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## Reflections on the Tenth Anniversary: Reflections on the Founding

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# Reflections on the Founding

**Anthony J. Santoro\***

Rapidly approaching the autumn of my career, as someone not so graciously reminded me recently, I have long since been surprised at the speed at which time passes me by. Yet, even I was jarred when asked to write this foreword on the occasion of the tenth anniversary of the law school. It hardly seemed possible that a decade had passed since an excited, courageous band of pioneers – faculty, staff and students – gathered together on a warm August day in Bristol to embark upon an arduous and uncertain journey; a journey that would breathe life into a newly constructed building, shape the character of a law school and, in so doing, bring to fruition the hopes and dreams of several people who had the vision and the tenacity to build what most said was not possible. Although my destiny was to not complete fully the journey with those who came together on that August day, my memories of my own journey to that day are vivid still.

It was the 23rd of August 1993 and it marked an important date in the history of both Rhode Island and Roger Williams College. On that day, Rhode Island's only law school opened its doors to 185 students from across the country, marking Roger Williams's transition from a college to a university as it embarked upon its first doctoral level program.

Despite at least two attempts to offer legal education in Rhode Island prior to 1993, Rhode Island was one of only three states not served by a law school. The first attempt was made in 1790 when a Princeton graduate, David Howell, was appointed professor of jurisprudence at Brown University. No evidence exists to indicate whether Professor Howell actually delivered lectures in law, but

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\* Professor of Law, Roger Williams University School of Law; President Emeritus, Roger Williams University.

he served Rhode Island as a justice of the supreme court and attorney general and apparently did lecture extensively on topics of public interest.

The second attempt came in 1920 when Northeastern added a branch law school to its preexisting Providence YMCA program (the predecessor to Roger Williams College). While its program of legal education proved more durable than Brown's, Northeastern closed its doors to legal education in fewer than 20 years; not, however, before graduating one of Rhode Island's most distinguished citizens – Senator John O. Pastore.

It is not surprising, therefore, that the issue of a law school for Rhode Island should surface many times during the half-century after Northeastern's decision. Indeed, there was the almost universal belief that Rhode Island was badly served by the lack of a law school. Most perceived that a law school, in addition to educating aspiring lawyers, would enhance the delivery of legal services in the state by becoming a focal point for law reform, legal research and continuing legal education of the bar. At the same time, however, there was the equally universal understanding that the establishment of a law school involved a substantial financial risk. Those colleges and universities that contemplated the matter in those years apparently decided that the cost of establishing a law school was so high that the only prudent course of action was to let Rhode Islanders continue to rely on the Boston law schools for service.

It is even less surprising that Roger Williams should eventually pursue the idea of establishing a law school. Its historical ties to Rhode Island's only other serious effort at legal education and its strong commitment to undergraduate legal education through its undergraduate Law Center combined logically to suggest such consideration. Yet, as with many great ideas, this one grew out of a casual conversation and the dogged determination of one individual – Ralph R. Papitto, Chairman of the Roger Williams University Board of Trustees, the founding father of our law school and the person for whom it is named.

Papitto tells the story that he was in New York at a private dinner party, sitting next to a law professor who remarked at one point during the conversation that Rhode Island was then one of only three states without a law school. Having not been aware of that fact before, Papitto was quick to realize that a law school

would present a unique opportunity for Roger Williams College and for Rhode Island. He discussed the matter with Rhode Island lawyers and judges and learned that most discouraged the notion of starting a law school. They cited studies conducted by other Rhode Island institutions that suggested the cost of establishing a law school exceeded the benefit to be achieved. A few pointed also to a perceived lack of need for more lawyers. Undaunted and actually challenged by those who said it could not be done, Papitto was determined to study the matter.

It was in this context that he and the then president of the college, Dr. Natale A. Sicuro, appointed a blue ribbon committee to investigate the feasibility of establishing a law school. In addition to members of the college's Board of Trustees, faculty, students and staff, the committee included leading members of the Rhode Island bench, bar and general public. Chief Justice (Ret.) Joseph R. Weisberger, then an associate justice of the Rhode Island Supreme Court, chaired the committee. The late Dr. Victoria Lederberg, then a Rhode Island State senator, a Rhode Island College professor, a lawyer, a member of the Roger Williams College Board of Trustees and future associate justice of the Rhode Island Supreme Court, was appointed vice-chairwoman. Thomas E. Wright, Esq., a professor at the Roger Williams College Law Center, was appointed executive secretary to the Committee.<sup>1</sup>

#### THE PLANNING YEARS: 1990 TO 1992

The Committee met for the first time on January 25, 1990. Very much aware of the need for accreditation from the American

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1. The other members of the committee were: Mrs. Marie D'Amico, a student at Roger Williams College; the Honorable Albert E. DeRobbio, Chief Judge of the Rhode Island District Court; Joseph R. DiStefano, Esq., President of Capital Properties, Inc. and a member of the Roger Williams College Board of Trustees; Dr. Malcolm H. Forbes, Vice President for Academic Affairs of Roger Williams College; the Honorable Anthony A. Giannini, Presiding Justice of the Rhode Island Superior Court; the Honorable Thomas F. Kelleher, Associate Justice of the Rhode Island Supreme Court; John P. Pozzi, Esq., Director of the Roger Williams College Law Center; Gary R. St. Peter, Esq., Managing Partner of Adler Pollock & Sheehan; Raj Saksena, Dean of the School of Architecture of Roger Williams College; the Honorable Donald F. Shea, Associate Justice of the Rhode Island Supreme Court; Deming E. Sherman, Esq., Managing Partner of Edwards and Angell; and Michael Silverstein, Esq., Managing Partner of Hinckley, Allen, Snyder and Comen.

