ORAL HISTORY OF DEAN JUDITH AREEN

This interview is being conducted on behalf of the Oral History Project of the District of Columbia Circuit. The interviewee is Professor Judith C. Areen of Georgetown University Law Center, and the interviewer is Timothy G. Lynch. The interview took place in Professor Areen's office on February 7, 2007. This is the sixth interview.

Mr. Lynch: Time keeps marching on, and we're back in Professor Areen's office in the 6th floor of the Hotung Building, which, in our last session, she so beautifully described. I think we left off talking about your time as Associate Dean and the question whether Georgetown is a Catholic law school. I don't know if there is anything else you want to cover about that period. I know the Law Center just lost Father Drinan last week. Are there any special stories you would be willing to share?

Prof. Areen: Too many. It's very hard for all of us to imagine Georgetown Law without him. I felt we had a close, personal relationship. He was at the bar mitzvah of each of our sons and would always ask about them whenever I saw him. He was a great adviser and supporter when we had some difficulties with the University. I could just go to him for advice and feel we had this close relationship. What came out last week – people spontaneously, on the faculty, began e-mailing about a personal experience with Father Drinan and what was stunning was that everybody, to a person, felt they had this special relationship. His pastoral ability was amazing; he knew everybody's family by name and would ask about them. My other vivid memory is at graduation we now host an event the night before so

students can bring their families. It's important, especially if they're coming from another country. It's important for everybody to get together. We have a receiving line to meet everyone, and Father Drinan would almost always be there near me and would not only know the students, they of course knew him. And there were hugs all around; he often knew the parents. It was just truly a one of a kind ability to connect with other people. We knew that he wrote a book a year, and he taught a full load, despite the fact that he was in his 80s. At the funeral service, Nancy Pelosi spoke and Senator Kennedy. What was most moving to me is they knew him not just as a former member of the House but because he connected with them as people. So, it's a great, great loss. Although at the same time, there was an element of celebration about an amazing life.

Mr. Lynch: When did he come to the Law Center?

Prof. Areen: 1980. So we had him for 26 years. He was only in the House for 10, so we were very lucky.

Mr. Lynch: Do you remember the circumstances in which he came?

Prof. Areen: Oh yes, it's all very public that the Holy Father issued a statement, or the Vatican, that priests were not to hold public offices such as being a member of Congress. I understand there weren't many around the world, but some were given dispensation, so someone said the only priest affected was Father Drinan. Then the issue was, since it was obviously a big part of his life and he was good at it, everyone outside wondered what he would do; but he seemed never to have any doubt. Of course, he was a Jesuit and Jesuit means obedience to the Pope, and so

he immediately stepped down. Then the question was, what next? Georgetown had been his law school and he of course by then was really part of the life in Washington, and so we were the beneficiary.

Mr. Lynch: Was he the Dean of Boston College before he ran for Congress?

Prof. Areen: Yes, that's right.

Mr. Lynch: But he had gotten his law degree at Georgetown?

Prof. Areen: Yes.

Mr. Lynch: Looking on your table now I see "China/United States Conference on Legal Education," and I understand you just got back from China?

Prof. Areen: Yes. This was the most interesting part of this year. For 2006 I served as president of the Association of American Law Schools. It's the ABA, if you will, for legal educators. Discussions had actually started some five years ago, and there was at one point a meeting and a number of law school deans attended that meeting in China. Out of those talks came the notion that there really ought to be a more permanent body to work on shared interests on the topic of legal education. Then things slowed down, but the signal suddenly came from Beijing over the summer: we're ready and enthusiastic, so let's go forward with a joint commission; and we, the Chinese, will appoint six members if you, the Association, appoint 6 members. So, as president, my role was to appoint six scholars to the commission. We named a great group, all of whom have experience with China or with the Far East, including Professor Feinerman here on our faculty as one of the members of the official commission. I thought my

role was done, but then word came, "well, but of course we want the president of the Association to be there." So, unexpectedly, I joined the trip, and the delegation was there December 12 and 13, 2006. The gathering was clearly taken very seriously by the Chinese, which I found interesting. They had us stay in the State Guest House, which is where Heads of State normally stay. It's a big compound, with 17 or 18 large residences. The one where we stayed is really a small hotel. It happened to be the same week that Secretary Paulsen and six members of the Cabinet came to talk about trade issues, so we wondered how that would work. They were put in the next villa, since we were already there. The photo you see in my office is the day of the ceremony to announce this Conference. On the second day we met in private to make plans for the commission. The opening session was held in the Great Hall of the People, which is this huge building right on Tiananmen Square. Attending for the session on my immediate left, is the Vice President of the People's Congress. Next to him is a member of the Supreme Court of China who has a degree from Yale. Then these are members of the Chinese delegation and some of the people from the American delegation, including Jim White, who was, for many years, the consultant on legal education. We spent the next day meeting and talking about ways we can encourage and facilitate more visits by Chinese law faculty to American law schools and vice versa.

Mr. Lynch: Is it going to lead to anything concrete for Georgetown?

Prof. Areen: Hopefully it will, not just for Georgetown but American law schools generally. I was there in my role of representing our 180-member law schools. I was really speaking for, or on behalf of, all American law schools. China, I learned, has 600 law schools. They are almost entirely undergraduate institutions. One of the officials in a more candid moment said, "Well, you know, one of the things you Americans do well is train lawyers, and we want to better understand how you do it." They're very interested in having more of their faculty visit, especially to study our Socratic method, which we take for granted. They have nothing like it, but they understand that our lawyers come out of their legal education as problem solvers, are creative, are innovative; they haven't just memorized text, which tends to be the way law has been taught historically in China.

Mr. Lynch: When you say memorization, did they give you any more sense of how classroom study happens?

Prof. Areen: In talking with some members of the delegation who actually taught in Chinese schools, that very much has been the tradition. It's more like a history course, if you will, than training in how to solve a problem.

Mr. Lynch: If you know, how many Chinese students come to Georgetown in the LLM program?

Prof. Areen: We certainly have a good representation every year. I don't have a precise number, but I would guess it ranges from 10 to 20 in any given cycle.

Mr. Lynch: How did you become president of the American Association of Law Schools?

Prof. Areen: It's a process in which you actually serve one year as president-elect and then you stay on the governing board, so I'll have one more year as past-president. There's a process of nomination and formally you're actually voted on by a representative of every American law school.

Mr. Lynch: Is this primarily deans as representatives?

Prof. Areen: No, it's a mix. The Association's primary function is to serve as the learned society for legal academics. So while technically schools are members, it is law faculty who benefit most from the Association. There are two key meetings. Every November there's a meeting for people who are interested in being law professors, so that's the big hiring hall.

