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## Message from the Dean

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*University of Michigan Law School*

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# MESSAGE

*from Dean Caminker*



I'm honored to have been chosen to serve the Law School as its 16th dean. I look forward to working with our students, faculty, and alumni around the world to help guide this remarkable educational institution to even greater distinction. I recognize how fortunate I am to lead a school with a student body composed of incredibly bright and interesting individuals who have many open doors and choose to attend Michigan Law School, a faculty consisting of committed teachers and world-class scholars, and a body of alumni who throughout the years have been generous in their support of the dean and the School through wise counsel, volunteered time, and extensive financial support.

My deanship began with a noteworthy event. On my first full day as Dean-designate, the Supreme Court issued its decision in *Grutter v. Bollinger* and upheld the Law School's admissions policy. After six years of uncertainty as the case progressed through the courts, this conclusion naturally evokes a complex array of feelings. They include *satisfaction* that the Court agreed with our longstanding view that our cautious use of race as one part of a holistic and individualized assessment of each applicant's promise is fully consistent with the guiding legal principles laid down 25 years ago in *Bakke*; *regret* that long after *Bakke* societal conditions remain such that some attention to race is still necessary to ensure that aspiring students from all walks of life have access to an outstanding education and the opportunities it provides; *appreciation* for the way in which members of our local

and national communities voiced their divergent opinions on these difficult issues in a respectful and tolerant manner, building bridges and maintaining institutional loyalty despite heartfelt differences in views; and *resolve* to use what we have learned during the litigation to keep improving our admissions process, and to work diligently to address the underlying problems so that consideration of race can drop out of that process. And finally, of course, I feel *relief* that we can now close this chapter in our School's history and turn our attention to new goals of our own choosing.

Two such important goals are to continue to strengthen the faculty, and to expand our majestic array of early 20th-century buildings to serve the educational needs of a 21st-century student body. Through these and other measures we can amplify the strengths that make Michigan the finest public law school in the nation.

We are enormously proud of this stature. During oral argument before the Supreme Court, Justice Scalia (who, I am pleased to share, just accepted my invitation to spend a week here as a DeRoy Fellow in the fall of 2004) casually suggested that we might choose to relinquish our status as an elite public law school (or a "super duper" school, as he put it). I believe, with all due respect, that such a challenge to our identity and aspirations is misguided. It is laudable for the State to choose to build a superb educa-

tional institution serving both the State's citizenry and the country as a whole. And the Law School clearly repays the State's confidence.

We attract the best and brightest and offer them an unsurpassed legal education. Our students serve our State and Nation exceedingly well even during their schooling by, for example, ably representing real clients in our first-rank clinical programs. Our graduates become leaders in courtrooms, boardrooms, judicial chambers, and governmental cabinets both within the State and all across the land. The suggestion that only private schools may maintain standards of excellence high enough to put graduates in leadership roles serving vital interests around the country and world — while we public institutions should curb our ambitions and clip our wings — is ill-considered.

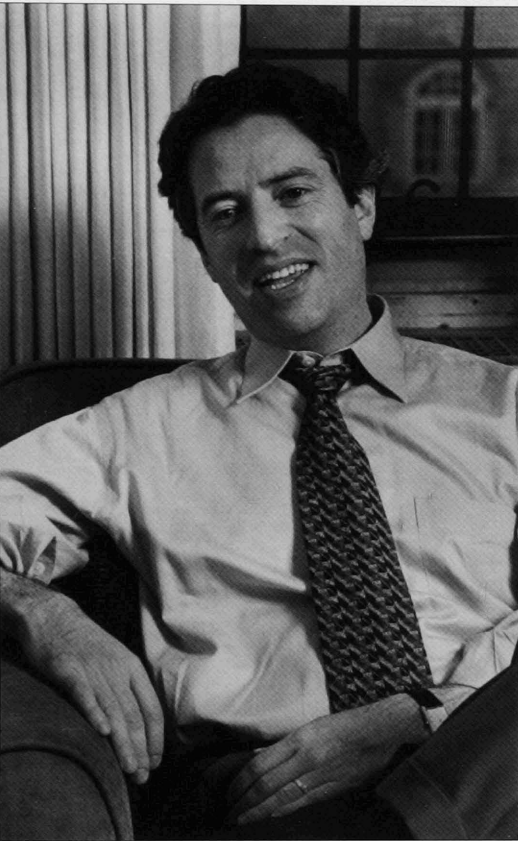
Moreover, this suggestion fails to appreciate what is, or should be, a distinctive mission of public institutions. The steadily declining state contribution to the Law School's operating budget (at best, under 4 percent this upcoming year) means that we cannot easily be defined as a "public" school based on our funding sources. Like our peer private law schools, we rely almost entirely on student tuition and private philanthropy. Rather, a great public law school should be defined not by its

