

**FROM STRENGTH TO STRENGTH:**

Long-Term Priorities  
For Growth and Renewal  
at  
The University of Michigan Law School

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## **I. Introduction**

### **A. General Observations**

This is the current draft of “From Strength to Strength,” the working paper that attempts to articulate a set of priorities for my tenure as dean of the University of Michigan Law School.

The paper began as a discussion document for the first meeting of the Law School Committee of Visitors after I became dean, in October 1994. Since then, it has benefited from constructive criticism by scores of people, including faculty, students, administrators, and graduates of the Law School. And yet the changes over time have not reflected a consensus about the issues I discuss here, only my own changing perspectives in response to the suggestions of others.

Thus, it should be emphasized that this is not a formal statement of law school policy. Nor is it some form of authoritative “mission statement” or “strategic plan.” It remains what it was initially – my own proposed agenda for the Law School, offered for the purpose of stimulating conversation and debate within the larger community about how we should be choosing among the opportunities that lie before us.

While the paper has evolved significantly since its first draft, one of my predictions in that draft continues to hold true: the title remains unchanged. The extraordinary strength of the University of Michigan Law School today is an indisputable fact. Our challenge is to decide what new strengths we wish to see identified with the law

school of the next century, and to determine how we can best build them into the structure of our institution.

B. An Aside Concerning What I Mean by “Today” and “The Future”

This paper serves two quite different purposes. It describes a point of departure for my deanship: the Law School as it stood in the summer of 1994. But, as it changes from draft to draft, it also offers an evolving picture of my contemporary sense of priorities, as they have been informed by conversation and experience.

Notably, I do not intend, in revisions of the paper, to include discussions of the progress made during my deanship in pursuit of the different goals identified here. Such discussions would necessarily entail more detail than is appropriate for a paper such as this. For those who are interested, I shall prepare a separate brief statement of our annual progress.

Accordingly, when I speak of the Law School “today,” in its “current” form, I am speaking of the Law School during the summer of 1994. It will be interesting for me to see how my perceptions evolve with the benefit of hindsight.

## **II. The Strength of the University of Michigan Law School**

The Law School carries forward a tripartite mission:

- To provide the finest possible education to the legal profession's next generation of leaders,
- To disseminate original research that deepens human understanding of law and legal institutions, and
- To deploy its special expertise in service to the state, the nation, and the world.

Since its founding in 1859, the University of Michigan Law School has been recognized as one of the world's outstanding exemplars of professional education. To merit that standing, however, the Law School has frequently been required to change in ways that preserve the core of our intellectual traditions while adapting them to new circumstances. The accelerating pace of evolution that we see today in human society and the legal profession is creating important new challenges for all law schools, including our own.

I believe that American legal education is entering a period of increasing inequality. Over the past fifteen years, social scientists have documented a "spreading out" in the distributions of wealth and income in America. For better or for worse, I believe that a similar process is underway in the law school world. I believe that, over the course of the next decade, a handful of truly outstanding schools like Michigan will begin to distance themselves from the larger group of "very good" law schools.

The outstanding schools will continue to make the investments necessary to sustain an uncompromised commitment to excellence in teaching and research. They will continue to diversify their programs, pioneering new ways for students to prepare themselves for the practice of law. They will also develop new ways to serve an expanded array of intellectual consumers, so that their graduates will continue to feel an intellectual connection with them long after graduation day.

Today, Michigan stands proudly among the world's truly preeminent law schools. It is ideally positioned to shape the course of legal education in the next century. Yet leadership will not be automatic. To be effective in claiming that role, we must first understand exactly what makes the Law School so strong today. We must then choose wisely among the many opportunities that lie before us, so that we may be even stronger a decade from now.

The following structural features place Michigan at the apex of legal education and define our base for future growth and development:

#### A. Reputation

Michigan has historically been recognized as one of the world's great law schools. The current edition of the "Gourman report" ranks us second (behind only Harvard). The U.S. News and World Report survey separates reputation into two components: with judges and lawyers, it shows us as tied for first place with only four other schools (Yale, Harvard, Stanford, and Chicago); with academics, it shows us as tied for first place with only five other schools (the same four plus Columbia).