Mr. Lynch: There's an informal term for that.

Prof. Areen: Meat market. Yes. Then the annual meeting, which is always in January and runs over five days has panel after panel organized by subject matter; so, the section of contract law professors will get together and discuss a current issue, and the section of antitrust, and, as a faculty member, you can attend any meeting of interest. It's a great way to exchange ideas, to learn what's going on in your field and in other fields. I think at the last one there were more than 3,500 law faculty members. It was the best-attended meeting, just this past month. It was here in Washington.

Mr. Lynch: Other than the Chinese trip, are there any other experiences with the Association that you want to share for your oral history?

Prof. Areen: Something may occur to me, but nothing at the top of my head. I do want to say one more thing though about China. It was so interesting, it was my first visit. The signs on the buildings, even the small shops, and many of the menus in restaurants are in English and Chinese. Now some of it is because they are preparing for the 2008 Olympics, but I also had the feeling that it was a glimpse of the future, the level of energy, the amazing economic transformation of this country in a very short time. One of my friends on the faculty here, Professor Patricia King, was in Beijing 20 years ago and describes it as crowded, but the streets were crowded with bicycles. Another friend who was there 10 years ago said half and half. This past December it was cars, it was all cars. There is a 12-lane main avenue that actually goes through Tiananmen Square that bisects the city. We have one beltway in Washington; they have six. It's 15 million people; it's two New Yorks. We saw some of the obvious places to visit for your first visit, from the Great Wall to the Forbidden City and the Summer Palace. Most of the other tourists were Chinese, and everybody had a cell phone, and everybody had a digital camera. Just an amazing economic change. Now, it's uneven. If you read about China, obviously in rural areas people are still at subsistence levels and that's causing a real problem. There's a great divide in terms of economic achievement.

Mr. Lynch: How long was the meeting?

Prof. Areen: Two days.

Mr. Lynch: It may not be a fair sample, but based on your meetings and talks with professors there, are the law professors in China going to be the source of or the brake on moves toward more political liberties?

Prof. Areen: It's not something I can judge in a short time. I will say I'm hopeful about several things. There was a host university – it's the China University for Politics & Law, CUPL for short – and they had some of their law students – again, as I said, it's undergraduate, and some of the young faculty who were there hosting for different parts of the meeting. I really had a chance to talk with them, so two women law majors; one whose goal is to be a judge and another to be a law professor. They are bright and talented, and you just feel it's going to happen. I think it will inevitably bring about more attention to the rule of law and that means attention to political and civil liberties.

Mr. Lynch: We talked in the past about law as an instrument of social change, particularly through education.

Prof. Areen: It will be interesting to see if this is going to happen. Just one more aside: the vice chairman of the People's Congress met us before the formal ceremony, and there's a – I've actually seen it on television – these sort of square-armed chairs because they typically meet with heads of state. He spoke quite formally in Chinese, and there were interpreters there of his remarks. We then went in and spoke in reverse order, so I was the senior American delegate. After I spoke and came and sat down next to him, he turned to me and in perfect English said, "Oh, I very much enjoyed your remarks." It's clear he's fluent in English. He then

gave a very, very interesting statement about the rule of law, even though he's not a lawyer, and his thoughts.

Mr. Lynch: Anything in particular that you remember him saying about the rule of law?

Prof. Areen: There were careful comments about it how has to be done in a way that works for China; that you can't simply borrow another country's solutions, but you can learn from them. I think just the fact that he chose to speak on the rule of law shows a very interesting process that's under way as they try to link their political system to their extraordinarily successful economic development.

Mr. Lynch: Moving to a different topic. When we first started chatting, before I turned the tape on, you mentioned that you have a son who's now following in the footsteps of his parents in law school.

Prof. Areen: Jonathan is. As I think I've mentioned to you, we were a little hesitant at first because it was very important to us as parents to have the environment in which he could make his own choice about what he wanted to do. As you know, his older brother, our oldest son, Ben, was killed when he was 17 in an accident; he had always talked about being a lawyer, and he just had some of the characteristics that made us think that's pretty clearly what he would have done. Jon, sort of typical sibling, in reaction to Ben, said, "well, I'll never go to law school." So, when in his junior year in college he told us he was thinking about law school, I was concerned: had we unconsciously pressured him, and was he in some ways making the decision because of the loss of Ben? But he sent us the essay he sent around to law schools and, in it, he made clear that he'd really not

planned on it when he went to college and he explored many other things, other courses, listened to other speakers; but, through one of his student activities, he had to step in to arrange a moot court and got caught up in it. In his essay he talked about finding his passion. So, I stopped worrying about his motivation, and I've just been pleased for him. We just got the nice news, he's finished his first semester in law school, he doesn't know his grades yet, so it's that awful time of waiting; but, he made the decision he really wants to do public interest/public service, so he sent out letters to U.S. Attorney offices to be an intern. Two of them gave him offers, and he's accepted; so, he'll be spending the summer in the Baltimore U.S. Attorney's Office, and we're just tickled. He's very pleased, too. It's very good news for him.

Mr. Lynch: Who were his first-year professors for the Fall?

Prof. Areen: He had Lloyd Weinreb in criminal law, which is part of why he was really interested in doing this for the summer. Just to make it a small world, my husband, who also went to Harvard, had Professor Weinreb 40 years ago to the semester. When John got the news who his teachers would be, Rich could remember – I don't know why I can't – but he can remember the first case that he had. John got his reading list, and it was the same first case. Then he had Christine Desan for Civil Procedure and a visiting professor, Jennifer Arlen from NYU, for Torts.

Mr. Lynch: Did he enjoy the first semester?

Prof. Areen: He did. So it's a pretty good sign, right?

Mr. Lynch: Yes.

Harvard, if I'm not mistaken, has been thinking about changes to the first-year curriculum.

Prof. Areen: They are indeed, and they go into effect next year. So, he's the last of the old system. They sound interesting. As I understand it, they're opening up so that you will have, if not administrative law, at least a variant of administrative law, the notion being to get statutory construction into the first year; so, it's not all common law, which I think is a very good thing.

Mr. Lynch: Is any change contemplated to the Langdell model of weeding through appellate opinions to induce the law?

Prof. Areen: Well, there's certainly a focus on more problem-solving, or problem-based courses, particularly in the upper-class years. It's not clear to me how much that's going to happen in the first year. But I think that's the experience of many law schools. Whatever its weaknesses, the first year of law school works pretty well. We don't want to abandon it, but to fine tune it makes sense. The years that don't work so well are the upper class years, and I think we have an obligation to make sure whatever the strength of the Socratic method, which we associate with Langdell in the first year, you can't simply repeat it for two more years. We need to be more thoughtful about structuring subject matter – not majors, concentrations – so that there's a progression of courses and some problem-based learning. I also think it's important that, at least in some courses, people work

together in teams so it's not all only individual action, because as you know, so often in law firms, people are working with other lawyers.

