Looking Ahead: Panel to Chart A Course for the Future

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LOOKING AHEAD

As the Law School celebrates its 125th anniversary, a high-powered panel engages faculty, students, staff and alumni to chart a course for the future

"To accelerate our trajectory of excellence" is Dean Makau W. Mutua’s stated goal for an ambitious initiative to build on SUNY Buffalo Law School’s many assets, take stock of the rapidly changing environment for law practice and legal education, and move forward from our 125-year anniversary in a position of strength.

That initiative – designed to draw on the wisdom of faculty, staff, students and alumni of the school – got a major push on May 8 and 9 when four prominent experts in the field of legal education were on campus to meet with all of those stakeholders, report on their observations of the Law School’s current position, and sketch out some of the challenges facing law schools nationwide in the coming decades.

“These sessions gave us good food for thought,” the dean said. “We could not have had a more knowledgeable and caring group visit our Law School to engage us on the most pressing issues facing legal education and the legal profession today.

“I hope that this process will open pathways for a community dialogue among faculty, staff, students and alumni about how SUNY Buffalo Law School can leverage its vantage point as the state’s law school. Central to this are two things – resources and strategic planning. Every law school in the country is undertaking a similar exercise. All law schools are faced with these turbulent headwinds and are scrambling to best respond. I see the panel as our launch of a community-wide response to the challenges facing us.”

The study panel that met with stakeholders, including an open forum for the Law School community on May 9 in UB’s Student Union, comprised four highly respected educators who have thought long and hard about the challenges facing law schools:

- E. Thomas Sullivan, recently appointed president of the University of Vermont and a former dean of the University of Minnesota Law School.
- Charles Ogletree, the Jesse Climenko Professor at Harvard Law School and chairman of the panel.
- Jim Chen, dean and professor at the Louis D. Brandeis School of Law at the University of Louisville.
- Kent Syverud, dean and Ethan A.H. Shepley Distinguished University Professor at the Washington University School of Law, in St. Louis.

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Jim Chen, “SUNY Buffalo Law’s return on investment is so much more favorable than at other schools, but it is still a tough row to hoe.”
Pamela Davis Heilman '75, of counsel with Hodgson Russ, representing the UB Council and the Dean's Advisory Council, moderated the open forum.

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The panel gathered for an initial dinner with Mutua; UB President Satish K. Tripathi and interim Provost Bruce McCombe; and Pamela Davis Heilman '75, representing the UB Council. On May 9, the panelists met for breakfast with the dean and other senior Law School administrators; spoke at the open forum; met privately with faculty members; met over lunch with key Law School alumni; met with a selection of current students; and went through a debriefing and exit interview process. They are expected to issue a final report to summarize their experience and their observations, including recommendations for steps the Law School can take to move forward.

About 50 members of the Law School community were on hand for the open forum, moderated by Heilman. Each panelist spoke about his initial impressions of the school and sketched out some of the factors contributing to the difficult environment facing both law schools and the legal profession as a whole.

“We are here to talk about this great university law school – what it has been doing, what it can do, what it should do, and some of the financial constraints involved,” began Ogletree. “We have heard about many good things that are going on in this law school. While there may be disagreement about how the administration is carried out, there is no doubt about the success of the teaching in the classroom, the students’ learning capacities and the alumni enthusiasm.”

But, he said, “things are very different in the 21st century in terms of our student body than when I was a student. Our students are smarter, more agile; they have great ideas, but they have little sense of history. They know a lot about the future and very little about the past. I’m hoping we can influence high schools and colleges so that if someone is considering a career in law, they have a sense of history.”

Another difference, he said, is that “for many of those in this room, and for those on this panel, when we graduated from law school we had a job, and sometimes multiple job offers. That has changed in every institution. Students no longer have a guarantee that there is a job.”

Part of what law schools need to do, he said, is to “reorient students’ thinking” so they are not so focused on working in New York or Los Angeles, and help them imagine a legal career in lower-profile areas of the United States, such as Tennessee and Ohio, or even overseas, in Asia, Africa and South America.

