Parting Thoughts

an interview with Dean Lee Bollinger

After 21 years on the law school faculty and seven as dean, Lee Bollinger is leaving the University of Michigan July 1 to become provost at Dartmouth University. Here, he shares his thoughts on the state of the law school and his accomplishments here.

LQN: As you prepare to move on to a new institution, how would you describe the state of this one?
LB: It’s as strong as I’ve ever seen it. It’s difficult to talk about the strengths of the law school, because the facts and statistics you could provide really don’t go to the heart and soul of this institution. That to me is a sign of real strength.

LQN: What do you think are the biggest challenges and opportunities the law school faces?
LB: I think that you must build generations to succeed yours. I count among the greatest achievements of the school since I’ve been dean the formation of a new generation of scholars. That needs to be continued. That’s a very high priority.

I think we also need to look at the law school curriculum and ask very hard questions about whether it is sufficient for the kinds of lives our students are going to lead. I myself have serious reservations about the third year of law school in particular. I think if you put people who are 24-25 or older behind desks and simply call on them to answer questions, you are

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Lehman becomes dean

Jeffrey Sean Lehman will succeed Lee Bollinger as dean of the University of Michigan Law School.
The University’s Board of Regents approved Lehman’s appointment in May. He will begin his term as the school’s fourteenth dean on July 1.
Lehman currently is professor of law and public policy at the law school and at the University’s Institute of Public Policy Studies. A nationally-recognized expert on taxation and welfare law, he has been a member of the faculty since 1987. He has just completed a year away from Ann Arbor as a visiting professor at the Yale Law School and the University of Paris.
Lehman’s selection caps a national search for Bollinger’s successor. "Many outstanding candidates were identified and considered for this position," said Gilbert Whitaker, provost of the University. "I want to recognize publicly the careful, thoughtful efforts of the search advisory committee and to express my delight that Professor Lehman has accepted this position. I am confident that he will serve all of us as an excellent representative of the law school."
At 37, Lehman is the school’s youngest dean since its early days as a law department in 1859. He is believed to be the youngest dean at any American law school today. Professor Theodore St. Antoine, who headed the school’s advisory search committee, said, "Jeff Lehman will bring youthful vigor and imagination as well as mature judgment and compassion to the deanship. The law school is blessed by his selection."

"Jeff is a study in contrasts — wonderful contrasts," St. Antoine commented. "He has a steel-trap mind and a warm, human touch. He is a master of an arcane, business-oriented subject, federal taxation, and of a gritty subject, welfare law. He usually knows exactly where he’s going, but he doesn’t run over people to get there."

Lehman earned a bachelor’s degree in mathematics from Cornell University in 1977 and a law degree and a master’s degree in public policy from Michigan in 1981. An exceptional student, he practiced tax law for four years with the Washington, D.C. firm of Caplin and Drysdale, where he specialized primarily in leveraged lease negotiation. He also did some litigation and was the primary author of a brief before the Supreme Court.

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Jeffrey Lehman

Law Review duties, he asked permission to stop attending his IPPS classes and study independently. "He scored the highest on the final exams without even coming to class," Gramlich said.

After graduation, Lehman clerked for Chief Judge Frank M. Coffin of the United States Court of Appeals for the First Circuit and for Justice John Paul Stevens of the U.S. Supreme Court. He practiced tax law for four years with the Washington, D.C. firm of Caplin and Drysdale, where he specialized primarily in leveraged lease negotiation. He also did some litigation and was the primary author of a brief before the Supreme Court.

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Dean Bollinger enjoyed the food, funny memories faculty shared at his farewell dinner.
BRIEFS

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not respecting their maturity and you are not taking full advantage of their talents. I do think there are programs we could initiate to allow independent research and writing that would be very beneficial. I also think we have too few faculty for the size of the student body. We need smaller classes for better education. Unfortunately, under the practical constraints of the world, we have only so much money to hire faculty and support students.

LQN: How has the law school's international focus changed in your years as dean?
LB: We've developed several international initiatives. We've set up programs where our faculty have an opportunity to teach American law at foreign institutions. The first of these is a three-year-old program with Tokyo University. We have a point, a quarter of our faculty who had never been to Japan have taught briefly there, and that will continue. We now have set up a similar program with Cambridge University in England, and I'm trying to arrange this with a top institution in Mexico. We've also expanded the number of visitors from abroad. Last year we have between five and 10 distinguished visiting faculty from around the world. We've tried to expand the opportunities for our students to study abroad as well; for example, we have a program with University of Leiden in the Netherlands.

LQN: What about external changes that have shaped education here?
LB: We've heard reports from many people that the practice of law has changed dramatically in the last decade and that for many people it is less satisfying than it has been for previous generations. We are asked, as institutions preparing people for that world, to do something about it. Perhaps what we do best is to give students an ideal of what law and life are like, and might be.