Mr. Lynch: How would you grade team efforts, though?

Prof. Areen: You went right to the heart of the challenge. What you find out in business school is most of your grades first year are team grades. I don't think we'll ever go there, but it could be in some courses so people have a choice, that you might have a team grade. Or what I've done when I've given a problem in family law where people are formed into law firms, if you will, to negotiate the details of a custody, a divorce decree, is do a team grade for part of it but then ask them to write individual papers in which they can talk about what did or didn't work, and offset weaknesses in the team.

Mr. Lynch: Has that worked?

Prof. Areen: It seems to. I have found that, in the years where I do it, it takes a lot of time, so I don't do it every year; but, when I do, I find that – and that's just part of the grade, there's still an exam – people have actually pulled the material together, I think, more effectively. There's something about pulling together what you've learned when you're doing it on behalf of a client, even if it's a pretend client. It gets people to focus I think more effectively.

Mr. Lynch: And the third year?

Prof. Areen: I see the second and third as common problems, so the need is to have a progression. People talk about in the third year there ought to be either a capstone course in your concentration, so it would be a small seminar where you work

closely with a faculty member, maybe write a paper, or be in a clinic. In that third year you are doing what I described in a smaller way, in a negotiation problem, of reflecting back on and taking what you've learned to a more advanced level.

Mr. Lynch: Do you foresee it ever being the case that law degrees would be awarded after only two years?

Prof. Areen: There has been debate about it for 40 years. I predict the debate will continue. I don't see it changing because I really do think there's more than enough to make the third year an important part of the lawyering process. I know people going through it don't always feel that way.

Mr. Lynch: What about your third year?

Prof. Areen: I was so ready to get out. Now I speak as a faculty member, but I have so many things to teach.

Mr. Lynch: One obvious pressure is with tuition rates going so extraordinarily high and the pressure that puts on people to channel their post-law school experience into places where they can afford to pay off that debt. Something's going to give.

Prof. Areen: It's truly terrible now. Fortunately there are more law schools that are providing loan forgiveness. Georgetown, as you know, has for a while done a very good job of providing loan forgiveness for people who do public interest, public service, but we need to do more.

Mr. Lynch: Do you ever foresee law school being tuition-free? Princeton now has --

Prof. Areen: Princeton for one year has frozen tuition.

Mr. Lynch: There was some talk about whether at least Ivy League undergraduate schools were going to tuition-free.

Prof. Areen: I think not talk coming from people in the schools. It is true that Harvard with its more than $25 billion endowment could function without tuition, although it would be a real problem for a majority of law schools who don't have that kind of endowment. If you look at the figures, and they're clearer in the private schools than the publics, because it's hard to know how to account for state aid, but if you look at a private school, at all of the major schools, more is spent each year, whether we're talking undergraduates or law school, per student than full tuition. So, in some respects, everybody is getting an implicit scholarship if you will. If you think about it, it's in part the things you take for granted when you're there but that make a difference. It's the campus, it's the library, it's the size of the faculty. Those are not covered by tuition. That's the challenge. Fifty percent of the budget, at any law school I know, goes to people. That's what education should be about. There are efficiencies of scale we've developed, but I don't think we really want to push into a world in which teaching's done by computers or in larger classes. I don't think that will provide the education that you and I had a chance to enjoy. But the financial cost of a good education is a serious problem. I'm delighted that the new Congress is pushing to increase federal grant money. It hadn't been increased in years, and that's a real problem.

Mr. Lynch: You're talking about the Pell Grant program?

Prof. Areen: Yes.

Mr. Lynch: What is the amount now? Is it $4,000.00?

Prof. Areen: I don't have the numbers in front of me. It's clearly still not enough, whatever amount "enough" is, but it does help.

Mr. Lynch: Does Georgetown have an endowment?

Prof. Areen: We do.

Mr. Lynch: The Law Center?

Prof. Areen: Well, as is true of most universities, there are parts of the University's endowment that are designated for the benefit of the Law Center, but it's treated as one large endowment and managed by the Board of Directors and invested as a single endowment.

Mr. Lynch: Is that a public figure?

Prof. Areen: The law school's endowment is not broken out, but you can look at the endowment for, I think, the top 300 universities. It's published every year. I don't have the numbers off the top of my head. Georgetown overall is about $800 million the last I knew. But there are now more than 40 universities with an endowment of $1 billion. That's quite extraordinary. Harvard leads. The other thing you'll notice if you look at those lists is that the wealthiest schools increased by a larger percentage. Harvard's endowment went up by $3 billion this past year alone. It's because you have a larger endowment to invest, you can take risks that you can't when you have a smaller endowment. So, as in too many arenas, the rich get richer, and that current gap is a problem.

Mr. Lynch: Should we get back chronologically?

Prof. Areen: To being Dean, I think that's where we were.

Mr. Lynch: Is there anything left with your time as Associate Dean and becoming Dean?

Prof. Areen: The first thing that's most relevant is I had been on the previous two Dean search committees, both when Dave McCarthy was selected as Dean and when Bob Pitofsky was selected as Dean. So, I was somewhat familiar with the process as it occurs here at Georgetown. There's no single way. Every University has its tradition. It's not written as to how you will do it. It is part of the ABA accreditation standards for law schools that faculty have a right to participate. That's not true of all accreditation agencies; it certainly has been the tradition at Georgetown. The committee that in the end appointed, or recommended for appointment, Dave McCarthy was chaired by Judge Tamm, an alum but not a faculty member. The committee that in the end recommended Robert Pitofsky was chaired by Professor Jim Oldham and that committee had only faculty on it. Tim I'm suggesting cutting the previous paragraph as it repeats material in an earlier interview.

Mr. Lynch: What was the procedure for you?

Prof. Areen: It was identical. It was the same president. Tim Healy was the president when Dave McCarthy was selected as dean and he was the president when I was selected. I literally was away. I was at the Woodrow Wilson Center for the year on a sabbatical looking at some of the important historic thinkers in shaping modern family law, starting with John Locke. So I was back in the 17th century.

Mr. Lynch: Is that at Princeton?

Prof. Areen: This one is right here at the Smithsonian. So, I literally had an office in the Castle, which is a wonderful building. They've since moved the Wilson Center for Scholars, it's called, to the Ronald Reagan Building. The offices are better equipped, but they don't have the charm of the Castle.

