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The Amazing, Elastic, Ever-Expanding Exportation Doctrine and Its Effect on Predatory Lending Regulation

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Tribute

Dean E. Thomas Sullivan: Building a Stronger Foundation

Edward S. Adams†

On July 1, 1995, Dean E. Thomas Sullivan joined the University of Minnesota Law School as the eighth Dean and second William S. Pattee Professor of Law. Dean Sullivan brought with him a strong and distinguished background in administration, teaching, and private practice. Upon graduating *magna cum laude* from Indiana University Law School in 1973, where he served as Articles Editor of the *Indiana Law Review*, Dean Sullivan served as a law clerk to a federal district judge in Miami, Florida. He then went on to work as a trial attorney in the Criminal Division of the United States Department of Justice in Washington, D.C. (Attorney General's Honors Program), where he specialized in corporate and securities fraud prosecution. Dean Sullivan subsequently practiced in Washington, D.C., as a senior associate with Donovan, Leisure, Newton, and Irvine, specializing in antitrust and trade regulation matters.

Dean Sullivan began his teaching career in 1979 at the University of Missouri–Columbia. He went on to serve as Associate Dean at Washington University Law School in St. Louis, where he coached the Mock Trial Team, winning five Midwest regional competitions and one national trial championship. Dean Sullivan then served for six years as the Dean of the University of Arizona College of Law, where he successfully increased the percentage of minority students, added women and members of minority groups to the faculty, and increased charitable gifts. On two occasions he has been a visiting faculty

† Howard E. Buhse Professor of Finance and Law and Co-Director of the Kommerstad Center for Business Law and Entrepreneurship at the University of Minnesota Law School; M.B.A. 1997, Carlson School of Management, University of Minnesota; J.D. 1988, University of Chicago; B.A. 1985, Knox College. My thanks to my research assistants, Michael Soronow, Karen Chen, and Sandra Dobbles, for their tireless efforts on this project.

member at Georgetown University Law Center in Washington, D.C. He also has been a Visiting Scholar at Cambridge University in England. Dean Sullivan's teaching areas include anti-trust, civil procedure, regulation of business, and trial practice.

Dean Sullivan has authored or coauthored many books and over thirty articles and essays on antitrust, including a leading treatise, a casebook, and a hornbook.¹ At the time of this writing, he is chair of the Council of the Section of Legal Education of the ABA.² He is a nationally recognized authority on anti-trust law and complex litigation. He served as a consultant to the American Law Institute's Project on Complex Litigation and its Federal Judicial Code Revision Project, as well as to the U.S. Senate Judiciary Committee. In addition, Dean Sullivan has acted as Project Director and Editor for the ABA Antitrust Monograph Project on Nonprice Predation, and as a Chair of the Association of American Law Schools Section on Antitrust and Economic Regulation. He is also a Fellow of the American Bar Foundation and has been a Research Fellow at the Center for the Study of American Business at Washington University. In May 1989, he received an Alumni Achievement Award from Drake University, where he graduated from college in 1970. In 1995, he received the Distinguished Service Award from the University of Arizona, and in September 1996, he received the Distinguished Citizen Award from the University of Arizona.

When the University of Minnesota selected Dean Sullivan, it brought to the Law School a leader with the abilities and the vision to continue the school's legacy of success. His strong belief that teaching versus scholarship is a false dichotomy ensured that, during his tenure, all aspects of the Law School were a top priority.³ In his words, "there is only good teaching

1. See, e.g., C. DOUGLAS FLOYD & E. THOMAS SULLIVAN, PRIVATE ANTITRUST ACTIONS: THE STRUCTURE AND PROCESS OF CIVIL ANTITRUST LITIGATION (1996) (treatise); E. THOMAS SULLIVAN & HERBERT HOVENKAMP, ANTITRUST LAW, POLICY AND PROCEDURE: CASES, MATERIALS, PROBLEMS (5th ed. 2003) (casebook); E. THOMAS SULLIVAN & JEFFREY L. HARRISON, UNDERSTANDING ANTITRUST AND ITS ECONOMIC IMPLICATIONS (4th ed. 2003) (hornbook).

2. UNIV. OF MINN. LAW SCH., 2001-2002 FACULTY DIRECTORY & RESEARCH ACTIVITIES 68 (2001), available at <http://www.law.umn.edu/FacultyProfiles/> [hereinafter FACULTY DIRECTORY].

3. See E. Thomas Sullivan, *Letter from the Dean: Transitions*, ARIZ. L. REC. (Univ. of Ariz. Coll. of Law, Tucson, Ariz.), Spring 1995, at 1; see also Edward S. Adams, *In Pursuit of Excellence—A History of the University of Minnesota Law School, Part VII: The Stein Years—A Time of Advancement and Prosperity*, 82 MINN. L. REV. 1527, 1561 (1998).

in the form of instruction in the classroom and advancing new knowledge and theories through scholarship.”⁴ This approach to legal education has proven to be a tremendous asset to the University of Minnesota Law School in its continued “Pursuit of Excellence.”

THE TENURE WARS

The fierce conflict known as the “Tenure Wars” pitted University of Minnesota faculty against the state Board of Regents over proposed changes to the University tenure policies. Although at the onset of the conflict Dean Sullivan had only just begun his first year, his leadership played a significant role in the events. The Dean’s negotiation and diplomatic skills culminated in unanimous approval by the University Board of Regents for his proposed changes to the University of Minnesota tenure regulations. During the same period, Dean Sullivan’s leadership was evident elsewhere, as he served as chair for several University committees, including the Twin Cities Deans Council.⁵

Tensions over the University of Minnesota’s tenure policy escalated throughout 1995, and by the fall of 1996, the University had become the country’s battlefield for the Tenure Wars. The Regents had sought changes in tenure policy which would allow the University to lay off tenured professors whose programs were eliminated or restructured and who could not be reassigned.⁶ The Regents also proposed the implementation of language in the policy that would allow the University to cut the salaries of tenured faculty members for reasons other than financial exigency.⁷ Moreover, the Regents announced their desire to institute a new system of post tenure review by administrators, which would, among other policies, grant them the authority to close down any University program by simply giving sixty days’ notice.⁸ The Regents “suggested that a faculty

4. Sullivan, *supra* note 3, at 1.

5. See Press Release, Univ. of Minn. News Service, Dean of Law School Resigning (Aug. 20, 2001), at http://www1.umn.edu/urelate/newsservice/newsreleases/01_08lawresign.html.

6. Fred L. Morrison, *Tenure Wars: An Account of the Controversy at Minnesota*, 47 J. LEGAL EDUC. 369, 375 (1997). Professor Morrison, a recognized scholar of international and comparative public law, is the Popham, Haik, Schnobrich/Lindquist & Vennum Professor of Law at the University of Minnesota Law School. FACULTY DIRECTORY, *supra* note 2, at 56.

7. Morrison, *supra* note 6, at 375.

8. *Id.*

member might be disciplined for failure 'to maintain a proper attitude of industry and cooperation with others within and without the University community.'⁹ The University was the first public school in the country to actively explore such adjustments to its tenure policy.¹⁰ Other public university systems soon followed suit.

Many viewed this as a direct assault upon traditional faculty ideals. According to Professor Fred Morrison, the issues were evident on at least three different levels.¹¹

At the basic level, they reflected traditional values of the academic community: academic freedom, due process, and responsiveness to change. At another level, they reflected the differences between managerial and academic decision-making styles. At the highest level of abstraction, they revealed new stresses on the entire nature of the academic enterprise.¹²

The faculty coalesced on the issue and advanced a united front, enlisting the support of business and community leaders, alumni, state legislators, and the governor in their denouncement of the Regents' proposal. To prevent the board from acting, faculty members collected signatures to authorize an election on whether to unionize. Professors then obtained a state order that barred the Regents from changing any personnel policies before the vote. Professor Morrison wrote in *Tenure Wars: An Account of the Controversy at Minnesota*, that "[i]n one district, legislators said they saw more university faculty on this issue than they would see taxpayers on highly controversial property tax discussions."¹³

Dean Sullivan was the only Dean at the University to oppose the Regents publicly. He laid a proposal on the table, one of "a system of 'shared risk.'¹⁴ Under this system, the University would continue its obligation to relocate faculty who had been displaced, and the faculty would be flexible in accepting reassignment and potential across-the-board cuts.¹⁵ Amidst extraordinarily tense and time-sensitive circumstances, Dean

9. *Id.*

10. Chris Klein, *Tenure Is No Longer Untouchable at the University of Minnesota*, NAT'L L.J., Feb. 3, 1997, at A20.

11. Morrison, *supra* note 6, at 384.

12. *Id.*

13. *Id.* at 380.

