Jeffrey Bauman: Thank you for coming. In thinking about this interview, I thought back to when I began to teach, what the interviewing process was then and what it is now, and they bear no relationship to each other at all. I was wondering what it was like for each of you, and how the process, if it did at all, affected your decision to come to the law school. What was driving you to come here, and how did the interview process affect that?

Jim, why don’t you start?

James Oldham: I think I’m, by just a bit, the senior fellow in the room, and I started at the Law Center at an odd time. I started on April 1, 1970, and the interview process for me was to go through the standard AALS session—the meat market, as we used to call it. But, the prelude to that is important to answer Jeff’s question about the interview process. I had been practicing law in Denver, Colorado and decided I didn’t want to become a partner in a law firm
where I was working—which is still there, the firm of Sherman & Howard—but I wasn’t sure what I wanted to do. I had had some relationship with the dean at Stanford Law School where I had gone to law school, so I got in touch with him, and it turned out that they were—

**JB**: Bayless Manning

**JO**:—Bayless Manning, yes—who had moved to Stanford from Yale while I was in law school. It turned out that Stanford was looking for an assistant dean. But, Bayless Manning believed in separating administrators from tenured faculty, so it was not a faculty position—it was an administrative position. At any rate, I went out to see them and was offered the job of assistant dean at Stanford Law School. I was just a young associate at a Denver law firm, so this turned my head a bit: I thought it was rather amazing. But, I thought I wanted to be in a tenure track position. So, eventually, I came to the conclusion that is what I would do, and I got back in touch with Dean Manning and explained that to him and he said, “Jim, that’s perfectly understandable, and I certainly accept that decision. But, Jim,” he said, “Let me give you one piece of advice.” I said “What’s that?” He said, “Don’t go to Georgetown.” And, I was a bit startled by this.

**JB**: Had you been thinking about Georgetown?

**JO**: Yes, by the time this had happened, I had been through the interview process, and Georgetown was in play with some other schools that I had talked with. And, I said, “Why?” He said, “Oh, Georgetown is just in a mess.” This was
late 1969, and I think his characterization of the law school was exactly correct: it was in a mess.

Charles Gustafson: That was in the old building, right?

JO: Oh yes, it was in the old building. I spent my first year in the old building on E Street—6th and E. It was subsequently demolished. But, I had been interviewed, as I say, at the AALS session, and I remember meeting the Dean, Adrian Fisher, who had been made Dean in 1969. It was the first, I think, dean from outside the faculty itself who had been hired at Georgetown, so that was a big move, and I didn’t really know what to make of Dean Fisher.

JB: Nobody ever did.

[05:00]

JO: He was sort of a large looming fellow—a hearty hale fellow, with a conversational attitude. At any rate, it turned out quite coincidentally that Georgetown had had a serving combined associate professor and assistant dean, whose name has escaped me, but he had gone, and that was an opening at Georgetown that they were specifically seeking to fill. I think it was the only hire of that year in my capacity. The other person who came at the same time I did was Roy Schotland, who came from Virginia Law School where he had been on the tenured faculty, and he came in the capacity of associate dean. I came then as assistant dean and associate professor. Roy started, I think, one week before I did in March of 1970.

I remember my interview process here. First, I thought it was rather classy, because Dean Fisher put me and my then wife, Judy, up at the Sheraton
Carlton Hotel on 16th and K and then, that was a classy hotel in town. I thought this was pretty impressive that they would choose that place, and I think it was from Dean Fisher’s other life that he did this. It wasn’t dictated by anything in the institution. So, I came and then I had a lunch with a group, and I can remember Sherm Cohn was in the lunch and I think Jack Murphy was in the lunch, and several others, and we went to this restaurant. Now you are going to remind me what the restaurant was—it was where the waiters were on roller skates

**JB:** Oh yeah.

**JO:** What was the restaurant?

**JB:** It will come to me. On Wisconsin Avenue.

**JO:** On Wisconsin Avenue, yes, and so and I thought these guys really want to make something of Georgetown: they are the young Turks here. I was impressed by them and by the atmosphere that they were exuding about where they wanted the school to go. So, I decided to take a chance, and I then became the associate professor and assistant dean.

At the time, the school was large, but one might make a comment about the contrast between the administrative staff then in place and how it stands today. Then, there were a grand total of two assistant deans: I was one and the other was Tom Fisher, who was the head of the Admissions Office. The Registrar was Eleanor Higdon, and her assistant was Barbara King, who later became
Registrar. There was the Dean and there was one associate dean, Roy Schotland, and that was it.

JB: Did anybody ask you about scholarship?

JO: Well, yes, but I came into the interview with a bit of an advantage there. For whatever reasons, even though I had no conscious ambition of becoming a law teacher, while I was practicing law in Denver, which was for almost five years, I published two law review articles. One was in the *Colorado Law Review*, which was a refurbished paper from one of my seminars at Stanford, and it was a tax article for goodness sake—it was.

CG: I remember it distinctly.

JO: Of course you do. It was “The No Profits to Affiliates Rule Under Section 341(F) of the IRC.”¹

JO: I can’t even read it anymore. The other article² was more interesting because, starting practice as I did, in 1965, the Civil Rights Act of 1964 had just come into operation, so across those five years it was necessary to advise clients about what the implications were of the Civil Rights Act of 1964, and we had in Denver some mining clients, and the mining clients were aghast by the prospect that they would have to make accommodations for females underground.

[10:00] I had some assignments from that, and it got me interested in the existence of what later came to be called state protective laws that were protective of workers and there were many of them that—this is wage and hour

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stuff as well—so this has a lot of constitutional history associated with it. But in particular, the problem about women in industrial and mining jobs was a big issue. So I did a lot of research and legal memos on that subject and then eventually published an article in the *Denver Law Journal* on state protective laws. So, I came in with two published law review articles and that sort of answered the question.

    JB: Let’s see how everybody else on this is. Pete?

    **Heathcote (Pete) Wales**: I am next in seniority at the Law School, and I was interviewed in the winter of ’71. The interview was in the old building, but they were just about to move into McDonough—the present building. I would have to say the hiring process was quite different than it is now. It was basically office interviews and a lunch and a dinner with a group of faculty—nothing about presenting your research or, I think, defending your research.

    JB: Were you asked about your research?

    **CG**: The pay was different in those days too.

    **PW**: The pay was miniscule. I was asked about what I wanted to write about, but, it seemed to me that it was as much them trying to sell me on Georgetown as it was them trying to find out if I was interesting enough for Georgetown. They had already done a fair bit of background work and decided they liked me.

    JB: Where were you coming from?
PW: I was coming from a visiting professorship at the University of Texas, having preceded that with two years at the University of Mississippi Law School, and had basically been involved in a lot of civil rights sorts of things.

JO: I might interject. I remember very distinctly as being the youngest person on the faculty interviewing you guys. Both of these fellows, Pete and Chuck, came with these wonderful law school credentials, both from the University of Chicago Law School and excellent records—and that was impressive to us.

PW: The thing that most affected me about the hiring process—apart from all the talk about our new building—was, as Jim said about his interview, the feeling that the power center of the faculty was rapidly changing from a fairly turgid old guard to a lot of younger folks who were wanting to make something very different of Georgetown Law School.

JB: Were they tenured at the time they interviewed you?

PW: Most of them were; many of them were not. And indeed, it was only a short time before that that the faculty had decided that untenured members could vote on hiring. This anticipates a question you are getting to later, but that probably is one of the most important steps in moving from what Georgetown was to what it is today, because it enabled the young Turks, as it were, to really upgrade faculty hiring and to insist on people with good credentials and good promise in teaching and scholarship. I was impressed with the enthusiasm of the interviewers and the optimism about the future. At the
time, Georgetown was maybe better than GW, but probably not. It wasn’t the best in town, but it had the opportunity to become the best in town. And, of course, being a public law person, the town being Washington was useful to me and attractive to me. My interest being in constitutional law and criminal law at the time.