budget but by its goals and accomplishments. One of our goals, indeed expectations, is service to the public. As a faculty we should aspire through both scholarship and varied professional activities to work toward solutions to important societal problems. As an administration we should provide opportunities and financial support for students who seek public service positions (such as judicial clerkships or government fellowships), public interest positions serving underrepresented people or causes (of all ideological stripes), and private positions addressing weighty public policy issues. And most fundamentally, I view it as central to our mission that we encourage our students to develop and maintain a sense of public-spiritedness, and to incorporate a healthy respect for public values into their professional practices and daily lives long after they leave our magnificent halls.

I hope and fully expect that during my stewardship the University of Michigan Law School will flourish in a myriad of ways as a uniquely outstanding and public-minded educational institution.

*Evan Caminker*

# A CONVERSATION WITH DEAN EVAN H. CAMINKER



*Evan H. Caminker became dean of the Law School on August 1, replacing Jeffrey S. Lehman, '81. Here, he discusses his thoughts on being dean, the past and future of the Law School, and other subjects.*

**LQN: As the 16th dean of this highly regarded Law School, you inherit a legacy of excellence. And as a constitutional scholar you appreciate the need for analysis and amendment. How do these factors work together?**

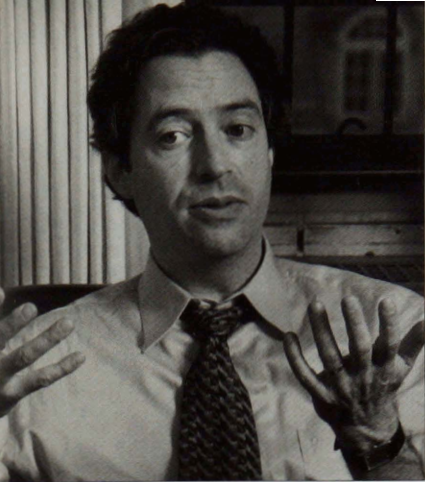
**Dean Caminker:** We can never be complacent; we must continually challenge ourselves and explore new opportunities for growth. The traditional pillar of the School has always been the faculty, dating back to the mid-19th century when the great public law scholar Thomas Cooley was at the helm. For the past half century, our faculty has been the leading force for interdisciplinary study of the law and legal institutions. At the same time, the School's exceptional clinical programs and pioneering legal practice programs immerse our students in the real-world practice of law. I would like to continue building upon these and other strengths in both theoretical and practical realms. I would also like to deepen our commitment to serving public goals and values, reflecting our responsibility as a great public institution.

**LQN: Faculty, administrators, staff, and students all are integral parts of the daily life and success of**

**the Law School. So are graduates, although sometimes not as obviously. What are your thoughts on the role of graduates in the life of the Law School?**

**Dean Caminker:** The success of our graduates obviously reflects the success of the School, since our *raison d'être* is producing a cadre of well-trained and responsible lawyers, entrepreneurs, and public servants to be leaders in courtrooms and boardrooms across the land. But my hope is that matriculation at Michigan is just the beginning of a lifelong relationship with the School. Some graduates return to teach courses or give informative and inspiring lectures so as to play a direct role in instructing future generations of students. Others advise the School from a distance, sharing their direct knowledge of a changing profession and thus changing educational objectives (such as training in transnational law). But I hope that all of our graduates — even those, and yes there are some, that did not absolutely love law school — continue to view themselves as part of a large extended family. This ongoing relationship provides our current students with an extensive network for making social and professional contacts, and makes it easy to welcome many voices into our family conversations.