Mr. Lynch: When were you there?

Prof. Areen: It was 1988-1989

Mr. Lynch: Is there a Woodrow Wilson Center at Princeton?

Prof. Areen: There is. Absolutely. There's a Woodrow Wilson School.

Mr. Lynch: Part of the same entity?

Prof. Areen: No. They obviously both honor Woodrow Wilson, who, of course, was president at Princeton before he became President of the United States -- hence the school at Princeton. The program that is housed within the Smithsonian was set up by Congress to honor Woodrow Wilson. So, instead of a Washington monument or a Lincoln monument, it's a living monument to him that each year brings scholars together for a year. The year I was there they had a quite large American program. In the last five years, it's focused almost entirely on international issues, and that's too bad because I think there is a benefit to all in having American scholars mixed in the mix. Everybody is working on a scholarly project. The way you're selected is you propose a project to do; and, if you're selected, you have this truly wonderful year. You're provided an office, and there's lunch every day, if you wish, with the other scholars. It's so interesting

because these are very thoughtful people working on a range of issues for the year.

Mr. Lynch: Is there anyone in particular that year you recall?

Prof. Areen: There are many people who were doing interesting topics. I will respect their privacy. But it was a great year.

Mr. Lynch: When you put your hat in the ring to for the dean selection process did you have a platform?

Prof. Areen: It really was not a platform, but there were a range of things I was focused on. We had, at that point, thanks to Dave McCarthy, and I continued it, a very good tradition of putting a faculty committee together for two years, to draft a plan for the next five years, and then, before the five years ended, pulling another group together. I knew from that process what the plan for the next five years was all about. Indeed, before I went on my sabbatical, I had been on the committee and helped put it together, and I was very much in support of the things that that presented. It talked about the need to have an alternative first-year curriculum. It talked about the need to have housing for the law students. So, it wasn't as if I needed to invent goals for the Law Center for the near term. I believed in the five-year plan and I knew the process because, although drafted by a subset, ultimately it's discussed by the full faculty, and it had widespread support. I think my colleagues were as interested in how you would proceed. It's partly, I think, what you say during the process, but they also have had some years to take their measure. You want someone who will take care of the matters you don't want to

be bothered with, but will consult you on anything you do care about; the challenge for the Dean is to sort out the difference.

Mr. Lynch: What are some of the issues that people don't want to have to deal with?

Prof. Areen: Fundraising. It's your responsibility. University politics. Building alumni relationships. Making sure things function, the buildings are heated, there's chalk on the chalkboards. Students are admitted. The functioning of the enterprise, if you will. Now the minute something doesn't happen – I remember a former Associate Dean talking about the first week being called because there wasn't toilet paper in one of the bathrooms. That's your responsibility. But when it comes to what a particular faculty member is going to teach or how they're going to teach it, that's not controlled by the dean. The challenge is knowing the difference.

Mr. Lynch: So you had these talks.

Prof. Areen: I had my day of talks.

Mr. Lynch: Who were the other two people?

Prof. Areen: Peter Edelman, a wonderful man. And John Kramer, a dear friend. Either would have been a good choice. So, I felt as the names went out, because I knew the three names that went up, the law school was going to be fine; that was good. The previous process when I was on the committee, the names went up, and I would say within two days, the president had met with the final candidates, the recommended candidates. I think maybe it took a week all total. Yet when I was being considered a week went by and nothing happened.

Mr. Lynch: What were you thinking?

Prof. Areen: Then another few days went by, and nothing happened. Then I get a call from a colleague not on the search committee, and they said, "I just got the most curious call from the president of the University." And I said, "Oh?" The colleague said, "Yes, the president called and wanted to know what I thought of the dean search process and did I think it was a good one, a fair one and a good one?" My colleague said, "I said to the president, 'yes, I thought it was a fine process.'" So, I realized, I had also been told, although it was not public, that I was ranked first by the committee, which was very nice to know that my colleagues made that choice. It made me realize the president was having some problems with this recommendation, and I could understand.

Mr. Lynch: Why?

Prof. Areen: I was a woman?

Mr. Lynch: Was it just gender?

Prof. Areen: Well there may have been other issues, but

Mr. Lynch: No, no, no.

Prof. Areen: So, a little more time went by and I gather he made a few more of those calls, sort of like do I really have to grapple with this recommendation. But I give him enormous credit. When he did call me to come in, he could not have been more encouraging and supportive and forthright, and he made me the offer and I accepted.

Mr. Lynch: Was it an interview or was it fait accompli at that point?

Prof. Areen: Technically it was an interview. In fact, he let me know that it was his intent, so we could just have a talk. I didn't have to think of it as an interview, he was going to, and did, offer me the position. It was only, I want to say, three weeks, later that he announced he was leaving at the end of the spring semester. There was this twinge of "Oh my dear!" But I clearly had nothing to do with it. He had been in a search process and was selected and went off to be head of the public library, which you may know is not public. It's in New York, and he did a wonderful job and died much too early.

Mr. Lynch: At the time you were selected as Dean, were there other prominent law schools with women as Deans?

Prof. Areen: Duke had a Dean who was a woman, Pam Gann was her name. But no other major university at that time. Now it's changed since. Kathleen Sullivan did a wonderful turn at Stanford, and Elena Kagan is doing a great job at Harvard. There's a few that still have to find their way. And there are women presidents too, which, again, there weren't. At the moment, the president of Princeton, the president of Brown, the president of Penn, just of the Ivy League, are women, and at the time there weren't any.

Mr. Lynch: What about in various colleges of arts and sciences?

Prof. Areen: Very few. I know the numbers because I actually went back and did the history of law. In the 1960s there was one women law dean; in the 1970s, there were two; in the early 1980s, it went up to five. The year I was picked [1989], it went

to twelve. It stayed at a dozen for almost twenty years, and it's now gone up again. It's now, I think, over thirty.

Mr. Lynch: It's hard to think that in 1987 it was still an issue.

Prof. Areen: It was 1989.

Mr. Lynch: Even worse.

Prof. Areen: It was a challenge, not just for the president, but for the Board. And I can remember –

Mr. Lynch: Which Board?

[Side B]: I think you were just saying that the Board was polite.

Prof. Areen: Yes, everybody was very polite, in a very genuine way. But one of the responsibilities – every university is different. A number divide governance into two parts. So, at Cornell, where I served on the governing Board (and had been an undergraduate), and at Duke for example, there's a governance line for the medical center and then for everything else. Cornell literally has two provosts. I think actually Duke does, too. Georgetown is unusual in that it has three separate governance entities. So, when you're appointed Dean of the Law Center at Georgetown, you're also an Executive Vice President of the university, which is like being one third of the provost, and you do not report to a provost, as most law deans do. You report directly to the President and Board, and you have direct responsibility for your budget.

