

SECTION VI

DEAN'S MESSAGES

SPRING 1999

Dear Alumni and Friends:

What initially strikes the eye of visitors to the University of Tennessee College of Law is our new building, one of the best facilities for legal education in the world. What is so striking about the building is its beauty, its technology, and its incredibly functional design. If you have not been to see our new home, come see us; if you have visited us since we moved, come back. Now, let me tell you just some of what's going on inside.

As incredible as the building is, the people who teach and learn in the building and the educational and curricular programs for which we built the building in the first place are more impressive. We continue to be proud of our thorough and demanding first-year curriculum. In addition to learning the building blocks of private laws in Torts, Contracts, and Property, first-year UT Law Students study Civil Procedure and Criminal Law. They also take six credit hours spread over two demanding courses focused on legal research and writing: Legal Process I and Legal Process II. Like you, when you were in your first year of law study, our first-year students are curious, eager, and hard-working. But, what about after the first year? What then?

Our goal is to keep our students intellectually involved and practically challenged throughout all three years of their legal education. Teaching and training someone enough in three years to say confidently they are prepared to begin the practice of law is a daunting task. The risk that students will become tired of law school and less involved in their legal education after the first year is a risk we neither assume nor accept. At UT we are working hard to keep our students engaged in their legal education throughout their time here. How are we doing that?

We are offering our students the opportunity to excel beyond the first year and beyond their first-year grade point average. Our Centers for Advocacy and Entrepreneurial Law give UT law students the chance to emphasize a particular area of law, while learning in that area how all law builds from basic to complex to practical problem-solving on the cutting edge. The curricular components of the Centers stimulate interest in advocacy or business transactions. The building block sequencing of courses teaches our students how law builds from the basic to the complex and imparts critical problem-solving skills. The sequenced courses provide a clearer image for our students of their own progress. Rather than merely experiencing a hodgepodge of courses, students in the concentrations gain a clearer picture of the progress of their own education and what it means.

Moreover, our hopes for the Centers include bringing in lawyers and businesspeople to talk with students about what they do and how they do it. Last Spring, Jim Clayton ('64) was the Center for Entrepreneurial Law's first Entrepreneur in Residence. Jim's message of hard work, good planning, sound business sense, and community spirit resonated with our students. Now, less than a year later, we are happy to report that Jim and Kay Clayton have made a \$1,000,000 gift to the College of Law and the Center, which shall now be known as the Clayton Entrepreneurial Law Center to honor Jim and Kay for their generosity and support.

On a related point, the Legal Clinic, which is the capstone course in our Advocacy Concentration, remains one of the most challenging and invigorating educational experiences we offer. Representing real clients with real problems under close supervision with intensive feedback remains the hallmark trait of the clinic Charlie Miller started fifty-two years ago.

Now, the faculty is considering how to provide educational experiences similar to those that our students in the concentrations receive to our students who choose not to concentrate on Advocacy and Entrepreneurial Law. We want *all* our students to be able to take a sequence of courses which build from the basic to the complex and which culminate in an actual or simulated "real" lawyer-like problem-solving experience in which the student is supervised, supported, and critiqued, an experience at the end of which the student says, "So that's what lawyers do and think and feel like." Those advanced, reflective, problem-solving experiences and their accompanying insights bring together all three years of law school and send our graduates out on the course of their careers better prepared to be outstanding practitioners and leaders in their chosen fields.

Other upper-level educational experiences for law students include the Tennessee Law Review, the Moot Court Board, our intra and inter-school moot and mock trial competitions, and an increasing group of pro bono and public interest opportunities. Two students in the past year have won national essay writing competitions; their papers were named *the best* in the nation.

Throughout all of our curricular and co-curricular offerings, we strive to emphasize ethics, professionalism, and what these things mean on the eve of a new century. We attempt to make our students understand that lawyering involves more than the application of analytical reasoning, persuasion, and communication skills to particular problems; it also requires the exercise of independent professional judgment, a judgment guided by the needs of the client, the demands and limits of our legal system, and the lawyer's role in his or her own conscience.