**LQN: In reference to your previous answer, if we want graduates to retain a sense of involvement in the life of the Law School, do you have some programs, services, communication devices, or other means in mind that may help to accomplish this?**



## Evan H. Caminker

Evan H. Caminker, the Law School's 16th dean, took office August 1 after approval of his appointment by the University of Michigan Board of Regents. But he is no stranger to the Law School community, as scholar, law professor, practitioner, and, since 2001, associate dean for academic affairs.

A renowned scholar and teacher, Caminker also has extensive experience in higher education administration and legal practice in both the private and public sectors. He writes, teaches, and litigates about issues of American constitutional law. His scholarship and professional activities focus on matters concerning individual rights, federalism, and the nature of judicial decision making.

Caminker's publications have appeared in a variety of prestigious journals, among them the *Michigan Law Review*, *Yale Law Journal*, *Columbia Law Review*, *Stanford Law Review*, *Annals of American Political and Social Science*, and the *Supreme Court Review*. His most recent scholarly research focuses on the nature of voting on multi-member courts.

A winner of the ACLU Distinguished Professor Award for Civil Liberties Education, Caminker has taught in the fields of constitutional law, civil procedure, and federal courts.

Caminker earned his B.A. in political economy and environmental studies, *summa cum laude*, from the University of California at Los Angeles, and his J.D. from the Yale Law School. In law school, he was a senior editor of the *Yale Law Journal* and a Coker Fellow, and won the Benjamin Scharps Prize for Excellence in Legal Writing. As an undergraduate, he earned the Outstanding Senior Award, the Phi Beta Kappa Top Junior at UCLA Award, and two national championship school debate awards.

After earning his law degree, Caminker clerked for Justice William Brennan at the U.S. Supreme Court and for Judge William Norris of the Ninth Circuit. He also has been an active practitioner, first with the Center for Law in the Public Interest in Los Angeles and then with Wilmer, Cutler & Pickering in Washington, D.C. He took a leave from Law School duties from May 2000 to January 2001 to serve with the U.S. Department of Justice as deputy assistant attorney general in the Office of Legal Counsel.

Given his prior experience as an appellate advocate, Caminker was a member of the legal team that briefed the U.S. Supreme Court in the University of Michigan and Law School's recent admissions cases. In addition, he has been involved in two other Supreme Court cases since his arrival at Michigan, and was co-counsel in the California case *Common Cause v. Jones*, a lawsuit challenging the use of punch-card electoral ballots.

As associate dean for academic affairs, Caminker was the chief Law School administrator in the field of academic endeavor. He worked with the research faculty, and also assembled a rich roster of visiting and adjunct faculty. In addition, he has worked extensively in development of plans for expansion of Law School facilities (see story on page 10) and has been a frequent speaker for groups within as well as outside the Law School.

Caminker replaces Dean Jeffrey S. Lehman, '81, who became president of Cornell University.

**Dean Caminker:** Well, nothing beats returning to Ann Arbor for a fall reunion weekend, complete with tailgate party in the Quad before a thrilling football game, to remind alumni of their wonderful experiences in Ann Arbor. But I'd like to experiment with new ways of using technology to connect our friends around the country and the globe. For example, I'd like to create some Web site discussion opportunities for alumni both to follow the achievements of our students and faculty and to share their thoughts on how we can improve legal education.

**LQN:** The University of Michigan Law School is one of a small number of top-ranked, you might say elite, public law schools. What in your view is the secret to maintaining the handclasp of the "public" and the "elite" aspects of this Law School? And is there a similar balance that needs to be maintained in the practice, not just the teaching and learning, of law?

**Dean Caminker:** I don't know that there's any real secret here, as the excellence and public nature of the School go nicely hand in hand. We expect the lawyers we train to serve their clients or causes with great distinction and excellence, and we simultaneously expect them to take seriously the profession's historic obligation to serve the public's interests as well. As members of a great public school, we on the faculty demand the same of ourselves; we strive to promote public

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values and serve public needs while maintaining demanding standards of excellence, in the scholarship we produce, the education we provide, and the local and national community services we perform.