Mr. Lynch: So you were an Executive Vice President?

Prof. Areen: Right. One of three. Each campus, as we call them at Georgetown, has an executive vice president in charge. So, in that role, I'm presenting a budget for the coming year, a five-year projection, tuition recommendation, first to the law affairs committee of the board and then I go with the chair of that committee into the finance committee, which is putting together the university-wide budget. At the first meeting, as we're walking into the meeting of the finance committee, the chair of the law affairs committee said, "why don't you let me do the talking." I realized he thought that he was being helpful because he was concerned that if a woman presented the budget, that might cause some problems in the process.

Mr. Lynch: How did you take that?

Prof. Areen: I decided – in the best sense, there's no point in worrying about it – that if we jump ahead for a moment to 15 years later, there were several members of the board who came up to me privately as I was finishing my last term and said – these were directors who had not been on the law committee so I didn't really know them well, but they had watched the law school over the fifteen years – and said, "you know, I've noticed for 15 years, your budget has always been in the black, and that the law school has advanced very well." It was nice to feel that the next time they have a choice of appointing a woman, it should not give them worry.

Mr. Lynch: We talked a little bit about the things that other professors would want the dean to handle, so now we're in your deanship for 15 years. What about fundraising,

which is one of the four things I have listed that you talked about the faculty wanting the dean to handle?

Prof. Areen: It was a real challenge. I had become good friends while I was associate dean with our chief development officer, I think it's now called the chief advancement officer, but it was the chief fundraiser. A wonderful woman, Patricia McGuire. As I made my decision, and I wrestled with it before I put my hat in, but as I decided I would do that, it gave me great comfort to know she was there because other than some grants for the clinical program I set up, I had not done any fundraising. Pat had overseen the first major campaign for the law school – this is while Bob Pitofsky was dean – and it raised the money for the wonderful Williams Library, and so I knew she not only knew how to do it, she had done it and done it very well. We talked it out, and as it developed and I was chosen, she was very pleased that we'd be working together, and wasn't this terrific. I started as the university year does on July 1. In June she called me and said something's come up. Her undergraduate college was Trinity, and she was in fact serving on the Trinity Board at that time. Trinity was near bankruptcy, a combination of difficult circumstances and some problems with the leadership. The Board had decided the President they had just couldn't handle it, and he was being ushered out. They had also decided that Pat should do it, because the school was in dire financial straits and they knew of her fundraising ability. So, a month before I started, my experienced fundraiser departed. It was indeed a challenge because there wasn't someone to step right in, and so, on a temporary basis, I turned to a

wonderful Georgetown person: Kevin Conry. He's a double-Hoya: School of Foreign Service undergraduate, Law School graduate. He had served as assistant dean for academic affairs, putting together the schedule and doing a great job with that. But he knew how important this was and that it was going to be difficult to get someone right away. He let me know that, even though it was not his background, he would do it if for the good of the school it would help, so I was happy to appoint him. He then in turn, showing his great good judgment, hired several people with a great deal of experience, far more experience than he had. Not everyone has the personal character and strength to do that, but he did. So we were off to the races. Again I'll jump ahead. As I've announced that I'm leaving, Harold Koh came in as dean at Yale. He hadn't even started yet, but he set up a search committee and said "find the best law school fundraiser in the world." It came back and said, "well it's Kevin Conry." He brought him up and gave him the full treatment and made him an offer, and I was afraid we were going to lose him; but, in the end he turned down the Yale offer. It was partly his daughter had just started a new school, and for family reasons he didn't want to move. This past spring, Elena Kagan said to her search committee, "find me the best law school fundraiser in the country," and again it was Kevin. So Kevin went from starting at the beginning of my deanship knowing nothing about fundraising to being pursued by the very best law schools.

Mr. Lynch: Did he accept Harvard's offer?

Prof. Areen: He did not. He is staying.

Mr. Lynch: Can we drop a footnote here, because that's an issue I wanted to talk about, too. I noticed that Mark Tushnet has gone to Harvard. What kind of problem is it for the school, poaching?

Prof. Areen: It's very competitive. It's not just law school, it's higher education. That's what competition means. Fortunately, we win more than we lose, but we're always going to lose some, and we take losses very hard. Most of us don't really think of Mark as gone. Now you have to understand, his house is still here in Washington. His wife is still here in Washington. His daughter is still here at Georgetown on the faculty, married to the son of another Georgetown law faculty member, and his grandson is here. There is an office at the law school that Mark uses one day a week, so he's commuting up there. We're all hoping that at some point the commute will become difficult enough that we won't really have lost him.

Mr. Lynch: As a first-year student, I had Mark Tushnet for Government Processes, and he's left for Harvard; Anita Allen for Legal Justice, and she's left for Penn; and Bill Eskridge for Process, and he's left for Yale.

Prof. Areen: You had the trifecta.

Mr. Lynch: My other first-year professors, Professors Ernst, Gottesman, and Seidman, are still here.

Prof. Areen: Those are the big three we've lost, so it isn't as if they represent large numbers. But we have lost some, and we take it very hard. As I said though I kept my balance of payments list, I kept track every year.

Mr. Lynch: Who are some of the good people who have been poached recently by the Law Center?

Prof. Areen: I don't know all, but among my favorites are Robin West and there the real competition was Chicago, and we've kept her from going to both Yale and Harvard, but the offers keep coming; David Luban, where the competition was Yale; Don Langevoort from Vanderbilt, the competition was Columbia; Richie Lazarus from Washington University, and he has brought this wonderful Supreme Court institute we have. We've had wonderful laterals. More than two-thirds of the cases argued before the court are now mooted here at Georgetown Law Center by the Supreme Court Institute.

Mr. Lynch: Can students sit in on those moots?

Prof. Areen: We do it on a limited basis given the nature of the process, and the client of course has to agree because there's some potential risk of confidentiality. But, if it's an environmental case, we'll take an upperclass environmental seminar and arrange for them to attend the moot. Then a week later they can watch the actual argument at the Supreme Court to see if the lawyer benefitted from the moot. What a wonderful opportunity.

Mr. Lynch: So back to fundraising.

