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LABOR OF LOVE

Professor Jim Atleson wins SUNY's highest faculty honor

The State University of Buffalo has recognized what the UB Law community has known for 36 years: Distinguished Teaching Professor is a worthy title for Professor James B. Atleson. Atleson, who joined the faculty in 1964, was one of three University at Buffalo professors to receive the award this year. It is SUNY's highest award for academic and professional achievement. Others on the Law faculty previously honored by SUNY include Professors Kenneth F. Joyce, Thomas E. Heddrick and Virginia Leary.

Jim Atleson is a labor lawyer, and has carried the banner for that area of the law through boom times and bust. He is known for the voluminous course materials he assembles and for the clinical simulation seminars he runs to teach the skills of negotiation and collective bargaining. He has published three books, including the internationally recognized Values and Assumptions in American Labor Law. And incidentally, he plays a mean claw hammer banjo.

Dianne Avery, vice dean for academic affairs at UB Law, says, "Jim has devoted enormous time and effort to simulations — assembling supplementary materials from a variety of disciplines, preparing hypothetical problems, reading student journals and meeting with students. This is the most labor-intensive type of law teaching, and it demands incredible skill and patience to carry it off."

In a far-ranging interview, UB Law Forum visited with the honoree in his O'Brian Hall office to talk about teaching, labor law, what has changed over the years — and what hasn't.

UB Law Forum: What difference will being a Distinguished Teaching Professor make in your day-to-day life?

Jim Atleson: I can't see that it will have any effect. There are some perks that come with it. I have been told they involve parking. It might put off my thought of retirement a year or two, because it would take too much room after my name on a letter to say "Distinguished Teaching Professor Emeritus."

You came to UB Law School in 1964. What were your first impressions of the school?

This was the first time I had been in a school in a city, separate from the university. [He came from Stanford, and previously Ohio State.] The Law School was downtown at that point. That was very hard to get used to. And the school was very small. The faculty was 13, perhaps. There were some very nice things about that. For a long time I was the youngest; I was only 26 when I came here, so I was younger than some of my students.

Do you feel that the students in the '60s had a different sensibility? Was it easier to engage them on, for example, labor issues than it is today?

One of the strong things about this place is there always have been a goodly number of students interested in labor, interested in public-interest law. That number is smaller now, but in the '60s and '70s, and I think in most of the '80s, that interest remained strong.

There has been a devaluation of labor and employment law nationwide. Some of the biggest schools in the United States don't have anybody regularly assigned to teach these areas. As the unionized percentage of the work force has gone down, interest among students is down as well. So schools have just cut back.

Do you feel a responsibility to stick up for labor law in the academy?
of law school, I became so impressed by my professors. I enjoyed it immensely, much more than I thought I would. And in that first year, without really knowing what practice was like, I decided I didn’t really want to practice law, but that I wanted to teach. Labor was one of many things I was interested in. In the early ’60s, with the Warren Supreme Court, constitutional law and civil rights law were big, and that’s what I thought I was going to do. But when I earned my master’s degree, I became more involved in labor issues.

It is interesting to hear you say that it was your professors who gave you the idea that it could be something less than square to be a professor.

There’s so much chance in one’s life. You make decisions based on all kinds of things. It just happened, in the three years I was at Ohio State, there were three young professors just starting out. All three of them left soon afterward and have become big names in the field. They made a big impression on me. And the Vietnam era had a substantial effect on my life as well. One of the reasons I did not become a judicial clerk after my first year at Stanford was that there was a strong likelihood of being drafted. I was married and the choices were: going to Vietnam, going north of the border or going to jail. None of those seemed like good choices at the time, and after two years as a teaching fellow and a master’s student, I was solidly in the academic mode.

You are legendary for spending tremendous amounts of time in preparing course materials, and you are known to be generous with your time in working with students, evaluating and coaching them. What have you sacrificed in order to invest that much time in your work?