14. *Id.* at 379.

15. *Id.* at 379; see also Kerry Colligan, 'Return of the J.D.' Prominent in 'Tenure War' at University of Minnesota, THE UNIV. REC., Feb. 22, 1999, http://www.umich.edu/~urecord/9899/Feb22_99/tenure.htm.

Sullivan tackled the difficult feat of drafting a document that was neutral and fair to both sides. The issue transcended the University and aroused national interest, and many other universities scrutinized the effect of the tenure struggles on the University's national reputation. Opponents of dramatic tenure changes warned that loosening tenure protections for faculty might tarnish the University's image in academic circles nationwide, endangering the University's ability to recruit and to retain talented faculty and important research grants. The Regents wanted to bring to the country a more managerial view of academia as an enterprise.

Dean Sullivan's plan provided a well-received compromise between the Regents' and the faculty's standpoints. Sullivan's new code contained "a procedure for revoking tenure . . . in cases of 'grave misconduct manifestly inconsistent with continued faculty appointment,' with the determination to be made by a peer review."¹⁶ Such a policy was consistent with the campus collective bargaining process and was supported and applauded by the majority of the school's professors. Richard Chait, from the Harvard University Graduate School of Education, who was advising the Regents in the matter at the time, called the Dean's plan "constructive" and characterized the faculty's willingness to subject itself to post tenure peer review as "a step forward."¹⁷ David Breneman, Dean of the Curry School of Education at the University of Virginia, was a skeptic regarding academic tenure, yet viewed "Minnesota's trail-blazing role on tenure change as 'quite remarkable.'"¹⁸

STRENGTHENING OF RESEARCH INSTITUTES AND INTERDISCIPLINARY PROGRAMS/COURSE OFFERINGS

RESEARCH INSTITUTES

When Dean Sullivan began his tenure at the Law School, the Institute on Race and Poverty and the Human Rights Center had already been established. The Institute on Race and Poverty, which was established in 1993 by Professor John A. Powell,¹⁹ focuses on the unique dynamic created by the intersec-

16. Klein, *supra* note 10, at A20.

17. *Id.*

18. D.J. Tice, *How Do Observers Elsewhere View the Minnesota Tenure Struggles?*, ST. PAUL PIONEER PRESS, Nov. 26, 1996, at 8A.

19. Former University of Minnesota Professor John A. Powell was

tion of racial segregation and poverty. The Institute's goal is to generate scholarship, commentary, and dialogue in order to promote a better understanding of the issues confronting communities that face the combined challenges of racial segregation and poverty. The Human Rights Center, which focuses principally on training effective human rights professionals and volunteers, was established in 1988 and is directed by Professor David S. Weissbrodt.²⁰ From the start of his tenure, Dean Sullivan recognized the importance of strengthening these institutes, making each an integral fixture of the Law School. He viewed the Law School not merely as a vehicle for graduating new attorneys, but as an institution of higher learning, offering students and professors the opportunity to make important contributions to society. Throughout his deanship, Dean Sullivan's support of the research institutes, with both time and financial resources, was truly extraordinary.

The Dean has also been instrumental in the creation of new research institutes. In 1996, the Law School established the Institute on Criminal Justice, which is codirected by Professor Richard S. Frase,²¹ with the goal of improving the quality of criminal and juvenile justice policy and administration on local, state, and national levels. One of the greatest achievements for interdisciplinary studies at the Law School is the Joint Degree Program in Law, Health & the Life Sciences, which was approved by the Board of Regents in 1999.²² The Program is directed by Professor Susan M. Wolf,²³ who also chairs the Consortium on Law and Values in Health, Environment & the Life Sciences, another newly created institute that is designed to address the societal implications of advances in

appointed the Earl R. Larson Chair in Civil Rights and Civil Liberties Law in 2001. FACULTY DIRECTORY, *supra* note 2, at 62. Professor Powell is known for his expertise in the areas of civil rights and civil liberties. *Id.*

20. Professor David S. Weissbrodt is widely published in the area of international human rights law and was appointed the Fredrikson & Byron Professor of Law in 1998. FACULTY DIRECTORY, *supra* note 2, at 72.

21. Professor Richard S. Frase became the Benjamin N. Berger Professor of Criminal Law in 1991 and is a recognized criminal justice scholar. *Id.* at 42.

22. Interview with Sharon Reich Paulsen, Associate Dean for Administration, University of Minnesota Law School, in Minneapolis, Minn. (Apr. 9, 2002).

23. Professor Susan M. Wolf is a Professor of Law and Medicine, Director of the University's Joint Degree Program in Law, Health & the Life Sciences, and the Faegre & Benson Professor of Law. FACULTY DIRECTORY, *supra* note 2, at 73.

health, the environment, and the life sciences. Participation in the joint degree program allows students the opportunity to combine a law degree with one of many graduate degrees in health and the life sciences.

One of the newest research institutes, the Kommerstad Center for Business and Entrepreneurship, was born out of the close relationship forged between Dean Sullivan and Bob Kommerstad, a distinguished alumnus of the Law School. The goal of the Kommerstad Center is "to foster the spirit of entrepreneurship through educational programs and legal practice experiences for law students."²⁴ When asked to describe his thoughts of the Dean in one sentence, Kommerstad enthusiastically said, "Dean Sullivan is a marvelous representative of the Law School and a pleasure to deal with."²⁵

Prior to Dean Sullivan's tenure, Kommerstad had no significant contact as an alumnus with the Law School or its administration. During one of the Dean's fund-raising trips to the West Coast, he met at great length with Kommerstad, who was very enthusiastic about giving something back to the Law School. Kommerstad was clear to the Dean, however, that he was only interested in participating in a project with clear and specific goals. He did not want his contributions to end up in a general fund. Furthermore, Kommerstad expressed to the Dean his desire that such a future project be related to his own experiences. Based on Kommerstad's requests, Dean Sullivan agreed to think about and to later suggest possible projects that might be of interest.²⁶

Approximately nine months after their initial meeting, Dean Sullivan proposed an idea that he hoped would meet with Kommerstad's approval. The Dean told Kommerstad that one of the faculty members, Professor Edward S. Adams, wanted to add something to the curriculum dealing with entrepreneurship. Specifically, Professor Adams was interested in creating a forum where highly successful and influential entrepreneurs would speak to the Law School community on business law and entrepreneurship. Some of these speakers would likely be trained as lawyers, while others would not. Each, however, would bring a unique perspective based on his or her individual experiences and be able to impress upon students the great

24. FACULTY DIRECTORY, *supra* note 2, at 14.

25. Interview with Bob Kommerstad, President, University of Minnesota Law School Alumni Association, in Minneapolis, Minn. (Apr. 5, 2002).

26. *Id.*

opportunities for those with an entrepreneurial spirit.

The first speaker sponsored by the Kommerstad Center was Bernard Marcus, CEO of The Home Depot.²⁷ Marcus spoke to a large crowd of students, faculty, and members of the Twin Cities business community about his business experiences, from his early beginnings as a pharmacist to his current position as one of the most successful businessmen in the country. It was a very successful event, and a wonderful start to the lecture series. The next entrepreneur to speak as part of the Kommerstad Center's lecture series was Vance Opperman.²⁸ Mr. Opperman is a graduate of the Law School who earned distinction as one of the top litigators in the country. After practicing law for many years, Mr. Opperman became CEO of West Publishing. It is through the Dean's great efforts in forging closer ties with alumni that Mr. Opperman has remained a great friend to the Law School, giving not only financial support but also his time.