Current reputation is undoubtedly one of the critical building blocks for future growth. Michigan's name is linked with excellence. We therefore receive institutional opportunities that other schools do not receive, opportunities that in turn continue to enhance the quality of our teaching and research.

## B. Faculty

We are blessed with a faculty of unsurpassed, and probably unequaled, quality.

The tenured faculty comprises scholars and teachers who, individually, are recognized as outstanding in their respective fields of endeavor. Rather than clustering in redundant "pockets" or "schools" that might promote intellectual balkanization, they have developed original and distinctive perspectives on the law. The multiplicity of perspectives is echoed in a wide range of faculty-level connections to the profession and to the rest of the university. It is expressed in a curriculum of unique breadth. It has sustained a faculty culture in which each of us is constantly pressed to extend our range, to rethink our ideas from ever more perspectives, with a minimum of backbiting and with a healthy tolerance for disagreement.

Our seven untenured tenure-track faculty members are the envy of the law school world. Over the course of the past seven years, we have enjoyed the good fortune to attract the very finest beginning academics to Ann Arbor. All of them have the potential to be dominant intellectual figures of their generation.

The clinical faculty is also among the finest in legal education. They have constructed a stunning array of innovative programs: general litigation, child advocacy,

environmental law, women and the law, and the program in legal assistance for urban communities. The programs regularly attract national attention for their pathbreaking endeavors.

### C. Students

The students are as strong as ever. Although in recent years we have been forced to compete for a shrinking pool, we have been able to go on drawing a talented, diverse, successful group of students: one capable of carrying on the tradition that Michigan students learn from each other as well as from their teachers.

Last year we received approximately 5500 applications for approximately 360 positions in the entering class. Only about one in five applicants was admitted. The students who enrolled had a median undergraduate grade point average of 3.52, and a median LSAT of 166 (roughly the 95th percentile).

### D. Alumni

The Law School has over 18,000 living alumni. They have risen to the summits of professional success in the private practice of law, in government, in business, in academia, and in every other walk of life. Moreover, their achievements are not limited to the United States; our alumni have achieved great prominence throughout the industrialized world.

We are also fortunate in that our alumni are an exceptionally devoted group. They remember their time

in Ann Arbor with great fondness. And they take pride in their association with Michigan.

#### E. International Ties

The Law School has, for a very long time, extended its reach far beyond the borders of the United States. Students from abroad have come to Ann Arbor since the 19th century, and a great many of them returned to become national leaders in their home countries. Their accomplishments, coupled with their fond memories of Michigan, have given Michigan a substantial presence in Europe and Asia.

In recent years, we have moved to build on that presence to create academic links at the faculty and student level. We have become more and more active in bringing the world's outstanding scholars to Ann Arbor to teach our students. This year, we are welcoming visiting professors from England, France, Germany, Japan, the Netherlands, and Switzerland. Each of them is recognized as a person of exceptional distinction; they are truly the great figures in their fields.

We have been active in the "outbound" direction as well. For the past few years, we have sent three of our faculty members to teach during the summer at Tokyo University. This fall, Ted St. Antoine inaugurates an annual tradition of sending a member of our faculty to Cambridge, England, to teach an introduction to American law. And we now have an ABA-approved program whereby our students may spend a semester studying at the University of Leiden in the Netherlands, one of Europe's outstanding law schools.



## F. The Library

Our library collection remains one of the largest and finest in the world. European and Asian visitors frequently find Michigan's collection of materials on their home countries more complete than those available to them at home. New technological advances have made the 750,000-volume collection more accessible than ever before.

Furthermore, the library staff's commitment to quality service has enabled a kind of support for research that I believe surpasses what is available anywhere else, with the possible exception of the U.S. Supreme Court library. I have heard many, many visitors report that our library is the finest they have ever used. I have *never* heard a visiting professor say that it is not.

## G. The Larger University

The University of Michigan is one of the world's greatest research universities. For that reason, the Law School, more than any other that I know of, has integrated itself into the overall life of the University. I believe that our tenured faculty includes more people with genuine long-term or permanent appointments in other campus units (not mere "courtesy appointments") than the faculty of any other law school. Those linkages across campus enable the intellectual resources of the University to be of direct benefit to our teaching and research missions.