It is dubious that law schools can really implement any kind of reform of legal practice. I do think we can prepare students for it, and we've tried to do that. I've set up a forum on changes in the practice of law and invited in distinguished alumni to talk very candidly with students about what the practice of law is like. We've offered some courses on legal practice today. However, as we have constructed law schools in the United States, we can never really prepare people completely for the practice of law. We have only a partial angle of vision on the practice. Perhaps what we do best is to give students an ideal of what law can be like. That grand ideal can then provide a constant reference point for evaluating just what law and life are like, and might be.

Tributes and mementos

When it came time to bid a public farewell to Dean Lee Bollinger and his family at a dinner in April, the faculty found it a formidable task. Here was a man so acutely self-aware that there was no way to lighten the bittersweet moments by 'roasting' him with gentle ribbing. Instead, his colleagues shared fond memories and visions of his strengths. But perhaps the best measure of the man and his deanship can be seen in the gifts he will take with him to Dartmouth and what he leaves behind.

In recognition of his fondness for the beautiful surroundings of the law school, the faculty presented him with a scale model of the Law Quadrangle. 'We've reduced the school to fit into the middle of your table. You can literally take the school with you,' Michigan can get no smaller nor any farther away than this,' said Professor Joseph Vining as he presented the model. 'Think of us, on a Lilliputian scale, inside it.'

The faculty also presented Bollinger a gift of essays, his favorite form of literature. The essays are three original issues of Samuel Johnson's periodical series 'The Rambler.' They were sold on the streets of London 250 years ago. They were selected to reflect themes personally appropriate for Bollinger: future projects, retirement, or the dangers of seclusion from the world, and curiosity, which is sometimes a productive desire to learn and sometimes a dangerous snare for the busy mind.

Finally, Terrence Elkes, J.D. '58, national chair of the Law School Campaign, presented the gift from alumni that will keep on giving to generations of students. 'We have, with warm affection, established the Bollinger Prize, an annual award,' he told the dean. 'Pledges now total $25,000, and Elkes encouraged alumni and faculty to help double or triple the fund. Bollinger himself will set the criteria for the prize that will embody his own commitment to building a great law school by seeking and supporting the best students.'

From Bollinger's perspective, he and his family leave Ann Arbor with those mementos and much more. His wife, Jean, acknowledged that they hold special memories of growing professionally while their son Lee and daughter Carey grew to adulthood. The dean added, 'The core of our lives has been lived here with you. This is where we created our family and our professional lives. The experience has been transformative. I now and always will think, look, and feel like a University of Michigan Law School person.'

To make a contribution to the Bollinger Prize fund, write to Development and Alumni Relations at 721 S. State, Ann Arbor, Mich. 48104-3071, or call (313) 998-7970.

LQN: What has been done for minorities at the law school?
LB: We've worked to make this a place where minorities will flourish. When I became dean, there were great tensions on campus. Minority students on campus and at the law school felt beleaguered. We did a lot to make this a more hospitable environment for them. We hired a private consultant to interview every minority student and many graduates to find out how they felt about their experiences here. Then we had many, many meetings to talk about the issues and focus on criticism of the classroom environment. As a faculty and institution took these criticisms very seriously and tried to change, many, many things, I'm proud to say that I think the institution is a better place for minorities today than it was. We had a follow-up study done last year; while there's still work to be done, I think you advantage.
and the reports show that minority students feel a great deal more comfortable than they did six years ago.

LQN: What other new programs have been created during your tenure?

LB: One I might mention involves the law school and the mass media. Through the Knight Foundation grant, two years ago we launched a journalist-in-residence program at the law school. Each journalist spends a year taking courses here and in other areas on campus. Over time, that will produce a number of people in the media who have been able to take a break from their career and give serious reflection to issues they write about. Of course, we benefit from the presence of a practicing journalist as well. In addition, we've expanded the public relations effort by hiring a new director of media relations.

LQN: Do you have any regrets or unfinished business?

LB: I am disappointed that we were not able to engage in major curriculum reform. We worked on it intensely through two major committees and we made some first-year changes, but we were unable to reach agreement on the third-year curriculum. We have made some other changes. A group of faculty has created the New Section, and now another group is designing a so-called Classical Section. We've increased the amount of teaching about ethics and professionalism. Still, more remains to be done, and I hope our efforts will provide a base for future reform.

Another project only partially completed was my campaign to recapture the Reading Room, which has been lost to undergraduates. The Reading Room is one of the finest buildings on campus, and it would be a great pity if it did not remain an integral part of the law school. I've tried to make sure it does by using it for concerts at the end of the fall semester and by holding a memorial service for Wade McCree there. A second idea is to convert the alcoves around the perimeter into faculty offices, so there would be 16 to 18 faculty in the reading room. The Smith addition to the library is a tremendous achievement; it's beautiful and serviceable, but one unfortunate result is a separation of students from faculty. I think all of these steps would restore vitality to the Reading Room.

I think that the role of the dean is to serve the people within the institution and to make their professional lives here as fulfilled as you can.

LQN: What are the changes you're looking forward to at Dartmouth?