[15:00]  

JB: My own experience was I had adjuncted here for two years before I started teaching, and Don Schwartz was the head of the hiring committee and Roy, who had a corporate background, was associate dean, and they asked me if I would be interested in a full-time job. The interview took place in the Faculty Lounge. It was an all-morning session. I sat on one of the couches, and anybody who wanted to come and talk to me could. There was no office interview, nobody talked about scholarship. As I’m listening to you guys I think the same thing: I learned a lot about what the school was like from the interviewing process in a way that I don’t think today’s applicants do—that we are more concerned with discussing their articles and their scholarship. With five minutes to go in the interview, you say, “Do you have any questions for us?” One of the wonderful things in my interview was, I was able to ask those questions, even though I had adjuncted, I found out more about the school that way than I would have if it had been a more formal process. Chuck?

CG: I came here after a fairly checkered career for the first decade after law school. My first job was a teacher, but it was northern Nigeria in a Muslim part of Nigeria, where I was initially 20 percent of the law faculty and was 25
years old. My power in life has gone down ever since. But, after two academic years there, I spent two years practicing with a New York firm, three and a half years in the Legal Advisor’s office, and then I was three years with a law firm in Washington. Paul Rothstein had been an associate in that same law firm and he had left to go—I think he had taught or had some kind of academic position somewhere, maybe Texas or someplace—

**PW**: Texas.

**CG**: He left a year or two before I did. I was on the verge of a partnership decision, and I liked the idea of teaching—I had been approached by law schools several times during the time that I was in practice in Washington and thought about going into teaching full-time.

Paul brought me down—and I had met Jim socially and maybe Pete—so I had known, through Paul, a number of the members of the faculty. I didn’t really know very much about Georgetown. I used to play tennis on the Main Campus, and that is all I knew about the university, to tell you the truth. And so a decision was somehow taken that I should meet with Roy Schotland, who was the associate dean as Jim mentioned. That was the first step in what led to a final decision. But I don’t frankly remember, among the other things in life that I don’t remember very clearly, what kind of sessions I had. I remember meeting with Dean Fisher, who was particularly interested in the fact that I had spent three and a half years in the Legal Advisor’s office. He had been the Legal Advisor at the State Department under Dean Acheson before leaving there to be
general counsel at the *Washington Post*, so we had a number of shared acquaintances, and even friends and interest in that particular office in the State Department, so I remember those discussions. I remember a lunch also, but I think I didn’t go to such a spiffy place. I think there used to be a restaurant in what is now Bistro Bis, but it was sort of a low level restaurant where there were big tankards of beer: Tiber Creek Pub it was called. That is where I was taken for lunch, and the only person I remember, oddly enough, though I don’t recall his name, was a professor of corporations and finance who was not a tenured member of the faculty and who had been head of general counsel to a company in Cincinnati, Ohio. Who am I thinking of?

**JB**: Bernie Burrus?

**CG**: No, not Bernie, I met Bernie now that you mentioned it. No, Martin?

**PW**: Marty Riger.

**CG**: Marty Riger.

**JB**: Marty had been general counsel of Federated Products but you would have met Marty later.

**CG**: I remember meeting him, and I also remember receiving a little bit of advice from people. There were two areas of my experience and interest. One was in tax law and policy and was one international law, both deriving from work experiences. I was advised by some members of the faculty to mute my interest in international law because there were allegedly some members of the faculty
who were not enthusiastic about expanding the faculty in that area. I never knew whether that was true, but I took their advice.

So, because my office was only five minutes away, the discussions went on in a sort of meandering fashion in the spring of 1972, and then I worked out an understanding that I would take a leave of absence with the firm and come to the school for a full-time appointment, and I would let the firm know after a year. I loved teaching. I loved being here—I didn’t love the fact, number one, that I had an office with no window, sort of like a cell, I don’t think we have any offices with no windows any longer. And secondly, as Jeff would recall from the transition from private practice, the loss of the support staff in those days before computers was pretty dramatic change in just trying to get work out—and Jim as well.

**JB:** We could spend 20 minutes on that one.

**JO:** I just wanted to say a word about Roy Schotland, because he and I worked very closely together during these years 1970 to 1973 or ’74, and you asked, Jeff, about the scholarship emphasis here. Roy was the guy who really pushed that subject. He came from Virginia. He understood scholarship quality, and he thought, “This is a desperate need at this law school.” One of the characteristics that Roy did not have was patience, but he really did emphasize that and push hard in the hiring process. I think the institution owes him a great debt.
CG: There is an important difference in practice in the last 20 years, I think. My understanding is that people starting their teaching career now are often given time off of teaching when they begin, and I remember Roy’s strong vigorous encouragement; I don’t remember any proffer of time or research grants. Those times have changed—considerably for the better of course.

JB: I think those of us who came from having done other things—three of us came from practice, Pete had not—were accustomed to the hard-driving private practice, and Butch was nothing if not really good at figuring out how he could milk his faculty as much as he could. So, you wouldn’t have been proffered that because, why would you? I mean you were accustomed to working...

CG: . . . never encouraged me, it never occurred to me.

PW: It is important to note that we had roughly the same size student body that we have today, and only about 30 faculty at that point.

JB: Absolutely, absolutely.

JO: And the tenure clock was five years then, not seven which it has subsequently become.

JB: What event has most shaped the current Law Center? Chuck, do you want to start that one?

CG: I think it’s an intersection of two phenomenon. Number one: Bob Pitofsky’s short but effective deanship in which he hired someone who was the first fundraiser for the law school and up until then we had never had our own operation.
JB: Who was that?

CG: It’s the woman who is president of Trinity College.

JB: Pat Maguire.

JO: Pat Maguire. Previously, it had been Malcolm McCormack, and he was a Main Campus guy designated to do the law school.

CG: Which has always been the historic problem. The second thing that Bob did that I think changed the feeling of this law school was—maybe it was initiated with Dave McCarthy I don’t know—but the opening of the library. The Williams library changed the physical feeling of this place. I always thought the architecture of this building was almost anti-academic. It was an unpleasant place to be, and the students felt that and they tried to get out of the building as quickly as they could. The library was on the third and fourth floor of this building. The elevators wouldn’t stop there unless you were a faculty member or staff member with a key, and it was a very, as I say, anti-academic feeling.

[25:00]

The opening of the gorgeous Williams library [in ’89] changed things enormously, because, first of all, it was a pleasant place for students to work. Second of all, it gave breathing space to students and faculty alike, and, of course, it’s gotten even better since then, but, to me, that was an essential dramatic change. I don’t know if it was the most important, but I thought it was a very important one.

JO: I think your point is really strong, because I remember the excitement we had when we were moving from E Street over to this building—it was the
brave new era of this law school. Once we got in here, it was like we were
sardines in a can, and the students were very unhappy. The students even
formed an organization that had a wonderful acronym: it was N O P E – NOPE—
and it stood for Not One Penny Ever were they going to give to this university. It
was a very unhappy time for those in the student body.

**PW:** I also was going to emphasize the ability of the law school to run its
own fundraising operation, which Chuck referred to. Previously, we could only
work through the Main Campus’ fundraising office, which pocketed a lot of the
contributions of our alumni and benefactors for Main Campus needs, leaving us
with very little. So we had little incentive to solicit from our natural supporters.

**JB:** Butch’s legacy to Dave McCarthy was three campus funding.

**PW:** Not quite I don’t think. First of all, the fundraising is separate from
the three campus funding. It occurred later. I was also going to mention three
campus budgeting as being a huge turning point, and that was right about the
time of the transition from Fisher to McCarthy

**JO:** It was, and I don’t want to command the conversation, but that, to
me, is the absolutely clear answer to your question—what was the event that
affected the law school most, and it was the victory of the faculty in its revolting
moments when we were in a big fight with the university. The President of the
university was R.J. Henle, and Henle, to his credit, converted the university into
rudimentary computer storage and computerized information, which gave law
faculty access to data and facts that had never been available before. We then
were able to discover that the university was siphoning off about a million
dollars a year—which then was a great deal—and there was a great uproar here.
The faculty and the campus were in combative tension to the extent that some
faculty actually signed union authorization cards to join a union. I remember the
Teamsters were going around getting people to sign up. Think of that.