## H. Ann Arbor

Ann Arbor's virtues are a significant boost to the Law School in two respects. They make it easier for us to

attract new faculty. And they make it easier for us to attract new students.

I will not attempt an exhaustive list of virtues. Suffice it to say that the range of opportunities for intellectual, cultural, culinary, and other stimulation is difficult to match in any city in the world, much less in a city as eminently livable as Ann Arbor.

To be sure, the fact that Ann Arbor is home to only 110,000 people can sometimes be a drawback. At times, southeastern Michigan does not offer the range of career opportunities to the partners of prospective students and faculty that other metropolitan areas provide. And sometimes prospective students and faculty without partners worry about whether they will be able to find a long-term companion here. Yet even after conceding those liabilities, I can only conclude that the Law School is truly fortunate to be situated where it is.

#### I. Physical Facilities

To be blunt, the Cook Law Quadrangle comprises the most beautiful and inspiring set of law school buildings in the United States, if not the world. Everyone who works or studies here feels uplifted, motivated, and challenged to work in a way that lives up to the standard of excellence set by the physical environment. And, for the most part, the buildings are in very good condition, especially considering their age.

#### J. Financial Resources

During this century, the Law School built its academic program on a sturdy financial base. That base

was derived primarily from two sources: public subsidies and private endowment. Over the years, the State of Michigan's generous annual contribution to the University permitted the Law School to subsidize tuition quite heavily across the board — especially for state residents. And since the 1930's, the Cook Research Trust — a research endowment created through the near-legendary generosity of William Cook — has provided the research support that permitted the Law School to distinguish itself within the academy.

To understand the current sources of the Law School's financial strength, one must alter that picture slightly.

First, the balance between state subsidy and private tuition has been altered dramatically over the past fifteen years. Tough economic times in Michigan led the state to cut its annual contribution to the University by 23% (in inflation-adjusted dollars). The University decided to conserve the diminished state appropriation for the intellectually essential but financially vulnerable units on campus, effectively eliminating the pass-through for the Medical School, the Business School, and the Law School. And the professional schools, in turn, did away with across-the-board tuition subsidies. The Law School's out of state tuition this year (approximately \$21,000) is not significantly different from that charged by private law schools. And the Law School's tuition for state residents (almost \$15,000), reflects a smaller subsidy than ever before. Overall, tuition revenues account for

approximately \$15 million out of the Law School's \$22 million budget.<sup>1</sup>

Second, the significance of the Cook Trust within the Law School's total endowment has been overshadowed by subsequent contributions. To be sure, the Cook Trust remains an important element of the Law School's wealth. But today more than two thirds of the endowment has been derived from other sources — benefactors who are individually less well known than Cook but have collectively allowed our endowment to remain (I believe) the sixth largest in the nation.

It also should be mentioned that the Law School's endowment — both the Cook portion and the non-Cook portion — is at the present time superbly managed. Both portions are obtaining very high annual returns on their portfolios, while keeping risk well within the boundaries that are acceptable for an institution such as ours.

Finally, to understand the complete budget picture, one must add in the annual gifts of unrestricted, expendable funds that the Law School receives from its alumni and friends. At the present time, unrestricted giving accounts for approximately \$2 million each year.

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<sup>1</sup> That figure does not include the Institute of Continuing Legal Education, which is a semi-autonomous joint venture of the Law School, the Michigan state bar, and other law schools in Michigan.

### **III. The Strength of the University of Michigan Law School in the Future**

The Law School's future *financial* course seems clear, and therefore deserves only a brief comment. Over the past decade, the changing priorities of state government have led to a shift in the Law School's budgetary foundation. That means it is no longer so easy to say what it means to be a public law school.

