, a parochial school teacher, died three weeks before she was to retire from her decades of service to the law school. But, Mary Lee left an indelible, beautiful impression on our school. Her service represents the best of our law school.

As with the invaluable role of our faculty, if we have achieved any success there is not a bit of it that would have been possible without the efforts of our colleagues in finance, external affairs and alumni relations, admissions, development, maintenance, facilities, public safety, and all the rest. This outstanding work is from the ground floor up, not just by our talented top

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<sup>15</sup> See generally PATTON (Twentieth Century Fox 1970).

<sup>16</sup> *Id.*

<sup>17</sup> We are a secular institution, but we always have a benediction in the commencement program. We rotate among the different faiths. This year, expressing my gratitude for the weather prayer, and having been a dinner guest several times of the good Bishop's home, along with other Brooklyn educators, to discuss our common goals and challenges, I invited the Bishop to graduation. A few eyebrows were raised when Bishop DiMarzio arrived in full ecclesiastical regalia, in all its splendor (including pink hat and cape). But soon, he had the entire crowd of graduates, parents, and family members, in the palm of his hand when his simple heartfelt prayer asked for assistance in passing the bar *the first time* and landing really good jobs. He brought down the house with applause. In Brooklyn we are trying everything. Whatever it takes, it can't hurt.

managers. Still, our top managers are extraordinary. They did, for example, a remarkable job meeting the Trustees' directive to cut operating costs in a year by ten percent, and then to follow up with a fifteen percent reduction the following year. The approach we took was to give them the goal and then urge them to determine how best to achieve it, rather than to dictate particular cuts. That might sound simple and obvious, but it was not. My assumption is that each of our top managers know their business and know it certainly far better than I do, and, until proven otherwise, I can count on them to determine how best to get results.

Admittedly, this approach was, to say the least, novel after the change in administration that brought me to Brooklyn Law School. At first, the blinking eyes of our administrative managers stared out in disbelief when I told them I would ask them to report back with their department's budget proposal. It was as if I had unexpectedly unlocked the cages at the Bronx Zoo and expected all the occupants to relearn how to hunt and forage. Nevertheless, they certainly were up to the task, and, in many cases, they proposed innovative and money-saving efficiencies and found new ways to continue operations and perform functions without sacrificing quality and also allocated for money we had to spend and investment we needed to make.<sup>18</sup> In brief, as every dean knows, the secret sauce to our success is the people with whom we work.

#### *E. The Board*

Our Trustees are all enormously accomplished and impressive people, and they are also quite a diverse group, which often means that they don't agree on how to proceed on a matter. But that constructive dissonance is useful and actually needed. Every school or company can benefit from a little sand, so long as it helps to make pearls. Healthy, respectful discord is a critical ingredient to our mission to grow and develop as an institution. The arduous process of being put to your proof and achieving consensus helps avoid missteps and increases the prospects of successful execution of innovations. This is certainly the case when trying to implement changes that run contrary to conventional wisdom. This is no easy task in an academic institution operating under a system of shared governance in a dynamic environment, with a steady stream of new students in and graduates out. We do not have the luxury of putting the ship in dry dock to scrape off the barnacles and retrofit from sails to engine-driven propulsion. We have to work on changes underway while navigating treacherous waters with imperfect information about what is ahead and how the public—including potential applicants and employers—will react.

The past few years since I have come on as dean have been challenging ones for me and for all of us who make our livings in the oversized offices on the top floor. Our Board has not wavered in the storm. From my first day on the job, it wasn't merely that they were receptive to change, or that they were open to change—they demanded change. In general, our Board collectively believed that

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18. For example, our IT director discovered that we were able to renegotiate longstanding contracts for software that paid for some expensive services we no longer needed. Our dean of admissions achieved large savings from shifting to greater reliance on digital, online, and new media communications that were more effective and less expensive than traditional print materials.

business as usual was not a viable option. Moreover, while comprehending the risks of doing new things, sometimes before many others followed suit, they understood that the risk of failing to adapt could be greater. But they left it to us, the administration and faculty, to figure out, subject to the Board's approval, how to get to where we had to be, by reducing costs, making law school more affordable, strengthening our curriculum. They worked tirelessly with us to support curriculum enhancements and changes recommended by the faculty, to generate and fund our new Center for Urban Business Entrepreneurship (CUBE), to change our approach to admissions and financial aid, to hire and promote faculty, and to reduce our tuition. No small potatoes.