PW: We had an April Fool’s edition of the Law Weekly, back when the
Law Weekly was a serious muckraking paper, that said we had sold ourselves to
Princeton.

JO: I remember that, because I got that edition. Dean Fisher was a
Princeton graduate, and he was in a meeting, but I just burst into the meeting
and put this in front of him, and he gasped, “Oh,” he said, “I don’t know anything
about this.” Not thinking it was an April 1st edition.

CG: If I remember right, it was Jack Murphy who sort of led the charge
and—

PW: And, John Kramer.

CG: That’s right.

PW: Both of them.

JO: But the result was, as I’ve called it to others, we lost the battle but
won the war, because we never got the million dollars back that had been
siphoned off but we got an agreement from Father Henle and the university to
have three-campus budgeting with negotiated indirect cost sharing formulas and
complete autonomy with regard to our tuition intake except for those ...
**JB:** One of the first things that Tim Healy did when he became President with inheriting three campus budgeting was to set aside a certain amount of money, whatever it was, for the library. We were not expected to be growing the library from the revenue from the normal budgeting process. Although the deal was that we weren’t getting any money from the Main Campus, with respect to the library, Healy set aside an amount of money outside the budgeting process to help us grow the library.

**PW:** And I’ve also mentioned earlier another very important switch, which was the untenured faculty got to vote on hiring. I think that was huge.

**JB:** Let me throw out another one and see how you all feel about this. Looking at where we are today, how about when Father O’Donovan didn’t want to reappoint Judy for a third term? Is that an event that has helped shape where we are now because it brought the faculty into not only in defending the right to have Judy again but into saying that O’Donovan didn’t have any right to? People became active in that political fight who hadn’t been before and who then went on to become active in the law school. I wonder how much of where we are now was shaped by the events around O’Donovan’s attempt not to have Judy reappointed.

**PW:** Well it certainly shaped Father O’Donovan’s career.

**JB:** Oh yes.

**CG:** And Jack DeGioia’s [...] was fired at the same time if you remember. I always thought we were lucky, as Jeff you accurately point out, that the entire
faculty was unified about at least the principle that this shouldn’t happen. We were lucky, because Father O’Donovan didn’t use the political skills that are sometimes attributed to the Order that he belonged to, because he took the action, if I remember, in March or April, when everybody was still around. I remember Father Healy took a decision to reject a law school faculty candidate—who had been voted for tenure by the faculty and by the University Rank and Tenure Committee—and Father Healy turned him down, but did so on June 29th or June 30th, when people were long gone. We did get it changed around, but that was maybe the first year of Dave McCarthy’s deanship—or first or second year. And, I have often wondered what would have happened if Father O’Donovan had taken his action on June 30th instead of in March or April when students or faculty could respond.

**JO:** I think you are absolutely right, Jeff, to point that out as an important marker. It certainly was the second major confrontational interaction between us and the Main Campus. But, I think of it more as a preservation of the autonomy that we had accomplished and the future that we saw for this law school, than a turning point that created anything new.

**CG:** There was a particularly dramatic moment with respect to that issue when Father O’Donovan came down here and the first faculty member to stand up and speak was one of our senior faculty colleagues, Peter Weidenbruch—politically conservative and a personally conservative person—who stood up a few yards from Father O’Donovan and really, in no uncertain terms, expressed
the view of the consensus of us. I thought the fact that it was Peter who did that, and the way he did it, had a profound impact on the tone of the place and the result.

**JB**: I think you’re right, Chuck, on the timing of it. My recollection is that it was later than March or April because the defense team that banded together was anybody who was interested in this and was going to be around to fight the fight. Wendy Purdue took the lead on this, I think, in part, because she was going to be here for the summer. I mean a lot of the group, that ultimately became the battle team, were the people who wouldn’t necessarily have been political leaders but who cared enough about the issues and had the great virtue of being here—and not everybody was going to be.

**PW**: That may be for much of the fight, but it started when everybody was still around.

**JB**: Absolutely, oh absolutely. Do any of you have other thoughts about the defining moments?

**JO**: It’s interesting to reminisce about the dedication moment of this building, when we had the Chief Justice speaking at the ceremony inside and outside on the street was the counter-dedication which had been engineered by the young radicals in our student body—among whom was Wally Mlyniec, our wonderful colleague—and the speaker on the counter dedication outside was William Kunstler. There was quite a student crowd, and then Dean Fisher was
really at a loss as to what to do about this. That was simply a dramatic moment; not a turning point.

**JB:** Who were your role models or mentors in either teaching or scholarship and how have they affected you? Pete?

**PW:** Well I don’t know what this has to do with Georgetown since my role models came mostly out of law school in Chicago.

**JB:** I think that says a lot about whether you had them here. If the answer is no you didn’t, then that says something about who we were.

**PW:** From the point of view of scholarship I think I was mostly influenced by Norval Morris, who was a professor of criminal law and law and psychiatry at Chicago; Harry Kalven; a fellow student of mine, who became an academic—Frank Zimring; and a researcher at Chicago at the time who became an academic and ended his career at Chicago and Northwestern—Al Alschuler. What they had in common was that they were all serious legal realists, and they were interested in empiricism. I, having had a background and an almost career in journalism that didn’t ever quite happen, was very much influenced by this; that there was a lot that wasn’t in the cases and in the statutes that needed to be understood in order to make laws effective or to make policy effective through law. So, those were influences on me from a scholarly point of view. A couple of those were also influences on me from a teaching point of view. Harry Kalven: he wrote the books on torts, he had taught it for years and he always managed to look as though he was discovering the problem for the first time in class, and to be
working through it with us and be just as puzzled as we were about it. It was an amazing ability. I will mention one person from Georgetown, because I ran into some difficulties with my student critiques the first few years. I guess I approached teaching too much the way a stereotypical psychoanalyst would approach psychoanalysis, who had lots of questions and no answers. And I did sit in, because we were both teaching the same course—constitutional law—on Tom Krattenmaker’s course one time, one semester, and I learned from Tom the ability to come up with a couple of simple headlines each class. A very simple structure that would give students the sense that they at least got that from the class. And then do the intellectualizing in between the structural pillars to get into more depth for those who would follow me on that path.

   **JB:** It’s interesting that you mentioned Tom, because when I was untenured the tenure committee assigned a member of the committee to work with each of the to be the mentor—I don’t know what the word would be—to be in charge of the untenured member’s case, and Tom came and sat in on a couple of my classes. He said to me, when we met afterwards, he said, “You’re really good, but you really need to be able to segment your class so that you spend five minutes on this subject and then you move on. It’s ten minutes on that, and that is what you really want to strive to do.” And I said, “Thanks very much.” I didn’t say to him, “There is no way on God’s green earth I can do that, I’m not good enough.” I can’t do what Gerry Spann does—you know, within the four corners.
I wonder from what you said, and my own experience, and how you all felt we didn’t as a school see our role as mentoring either teacher or scholars. Pete, you said the only reason you talked to Tom was because you had trouble with your critiques. And, that was certainly true when we brought in Catherine Krupnick to do some of the work with the teaching committee was that the people who were having difficulty in the classroom were the people she worked with. Nobody really paid a lot of attention to us in a mentoring kind of way. I don’t know, Chuck or Jim, what your experiences are.

**CG:** Certainly not. I didn’t have anyone to talk to about teaching. I didn’t talk to anyone about teaching. In fact, one of the surprising aspects of most of my time here, although I attended some of Krupnick’s presentations, is I’ve never had a very detailed discussion with anybody about how they go about preparing or what they do.

In fact, there is an aspect of that failure that I think about quite often. It arises when we talk about accrediting clinics and classes, and the clinical people say, “Well, the students spend so many hours on this clinic.” And, I’m thinking, “I have no idea what Jim Oldham has in mind when he creates an assignment.” For myself, I remember when I began teaching that I would prepare an assignment that I believed would take about three hours for one class hour to be well prepared for a class. Now it’s two for one for me, but I don’t know if anybody else does that. But, if we give ten credit hours to a clinic—if it’s the same ratio—then that would be a 30-40 hour work week, and of course you would spend a
lot of time, but I’ve never had a discussion about that. We used different techniques, and I think for me it’s sort of trial and error over the years.