Michigan no longer receives a pass-through of public subsidies. The school has made up for that fact in two ways, each of which might be thought to make the school less "public." First, the Law School no longer charges nonresidents less tuition than they would have to pay to attend a private law school. At the same time, the Law School has been reducing the size of the extra subsidy that it has traditionally given Michigan Residents. Second, the Law School has come to depend increasingly heavily on a *private* community of loyal alumni who have stepped forward and assumed the role that alumni have traditionally played in supporting private law schools. Through their participation in the Campaign, Law School alumni will add a total of \$45 million to the School's endowment, and will increase annual unrestricted giving by more than \$1 million per year.

Unfortunately, the very clarity of the Law School's future financial course lays bare an aspect of the Law School's future that strikes me as altogether *unclear*: our character as a public institution. Is it still appropriate to speak of Michigan as a "public" law school? Has our drive to maintain the School's uncompromised commitment to excellence in teaching and research left us with no distinctive *public* attributes? Is the school

becoming cut off from the *public* values that have nourished it since its founding? Should we be concerned if it is?

I fear that these questions are much more difficult than we would like them to be. We cannot hide from the “privatization” of our funding sources. Nor can we hide from our ongoing role as a critical constituent in a University that is *not* “privatized,” but rather remains dependent upon public funds.

The Law School’s “public nature” may thus no longer be measured at the root, by reference to the sources of its support. If the notion of a “public law school” is to retain any meaningful content, it must be measured at the flower, by reference to its activities. But what activities? What kinds of activities reflect Michigan’s public historical tradition?

Thoughtful people have suggested to me a range of plausible and attractive ideas about how to answer that question. Two of those suggestions involved:

- A commitment to Michigan. The suggestion was that, to the extent there is a future for public law schools, it should entail a special relationship between the school and the state — a special commitment to enhance the educational experiences available to state citizens and to improving the quality of life within the state.
- A commitment to the improvement of government policy. The suggestion was that a public law school should be especially committed to the study and improvement of public law. Its students should be especially well trained for

careers in politics or as civil servants. what our public nature should mean to us when we are no longer publicly funded.

While there is certainly some attractiveness to either of these understandings, I am ultimately disinclined to pursue any unitary understanding of what will define our “public” nature. Instead, my hope is that we might be able to enumerate a collection of values that we believe important, and that we believe to be “public” in a deep sense. I would then suggest that the Law School stake its future “public” identity on its commitment to those values.

It must be emphasized at the outset that such an approach is not likely to yield a clear distinction between a “public” law school and a “private” law school. For even private law schools exist to serve a “public” profession. The differences that remain, and that must be clarified if there is to be any continuing meaning to the category “public law school,” will only be differences in emphasis and degree.

Indeed, in the long run those differences may ultimately fade away. It may well be that the historically private law schools will come to define their missions in ways that are indistinguishable from ours. If that is the case, then I believe we will have served our role as a public law school, and will have shown appropriate reverence for our history and traditions, as long as we have helped to shape the discussion about the role of public values in legal education.

## A. The Values of the Preeminent Public Law School

What values should define the University of Michigan Law School in the year 2004? What role should we aspire to play in the world? What ideas, implicit in our history and traditions, should determine our priorities over the next decade? At this point, I would offer a slate of five candidates.

### *1. Excellence in Professional Preparation and Research*

The profession and the world depend on our commitment to providing the best possible professional education and the highest quality research we can. Few law schools are capable of excelling in both dimensions. Our ability to do so carries with it a concomitant duty to strive for excellence. Both students and faculty have a role to play in that effort.

We must continue, each year, to build an entering class of students who, individually and collectively, have a strong likelihood of succeeding in the practice of law and contributing in diverse ways to the well-being of others. It is vital that we maintain a mix of students with varying backgrounds and experiences who will respect and learn from each other, and will through their interactions be prepared to play leadership roles in a diverse and sometimes fractious world. Through their experiences here, and through the cultivation of law's analytic skills, they will be able to understand how law and legal institutions, and the shared commitment to live in a free and open society, can provide the basis for



productive discussion and debate, so that disagreement does not always mean impasse.

With respect to faculty hiring, the institution of tenure means that, at any given moment, law schools have relatively few new positions open. That fact means that, while it is easy to quickly transform an outstanding faculty into a mediocre one, it takes great patience to build an outstanding faculty. Michigan has done so, and it must remain committed to strengthening its faculty even further.