The long and the short of it is that we want every student, whether they are first in their class or last in their class, to receive a high quality legal education while they are here. We want each of them to be interested, involved, engaged, and challenged throughout their academic career here. We are proud of what we do and want each and every one of our graduates to be proud of us, too. We want all of you to feel we served you well while you were here. More later on how we can continue to serve you.

FALL 2000

I am the father of four children in the Knox County schools system, Patrick (15), Sarah (13), Aisling (11), and Jennifer (8). I went to many open houses this fall. It is nice to meet your children's teachers. I have heard a lot of good things from PTA presidents, school foundation leaders, and principals. I am always most excited when I hear my children's teachers talk to me about academic excellence and their excitement about learning. As I work through my third year as your Dean, let me assure you that, at your alma mater, we are always committed to excellence. We are committed to teaching all our students the skills that they will need to join you at the bar—the skills they will need to practice law. We pledge to continue to always make you proud of your school by being the best school in the country at teaching law students how to be lawyers.

Foremost among those skills is the ability, in the old phrase, to be able to think like a lawyer: to be able to analyze and to be able to engage in that process we call legal reasoning. While thinking like a lawyer is critical and the foundation for all that we lawyers do, we need to teach more. We try to teach our students to:

- write succinctly and clearly
- think ahead and plan
- be able to persuade
- be able to speak on their feet even though their nerves are all a jitter
- come up with ways to solve all sorts of problems
- be able to think about detail and overarching principle at the same time
- realize their limits
- always be aware of their great responsibility to our American system of justice
- separate their self-interest from their client's interest and society's interests
- admit a mistake and know when to call for help
- listen with compassion, while at the same time dispassionately analyzing that same story
- continually reflect on their role and their effectiveness in that role
- be aware of obligation to do pro bono work
- and be ethical and professional practitioners of our *great* profession.

These are just a few of the important skills and ideas we try to teach. Our devotion to teaching our students to be the best lawyers they can be is not new. It is a tradition, and one of which we are proud. That tradition has produced the fine lawyers we proudly claim as our graduates—you. So, the proof is in the pudding. But I have other proof. Last August, the College of Law lost a good friend when Professor E. E. Overton passed away. If you knew E.O., you no doubt recall his sharp intellect and dramatic presentations in the classroom. You will recall his great

pool-playing and his nationally recognized scholarship. A few years ago, E.O. wrote a history of the law school. In that history, he said:

“The school remains dedicated to the job of training persons for the practice of law, of inculcating in them ideals of public service, and professional responsibility and of serving the entire community in all areas relevant to law, its study and practice. The drive of the faculty for years has been a concept of striving to serve these functions with every fiber of our bodies, with the utmost dedication to excellence and to the sacrificing of other ambitions to that ambition. A future history may judge whether the College of Law has achieved that goal.”

Our graduates—you—are proof positive we have achieved E.O.’s goal. And we hope to continue to always achieve that goal with each future generation of UT law students. We can only continue to achieve that goal with your support. With your faith in us and belief in what we do, we can continue to be one of the best law schools in America at teaching law students to actually be lawyers.

SPRING 2001

In 1997, the College of Law faculty articulated its primary goal as becoming a preeminent state-supported law school. At the time we had just moved into a brand new building, built with state funds, and we were in the process of searching for a new dean (who turned out to be me). We had—and still have—very much of which to be proud. We have an outstanding student body, a wonderful building which continues to be one of the best for legal education in the world, a faculty with many members in their teaching and scholarly prime, a Clinic which is unrivaled in its longevity and its quality, and supportive alumni. We were and remain in *U.S. News and World Report's* top fifty American law schools. While relying upon the *U.S. News and World Report* ranking is no way to pick a law school, and it is not the greatest measure of success, we hope our ranking reflects the things that we do well: teaching, scholarship, and service. While I believe *U.S. News'* rankings probably have done more harm than good—forcing schools to overinvest in public relations, not student education or faculty development—I am not so naive as to think that prospective students, current students, faculty, staff, and alumni do not rely upon those rankings in making critical decisions.