In addition to bringing distinguished speakers to campus, the Kommerstad Center sponsors a business law clinic and a grant program for students interested in pursuing entrepreneurial careers and has launched a Journal of Business Law and Entrepreneurship.²⁹

In an effort to contribute to the current and future success of the Kommerstad Center and the other research institutes, the Dean made certain that a significant part of the new wing of the Law School building was devoted to the institutes. This was designed not only to enable the institutes to operate more effectively, but also to integrate them more fully into the Law School community, thus ensuring that each will remain a permanent fixture in Mondale Hall.

INTERDISCIPLINARY PROGRAMS/COURSE OFFERINGS

From the very beginning of Dean Sullivan's tenure, he focused on building closer ties with other departments within the University. The Dean was well aware that lawyers do not operate in a vacuum. The law is affected by other disciplines, and other disciplines are in turn affected by the law. One of

27. UNIV. OF MINN. LAW SCH. KOMMERSTAD CTR., at <http://www.law.umn.edu/centers/kommerstad/index.htm> (last modified Sept. 26, 2003).

28. *Id.*

29. *Id.*

Dean Sullivan's goals was to strengthen interdisciplinary programs and courses at the Law School. As stated by Professor Daniel A. Farber, "the seeds were in place, but it has been the Dean's great support that has made these programs and courses flourish."³⁰ He was very supportive of faculty members who wished to be involved in interdisciplinary work. In addition, he reached out to faculty members throughout the University whose work related to the law. Specifically, the Dean has drawn faculty from other departments to present papers at the Law School and to teach seminars. There were also a number of lecture series throughout the year open to everyone.

COMMITMENT TO HIGHEST QUALITY FACULTY AND NEW FACULTY HIRING

It is impossible to have a great law school without having a great faculty. The principal reasons for the excellence of the Law School are the quality and dedication of the faculty. Dean Sullivan was very active throughout his tenure, particularly in the second half, in making sure that the Law School continues to have one of the best and most accomplished faculties in the nation.

Technically, the Dean is only one of thirty-six faculty members who vote on appointments, but his role is really much larger than his single vote would suggest. He selects the Appointments Committee, which decides which candidates to bring to the Law School for interviews. He is also the only person who knows in depth the budgetary situation and unsatisfied curricular needs. The result is that the Dean basically sets the agenda. Professor Daniel A. Farber, Chair of the Hiring Committee during the past two years, said that "Tom has been very aggressive about recruiting people. The people we want to hire are very good, which means that other law schools want them too. So recruiting is critical."³¹

He has also been responsive to faculty members wishing to add additional faculty. Farber continued, "Throughout the entire process, Tom has worked as a consensus-builder, listening carefully to faculty views while persuasively presenting his own priorities. The result has been several phenomenally suc-

30. Interview with Daniel A. Farber, Professor of Law, University of Minnesota Law School, in Minneapolis, Minn. (Apr. 23, 2002).

31. *Id.*

cessful hiring years in a row.³² Since the beginning of his administration, the Law School has added seventeen faculty members. Professors Dan L. Burk,³³ David McGowan,³⁴ Oren Gross,³⁵ and Ruth Gana Okediji³⁶ joined Professor Joan S. Howland³⁷ as specialists in the area of technology and intellectual property law. Professors George Mundstock³⁸ and Gregg D. Polsky³⁹ joined Ferdinand P. Schoettle⁴⁰ as members of the tax faculty. Professor Kevin Washburn⁴¹ joined Professors Donald A. Dripps,⁴² Barry C. Feld,⁴³ Richard S. Frase,⁴⁴ and Michael H. Tonry⁴⁵ as a criminal law and procedure specialist. Professor

32. *Id.*

33. Professor Dan L. Burk joined the University of Minnesota faculty in 2000 and is recognized for his expertise in the areas of intellectual property, cyberlaw, and biotechnology. FACULTY DIRECTORY, *supra* note 2, at 29.

34. Professor David McGowan joined the faculty in 1998 and specializes in securities regulation, contracts, corporations, professional responsibility, and the intersection of antitrust and intellectual property. *Id.* at 54.

35. Professor Oren Gross is known for his work in the areas of international trade, international law, comparative law, and national security law. UNIV. OF MINN. LAW SCH., 2002–2003 NEW DEAN & FACULTY MEMBERS 4 (2002), available at <http://www.law.umn.edu/Faculty/Profiles/> [hereinafter NEW FACULTY MEMBERS].

36. Professor Ruth Gana Okediji joined the faculty in the 2002–2003 academic year and is a leading scholar on international intellectual property law. *Id.* at 8.

37. Professor Joan S. Howland holds the Roger F. Noreen Chair, is Associate Dean for Information and Technology, and is recognized for her work in the areas of law and technology, American Indian law, legal research, and law librarianship. FACULTY DIRECTORY, *supra* note 2, at 47.

38. Professor George Mundstock is known for his expertise in taxes and corporate finance and became the Dorsey & Whitney Professor of Law in 2001. *Id.* at 57.

39. Professor Gregg D. Polsky specializes in tax law and policy and joined the faculty in 2001. *Id.* at 61.

40. Professor Ferdinand P. Schoettle is nationally recognized for his expertise in the areas of federal and state tax law and policy. *Id.* at 64.

41. Professor Kevin Washburn joined the faculty in 2002 and specializes in the areas of federal Indian law, federal criminal justice, and property. NEW FACULTY MEMBERS, *supra* note 35, at 10.

42. Professor Donald A. Dripps, a scholar recognized for his work in criminal procedure, evidence, and criminal law, received the James A. Levee Professorship in Criminal Procedure in 1998. FACULTY DIRECTORY, *supra* note 2, at 37.

43. Professor Barry C. Feld is a leading scholar in the area of juvenile justice and became the first Centennial Professor of Law in 1990. *Id.* at 40.

44. *See supra* note 21.

45. Professor Michael H. Tonry is known for his work in the area of criminal law and was named the Marvin J. Sonosky Professor of Law and Public Policy in 1990. FACULTY DIRECTORY, *supra* note 2, at 69.

Brian Bix⁴⁶ joined Professors Mary Louise Fellows,⁴⁷ Judith T. Younger,⁴⁸ and Ann M. Burkhart⁴⁹ as part of the real estate/estate planning/family law faculty. Professors Adam Samaha⁵⁰ and Dale Carpenter⁵¹ joined Professors Jim Chen,⁵² Daniel A. Farber,⁵³ and Michael Stokes Paulsen⁵⁴ as experts in the area of constitutional law. Professor Donald G. Marshall⁵⁵ continued teaching evidence, torts, products liability, medical malpractice, insurance, and media law. Professor Daniel J. Gifford⁵⁶ continued teaching administrative law, antitrust law, and unfair competition. Other new additions to the Law School faculty during Dean Sullivan's tenure include Professors Guy-Uriel Charles,⁵⁷ Jamie A. Grodsky,⁵⁸ Brett McDonnell,⁵⁹

46. Professor Brian Bix joined the University of Minnesota faculty in 2001 and holds a joint appointment with the Law School and the Department of Philosophy. *Id.* at 28.

47. Professor Mary Louise Fellows, the first Everett Fraser Professor of Law, is known for her scholarship in the areas of trusts and estates, estate planning, and feminist jurisprudence and became the first woman at the University of Minnesota to hold a permanent appointment to an endowed chair. *Id.* at 41.

48. Professor Judith T. Younger became the Joseph E. Wargo Anoka County Bar Association Professor of Family Law in 1991 and is known for her expertise in the areas of wills and trusts and family law. *Id.* at 74.

49. Professor Ann M. Burkhart is a three-time recipient of the Stanley V. Kinyon Teaching and Counseling Award and an expert in real estate law. *Id.* at 30.