For many years, Michigan has been unusually successful at identifying and attracting talented teacher-scholars, both at the entry level and through lateral hiring. Remarkably, in making those hiring decisions the faculty members have been able to resist the powerful temptation to clone themselves. Rather than filling vacancies with protégés and fellow travelers, each generation has strengthened the school by hiring scholars who are interested in new problems, who bring different intellectual skills to bear on those problems, and who draw different conclusions about them. The result has been a faculty of astonishing intellectual diversity, and an institution where students are trained to think with the flexibility that modern legal practice demands.

In the future, Michigan must build upon its record of excellence in teaching and research. That will require continuous reexamination of what such excellence entails. As the practice of law continues to evolve with accelerating speed, we must consider how professional education should adapt. How much should law schools be reinforcing changes in the profession, how much

should we be adapting to them, and how much should we be resisting them?

## *2. Accessibility and Affordability*

Throughout its history, Michigan has stood for the proposition that one need not be a Rockefeller to obtain an outstanding legal education. Talent and hard work, not parentage and wealth, were the keys to admission. And a combination of low tuition and plentiful financial aid meant that our student body reflected the economic diversity of the nation.

Today Michigan's tuition levels, like those at every major law school, are frighteningly high by historical standards. Nonresident students graduate with accumulated debts averaging \$65,000. Some students graduate with accumulated debts totaling \$90,000.

In the future, Michigan must find a way to remain a beacon of economic diversity in the world of top quality legal education. It must continue to hold out the hope that a truly outstanding legal education is available to any student of sufficient talent and energy, regardless of his or her financial means.

## *3. Internationalism*

As I noted earlier, one of Michigan's great institutional strengths lies in its history of links to people and institutions outside the United States. My claim here is that those links are not an accident of our history. Rather, they are an essential aspect of our public character.

I will not attempt to define and defend a particular vision of internationalism. Instead, I will content myself with the assertion of a few claims. In the next century, an outstanding American public law school should foster study of the laws and legal institutions of governments around the world, as well as the rules and practices of international organizations. It should promote dialogue and debate among scholars from around the world about the law and legal institutions. And it should facilitate the efforts of individuals to become expert concerning the laws and legal institutions of countries not their own.

#### *4. Public Service*

Any outstanding law school can rightly claim that it is an institution whose mission is one of public service. Given that the legal profession is, in a meaningful sense, our most public profession, those who train each generation's most outstanding attorneys are necessarily satisfying an important public need. And scholarly research about the law and legal institutions serves the deep human need to accumulate knowledge, an enterprise whose benefits are known in the future, not the present.

At Michigan, we have long known the truth of such claims, and we have long taken pride in the extent we have served the public good through teaching and research. But we have also taken pride in the fact that our commitment to public service goes farther than that. Teachers do not merely teach students a few skills; they also press their students to reflect on the choices they will make about how they use their skills. We do not preach a particular path in the law, but we insist that our students learn to lead reflective lives, and that they develop a

personal sense about what makes the practice of law a public profession.

Outside the classroom, the Law School has also expressed its commitment to public service in myriad ways. Michigan has long been the home to programs and faculty research that aim to improve the existing legal order. And it has run clinical programs that offer students the opportunity, within a rigorous academic context, to deepen their appreciation of the role that community service can play in their professional lives.

In the future, Michigan must remain true to its heritage of public service. We must understand the financial pressures that currently engulf the legal profession. We must understand the multiple claims on the Law School's own resources. And, nonetheless, we must continue to be an institution that transcends any narrow understanding of our institutional purpose.

#### 5. *Responsiveness*

The value I have in mind here might be considered a correlate of the value of public service. But I would like to distinguish it in the following way.

It is at least conceivable to me that a preeminent law school could embrace the value of public service in an elitist way, in a spirit of *noblesse oblige*. It might claim to be the center for a particular "school of legal thought." It might assert that its own distinctive contribution to the world of legal education would be the development and evangelistic defense of that school.

