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Dean's Q & A

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Editor's note: Barry B. Boyer, a faculty member since 1973 and a specialist in environmental law, has been named dean of the School of Law. The appointment, which was announced in August, 1992 by University at Buffalo President William R. Greiner, was made permanent in May on the recommendation of Provost Aaron N. Bloch.

"As one of his faculty colleagues in the Law School," Greiner said, "I can attest to the respect that the school's faculty, students and staff have for him. Both his admin-

DEAN'S Q&A

istrative experience within the school and his extensive record of service to the community and state make Barry well-suited for the deanship."

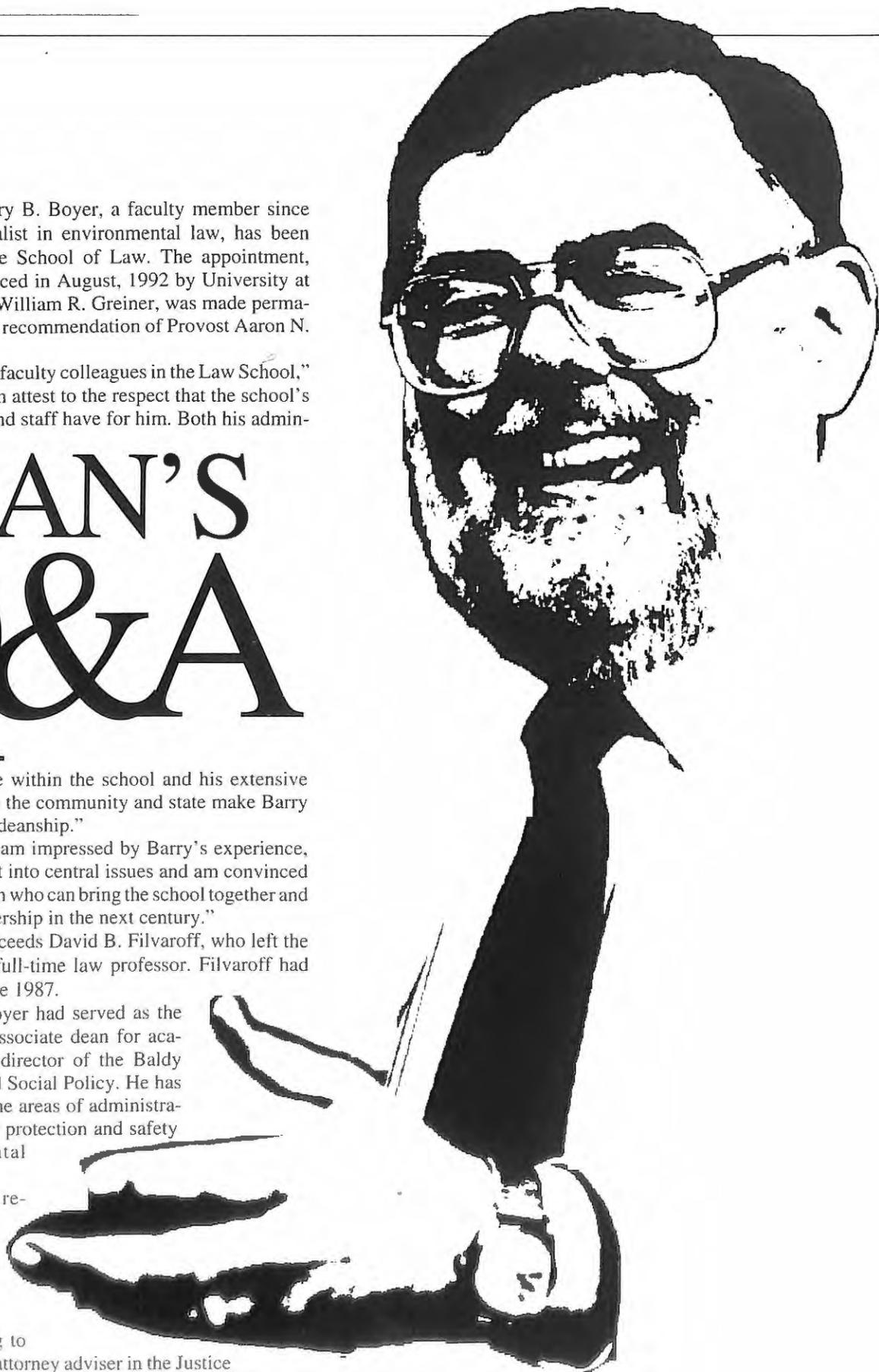
Bloch said, "I am impressed by Barry's experience, wisdom and insight into central issues and am convinced that he will be a dean who can bring the school together and position it for leadership in the next century."