**LQN: The six-year-long lawsuit over admissions policies that went to the U.S. Supreme Court had been a fact of daily life here at the Law School. Now, with the Supreme Court having ruled that the Law School's admissions policies are legal, fair, and serve compelling interests, what do you see as the impact and legacy of the case?**

**Dean Caminker:** Reasonable persons can reasonably disagree with the principles animating the Law School's current admissions policy. But when the Law School carefully explained the importance of considering race among many factors in admissions today, and described its individualistic and moderate policies, the Supreme Court agreed that our program is legal and appropriate. As Justice O'Connor explained for the Court, "attaining a diverse student body is at the heart of the Law School's proper institutional mission," and "ensuring that public institutions are open and available to all segments of American society, including people of all races and ethnicities, represents a paramount government objective." The Court recognized that the Law School's admissions policy considers race in a limited way, and considers many other aspects of diversity as well for all applicants (including, for example, geography, age, interesting work experience, socio-economic status, life challenges faced, special talents, and alumni relations). This

individualistic and broad-ranging approach to diversity ensures that "each applicant is evaluated as an individual and not in a way that makes an applicant's race or ethnicity the defining feature of his or her application." The Court expressed the sentiment, as did we, that affirmative action programs are appropriate and necessary only in a second-best world "in which race unfortunately still matters." While the Court acknowledged a continuing need today for race-conscious admissions in order to enroll academically excellent and racially diverse classes, we share the Court's expectation that such measures will no longer be necessary in the near future.

**LQN: When its admissions policies were challenged six years ago, the Law School responded with an articulate — and in the end convincing — message that explained the value of diversity to higher education and beyond. Does this message need to continue to be promulgated. Or does it need to be rephrased as times change?**

**Dean Caminker:** It's important to recall that the Law School's commitment to diversity began a long time ago. The School graduated its first African American student in 1870 (the second African American ever to receive an American university law degree) and its first female student a year later (the first woman in the English-speaking world to receive a university law degree). And from the very beginning, the School always valued nonracial aspects of diversity in the admissions process, striving to ensure that the class contained meaningful numbers of students from varying geographical

backgrounds, and having varying life experiences. Indeed, whether they know it or not, many of our alums were admitted on the basis of diversity factors as well as grades and other "objective" indicia of academic preparedness. My own great-grandfather-in-law, a member of the class of 1901, surely benefited from his Mormon background and Utah residence.

But to be sure, appropriate understandings of "diversity" can evolve over time. I've recently heard graduates from the late '60s and early '70s proudly note that the Law School embraced a high number of Vietnam veterans, whose presence brought valuable — indeed, eye-opening — diversity to the classroom. The Law School's commitment to enrolling some members of underrepresented minority groups began in earnest around the same time, and the precise contours of that commitment have changed over time. This is of course true with other nonracial factors as well; the School's interest in matriculating second-career and Ph.D. students connects with the School's emphasis on interdisciplinary approaches to studying law and legal institutions.

Not surprisingly, during the six-year litigation campaign we've learned a lot about both the values of diversity and the ways in which they can be secured through various approaches to admissions. We will continue to assess our admissions policy with these lessons in mind, so as to produce the best possible student classes through fair and pedagogically sound means.

**LQN: You have asked Professor Steven Croley to be your associate dean for academic affairs, a role you**

have filled for two years. Have you and he worked on projects together before?

**Dean Caminker:** We've worked closely together in various capacities, most recently on the Personnel Committee, which is charged with the single most important aspect of faculty governance: renewing and reinvigorating ourselves by adding new colleagues. Steve was also the chair of the Personnel Committee that brought me to Michigan originally, so naturally I'd say he does good work!