But while such an approach might be perfectly appropriate to a private law school, I think it would be

inappropriate for a public law school. I believe that an outstanding public law school has an obligation to be responsive. Even while its faculty members, as *individuals*, must remain free to march to their own drummers, it must not claim that prerogative as an *institution*. It should endeavor to remain accountable to the world that supports it. As the profession changes, as the student body changes, as the University changes, the Law School should at least *take seriously* the possibility that it should be changing as well.

#### B. From Values to Priorities: An Agenda for Growth and Renewal

I suspect that some readers may have found the foregoing discussion to be frustratingly abstract. General statements of values are difficult to evaluate outside the context of specific test cases. Such readers should find some relief in this section, where I will offer some more specific ideas about the future direction of the University of Michigan Law School.

I would like to set forth a set of priorities for the Law School over the next decade. I believe that recognizing a particular goal as a priority for the Law School would have several important implications for how the Law School acts. In particular, I see the development of a priority list as having important implications for my own behavior when I speak with potential donors to the Law School.

First, if the Law School acquires new discretionary funds, one would expect to see the School expend those funds to support higher priority goals rather than to support lower priority goals, or at least to see it expend

the new funds in a mixed fashion that is weighted to reflect the relative priorities among goals. Second, if the Law School is offered the opportunity to acquire resources whose use is restricted to a particular objective, it should be willing to accept the offer as long as the donor's objective is not inconsistent with the overall priorities of the institution.

At this time, it seems to me that the Law School's agenda for growth and renewal should encompass two categories of new expenditure: two "structural priorities" and six "programmatic priorities." I would define those areas as follows:

### Structural Priorities

#### *1. Faculty Growth*

In 1974, the Law School had 50 tenured and tenure-track faculty members. Today, we have 49. It is time for us to grow.

Several changes in the structure of modern legal education over the past two decades lead to the conclusion that we should add more nonclinical faculty members. I would group them into four categories.

*Joint Appointments.* The numbers shown above are deceptive. The 49 tenured and tenure-track faculty members include 10 who hold only fractional appointments in the Law School. As I mentioned earlier, these interdisciplinary connections are central to the Law School's current intellectual strength. But they mean that we have substantially fewer than 49 "full time equivalent" nonclinical faculty members.

*Seminars and Small Classes.* In the competitive world of legal education, a preeminent law school can no longer restrict its offerings to a stable menu of large courses. Innovative pedagogical developments at Michigan, such as the first-year “small section” program and the so-called “New Section” have required more teachers per student credit hour. Similarly, the Law School’s commitment to provide every law student with an intensive seminar experience has reduced the number of teacher hours that may be devoted to large courses.

*Increased Research Effort.* Over the course of the past twenty years, all of the preeminent law schools have come to expect more, and riskier, scholarly writing from their tenured and tenure-track faculty members. Around the country, greater numbers of law professors are being denied tenure. And it is more and more the case that academic reputation and salary are keyed to scholarly production. As a result, all of the preeminent law schools have moved to provide their faculty members with regular “leaves” during which they devote all of their time to research and none to teaching. That phenomenon has also effectively reduced the number of hours any given faculty member spends in the classroom over a seven-year span.

*New Courses.* The subjects covered in the curriculum of an outstanding law school have multiplied over the past twenty years. New professional specialties have created their academic analogues. New interdisciplinary linkages have been reflected in new course offerings as well. And the opening up of law schools to women and to racial minorities has helped to develop interest in a new set of courses that cut across doctrinal boundaries.

To be sure, growth must not come at the expense of quality. The Law School must continue to hire the finest teacher-scholars in the country. It must continue to diversify itself, so as to ensure that students receive the best possible preparation for professional life in the next century. Subject to those critical overriding constraints, I believe the Law School should increase the number of its tenured and tenure-track faculty over the next ten years, to reach 60 by the year 2004.

## 2. *Financial Aid*

During 1993-94, the Law School spent over \$3.1 million on need-based grants, and about \$600,000 on merit-based grants to current law students. Current law students supplemented their grant receipts with about \$13.6 million worth of loans from external sources. Finally, the Law School spent an additional \$150,000 in grants and loans to students in the “debt management program,” a relatively new effort to address the effects of large debt burdens on recent graduates.

The Law School should be spending more on all three areas of its financial aid program.