Boyer, 48, succeeds David B. Filvaroff, who left the post to become a full-time law professor. Filvaroff had served as dean since 1987.

Previously, Boyer had served as the School of Law's associate dean for academic affairs and director of the Baldy Center for Law and Social Policy. He has taught courses in the areas of administrative law, consumer protection and safety and environmental regulation.

In 1991, he received the New York State Bar Association's Environmental Law Section Award.

Before coming to UB, Boyer was an attorney adviser in the Justice Department's Office of Legal Counsel, a staff attorney for the Administrative Conference of the United States, an attorney adviser to Commissioner Mary Gardiner Jones of



the Federal Trade Commission and a law clerk to Judge Edward A. Tamm of the U.S. Court of Appeals for the District of Columbia Circuit.

He serves as a member of the Erie County Environmental Management Council, a member of the New York State Department of Environmental Conservation Remedial Advisory Committee for the Buffalo River, a member of the DEC Advisory Committee to Develop a Remedial Action Plan for the Niagara River, and a member of the boards of directors of the Friends of the Buffalo River, the Erie County Environmental Education Institute and America's Clean Water Project.

Boyer, who lives in East Aurora, N.Y., earned his bachelor's degree from Duke University and his law degree from the University of Michigan.

LF: *Why did you decide to teach rather than practice?*

BOYER: I did practice for a while. There were many things I found rewarding in government service, and I might have made it a career if the politics had been different then. But that was a difficult time in Washington. My boss at the Justice Department lost his job at the beginning of the second Nixon administration, probably because he was not sufficiently helpful in trying to keep the Watergate investigation away from the White House. Fortunately, he quickly found another job and it didn't harm his career; but it certainly had a "chilling effect" on many of the lower-level people in the Department. So, Watergate converted my academic interest into an active job search.

LF: *What brought you to UB in '73?*

BOYER: The quality of the discussions when I interviewed here satnd out in my memory. Some of the interviews at other law schools were like a one-person class taught by Professor Kingsfield — the interviewee was tweaked and prodded by the Great Man to see how much grace the candidate could show under extreme pressure. Here, the interviews felt more like a good bull session — faculty were interested in getting ideas on the table and kicking them around, occasionally engaging each other rather than simply grilling the candidate. And it was clear that people here took scholarship very seriously — especially interdisciplinary scholarship. In those days, Marc Galanter, Bob Gordon, and others like them created a lively intellectual climate. The Law and Development faculty seminars that Marc Galanter conducted during my first few years at Buffalo provided a terrific opportunity for junior faculty to broaden their horizons.

LF: *In your view, how has the Law School changed and developed over the years?*

BOYER: Despite fairly constant turnover among faculty, we've managed to preserve much of the atmosphere that attracted me here. The school is serious without being stuffy, and remains involved in the intellectual activity of the rest of the university. Nevertheless, legal education and scholarship have changed significantly during the past two decades. "Law and-" used to be the primary alternative or supplement to doctrinal analysis, with the "and" usually being either economics or sociology. Today, there are many more discrete ways of thinking and writing about legal institutions. That is healthy, because a complex social phenomenon like law is difficult to capture adequately in any single approach. On the other hand, multiple philosophies produce some diffuseness and the risk of polarization. That's certainly not a unique problem at Buffalo, and we deal with it better than most law schools. But the increasing diversity in legal thought poses a question for us: if we want to be a distinctive law school, then how do we want to distinguish ourselves?

Another change is that the pressure on our students has grown since the seventies. More of them are feeling the cost squeeze in trying to finance their legal educations, and everybody is worried about how they'll fit into a shrinking job market after graduation. These pressures make it difficult for some of our students to remain focused on their school work, or to perform as productively as they would under better circumstances.

LF: *We think we're a great Law School that is underrated and underappreciated. How do we stack up in your judgment?*

BOYER: You forgot "underfunded." Certainly, if you look at some of the high-profile ratings like the one put out by *U.S. News and World Report*, we're underrated; and the fact that the rating of many schools moves dramatically from one year to the next, while the schools remain basically unchanged, indicates that these ratings aren't a very accurate, reliable measure of quality.