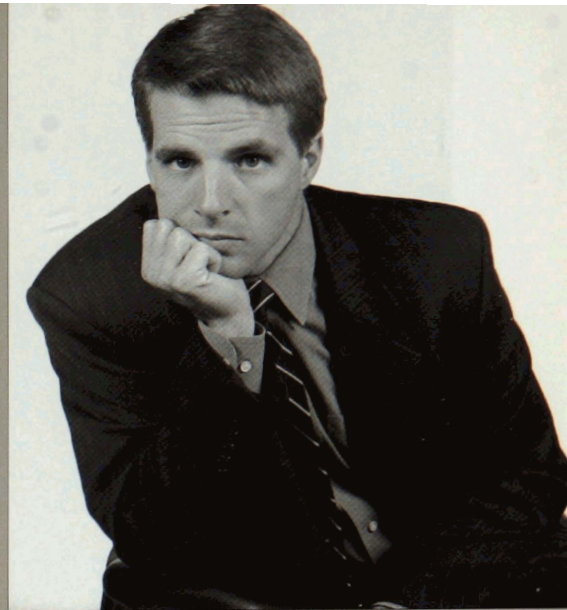
**LQN:** The hiring and retention of topflight faculty is a continuous part of the dean's work. One approach is to "grow" faculty, to hire young teachers with great promise and then nourish their development. Another approach is to recruit established, well-known teachers, an effort that has its merits but also can be very costly and sometimes is derided as getting into "bidding wars" for faculty. What are your thoughts on this issue?

**Dean Caminker:** A healthy faculty grows in both ways. The Law School is already blessed with what many describe as the best junior faculty in the nation. Our young scholars possess prodigious individual talents, and they exhibit a wide range of academic and professional interests. The home-grown component of the faculty has always provided a great source of strength and stability.

At the same time, any outstanding educational institution needs constant nourishment from the outside as well. Many of our current faculty members came to Michigan after developing a

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## **Professor Steven P. Croley named associate dean for academic affairs**



**D**ean Evan H. Caminker has named Professor of Law Steven P. Croley to be associate dean for academic affairs.

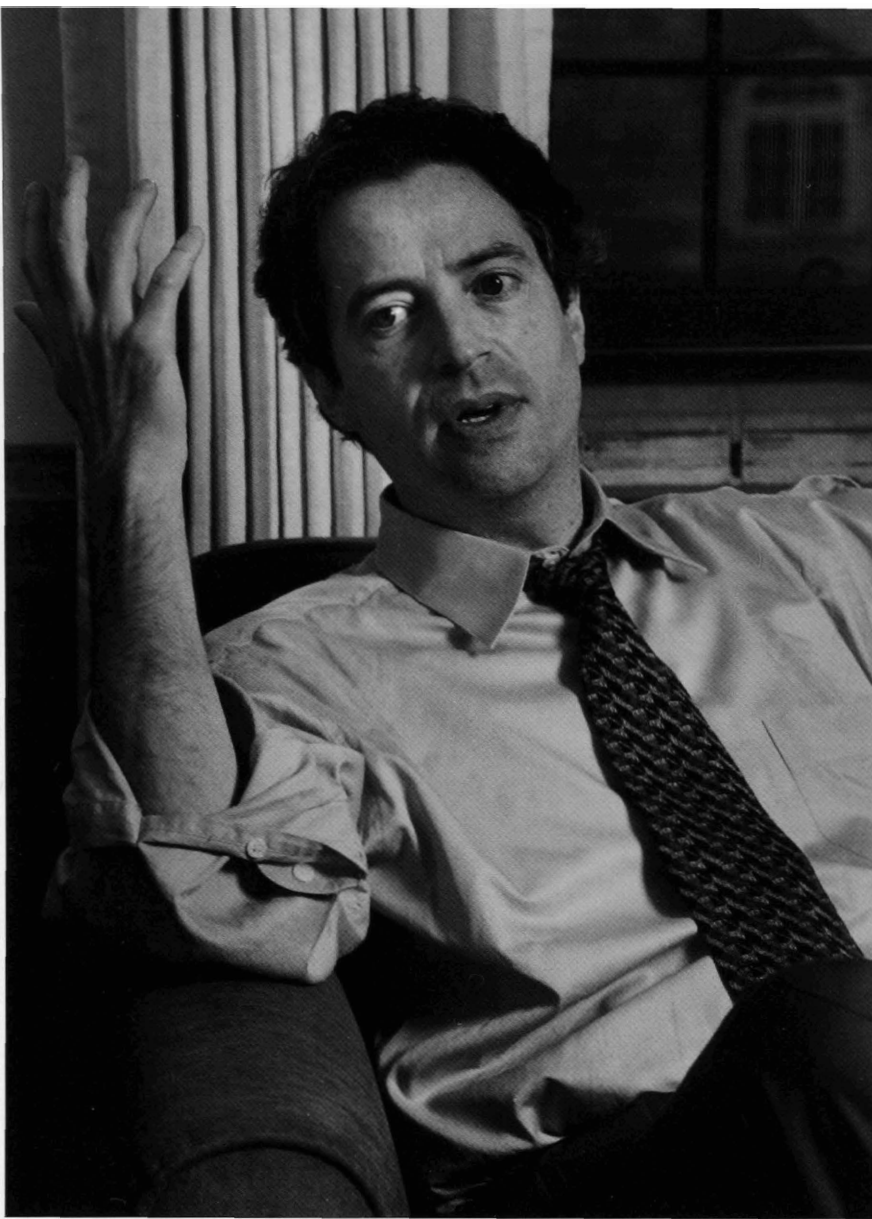
Professor Croley has been a member of the Law School faculty since 1993. He is an award-winning teacher and scholar who has published widely. Within the Law School, Croley has also been a devoted worker in administrative activities. He has served on Law School committees dealing with academic standards, disabilities, awards, research, and personnel matters. He chaired the Personnel Committee in 1998–99, and will chair the Lateral Personnel Committee in 2003–04.