Bob Kaufman, a member of our Board and a partner at Proskauer Rose LLP, recently wrote a book, *Paying Back: A Refugee Kid's Thank You to America*.<sup>19</sup> In it, he recounts his family's escape from Nazi-occupied Vienna. Kaufman was just eight years old when Hitler marched into Austria. Soon, he was wearing a gold star on his arm. He was sent to England on the rescue train known as the Kindertransport; his older sister followed. His parents joined them, and they arrived in America as a family in December 1939. In an interview for our alumni magazine, Bob, a member of the class of 1957, said, "Everything I have done has been about paying back. That includes my work on the Law School's Board. I was a refugee who came to this country, and I was given tremendous opportunity. I have to give back, and I have had a great time doing it." Bob's spirit is wonderful, and I believe it runs through the women and men who serve on our Board, and in law school boards everywhere. They all have plenty of demands on their time and resources, and they chose to effectively make a difference through their service as trustees.

For a board of trustees to remain effective over time, and over periods of stress and change, it is a challenge for the members of the Board to remain energized and engaged and to continually refresh itself with new members. Our Board chairman, to this end, has been leading a discussion among Board members about basic expectations and performance benchmarks, and is developing a self-evaluation program adapted by the Board for its own members from similar programs used in private and public sector organizations. In addition, a dean can be especially useful to the board by helping to identify potential new candidates for board service. In this way, the dean helps assure that the board is aware of other Bob Kaufmans, who might be called on as needed.

## II. MANAGING CHANGE IN TUMULTUOUS TIMES (OR, "YOU WANT TO DO WHAT?")

I didn't leave the polarized, gridlocked, public policy world in our nation's capital, where I enjoyed success in private practice and public service for three decades, in order to have a pleasant pre-retirement picnic in the Petrified Forest of the Land of Academia, watching the flames burn up the moated Ivory Tower. I took the job because I believed I had the skills and experience to make a positive

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19. ROBERT M. KAUFMAN, *PAYING BACK: A REFUGEE KID'S THANK YOU TO AMERICA* (2013).

impact.<sup>20</sup> I was arrogant enough to think that I might have some success and actually make a difference. Lofty goals, indeed. For me, the now-former Chairman of the Federal Reserve, Alan Greenspan, might have described my mindset as irrational exuberance.

Certainly, it would have been significantly easier had we all been operating in flush times, but what every law school dean is asked to do right now is to defy gravity. The hurdles involved in bucking the status quo at times appear insurmountable. We all share these challenges. We are in a world where everybody wants more for less; technology is disruptive in a good way, but lawyers are late adaptors and law schools even more laggardly; and an historically awful recession has forced the already-underway transformational change to accelerate. Meanwhile, who knows what the rule of law will mean in a digital, borderless world, or in an age of biomedical advances where the nature of mankind is not a given. Law school is too expensive, and prospects for paying for it post-graduation have been bleak. Prospective students are frightened by what they are told are poor job prospects and what they expect will be continuing skyrocketing tuition. We are all facing these realities.

One of the biggest challenges we all face as law deans is time. We can't solve problems fast enough; yet, we can't rush things. It takes time to build consensus and to make sure those who don't agree have been heard, but at the end of the day (or, more aptly, the night), we can't just move along the pastoral rhythms of the academic year and watch the seasons pass by with a sigh. We have to move forward and make decisions, but make them well and well-considered. Another problem related to timing is the fixed half-life of outdated ideas, assumptions, and the slowness of popularly reported data and analysis to catch up with new realities. Some conventional wisdom about law school was never accurate, while too often, much of it is no longer so.