Prof. Areen: Well, they're not unrelated. A primary reason fundraising matters so much, just to go back to tuition for a moment: tuition covers roughly 70 percent of what we spend per student. So, it keeps you going only just barely. If you want to do anything new, if you want to increase the size of the faculty, which we have done,

if you want to add chairs, which is a big part of the competition, if school x to our northeast offers not only a larger salary but a chair, we may not be able to match the salary, but it's sure nice to offer a chair. If you want to add to our financial aid, which is crucial given the tuition rates, if you want to do something about the campus, you cannot do that with just the tuition; you must do it through fundraising. As I used to tell the faculty, somehow when I would go to foundations, there just wasn't a lot of interest in funding the education of more lawyers. I don't know why that would be? In a city like Washington, there's a problem with most law firms, because I would go to wonderful and large and very successful law firms but they would say, "well, but how could we give money to Georgetown when we have partners who went to Columbia and UVA and Harvard." So, you're pretty much out of luck with foundations and it's really uphill with law firms. When Pat McGuire did the fundraising for the law library, that was the first capital campaign we ever had. Not only had we not done any major gift fundraising, we hadn't done much alumni outreach. You can't suddenly call somebody up and say, "gee, well, we haven't talked to you for twenty years, but would you be interested in giving us $100,000?" It doesn't work. So, a lot of time during those first years was spent reaching out to alumni. Then we happened on by necessity what turned out to be the best possible way to do it. We couldn't afford to hire the large staff of fundraisers that many of our peers had. I think Harvard may have 50 people on their development staff; we had 3; and yet we have comparable size alumni bodies. So we organized a group

of alumni as a committee (the title would change over time), and asked them to reach out in their own cities, in their own community, and fundraise for us. It turned out, actually, to be more effective than even if we had been able to hire 50 fundraisers, because when someone who is also a graduate comes and talks to you, he or she is in a position really to answer questions and concerns you have about the school and can say that they have just made a gift of X. I learned this when my own school reached out to me for fundraising. You worry about what's appropriate. You don't want to get it wrong. I mean, you don't want to give too little, but you also don't want to give too much. So, if someone from your law school class calls and says, "I just made a commitment of $25,000 over the next five years," then you can make a judgment. You may not choose to give that number, but at least you've got some guidance about what other people are doing.

Mr. Lynch: Is the committee we're talking about the National Law Alumni Board, or is it a different committee?

Prof. Areen: Different committee, a committee set up just for the fundraising. Now, one important thing I left out. Major gift fundraising is a very undemocratic enterprise. When I was starting in the late 1980s, they used to talk about the 80/20 rule: that 20 percent of the alumni give 80 percent of the money. By the time we were late in 1990s, it was the 90/10 rule. I'm hearing now it's the 95/5 rule. So, a very few graduates and families, and it's true in the university as well, do the large gift giving. At the same time, it's very important to be reaching out to people who aren't doing large gifts because you hope very much that some of

them, 20 years from now, may be in a position to; and you don't want to ignore them the way, unfortunately in the past, Law Center alumni were ignored. The annual fund, which comes from those smaller gifts, does help. You put it all together, and if you're getting however-many million dollars a year in the annual fund, that's money you can depend on and really helps. But it takes much more time because it's a much larger group to contact for the dollars you raise. You allocate your time or it is allocated for you accordingly. A bad analogy but a functional one is that it's like a political campaign. The campaign staff decides well, you know, you're going to spend two days in Iowa and only one in Illinois, and so choices are made about how most effectively you spend your time. It was really hard the first five years because, understandably, many people wanted to meet the new dean, and any alum should be able to do that, and I should be responsive. There were these years of neglect that we're trying to make up for. Then we were able to focus a little bit more. It didn't mean less time on my part was devoted to fundraising, but it meant that I could spend more time with folks who could do major gifts as well with those who gave small gifts.

Mr. Lynch: Had you done anything to ask people for money before that?

Prof. Areen: Never.

Mr. Lynch: How did you find it?

Prof. Areen: It was very hard at first, and I had to have talks with myself about it. I finally figured out – maybe I talked to you about it – I think gender was part of it. I grew up in the Midwest at a time where women didn't have careers. Women married

and were mothers and wives, and they certainly didn't work after they were married. It didn't exist. My life worked out in a different way, not that I planned it, but it evolved. Once I was there, that is, out of school and earning money, I took some pride that I was able to support myself; that was not something that had ever been expected by me much less anybody else. So, asking for money sort of grated against that whole history, because I had to work hard to achieve some financial independence. Finally I was able to figure out the obvious, but it wasn't obvious to me at first, that I wasn't asking for money for me, I was asking for money for a school that I believed in and cared about. I also learned pretty quickly, especially for people who have the capacity to do a major gift -- $100,000 or more – I'm certainly not the only person in their life asking for money. I mean, they're being asked by their church or their synagogue and by the symphony and by their undergraduate school and by their kids' school, so there's this long line, and again, that helped in a way to say, "well, do you believe in the case you're making," and I did and I do. I still do. I think about Harvard. I'm glad people give money to Harvard Law School, but, with a $25 billion university endowment, it doesn't really matter a whole lot. I can tell you the money that comes into Georgetown Law really makes a difference. We can see it in the faculty and in the financial aid that we can give that we couldn't 15 years ago.

Mr. Lynch: Other than believing it, though, how did you get it to work?

Prof. Areen: How do you do it? You should come to one of our classes. We give classes for alums on how to ask. It's a very good thing to practice. It's a very good skill

because so many institutions in our society depend on it. I would say what took pressure off me, is learning that it really isn't how you ask, it's not the words you use, it really is not whether you take them to a fancy dinner. I began to understand, and maybe this is more true for law graduates, that you should make a business case for the contribution. One of the things I started doing is going to some of the law firms, not for the whole firm, but we would gather the Georgetown graduates, both associates and partners, and I would literally do a business presentation the way a business seeking investors might. Part of what people wonder about, and given the history of the law school, I mean there were fights back in the 1960s before I was here about too much law school tuition being sent to other parts of the university; so, I go through and show them our budget, confirm that money given to the law school would remain at the law school, and identify some of the things we've done so far. Frankly each year it worked a bit better because we had more accomplishments to tell people about. In some ways people invest in their charitable giving in a way that's loosely analogous to how they invest in their business investments; that is, you want to invest in something that's not going to go broke tomorrow. You want to invest in something that's growing and successful. In that sense, you're counting on a return for your investment, in business it's a financial return, here the return is your own pride in your law school and maybe your professional reputation, and an opportunity to become more involved both with faculty and other alumni. So, it isn't the words, it is creating an environment and lots of events, lots of

occasions to spend time with potential donors. It's also very important, to find out what matters to each t person. I learned that you really can't predict. I would have guesses and be completely wrong. Some people, for example, I encountered really do not believe in financial aid. Sometimes they had to struggle and work hard to put themselves through and, by golly, they weren't going to make it easy for anybody else. On the other hand, they may like the idea of having their name on a chair for a professor or part of the building; and, vice versa, there are people who still were angry they didn't get enough attention at the law school; they had to struggle because when they graduated, the Georgetown name didn't open doors the way it does more so for our graduates now, but they have empathy for the students. They know it's expensive, and so they would give, but only for financial aid. So it's very important to get to know the person before you ask, and/or, even then, when you ask if you've got a dollar target, to say and let us know would you rather do it as a gift for an academic program or for financial aid. In short, give people a choice. Mr. Hotung is one of the world's great characters.