Croley earned his A.B. from the University of Michigan, where he was a James B. Angell Scholar and won the William Jennings Bryan Prize; his J.D. from the Yale Law School, where he was articles editor for the *Yale Law Journal*, a John M. Olin Student Fellow, and won a John M. Olin Prize and the Benjamin Scharps Prize; and his Ph.D. in politics from Princeton University, where he was a University Fellow. Following graduation from law school, he clerked for the Honorable Stephen F. Williams of the U.S. Court of Appeals for the D.C. Circuit. His primary fields of teaching and research are administrative law and torts, and he teaches seminars on advanced topics relating to these fields. During his tenure at Michigan, Croley has also served as a research consultant and report writer for several state and federal agencies, including the Administrative Conference of the United States.

Earlier this year, Croley was the feature panelist at the American Bar Association's Midyear Meeting for the ABA's Section on Administrative Law & Regulatory Practice. He also was one of four U.S. administrative law specialists asked by the Asia Foundation to assist the Chinese government in drafting legislation governing administrative procedures. In addition, he served as a reviewer for papers submitted for presentation at the 2003 annual meeting of the American Law & Economics Association.

In recent years, Croley has undertaken the representation of individual clients. In his private law practice, he focuses on civil rights, contracts, criminal defense, and torts. He has active cases pending in state and federal courts, including one high-profile case that has been the subject of stories in the local and national news media.

Professor Croley's scholarly writings have appeared in prestigious journals like the *Chicago Law Review*, *Columbia Law Review*, *Yale Journal on Regulation*, *Harvard Law Review*, *Michigan Law Review*, and the *Administrative Law Journal of American University*, among others. His forthcoming work will appear in the *Chicago Law Review*, and he is currently at work on a book on regulation. In addition to his scholarly writing, he has lectured on torts and product liability in Japan, Germany, and Italy.



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nationally renowned record of scholarship, teaching, and service at another institution. Such lateral hiring allows Michigan to take advantage of proven success stories, and it also brings together persons having prior experiences with different forms of administration, teaching ideas, etc. — yet another important source of diversity within the faculty.

**LQN:** Fundraising is another continuous part of the dean's work. Annual donations from Law School graduates and supporters finance significant portions of the School's programs. What role is there for private donation in legal education here?

**Dean Caminker:** My experience is that most of our alumni would be surprised, perhaps shocked, to learn how little of this public school's operating budget comes from state funds (this year, under 4 percent). While tuition provides the largest source of funds, we are highly reliant on our annual giving program to support many of our basic educational programs. While the "dean's discretionary fund" sounds like a pot of money for desirable-but-unnecessary "extras," in truth these monies are used to support basic educational services such as the library, the career guidance office, and our international law center.