Today, we are a great American law school; however, there is a storm cloud brewing which has affected higher education in the state of Tennessee and which has affected us. That storm cloud is the State's inability to solve its financial problems and to provide higher education with the support it needs to continue to get better. Schools with which we compete are not standing still. You have heard stories of faculty leaving the University of Tennessee for higher-paying jobs elsewhere. I am happy to report that no one has left the University of Tennessee College of Law for a higher-paying job (and there have been opportunities), but our financial situation is not secure. Our current financial plight threatens our ranking, and it threatens our reputation as a leader in American legal education. The main reason for the change in our financial situation over the past three years have been *incredible increases in tuition and fees for our students*. These increases in tuition and fees are the result of the state's inability to increase its support.

Over the past three years (since academic year 1999-2000), our in-state students have seen tuition and fees increase forty-two percent. Our out-of-state students have seen their tuition and fees increase by more than fifty-one percent. This year alone, our in-state students faced a fifteen percent tuition increase; out-of-state students saw an eighteen percent increase. Tennessee residents at the University of Tennessee College of Law will pay \$6,668 in tuition and fees for the 2001-2002 academic year. The total cost of their education, including room and board, will be approximately \$18,000 per year. Our out-of-state students face an even stiffer price tag of \$18,380 in tuition and fees and \$30,000 in total costs.

This year will be the first time ever that Tennessee residents cannot borrow all they need to finance their legal education through federally-guaranteed sources. They must resort to private markets if they wish to finance their legal education. Out-of-state students have faced the necessity of borrowing in the private market for many years, but now the amount of those loans, as I have told you, will drastically increase.

Many times over the past twenty-five years, you have heard us claim to be one of the great bargains in higher education. We can no longer honestly make that statement. Of the public law schools in *U.S. News and World Report's* top tier, six schools will be cheaper than we are this year, including the Universities of Georgia, Colorado, Arizona, Utah, Alabama, and Florida. In-state tuition at the University of Kentucky will be virtually the same as ours. Perhaps more tellingly, of the public law schools in the top fifty, ten will be cheaper for an out-of-state student than the University of Tennessee this year. Those schools are the Universities of Texas, North Carolina, Washington, Arizona, Utah, Alabama, Florida, Cincinnati, Houston, and Kentucky. The University of Georgia and George Mason University are within hundreds of dollars of our tuition and fees for out-of-state students.

The fact that a number of public schools in the top fifty are cheaper for out-of-state and in-state students than we are is cause for concern in itself. It is greater cause for concern because a number of schools within the region which were not within *U.S. News and World Report's* top 50 a few years ago are now in that top 50, including the Universities of Florida, Alabama, Kentucky, Maryland, George Mason, Cincinnati, and Houston. All of these schools are now competing head-to-head with us for students. As our tuition increases, our competitive advantage based on cost no longer exists. This makes it harder for us to compete. Moreover, as the reputation of other schools in the region increases because they have invested significantly in law school and higher education, our ability to compete with those schools is also curtailed.

What would happen if we were to fall out of the top fifty? It would be extremely hard for us to get back in. In the second tier of *U.S. News and World Report's* American law schools, there are eight public schools whose in-state tuition for 2001-2002 will be cheaper than ours, including Arizona State University, Florida State University, Georgia State University, the University of Arkansas-Fayetteville, the University of Mississippi, the University of New Mexico, the University of Oklahoma, and the University of South Dakota. Perhaps more tellingly, there are fifteen schools in the second tier whose out-of-state tuition will be cheaper than ours, including Arizona State University, Florida State University, Georgia State University, Rutgers-Camden, Rutgers-Newark, the University of Arkansas at Fayetteville, the University of Hawaii, the University of Kansas-Louisville, the

University of Mississippi, the University of Nebraska, the University of Oklahoma, the University of Oregon, the University of South Carolina, and the University of South Dakota.

We are no longer a bargain!

This year, our out-of-state LSAT averages and median GPAs are lower than our in-state LSAT averages and medians. The model is not supposed to work that way. Ideally, the out-of-state LSAT scores should be higher than the in-state LSAT scores.