I remember the first term that I taught, it included a course in basic tax. First of all, it was quite shocking to me, as I assume it was to almost everybody who begins teaching. Everyone who goes into teaching was a pretty good student or else you don’t want to spend your life in academia, and my guess is most of us are relatively humble and believe that we are more or less every man or every woman, so when you teach and you see the full spectrum of student interest and effectiveness and the difference in the work product of people sitting in the same room for three months—I know it makes me sound naïve—but I was really quite shocked. And the second shock was in reading the critiques. Same thing: these people have been in the same room for three months. I remember the first critique I ever read, which you got after your grades were turned in, said this professor should return to private practice as soon as possible. And I like to interpret that to mean that that student could see what a great lawyer I am, but I realize there is another interpretation. But the next one said this was the most effective professor that I’ve ever had in law school. How could they have been in the same room? And, I didn’t expect everyone to think exactly the same way, but it was shocking to me to see the disparity of reaction. Then, about a week after my grades were posted a student came to me—in those days we used to post the grades on our door, not with names but with exam numbers—knocks on my door and comes in and says,
“Professor, you should understand, this was a basic tax class. Most of us don’t want to be in this class. Therefore,” he said, “this class should be an introductory class.” He said, “The Internal Revenue Code and the regulations should be reserved for upper class courses—advanced courses.”

JO: Jeff, on your question, I think it’s a characteristic of legal education across the land. I came into teaching from these years of practice, and I never had any advice from anybody about what to do. “You’re going to teach labor law? Okay find a book.” What was I going to do? Well, the only thing I could do was think back to my law courses and who did I admire? Who had been a teacher for me? And I tried to emulate that, but we groped our way along, I guess.

JB: When I started, my corporate colleagues—particularly Don Schwartz and Ed Bradley—and I spent a lot of time talking. Not necessarily about if you would put two hours on X subject, but talking about the syllabus and what we were covering. It wasn’t that we all had to cover the same thing. I got a lot of help from Ed Bradley in constructing a syllabus for my corporations course the first year I taught. The summer that I began, I spent a lot of time with Ed—and talking to Don as well—about would be in my syllabus, but the burden was clearly on me. When I chaired the teaching committee and we created the angels programs, which is for better or worse I don’t know how it works these days, that was one of the things we wanted to do was to create the responsibility for a senior faculty member with a new faculty member to say, “Let’s talk about
syllabuses and times and seating charts where you get index cards.” All that stuff. Because I think you’re probably right—I’ve always been struck that we were, as Chuck says, smart and we did well and we came in to teach from doing other things. The assumption was we knew how to teach, but this seems to be one of the great fallacies: there is no relationship between what we did before and what we do in a classroom.

**CG:** Well, the one reality I think that many of our adjunct professors experience is that you can’t be an effective teacher—unless you know the material, obviously—but that’s only part of the task of being a teacher. I used to see more critiques when I was an associate dean responsible for the graduate programs, but we would have people who were fabulous lawyers with great reputations and their teaching critiques would not be great, in part because they are really busy, and in part because we all know that to be an effective teacher you have to at least try to put yourself in the seat and with a mindset of a person who has not been working in this area that you have thought so much about. And, that’s hard. At least for me in the early years of teaching, it was hard to remember that I didn’t always know what I knew then.

**JB:** Did you find, as I did, certainly teaching securities regulation, that the things that I knew in my blood from having done it, if I had to go into a classroom and figure out where did that rule come from, that I had taken for granted, I simply didn’t know.

**CG:** Very true.
JB: A different look at the same material.

CG: What I discovered was in the first year or so of teaching, the first year especially, that I would assign readings and then I regularly asked questions of my students that were not answerable on the basis of what I had asked them to read. They were stuff I knew and so that it was only when—and I still do this after many decades of teaching—I try to read an assignment, even though I’ve read it many times, as though I had never read it before to try to keep the context of what I’m going to try to achieve based upon the materials that I had assigned, but it’s hard.

JB: Do any of you now—since we all seem to share the same experience and kind of reaction—do any of you seek out more junior faculty members to see if you can be of any help? And if not, why not? I don’t.

JO: Well but, Jeff, you’ve headed the teaching committee and that made a huge difference when you got Catherine here and had her come to our classes. That was a new experience for many of us, and I thought quite a constructive one. So, I think there has been some intermittent sputtering institutional effort to formalize the role of teaching us to be teachers. But no, apart from that I haven’t.

CG: I have had a few young faculty sit in on classes that I’ve taught and might ask some questions. When I know a young faculty member in an area that I have some responsibility for, or that I have a particularly nice relationship with, I will almost always offer to sit in on a class if they wish me to do so with the
understanding I’m not going to report to anybody but them, so they don’t have to worry about information leaking to the promotion committee. But, generally, that invitation is almost never accepted—which probably says something about their perception of the value of my observations—but I do make that offer. I don’t impose it, but I offer to sit in if they want me to, which they almost never do.

**PW:** My feeling when I was untenured was, I didn’t want anybody in there, because I was afraid that it would affect the vote on my tenure. And, I’ve been sensitive about that in offering to sit in on other people’s classes and usually do it only under circumstances where—

**JB:** You invited people to sit in on yours.

**JW:** Yes.

**JB:** As distinct from sitting in on somebody else’s. Lisa Heinzerling in her early—Lisa is as good as they get in a classroom—but Lisa and I were having lunch one day, and she said she really had a hard time getting discussion going. I said, “Gee, that’s interesting because that is not a problem I’ve had. Other problems I may have but that doesn’t seem to be a problem I’ve had. Why don’t you sit in on a couple of classes of mine just to see what happens?”—which she did. And she said to me that it was very helpful but if we hadn’t had that lunch it wouldn’t have occurred to me to go to Lisa and say, “Gee, would you like to sit in on one of my classes?”
CG: I remember asking two people, Bob Pitofsky and Jack Kramer, to sit in on classes of mine before the time when I was going up for tenure, and they both did and gave me some useful comments.

JB: Is there anybody you wish you could teach like? I remember sitting in one of Pitofsky’s classes and thinking, “Oh my God.” There wasn’t a single false move, not a single bad question. I walked out thinking I couldn’t do that, I could never be—

PW: He was a spectacular teacher of the problem method.

JB: Yeah, I mean nobody was better than Bob.

CG: The best teacher I ever saw was Brainerd Curry. I don’t know if he was still teaching—

PW: Actually, David Curry, his son, was the best teacher I had.

CG: Brainerd Curry taught civil procedure, a first year course, and we had the quarter system at Chicago, so sometimes the class would meet six hours a week for 10 weeks, and I remember it was about two-thirds or three-quarters of the way through the course before the first student said, “I’m not prepared.” I mean up until then everybody had been prepared because it was so rewarding to be prepared. I remember he used to come in and roll up his shirt sleeves—he would wear a tie but his shirt sleeves rolled up—and he was almost like jolted when this first student two-thirds of the way through the course said he wasn’t prepared. But he was prepared, he was structured, you could understand his objectives, his pedagogical objectives and that is what made it so rewarding.
JO: Yeah but, Chuck, we are all of an age—you know it might be more accurate to say that it was too frightening to be unprepared than to be anxious for rewards for being prepared.

CG: There were many other professors where people were not afraid to be unprepared because they didn’t think it was worth it. I remember a corporations professor that I particularly was not enthusiastic about and I thought—

PW: Actually, I had the opposite reaction to the few Paper Chase professors I had—which was it a delight to say I was unprepared because it would just irritate them so much.

JO: You were a rebel though.

PW: Yes.

JB: Last question. To what extent, when you went into teaching, did you look back at your own experiences and say, I’ve learned how not to do it from what I experienced as a student.

PW: There was a lot of that.

JB: I’ve got a lot of role models of teachers I didn’t want to be like.

PW: Anti-role models.

