Home at Last: Newly Named, the Regional Institute Finds Fertile Ground in the Law School

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Now the institute is formally affiliated with the Law School, offering new opportunities for collaboration and for bringing the University’s academic and policy expertise to bear on some of Western New York’s most intractable quality-of-life challenges.

The new alignment only makes sense, said Dr. Kathryn A. Foster, director of the institute, which was founded in 1997. “We have always had one foot in academics and one foot in policy-making,” she says. “When I came on as director in September 2005, I wanted the institute to have an academic setting that matched our academic goals. We looked at a number of organizational options for how to do that, and decided alignment with the Law School made good sense.”

Given the Law School’s size and strength, its long history of interdisciplinary studies, and the existence of the Baldy Center for Law and Social Policy and the Jaquez Center for State and Local Democracy, the Law School fits well with the mission of the institute, which is to leverage the resources of the University to address key governance and quality-of-life issues in the Buffalo Niagara region.

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“Dean Nils Olsen said, ‘It is important that these sorts of intensive institutes have a home in an academic program. They work best and have the most impact if they are part of an academic department. The institute is designed to provide policy support to local governments in the region, and there are many scholarship opportunities in that area. This is an enormous addition to our program and academic interest in these subject areas.’

The new alignment is consistent with UB President John B. Simpson’s strategic planning initiative, called UB 2020. Under the umbrella of Civic Engagement and Public Policy, an area of strategic strength being coordinated through the Law School, renewed emphasis on interdisciplinary study and research, and further outreach to the community, are key components of the UB 2020 initiative.

The institute, which is housed in Beck Hall on the South Campus, works with scholars from throughout the University, in departments ranging from urban planning to chemistry. Foster points to four areas in which Law School faculty are likely to have special impact:

• Governance reform, such as new or revised charters for county or smaller governments. Former UB President and Law School professor William R. Greiner has active engagement in this area.

• The study of the region’s changing demographics, such as a current project on Buffalo Niagara’s aging population. Law School professor Amanda H. Sacyrged works on that project, bringing her expertise in Medicare and other issues affecting an older population. Sacyrged directs the Law School’s Elder Law Clinic.

• Regional economic development, including the hot-button issues surrounding a proposed casino in downtown Buffalo, with all its implications for Native American sovereignty, treaties and contracts. Baldy Center Director Lynn M. Matter and Professor James A. Gardner are involved in this area of research.

• Cross-border issues to include the proposed Western Hemisphere Transport Initiative, which seeks to require a passport for Americans to travel into Canada, and other homeland security issues. This area also would include environmental issues affecting the Great Lakes, involving Professors Boyer, Greiner and other UB faculty.

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The rules of democracy

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The principal ongoing project at the center is to compile a database of state constitutions – both current and historical – in order that researchers can look at the ways those constitutions have specified how state legislatures are elected. For example, Gardner said, many constitutions defined election districts county by county, but legislatures also have drawn election districts along political lines. “People are very suspicious that politicians are drawing districts to stack the deck,” he said.

State constitutions have a long and messy history, beginning with the constitution that governed Massachusetts even before the Founding Fathers hammered out the U.S. Constitution. “In 1776, there was very little experience with this,” Gardner said. “Nobody wanted a monarchy, but what would replace it was mostly a matter of speculation. Nobody knew what would work.” The writers of state constitutions, he said, sometimes patterned it on the U.S. Constitution but sometimes struck out on their own. As a result, state constitutions differ greatly from each other and also from the federal document.

Gardner is also working on two papers about gerrymandering, the controversial practice of manipulating the boundaries of election districts for electoral advantage. In states where district lines have been drawn in this way, a plausible theory, he said, is that this contributes to the polarization of political debate. In non-competitive districts, the theory goes, the public servant has to appeal only to his or her own party voters, and this pushes the politician further from the political center – and thus further away from those of the opposing party.

A new project will look at the subject state legislation deals with, asking the question: How much of this legislation deals with local matters, and how much with state matters? The hypothesis, Gardner said, is that the way state constitutions are written will influence on which level lawmakers spend most of their energies.

Also in the preliminary stages is planning for a conference, to be held at UB Law, on the topic of how local legislatures work – the not-yet-settled nature of democracy as it is practiced in towns, villages and county legislatures. “A lot of really important law gets made on that level,” Gardner said. “This conference would be the first sustained attention it gets.”

Accomplishments of the Jaeckle Center Include:

- Created a certificate program in State and Local Government offering courses designed to prepare students to practice in that area.
- Established externships for students who work directly with legislators and other government officials on public issues.
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New York State legislature in session.

Reinvigorated Jaeckle Center studies the laws behind state and local politics

A long-established UB Law research center is shifting focus with the advent of a new director, bringing faculty and student energies to investigate the ways that laws and legal institutions – particularly state constitutions – structure American politics at the state and local levels.

James A. Gardner, who is the Law School’s Joseph W. Belluck and Laura L. Aswad Professor of Civil Justice, became director of the Edwin F. Jaeckle Center for State and Local Democracy in mid-2005. “We are trying to revive the center’s original mission,” he said, “and to serve as a resource for those who are working in this area.”

Gardner brings with him a longtime research interest in law and democracy, particularly “subnational democracy” – governance on the state and local levels. “Most of where democracy actually occurs is at those levels,” he said, “and there has been very little research into this area.”

Besides Gardner, the Jaeckle Center, which was founded in 1980, comprises UB Law faculty members William R. Greener, James L. Magavern ‘59, Lynn Mather and John Henry Schlegel. They are joined by UB faculty in urban planning, political science, English and American culture, as well as two Jaeckle Fellows. Affiliated faculty are teaching in the areas of state and local government law, economic development, county government and state constitutional law.

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Friedman is working on an institute project that perhaps is emblematic of how focused academic attention can make for better governance. Planned is Alternatives to Incarceration, a major effort to alleviate chronic overcrowding at the Erie County Holding Center. The other option is a new county jail – at a cost of $100 million of the taxpayers’ money.

Working with the county and a holding center task force, the institute will examine practices of the criminal justice system from the point of arrest onward. “We want to look at decision points in the system,” Friedman said, “and make some suggestions as to where they could make other choices along the way.”

For example, she said, a substantial segment of the Holding Center population has mental health issues and perhaps could be better served by treatment, not jail. Similarly, many indigent prisoners spend days in their cells awaiting court-assigned counsel, one option being considered to ease that situation is establishment of an alternatives to incarceration clinic, in which law students would represent indigent defendants at bail hearings. Also, Friedman says, the institute will create a prototype of an inmate management database in hopes that police, courts and Holding Center personnel can make better decisions given access to a single source of good information about each case.

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The institute’s Web site, www.regional-institute.buffalo.edu, has complete information about its work.
The rules of democracy

Law School Report

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