*Need-Based Grants.* The Law School’s expenditures on need-based grants appear to be competitive with those at other preeminent law schools. Unfortunately, they have not been able to grow fast enough to prevent an alarming increase in the typical debt burdens of graduating students. It would seem inevitable that, if nothing is done to reduce the debt that students can anticipate upon graduation, all law schools, including Michigan, will begin to see a noticeable decline in the economic diversity of their student bodies. At present,



our need-based grants total approximately 15% of our tuition revenues. Over the next ten years, I believe we should increase our need-based grant expenditures by 3% of our tuition revenues.

*Merit-Based Grants.* Our Darrow and Jentes scholarship programs enable the admissions office to award full-tuition scholarships to approximately ten students each year (7 nonresidents and 3 residents). Such scholarships enable the school to attract extraordinary students who would not otherwise choose Michigan. Since the law school classroom places a high premium on the quality of student participation, the presence of such outstanding students enhances the educational experience of all their classmates. I believe the Law School should double the number of full-tuition merit scholarships over the course of the next ten years, so that each first-year section of ninety students will ultimately include a critical mass of five full-tuition merit scholars.

*Debt Management.* In many ways, an after-the-fact assessment of financial means is an even more attractive approach to need-based financial aid than is an assessment that turns on a student's family resources while the student is in law school. In practice, however, true income-contingent loan programs have proven difficult to implement. A second-best approach, implemented at a few law schools, has involved "debt restructuring" or "debt management" programs that enable students who pursue relatively low-paying careers after law school to restructure their debt obligations in a way that makes them more manageable. Michigan has begun such a program on a relatively small scale. Unfortunately, the program is still too small to offer much flexibility, or to have much of an impact on many of our

graduates. I believe we should increase the size of the program over the next ten years to the future equivalent of \$500,000 current dollars per year.

### Programmatic Priorities

#### *1. Legal Writing Instruction*

Today Michigan teaches first-year students the essentials of legal research and writing through the “Case Club” program. Under the direction of a non-tenure-track faculty member, third-year “Senior Judges,” assisted by second-year “Junior Clerks” have front-line teaching responsibility.

It is my strong impression that students entering law school do not write as well as they used to. That calls our Case Club program into question in two different ways. First, it makes our use of third year law students as teachers more debatable. Second, it means that, if we are to be responsive to the change in our students’ need for instruction, we should be providing an even more intensive educational experience.

I have appointed a special faculty committee to investigate our options for revamping the Case Club program, and to report on the various costs. I expect that it will be appropriate to increase our expenditures on the Case Club program by \$500,000 per year.

#### *2. Our Relationship With Our Alumni*

In the narrowest sense, to say that you are an alumnus of the University of Michigan Law School is only to describe a moment in your past. It is to say that, once

upon a time, you lived, studied, learned, and changed in Ann Arbor.

But that should not be all that it means to be a Michigan alumnus. I believe with all my heart that being an alumnus of the Law School should be an ongoing, constituent part of one's identity. It should mean that one is, today, a member of the Law School community. It should mean that one is, today, sharing a special set of interests and commitments with other members of that community: fellow alumni, current students, and faculty.

The legal profession today is changing too quickly for us to pretend that one's legal education is in any sense "complete" at the time of graduation. I believe that an enhanced opportunity to maintain ongoing links to one's law school and to one's fellow alumni could be an important resource for attorneys who are interested in staying fresh. Just as importantly, those links can be an important source of stimulation and insight for faculty and students.

I believe the Law School should seek to renew its relationship with its alumni in three ways. First, the Law School should substantially expand the number of alumni whom it brings back to campus, either to give one-time guest lectures or to serve as adjunct professors in specialized courses. Second, the Law School should expand and renew its five-year reunion programs, so that they provide a stronger intellectual component while maintaining the obviously important social side. Third, the Law School should launch the Alumnet, a computer-based forum in which Michigan alumni from around the world can engage in an ongoing conversation about substantive legal issues of all kinds, questions of legal

ethics, questions of law firm administration, questions about the balance among professional and personal life, and questions about legal education. The conversations would be open to our alumni, to current students, to faculty, and to me.