Staying with this same theme, our largest anticipated scholarship this school year was going to be \$10,000. A \$10,000 scholarship would pay less than fifty-five percent of an out-of-state student's tuition and fees. Unless we can provide more significant assistance, our out-of-state scholarships will not allow us to compete for top-flight non-Tennessee residents. Moreover, under University policy we have no tuition waivers which we can offer to students; we lack the ability to call *any* out-of-state students in-state students for tuition purposes. And it is extremely difficult for an out-of-state student to become a Tennessee resident while he or she is in school. The fact of the matter is that increasing tuition without increasing scholarships makes it extremely difficult for us to compete for both out-of-state and in-state students. As tuition increases, the effective value of our scholarships decreases because the amount of our scholarships cannot keep up with the increase in tuition. This affects us in recruiting *all* students. It also affects the incredible strides that we have made to make the University of Tennessee a diverse, inclusive, and welcoming community for all. For us to have matched tuition increases in the past three years with endowed scholarships, we would have had to raise more than \$20,000,000 in endowments devoted exclusively to scholarships.

This state of affairs has led us to a situation where our students are paying a larger part of the cost of their education than other students in the University system. For every dollar that the typical University of Tennessee student invests in his or her education, the State will pay approximately \$1.94 in state-appropriated funds. For every dollar that the law student at the University of Tennessee invests in his or her education, the State only pays forty-three cents. Yes, forty-three cents! In the last two years, tuition and fees have increased more than \$1.1 million for the student body at the University of Tennessee College of Law.

Since I have been here, every time we have been competing with another school for a faculty candidate, that school has offered a higher salary. In every case except one, we have still succeeded in hiring those faculty. However, as the gap in

starting salary between what we offer and what our peers offer widens, we will have difficulty competing. Therefore, I ask you to:

1. Spread the word about the difficult situation in which your alma mater finds itself, particularly the situation in which the student body of the University of Tennessee College of Law finds itself. Let people know that, while we are grateful for how well we have been treated, we are quickly reaching a crisis situation; and let people know that our ranking as a top American law school is at stake. Let your elected representatives know that we need help. A listing of state legislators and the counties they represent, as well as an example of a letter you might send, can be found at www.law.utk.edu/news/legislat.htm. You can cut and paste the letter into your word processor and personalize it as you wish.
2. Help us to raise more money for scholarships and to convince decision-makers that it is imperative for the College of Law to have tuition waivers, the ability to call out-of-state students in-state students, and to make it easier for out-of-state students to become residents of Tennessee.
3. As you have done in the past, please help us when you are called upon in our recruitment efforts.
4. Continue to let people know what a great institution the University of Tennessee College of Law is.

I thank you for all your support in the past and thank you in advance for your help in convincing decision-makers and the citizenry of the great State of Tennessee how important it is to support higher education in its time of need.

FALL 2002

Every time I walk into my office, I think how lucky I am to work at the University of Tennessee College of Law. I have never been associated with an institution where the faculty is so committed to teaching. From the first-year classroom to the Legal Clinic, our faculty understand that one of our most basic missions is educating our students to practice law with an understanding and appreciation of legal theory, skills, ethics, and the culture of our legal system. Moreover, I have never been at a place where the faculty's scholarship was so influential across such a broad range of subjects. And, our commitment to service to the College, to the profession, and to the community is unwavering.

Every time I walk into a classroom to teach either Torts or Admiralty, I realize how lucky I am to be in a state-of-the-art facility with committed, hard-working students who seem to get better every year. As I walk the halls, I thank my lucky stars for our staff who, although tremendously underpaid, remain committed and devoted to making the student and faculty experience at the University of Tennessee College of Law among the best in the world. When I go through our library, I am impressed not only with its physical beauty but with its outstanding collection and the fantastic people who have built it and keep it moving forward.

I don't just feel lucky; I also am extremely proud of what we believe in here at the College of Law and how we implement our beliefs. As I said, we know that one of our core missions is training our students how to actually practice law. We understand that teaching someone to be a lawyer requires us to teach her how to think like a lawyer. The phrase "thinking like a lawyer" may sound trite, but the message still rings true. Clients want lawyers to think like lawyers! At UT, we teach those analytical skills. But what good is a lawyer who can think but who can't communicate and solve problems? At UT, we strive to teach our students not only how to think like lawyers but how to communicate like lawyers both orally and in writing. We teach them how to do these things ever mindful of the ethical and professional obligations which we lawyers have to our clients, to the system of justice, and to ourselves.