LB: Focusing on an undergraduate college. Dartmouth has professional schools, but the heart of the institution is the college. I'm very interested in how knowledge is developed and communicated within that forum. A lot of my intellectual work draws on knowledge of other fields, and I look forward very much to deepening my understanding of those fields. I'm also now working on a book that tries to understand the structure of cultural institutions — universities, public broadcasting, museums, endowments for the arts, preservation. Intellectually as well as personally, it's natural for me to want to take a broader look at the university and at other fields.

LQN: You taught while you were a dean. Will you continue to teach at Dartmouth?

LB: I will be a tenured faculty member of the Department of Government. I'll continue to teach courses on free speech and law and culture for several reasons. First, it's very important to maintain a scholarly and teaching life. It's an excellent way of finding out what students are like and what's on their minds. Also, it's important to keep doing what the faculty do, because otherwise it's too easy to forget how difficult it is to write and teach well. Teaching also gives you a special opportunity to explain to students the greatness of their institution.

LQN: After seven years as the law school's leader, how do you view the role of the dean?

LB: I think that the role of the dean is to serve the people within the institution and to make their professional lives here as fulfilled as you can. It's an ambiguous role; a dean is a leader, yet a servant who lives by the good will of the faculty. At times there is great difficulty in deciphering what your authority is. It's constantly negotiable and worked out on a daily basis. I've tried my best to do whatever a dean can to create harmonious relationships among faculty and between faculty and students, so that everybody can do what it is they are here to do.

LQN: Over 20 years at the Law School, what are the fondest memories that stand out for you?

LB: That's very hard, because there are many, but some do stand out. When I became dean, Al Conard came to me and gave me his academic gown. It was a beautiful gown. He said he no longer felt he needed it and he wanted me to have it. To me, at the time and still today, it typifies an attitude within this institution that I prize beyond all else.

Anybody who makes it to this institution as a faculty member or a student has competed in the world very successfully. These are people with very high ambitions in the best sense. To maintain a relationship among them that is supportive and caring is something very special and worth recognizing. I felt this from the time I came here.
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Court on behalf of more than seventy Nobel Prize-winning scientists explaining how so-called "creation science" deviates from the conventional practices of science.

Significantly, Lehman did his work on the Nobelists' brief while practicing law part time. During his final two years in practice, he became his firm's first part-time attorney in order to be at home with his young children while his wife, Diane, a 1982 Michigan Law graduate, practiced at another law firm.

Since joining the faculty in 1987, Lehman has written broadly on tax policy, welfare, and urban issues. In 1990, he drew national attention when he published a 100-page critical analysis of the Michigan Education Trust, the state's prepaid tuition program. The article exposed structural problems that leave MET financially vulnerable. Recently, he co-authored the forthcoming book Corporate Income Taxation with Professor Douglas Kahn.

Lehman also was instrumental in creating a new law school program in legal assistance for urban communities. Through this program, students learn about community economic development law by providing supervised legal advice and assistance to Detroit community groups. Unlike other clinical programs, it emphasizes business law over litigation.

Dean Bollinger praised Lehman's selection: "The law school is extremely fortunate to have as its new dean a person of such extraordinary talents as Professor Lehman. It is unusual for someone of Professor Lehman's many academic achievements to also be so skillful at leading an institution. This is a great appointment."

THE CHALLENGE:
Nurturing intellectual omnivores

Jeff Lehman's interdisciplinary perspective and focus on the future are reflected in his vision for the law school.

He writes:

"At Michigan, we have three years to help a superbly talented group of students prepare for a legal practice that never stands still. What it means to be an attorney today is different from what it meant for me 10 years ago. Among other things, the profession is coming to grips with the globalization of capital and labor markets, the pressures of competition, the revolution in information technology, and the recognition that professionals with children need to maintain a sphere of family life.

Law schools must help their students acquire skills and knowledge that will not become obsolete the day after they graduate. That means helping them develop the habits of critical reflection, speculative generalization, and imaginative reorganization that have long been the stock in trade of a skilled attorney. And it means nurturing the values of honesty, dedication, tolerance, and public service that undergird an admirable professional life.

But it seems to me that in today's world, one other character trait is becoming central to first-class legal practice: a commitment to constant intellectual growth and renewal. The best lawyers today are intellectual omnivores, aggressively consuming whatever new forms of knowledge might help their clients. Technological innovation has spawned new modes of research, advocacy, and client counseling. At the same time, new developments in finance theory, in game theory — even in experimental psychology and literary criticism — are being exploited by attorneys who advise, advocate, and negotiate in the business world. The modern law student must learn to relish such developments and must become skilled at identifying how they can be brought to bear on practical problems of professional life.

The University of Michigan Law School is today home to a faculty of unsurpassed quality — one that blends professional distinction with an unparalleled breadth of connections to a world-class research university. Michigan's challenge for the next five years is to exemplify as an institution the very character trait we must wish to cultivate in our students: we must continue to renew ourselves. We must find new and ever more effective ways to prepare our students for professional life, and we must continue to nurture research that significantly enhances the development and understanding of our legal order. It is an exciting time to be at Michigan, and I am honored to have been selected to serve my law school in this new way."