It is very hard to balance family responsibilities and work. I think in my early days here I spent more time here than I did at home. When my children were small, I tried to spend as much time with them as I could. But yes, the work takes a lot of time. This stuff here indicating stacks of papers and journals on his desk, most of this may at some point or in some form become part of a course. My life would be a lot easier if I would simply choose a case book rather than prepare my own materials. But I have always done that.

In his letter of recommendation for this honor, Dean Olsen mentioned the grade distributions in your classes over the years, noting that you awarded both honors grades and a good proportion of Ds and Fs; he presented that as evidence of your high standards. How have you felt about the whole problem of grading?

I think of it as a burden. I see that the function of grading is communicating back to the students. If it’s an exam rather than
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a paper, all the work you want students to engage in is really done before they write their exam. Their grade is really just something we have to do.

The advantage I have is that, except for the 10 or 11 years when labor law was part of the first-year curriculum, all my courses are electives. So I get students who generally want to take those courses. No one has been dragged in.

When you came to UB, it was pretty much an all-male world. Now it has come close to 50-50, male and female. Has that changed your life as a teacher?

I don't think so. Certainly our women students have made us more sensitive to gender issues. The language has changed; and there certainly was a time when a good deal of emotion was expressed about our language and examples.

You teach both big lecture-type classes and smaller seminars as well. They must be entirely different teaching experiences.

Larger classes have the advantage that I can move around, sit or stand, not have to stay in one spot. I like to move around, and this is more difficult to do in a small seminar setting. Our classes are not that big anymore since we downsized the school. A good-size class is maybe 40, and that's a good size to deal with. Seminars are different because you are usually dealing with bigger questions or themes. But I don't think they are all that different.

Do you find that a lot of your students end up on one side or the other of a bargaining table?

Well, lawyers bargain all the time. Except, perhaps, for talking on the telephone, many lawyers spend a substantial amount of time bargaining. Lawyers bargain, to some extent, with their clients. And they certainly bargain with other lawyers. After all, most disputes are settled through bargaining.

If we brought a class of future professors in to watch you teach, what would be the one thing they would take away—the one thing that Professor Atleson does that makes a difference?

You would have to ask my students that. What I want to get them to do all the time is not simply to know what the legal rules are, because the rules change all the time. And besides, by the time students graduate, they will have forgotten them anyhow. So I want them to understand three things: how the law works, what values and interests are recognized in the law, and how rules actually work on the ground where human beings have to apply and respond to them. I want students to understand how the rules actually work in the situations for which they are supposedly designed.

The other primary concern—and this is my main shtick—I want them to understand that there are values behind the rules. Lawyers used to be taught that rules were based on reason, and statutes could be understood in light of their language, legislative history and underlying policies. This approach leads many to conclude that labor law is basically incoherent, but there may be a set of values underlying the rules, which help explain their origin and staying power. Effective lawyering requires an understanding of the actual values behind the rules.

So far, you have chosen to spend your entire academic career at one institution. That is somewhat uncommon among academics. Are there advantages to longevity in one place?

Prestige tends to be important in the academy, and there are advantages in going to prestige schools. The pay is usually better, the perks are better, and so on. But this has always been a great school. It has a terrific student body, really wonderful students. And the faculty here has always been intellectually interesting and broadly focused. I have taught at four other schools as a visiting professor, so I know what other schools are like. This is a very special place, especially for those who are interested not simply in law but how law can be understood from the vantage point of other fields, for instance, anthropology, history or sociology. A number of faculty here have a Ph.D. in another field, and many others have strong interests in law and other disciplines. That is very rare in American law schools.

What haven't we asked you that is important to say about your career?

One of the things I am most proud of is that for 20 years we have had a faculty-student band, the Hot Cargo String Band. I play the banjo. For perhaps 15 years, we have played for the Law School Commencement or for student functions. Playing music is almost as much fun as teaching.