Training in legal analysis and thought begins in the student's first year. One of the ways in which we teach skills (other than thinking like a lawyer) in the first year is in our Legal Process I and II courses. These are writing-intensive legal methods courses which are taught by a team of full-time tenure or tenure-track faculty and outstanding adjuncts. Recently, it was our great privilege to host more than 400 people at the biannual meeting of the Legal Writing Institute. Our Director of Legal Writing, Professor Carol Parker, was the Site Chair for the conference; it

was the largest program we have ever had at the University of Tennessee College of Law. Carol was ably assisted by many faculty and staff who helped make the program one of the best I have ever seen. Since the program concluded, I have received many letters from legal writing professors all across America who praise the program, our building, and our outstanding faculty and staff.

Another way in which our beliefs manifest themselves in our academic program is through our two academic concentrations in Advocacy and Business Transactions. In this issue, we highlight the Business Transactions concentration and the Clayton Center for Entrepreneurial Law. Those students who think they want to focus their studies in advocacy or business law may take a series of courses in those areas that build from the basic to the complex. The most complex courses, the capstones, require students to put it all together in a learning experience that mirrors what they will do as lawyers. The concentrations allow students to focus in a particular area of study if they so choose. Significantly, for students who do not choose to participate in the concentrations, the University of Tennessee College of Law offers a fantastic general education in law.

Our Legal Clinic continues to be among the most outstanding in the country. As you all know, it is the longest continuing legal clinic in the United States. Proudly, everyone who teaches in our Legal Clinic is a tenure or tenure-track faculty member. Jerry Black was recently honored by the Roscoe Pound Foundation with the Richard S. Jacobson Award as the best trial practice teacher in the country. We also are pleased that the clinic now offers a business law clinical course for students who choose a transactional clinical experience.

We are *all* lucky because our alumni are particularly involved and engaged. Many of you serve as adjunct faculty. You are generous with your time and with your financial contributions.

So, as you can tell, I consider myself a very lucky person. After all, I am half Irish (the other half is basically Swedish in case you were wondering). But, with all this luck going around, we must continue to plan for the future.

As I have written before, tuition continues to rise at the University of Tennessee College of Law. This year, our in-state first-year students will pay \$7,156 in tuition and fees. Our out-of-state students will pay \$19,212. While National Jurist Magazine has recently recognized UT as one of nine public law schools which are great values, it is not the bargain that it once was. Critically, as the state continues to wrestle with financial difficulties, the College of Law *must* strive for long-term financial stability.

UT's ability to continue to recruit outstanding students, UT's ability to recruit and retain outstanding faculty, and UT's ability to continue to improve as one of America's great law schools depends upon its financial stability. Realistically, that financial stability must come from both public and private sources. The best way for the College of Law to weather the ups and downs of budget cycles in public education and public higher education will be to continue to build a firm, private funding base. For the College to stay lucky will require *increased private support* for the University of Tennessee College of Law. In the months and years ahead, the College of Law will continue to look to you, our alumni, for that support.

We are extremely grateful for all that you do for UT, and we know that, without your support, the College would not have made the great strides forward that it has made. Your support will help the UT College of Law maintain what it does and improve upon it. Your support will allow UT to continue to provide opportunities to outstanding students who choose the University of Tennessee College of Law for their legal education. That way, they will be as lucky as we all are in having chosen the UT College of Law.

SUMMER 2004

A law school is a wonderful place at which to learn. At law schools, students are pushed to think about issues in a way they have never thought about them before. They are asked to analyze carefully and completely; to articulate reasons for opinions; to consider the social and historical context in which the law is developed; to consider their obligation to serve the legal community and the broader community of which they are a part; and to learn new skills of communication, persuasion, listening, and more.

One of the wonderful things about teaching at a law school is that each year when one class graduates, just a few months later another starts. Thus, there is a wonderful cycle to our academic lives. Moreover, as the cycle goes on, it reminds us not only of those students who have graduated and those students who are beginning or continuing their education, but it reminds us of our connection to the institution, and it reminds us fondly of those who have added to the institution but who are no longer with us.

Sadly, during the past year we have lost two colleagues: Jerry Phillips and Marilyn Yarbrough. Jerry began teaching at the College of Law in 1967. He achieved international acclaim as a scholar in the areas of Products Liability and Torts. Moreover, he was a wonderful colleague and great teacher who always had a twinkle in his eye and a smile on his face. Jerry passed away on January 14, 2004. One of the articles in this magazine proclaims his life and his accomplishments. We miss him very much but appreciate having had the opportunity to know him and work with him.

