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Festschrift for Dean Simon

Leslie Garfield & Audrey Rogers*

We write together about our dear friend Michelle Simon because of her enormous contribution to our professional and personal lives. Working with someone who becomes more than a colleague, but a friend as well, is a special gift. Michelle not only paved our path, she became a trail blazer in legal education. The professional trajectory of Michelle Simon speaks volumes to her talent, tenacity, and consensus building skills.

Michelle began her academic career in August 1985 as a legal research and writing instructor at Pace Law School. At the time, many law schools used third-year law students to teach legal research and writing. To Pace's credit, the school moved from the student model to using professionals. Michelle was one of those professionals, and in August 1985, she joined five other women to teach legal research and writing to Pace's day and evening classes. At that time, legal research and writing faculty were little more than instructors. They were not welcome at faculty meetings and not asked for advice, even with regard to their own teaching syllabi. Working as a legal research and writing professional meant working closely with students and far from the faculty.

Michelle, dissatisfied with the stratification between legal research and writing instructors and full-time faculty, pushed for change. She attended faculty meetings even though she could not vote, went to many of the school's extra-curricular activities, and worked closely with students on student groups. Within two years, Michelle's obvious devotion to the law school earned the respect of the full-time faculty and helped bridge the gap between faculty and instructors. A great admirer was Dean Steve Goldberg. Their friendships led to conversations both personal and professional, and created a dialogue concerning the ideal way to impart legal analysis skills to Pace

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law students. Together, Steve and Michelle created a pilot program, the first of its kind, which integrated doctrinal law and skills. The idea was built ahead of the McCrate Report, a seminal ABA report that called upon law schools to make a “major commitment of resources to the development of a skills training program.”¹

The program was novel in every way. Not only did it integrate substance with skills, but it also called upon legal writing faculty to teach doctrinal criminal law, a notion that was way ahead of its time. To test their vision, Steve asked Michelle to conduct a two-year pilot program, whereby she would teach the full length six-credit course to one section of the school’s entering class. Taking on the responsibility of teaching the LRW/CrimLaw teaching load was a huge responsibility. She had to design a complex curriculum that tied the criminal law to several writing assignments from a major memorandum of law to the appellate brief to oral arguments. The responsibility was political as well. A way to sell the faculty on the course was to make certain their views on the program were heard, and to also make the Criminal Law faculty comfortable with the idea of redirecting their teaching resources to other doctrinal classes if they did not want to teach the combined program.

Michelle took on the challenge full force, and met it with aplomb. In fact, the biggest controversy that resulted from CrimLaw/LRW class was that students who were not in the pilot program complained vociferously that they were being denied an equally strong education because they had been assigned to traditional LRW classes. After two years, the faculty was sold on the idea. And it was Michelle, with the support of Steve, who sold them. Not only did she demonstrate that the program assured a demonstrably better skill set than did the existing legal writing model, but she also did so with a level of finesse that welcomed her into the full time-faculty arena.

Her specific impact on us was that Michelle agreed to continue leading the program but only with the guarantee of a

1. *Legal Education and Professional Development – An Educational Continuum*, 1992 A.B.A. SEC. LEGAL EDUC. & ADMISSIONS TO BAR 5 (1992) [hereinafter MacCrate Report].

tenure-track position for herself and her Crim/LRW colleagues, which by now included us. And so began the Pace Crim/LRW program, and Michelle's promotion from legal research and writing professor to tenure-track professor; a feat so rarely seen among law schools' faculty that the individuals who have successfully crossed the academic river can be counted on one hand.

The tenure track came with the requirements of publication. Because of the intensity of the teaching load, the school devised a slightly less rigorous publication requirement than the three articles in six year requirement of traditional tenured-track faculty. Legal writing faculty were still required to publish three pieces, but two of the three could be legal writing related, and less substantive than traditional law review style pieces.

But Michelle again wanted to do more than merely meet the reduced standard. Instead, she decided to meet the traditional scholarship requirements, while teaching four intensive Crim/LRW classes per year. The classes of approximately 25 students each included extensive feedback on multiple assignments. Nevertheless, Michelle's tenure packet included three well-received works, concerning matters of criminal law and local government.²

In 2001 Michelle again became a trail blazer when she was appointed Associate Dean for academic affairs by Dean David Cohen and continued in that role under Dean Stephen Friedman. Under David Cohen, Michelle revamped student scheduling, providing them with two-year planning guides and streamlined registration systems. Her work as associate dean was so respected by the faculty and students alike that in June 2007 the faculty voted her Interim Dean of the law school, making Michelle (to the best of anyone's knowledge) the first legal research and writing instructor in legal academia to rise to the level of deanship. And Michelle proved to be an accomplished Dean. Under her deanship, the school saw the

2. Michelle S. Simon, *Suspended Over The Abyss: A City's Quest for Local Autonomy in Institutional Reform Litigation*, 23 FORDHAM URBAN L.J. 663 (1996); Michelle S. Simon, *Felony Murder in New York*, 210 N.Y. L. J. 1 (1994); Michelle S. Simon, *Whose Crime Is It Anyway?: Liability For The Lethal Acts Of Non-participants In The Felony*, 71 U. DET. L. REV. 223 (1994).

addition of spectacular new faculty, including a new director of our environmental program. She fostered scholarship at the school to an unprecedented degree. She fostered a level of collegiality and respect among the Pace Law Faculty, a faculty that a quarter of a decade ago could not fathom seeing a legal research and writing professor as their equal, let alone their leader.

Michelle has made incredible professional strides. Equally, if not more importantly, she accomplished all of the above while raising with her husband, Rich, an attorney and Pace adjunct professor, three incredible children- Amanda, a Pace Law School graduate, Maggie, a physician currently in her residency at Yale, and Bobby, currently a student at Cornell Law School. We watched and learned from her how to juggle the demands of motherhood and work. She did so with humor, patience, and placidity. She was a role model to us, and we're sure to many of her students, in striking a successful balance between her personal and professional responsibilities. Michelle is indeed a trail blazer in many ways, and for that we are deeply thankful. After all, she blazed the trail for us.