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A Tribute to Thomas Headrick

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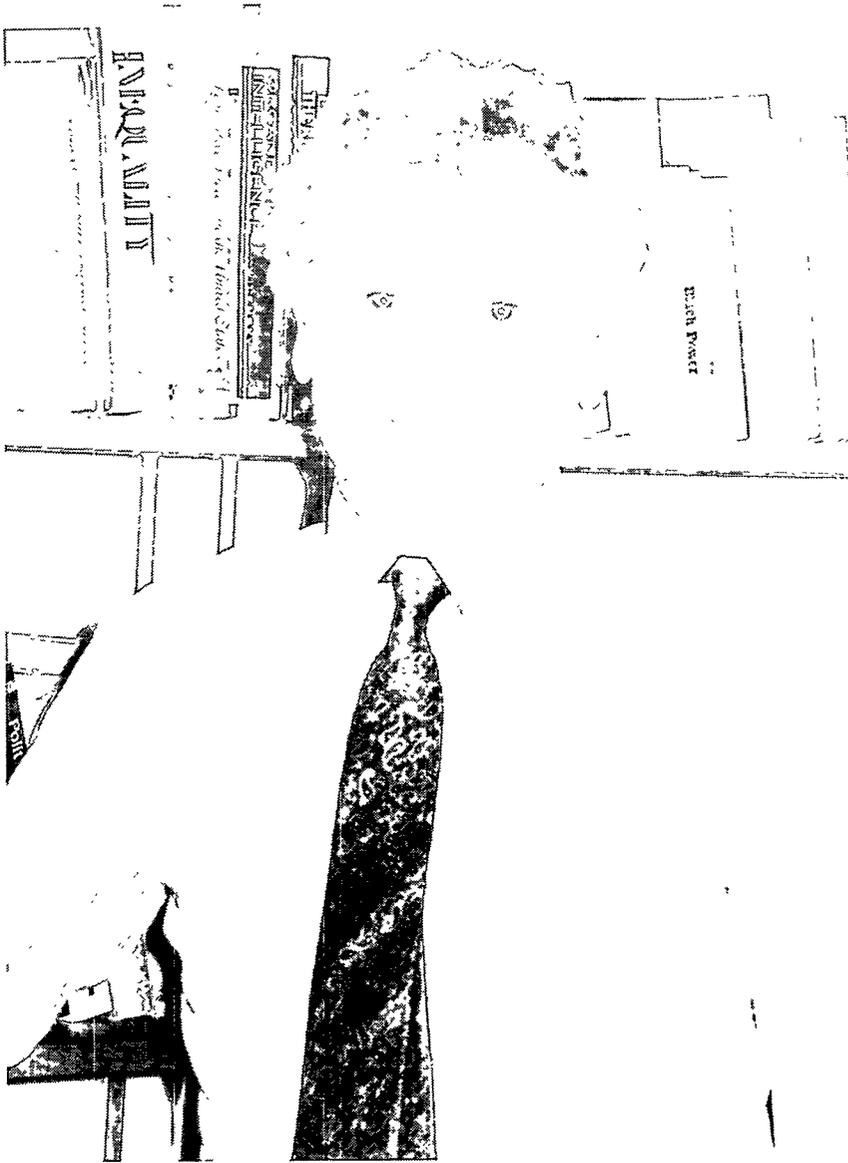
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THOMAS E. HEADRICK
Dean
State University of New York at Buffalo
Faculty of Law and Jurisprudence
1976-1985

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A Tribute to Thomas Headrick

WHEN Thomas E. Headrick first arrived in Buffalo, he represented everything the Law School aspired to be. He was a young, respected administrator, an academician cognizant of the practical, and a theoretician keenly aware that law consisted not solely of black letter rules and obscure Latin phrases. As the school's new dean, Thomas Headrick symbolized Buffalo's commitment to expand legal education beyond the artificial wall constructed around it over the past century. After the nine years of his deanship, the faith the university placed in Dean Headrick's promise did not go unrewarded. Capitalizing on a background ranging from the ancient intricacies of medieval property law to the modern techniques of sociology, Dean Headrick molded what was a respectable regional law school into a nationally recognized leader of innovative (and successful) legal teaching and learning.

Dean Headrick's announcement in August 1985 that he was stepping down to assume a full-time professorial position in the law school was met, understandably, with mixed emotions both from the faculty he guided and from the students who gained from his creative and personal tenure as the law school's top administrator. While Professor Headrick's leadership and innovative skills as dean will be sorely missed, both the faculty and the student body look forward to the fulfillment of a different kind of promise from Thomas Headrick as a full-time educator.