On March 10, Marilyn Yarbrough, Dean of the College of Law from 1987-1991, died at her home in Chapel Hill, North Carolina. Dean Yarbrough was the first female Dean at the College of Law and the first African-American Dean. She was a national leader in legal education and contributed much to the life of this institution while she was here. Among her many accomplishments was her commitment to building our Development program and her steadfast commitment to the building and renovation of the College of Law, which was completed in 1997 under the leadership of her successor as Dean, Dick Wirtz, and the Chair of the Building Committee, Pat Hardin.

Notably, the passage of time also means retirements. This year will be the last year in full time teaching for both Dick Wirtz and Pat Hardin. Dick arrived at the College of Law in 1974, and Pat arrived in 1975. Both of them have accomplished much and seen many positive changes in the College of Law during their tenure. Articles below touch upon the highlights of their outstanding careers

here.

Succeeding Pat Hardin will be Jeff Hirsch, an attorney with the NLRB in Washington, D.C. Jeff will teach Labor Law, Employment Law, and Employment Discrimination. Jeff received his J.D. from N.Y.U., a masters from William & Mary in Public Policy, and his undergraduate degree from the University of Virginia. A search to fill Dick Wirtz's position will take place this coming academic year.

Finally, Professor Colleen Medill is returning to her roots in the Midwest. She will be leaving us to join the faculty of the College of Law at the University of Nebraska. She has made real contributions to all we do over the past seven years, and, while we will miss her, all of us wish her the best.

One of the things that makes the cycle of change meaningful at a law school is the school's commitment to what matters: teaching, scholarship, and service. At the University of Tennessee College of Law, one of the things that has always mattered to us is access to justice.

Much of this magazine is devoted to the subject of the College of Law's commitment to access to justice and pro bono work. All of us are aware that the legal system cannot function if the people involved in controversies or other critical events do not understand the peril they are in, understand the choices they may have, and know their rights. To exist under a rule of law, the people who are subject to it must understand it and be appropriately represented.

The College of Law has a long tradition of providing access to justice to those who might not otherwise be able to afford an attorney. The Charles Henderson Miller Legal Clinic opened in 1947. It is, as many of you know, the longest continually operating legal clinic in America. Today, the Clinic continues to thrive.

In addition to a traditional Advocacy Clinic, we have started a Business Law Clinic, offering students the opportunity to represent individuals who may have needs in the transactional area. This clinical offering, spearheaded by Professor Paula Williams in conjunction with the Legal Clinic and the Clayton Entrepreneurial Law Center, is an important addition to our clinical offerings. It also is consistent with our desire to provide those students who want to focus on Entrepreneurial Law with the opportunity to obtain a live client clinical experience.

This past spring, the first Charles H. Miller Visiting Professor, Deborah House, taught Mediation Clinic. Deb is a graduate of the College of Law and is Associate Director of Legal Aid of East Tennessee. She has enriched our students'

learning experience.

Additionally, clinical offerings were further broadened this year with the addition of a clinical component to Professor Deseriee Kennedy's Women in the Law class. Adjunct Professor Donna Smith is offering a clinical component to Professor Kennedy's class dealing with orders of protection in domestic violence cases. It is our first experience with a clinical component to another course and has been a tremendous success.

UT Pro Bono, our student-initiated and led pro bono organization, celebrated its tenth anniversary on April, 1 2004. UT Pro Bono has a number of projects through which students, in conjunction with attorneys, provide advice and assistance to those who would not otherwise be represented.

Of particular note this year is the College of Law's receipt of an Equal Justice Works Fellowship and its admission to the Law School Consortium Project. The Law School Consortium Project is a group of loosely affiliated law schools who are committed to providing various levels of education and support to attorneys in solo practices and small firms handling cases in particular areas of the law where equal representation and access to justice are an issue. Under Professor Dean Rivkin's leadership, our Consortium Project will be a Child Advocacy Network (CAN). CAN's first project will be LEARN (Lawyers Education Advocacy Research Network). We have hired an outstanding Equal Justice Works Fellow, Dolores Whitters, a 2003 graduate of the University of Illinois College of Law.

