Entering a new era

Lee C. Bollinger assumes Law School deanship

Lee C. Bollinger, a member of the Michigan Law School faculty since 1973 and well-known First Amendment scholar, began a five-year term as the school's thirteenth dean on August 1. At 41, Bollinger is the youngest person to hold that post in this century.

Bollinger succeeds Terrance Sandalow, who stepped down to return to teaching and research after nine years as dean. Commenting on the appointment, Sandalow said, "The selection of Lee Bollinger as dean symbolizes the Law School's commitment to intellectual excellence. Lee brings to the deanship a profound understanding of the intellectual life and a deep commitment to it. He also brings qualities of mind and character that are not often found in one person. Lee is that rare individual who combines a genuinely creative mind and unusually sound judgment."

A 1968 graduate of the University of Oregon, Bollinger received his law degree from Columbia University Law School in 1971. After earning a J.D. he served as a law clerk to Judge Wilfred Feinberg of the U.S. Court of Appeals for the Second Circuit and to Chief Justice Warren Burger of the U.S. Supreme Court. He began his academic career as an assistant professor of law at the U-M in 1973 and was promoted to associate professor in 1976 and to professor in 1979. He received a Rockefeller Foundation Fellowship in the Humanities in 1980.

At Michigan, Bollinger has taught courses in contracts, constitutional law, mass media, and corporations, as well as seminars on freedom of the press.

Among other professional activities, Bollinger served as an associate at Clare Hall, Cambridge University, and has lectured around the world on issues relating to regulation of the media.

Benno Schmidt, president of Yale University and one of Bollinger's professors at Columbia, remembers Bollinger as one of his "favorite students [who] has become a favorite teacher with his brilliant and original writing about First Amendment theory." Schmidt continues, "Of course, as his teacher, I take full credit for his intellectual development. But when I measure Lee's writings against my teaching I can't help recalling what Justice Holmes said to his diminutive colleague William R. Day (the 'good Day' Holmes used to call him) when Day's bulky son was admitted to the bar before the Court: 'A block off the old chip.' Bravo to Michigan for a superb choice. Dean Bollinger will enhance a great school and a great line of deans."

Bollinger is the author of The Tolerant Society: Freedom of Speech and Extremist Speech in America, (Oxford University Press, 1987). Vincent Blasi, professor of law at Columbia University who recently reviewed the book for the Columbia Law Review, observed, "Lee Bollinger is one of the foremost First Amendment scholars working today. The Tolerant Society is surely one of the three most important books written during the last 25 years on the subject of freedom of speech. The qualities he displays in his written work — thoughtfulness, boldness, attention to detail, a genuine desire to understand opposing viewpoints — will serve him well in his venture as dean."

Bollinger traces the inception of his interest in the First Amendment to growing up in a household in which his father was the publisher of a small town daily newspaper. "I've long been fascinated by the personality traits of the average American journalist," he said, "— the great desire to be independent, to be totally
unregulated, the desire to serve the public interest rather than the market interest.” Bollinger sees a close parallel between the ethic of the journalist and that of the legal profession. “It may be that I found law intellectually comfortable precisely because of that parallel,” he said.

Expressing his deep and long-abiding commitment to the Law School, Bollinger speaks of the school as a “very special institution.” He said, “It is unique in this country. Deeply committed to serious intellectual work, both in the classroom and in writing, enjoying each others’ company academically and socially, the faculty as a group is unmatched. The traditions of the school and university, and the magic of Ann Arbor as a community, all contribute to making this special life possible.”

Looking ahead to his term as dean, Bollinger describes an ambitious agenda: “maintaining the intellectual momentum of the last several years, improving the interest for students of our educational program — especially in the third year, and making it possible for everyone within the institution to perform at their best.”

Bollinger, a dedicated runner of well over a decade, may be the fastest dean in the country. He has competed at distances ranging from the quarter mile to the marathon. He and his wife, Jean Magnano Bollinger, an artist, have two children, Lee, 15, and Carey, 11.

“Finding” a new dean
How the search committee did its job

U-M provost James J. Duderstadt appointed a dean search committee in late October, 1986. The committee consisted of six law faculty members, Jerold Israel, John Reed, Donald Regan, Joseph Weiler, Christina Whitman, with Theodore J. St. Antoine as chair, and one student, Reginald Turner, president of the Law School Student Senate.

The tradition at the Michigan Law School is that a dean search committee does not operate independently, but serves mainly to ascertain the collective will of the faculty and to communicate to the central administration. The committee began by soliciting the views of faculty, students, alumni, and administrative staff concerning the qualities needed in a new dean. (As it turned out, the characteristic most frequently mentioned as essential in a dean was “respect for diversity”; it was listed by 75 percent of the faculty.)

The search committee also requested nominations of particular individuals, and announcements of the dean search appeared in a half dozen national professional journals.

In response to these efforts, the names of 80 persons were submitted to the whole faculty for its comments. After a series of votes, the final faculty preference poll was narrowed to five candidates. These finalists were then interviewed by executive officers and regents. On May 21 Provost Duderstadt announced that he would recommend the appointment of Lee Bollinger to the regents at their June meeting.