It's hard not to rush, and yet it's hard to wait. It's a delicate balance. Indeed, if you challenged me to find a single word that describes the key for contemporary law schools to succeed, I would choose the word "balance." I choose that rather bland word "balance," because it embraces the inherent duality of the mission of legal education on many levels:

- Professional training and scholarship
- Theory and practice
- Both the private sector and public service roles and obligations of every lawyer
- Doing well and doing good

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20. Oprah Winfrey once told me to stop my name-dropping, but I am particularly grateful to all those who generously and patiently helped me to prepare for and, while on the job, to cope. They are too numerous to mention all, but those on the list would include: Steve and Fran Trachtenberg, President and First Lady emeritus of George Washington University; Bill Treanor of Georgetown nee Fordham; Jesse Choper of Boalt Hall; Guido Calabresi and Harold Koh of Yale; law school classmates and exceptional deans Bob Klonoff, Saul Levine, and Mark Grady of UCLA nee George Mason University; Prof. Joel Goldstein of St. Louis University; Prof. A.E. "Dick" Howard of University of Virginia; Bill Bowen, President Emeritus, Princeton University and the Mellon Foundation; and the great Australian educator and former Warden of The Rhodes Trust, Don Markell, and who were incredibly encouraging and generously helpful.



- Continuity and change.

We, all of whom are charged with piloting law schools, are steering between the modern day Scylla and Charybdis of “business as usual” versus “change for change’s sake.” With “balance” as our lodestar, we might move ahead with sound, prudent innovations.

For example, we must assure that graduates are prepared to pass the bar, compete for jobs, and begin to practice effectively, while we also hone students’ critical thinking and whet their intellectual curiosity. That will serve our graduates and the public well over their entire careers. In my view, it is precisely because so few of our graduates will follow in our faculty’s footsteps and become full time academics that we must emphasize scholarship along with professional education. A J.D. is the terminal degree for most law students. It is the last time they will be intimately immersed in an intellectual community. It is our last opportunity to infuse them with the curiosity, creativity, and ability to think through new problems that will test them over their entire professional lives. If we desire and expect our graduates to change the world, they need experience as scholars as much as they need professional training.<sup>21</sup> Success for our law schools will continue to come by resisting the false choice of tradeoffs and being vigilant not to ignore one side of our dual nature in favor of the other. Imbalance risks tripping and losing our way, while charting a vigorously balanced course will keep our law schools moving ahead on an exciting, brisk pace of accomplishment.

### III. THREE THORNS

Of all the problems faced by all law schools, for me, at the head of the list is: jobs, the cost of legal education, and being a standalone law school.

#### A. *Jobs*

Let’s face it, the job market for law school graduates is an entirely new landscape. The jobs are not in places where we were used to finding them, and the paths to finding a worthwhile job, and the ways to start a very good career that uses what you learned in law school are often completely new and completely different

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21. Invariably, when I was interviewing as a decanal candidate at law schools, I was invited to meet with the entire faculty once or twice. At some point, inevitably, someone would ask a version of the following question: “Mr. Allard, you have a lot of management experience from the private sector. Tell us which management techniques were most successful that you would intend to apply to our law school?” This was never a friendly question, though uttered in the friendliest way. I often felt as if I could read a thought bubble cartoonishly popping up above my interrogator’s head which read, “Okay Mr. Big Shot from private practice, Mr. Outside the Box, list for us all the things you would do that we will hate. Braid your own noose.” When faced with this question, I would pause and look all around the room and then answer very slowly: “The very first thing I would do ... is I would require each and everyone one of you ... without exception ... to record your time every day in six minute intervals.” Usually this got a big laugh, I think because they knew I was “in on the joke,” and I quickly took the next question. I should note and compliment Brooklyn Law School. Its search committee, the Board, and faculty treated me not as a traditional or nontraditional candidate, but as a “candidate,” period, full stop. Unlike Groucho Marx, because they wanted me, I wanted them.

than in the recent past.<sup>22</sup> We can't rely on the quaint, outdated, three-step minuet of recruiting for big law firms, God bless them: On-campus interviews lead to 2L summer associates to gigs and, all too often, short-lived jobs. The plain fact is that there are fewer jobs in big law now, and there are many great jobs in other places, and a world of new ways to start a worthwhile career with a J.D. It is our responsibility to provide qualified students with the wherewithal to learn about these opportunities and to help find these jobs. We must have the confidence to recommend worthwhile new jobs that might not yet be fully appreciated by some of the ranking systems, which in some cases reflect a blissful ignorance that yesterday's boom towns are today's ghost towns.