50. Professor Adam Samaha became a visiting scholar at the University of Minnesota following his clerkship with Justice John Paul Stevens of the United States Supreme Court. *Id.* at 63.

51. Professor Dale Carpenter specializes in constitutional law, sexual orientation and the law, and commercial law. *Id.* at 31.

52. Professor Jim Chen specializes in administrative, agricultural, constitutional, and environmental law and was designated a Vance K. Opperman Research Scholar in 1998 and the James L. Krusemark Professor of Law in 2001. *Id.* at 33.

53. Professor Daniel A. Farber is recognized for his work in the areas of constitutional law and environmental law and his scholarship has been recognized through his appointment to the McKnight Presidential Chair in Public Law in 2000. *Id.* at 39.

54. Professor Michael Stokes Paulsen holds the Briggs and Morgan Professorship in Law and specializes in constitutional law, civil procedure, criminal procedure, legal ethics, and law and religion. *Id.* at 60.

55. Professor Donald G. Marshall is a four-time recipient of the Stanley V. Kinyon Teaching and Counseling Award, the first Law Alumni Distinguished Teacher, and an expert on torts and evidence. *Id.* at 51.

56. Professor Daniel J. Gifford is prominent in the areas of antitrust and administrative law and is the Robins, Kaplan, Miller & Ciresi Professor of Law. *Id.* at 44.

57. Professor Guy-Uriel Charles specializes in criminal law, civil proce-

Miranda O. McGowan,⁶⁰ and Shayna M. Sigman.⁶¹

Dean Sullivan also expanded the Law School's adjunct and affiliated faculty programs and established mentoring programs for adjunct and untenured faculty.⁶² Associate Dean Meredith McQuaid⁶³ continues her multiple roles as Associate Dean of Students and Director of International and Graduate Programs. She coordinates the LL.M. program for foreign lawyers, oversees exchange programs for Law School students, and teaches Introduction to American Law.⁶⁴ Susan Gainen continues to serve law students and alumni as Director of Career Services.⁶⁵ The Career Services Office regularly hosts programs and organizes events both in the Twin Cities and all over the country in an effort to help with job placement. Additionally, the Office provides information to students about career paths, interviewing, and job search strategies. Jill Merriam serves as the Director of Finance,⁶⁶ aiding clinics, student groups, and the Law School in general with issues regarding finances and business matters. Terri Mische serves as the Director of Alumni Relations and Communications.⁶⁷ She maintains crucial ties between the Law School and its alumni, who are among the school's greatest assets.

dure, voting rights, and conflicts of laws. *Id.* at 32.

58. Professor Jamie A. Grodsky specializes in environmental, natural resources, and science and technology law. *Id.* at 45.

59. Professor Brett McDonnell specializes in business associations, corporate finance, law and economics, securities regulation, and legislation. *Id.* at 53.

60. Professor Miranda O. McGowan focuses her teaching and research in the areas of discrimination, statutory interpretation, property, jurisprudence, and law and literature. *Id.* at 55.

61. Professor Shayna M. Sigman teaches a variety of courses including creditor remedies/secured transactions, remedies, and sports law. *Id.* at 66.

62. See Office of the Dean, 1995–2002 University of Minnesota Law School (2002) (unpublished list of Law School accomplishments, on file with the Office of the Dean/Dev. Office, Univ. of Minn. Law Sch.) [hereinafter Office of the Dean]; see also Joel Hoekstra, *Duty Done: Dean E. Thomas Sullivan Steps Down After Seven Years of Accelerated Law School Growth*, L. ALUMNI NEWS (Univ. of Minn. Law Sch. Office of Alumni Relations, Minneapolis, Minn.), Spring 2002, at 30–33.

63. Associate Dean Meredith McQuaid taught English in Tokyo, Japan, prior to attending law school. FACULTY DIRECTORY, *supra* note 2, at 81.

64. *Id.*

65. *Id.* at 4.

66. *Id.*

67. *Id.*

INTEGRATING THEORY AND PRACTICE:
EXPANSION OF THE LEGAL WRITING PROGRAM,
PRO BONO SERVICE, CLINICAL PROGRAMS,
AND SCHOLARLY JOURNALS

LEGAL WRITING PROGRAM

One of Dean Sullivan's major goals for the Law School was greater integration of the curriculum from theory and doctrine to practical skills and clinical application. In support of this goal, the Dean took an active role in promoting and funding the legal writing program and the law clinics. Soon after his arrival, he was instrumental in hiring Professor Bradley G. Clary as a full-time legal writing director and member of the clinical faculty.⁶⁸ Professor Clary joined Professor Carol L. Chomsky⁶⁹ and Professor Laura J. Cooper⁷⁰ as instructors of practical skills.

PRO BONO SERVICE

Dean Sullivan was, from the start of his term, actively dedicated and committed to the public service and pro bono programs at the Law School. From the substantial amount of funding he raised for the school, he gave significant amounts to the student-run fellowship program Work-A-Day, and he was a devout supporter of the Minnesota Justice Foundation (MJF) and the Law School Public Service Program. He helped the programs obtain new and larger work spaces as well as new furniture. Dean Sullivan played a major role in the institutionalization of these programs by encouraging all students to participate and to perform at least fifty hours of public service through the program during the course of their law school career.⁷¹ He also took the time to make sure that MJF and its programs continue to gain recognition in both the local legal community and at conferences on the national level. The Dean

68. Interview with Sharon Reich Paulsen, *supra* note 22. Professor Clary directs the Law School's first-year legal writing, second-year appellate advocacy, and moot court programs. FACULTY DIRECTORY, *supra* note 2, at 35.

69. Professor Carol L. Chomsky is known for her work in the areas of legal history and teaching development. FACULTY DIRECTORY, *supra* note 2, at 34.

70. Professor Laura J. Cooper is known for her work in the areas of labor law and labor arbitration and chairs the Labor Law Group, an international organization composed of labor and employment scholars. *Id.* at 36.

71. Hoekstra, *supra* note 62, at 31.

was instrumental in securing a large amount of funding through the Robins, Kaplan, Miller & Ciresi Public Service Endowment. Together he and the legal community supported law student initiatives not only to launch these programs but also to support our graduates in public interest jobs.

CLINICAL PROGRAMS AND SCHOLARLY JOURNALS

Clinical programs and student-edited journals provide an opportunity for practical application of the theories presented in law school. Dean Sullivan was a strong supporter of the Law School's Clinic and Lawyering Skills program.⁷² As identified in the highly successful capital campaign, the Law School's vision was to become "the first law school to offer a fully integrated curriculum, uniting theory and doctrine with skills and practice."⁷³

During his tenure at the University of Minnesota Law School, Dean Sullivan oversaw even more growth in the Law School's nationally recognized clinical program.⁷⁴ Dean Sullivan helped to create the Housing Law Clinic,⁷⁵ the Indian Child Welfare Act Clinic,⁷⁶ the Domestic Felony Prosecution Clinic,⁷⁷ and the Multi-Disciplinary Business Clinic.⁷⁸ The addition of these clinics added even more depth to the wide

72. Interview with Stephen F. Befort, Associate Dean for Academic Affairs, Director of Civil Clinics, and Professor of Law, University of Minnesota Law School, in Minneapolis, Minn. (Apr. 25, 2002). Professor Befort is an expert in the areas of labor and employment law. FACULTY DIRECTORY, *supra* note 2, at 27.

73. UNIV. OF MINN. LAW SCH., CAMPAIGN MINNESOTA: THE LAW SCHOOL'S NEXT CENTURY (1999) (on file with the Dev. Office, Univ. of Minn. Law Sch.) [hereinafter CAMPAIGN MINNESOTA].

74. Interview with Stephen F. Befort, *supra* note 72.

75. Adjunct Clinical Professor Larry McDonough, an experienced housing attorney, oversees the Housing Law Clinic, which offers students practical experience in the area of landlord-tenant law. UNIV. OF MINN. LAW SCH., LAW CLINICS 2003 (2003) (on file with the Law Clinics Office, Univ. of Minn. Law Sch.) [hereinafter LAW CLINICS].