Mr. Lynch: I think we've talked about him a little bit.

Was there ever any organized not-one-penny kind of group?

Prof. Areen: For you to name it means you know it existed. Absolutely.

Mr. Lynch: What was the time period?

Prof. Areen: I think it started when there were these fights about the allocation of money, so that's when I first came on the faculty, the early 1970s. It would revive now and

then. You touch on something I want to say. It became easier to do the fundraising over time, both because alums got to know us, but even more importantly, because student attitudes were changing, and they were changing because the school was changing. I think I've talked to you about data on student satisfaction. If you go back to the mid-1980s, a majority of people, when we started doing exit surveys, were unhappy about their time at Georgetown.

Mr. Lynch: What did they point to the cause of that?

Prof. Areen: A long list, but that was the dominant sentiment. By 2004, by contrast, more than 80 percent of the students leaving were satisfied or very satisfied. A third of the students leaving said these were some of the best years of my life so far. We would literally connect alumni, when they would be here for meetings, and we would have students there, and students were much better than I was at producing the gifts. Not that they asked for the money, but just by talking about what it was like today, and so I would hear alumni say, "well, I guess you listened, you paid attention to the things we found wrong such as that the classes were too big." Well, the faculty was too small. That's right, we've increased the faculty. The campus was lousy. It was lousy, etc., and so the student satisfaction numbers, I think, not only bode well for fundraising in the longer term, but really have helped in the interim.

Mr. Lynch: Is there a lost generation?

Prof. Areen: I hope not.

Mr. Lynch: The people who graduated when you first came are now the people who are most likely going to be partners at law firms if they went that route, which would be the likely candidates.

Prof. Areen: Well it's been true for a while. Remember I came in 1972. They've been partners for a while. But it's why this process of starting with a small group of alumni and growing it matters, because again on these issues if you're one of those not-one-penny-ever alums, with bad memories, but someone in your class comes to you and talks to you and says, "well, it's changed in these ways," and you start to get some public acknowledgement of growing respect for a Georgetown degree, and over time more and more alumni would say, "well yes." I remember this Father Drinan story. He came back from St. Louis and he said, "I had the most wonderful conversation with one of our alums who left Georgetown, went out to St. Louis, this was back in the 1970s, and he told me that when he first got to St. Louis he would just never mention to anybody he'd gone to Georgetown; and now he says when he meets somebody it's the first thing he wants to tell them." Isn't that great?

Mr. Lynch: What percentage of your time on average in the 15 years you were Dean did you spend each year on fundraising?

Prof. Areen: It's significant. It's very hard to give a number, for this reason. In a way many of the things I did as Dean were relevant. The time I spent with students and doing things for students and hiring faculty obviously had an impact on it. Going to alumni meetings are about spending time with alumni, but they also matter, so it's

very hard to quantify. But I will say significant, and certainly more than I ever imagined. I think it is, well certainly in a large law school, and it is more like the jobs some college presidents face, there are many external to the school demands on your time, and again, going to Dave McCarthy, there was a wonderful tradition of having associate deans. There used to be three and I actually added a fourth. The primary associate dean is in effect day-to-day dean on the inside if you will, because you are on the road. I mean, it's not just the time, it's the travel. You're on the road. We have alumni in 50 states. We have alumni around the world. Or you're across town at the university wearing your EVP hat working on university-related issues. There are a lot of external demands on your time, even though as I got into it, and I believe the part I liked was working with faculty and the direction of the curriculum and so forth. But I learned you have to do what needs to be done. The associate deans could handle most internal things. When it comes especially to major gifts, people won't respond to anyone other than the person in charge. And I also I needed to be there for critical university functions.

Mr. Lynch: On a monthly basis, how many days a month would you spend on the road on average?

Prof. Areen: I'm avoiding giving an answer because it will be too discouraging, but it's a lot.

Mr. Lynch: You were good at it, and I think looking around it –

Prof. Areen: People were generous.

Mr. Lynch: Well, as you said before, all those people had churches, synagogues, symphonies, and other competing requests.

Prof. Areen: But we had great needs.

Mr. Lynch: You had great needs, and, if you look around, I'm not just trying to flatter you, but I think it's a matter of fact that you must have been very, very good at it.

Prof. Areen: The alumni have really come through. One of the things I like, in this building in the corner as you come in, facing here on the green space, there now is an alumni welcoming center. It's literally there for any alum who's in town and needs a place to hang their hat or plug in their laptop for a while. It wouldn't be here without gifts. You can't do it on tuition; this was done by gifts and almost all came from alumni.

Mr. Lynch: University politics. This was the second of the four things you said that faculty wants the dean to handle, and there's a lot that could be asked about that, but I think one event we should focus on is the conflict with President O'Donovan.

Prof. Areen: Let me back up a little and say that just as I was surprised and I suppose disappointed at how much time was taken up with fundraising, I was pleasantly surprised with the dimensions of the role of EVP because it did open for me the challenges universities face. One of the things we haven't talked about, it's off-point but it's relevant here, since I've come back to the faculty, one of the challenges I knew my relationship with my colleagues was fine and that teaching would be fine; but, the coin of the realm is scholarship, and I really worried after all those years of being an administrator: I knew how to balance budgets, but could I still write, could I commit acts of scholarship? I knew enough to know that when you have to write a paper or an article, it's all about having the right

topic. If you have the right thing to write on, it almost writes itself, whereas if you're just forcing it, it's really difficult. So during my year of transition, I focused on and decided that what was needed was to first do a course on higher education and the law. In November, Foundation Press, which publishes my family law casebook, decided they wanted a higher education law textbook, and they have given me a contract to do a new casebook based on materials I've been teaching. What I loved is they gave me back comments. They have an advisory board, deans and faculty, and it's a very experienced group, and word came back, someone said, you know this really needs to be taught at other law schools and maybe this will help make it a field. I'm just having a terrific time working on the new book. But it was my experience as EVP that opened these issues to me because I think universities are just a fascinating human creation and I don't know that I understand them, I don't know that anybody does. I'm in awe of what they accomplish when they work well. There are lots of challenges to keeping them functioning, much less improving. Working on this book, I have the luxury of some time to go back and read more of the history of American higher education. So, that's all relevant to this issue. I would say that one thing I've learned that I wish I had better understood at the time is that America has a unique system of educational governance. In England, the faculty runs the university, literally. At Oxford, for example, there's something called Congregation. It has 3,000 members, so if you want to make a major decision at Oxford, you gather as many as 3,000 people in a room. They have a new vice chancellor. In their lingo, that's

the president. This vice chancellor is from New Zealand, and he decided that this 600-year-old structure was not working, and what they needed was an American-style board of outside businessmen and bankers to run the university. In November, Congregation met at Oxford, and 2-1 voted down this proposal. Not deterred, he said, "I want a postal vote." So, they sent ballots out to 3,000 people, and again it was voted down 2-1. So Oxford is still run by the faculty.

