Closing Argument

My favorite opening line of a closing argument: “Ladies and gentlemen of the jury, I will be brief. But first I must speak at length of many things.” So it is with me.

When I first became dean in 1987 people repeatedly asked me “What’s your agenda.” I consistently (and honestly) replied: “I don’t have an agenda. I just don’t want to screw it up.” Although I’ve never really developed an “agenda,” in the sense of a firm set of concrete goals, I now understand (with the benefit of hindsight) that my decisions as dean often have been shaped by a very specific set of values, each of which was instilled in me as a direct consequence of my own experience as a member of our Law School community over the past quarter-century as student, alumnus, professor, and dean.

First, I believe the Law School has an overriding responsibility to provide our students with a first-rate legal education. To meet this responsibility, we must strive first and foremost for excellence in the classroom. As Robert Maynard Hutchins once observed, we must aspire “not to teach students facts, theories or laws, not to reform or amuse them or make them expert technicians, [but] to unsettle their minds, widen their horizons, inflame their intellect, teach them to think clearly, if possible, but to teach them to think nevertheless.”

In pursuit of this aspiration, we have paid careful attention to teaching as a central element of the faculty appointments process, encouraged constructively critical student course evaluations, videotaped classes to enable teachers to learn to teach better, and supported the students’ creation of a new award for teaching excellence (bestowed upon David Currie in 1992 and Elena Kagan in 1993). Perhaps most important, however, we have repeatedly made clear to our students that they have a right to expect excellence from us in the classroom and that, if we meet that expectation, we have a correlative right to expect excellence from them as students. It is a sound bargain for all concerned.

Second, I have long believed that legal education can be demanding, rigorous and professional without creating an unpleasant or unwelcome atmosphere for students. Students who feel good about themselves and are positive about their education will learn better (and be more engaging to be around) than those who are alienated from the institution. It is not easy to achieve this balance, for the inherent nature of traditional legal education carries the potential for student frustration and even occasional humiliation.

Unlike many law schools, we have not tried to solve this dilemma by abandoning the traditional rigor of legal education. We are charged with the task of preparing our students for a demanding profession in which they will be responsible for the property, the liberty and even the lives of others. It will not do to make our own lot easy by failing to prepare our students for the demands and pressures of the law. The better approach, the approach we have pursued, is to encourage a sense in students that they are valued members of our Law School community and that the effort they put into their own education is respected and honored by their teachers.

To this end, we have attempted to make as clear as possible to our students our own deep commitment to their education, established a liaison program that enables students to have direct input to faculty committees, sponsored quarterly town meetings to give students an opportunity to understand better the direction and mission of the Law School, and supported and encouraged the creation of a broad range of new student activities and organizations to enrich both the social and the intellectual components of the students’ experience.

Third, from its very inception, our Law School has committed itself to the value of scholarly research as essential to the progress of the law and to our broader understanding of our legal culture. The faculty of the University of Chicago Law School has long been recognized as the most productive in the nation in terms of scholarly research. That tradition continues. We have reinforced this tradition in recent years by establishing a faculty work-in-progress workshop, increasing faculty research support, and creating the

It is my view that when students enter our Law School, they join our community not for three years, but for life.
Law School's Program in Law and Government and Center for the Study of Constitutionalism in Eastern Europe.

Scholarly research, I should note, is not limited to the faculty. Students, too, should share in this adventure. To encourage this, we have established a third student-edited scholarly journal — The University of Chicago Law School Roundtable; created research fellowships for students in law and economics, legal history, criminal justice, taxation, and law and government; encouraged student-initiated study trips abroad; involved students in numerous faculty-run scholarly workshops (e.g., legal theory, law and economics, and feminist theory); and required all students to complete two substantial research and writing projects in their second and third years.

Fourth, as reflected in the University of Chicago Law School lawyer's pledge, drafted almost forty years ago by Karl Llewellyn, the Law School has long emphasized that a central part of a lawyer's professional responsibility is to serve the public. As Llewellyn wrote: "In accepting the honor and responsibility of life in the profession of the law, I engage to be at all times a champion of fairness and due process for all, whether the powerful or envied . . . or the helpless or the hated or the oppressed."

To help our students and alumni fulfill this pledge, we have established an ambitious Public Service Program that provides grants to students who work for public service agencies over the summer, offers loan deferment and forgiveness to graduates who pursue careers in public service, and actively facilitates job placement by students and graduates interested in public service positions. In addition, the continuing excellence of our Mandel Legal Aid Clinic, enhanced by our new pilot program with the MacArthur Justice Foundation (see page 51), provide further opportunities for students to experience first-hand the special challenges and satisfactions of legal work in the service of others.

Fifth, I believe that a breadth of intellectual, ideological, gender, racial and ethnic diversity in the faculty and student body is important both to deepen the educational experience and to further the needs of our profession and our society. We have made significant progress along these lines. A decade ago, the voting faculty included two women and no African-Americans; today there are four women and one African-American. A decade ago, the entire faculty (including lecturers and visitors) included 8 women and no African-Americans; this year there are 23 women and 6 African-Americans. A decade ago, the entering class included 31% women and 5% minority students; this year's entering class includes 45% women and 21% minority students.

Finally, a unique feature of our Law School is our long-standing commitment to faculty collegiality and accessibility, respect for competing ideas, and robust (but always civil) discourse. This may be the most precious value of all, for it is so rare in legal academia and so easily lost. We have worked hard to preserve this value by seeking faculty consensus rather than conflict on even the most divisive of issues and by leaving our doors always open to students.

This commitment to collegiality extends, not only to faculty and students, but to our alumni and other friends as well. By creating this "Dean's Page," writing frequent reports on developments in the Law School, increasing significantly the number and variety of alumni events, distributing a year-in-review issue of the student-edited Phoenix, and in a host of other ways, we have tried to keep our friends and alumni informed, interested and involved. It is my view that when students enter our Law School, they join our community not for three years, but for life. That, certainly, has been my experience.

Looking back, then, it seems to me that these six values — teaching, respect for students, scholarly research, public service, diversity, and collegiality — have played a central role in shaping my term as dean. I hope these values are consistent both with the traditions of our Law School and with our aspirations for the future. I hope, too, that I haven't "screwed it up."

Thanks . . . for everything. ♦