For his part, Sullivan addressed the limits of any law school curriculum. “We simply cannot produce the perfect lawyer in three years,” he said, “and we need to be mindful of that. I am a strong proponent that the best we can do is produce well-educated, well-read generalists, not focus on producing specialists in that three-year period. We need to balance theory and doctrine, ethics, skills and practical application of the law. That balance in the curriculum is very key.”

Sullivan acknowledged the interdisciplinary scholarship that happens at SUNY Buffalo Law as a signature strength, and said that approach “continues to be very important as we move toward the future. Research is about expanding knowledge and sharing that knowledge and making connections so students and the larger constituency will understand the importance of ideas in making a better society.”

He also said that, in response to the scarcity of legal jobs, “it’s almost a moral imperative that law schools roll back significantly in enrollment.” He also called for taking a hard look at the cost structure of legal education, with an eye to minimizing tuition increases and reducing graduates’ debt load and its attendant anxiety. Along those lines, he added that the top priority for law school fund-raising should be to make money available for financial aid.

And he called for transparency and
University of Vermont president E. Thomas Sullivan, left, and Kent Syverud, dean and professor at the Washington University School of Law

Syverud addressed some issues around law school faculty, noting about SUNY Buffalo, "You have some advantages here that I envy. You have very good faculty members. You have spectacular tenure-track hiring that promises a bright future. You have low tuition, almost half the tuition rate of an elite private law school, which translates into lower student debt at graduation."

accountability in the way law schools report statistics for the annual U.S. News & World Report ranking, saying, "This is about consumer protection. This is a professional graduate program we are talking about, teaching young men and women to go into for the rest of their life, so if we can't be ethical and be role models about that, we have to go back to ground zero and start asking questions about what we want to achieve. We need to stop overpromising and underdelivering."

Chen noted a paradox in the call for reducing law school enrollments: the reduction in tuition income that would result. "It's not as if taxpayer support for legal education or higher education in general is going up," he said. "It is going to be tuition [that is the main institutional support]. The question has to be about making it worth the while."

SUNY Buffalo Law’s return on investment, he said, is "so much more favorable than at other schools, but it is still a tough row to hoe. Legal education right now is, in the terms of modern portfolio theory, a low alpha/high beta investment. Your returns in absolute amounts are very low relative to what you could be doing with your time, and the risk that you bear is extremely high. We are talking about 20-to-25-year debt service schedules."

And the practice of law itself, he said, is undergoing a dramatic change. Non-lawyers are performing many legal tasks, many with the help of widely available computer software. Some legal work is being outsourced to places like India, Pakistan and Bangladesh. Perhaps most dispiriting, computer programs are doing some of the work that lawyers used to do. "You can't beat software," Chen said. "Software doesn't sleep. Software doesn't have families. Software doesn't go on strike. And software catches things in document review that human beings don't catch. ... We are being squeezed as a profession."

A brief discussion period surfaced issues such as the role of lawyers in economic development, the larger cultural and economic forces at work, and the role of skills training in legal education.

Sullivan ended the session on a high note by saying, "President Tripathi is very enthusiastic and supportive of this law school. One of your very strong competitive advantages is that you are the only public law school in the SUNY system. What a fabulous brand to be able to extend to all the states you are in."

leadership is not hostile to law as a discipline. You have no idea how wonderful and rare this is. You have an integration into other disciplines that many schools should kill for. Those are potent strengths in the challenging environment we are facing now."

The bad news for the profession, he said, is manifold: a difficult job market, high student debt, diminishing demand for legal education, scandals that have tarnished the reputation of legal education, and the declining prestige of law as a profession.

He called on faculty to make an attitude adjustment. "Before I became a dean," Syverud said, "my attitude was, 'Leave me alone. I'm very good at what I do, I work very hard in the classroom and in research. Please just protect me so my talents can flower in peace and you can get the benefits of it.' The problem with that is it sounds a lot to the outside world and to really good administrators like Après moi, le déluge. Like, gee, I don't really care whether we're doing the right things institutionally to be a great law school 25 years from now, as long as while I'm here everything is wonderful."

Instead, he said, every professor should help students with job placement, embrace new teaching technologies, be open to the best learning from other academic disciplines, and build relationships that enable effective fundraising.

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