### 3. *Technology, Information Technology, and the Library*

The Law Library is one of the finest in the world, both in terms of the collection and in terms of the services it provides. To preserve and enhance the Library's standing, however, the Law School must continue to expand its level of investment in new technologies, in library personnel, and in the Library facilities.

Because the Law School is part of one of the world's most technologically sophisticated universities, it has the ability to be a world leader in exploring how new telecommunications and computing tools can link our special Ann Arbor resources to the twin (and overlapping) worldwide communities of Michigan graduates and legal researchers. We should upgrade our technological base, and then we should then be systematically explore how the new technologies might best promote our multiple institutional missions.

At the same time, we must maintain the quality of the Library as an accessible repository of more traditional legal research materials. The Library's annual acquisitions budget should continue to grow, to keep pace with the ever increasing supply of important new publications.

#### 4. *International Legal Studies*

As I mentioned above, our existing international ties help to make Michigan a remarkable law school. As the world continues to shrink, however, it is important that we continue to broaden and deepen those ties.

The primary mechanisms for strengthening our relationships abroad overlap with areas I have already discussed: the expansion of our faculty and the expansion of financial aid. In the international area, however, they take on a special configuration. In addition to our continued expansion of our permanent faculty, it would be exceptionally valuable to expand and stabilize our relationships with distinguished visitors from overseas. I would like to see us bring an additional four foreign visitors to our campus each year, and to establish long-term relationships with some of them. Moreover, I believe it is time for us to increase the amount of financial aid we make available to foreign graduate students who come to Ann Arbor to pursue an LL.M. degree. Unless we do so, we will not be able to maintain as diverse a group of graduate students as we would like.

All told, it is time for the Law School to establish a center in international and comparative law, one that can provide continuity, structure, and visibility to our activities in this vital area. Such a center could be the institutional home for international and domestic faculty and researchers, for conferences, for journals, and for debates. I believe that such a center would be the best vehicle for expanding our level of expenditures in the field by approximately \$300,000 per year.

### 5. *Clinical Education*

One of the most significant developments in the last quarter century of legal education has been the expansion and stabilization of clinical programs. At the present time, Michigan's clinical programs are among the highest quality in the country. Our general litigation clinic, child advocacy clinic, program in legal assistance for urban communities, and women-and-the-law clinic have all attracted national attention and praise for their efforts.

At the present time, however, our clinical programs are neither large enough, nor secure enough in their financing. The Law School currently spends approximately \$850,000 per year to support the clinics. Most of the clinics supplement that funding, with "soft money" of one kind or another. And even then, there are not nearly enough positions available to meet the student demand. I believe that over the course of the next ten years we should increase our funding of clinical education to the future equivalent of \$1,000,000 per year.

### 6. *The Legal Profession*

The nature and quality of legal practice has changed enormously over the course of this century. But the pace of change seems to have accelerated drastically during the past fifteen years. A great law school must be a center for reflection on the significance of those changes and must be a leader in adapting "professional education" to the evolving needs of the profession we serve.

I believe the time is ripe for the Law School to launch a new Program on the Legal Profession. The special resources and expertise of the University should be

brought to bear on the ethical, business, and professional issues that confront lawyers today. It could begin by cementing the position of public service in the roster of professional obligations to which all attorneys should aspire. Beyond that, it could be a vehicle for study and teaching in areas ranging from professional responsibility to the way legal services are marketed and delivered. With an annual budget of \$500,000, such a Program could make an enormous difference to the profession and to our students in the next century.

#### **IV. Conclusion**

The University of Michigan Law School has the luxury today of being able to plan for the long-term future. It is at present an exceptionally strong institution along every dimension one can identify. Moreover, there does not exist any crisis on the immediate horizon that threatens to bring the school to its knees.

But the fact of the Law School's current strength does not ensure Michigan's continuance at the pinnacle of legal education into the indefinite future. In ten years, it will be easy to look back to 1994 and see that we were standing at a crossroads. Today we face important choices about the directions in which we shall press ahead most quickly. The decisions we make will have an impact on the school's character for the future. It is important that we make those decisions promptly, but with great care.