JB: The best professor I had when a student—I went to Yale and it wasn’t Paper Chase, it was an arrogance from the top people who had written the treatises, and if you could play along, they would play along, and they didn’t really care about the rest of us.
But, Clyde Summers in labor law was one of the greatest teachers I’ve ever had. Clyde would have a seating chart, and he would start off and he would say, Mr. Wales, and he would ask you a question, and he stayed with you for as long as you were able to contribute and he instinctively knew when he had gotten as much out of you as he could, and he would say thank you, Mr. Wales and move on the next person. And nobody ever felt embarrassed, if you were asked eight questions or one question, Clyde was phenomenal that way. He was just—I can’t do that, I can’t be as nice as Clyde was but—

JO: We could go on forever on this, but one of the subtexts here is what do we actually consider to be good teaching and to what extent do we shape our classroom performance in a way that would we hope will generate favorable evaluations from our students.

JB: That’s an interesting question, because when I chaired the teaching committee, we decided early not to have the best teachers—we had no idea what that meant—but one of the things we found—and this was what Chuck said about you a minute ago—we didn’t know what anybody else was doing in their classrooms, and if you ask somebody, “Chuck, what’s the most creative thing you do in your class?”, you might well say, “I don’t do anything creative.” But, in fact, in one class out of 28 you do something that is really imaginative but you don’t think of it, the students don’t think of it and we don’t know about it—we can’t trade that information. Let’s move on.
How has the size affected you and/or the Law Center as an institution?
Chuck?

CG: Well, I have to tell you an initial experience I had before my first class. I had a basic tax course in one of the large halls on the second floor, and there are, I think, 150 seats in that room. I looked at my first class list and there was something like 165 names, and I went to the Registrar, a woman named Barbara King, who was the Registrar for a very long period, and I said there must be a problem here: there are more students than there are seats in the room. This is before I taught the first hour, and she said, “Don’t worry Professor, they won’t all come.” How does she know that, I haven’t even tried.

JB: But she was right.

CG: All four of us, I think, were spoiled, now that I think about it. We had gone to very small law schools in terms of class size. I always felt at Chicago that the law school was part of the university and law was an aspect of social science. There were professors from the university that taught at the law school, there were events that were taking place all of the time. So there were two big impressions to me when I arrived: one was bigness, just the sheer size of the student body, and second of all was the physical and psychological separation from the rest of the university—that was so different from my experience as a student at Chicago. And I regarded both of them as negatives, compounded by a phenomenon we discussed a few minutes ago, and that is how cramped everything was in this building. So those were early impressions for me.
**JO:** I think one always hears the debate in educational institutions about whether money should go to bricks and mortar or whether it should go to programmatic and other scholarship needs or financial aid. But I think bricks and mortar are really important, and I think what’s happened now that we are like a little college campus with five buildings has transformed this institution. The size of the place is not the problem that it once was.

**JB:** In a sense, Jim, you’re answering the second question, what event has most shaped the current Law Center. You could say creating the campus that we now have.

**PW:** That’s as Chuck previously said: the first step was by far the biggest, creating the library. We had a dysfunctional library for a long time, and you know in the old building, the books could be found in stairwells that went nowhere, and I mean it was just chaotic.

**[1:00]**

**JO:** On E Street we had some rooms that had library stacks around the perimeters, but with warning signs not to cross across the middle of the room because it was unstable. You had to go around the perimeter of the room.

**PW:** Well it didn’t get much better when we moved here because we had the same librarian, who was not a great librarian, but getting the library made a huge difference in sort of opening the place up. And then, of course, the expansion to our south has been terrific, and it mostly has just affected the experience of the students, which affects the atmosphere of the entire place.
It’s made it a much happier place from the NOPE buttons to people who actually enjoyed being here.

**JB:** You all think, I take it, it’s a wholly positive answer to the question.

**CG:** There is a major plus from our size for all the faculty, and that is no matter what your interest is, there is almost always an opportunity to teach a course or seminar that allows you to pursue those interests and find a body of students who are interested as well. That is, I talked to people at smaller law faculties and they say, “Oh, I have to teach X this year.” But generally speaking—generally speaking—we’re almost never required to teach something we don’t want to teach.

**PW:** Yeah, that’s important.

**JB:** Don’t you think there are negative aspects of the growth of the physical size?

**PW:** Well, a negative is when we got Hotung, which split the faculty between two buildings such that they don’t regularly run across one another. So, that’s certainly a negative. And the size of the faculty and staff is such that you don’t really know some of your colleagues.

**JB:** I think that, as we have increased the physical size, we have lost some of the collegiality. It used to be, you all will recall, that you would get your mail by coming up to the fifth floor and going to the mail room and getting your mail out of the box. You saw people in that setting that you otherwise might not see. I’m at Hotung, I don’t see any of you here professionally at all.
PW: I didn’t know you were still on the faculty.

JB: Tell me about it. That is what the Dean thinks also.

PW: This room, the Faculty Lounge, was a center of activity for lunch and for everything else—all break moments—and during the day, and that no longer is the case. There is no sort of central place that you will see people.

JO: Just a plus, the extent to which we now have a complete array of institutes and programs that are staffed by people that we don’t even know.

PW: Or wouldn’t recognize in a crowd of one.

JLD: I was going to ask how the increase in the size of the adjunct faculty has affected the collegiality of the faculty—or if it is a positive because it opened up teaching what you wanted to teach or gave you more time for scholarship. Does it affect you or affect the environment of the school?

JO: That’s a complicated question to answer, Jen, because some of it is very individualistic. That is, you know I’m not teaching labor law now because Larry Silberman of the D.C. circuit teaches labor law and that’s great, so I can teach other things, but that’s happenstance I think. Our adjunct faculty has certainly grown and I remember the faculty is a great asset for this law school. Dean Fisher back in sort of the early days was fond of saying that he had accomplished a raise in the pay for the adjunct faculty and he would put it this way. He said yes, we raised it from the insulting to the inadequate.

[1:05] JB: And he used to refer to the adjunct faculty as our endowment.

JO: Yes indeed.
PW: Which it pretty much was.

JO: And we don’t think of it quite the same way now.

PW: Well that’s because we have fundraising.

CG: I think the phenomenon Jim mentions is not the norm in the sense that I’ve never looked at this in terms of actual numbers, but a high percentage of the adjuncts teach in the LLM programs that we have, so some regularly teach JD courses but of the huge number we have I think the percentage would be relatively low, I have no idea what it is so I shouldn’t comment.

JO: Most of the adjuncts teach in the evening division or the evening hours which has some cross registration going on.

CG: I think there is one difference I notice, we don’t pay adjunct very much, never have, and the reason many practitioners and government officials are willing to teach is they like teaching (a) and (b) they like to be part of an academic environment. And in the early years that I was here for example when we had faculty retreats quite a few adjunct professors would come and enjoy being wherever we were and participate, get to know the full-time faculty. Now to tell you the truth I’m not even sure adjuncts are invited to faculty retreats any more—

JB: They are not.

PW: Well, we don’t have retreats, we just stay here.

CG: Retreat from whom. I say to my students we’re going to have a retreat. I’m not going to tell you from whom we are retreating.
**JB:** Do we want to say anything more on the physical size? We were starting look at some of the negative of it, the loss of collegiality, and the loss of the ability to see people. My instinct is that maybe this is just as I’ve gotten older and not been around as much, that the size has made it more difficult to get a feel for the institution and what is going on below the surface.

**PW:** Oh absolutely. And that extends to administrative staff because the administrative staff has grown hugely, more so than the faculty and you just don’t know any of those people anymore or you know very few of them. So you have no idea what’s going on.

**CG:** Well it’s a combination of that growth, Pete, that you mentioned, which is apparently a national phenomenon. There have been a number of stories about what percentage increase of administrators in various universities and how that increase exceeds the increase in the size of faculties by in some cases three/four to one over the last decade or two.

Jim mentioned something really important, and that’s all these institutes and I have no idea what they do, I have no idea how they are financed. As Jim mentioned, it brings people onto the campus—some of whom I get to know but it’s just fortuity when I do. I, for sure, know nothing more than the name of the institute and then I’m not sure I know all of the names of all of the institutes.

**JB:** I co-direct one of them after all, and I can tell you, Chuck, that we don’t know what other institutes and centers are doing either. It isn’t simply that
the faculty doesn’t know what the institutes are doing, the institutes don’t know what the other institutes are doing.