When I became dean, my number one concern was jobs for Brooklyn Law School graduates. That focus hasn't changed. What has changed is that our graduates are landing meaningful, good jobs at a decidedly better rate than in the recent long years of a historic recession. Sure, the economic recovery from the great recession helps a great deal and so does the quality of our students and their preparation. But, it's also the result of a dedicated and concerted effort on the part of the entire BLS community, and its adoption of measures to assist students that reflect changes in the job market.

Our revamped Office of Career and Professional Development is well along in its mission to overhaul our entire approach to graduate jobs. While we will still participate in standard on-campus interviewing, we are directing more energy and resources to other techniques. Gone are the days of wholesale, bureaucratic, one-size-fits-all "career placement." Instead, we have introduced "bespoke" customized professional career development for individual students.

For example, students are matched with alumni for one-on-one informational interviews and mentoring—offering direct access to their fields of interest, as well as career insight, job search tips, and invaluable face-to-face time with seasoned professionals. This takes a lot of time, but it is useful. We have also re-focused programming to provide not just practical skills and substantive practice area learning, but also valuable time with our alumni presenters. These opportunities to learn from alumni who have walked in our students' shoes have proven to be both popular and successful. We are also opening doors to growing and emerging opportunities such as in compliance, risk assessment, and entrepreneurship in non-traditional legal positions where a J.D. fuels job success.

But it's not just the law school staff, who call themselves career counselors, who are working on our students' behalf. Most days about a half-dozen calls are made from the dean's suite about hiring our students, networking on their behalf to open doors that might otherwise be closed. The vice deans, associate deans, and our faculty are engaged. They are all digging deep, connecting students, and using their own varied network of legal gurus one-by-one. Think about it. The numbers add up and pay off.

By the end of each summer, after the bar exam, we start circulating, with each student's permission, the lists of those who are not yet employed to faculty, key

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22. The often used distinctions between "J.D. required," "J.D. preferred," "J.D. useful," and the old school subjective weightings by the law school beauty contest rankers that favored big law jobs to almost any other for work—small firms, solo practice, government, in-house work, public interest, and in business—are mired in the past and unhelpful.

alumni, and others whom we believe can help. From then on, we are continuing to work on these lists, updating them as they shrink, so that we are continuously focusing counseling, employer outreach, and trouble-shooting on those who still need and want the help. It's a retail rather than wholesale campaign. Like clearing a pole vault over eighteen feet, or breaking the record for the one-hundred-meter sprint (I am told), after a point, further improvement is asymptotic. There always are a small number in each of our rather large classes who find it inordinately difficult to land jobs, and some have other plans. But, the customized, individual approach seems to work and is appreciated.

### B. *Cutting Costs*

As many of you may know, Brooklyn Law School will cut tuition by fifteen percent beginning in the 2015-2016 academic year. This decision has received sustained national attention and helped to continue the ongoing, much-needed public discussion about skyrocketing tuitions at law schools. It is fair to ask why our decision hit such a nerve among educators, lawyers, and students. After all, while the upcoming fifteen percent reduction is significant, tuition will still be expensive. Nor are we alone in tackling the issue. Other law schools previously cut tuition in recent years, and no doubt others will do so for various reasons and in different ways.

The fact is that the financial model of law schools is broken. Unless law schools do what they can to make legal education more affordable, they will price themselves out of business, contribute to the high cost of legal services that most people need, and widen the gap in access to justice. If you ask who can afford to go to law school or afford a lawyer, the answer is that most Americans cannot. Those who do manage to attend law school often graduate with excruciating debt. They are compelled to pursue jobs with the highest paycheck to find some relief, rather than beginning lower-salaried careers that might better fit their interests and talents, or that meet a critical unmet need for affordable legal services in the community. As a result, untold millions of Americans are deprived of access to quality legal services.

A report by the American Bar Association's Task Force on the Future of Legal Education noted that

a widespread practice is to announce nominal tuition rates, and then pursue certain high LSAT or GPA students by offering substantial discounts (styled as scholarships) without regard to the recipient's financial need. Other students, by contrast, receive little if any benefit from discounting and must rely extensively on borrowing to finance their education.<sup>23</sup>

For example, according to the Consumer Financial Protection Bureau, Americans owed about \$150 billion in student loans to private lenders in 2014.<sup>24</sup>

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23. ABA TASK FORCE ON THE FUTURE OF LEGAL EDUCATION, REPORT AND RECOMMENDATIONS 1 (2014), available at [http://www.americanbar.org/content/dam/aba/administrative/professional\\_responsibility/report\\_and\\_recommendations\\_of\\_aba\\_task\\_force.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/report_and_recommendations_of_aba_task_force.authcheckdam.pdf).