76. Clinical Professors Heidi Drobnick and Jean M. Gerval provide guidance to clinical students as they gain hands-on experience in family law and juvenile law cases under the Indian Child Welfare Act. *Id.*

77. Clinical Professor Beverly Balos, known for her work in mental health, gender fairness, and domestic violence, oversees the Domestic Felony Prosecution Clinic, which allows students to participate in felony prosecutions. *Id.*; FACULTY DIRECTORY, *supra* note 2, at 26.

78. Adjunct Clinical Professor Mary Alton operates the Multi-Disciplinary Business Clinic, which exposes students to transactional practice. LAW CLINICS, *supra* note 75.

array of clinical opportunities offered by the school, which already included the Federal Income Tax Clinic,⁷⁹ the Civil Practice Clinic,⁸⁰ the Public Interest Law Clinic,⁸¹ the Consumer Bankruptcy Clinic,⁸² the Domestic Assault Prosecution Clinic,⁸³ the Federal Prosecution Clinic,⁸⁴ the Misdemeanor Prosecution and Defense Clinics,⁸⁵ the Child Advocacy Clinic,⁸⁶ the Immigration Law Clinic,⁸⁷ Legal Assistance to Minnesota Prisoners,⁸⁸ and the Criminal Appeals Clinic.⁸⁹ Dean Sullivan has worked closely with Joan S. Howland to support the addition of more courses in American Indian Law to supplement the new clinic. By 2002, the Law School sponsored one of the country's largest and best clinical programs with eighteen clinics and an average annual enrollment of more than 300 students.⁹⁰ While clinical

79. Clinical Professor Kathryn J. Sedo, known for her expertise in cooperative law, operates the Federal Income Tax Clinic, which assists low-income clients with controversies with the Internal Revenue Service. *Id.*; FACULTY DIRECTORY, *supra* note 2, at 65.

80. Professors Jean M. Gerval, Beverly Balos, Carl M. Warren, Stephen F. Befort, Kathryn J. Sedo, and Maury S. Landsman operate the Civil Practice Clinic, which provides students with experience in general civil practice. LAW CLINICS, *supra* note 75.

81. Monica Bogucki, from the Minnesota Justice Foundation (MJF), operates the Public Interest Law Clinic, which provides students with insight into public interest practice. *Id.*

82. Professor William I. Kampf operates the Consumer Bankruptcy Clinic, which allows students to advise clients experiencing financial difficulty. *Id.*

83. Clinical Professor Beverly Balos operates the Domestic Assault Prosecution Clinic, which allows students to handle criminal misdemeanor prosecutions for domestic assault. *Id.*

84. Professor Richard S. Frase operates the Federal Prosecution Clinic, which provides students with exposure to federal criminal prosecution. *Id.*

85. Clinical Professor Stephen M. Simon, known for his work in clinical and judicial education and DWI research, operates the Misdemeanor Prosecution and Defense Clinics, which provide hands-on exposure to the criminal justice system. *Id.*; FACULTY DIRECTORY, *supra* note 2, at 67.

86. Professor Jean M. Gerval, known for her expertise in the area of child advocacy, operates the Child Advocacy Clinic. FACULTY DIRECTORY, *supra* note 2, at 43; LAW CLINICS, *supra* note 75.

87. Adjunct Clinical Professors Benjamin Casper and Karen Ellingson operate the Immigration Law Clinic, which exposes students to asylum, refugee, and other immigration cases. LAW CLINICS, *supra* note 75.

88. Adjunct Clinical Professors Philip Marron and James R. Peterson operate Legal Assistance to Minnesota Prisoners, which facilitates student representation of Minnesota inmates. *Id.*

89. Adjunct Clinical Professor Cathryn Middlebrook operates the Criminal Appeals Clinic, which concentrates on advanced legal research and writing. *Id.*

90. Interview with Stephen F. Befort, *supra* note 72.

education was available nationwide to less than thirty percent of all law students, more than sixty percent of Minnesota's graduates took one or more of these clinical courses.⁹¹ Clinic Director Stephen F. Befort believes that the current prestige of this program "is directly attributable to the personal dedication and ingenuity of Tom Sullivan."⁹²

Dean Sullivan's success in growing the clinic and lawyering skills program was attributable in part to his ongoing investment in faculty resources. During his first year at the Law School, Dean Sullivan converted a temporary position supported by a soft-money grant to an additional permanent faculty position. He instituted a visiting clinician program that both enriched the clinical curriculum and expanded student enrollment through four visiting faculty appointments, including two visitors from other law school clinics. Dean Sullivan also leveraged administrative resources for this growing program by appointing Professor Maury S. Landsman⁹³ as Director of Lawyering Skills and Professor Jean M. Gerval⁹⁴ as Assistant Clinic Director.

In addition to providing more clinical opportunities for University of Minnesota Law School students, Dean Sullivan increased students' opportunities for participation on student-edited journals by helping to create the Minnesota Intellectual Property Review. The journal published its first issue in May 2000. Dean Sullivan was instrumental in founding the new journal and "listened to and advised a highly energetic group of students who wanted to establish an intellectual property journal," said Timothy S. Cole, one of the early editors of the journal.⁹⁵ In addition, "over a period of about two years, this group succeeded at meeting the challenges he set for them and, with his support and encouragement, founded the Minnesota Intellectual Property Review."⁹⁶ In addition to the Minnesota Intellectual Property Review, the Dean helped establish the faculty-edited Minnesota Journal of Business Law and Entrepreneur-

91. FACULTY DIRECTORY, *supra* note 2, at 20.

92. *Id.*

93. Clinical Professor Maury S. Landsman specializes in the areas of pre-trial skills, professional responsibility, and judicial ethics. FACULTY DIRECTORY, *supra* note 2, at 50; *see also supra* note 80.

94. *See supra* notes 76, 80, and 86.

95. Interview with Timothy S. Cole, Assistant Director of Arbitration, National Arbitration Forum, in Minneapolis, Minn. (Apr. 11, 2002). Cole was one of Dean Sullivan's research assistants while at the Law School.

96. *Id.*

ship.⁹⁷ Professors John H. Matheson⁹⁸ and Edward S. Adams⁹⁹ are codirectors of the journal, which “focuses on subjects of current interest to business, legal, and academic professionals who work in the areas of business law and entrepreneurship.”¹⁰⁰

LIBRARY SERVICES

Dean Sullivan was instrumental in fund-raising for the University of Arizona Law School Library and in annexing their building. He brought those talents and the drive for constant improvement with him to the University of Minnesota. He helped to hire a new generation of capable faculty and staff following many retirements and to improve services to students at the University of Minnesota, not the least of which is the Law Library.

The Dean has been known to call the Law Library the “Jewel in the Crown of the Law School,” and he understood that it is a deep and rich resource for academic scholars.¹⁰¹ The University of Minnesota Law Library is one of the top five academic legal research libraries in the nation,¹⁰² with a state-of-the-art rare book facility, which was another of Dean Sullivan’s visions.¹⁰³ He realized that the Law Library’s Arthur C. Pulling Rare Book Collection is a truly valuable resource that needed to be preserved.¹⁰⁴ Hence, over 25,000 unique and irreplaceable volumes were rescued from a basement storage room, complete

97. See Office of the Dean, *supra* note 62.

98. Professor John H. Matheson, a three-time recipient of the Stanley V. Kinyon Teaching and Counseling Award, holds the Melvin C. Steen and Corporate Donors Professorship in Law and is an expert in corporations law. FACULTY DIRECTORY, *supra* note 2, at 52.

99. Professor Edward S. Adams, a two-time recipient of the Stanley V. Kinyon Teaching and Counseling Award, specializes in bankruptcy, commercial, and corporate law. *Id.* at 25.