JO: There is another aspect of size, and I don’t know if this is strictly size but I will mention it. We visited other law schools from time to time, and we know there are law schools that have a pattern of having most of the faculty in their offices most of the time and have their doors open and have students flowing in and out. We don’t have that—

PW: We used to.

JB: We used to.

JO: But it’s gone now. I think it is astonishing how few people I see on the fifth floor who have offices on the fifth floor.

JB: Why do you all think that’s so, why do you think it changed?

CG: Direct deposit.

PW: Direct deposit.

CG: I think it’s a culture thing that evolved. It’s surprising because we were all attracted to academia, because of that feeling of association of common opportunities to discuss interesting issues with each other and with students.

And I’m not sure when it started to change. Earlier, Jeff, you said maybe a part of it was moving separating the faculty physically into two buildings, but I don’t think that would explain the phenomenon Jim just referred to, which is that on any given work day, half the office doors are closed on the fifth floor, wouldn’t you say, and I’m not counting Fridays anymore.
PW: More than half, more than half.

JB: Do you think that’s because it’s now easier to work from home?

PW: It certainly is easier to work from home. I mean that’s true; I don’t know whether that’s the cause.

JO: Well that’s certainly true. In the old days, Jeff, you will remember this and all of us will, we used to worry about the fact that some of our full-time faculty had of counsel relationships with law firms and basically were practicing law and teaching classes and not doing much in the way of scholarship. I think there still are some colleagues who are in that category but most everyone now is really plugged into producing scholarship and having that as an active part of their life. And so maybe there is a trend to say it’s more productive to work from home, I don’t know, I don’t have a good answer for the question.

CG: There is a potential issue here, but I hadn’t thought about it in this context. Jeff, you know well because you worked in the finance business area, we’ve lost many potential colleagues in these areas because they feel that the environment which we talk about so frequently as being a very nice environment isn’t really very interested in finance, business areas of the law. There is an irony in this discussion of course because we’re in the process of trying to apparently turn the law school at a 90 degree angle, which we’re not here to get into, but maybe part of that is if you are working in constitutional law, for example, my impression is this sort of regular recourse but in other areas but I don’t know if that’s true, it’s just an impression I have,
JB: Chuck, I moved from McDonough to Hotung a couple of years ago in part because that is where my corporate colleagues were. If I wanted to see Bob Thompson, Chris Brummer and Don Langevoort, that is where their offices were, and it made sense for me to be there just to be able to go schmooze.

CG: By the way, can we go back and mention something that Pete and I were talking about during the break, and Pete you might pick up on it because you knew Mersky and the change in the quality of the librarians is really important. It was accelerated when we opened the new library but you might talk about three great librarians.

PW: Well the first real librarian that we had here was Terry Martin who we go from Texas, who was the number two guy to Roy Mersky at Texas, who was just magnificent in turning our non-library into a library.

JB: I want to go back before Terry Martin and before Harry Boyles. When I became chair of the library committee in Pitofsky’s deanship, I said I would be happy to do that, I wanted to see every piece of paper in the law school’s files relating to the library, including the eyes only Mersky report, which I can’t talk about—it is so devastating, the paper burns it really does. But if you go back to the 1950s when Paul Dean appointed Harry to be the librarian, the card catalogue in the mid to late 1950s consisted of index cards, handwritten index cards, and the books in the library—except for the Fed. 2d—were essentially books that had been donated by the alumni. That was the library before Harry. It’s easy to say that Terry was the first librarian, but to Harry’s credit, Harry really
did try to do something more. Time outstripped him if you will, so that by the time he finished his career, he wasn’t satisfactory or adequate anymore but he took over a library that was so disastrous as to be beyond belief. This was in the late 1950s, that’s what the Georgetown Law School Law library looked like.

Jo: I happened to be the beneficiary of Harry Boyles in one sense. He happened to like English legal history, and books were really cheap in those days: you could buy 18th century English textbooks and case reports for a dollar apiece, so he really built a splendid foundation of the antiquarian books that we hold in special collections today.

Jb: What was the role of each Dean under whom you’ve served? It’s been a theme that has run throughout the other questions, but we didn’t focus on it. Jim?

Jo: I’ll say a word about that and go back to Adrian Fisher, our first external Dean at the law school, who came to the law school with impeccable credentials and pedigree. He had been a law clerk to both Felix Frankfurter and Louis Brandeis during the change-over in those two justices. He was a true intellect about his area of expertise, and he was also a man who had very rich experience in government—in high level international government—and so he was something new for this law school.

Jb: Wasn’t it considered a coup to have gotten him?

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3 Adrian Fisher served as Dean from 1969 to 1975.
JO: Certainly in some sense it was, yes. But I can tell you that as an administrator, he was terrible. He had a secretary named Bonnie Johnson, and she was a very sweet woman, but as far as I could tell, her filing system consisted of a large pull-out drawer in her desk which just had papers—

CG: Sounds like mine, Jim.

JO: So we were putting out fires constantly. By we, I mean Roy Schotland and I in those days. But, I think despite the fact that Butch, as he was called, Butch Fisher was simply a very disorganized administrator. He did us a lot of good, because he brought this sense of quality into the institution and let Roy run with it in terms of hiring processes and so on. I will say one other thing about Butch Fisher. When I moved to Washington after having been hired, my wife and our young son, Nelson, hadn’t figured out where to live, and so Butch Fisher said “Why don’t you just come live with us for a while?” So, Judy and Nelson and I lived for six weeks with Butch Fisher and his wife Louise in Georgetown. What Dean would do that? He was a wonderfully generous man. We finally found our own place.

So we then went from Butch to Dave McCarthy. As I think we would all agree, when Dave was chosen as Dean, it was a bit disappointing in the sense that it was a compromise. We had some outside people that we were interested, who then didn’t work out.

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4 David McCarthy served as Dean from 1975 to 1983.
Dave, I thought, did a splendid job of just making everything run right. He was such an affable man and was a loyalist to the institution in every aspect, so I think we kept on the path toward improvement in terms of hiring and scholarship.

**JB:** Let me interject one narrative on Dave. I think Dave was better than we thought he was going to be, and one of the things that Dave did was that he spent a great deal of time on academic politics. He got us involved AALS—he wanted to get Georgetown to be a more visible institution. He spent a great deal of time doing that in a way that has paid off, I think.

**PW:** Dave also was a genius at handling the Main Campus, and since a lot of our problems at the time had to do with fending off raids from the Main Campus, he was brilliant. He understood the Jesuit mind in a way that nobody else on the faculty did and—

**JB:** Well half the faculty was Jewish.

**PW:** And he was brilliant at that. I would remind you of Mark Tushnet’s farewell speech here before he went to Harvard, saying that Dave was the exemplar, the best Dean he had ever known.

**JO:** And I, as it happens, chaired the Dean Search Committee after Dave, so that was around when Bob Pitofsky was hired. As Jeff just mentioned, Bob was not the first choice of our Dean search at the time. The first choice was Stan Katz at the University of Chicago, who was not a lawyer. He’s an historian but he

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5 Robert Pitofsky served as Dean from 1983 to 1989.
had taught at Chicago Law School for a number of years and therefore he was a virtual lawyer and Stan really impressed the faculty—and also Tim Healy, our university President. Tim Healy, whom I admired enormously, offered Stan the job, but as he told us, he just couldn’t get his wife to consent to move.

**CG:** Was he at Chicago then? I thought he was at Princeton, why did I think?\(^6\)

**JO:** He moved to Princeton later.

**CG:** Oh did he?

**JB:** I thought so too.

**JO:** Yeah, he was at Chicago. So, Bob was the second choice with no dispute about that. Luckily for all of us, he took the job and I think Bob had some of the characteristics that Adrian Fisher had had in terms of just the caliber of his intellect. There was a calmness about Bob. He just managed to go smoothly through most of the issues that came before him, and I think he ran faculty meetings very well. You know he wasn’t as much of a hands-on person, wouldn’t come in and schmooze with you in your office particularly, but I think we were served very well by him. Then, of course, Judy and her 15 years carried us all the way until Alex Aleinikoff.\(^7\)

Judy I remember when we hired her. We interviewed her when we were over on E Street still, and here was this bright young woman that was really a

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\(^6\) Professor Katz was a Professor of Legal History at the University of Chicago from 1971 to 1978. In 1978, he became the Class of 1921 Bicentennial Professor of the History of American Law and Liberty at Princeton.