24. Rohit Chopra, *Student Debt Swells, Federal Loans Now Top a Trillion*, CONSUMER FINANCIAL PROTECTION BUREAU (July 17, 2013), <http://www.consumerfinance.gov/newsroom/student-debt-swells-federal-loans-now-top-a-trillion/>.

The *New York Times* reported that ninety percent of student borrowers need co-signers, often their parents or relatives.<sup>25</sup> Entire families are then susceptible to sudden defaults and repayment demands. Bear in mind that the average student loan debt for law graduates is more than \$100,000 upon graduation—not including undergraduate student loans, the ABA reports.<sup>26</sup> This is a national epidemic, and it is why the need to attack the high cost of law school has sparked conversations in law schools, firms, and families everywhere.

The federal government is not making it any easier. For example, buried in the President's 2014 budget proposal were changes that, if enacted, would have gutted the decade-old and successful Public Service Loan Forgiveness Program ("PSLF") and Pay As You Earn ("PAYE") programs.<sup>27</sup> While at this writing there appears to be little momentum behind the proposed cuts, the underlying concept reveals the ambivalence and even hostility toward higher education and legal education. Moreover, the prospects of resurrection of such proposals make further consideration appropriate. The purported rationale for curtailing loan forgiveness programs that help make affordable legal services available to the public defies logic. Without any promise of deficit reduction benefits, the proponents give lip service to balancing the federal budget at the expense of indebted law students who dedicate themselves to working for low public interest and public sector wages, serving the poorest Americans. One wonders what hidden agendas map this course.

It is a shameful canard that student loans and indebtedness are the cause of high tuition. They are not. They are the symptom, not the cause. Tuitions at law schools are soaring, as the ABA and other observers point out, because of the way law schools spend money in pursuit of outdated, flawed rankings rather than investing in students, education, professional training, and scholarship.<sup>28</sup> Yes, write to your congressman, but, in the meantime, we all should row away from the rocks.

With political currents eroding America's historic and successful support for higher education, we can't expect anyone else to help. We must do what we can to break this cycle ourselves. By making law school too expensive for motivated, talented women and men, we are shortchanging ourselves. In this country, lawyers have played the central role in our democratic republic, and they will be needed even more in the future.

Our own cost-reduction effort focuses on the pursuit of quality education, qualified students, and world-class scholarship—while bucking the conventional wisdom that it is necessary to cater to a deeply inaccurate rankings system, like the hounds chasing but never catching the elusive mechanical rabbit at the dog track.

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25. Richard Pérez Peña, *When Co-Signers Die, Student Loans Are Suddenly Coming Due, a Report Finds*, N.Y. TIMES, Apr. 22, 2014, at A15.

26. *Loan Repayment Assistance Programs*, AM. BAR ASS'N, [http://www.americanbar.org/groups/legal\\_aid\\_indigent\\_defendants/initiatives/loan\\_repayment\\_assistance\\_programs.html](http://www.americanbar.org/groups/legal_aid_indigent_defendants/initiatives/loan_repayment_assistance_programs.html) (last visited June 1, 2015).

27. Jeffrey Trull, *4 Student Loan Changes for 2015 You Should Know About*, STUDENT LOAN HERO, <https://studentloanhero.com/student-loan-news/4-student-loan-changes-for-2015-you-should-know-about/> (last visited June 1, 2015).

28. See generally ABA TASK FORCE ON THE FUTURE OF LEGAL EDUCATION, *supra* note 23.

We are hardly the only law school that can boast impressive reasons for students to attend their institution and aspire to be the next Atticus Finch, or dream of following in the footsteps of real-life giants like Lincoln, Gandhi, Mandela, Brandeis, Thurgood Marshall, Jr., Robert F. Kennedy, O'Connor, Scalia, Ginsberg, and Sotomayor—or maybe the big dream, like mine, to emulate the attorneys I knew who hung their shingles on Main Street where I grew up, like Percy Ingerman in Northport, New York, or Joe Balsamo in Suffern, New York. All of our efforts collectively to make legal education more affordable can and should continue this tradition.