—THE EDITORS

I.

In writing a brief tribute to Dean Thomas Headrick, I was required, of course, to consider his job as well as the man.

Philosopher-writer-teacher Santyana, basking in reminis-

cences of the universities of yore, wrote that "the function of dons is to expound a few classic documents, and to hand down as large and pleasant a store as possible of academic maxims and anecdotes." Theoretically, I suppose, the job of a "dean" is something like that of a "don," but Santyana's romantic definition bears little resemblance to the dean's job at the modern, purposeful, busy twentieth-century college of law at the State University of New York at Buffalo. So I must balance Dean Headrick himself against his job's essentials.

What does a modern law dean have to be and do? First of all, I think, he must be an accepted legal scholar. But he must also be a practical man of his time and trade, a prompt solver of his school's every day problems, finding solutions but not demanding perfection. Listening and caring, he must be sensitive to the easily bruised feelings of presidents, faculty, students and alumni.

He must know how and when to delegate to the people he chooses—and then to trust those people, respect them and maintain their freedoms. Trusting and frank with others, he must earn their confidence so as to form a group that gets the job done. He must be a man of judgment, thoughtful with answers and conclusions, always willing to listen. He must be modest and without pretense.

All this sounds like a unfillable prescription, but those who have worked with Tom Headrick know that he earned high marks in all these categories. He was an excellent dean, and so those who came to know him thank him and wish him well.

—CHARLES S. DESMOND

II.

I suppose that Tom knows that several years ago a few of us took to calling him "the Boy Dean." Though he was older when taking the job than was Robert M. Hutchins, the *real* boy dean from Yale, the name was meant less as a reflection of Tom's age than as a matter of attitude. There is something wonderfully, disarmingly boyish to Tom. That something is at the root of his success as dean. Boys play at roles—very seriously, but still play. And so, too, Tom. When the time came to act like a dean he could and would do so to great effect. But in the middle of one of the best of his acts, one could see a smile, the smile of another boy named Tom painting a fence, proud of his job and yet not wholly serious

about it.

Such was the key to Tom's style. After many a tough meeting we laughed together in his office at the foibles of students, faculty or administration, for he often said, "If you can't look back and find something funny in it, the job will kill you." And he meant it. I know. Soon after I had become associate dean, he made sure that I read *Microsmographica Academia* and thus understood truly absurd aspects of academic politics. Similarly, he occasionally gave me crossed-eyed looks for taking someone or something just a bit too seriously. He knew well that in administration you must take the problems of the day seriously, but not all *that* seriously; you can't care so much about the job that you wouldn't just as soon leave and try something else if the work is no longer fun or you're no longer wanted. Paint the fence, but remember, it's only a fence, not the Sistine Chapel.

That boyish leadership was exactly what Buffalo needed when Tom came here. We had spent many (too many) years worrying about each turn of the academic worm. Slowly he changed all that. From the first, he practiced a special kind of openness: the willingness, indeed eagerness, of a boy to confront quite directly the new and different in the world. That openness was infectious and led to our growth as a diverse faculty committed to the norms of forthrightness in our dealings with each other and of willingness to push legal education in quite interesting, if not always known, directions. Only later did we also see the playfulness of Tom; the ability of a boy simply to enjoy the doing of serious, important things because they are fun to do. That wonderful trait to him we have learned less well, though not for lack of example. Most obvious is the joy with which he could do battle with the university's bureaucracies, not to mention the law school's, in the name of such disparate items as better salaries for junior faculty, a sensible tenure standard, and the general education of undergraduates. But equally noteworthy is his teaching, where Tom has quite seriously undertaken three major course revision projects simply because he suspected that the new course would be more instructive and more fun for students to learn from. Paint the fence because it's hard and fun.

Taking his own advice, Tom has decided to hand over the paint brush to someone else, though he has left for others the job of convincing someone else to pick up the job. The work was be-

coming more of a chore, less of an act. We all, faculty, students and alumni, are poorer for that choice, but no one has been heard to complain. Oh, many sighs of sadness and a few grumbles, yes, but no complaints, for all recognize that nine years is a long time to be dean of any law school. Tom's work in that job was nothing less than outstanding, for good academic administrators need to be adults who have not lost the capacity to be children. Tom had just the right measure of adult objectives and boyish ways, and we have been lucky to have him as our dean. That statement, like much the rest of what I have said a bit too directly, I suppose, will be embarrassing to him. But that capacity for embarrassment when the act is discovered and called attention to is also a part of the boyish charm of Tom Headrick. Paint the fence, but not for the audience, for the fun.