100. MINN. J. BUS. L. & ENTREPRENEURSHIP (last visited Sept. 26, 2003), at <http://www.law.umn.edu/centers/kommerstad/journal> (quoting mission statement of the Journal).

101. Interview with Joan S. Howland, Associate Dean for Information and Technology, University of Minnesota Law School, in Minneapolis, Minn. (July 29, 2003).

102. *Id.*

103. See Katherine Hedin, *Seven Centuries of Law: A Celebration of the Rare Books Collection of the University of Minnesota Law Library*, L. ALUMNI NEWS (Univ. of Minn. Law Sch. Office of Alumni Relations, Minneapolis, Minn.), Fall 2000, at 22–23.

104. See *id.*

with its own water pipe, which endangered the books.¹⁰⁵ The result was the creation of the beautiful new Stefan A. Riesenfeld Rare Book Research Center housed in the new addition of Mondale Hall. Dean Sullivan helped build a skilled library staff to serve the growing reference and research needs of the student body and the faculty. He was one of the few law school deans who worked closely with the administration of the library to ensure that funding needs were being met, a considerable challenge as the cost of books and journal subscriptions is increasing by fifteen percent annually.¹⁰⁶

“Dean Sullivan is an incredible teacher and a brilliant scholar, as well as a national leader in legal education,” said Professor Joan S. Howland, Director of the Law Library.¹⁰⁷ “He took the time to discuss issues with the library staff and to understand that technology will be integrated into and will enhance the library, not replace it.”¹⁰⁸

SUPERIOR FUND-RAISING ABILITY

Fund-raising was one of Dean Sullivan’s most celebrated attributes. In this regard, he surpassed the expectations of faculty members and the administration alike. The Dean is a very businesslike individual and does not fit the traditional stereotype of a great “salesman.” Indeed, it is “his honesty, decency, and belief in the Law School that have been instrumental in his fund-raising successes.”¹⁰⁹ He has truly proven to be a remarkable ambassador of the Law School. In 1994–1995, alumni giving totaled \$2 million.¹¹⁰ During 2001–2002, alumni contributions totaled \$12.2 million, which represented the second highest percentage of giving by alumni among public law schools.¹¹¹ This was surely due to the strong bonds Dean Sullivan tirelessly forged with alumni.

With the recent completion of a major capital campaign, the Law School was able to build a large \$9.6 million addition to the physical structure, to increase student scholarships to \$2.7 million annually in 2001–2002, to increase funding to the

105. Interview with Joan S. Howland, *supra* note 101.

106. *Id.*

107. *Id.*

108. *Id.*

109. Interview with Daniel A. Farber, *supra* note 30.

110. Office of the Dean, *supra* note 62.

111. *Id.*; see also Hoekstra, *supra* note 62, at 30.

library and for technology, and to give greater support to the clinics and to faculty development.¹¹²

Shortly after his arrival at the Law School, Dean Sullivan recruited alumnus Elliot S. Kaplan, of the law firm Robins, Kaplan, Miller & Ciresi, to help shape the focus of, and to lead, a capital campaign that would enable the Law School to remain a leading force in legal education in the twenty-first century.¹¹³ "When we undertook the \$30 million goal, it was perceived to be a stretch goal," said Elliot Kaplan, Chairman of the Capital Campaign Committee.¹¹⁴ "But Tom knew it could be accomplished and he set out to do it. Even though we had a very dedicated and hard-working staff headed by Martha Martin, the goal wouldn't have been accomplished without Tom Sullivan."¹¹⁵

With great dedication and determination, Kaplan and Sullivan led more than seventy volunteers in identifying, evaluating, cultivating, soliciting, and stewarding campaign donors.¹¹⁶ Personal solicitations were conducted in the quiet leadership phase of the campaign. Prior to the public phase, contributions of over \$5 million were secured from major law firms in the Twin Cities, and commitments were secured from 100% of the Law School faculty. On October 29, 1999, "Campaign Minnesota: The Law School's Next Century" was kicked off publicly. Another campaign milestone occurred on May 17, 2001, when President Jimmy Carter joined the Law School community in celebrating the Dedication of Walter F. Mondale Hall.

The Law School has conducted three capital campaigns in addition to the Partners in Excellence Annual Fund drive launched in 1968.¹¹⁷ The first campaign helped fund construc-

112. Interview with Sharon Reich Paulsen, *supra* note 22; see also Hoekstra, *supra* note 62; Office of the Dean, *supra* note 62.

113. See CAMPAIGN MINNESOTA, *supra* note 73.

114. Telephone Interview with Elliot S. Kaplan, Partner, Robins, Kaplan, Miller & Ciresi and Chairman of the Capital Campaign Committee, University of Minnesota Law School (Apr. 17, 2002). Kaplan received his J.D. from the University of Minnesota Law School in 1961.

115. *Id.*

116. Interview with Martha A. Martin, Director of Development, University of Minnesota Law School, in Minneapolis, Minn. (Apr. 24, 2002). Martin joined the Law School staff in 1998. See *New Director of Development*, L. ALUMNI NEWS (Univ. of Minn. Law Sch. Office of Alumni Relations, Minneapolis, Minn.), Spring 1998, at 28.

117. *U of M Law School Posts Capital Campaign Successes*, at <http://www.law.umn.edu/campaign/index.htm> (last modified June 26, 2003).

tion of the present facility, which was dedicated in 1978.¹¹⁸ The second campaign sought endowment for academic chairs and professorships—twenty-nine chairs and professorships were created by private donors with matches from state funds.¹¹⁹ Priorities identified for “Campaign Minnesota: The Law School’s Next Century” were the following: construction of a building addition (original goal of \$7 million eventually became \$9.6 million and funded the first academic building on a Minnesota campus funded solely by private dollars); scholarship endowment (\$7 million); law library endowment (\$5 million); clinical legal education and lawyering skills endowment (\$5 million); technology endowment (\$5 million); and faculty development (\$1 million).¹²⁰ Overall, the school’s endowment value increased 117% during Dean Sullivan’s deanship.¹²¹

Not only did the Dean meet his campaign goal of \$30 million, but he surpassed it by raising more than \$50 million in the four-year campaign.¹²² As of May 2002, commitments for “Campaign Minnesota: The Law School’s Next Century” totaled \$50.5 million, representing 168% of the original \$30 million campaign goal.¹²³

Director of Development Martha A. Martin commented on Sullivan’s efforts:

Dean Sullivan inspired confidence and vision in the hearts and minds of Law School alumni and friends. He dramatically elevated the philanthropic standard for the Law School. As public university law schools face heightened fiscal challenges in the years ahead, this culture will remain a deeply significant part of his far-reaching legacy to the University of Minnesota Law School and its continued eminence as one of the great American law schools.¹²⁴

While working closely with Dean Sullivan on fund-raising activities, former Vice President Walter F. Mondale remarked how impressed he was with the Dean’s energy and enthusiasm. “He continued to keep the fund-raising momentum going even during a period of profound personal tragedy.”¹²⁵

118. *Id.*

119. *Id.*

120. Interview with Martha A. Martin, *supra* note 116; see also CAMPAIGN MINNESOTA, *supra* note 73; Office of the Dean, *supra* note 62.

121. Office of the Dean, *supra* note 62.

122. *Id.*

123. See *id.* Commitments mean outright, pledged, and deferred gifts. Interview with Martha A. Martin, *supra* note 116.

