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Storm Clouds and Silver Linings

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Embracing Change

Storm Clouds and Silver Linings *By Dean Barry B. Boyer*

This issue of The *UB Law Forum* features several articles highlighting the major advances we have made in implementing our New Curriculum in Law. As you will see from the following articles, we have made great progress in our mission of finding better ways to integrate theory and practice in legal education: upgrading our first-year research and writing program; changing our academic calendar so that we can provide more practice-oriented skills courses; adding five exceptional faculty members; and starting to develop upper-division concentrations in particular fields of practice. The decreasing state budget for higher education will make it difficult for us to sustain this momentum over the next few years; but we are committed to finishing the job we have started, and we are obtaining crucial support from our alumni, the University administration, and key legislators from Western New York.

The overwhelming challenge that we are facing now is the rapid and deep decline in state funding for higher education. A few statistics define the dilemma of the state university system. Ten years ago, SUNY received about 90 percent of its direct state appropriation in tax dollars; during the current fiscal year, however, the tax-supported portion of the state appropriation dropped to less than half. This means that all units of SUNY, including the Law School, are becoming much more dependent on non-tax sources of funding such as tuition, grants and contracts, and private giving in order to maintain a quality program. And the trend seems certain to continue over the next few years. In the next two years alone, New York has committed to cut taxes by some six billion dollars—and this is with a state budget that is already running substantial deficits.

To survive and prosper in this new fiscal climate, we have to perform a delicate juggling act in which we work hard to maintain public support for higher education, while at the same time adapting to the new, more privatized financial system. It's not an impossible task. Many of the excellent public universities in the United States receive a relatively small portion of their operating budgets from tax dollars, and they have managed to

maintain both excellence and access for low-income students. But most of these other public universities had the advantage of adapting to a mixed system of funding over a period of decades, while we will be required to do it in a few years. Let's look briefly at both sides of this juggling act.

First, and most important, all of us who are interested in higher education have to be more effective in making our voices heard in the political process. As public sector budgets shrink, elected and appointed officials hear increasingly vocal pleas and demands from all sides. We need to be effective advocates for the importance of affordable education as a means of providing access and diversity—not only in the legal profession, but in medicine, engineering, and the sciences and humanities as well. Students and faculty have the most direct interest in preventing dis-



proportionate cuts in the SUNY budget; but our alumni have a major stake in this struggle as well. The value of every alum's degree will be affected if the reputation of the school is diminished because of fiscal starvation. This issue of *The Forum* features an article describing the good work that our alumni have done in making the legislature aware of SUNY's contributions to the state and the region. Alumni advocacy will become even more important in the years ahead.

The second ball that we must juggle is that of obtaining local autonomy for the SUNY campuses. We still have a very centralized system of decision-making, in which tuitions and enrollments are set centrally, and funds are largely controlled in Albany. This system produces inefficiency and perhaps mediocrity. We saw some very frustrating examples at the Law School this fiscal year.

To provide better skills training for our students, we had planned to move toward smaller classes where students would have increased opportunities for hands-on learning while creating professional work products. The University administration had agreed to let us decrease our entering class from 260 to 210, which would also reduce the number of graduates to one which our employment market can absorb and would help the lawyer glut problem that concerns many of you. With inflexible enrollment targets set in Albany, however, the University was under great pressure to keep enrollments high. The result was another large first-year class, and a significant delay in implementing the New Curriculum. Fortunately, we have received approval from the University to move to the lower enrollment for the class entering next fall semester.

At the same time that our plans for a smaller school were postponed, our law students faced a tuition hike of \$1,100. This generated increased revenues totaling more than three-quarters of a million dollars. No portion of this money was available to support program improvements. The opposite was true. Our state budget was cut by almost five percent. It was extremely frustrating to see our plans for curriculum improvements deferred, while students are forced to pay more.

Despite the temporary setbacks, we have made great strides toward getting the resources we need to keep moving ahead with the New Curriculum. Over the past year and a half, we passed the following milestones:

- We recruited five outstanding new faculty members—Martha McCluskey, Michael Meurer, Terry Miller, Sue Mangold, and Jim Wooten. This brings our total new faculty hires over the past three years to eight. They bring to the Law School a wealth of positive qualities—energy, ideas, diverse experience, and a welcome difference in perspective.
- Since January, when the Economics Department moved out of O'Brian Hall, we have been able to call the build-

ing our own. (Well, not entirely, because the Moot Court Room is still used for undergraduate classes; but we're working on that). The additional space has made it possible for us to provide more adequate facilities for important administrative functions such as the Career Development Office and Alumni Affairs; to move some of our important student organizations into more functional offices; to obtain access to more middle-sized classrooms for hands-on instruction in the New Curriculum; and to avoid the litter and destruction that had become commonplace when we shared the building.

- The Research and Writing program has become a two semester intensive course taught by full-time specialized instructors. The improvement in the general level of student writing and advocacy skills is dramatic.
- Thanks to a special legislative appropriation secured by Law School alumnus and State Senator Dale Volker, we were able to upgrade our old, inadequate computer/communications systems. With the new computers in place, we are already beginning to experiment with new educational approaches such as computer casebooks.
- Our development program moved into high gear when Tom Farrell came to the Law School from the University of Rochester to head our major gift program. We have begun to see some of the fruits of his labors in the form of new opportunities for helping our alumni become involved in the life of the Law School, and an increase in large donations to the Law School.

These accomplishments demonstrate that our New Curriculum is capable of attracting strong support from the University administration, SUNY central, and the state legislature.

During the months and years ahead, our alumni are going to be crucial players in our effort to continually increase the momentum behind the New Curriculum. The officers of the Law Alumni Association have already assumed a leadership role by meeting with key legislators to ensure that those in control of the state budget realize our vital role in providing access to the profession, and service to the community and the state. Alumni are also providing the essential margin of flexible funding that we need to support innovation, both through increased contributions to the annual fund drive and through major endowment gifts.

Turbulent times like these make orderly planning and implementation difficult, and sometimes prevent us from moving ahead as quickly as we wish. But uncertainty also creates a climate in which people are willing to re-think accepted ways of doing things, and this can ultimately make it easier to achieve fundamental change. That's a very large silver lining, to help us see our way past the storm clouds. ■