—JOHN HENRY SCHLEGEL

III.

I have written these recollections from the perspective of an alumnus in the Law Alumni Association.

In the summer of 1975, the Board of Directors was told that Dean Richard D. Schwartz was resigning. The university appointed a search committee, on which served M. Robert Koren (president of the Law Alumni Association in 1969) and alumnus the Honorable John T. Curtin.

By the Spring of 1976, President Ketter had made his choice, and Law Alumni President Robert P. Fine declared at the next meeting of the board of directors that the association "should lead the way" in introducing the new dean to the local bench and bar. He appointed director Robert B. Conklin to head the welcoming committee. Conklin was assisted on his committee by directors George M. Gibson, Elaine E. Salvo and John H. Stenger.

The Conklin Committee's first act was to recommend that the Erie County Bar Association be invited to participate in the event, an invitation that was cordially accepted. Plans went forward under co-sponsorship for a luncheon to be held on Friday, December 10, 1976 at the Statler Hilton Hotel.

The luncheon was well attended. After a brief introduction by Fine, the new dean, Thomas E. Headrick, got up and spoke. Afterwards, President Fine termed it a "tremendous success," and the board passed a resolution complimenting Conklin and his

committee.

From the day of the luncheon, following Tom's remarks, a love affair blossomed (I am a romantic) between the board and the dean's office that lasted for nine long, happy years.

The next monthly meeting of the board of directors was on December 16, 1976, also at the Statler Hilton. The new dean made a point to be there. The minutes note "he reported on activities at the school."

Thumbing through the pages, Tom's presence at the monthly meetings of the directors, and the annual meetings of the membership, over the next nine years earn him a gold star for attendance. The board began to look forward to his reports "on activities at the law school," to his suggestions, and (most importantly in my opinion), his cheerful, friendly and positive presence.

A lot was accomplished in those next nine years.

The first problem he shared with the board was the exodus of eleven faculty members. Willing to admit that it might be due to "the new broom," Tom also pointed out that faculty salaries at the school were below the national average. Working with the faculty appointments committee chaired by former dean Jacob D. Hyman and with the university administration, he succeeded in recruiting new faculty members and in correcting the salary disparity.

The Honorable William J. Regan succeeded Fine as president. In addition to the usual schedule of alumni sponsored events (career day, annual dinner, NYC luncheon, etc.) and financial support (law review, moot court board, trial technique program, library, etc.), Judge Regan pushed the importance of student job-placement. One of his directors, Alan S. Carrel, on the recommendation of the judge and the concurrence of the dean, was offered the post vacated by Assistant Dean Jay Carlisle. Under Carrel, placement prospered. Carrel also took over the phonathon, and the annual fund, and contributions mushroomed from \$7,200 in 1977 to over \$100,000 in 1984.

One problem that keeps coming back to the board like a bad penny was the student grading system. Most alumni were raised on either a numerical or alphabetical system, and it's not easy to teach new tricks to old dogs. Because each new board invariably includes one or two local attorneys who are active in the hiring practices of their firm, the problem keeps resurfacing. At our

monthly meetings, Tom becomes the whipping boy for their confusion with the "H's" and "Q's" and "D's". Tom smiles and, by way of explanation rather than defense, defuses their frustration. Secretly, I suspect Tom would prefer some other system.

With Tom's blessing, a new program was inaugurated under Judge Regan. Thomas F. McGowan, a director, suggested that a way should be devised for students to pair up with practicing lawyers, for the learning benefit as well as for career direction. Carrel took up on it, and thus was born the "one-on-one" program.

Tom always encouraged closer ties between the alumni and the faculty. At Tom's suggestion, one of the first acts of Everett M. Barlow (who succeeded Judge Reagan as president) was to sponsor a resolution to honor the memory of Professor Adolph Homburger, recently deceased. This was accomplished through the Homburger Alumni Scholarship awarded each year to a senior student.

Anthony Renaldo assumed the presidency after Barlow. Renaldo for many years co-ordinated the alumni luncheons held each January in New York City in conjunction with the state bar meeting. During his year as president, Renaldo stressed the importance of an alumni magazine. Planted by Renaldo, this seed grew slowly but surely year by year until 1984, when it was declared to be a matter of first priority by Courtland R. LaVellee, who headed the Alumni Participation Committee. Thus, after a long period of gestation and many birth pains there finally was born the *Forum* in September, 1985.