\(^7\) Judith Areen served as Dean from 1989 to 2004.
promising scholar and so we thought that was a wonderful hire and did turn out to be. People had mixed views about her, she had her favorites on the faculty and there is no need for us to rehearse the politics of her 15 years. In my own view she did excellent things for this institution, and we benefitted from her years enormously. She got better and better in the job as she went along, at least so it seemed to me, and what do you think you guys?

PW: Well I would just add one date correction, Judy came on the faculty the year after I did, so we were interviewing her over here, she was an adjunct here briefly before that. She, I think, presided over most of the bricks and mortar and certainly expanded the physical campus hugely. Both she and Dave McCarthy were excellent at maintaining the morale and culture of the non-academic staff: people who worked on the non-academic staff stayed for a long time under both of those Deans because both those Deans paid a lot of attention to them and paid a lot of attention to making it a happy place to work. That is something that is sort of below the radar of most of us, with our focus on teaching and writing, but they were both very effective at that.

JB: I think you are right, Pete, about the bricks and mortar. Pitofsky was responsible for the library, but much of the physical expansion was on Judy’s watch. An extraordinary job of raising money in ways that I think many of us would not have predicted. One of things that has always struck me about Judy is her public persona: the ability to be a public person in many ways different than the way she is as a private person—in a way that I am not sure we thought we
were getting when we hired her as Dean. It’s been remarkable when we watch her turn on in a—

**CG:** Well as Jim said, she grew extensively in her job and she took administration very seriously—would read books about administration and develop theories of administration over time, and so you could see this growth. The production of what is basically the south campus is attributable to her. But two points: one is I think there is no Dean who hasn’t had favorites and the second is one bad memory of Dave McCarthy. Every Wednesday I would tell my friends that I was going to have a headache that evening and they said how do you know? Dave McCarthy had a faculty meeting almost every Wednesday and it would start at 3:30 and in those days, it doesn’t happen as much anymore, there were a significant element of the faculty felt they to comment on every issue, even if the comment was well I want to tell you that I agree with what Pete Wales just said and so the discussion would go until about 5:15 and then somebody would say well we have to vote by 5:20 because some of us teach in the evening, and then we would vote and then it would be often almost a unanimous vote and in my mind’s eyes at least it was every Wednesday. Maybe I exaggerate.

**JB:** That’s interesting, Chuck, because my recollection is the opposite. My recollection is that when Dave became Dean he said to us as a faculty I only want two things from you. I want you to go to graduation—because you will all recall that when we all started, graduation used to last four hours and they called
everybody’s name from Aardvark to Zebra to come up and get the diploma and therefore the first piece of advice I got when I joined the faculty was don’t go to graduation. So Dave said, “You owe it to your students and their families. I want you to go to graduation. The other is I want you to come to faculty meetings and there will be fewer of them.”

**PW:** That is true. He kept them down to two hours, and under Butch they went on endlessly.

**JB:** Endlessly.

**JO:** Well, the faculty in earlier years was very much more involved with decision-making.

**PW:** Yeah, we had almost no administrators and so the faculty was really involved in everything about the school.

**JB:** Do you want to be now?

**PW:** At this advantaged stage, heavens no.

**JB:** If you were younger, would you want to be?

**PW:** Yes.

**JB:** Never mind us old folks.

**PW:** Yes.

**JB:** You would rather be younger in the old days than younger now.

**PW:** I didn’t say that. As a younger faculty member, you have much more interest in shaping the institution that you are going to be a member of for a period of time.
JB: And would that have been easier to do then than now?

PW: It would have been easier to do then because a lot more was done by the faculty and by faculty votes, and the faculty was smaller and everybody knew everybody.

JB: Chuck, what’s your thought about the various Deans?

CG: Well I think you’ve both said what needs to be said. Jim’s point about Butch and Bob I think are attributable to an obvious phenomenon, and it’s an important one, and that is that those two Deans did not owe Georgetown for their reputation. They came as successful people, and I think Butch could deal with the Main Campus because of that in a way that if someone from the faculty had been appointed having taught here for years could never have actually done. He had contacts around the city and he was respected in Washington. That must have been an important part of his success.

And the same was true of Bob. Bob could be relaxed, because Bob was an enormously successful lawyer in Washington when he became and professor when he became the Dean. I forget if he had already been in government, I think so, and he had been a partner at Arnold & Porter, hadn’t he?

JB: Yes, he was of counsel.

CG: So he’s not going to get rattled by things, and he didn’t. I, at the time, regretted the fact that he didn’t want to do a second term because I thought he had achieved a lot but I understood completely why he didn’t want to do a second term.
**JB:** You will recall that at least some of our colleagues at the time that Bob became the number one candidate were deeply disturbed and opposed to him because he would not give up his of counsel position at Arnold & Porter. They thought he wouldn’t be able to devote the time to the Law Center that he otherwise would because he would be too busy with Arnold & Porter. There were at least some of our colleagues who believed that.

**JO:** Yes, and they pushed Bob hard about that during the interview process, and Bob sort of waffled about whether exactly what he was going to do, but it proved to be not much of a worry later.

And Alex Aleinikoff we haven’t said anything about. Alex also came with an established academic reputation, came from the University of Michigan and had his expertise well in place. And I think he continued leadership satisfactorily in that way. He was not as interested in nuts and bolts and administrative staff, and so I had the feeling that some of our salaried folks felt a bit abandoned after the years of attention they had had from Judy Areen.

**JB:** Let me ask you all this question. My instinct about Alex, and correct me if you have a different view, was that Alex had an agenda: things that were upper most in his mind that he wanted to accomplish and didn’t spend as much time on other parts of the Law Center that didn’t relate to it. Judy was particularly good, and maybe I was just on the receiving end of this in a constructive way, in being open to somebody coming to her and saying I would
like to do X and her saying go ahead and do it, you have my support. I think it would have been much harder to do that with Alex if it didn’t fit his picture.

JO: I think you are right. I think you’re right and of course you can see that to some extent in the generation or creation of the International Center in London and Alex’s orientation was international in his expertise. And he focused hard on that agenda as you say, and the byproduct of that was there were things that he didn’t focus on.

JB: Obviously no Dean can focus on everything, but I had the feeling of a narrower vision and a more difficult time in getting him focused on things that were not immediately on his radar screen.

CG: He was lucky to come at sort of the glory years in terms of finances because the coffers were relatively full. Tuition was rising, applications were rising and I think he was willing to invest in those areas as you mentioned where he thought that it was in the interest of the Law Center to do so, and that explains the operation in London now, which was sort of his instead of expanding this campus as his predecessors had done.

JO: One thing we haven’t commented on, and I don’t know a great deal about it but others of you may, and that is how exactly did our various Deans perform as executive vice presidents of the university. I have a feeling that Judy was a very, very close advisor and was much involved in university politics and I think Butch Fisher had a very close relationship with Tim Healy as well and they
worked together well even though Butch was not a details person. And I don’t know about Alex and how Alex got on with Leo?

**JB:** Last question. In what ways did the student body change and how has that affected you, if at all. What was it like then, what’s it like now, what’s it been like in the middle—in the student body. What are your thoughts. Pete?

**PW:** As we’ve previously mentioned, the 70s were a hard time. A lot of the students were pretty unhappy with the place. And, it was also the case that an awful lot of our students in those days were people who were the first in their family to get this far educationally—in many cases, the first in their family to graduate from college. So, it was more of a blue collar feeling in the student body, whereas nowadays we get people who can afford our tuition. So, it really did have a different feel. From our side of the podium, it was the case that there seemed to be more of a desire from the students to get just black letter law, but it was never clear to me whether that was just because they were very profession-oriented—that is what do I need in order to go practice law—or whether it was because a lot of our older colleagues delivered that and so that is what they were used to. And that atmosphere has certainly changed.