124. Interview with Martha A. Martin, *supra* note 116.

125. Interview with Walter F. Mondale, former Vice President, United

Kaplan echoed the Vice President's sentiments:

[Tom] accomplished this through persistence and a willingness to travel, to meet with alumni, and tell the story of the Law School at a time when he was experiencing great stress and at a time when he was dealing with his wife's serious illness. In my mind, he demonstrated strength of character that is seldom seen. It was an effort he undertook, in addition to all of his other law school duties, that most deans never have to undertake because others before them had already done it. He undertook the task with a great sense of passion and his efforts will benefit law students for many years to come. It was a truly unselfish effort.¹²⁶

MAJOR IMPROVEMENTS IN STUDENT/ADMINISTRATIVE SERVICES

THE STUDENT PERSPECTIVE

When it came to dealing with student concerns, Dean Sullivan employed a very hands-on approach. Not only did he have an open-door policy, but he was also extremely visible around the Law School. Being a teacher in addition to an administrator enabled the Dean to get to know many of the students on a much more personal level. "Dean Sullivan believes that if the students of the University of Minnesota Law School succeed, then the school succeeds," said Janelle Ibeling, a 2002 alumna who was one of Sullivan's research assistants.¹²⁷ "To that end, he has mentored me by discussing career paths and encouraged me to reach my professional goals with confidence. He has also taught me that the process of learning my craft is as important as the results of my work."¹²⁸

In general, students felt very comfortable approaching the Dean to voice any concerns or dissatisfaction with particular aspects of law school life. It was not uncommon for students to express that the Dean interacted with them like a colleague or a friend.¹²⁹ The "Dean's Roundtable" lunches promoted a further connection with students and allowed them to forge connections

States of America, and Partner, Dorsey & Whitney, in Minneapolis, Minn. (Apr. 1, 2002) (referring to Dean Sullivan's wife, Susan Adora Moxon Sullivan, and her battle with ovarian cancer).

126. Telephone Interview with Elliot S. Kaplan, *supra* note 114.

127. Interview with Janelle Ibeling, former research assistant to Dean Sullivan, in Minneapolis, Minn. (Apr. 10, 2002).

128. *Id.*

129. Interview with Saamil Mehta, 2001-2002 Law Council President, University of Minnesota Law School, in Minneapolis, Minn. (Mar. 30, 2002).

with leading members of the bar and the bench. The Dean also made it a point to have lunch with all first-year legal writing sections as a way to get to know new students and to make them more comfortable in their new surroundings.¹³⁰

It was important to Dean Sullivan that students were happy, comfortable, and challenged in their learning environment. In the new addition to the Law School, the Dean made certain that students would have plenty of space to study, eat, or unwind from the daily pressures of study. The new addition also has large meeting rooms for students and a Law Council/student organization complex. Last, but certainly not least, the Dean made sure that the new building offered a café, serving various lunch and snack selections.

Providing an excellent education is, of course, the primary goal of the Law School. The Dean, however, also placed a great priority on student life. He was very supportive of extracurricular activities and very generous with funding to student groups. Dean Sullivan made every effort to attend receptions and events sponsored by the Law School or student groups, even if such events happened to be out of town. At such gatherings, the Dean was always affable. "It doesn't seem like you are talking to the Dean of a Law School, but instead it seems as if you are talking to a friend or mentor," remarked one former student.¹³¹

Timothy S. Cole, former law student, recounted his interaction with the Dean:

My law school experience was different from most students because I was older than most of them. I had already spent significant time in the work force and decided to move in a new direction through the University of Minnesota Law School. From the first day of orientation until long after graduation, I had a friendly and rewarding relationship with Dean Sullivan. In fact, it was through his contacts that I found a job after graduation and it was with his insight and support that I survived the rigorous environment created by a student body almost half my age.¹³²

Even when it came to the annual softball games with the students on one side and the faculty and administration on the other side, the Dean made certain that his presence was known. Former Law Council President Sarah Greenberg remembers these games as some of her fondest memories of the

130. Interview with Sharon Reich Paulsen, *supra* note 22.

131. Interview with Saumil Mehta, *supra* note 129.

132. Interview with Timothy S. Cole, *supra* note 95.

Dean. "I am not sure how many people are aware of Dean Sullivan's competitive nature when it comes to softball," said Greenberg, "but consider yourself forewarned if you ever see the Dean with a glove in hand. He doesn't like to lose and he likes to talk trash before, during, and after the game."¹³³

ADMISSIONS

In Sullivan's administration, student services started with the prospective student and the admissions process. Sullivan appointed Collins Byrd the new Director of Admissions¹³⁴ and added staff to the Admissions Office. Sullivan supported the implementation of new recruitment tools, such as new marketing materials and Campus Preview Day. Campus Preview Day brings admitted students to the school in March to tour the facilities and to interact with current students, faculty, and staff. New students have the opportunity to ask questions about student life, activities, the expanded curriculum, and joint-degree programs, and to develop a level of comfort with the environment before enrolling in classes. Sullivan was also a driving force in the increase in availability of scholarship dollars,¹³⁵ which hits at the heart of the admissions staff's ability to attract quality and diverse students.

"Students are more savvy about getting scholarships than they have been in the past," said Stacy Doepner-Hove, Associate Director of Admissions.¹³⁶ "The University of Minnesota Law School needs a large scholarship pool to attract students, and Dean Sullivan has been invaluable in that effort."¹³⁷ Under his direction, the scholarship endowment increased by \$8 million through new contributions and the establishment of thirty-one new endowed scholars.¹³⁸

Sullivan's talents also were obvious in recruiting new students. "He has been very willing and able to talk to admitted students," said Doepner-Hove.¹³⁹ "He's a good recruiter without being overly pushy. Getting a call from the Dean can be intimi-

133. Interview with Sarah Greenberg, 2000–2001 Law Council President, University of Minnesota Law School, in Minneapolis, Minn. (Apr. 12, 2002).

134. See FACULTY DIRECTORY, *supra* note 2, at 4.

135. See Hoekstra, *supra* note 62, at 32.

136. Telephone Interview with Stacy Doepner-Hove, Associate Director of Admissions, University of Minnesota Law School (Apr. 1, 2002).

137. *Id.*

138. See Office of the Dean, *supra* note 62.

139. Telephone Interview with Stacy Doepner-Hove, *supra* note 136.

dating, but he is skilled at talking with students, making them feel comfortable, and helping them in ways that seem appropriate in order to make decisions.”¹⁴⁰ Sullivan’s rapport with students, combined with the new addition to the building, the hiring of additional faculty and professional staff, and improvements to the curriculum, assisted the Admissions Office with recruitment.

TECHNOLOGY

A key initiative in the improvement of student and administrative services was expansion of the technological capabilities of the school for current students, faculty, and staff with an eye toward improving the in-class experience, distance learning, and teleconferencing. “The Dean really sees the power of technology and has been a leader in seeing that the Law School strengthens its technology infrastructure,” said Professor April L. Schwartz.¹⁴¹

A large component of the expansion in technology was the implementation of wireless computer access in the Law School building. Sullivan was the originator of the idea to connect the Law School to the greater University wireless system. He researched what was needed to gain access, working with the University Office of Technology on a pilot project; spearheaded the funding of the project; and successfully implemented the system. No other colleges at the University of Minnesota currently have the level of access provided in the Law School. In other colleges only a couple of laboratory rooms are connected, while the entire Law School building has wireless access.

Sullivan was also interested in connecting the Law School to the greater legal community. One way he sought to achieve this goal was by developing an interactive cable television facility within the school building. The interactive studio would allow the Law School to communicate with other schools, across the nation and the globe, for classes, seminars, and a host of other applications. After procuring the funding for the venture, the studio became a reality and a real asset to the school. Additionally, Sullivan added a technology training lab, rooms with whiteboard technology, and an interactive cable television con-

140. *Id.*

141. Telephone Interview with April L. Schwartz, Professor of Legal Research Instruction and Associate Director for Information Technology Services, University of Minnesota Law School (Apr. 1, 2002).

ference room in the new addition to the Law School. In the training lab, faculty and staff can try out the latest in classroom technology under the guidance of a trainer who has a background in law. The interactive conference room offers students searching for jobs the chance to distance-interview with firms across the nation. In addition, the school received funding from the University to update other larger classrooms that as of yet do not have the level of technology that Sullivan desires.

Technology has changed the way law students take examinations as well. ExamSoft is a computer application that allows students to use laptop computers to write their exams. During Sullivan's tenure, the Law School began to offer ExamSoft for computerized test taking. Initially, only a few classes offered the computer option as a pilot project. Today, every faculty member who wants to offer students the option to take their exams on the computer rather than in the traditional "blue books" has that ability.