James B. Denman succeeded Renaldo. As I recall, a special synergy marked his relationship with the dean. Denman possessed the talent of doing the ordinary with a little extra flair. Previous to becoming president, Denman had been chairman of the first "alumni day" which was held at the school on May 21, 1976, and grew so popular that it became an annual event now known as the "convocation."

During Denman's presidency a spirited appeal was made by Tom to the board "to head off at the pass" an attempt by the City University of New York to start up a new law school in Queens County supported by state funds. Some law deans downstate shared Tom's view: that the demand didn't exist and the existing schools were more than adequate to satisfy what demand there was. Also, since the new school would be supported by public

funds, our school might have a competitor at budget time. The board quickly climbed on the bandwagon, and lines of communication were opened with alumni across the state who were active in politics. Alas, as is usually the case, downstate New York wielded more political clout, and the cause was lost. C.U.N.Y. Law School is now up and running.

The board was never a rubber stamp for the dean's office, or vice-versa. In the early part of 1980, Professor David R. Kochery died. He had taught New York Civil Practice. Tom announced at the board meeting of April 17, 1980 that "New York Civil Practice would have to be integrated with other procedure courses having a wider scope." Translated, it meant New York Practice was out! The reaction from the board was thunderous. Dean Carlos Alden must have rolled over in his grave. Some directors felt we would become the laughing stock of the legal community if the school, supported by the taxpayers of New York, did not teach New York Civil Practice. The board set their teeth, and wouldn't let go. By the time fall came around, Tom announced he was putting together a syllabus for teaching New York Practice to senior students using local members of the trial bar, much like the successful trial technique program.

This confrontation (for that's what it was) is an example of the differences of viewpoint which surface from time to time between faculty and alumni. Alumni are composed of practicing attorneys and sitting judges who are daily exposed to the grinding wheel of law, so they favor an education that is down to earth and practical. Faculty, whether from boredom from teaching the same matter over and over again, or because by nature or training they are more philosophical, are sometimes accused of devoting too much classroom time to the ethereal. Tom serves as the cushion between the two.

Succeeding Denman as president was Leslie G. Foschio, who was doubly honored the same year by an appointment from the Governor as Commissioner of Motor Vehicles. Appropriately, the theme that year for the fall convocation was "D.W.I.-The Law is Changing." The dean, renowned for his wine cellar, suggested we omit the customary libation served at the convocation luncheon, out of respect for the occasion. I recall the speeches that year after lunch lacked the customary zing.

The monthly luncheon meetings of the board invariably find

two or three guests present. Representatives from the law review, moot court board, student bar association, etc. are regulars. From time to time, we are honored by distinguished guests, as was the case when retiring President Robert L. Ketter broke bread with us on February 25, 1982. Chairman Foschio presented him with an engraved plaque and a book on the history of Buffalo, and Dean Headrick thanked him for his steady support of the law school.

One of the most valuable assets of the alumni association is the cadre of past presidents who regularly attend meetings of the board. They receive copies of the monthly minutes and notices of the meetings. Many serve on special committees; for example, the 100th Anniversary Committee, which is planning the school's centennial in 1987. Two or three past presidents attend every monthly meeting, and around the holidays it is not unusual to find six or seven present. A special rapport exists between the dean's office and the past presidents, who are regarded by all as "elder statesmen."

With all those guests, one of the first acts of incoming president Andrew C. Hilton, Jr. (who followed Foschio) was to raise the price of the luncheon, which had begun to show a deficit. The officers and directors and past presidents pick up the tab for the guests which is figured into the price of their individual tickets. At the same meeting, in his monthly report, the Dean declared "the school is struggling with budget problems." The crunch was biting everyone. Hilton encouraged membership and, after beating the bushes, he increased paid membership to 668 alumni—a new record.

Hilton, an avid golfer, discovered he and the dean had a common denominator. In the months of his presidency the cooperation between the president's office and the dean's office soared to new heights, their differences being ironed out beforehand or afterwards on the greens of Crag Burn.

The dean, in case you don't know, is a better than average athlete. He plays and enjoys tennis, particularly doubles when he can hog the net; downhill and cross country skiing are a cup of tea; baseball, active and passive, is an addiction; and in between times he jogs, having completed (in a very respectable time for a pudger) two Skylon marathons and, every fall, the J.Y. Cameron Turkey Trot.