**JB:** Pete, do you think our student body is better than it was let’s say 10-20-30 years ago and what do you mean by better?

**PW:** I always say that they are a lot smarter than they used to be but they are a lot less well educated—it’s partly our digital age but they just don’t have the same background in literature and history and things that they’ve read,
things with covers on them, that they used to. That affects the writing as well I think. I think writing is less good than it used to be.

**JB:** I don’t know about you guys but I get asked by people of the outside, “Is the student body better than it used to be.” How do you answer that question?

**CG:** Well one answer is in the numbers that Andy puts out every year, as he did yesterday, and it always amuses me—since we’ve lived through decades of grade inflation here—that we confidently and happily expressly brag about the fact that the average GPA of the entering class is higher than it was before. Of course it is, of course it is—it would be almost impossible to have it go down unless you are really doing a bad job. But in terms of the quality, it’s really hard to tell. I find the same phenomenon that I mentioned an hour ago, which is I’m still surprised at the difference in the quality of their performance. Some students are very interested, and some obviously aren’t. Because of the phenomenon that Jim mentioned of faculty doors being closed a lot, it puts increasing pressure on students. I’ve always said that my belief always was that teachers at Georgetown were happy to meet with students, but they are not going to call them up at their home and say why don’t you come and see me. If the student would take the initiative, I think most of us, not all but most of us, would be happy to take time with students. But with a big student body—and we haven’t talked about this by the graduate program with this year’s students from 75 different countries doing one year LLMs here—if students want to
interact intellectually with faculty outside of the classroom, the pressure, the
demand for initiative is even higher because doors are not open all the time.
There are a lot of students, so twice in the last month, I’ve met with graduates
who had trouble getting jobs—not trouble, they don’t have jobs. So I asked
them, “What did you take?” “Well, I took ‘law and this’ and ‘law and that.’”
They’ve got nothing to market. They said, “Nobody told us that we needed to do
things that potential employers would like to hire us to do.”

[1:40] So I don’t know. I think we have among the administrators more and
more counselors—but I’m not sure what counsel is.

JO: Jeff, I would give a tentative answer to your question in this way,
using as an illustration my first year large section class that I’ve just finished
grading the exams for. I think that our student body now is comprised of
students at the top who are the best students we’ve ever had by and large—and
a larger number of first rate students here — and, there is also a larger number of
poorer students at the bottom, whose numbers are still fine. They’ve got GPAs,
and we know that this the grade inflation has happened—it’s happened with us.
I just finished grading these papers, and I get out our curve—we say it’s not a
mandatory curve but if you are off by two or three you are going to get a call
from the Dean’s Office and say what about this. So I knew that was going to
happen. So I went in yesterday to see our associate dean to say I’m telling you in
advance that my grades are going to be lower than your curve permits, and we
had a discussion and came to a compromise about how to fit my grades onto our
standard curve. But, I can tell you that some of the papers on the low end in years past, when we all started, would not have been getting passing grades.

**JB:** That’s very interesting. Over the years, my wife has said to me, “How could you possibly pass that? How could you possibly give that a passing grade?” I think you are right on the high end, although the people when we all started who were good were really good, but that I think the low end of the scale has gotten better. I think the grade inflation has always troubled me, and I had this conversation with the Registrar about the low end, because I am going to go higher on the low end. I think we are too easy, and I would like to see us be harder, but I think the people at the low end are better than they used to be. I think the quality of our minority students is dramatically better —

**JO:** Yes, I agree with that

**JB:**—than it used to be. When we started, I think two things were almost given. One is that a disproportionate number of the people the top of the class would be women and that a disproportionate number of the bottom of the class would be minorities. Neither of those is true anymore, and I think that’s much for the better. And I think we’ve done a really good job in changing that mix of students. I’m not sure what better means. I don’t think our students—even the really good students—necessarily take us seriously enough intellectually.

**JO:** Well I agree with a lot of what you said, Jeff, and you know, we haven’t said anything about the racial composition of our student body. If we go back to those early years, there really was a determined effort to do some
affirmative action hiring, and, of course, we reached the point where our
Director of Admissions became David Wilmot, who himself had been one of the
minority students. I actually phoned him as an undergraduate and got him to
come to Georgetown way back in the early 70s. And David did a terrific job of
recruiting minorities, but these were people who didn’t come with the
credentials that they have now. And, yes, our minority population now I think is
significantly better than it ever has been. There are some students in this
composite that we are describing that are of the entitlement generation who
think they ought not to have to work as hard as we did, right? But that’s the way
it is.

[1:45]  

CG: There is a lot of data about the amount of time that undergraduate
devote to their studies, and it’s quite a dramatic change from a generation or
two ago: fewer and fewer hours. I would be surprised if that phenomenon
hasn’t affected graduate students, but I haven’t seen any data about it. I think
your comment about the effort to recruit minority students is very important.
My recollection is that Jack Murphy was the central ingredient—maybe John
Kramer as well in those days. So, it would be really important to get Jack
Murphy involved in the oral history. I don’t know if he’s still teaching or not. He
taught for a year or two after retiring.

JO: Well he’s around and we would be glad to I’m sure.

JB: I’m struck by all the questions we didn’t ask and talk about today, and
I wonder—since we are the institutional memory of this place and if you don’t
get it now you won’t get it—whether you are going to get each of us or how do you want to handle what our memories are that we haven’t put down today.

**JO:** Well and you ought to think about people who are no longer actively at the Law School like Roy Schotland, who is still around and could be interviewed, he’s in his mid-80s now but and how frank he would be about his experience, who knows.

**CG:** Jack Schmertz is still around.

**JO:** Jack Schmertz is still around, well Dave McCarthy is.

**PW:** Joe Page.

**JO:** Yep, Joe Page.

**CG:** Sherm Cohn obviously

**JO:** Joe and Sherm would have a lot to say.

**JB:** But I think you are right, the people who are now retired, Peter Weidenbruch, my understanding and you guys would know better than I because you all came before I did, I understand that Peter was one of the really active young Turks.

**PW:** He was.

**JB:** So you want to get Peter and you don’t get that feeling from him as the years went on but I gather he was very much

**PW:** He was.

**JO:** Okay.

**JB:** Okay, and thank you.
Professor Charles Gustafson joined the Georgetown Law faculty in 1972. He pursues his interest both in tax law and policy and in international law at the Law Center. He teaches Tax I, International Tax Planning, International Business Transactions, International Law, and The Art of the Washington Lawyer. He is the author of articles on taxation and international law issues, co-author of three casebooks on taxation, has been active in various committees on tax and international law of the American Bar Association and the American Law Institute, and serves as an arbitrator in domestic and international contract disputes. He has lectured on matters of international importance, taught courses for the Internal Revenue Service, and served for five and a half years as the Associate Dean for International and Graduate Programs. Before joining the Law Center faculty, his professional experiences ranged from attorney advisor at the State Department to lecturer in law at the Ahmadu Bello University in Zaria, Nigeria, where he assisted with the organization of the first law degree program in that country. He also practiced privately as an associate with the New York firm of Shearman and Sterling and the D.C. firm of Surrey and Morse. Professor Gustafson has lectured at universities and to professional groups in every inhabited continent. He earned his B.S. from the University at Buffalo and his J.D. from the University of Chicago.

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Professor Jeffrey Bauman joined the Georgetown Law faculty in 1973. His specialty is corporate law. Before joining the Law Center, he spent four years at the Securities and Exchange Commission and five years in private practice. In addition, he has served on the Executive Council of the Securities Law Committee of the Federal Bar Association, the Committee on Federal Regulation of Securities of the American Bar Association, and the Committee on Corporations, Partnerships and other Business Organizations of the D.C. Bar Association. His writings include several law journal articles concerning rule 10b-5. Professor Bauman is also the co-author of casebooks on Corporations, Legal Ethics and Corporate Practice. Professor Bauman is on the Board of Trustees of the Shakespeare Theatre and the Board of Directors of the Washington Legal Clinic for the Homeless. He earned his B.A., M.A. and LL.B. from Yale.