In closing, I am proud of our commitments to access to justice and to public service. Those commitments make our students better lawyers and citizens, and they make us a better law school and a more engaged part of our community.

SUMMER 2005

As I begin my last year as the Dean of your law school, I have much for which to be thankful. When John Sobieski, Doug Blaze, and I decided to step down at the end of the upcoming school year, we made a joint decision that it was time to return to full-time teaching. As the institution considers change (which is *always* good) and future growth and opportunity, I have personally begun to look both forward and back. As I look back, I am convinced that I have had one of the best jobs in the world as Dean of the University of Tennessee College of Law (but I still believe you have to leave a great job while you still love it!). There are many reasons that this is a wonderful job: the fantastic faculty; the incredible and underpaid staff; the intelligent, vibrant, and diverse student body; and being part of a great university. Another thing that makes the UT deanship such a fantastic job is the generous support we receive from our alumni and friends.

What you do in the courtroom, conference room, board room, and community help to spread and improve our reputation across our region and nation. Moreover, your financial support of the University of Tennessee College of Law helps us to operate at the core of what we do: pursue and share knowledge through our teaching, scholarship, and service. And, today, as the institution changes and grows, your support is more critical than it has ever been. Your financial support of the University of Tennessee College of Law can help us achieve even greater things. It makes the lives of our students, our faculty, and our staff better. It will help us recruit a great new dean. In the paragraphs below, I will outline those areas where your support is most needed and where it can make a difference.

The University of Tennessee College of Law strives to be a preeminent state-supported institution; however, it cannot achieve that goal without significant private support. As I said above, our core mission is to educate our students and to pursue and share knowledge through our scholarship and service. Over the past eight years, your financial support has moved from making us better at the margin to allowing us to function at our core. You now finance a significant part of our day-to-day operations. Our improvement is dependent upon your increased support of our students, faculty, Joel A. Katz Law Library, Legal Writing Program, Charles Henderson Miller Legal Clinic, Center for Advocacy, and Clayton Center for Entrepreneurial Law.

Let me begin with student support. This year, Tennessee residents will pay \$9,412 in tuition and fees for two semesters. Out-of-state students will pay \$24,106. These figures reflect the thirteen percent increase in basic tuition and fees since last year. Perhaps more notably, they represent a 109% increase for Tennessee residents (up from \$4,502) and a 111% increase for out-of-state students (up from \$11,424)

since my arrival at the College in the summer of 1998. While the University of Tennessee College of Law remains a bargain compared to some of its competitors, increased tuition demands a concomitant increase in scholarships.

Tuition increases threaten our ability to provide access to legal education to many students who will be great lawyers in Tennessee. I am confident that many of you would not have achieved all that you have achieved without having affordable access to legal education at UT. We must not lose sight of our traditional mission as a law school at a land grant institution: we provide meaningful access to a great legal education for Tennesseans without significant resources.

Moreover, we rely upon scholarships to recruit and retain outstanding students who may or may not have financial need. These scholarships allow us to compete with schools across the state and region.

Scholarships also have allowed us to become a more diverse and more inclusive law school. Our diversity makes us stronger, and it makes us better. It makes for better classroom discussions. It makes for a better educational experience. It makes for a better community. And, it makes for a more representative bar and judiciary. In short, our diversity and inclusiveness make the rule of law more meaningful for all our citizens. While we are proud of all that we have accomplished to become more diverse and more inclusive, much more work needs to be done. Today, Tennessee has a wave of new immigrants, and these new immigrants will be tomorrow's law students. We must make sure that legal education is accessible and open to these new Tennesseans as well as to those in our state and nation who remain under-represented in the bench and bar.

To achieve the racial diversity that we have achieved, we have relied significantly on state funds provided pursuant to the *Geier* desegregation decree. The future of these *Geier* funds is uncertain. The College must make every effort to raise funds to sustain and improve upon diversity whether or not the *Geier* funds continue.