*C. We're Still Standing and Thriving (Even If We're Alone)*

There are many common challenges that all law schools share, but one that is less common is the fact that Brooklyn is a standalone law school, that is to say, not affiliated with any university. One particular challenge that I am pleased we overcame recently was the negativity of credit rating agencies toward law schools, and especially towards independent law schools. With our tuition discount making headlines, Moody's moved up its review of Brooklyn Law School, and we were happy to prove the critics wrong. We maintained both our ratings and our stable outlook—impressive for a standalone law school in a tough market.<sup>29</sup>

Our Board, faculty, and entire management team earned Moody's assessment. Actually, it confirms one of my longstanding arguments about financially sound standalone law schools: We are the masters of our own destinies and can nimbly make changes others cannot. This ability to change course easily during difficult times has many advantages. It's true that there's no larger institution to help foot the bills when times are hard, but also no larger partner with which to share revenues and contributions. When the need for change arises, standalone law schools can adapt more quickly. If you can get your faculty and board aligned, as we have done, you decide what's prudent, and then do it and do it swiftly.

Standalone law schools can also reevaluate and directly manage their budgets more frequently. Often I feel as if I am pounding my head against the wall on this point, but we, as an independent law school, actually govern ourselves and manage our own revenues and costs. We go through a rigorous budget and financial planning exercise every year. Our Board sets the goals. Then, throughout the year, our entire management works to achieve and regularly monitor progress toward the goals. This is not easy to accomplish especially when, unlike affiliated schools, we have to provide our own free-standing security, IT, and library services. We don't have anyone to share overhead and fixed costs. That is one reason why increasingly we are open to pooling-type arrangements for certain "back office" operations. However, if we can decrease costs through voluntary retirement

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29. According to Moody's: "Brooklyn Law demonstrates 'healthy financial resources relative to debt and operating expenses, a management team that engages in multi-year forecasting and prudent expense management, and consistently positive operating cash flows.'" Maya Itah, *Standalone Law Schools Aren't All Doomed*, TIPPING THE SCALES (July 11, 2014), <http://tippingthescales.com/2014/07/standalone-law-schools-arent-all-doomed/>.

programs, saving on electric and fuel bills, or renegotiating vendor contracts, we directly reap the benefits.

Standalone law schools' nimbleness often also helps them more easily create new, innovative programs. We're focusing and using our existing revenue budget to strengthen the established core programming, but at the same time, we're looking for new revenue sources willing to spend on innovative initiatives that enhance the traditional curriculum. For example, CUBE, which we launched in November 2013, is designed to train lawyers to work directly with entrepreneurs and newly formed businesses in the bustling Brooklyn Tech Triangle. Once we committed to the project as something we wanted to do, we got CUBE up-and-running. If Brooklyn Law School was a part of a university and we wanted to launch CUBE, we might be competing with the business school or be told that there were other priorities for that kind of investment. At Brooklyn Law School, we're able to carry out an idea to fruition in a streamlined fashion. With faculty support and Board approval, we simply "just do it." Fundraising for CUBE also was different from traditional academic fundraising. It follows a rapidly growing trend and is completely in sync with entrepreneurial business innovations. Each of our generous founders of CUBE individually had the capacity to endow the Center. Instead, they contributed enough to fund it for eighteen months, challenging us to meet benchmarks and make improvements that become something to justify further funding. Entrepreneurial? Yes. Business like? You bet.

#### IV. OBSERVATIONS

What traction we might have realized in making progress on our thorniest issues is, so far, short term and my experience still so limited that I am reluctant to conclude that enduring lessons can be drawn, especially when, no doubt, setbacks and changed circumstances will warrant further adjustments. Nevertheless, I am able to offer, for what they are worth, several observations about how collectively we approach advancing our law school and its mission to prepare students to make a difference and change the world.