CAREER SERVICES

Another student services area that has received attention from Sullivan has been Career Services. He increased the number of staff devoted to career counseling and law firm recruiting from one director to two full-time and one part-time staff members. Under Sullivan's guidance, the school's on-campus and regional interviewing program expanded to include the largest number of legal and business employers ever to recruit on campus.

"The growth in staff has greatly increased our ability to get out of the office to market the school to law firms, while still maintaining student contact and counseling," said Nora Klaphake, former Associate Director of Career Services.¹⁴² Sullivan emphasized marketing as a key component of the Career Services Office (CSO). Alumni and employers visited by CSO staff have increased the visibility of the school and its students with legal employers across the country. Staff members visit at least five major metropolitan markets during the year, in addition to regular meetings with Minnesota and Minneapolis employers. An additional part of the marketing strategy is to build a connection among admitted students, cur-

142. Interview with Nora Klaphake, former Associate Director of Career Services, University of Minnesota Law School, in Minneapolis, Minn. (Apr. 17, 2002).

rent students, and alumni in cities across the nation. CSO staff, student ambassadors, and admissions staff attend luncheons in other cities in order to establish that connection while increasing the visibility of the Law School outside the Midwest.

CONCLUSION

When Tom Sullivan took over the deanship at the University of Minnesota Law School, he wanted to continue the legacy of excellence started by the school's previous deans. In the process, he built a legacy of his own, one that has positioned the Law School to meet the challenges of the twenty-first century. He cultivated funding and embarked on a highly successful capital campaign, one of only three in the school's history, which allowed him to accomplish other important goals. He transformed the Law School facilities through the addition of a multi-million dollar annex, which provides students the opportunity to learn and to relax in a technologically advanced, yet comfortable environment. Dean Sullivan knew what was needed for Minnesota to be at the forefront of legal education and to prepare its graduates for practice in the next century. Focusing on "educating the ethical lawyer of tomorrow, the community leader and the public servant,"¹⁴³ he integrated professional values within the curriculum and expanded the Law School's clinical program and pro bono offerings. Faculty transitions offered Sullivan the opportunity to hire the next generation of teachers and scholars and to introduce new and exciting programs for faculty and students alike. Furthermore, the additions to the Law Library and technology advancements throughout the entire Law School are important resources that will allow the Law School to be one of the leading legal academic institutions in the United States in the new century.

When asked about the search for Dean Sullivan's successor, a member of the search committee remarked:

Dean Sullivan is a great scholar, instructor, administrator, and fundraiser, and is outstanding at community relations. There's almost nothing he doesn't do very well. He's gained the respect of not only the Law School faculty and alumni, but of the greater legal community, which is a tough job. The most difficult task in the search for a new dean has been to match people up to Tom's standards. He's set a

143. E. Thomas Sullivan, *The Dean's Perspective*, L. ALUMNI NEWS, (Univ. of Minn. Law Sch. Office of Alumni Relations, Minneapolis, Minn.) Fall 1995, at 1.

very tough example for others to follow. He will be missed.¹⁴⁴

When others look back at the transformation over the last seven years, there can be little doubt that Dean Sullivan's administration was a defining time in the history of the Law School.

Alex M. Johnson, Jr., became the ninth Dean and the third William S. Pattee Professor of Law on July 1, 2002. Before joining the University of Minnesota, he served for seven years as the Vice Provost for Faculty Recruitment & Retention at the University of Virginia and for eleven years as the Mary and Daniel Loughran Professor of Law at the University of Virginia School of Law. Dean Johnson's areas of expertise include property, modern real estate transactions (property II), trusts and estates, and critical race theory. He served as the Harrison Foundation Research Professor of Law from 1992 to 1995. In addition to his administrative responsibilities, Dean Johnson continues his current research interests in the following areas: critical race theory, examining the social construction of race and ethnicity and its impact on law and legal issues, and the application of relational contract theories to interests in real property.

After law school, Johnson spent two years in private practice with Latham & Watkins in Los Angeles. He then taught for two years at the University of Minnesota Law School, before returning to his law firm for another two years. Johnson served as a visiting professor at Stanford University, the University of Texas, and Washington University (summer session) Law Schools. He has lectured widely on academic standards, critical race theory, and the efficacy of the LSAT, and he has appeared on numerous scholarly panels that address race as it relates to legal education.

Johnson is currently Chair of the Board of Trustees of the Law School Admissions Council (the nonprofit corporation, owned by the ABA-approved law schools, that produces and administers the LSAT) and has served as chair of that organization's Test, Development & Research and Minority Affairs Standing Committees. Johnson served on the AALS Committee on Second Generation Diversity Issues and was also a member of the Executive Committee of the Property Law Section of the AALS. Johnson is currently a member of the ABA's Committee on Diversity and has served on ABA site inspection teams,

144. Telephone Interview with Elliot S. Kaplan, *supra* note 114.

most recently at Vanderbilt School of Law. Johnson is also on the Executive Committee for the Order of the Coif and is a member of the Academic Advisory Council for the Bill of Rights Institute. In addition to his duties as Vice Provost, Johnson was chair of the Career Counseling Panel at the University of Virginia, in which role he advised student athletes on the selection of agents and other aspects of their transition from college to professional careers. He also developed and served as coordinator of "An Introduction to Law School and Legal Methodology," a one-week introductory program for selected incoming students. He is a member of the California bar.

IN MEMORIAM

Susan Adora Moxon Sullivan

January 20, 1949–January 10, 2001

Susan Adora Moxon Sullivan, late wife of Dean Sullivan and a nationally recognized leader in legal career counseling, recruitment, and job satisfaction, died of ovarian cancer on January 10, 2001, at North Memorial Hospice, Minneapolis, Minnesota. She was 51. Beginning in April 1996, when she was diagnosed with ovarian cancer, she generously devoted her energy and support to other cancer patients and their families. She served as a volunteer facilitator for the "Life Enhancement Support Group" for gynecological cancer patients on 7-C at Fairview-University Hospital in Minneapolis. In addition, friends from throughout the country referred recently diagnosed ovarian cancer patients to her for support and encouragement.

In 1983, Susan received a Ph.D. degree from the University of Missouri–Columbia. Her Ph.D. dissertation and research focused on the psychology of job satisfaction. She earned a M.Ed. from the University of Miami in 1975 and a B.A. degree in Spanish from Drake University in December 1970. She graduated from Drake in three and a half years and served as President of Kappa Alpha Theta sorority. While serving as President, the chapter received recognition and the national Panhellenic Award for integration efforts. She also studied at the University of Valencia in Spain.

Susan's career in the legal profession began in the 1970s.

For five years she was the Director of the Career Planning and Placement Center at Georgetown University Law Center. At Georgetown in 1995, she developed the first program, at any law school, for first-year law students on job search strategy and career satisfaction.

She served for six years as Assistant Dean at Washington University School of Law in St. Louis, beginning in May 1983 after receiving her doctorate degree. While at Washington University, she also served in 1987–1988 as President of the National Association for Law Placement, a nonprofit organization of the 175 law schools and more than 1000 legal employers throughout the United States.

In addition to career counseling and consulting on employment recruitment, interviewing, and management issues, her interests included job satisfaction, women in the legal profession, and women's health issues.

While living in Tucson, Arizona, from 1989 to 1995, Susan was President and Board member of the Tucson Association for Child Care and also a member of the University of Arizona Heart Center Advisory Board.

She was born January 20, 1949, in Redfield, South Dakota, to Margaret and Vernon Waxdahl Moxon.

She is survived by her beloved husband of twenty-nine years, E. Thomas of Minneapolis; mother, Margaret Moxon of Huron, South Dakota; brother, Keith of Seattle; and special family members, Colleen and Robert Denny of Colorado Springs; and other loving family, including fifteen nephews and nieces, and many supportive, loyal friends.