One of the reasons why professional schools charge tuition and fees higher than other institutions is the belief that, after graduation, the professional student will be richly compensated for his or her investment in education. While that underlying supposition holds true for many of you, it does not hold true for all. Significantly, those of you who have devoted your careers to a public interest practice know that you are earning much less than you would earn in the private practice of law. As tuition increases, our students face the reality that they may have to forego a public interest practice in order to pay back student loans. But, we also know that our legal system depends upon representation for those who cannot afford an attorney; and we know that, of Tennesseans at or below the poverty line,

legal services providers and legal clinics in our state can meet only five percent of the demand for civil legal services. We need more lawyers engaging in public interest work, particularly representation of those who could not otherwise afford a lawyer. We must provide ways to encourage and support students who engage in this practice. One commonly accepted method across the country is a Loan Repayment Assistance Plan, which helps students who enter public interest practices to repay their loans. The University of Tennessee College of Law does not have an LRAP. We need one. Your support will make one possible and realistic. It will allow us to recruit and retain outstanding students who want to engage in a public interest practice, and, most importantly, it will support those students who decide to pursue public interest work after law school. We also need to find permanent funding for a staff attorney for our CAN-LEARN project, which now depends in large part upon a grant that only runs through this year.

Your support is also critical for the various student activities that make the College of Law a veritable beehive throughout the school year. Continuing the outstanding tradition of our moot court teams, our publications, and our student organizations depends upon your support. Our students' ability to attract outstanding speakers to campus demands that we have the financial ability and flexibility to pay travel expenses and honoraria. I know from talking to many of you that you were inspired while in school by listening to a judge or a lawyer come and speak about many subjects, from advocacy to public interest. Please support our current students' need to be similarly inspired.

Like our students, our faculty gratefully rely upon and continue to need your financial support. Your support allows us to recruit and retain the best faculty in the nation. While we are grateful for everything the State of Tennessee does for us, the truth is that today your private gifts provide a significant portion of our faculty's annual compensation. Thanks to your generosity, every one of our full professors holds at least one distinguished professorship. These professorships provide a portion of our full professors' salary. And we rely heavily upon these private funds to give the holders of the Chairs deserved salary increases. Put simply, the salary supplements from the professorships are truly a part of the professors' total compensation package.

Likewise, *all* of our faculty rely heavily upon your private support to support their research and scholarship during the summer months. Research grants to deserving faculty are a key component of total compensation at outstanding law schools. And that statement is as true at the University of Tennessee College of Law as at any other great law school. Moreover, we need and rely upon your support to support faculty travel to present papers at various conferences across America and around the globe. These presentations are critical not only for faculty development,

but also for improving the College's reputation in the academic community—a key component of any overall indication of a law school's measure and accomplishment. Additionally, your private support of faculty activity can ultimately lead to an increase in the size of the faculty, which will make for a better educational and intellectual environment for all of us.

Neither our students nor our faculty can achieve the great things they hope to achieve without an outstanding library. The University of Tennessee College of Law has an outstanding library in the Joel A. Katz Law Library, but increasing costs and flat state support threaten the library's ability to provide the resources and services that we need. The library has had no significant infusions of continuing funds since the year 2000. In essence, we are \$677,652 (in today's dollars) behind the purchasing power the library had in 1990. We have been forced to cut \$353,358.96 in serials to which we subscribed and have drastically limited the purchase of necessary monographs (scholarly books). Our basic collection is threatened. The library's basic function depends upon your generous support. Now is the time to rally to this important cause.

The College of Law prides itself on having outstanding programs in legal writing, clinical education, advocacy, and entrepreneurial law. We have been able to raise significant funds over the years thanks to your generous support for all of these programs, particularly the Charles Henderson Miller Legal Clinic, the Advocacy Center, and the Clayton Center for Entrepreneurial Law. Your continued support of these innovative and important programs is essential. These four programs are a part and parcel of our basic curriculum and educational program. Critically, these are the programs through which our students receive much of their education in legal writing, drafting, persuasion, business transactions, and live client representation. Your support of these important programs is essential.

Thus, let me conclude as I began. I will be stepping down as Dean in a year and look forward to whatever comes next; however, my job as Dean of your College is not done. Throughout this year, I will be meeting with you, talking to you, and imploring you to step up your support of your law school. Now is the time, and we need you today more than ever. Thanks again for all you do.

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