The simple question "Why?" is a powerful tool, and one that is not disingenuous for a new dean who has never been a full-time member of the academy. It helps to look at tough problems with fresh eyes. If the answer to the question "Why?," which should be raised at every opportunity, courteously and with sincere openness to the answer, is "because," or "because we always have," or "dunno," then maybe you should press on to examine other options. Sometimes when you feel everyone else is wrong, you're right. Turnaround is fair play. Especially as a new dean, be prepared to have to explain yourself. Fear is a wonderful focuser. Having to constantly justify change to all the law school's constituencies is both a way to avoid mistakes and a strengthening, self-correcting exercise.

Examine issues affecting students fully cognizant of their individuality and from a customer service perspective. That is how we and others like, for example, New York Law School, have made significant improvements in bar passage

rates.<sup>30</sup> And, as I have said, I believe it explains our progress in the success of our graduates finding jobs.<sup>31</sup> On the admissions front, we take a similar approach, moving away from simplistic arithmetic formulae (although highly efficient and easy) approaches to evaluating candidates and using the vast experience of our admissions office and faculty admissions committee to assess the entire package of qualities and qualifications of each individual. We look for candidates who, given all the circumstances, appear to be good bets to graduate, pass the bar, find jobs, and become leaders in the profession (who can change the world). In this time-consuming, difficult effort, which often includes talking with applicants, the LSAT score becomes less important.

Constantly, unceasingly, remind ourselves not to allow ninety percent of our time, effort, and resources to be consumed by the distractions of the tiny fraction of people in our community who are chronic underperformers and present problems.

Conversely, work for everyone in your community. You do not want ninety percent of your students to feel that you only care about only the so-called top ten percent. The constantly individualized approaches we take with regard to bar preparation and jobs seem to help fight this perception. Faculty and staff support and recognition is critical, and you cannot say thank you publicly enough.

Listen. So much of being a dean is communicating—being on “send” instead of “receive”—that it’s easy to miss important information, and it takes effort to listen. You might recall the late New York City Mayor Ed Koch’s famous “How’m I doin’?” greeting. New Yorkers would hear that, and engage, and tell him in colorful detail how they felt he was doing. He once told me that, early in his career, he would meet voters at subway stations and ask, “How are *you* doing?” or “Hi, I’m Ed Koch, I’m running for ....” They would practically run over him before he could get the words out. So, ask people, “How are we doing?” and then cite the response to others—don’t tell them how you think you are doing. Similarly, try to listen and get agreement on how to measure success. Find consensus or worthwhile milestones and you won’t have to rely so much on what others say, including some commercial rankings that are not fit for wrapping dead fish.

“We” means something. Early on I was frustrated that when faculty and staff alike would report problems or negative things (which is useful), but when I asked, “What did you say?” often they would simply shrug. I have been saying, constantly, look, you know the answer. You know what we are trying to accomplish. This is your school. You should help spread the word, do not just passively pass on negativisms and bad views. Don’t be defensive, but empathize and promise to follow up when a complaint is justified, or set the record straight if you can. The trouble is it’s hard to get this across without choking off the sour notes you need to hear. It all comes back to the importance of delegating and

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30. Tania Karas, *Most New York Schools Report Higher Pass Rates in Bar Exam*, 250 N.Y.L.J. 1 (2013).

31. Tania Karas, *ABA Employment Statistics Show Improvement for New York Law Schools*, 251 N.Y.L.J. 5 (2014). I congratulate Anthony Crowell, Dean and President of New York Law School, on his institution’s high bar pass rate, which was in large part the product of his thoughtful leadership and dedication to students.

relying on the team who you work with. They can do their jobs well, and if they know you are relying on them, and if they know you will back them up and they can dare to make mistakes, they will take ownership, and exponentially accomplish more than what you can do alone, and often exceed expectations.

Finally, no whining; figure it out. If you do not enjoy what you are doing, maybe there is something else you should be doing. Consider this, when students ask for advice in order to succeed in practice, I often give them, with tongue somewhat in cheek, the full prescription regimen:

1. No whining.
2. Figure it out.
3. Never foul your own nest. (Remember the fortune cookie: Birds who foul nests, soon have no home.)
4. Work your tail off, harder than anyone else.
5. Laugh at adversity, setbacks, and mistakes; learn; adjust.
6. Celebrate.
7. Repeat.

Advice almost too good to be wasted on the young. Seven virtues that are dead certain to bring success in most endeavors, including running a law school. Not a sermon, just some thoughts.