Mr. Lynch: And with this vote of no confidence, was he –

Prof. Areen: One wonders. Stay tuned. I haven't heard anything yet. I knew that Harvard, founded in 1636, established the first lay (in the sense of nonfaculty) governing boards. Now of course, Massachusetts Bay Colony was itself a corporation. Harvard has a board of five fellows, a president and treasurer. The statute setting up the Harvard Corporation was formally adopted in 1650, making Harvard the oldest corporation in North America. My colleague, Patricia King, is now one of the fellows on that board helping to pick the new president of Harvard. So I knew that and had assumed and you see some references in literature that they made a choice. Now that I've had a chance to really look at the history, it is clear that they resorted to a lay board by sheer necessity. When they set up the Corporation they used the word "fellow." "Fellow" in the 17th century meant a member of the faculty. But, although Harvard was founded in 1636 and had its first students by 1639, there was not a professor on that faculty until the early 18th century. So who taught the students? The answer is tutors, who were young men, single, who wanted to be ministers, which was a very high status at the time. You had to have

a masters degree, which took three years, so they were in our modern terminology graduate students. That's who was teaching. The powers that be in the colony weren't going to give these kids power over something as important as their new college, so they took ministers from the neighboring towns and leaders in the colony. So, from the beginning, it was non-faculty—but not by choice. Indeed, I just finished reading some letters written back to Thomas Jefferson. In the 1820s he'd sent a friend to Europe to hire some distinguished professors for the University of Virginia, his pet project. The friend wrote back from England, it's really hard because if you've got the degree, your future is made. Why would you want to go off to this colony across the ocean. So, it was a problem for a long time-- having real faculty. Anyway, we end up with non-faculty boards, so that creates this structural problem that we have people who don't know much about universities in charge and the faculty who don't know much about the business people on the inside, and the only person, at the point of connection, is the president. This is part of why it is so difficult to be a president. You've got to, if you're good, explain the academic side of the university to the board and vice versa.

Mr. Lynch: And have the respect of the faculty.

Prof. Areen: Of both. You've got to do both. Anyway, I wish I had better understood that at the time. First of all, Father O'Donovan and I had a very good relationship for years, and he enthusiastically reappointed me at the end of my fifth year to another five-year term. I was surprised when he called me in.

Mr. Lynch: When was this?

Prof. Areen: April Fool's Day. Could I make this up? 1998.

Mr. Lynch: Let me stop you right there. Deans have five-year appointments?

Prof. Areen: There's no rule. That's been the tradition here. I don't know if it's true for all schools, but it's been true at the law school for two deans. Actually Dave didn't get five years. The then-president, Dave confided in me, when he appointed Dave offered him a three-year so he was going to turn down the job. He wasn't sure they wanted him as dean so they compromised on a four-year appointment. He served for eight years.

It's the fourth year of my second term. One important part of this history is that in the preceding two weeks, several other people in the university had been told their jobs were being eliminated. One of those people is today the president of Georgetown. It was a complicated time for the university, and the president was under great stress. Mostly the problems were caused because of serious financial losses at the medical center. Those losses were not a Georgetown-only issue; they happened in many universities. Why at that point in time he felt the need to change out administrators and upset the internal structure, I don't know that any of us will ever entirely understand, but I understood it was not about me personally. It had to do with these structural issues and concern about how much of the losses were understood by the board or revealed to the board, how much would be offset in some way by the budgets of other schools, all of that was very much on the table. I felt an obligation too, although not as a Jesuit like Father

Drinan. I believed in discipline and doing what you're expected to do. I would have expected before this happened that if the president were unhappy with me I would of course step down. But with the president acting in a way that could undermine the very hard-won position of the Law Center, that is of being a separate cost center, accountable for its budget, having to raise its own money, but also being able to then feel some confidence that that its money would not be used on other campuses I wanted to find a way to protect the law school. The losses in the medical center were larger than the whole budget of the law school that year. So, I mean, you could have thrown the whole law school budget at the losses, and there'd be no law school, but there will still be a short fall. So my resistance was about the school.

Mr. Lynch: Just to make sure that this is understood, what was that April Fool's call?

Prof. Areen: It was a regularly scheduled meeting, and we talked about, I don't remember what, and then toward the end of the meeting he said, "I've made a decision, and I want you to leave as dean, and you have a great career ahead of you, and I know you don't want to make any kind of fuss about this because it will interfere with your ability to have a career."

Mr. Lynch: What was the expression on his face as he delivered this?

Prof. Areen: Flat.

Mr. Lynch: Was there anyone else in the room?

Prof. Areen: No.

Mr. Lynch: What was going on?

Prof. Areen: I do not know to this day, and the only thing I knew at that point that was beginning to connect in my mind is that the other people in other parts of the university who were being asked to step down were people who had asked some questions about financial decisions that were being made or not being made.

Mr. Lynch: Was there someone at the university, it's been a number of years, but was there someone –

Prof. Areen: There was a position called senior vice president and that was not an academic position; so, although he would sometimes introduce himself as provost, which is an academic title, he was not the provost. The former dean of Maryland Law School, Michael Kelly was the senior vice president. Part of why I literally to this day don't know, and I don't know that anyone knows how this all came to be, is the two of them (O'Donovan and Kelly) kept each other's confidence and had begun consulting each other almost exclusively. There was unhappiness about that in general.

Mr. Lynch: Was his name put forward as your putative successor?

Prof. Areen: That never came up.

Mr. Lynch: What was your reaction?

Prof. Areen: I was stunned. Some part of me thought that actually it would be a relief to return to faculty. That's not punishment. But I'm still doing my job, which is trying to figure out what's best for the law school. So I did what I always did when I had a difficult decision as dean: I consulted very confidentially. Former deans are

always good advisors. Members of the Jesuit community. Some members of the faculty.