That spring, at the annual meeting, Hilton recounted the highlights of his stewardship as president, and when he was finished handed the podium over to the dean. Tom was also in a reminiscent mood, for the very next week he was leaving for England on a six month sabbatical. Tom noted: "I have been on the job for seven years," which was twice as long as the average, and he conceded the reason might be "I have not been good enough to attract a better offer." Nostalgic, he recalled that it was in the same building (Statler Hilton), just down the hall, "that I had my interview with the Law Alumni Association. M. Robert Koren was present, as well as the Honorable M. Delores Denman. Faced with budget cuts that were decimating the library, Judge Denman wanted to know why subscriptions were being canceled right and left, but not for the Ceylon Law Journal." Perplexed, Tom had sensed the obvious, and in a flash of light, conceived the first rule of deaning: "freely admit other people's mistakes." Hired, he made it a commandment to involve himself with the alumni, and the effort proved to be its own reward, "for there were times when faculty concerns got me down, students found complaining easier than studying, and the budget and the state bureaucracy were grinding me to dust, and through it all I have been sustained by a growing group of devoted alumni." Kinder and truer words were never spoken.

Paul C. Weaver, the incoming president, would be the first to experience the vacuum created by Tom's absence on sabbatical. No sooner was Weaver handed the helm than the waters around him were roiled with torpedoes. No better way to express it is as crystal as the first resolution passed at the first meeting over which he presided:

RESOLVED, without being consulted beforehand and without the opportunity to participate in determining its desirability, the Law Alumni Association is opposed in principle to the UB Foundation hiring professional fundraisers to solicit contributions from Law School Alumni.

The Phonathon, which is put on each year by the school and the alumni association, under the leadership of Associate Dean Alan S. Carrel, operates with the help of students and alumni volunteers. It accounts for a large percentage of the contributions to the law school. All monies received are turned over to the UB Foundation, which retains ten percent for administrative overhead. The net is released to the law school as needed for its many

elective programs. The plan of the foundation insofar as it applied to the law school and its alumni presented problems, such as the negative reaction from donating law alumni when they learned that part of their contribution was going to the pros; and the inability of the law school to plan ahead not knowing what would be left over after their fees and expenses were deducted. Regarding the latter, the foundation was unable to give us any assurances.

Since the law school and law alumni did their own soliciting, some directors suggested we secede from the foundation. Others, in order to save the union, suggested that we negotiate and work out a compromise. Weaver met with John M. Carter, Jr., head of the foundation. Negotiations went back and forth for several months. Aided by Assistant Dean Carrel, and with the intervention of President Sample, an agreement was reached whereby law alumni who had contributed in the past or were likely to contribute in the future remained the property of the phonathon, and the balance were turned over to the professionals. Thus was a confrontation avoided, and calm restored.

The balance of Weaver's term went smoothly, and at the annual meeting in May the dean noted that while he had been absent for the first part of the year on sabbatical, he was "happy to report that everything functioned normally in his absence." I took that to mean "daily crises are a routine part of the job." He concluded by saying "the alumni of this school are an incredible asset."

Rose H. Sconiers, who succeeded Weaver, had the distinction of being the second female president and the first black. Serving as treasurer previously, Rose inaugurated the practice of submitting monthly treasury reports in writing, a copy for each director. This same efficiency earmarked her presidency. She even arranged for incoming directors to receive a copy of the bylaws. These were furnished after I had an emergency consultation with the author, Albert R. Mugel, who gave the "OK," provided they were printed on paper that self-destructs. Thus, to this date there are not bylaws in the hands of third parties, which (I quote from Mugel) "explains the success of the organization."

At the directors meeting on September 20, 1984, the dean announced he would leave the position at the end of the academic year, in August, 1985. You could have knocked us over with a feather.

Life is circular. A search committee was again formed. Paul C. Weaver was appointed as a member, representing the Law Alumni Association. Maryann S. Freedman, former president of the Erie County Bar Association, president-elect of the New York State Bar Association, and currently a director of the Law Alumni Association, was also appointed.