But how should we really be rated, compared to the competition? Here, I think, we can see good news and bad news. The quality of our faculty remains high, and we've managed to hold on to most of our senior faculty during the funding cutbacks. Our tuition is still much lower than other law schools in the region, especially in relation to the quality of the legal education we offer. Our efforts to provide access to the profession for minorities and students with special needs remain strong. We have excellent support services in the Career Development Office, Registrar's Office, Admissions, and the other administrative areas serving students and alumni. We also have very good support from our alumni, and I'm optimistic that it will get better.

At the same time, there are problems that need to be addressed. Our faculty salaries are becoming uncompetitive

with peer institutions, and this puts us at risk of losing some of our most valuable and productive people. Our library collections are losing ground relative to the competition. Student applications and "yield ratios" (those who actually come) are down somewhat, which may be a warning that applicants are wondering whether we'll be able to continue delivering the high quality education we have in the past. And O'Brian Hall has deteriorated to the point that it is beginning to interfere with our educational objectives.

LF: *What's wrong with O'Brian Hall?*

BOYER: For one thing, it's not really the Law School's building. We've had the Economics Department upstairs since we moved into O'Brian. That's not a problem for us, but in recent years, as the classroom shortage has become worse on the Amherst Campus, we've gradually lost control of classroom space. Now, more than half of the available classroom seats in O'Brian — including the Moot Court Room — have been taken for general University use. In addition to creating scheduling problems, this has resulted in more traffic, noise, and wear and tear on the facilities. The Law Library is heavily used by nonlaw students, to the extent that many of our students find it impossible to study there. Our location in the middle of the academic "spine" causes a lot of traffic, noise and litter in the building — especially on the second floor, where the area near the library entrance has become a University-wide flea market. O'Brian no longer communicates a sense of professional identity; instead, it undermines it.

Another serious problem is that our space needs have changed as the Law School has evolved, and O'Brian is not set up to accommodate these needs. For example, student lounges have been sacrificed to create two computer labs — something we didn't have to worry about in the early 1970s. As a result students have almost no place to relax or even have a conversation. And the classrooms that do remain under our control are increasingly inadequate for our academic program. For the past two years, as we've intensified our research and writing program, we've encountered a severe shortage of seminar rooms that accommodate 25 or

more students.

Unfortunately, we can't do anything to change the internal layout of the building. There are small amounts of asbestos within the ceilings and walls which are virtually impossible to remove without enormous expense and without vacating the building for a long period of time. Sooner or later — I hope sooner — we're going to have to begin

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planning and working for a new building.

IF: *Besides a new building, what aspirations do you have for the Law School's future?*

BOYER: Most of all, I would like to see us gain strength as an innovator in legal education. Many of the things that law schools have always done will remain valuable — careful analysis and cogent arguments haven't gone out of style, and there's still no computer program that can teach these skills — but we need to be creative in finding more effective ways to do our job well with limited resources.

Scholarship defines our reputation in the law school world and the profession, and supports the teaching mission; so we can't prosper as an institution without active, productive scholars on our faculty. I'd like to see us become even more widely known as a place where *interesting* scholarship takes place — not necessarily in any particular form or tradition, but always the kind of writing that engages and challenges the reader.

It's also an important part of our mission as New York's only state law school to maximize access to the profession for those who have traditionally been excluded, and to encourage and support the public service and public interest ideals of the profession. This isn't the only mission we have, and there's nothing wrong with pursuing a career in private practice; but support for access and public service has always been and will remain a significant part of our identity.

LF: *What role do you see the alumni playing in the Law School?*

BOYER: Alumni don't just play a "role" in the Law School, they play many — and all of those roles are crucial to our success. Their role begins in the classroom, because many of our courses are taught by our alumni, either as full-time faculty or as adjuncts. Without that alumni support, we literally couldn't meet our teaching commitments. In the profession, alumni provide employment and mentoring for our students, they work with some of our full-time faculty as colleagues on matters of mutual interest, and they build our reputation by the quality of work they do. A very high proportion of our alumni provide direct financial support to the Law School through our annual fund drive and special gifts. Without this extra support, the past two years would have been disastrous. And increasingly we will need to call on our alumni for assistance politically as the Law School and the University become more actively involved in the appropriations process in Albany. We are also calling on alumni for advice. The article on "The Next Generation" starts by indicating that "comments and analysis are invited" and has a box asking for their opinion.

When you've been at the law school as long as I have, you get a real sense of what the phrase "legal community" means. The University at Buffalo School of Law is a place that has powerfully touched the lives of many of us who have passed through it. All of us have a stake, and a responsibility, in making it a better place for the next generations of law students, faculty, and alumni. ■

Barry Boyer at bat.



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Summer
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