

4-1-1998

Deanspeak: Stepping Up and Stepping Down

Barry B. Boyer

University at Buffalo School of Law, boyer@buffalo.edu

Follow this and additional works at: https://digitalcommons.law.buffalo.edu/ub_law_forum

Recommended Citation

Boyer, Barry B. (1998) "Deanspeak: Stepping Up and Stepping Down," *UB Law Forum*: Vol. 11 : No. 1 , Article 8.

Available at: https://digitalcommons.law.buffalo.edu/ub_law_forum/vol11/iss1/8

This Article is brought to you for free and open access by the Alumni Publications at Digital Commons @ University at Buffalo School of Law. It has been accepted for inclusion in UB Law Forum by an authorized editor of Digital Commons @ University at Buffalo School of Law. For more information, please contact lawscholar@buffalo.edu.

Deanspeak

UB LAW
FORUMSpring
1998

“There are a number of major flaws in the U.S. News ranking system, and a large majority of the country’s law school deans recently signed a statement denouncing the whole ranking enterprise as silly and misleading.”

Stepping up and stepping down

BY BARRY B. BOYER

Is UB Law School a weaker institution than the Utah, Arizona, Arizona State, Maryland and Hawaii law schools? If you asked most of the people who know us well, you’d probably get a quizzical look or a sarcastic remark in response to that question. Yet the *U.S. News and World Report* rankings say we are: Those other law schools were listed among the Top 50 this year or last, while UB remained among the so-called “second-tier” law schools.

Should all of this be taken seriously? There are a number of major flaws in the *U.S. News* ranking system, and a large majority of the country’s law school deans recently signed a statement denouncing the whole ranking enterprise as silly and misleading. It would be tempting to dismiss the “Clueless News” rankings as just another marketing ploy to sell magazines — but it would also be a mistake.

Flawed as they are, the rankings do have a real-world impact. Students’ decisions about what law school they will attend, and employers’ decisions about which law schools to hire from, are affected by the rankings — not universally, but enough to make a significant difference at the margin. Even senior partners in prestigious law firms can feel the effects of *U.S. News* rankings: a few years ago when UB Law temporarily dropped into the “fourth tier,” I began to hear reports about clients who had protested billings from our alumni on the ground that “a lawyer who went to such a poor law school shouldn’t charge so much.” That may be an extreme case, but it demonstrates how even these spurious rankings affect the way people see us.

The rankings also have a positive side, however, and that is in helping us to focus on who we are, where we’re going, and how we can communicate with different audiences that are important to the Law School. Our alumni have been full partners in this effort, and they have pushed us to think about some very basic questions that have been brushed aside in the press of daily work: Why aren’t we ranked among the very best law schools? What do they have, or do, that we don’t? And what does it take to step up into the “Top 50” — whether ranked by *U.S. News* or by more knowledgeable observers?

As we have wrestled with these questions over the past few years, several things have become clear. First, the restructuring of our cur-



UB LAW
FORUM
Spring
1998

The New Curriculum

*“The foundations
have been laid for
making a rapid
and successful
transition from
being a publicly
supported law
school to a publicly
assisted law school
—one that looks
to a diversity of
revenue sources
to support its
activities.”*

riculum has put us in an excellent position to compete with the best law schools. Other law schools are doing some of the things we are, but the complete package we have adopted is unique, and highly regarded by students, alumni, faculty and accrediting bodies.

We also have built a strong, diverse faculty who have achieved eminence at all levels, from local to national. Ken Joyce’s recognition as SUNY Distinguished Teaching Professor, David Engel’s election as president of the Law and Society Association, and Chuck Ewing’s many books and public appearances on family violence are only a few examples of recent accomplishments. The faculty as a whole is remarkably productive in quantity and quality of scholarship and service. A recent law journal articles that counted citations in prestigious journals ranked us among the top 35 law schools in the country. The younger faculty we have recruited in recent years are also well on the way to achieving national prominence. If you have any doubts, take a look at the criminal law journal that Markus Dubber edits, or the Web site that Teri Miller created to teach the Prisoner Law course, or the tax policy symposia that Nancy Staudt has organized and edited. Again, these are only a few examples out of many that could be cited.

And finally, many of our faculty are playing important leadership roles in the University. UB President Bill Greiner and Provost Tom Headrick top the list, but it has recently grown to include Alan Carrel (serving as temporary “chief of staff” to President Greiner), Isabel Marcus (head of the new interdisciplinary Institute for Research and Learning on Women and Gender, and chair of the Women’s Studies Department), Errol Meidinger (directing the new interdisciplinary Environment and Society Institute), John Sheffer (head of the Institute for Local Governance and Regional Growth) and David Engel (director of the Baldy Center for Law and Social Policy). That is a rather remarkable record of University service, from a faculty totaling fewer than 50 full-time members.

If we have high-quality program and faculty, why haven’t we broken into the “Top 50”? An inadequate resource base is a big part of the problem. Among public law schools in the Top 50, Berkeley, Michigan and Virginia all have endowments over \$100 million—more than 12 times what we have. True, there a number of public law schools in the Top 50 that don’t have hundred-million-dollar endowments. UCLA, for example, has \$21 million in its endowment fund, and Wisconsin’s totals \$18 million. But even those figures are more than twice the level of UB Law’s \$9 million endowment. Similarly, many of the public law schools in the Top 50 have 20 or 30 endowed chairs they can use to attract and retain the best faculty, and Virginia

has 43. We have none.

This endowment shortfall translates into lesser operating resources. While public law schools in the Top 50 are spending an average of about \$20,000 per student per year, we're spending approximately \$6,000 less on each student (1995-96 figures). That includes \$2,000 less per student in library resources, and \$1,000 less per student in financial aid. The gap between our resources and the private law schools' is even greater. Up to a point, it may be possible to "do more with less," but after that you're just doing less with less.

How can we close this resource gap? Part of the answer lies in getting more control over our tuition, and the Board of Trustees appears to be ready to give SUNY campuses more responsibility for managing their own tuition revenues. However, we have to keep a careful restraint on tuition hikes in order to fulfill our traditional mission of keeping the door to the profession open for students who don't come from wealthy families. Another strategy we are pursuing is developing more fee-for-service activities to support our educational mission, as some of our clinics have done. We are also working more closely with the legislature and political leadership to identify situations in which our educational program fits into state needs and priorities — and therefore may be eligible for special appropriations. The Law Alumni Association has taken a key leadership role in implementing this strategy. And, most importantly, private contributions from our alumni can give us the margin we need to compete effectively with the best law schools in the country.

Thus, the foundations have been laid for making a rapid and successful transition from being a public-supported law school to a public-assisted law school — one that looks to a diversity of revenue sources to support its activities, but which nevertheless retains a strong commitment to public access and public interest law.

As we make this institutional transition, I will also be passing a personal milestone: This summer I will be stepping down as Dean, to return to full-time teaching at the Law School. Many factors go into a decision like this, but the principal one is that my family — especially my parents — needs more of my time over the next few years.

Fortunately, strong institutions like UB Law School can keep moving ahead without losing momentum during a change in leadership, because our success is built upon the involvement and support — the partnership — of many people. This is, finally, the most important thing I've learned during my six years as Dean: that achieving and maintaining excellence requires the engagement, loyalty, creativity and commitment of so many talented individuals. I want to extend my warmest thanks to all of you for supporting our law school, for helping to make UB Law the terrific, exciting place it is today, and for giving me some very happy memories of these years. ●



UB LAW

FORUM

Spring
1998