The Law School is about to kick off a major capital campaign to enhance our ability to provide a first-class legal education. One sizeable component of this campaign will be funding for a significant building expansion, which we hope will provide a way for many of our alumni to give back to the School in a way that connects them permanently to this most beautiful Quadrangle. So without a doubt, there are great opportunities today for private donations to contribute significantly to the way the Law School provides educational services, now and for many decades to come.

**LQN:** The need for expanded facilities and the recent announcement of plans to expand and update the Law School's physical plant increase the significance of donors' support. Raising funds for this expansion and dealing with construction will occupy much of your time during the next few years. How do you view this effort?

**Dean Caminker:** With great enthusiasm, actually. The process of fund-raising



provides an opportunity for me to meet and become friends with many of our alums. I will enjoy reminding them of the signal importance of a top-quality legal education, and sharing with them the many ways in which the School has grown and methods of delivering educational and professional services have changed since the 1930s, when our basic physical plant was established (the only building additions since then have been designed primarily to house books, not people). In other words, I get to showcase the many wonderful things about the School and its central educational mission.

Moreover, we are very excited with the schematic design for the new building addition, as articulated by the Renzo Piano Building Workshop. I'll have the opportunity to share some ingenious plans for treasuring the architectural gem that has long been our home, revitalizing it to meet the evolving needs of a modern legal education while still maintaining its beauty and magnificence.

**LQN: Is there an opportunity here for showcasing the spirit of legal education at this Law School as well as its bricks and mortar?**

**Dean Caminker:** Sure. In my view, the two are inseparable. Of course, we are committed to designing a new set of buildings that will do justice to, and in some significant ways enhance, the dignity of the traditional Gothic form. But the building design is fundamentally driven by the spirit of the educational enterprise housed inside. Our faculty and student communities are energetic, enthusiastic, and collegial; and they need meeting and working spaces that can facilitate and further inspire these wonderful traits. For all their beauty and grandeur, the

existing buildings hide narrow and disconnected interiors that tend to dissipate energy and partition the community. The new building is designed, not just to provide desperately needed space within the Quad, but precisely to unleash the collegial spirit of the community that thrives within.

**LQN: Your considerable standing as a scholar is solidly buttressed by extensive practice in the private as well as government sectors. This raises two questions:**

- **As dean, do you hope also to continue teaching, or to dip into practice periodically?**

**Dean Caminker:** In the long run, I think continued teaching by a dean is critical both to maintain relations with new generations of students (outside the dean's office), and to maintain a connection to instructional values and approaches. So I hope very much to keep one foot in the classroom, though I will surely have to reduce my normal teaching load significantly and perhaps even take the first year off.

I have had the good fortune of being intensely involved in several important Supreme Court cases since arriving in Michigan, most recently of course the affirmative action cases. I'll obviously have to put such litigation endeavors on hold (assuming, of course, that the School can stay away from the Court as a defendant!). I do hope to supplant my role in this regard by encouraging others to maintain or expand their own *pro bono* legal efforts.

- **As dean, do you have plans for maintaining your own scholarly work?**

**Dean Caminker:** In the near term, I will try to do some limited writing about equal protection law and the educational process. Not surprisingly, I learned a lot during the litigation, and it would be a shame to miss entirely the opportunity to share my thoughts with others interested in the same issues. But scholarship necessarily will be a limited part of my own activity as dean. I will again live vicariously, doing my utmost to ensure that my colleagues are best positioned to reach their own potential as scholars, and that the fruits of their labor will become part of important national and international debates about the law and legal institutions.

**LQN: Finally, you came here from California, where, we must confess, the sun shines more than it does here in Michigan, and the winters are shorter and kinder. What's the University of Michigan Law School got that draws the best and the brightest here?**

**Dean Caminker:** Alas, I have concluded that my days of playing volleyball every Sunday at Manhattan Beach have pretty much come to an end in Ann Arbor. But suntans aside, there is so much to treasure here, both in the broader University community and the cozy yet stimulating surrounding town. And at the end of the day it is the Law School itself, the unsurpassed faculty, the vibrant student body, and the palpable spirit of intellectual challenge nestled in a majestic and inspiring Quadrangle, that will always draw people from the coasts like me into its embrace.