On the surface, it was business as usual. The dean continued to attend our monthly meetings, and to give his "report on activities at the school." The dean and Mrs. Sconiers attended the dedication of the M. Robert Koren Audio-Visual Center which was opened at the law school on October 5, 1984. In November, Tom worked in shirt sleeves alongside students and alumni on the phonathon. In November, Mrs. Sconiers, with the dean, hosted a wine and cheese party for the faculty, alumni and students at the Center for Tomorrow. In December, interviews began for the hiring of the first executive director, and the dean participated with both oars. In January of 1985, Tom and several of the officers were hosts to alumni at an association cocktail party in New York City. On February 5, 1985, the convocation was held at the school on the subject of "products liability," and the dean attended and spoke. In March, Tom and the Board joined together in support of the proposition to make SUNY a public benefit corporation. The annual dinner took place on May 3, 1985, at the Hyatt Regency, and Tom gave his report—his final report. On June 1st, the new executive director began her work. Tom continued to come to the board meetings during the summer, when Leslie M. Greenbaum moved up as president. "Business as usual," . . . but it hasn't been the same.

All of the officers and directors and alumni feel a certain sadness and regret, each in his own personal way.

Then August 31, 1985, arrived, and it was finished. Tom stepped down.

I asked myself, "Why was Tom such a fine dean?" Knowing the answer, and putting it into words, are two different things.

Like any exceptional leader, first and foremost, he set a good example. But it's more than just being a moral and ethical person, which he thoroughly is. With everyone he dealt, Tom would listen, try to understand, and treat them fairly. Finally, as long as the job got done, Tom didn't care who got the credit.

That makes all the difference.
We will miss him.

—ROBERT SCHAUS

IV.

We all hope to have good friends with whom to share joys and sorrows, and to have good colleagues who enrich our professional experience and expand our intellectual horizons. It is a special blessing when we find in one person both a good friend and a good colleague. I have been so blessed, since it has been my good fortune to have Tom Headrick as a friend and colleague for over twenty-five years.

We met in 1958, when we were both students in law school. Tom had just returned to New Haven from the first of his Oxford sojourns, and I was on a one-year leave from law study "doing economics," as Tom's British friends would say. We found then a common fascination with the study of law, and common frustration with the narrowness of professional perspectives which sometimes afflict law teachers and law students. This duality of feeling with regard to law and legal institutions has been a characteristic of Tom's career. After graduation from law school, he took a one-year assignment as confidential clerk to Judge Harry Foster of the Supreme Court of the State of Washington. Then it was on to practice in San Francisco. The practice experience introduced Tom to the world of corporate business and finance, and he soon left for some years in the management consulting field, taking him once again to England. Tom then returned to the San Francisco bay area, this time to be assistant dean of the Stanford Law School. While at Stanford, Tom found the time to complete his Ph.D. in political science. In short order, Tom was appointed vice president for academic affairs at Lawrence University in Appleton, Wisconsin. In the fall of 1976, Tom took up his appointment as dean of the U.B. Law School.

As dean of the law school, Tom found his true calling as a lawyer. He was able to bring to bear his extraordinary intelligence and humane managerial style to the task of moving the school several levels forward. His unusually broad experience also suited him to this task. As dean, Tom provided exceptional academic leadership to a very talented and broadly educated faculty. He was instrumental in recruiting to that faculty wonderfully diverse and

exceptionally well-trained young people to blend with the senior faculty. He also provided the impetus for a broad-based student recruitment effort that led the school to seek a student body more representative of our society in terms of age, sex, race and life experiences. Finally, Tom provided superb external leadership for the school and the university. In the Council of Deans, Tom was a voice of both clear reason and creative imagination. He regularly served the vice president for academic affairs and the provost as a troubleshooter on a variety of difficult issues. He has served, from its inception, on the General Education Committee, the major university committee regarding undergraduate education in the liberal arts. Tom also established extraordinarily warm and meaningful ties with alumni and the practicing bar, perhaps more effectively than any other dean the school has known. In addition to these decanal accomplishments, Tom threw himself into the teaching function as a professor of law. He participated in the development and teaching of new courses, and in the revitalization of some older ones. As a professor, he drew on his broad education and experience to bring new perspectives to the teaching and learning of law.

Now that Tom has taken to the faculty role on a full-time basis, he has continued in his probing, inquiring and healthily skeptical way to contribute to the development of the academic program. In this his first year as a full-time faculty member, he has undertaken two new course assignments: corporations and patent & copyright, while continuing to teach real property and a seminar in policy studies. He also continues his service to the university, in undergraduate education reform, and in special assignments for the provost.

In twenty-six years as a faculty member and administrative officer, it has been my pleasure to know and work with an extraordinary number of talented colleagues. Most of them I count as close friends. None has served this university better, nor been a better friend than Tom Headrick. I regret his decision to step down as dean, but I look forward to years of continued association with him in his new role as a senior faculty member in the law school.

—WILLIAM R. GREINER