## V. CONCLUSION

Recently Thomas Hale Boggs, Jr., legendary chairman of his eponymous firm, wrapped his big arm around me and said, "It's a good time to return to private practice before everyone realizes all the crazy things you are doing in Brooklyn won't work."<sup>32</sup> You may share my friend Tom's opinion; you may think a lot of

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32. My friend Tom Boggs died suddenly in September, 2014, while I was in Moscow speaking to Russian undergraduates about why they should consider becoming lawyers. This is what I told them about Tom when I got the unexpected news:

Think of this: If you study law, you will be equipped to be a mentor and role model who will teach upcoming generations. This morning I was stunned to learn of the sudden, unexpected death of my friend and mentor Thomas Hale Boggs, Jr., who each and every year for more than a quarter century, was listed as one of the 100 best lawyers in America. Tom was quintessentially a most public man who, it seemed, everyone thought they knew. I wonder how many knew that this legal icon and seeming gregarious extrovert was incredibly shy, modest as can be, and indifferent to what others thought about him. He was, in a quiet way, a man who observed his faith, who typically had grace said before dinner, and was comfortable in the company of clergy, many who he knew well, especially if they would join him to fish, hunt, or shoot ducks. Civil and courteous in every respect, I cannot remember him ever swearing. He was grounded in family and friends, and, if you counted as either, you had a patron and companion for life, for he was loyal and caring to a fault. Tom Boggs was, in a word, brilliant, and no one ever missed that he was invariably the most intelligent man in the room though he always was the most self-effacing. He was a workaholic who enjoyed playing. He loved his country and what he did and he loved solving tough problems and cared deeply about access to justice and equality, a son of the Deep South who especially sought racial justice and equality. He was totally committed to doing good while doing well. When I say that law and lobbying is an honorable profession, it is Tom Boggs I am thinking about. He is an



things we are doing at Brooklyn Law School are crazy. You may think I am crazy. Believe me, I've heard worse.<sup>33</sup> Well, I am crazy about becoming a law dean. Not like Colonel "I love the smell of napalm in the morning" Kilgore in *Apocalypse Now*.<sup>34</sup> But, from where I sit, where there are problems, we see opportunities.

But we are not innovating for innovation's sake. We are trying to avoid the seductive siren call of the latest academic fads and hoping for the best. What we have been doing since I came to Brooklyn two years ago is trying to attend to the knitting, to strengthening the core, while undertaking new and perhaps unconventional initiatives that may not only advance this law school, but move the dial a bit for our legal community as a whole. Given the exclusive club that I've been allowed to join, it may sound presumptuous for me to say, although we law deans may sit in different office suites across this country, we're all in this together.

Given all of the turmoil and the uncharted territory we are crossing, how best to go on? Well, I say, on any day, where you are making progress even a small amount, where you fight the good fight and even if you don't succeed, any day where you keep buggering on, to borrow from Churchill, that's a good day.<sup>35</sup> Because given the odds, what you all are doing is heroic. Part of the success in dealing with these issues is sheer stubbornness, the patience, and the grit to stick it out. It's commendable just to be trying because the effort and the mission are important. The view is worth the climb, and as deans we get to see into the Promised Land, because we are standing on so many shoulders.

We don't need to hit a home run out of the park every day. Sometimes, but not every day. Law deans are making a difference and we are entitled to take the pleasure of our successes, small and large. What you are doing as a dean is you are creating an environment for others to succeed. And whether or not they do depends on you.

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American original without rival and there will never be another like him. Those who love him are shaken deeply and miss him already.

I thank you for indulging me and listening to me speak of my friend's passing. I know that each of you have your own Tom Boggs who has influenced you, and just think about how valuable it will be to others when you yourselves become such mentors.

33. After Patton Boggs merged and became Squire Patton Boggs, I reported to Tom Boggs that the Squire legacy partners seemed to like me as much, if not more, than my Patton Boggs partners. He replied, "They don't know you yet."

<sup>34</sup> See generally *APOCALYPSE NOW* (Zoetrope Studios 1979).

35. Or as the great man said more politely, "Success consists of going from failure to failure without loss of enthusiasm." Churchill signed off many phone calls by saying: "K.B.O."—keep buggering on.