Bar Association, Chairman Weisberger obtained and distributed to the members of the committee the Standards for the Approval of Law Schools published by the American Bar Association. Weisberger and the Committee recognized from the beginning that the "decision to establish a law school was to a great extent an irreversible moral commitment" that "may only be discharged by the dedication of adequate resources to the establishment of the school in the first instance and the devotion of such additional resources as may be required in subsequent years." In the opinion of the Committee, students invited to attend the law school and those who ultimately enrolled had the right to expect that the law school would move expeditiously toward accreditation by the American Bar Association. The Committee was fully aware of the fact that the failure to obtain accreditation would mean that students would be ineligible to practice law even if they successfully completed the law school's program of study because they would not be permitted to sit for a bar exam in any state. Accreditation, on the other hand, meant that students would be eligible to practice in any state and in the federal courts. The Committee also understood rather clearly that, in addition to the practical need for accreditation, the Standards of the American Bar Association set forth aspirational goals that all law schools should strive to achieve.

At that meeting, the Committee set forth the basic assumption that was to guide its future deliberations – a law school populated with well-qualified faculty and students would make "a significant addition to the intellectual, cultural, and legal quality" of Rhode Island. The law school was seen as potentially contributing to the establishment of "mechanisms of continuing legal education of both new and experienced members of the bar" and becoming a resource for "research not only relating to Rhode Island law but relating to those aspects of constitutional law which impact the State of Rhode Island as well as all other governmental entities throughout the United States." It was the conclusion of a majority of the members "that the legal culture of Rhode Island would be stimulated and enhanced by the creation of a critical mass of significant intellectual resources."

The Committee decided to engage the services of an experienced consultant – Professor Kinvin Wroth, former dean of the University of Maine School of Law. Highly regarded in legal edu-

cation, Professor Wroth was very experienced in matters of ABA accreditation and had recently led his law school through the re-accreditation process. The Committee also decided to utilize the professional services of the accounting firm of Ernst and Young and the architectural firm of Robinson Green Beretta.

Over the course of almost one year, the Committee, through various subcommittees, investigated the capital and operational costs associated with the establishment of a law school, the need for a law program in Rhode Island and appropriate sites for locating a law school building. By the time of its final meeting on April 2, 1991, the Committee concluded that its assumptions regarding the benefits to be derived from the establishment of a law school were valid. "[A] law school would enhance the legal culture in Rhode Island and provide opportunities for research and continuing legal education which are now not available in this state." Nonetheless, ever mindful of the enormous undertaking the establishment of the law school represented, the Committee presented only a preliminary study to the Board of Trustees of Roger Williams College. In it, the Committee recommended that a second, more detailed study be commissioned to further test the validity of the assumptions made by the Committee. Specifically, Chairman Weisberger and his colleagues felt that the Board of Trustees of Roger Williams should commission a more exacting market survey.<sup>2</sup>

On the basis of the findings of this initial study and the recommendation of the Committee, the Board of Trustees, acting through its Chairman, Ralph R. Papitto, authorized President Sicuro to conduct an in-depth feasibility study to determine the probability of achieving the enrollment goals suggested by the Committee and to test the other preliminary findings.

It was at this point that I became involved with the project. I remember the occasion well. I was then dean of Widener University School of Law and sitting in a workroom above my Delaware office preparing a year-end report on my law school, which had re-

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2. The decision of the Committee was not without dissent. Although the Committee members present at that final meeting were unanimous in their assessment of the matter, at least one member who was not present for the meeting – Deming E. Sherman – informed Weisberger prior to the meeting that he was opposed to the establishment of the law school by Roger Williams or any other educational institution.

cently opened a branch in Pennsylvania. My secretary buzzed me to tell me that my "ship had come in." Asked what she meant, she told me that Malcolm Forbes was on the line and wished to speak with me. I paused to catch my breath. How many millions should I expect? What would this mean for Widener Law School? While I had never met Malcolm Forbes, it was not entirely unlikely that he might call, I rationalized, because the former chairman of Widener once worked for him. Then, skepticism set in: how could this be? Malcolm Forbes had died. This must be a joke. As it turns out, it was no joke; Malcolm Forbes – *Dr. Malcolm Forbes*, the Chief Academic Officer of Roger Williams College – was on the line. While I was not destined to get millions for Widener, it turned out that my secretary was prophetic.

Dr. Forbes quickly explained the purpose of his call. Dean Malcolm Donahue, a long serving associate dean of Suffolk University Law School and a member of the Roger Williams College Board of Trustees, had suggested to Forbes that he call me. Donahue, whom I had earlier met while chairing an ABA sabbatical site visit to Suffolk, knew that I had been involved with starting two law schools in Southern New England<sup>3</sup> and thought I could help guide Roger Williams as it embarked upon the second feasibility study.

Forbes described the process to date and I became very much interested in the project. After all, I knew Rhode Island reasonably well, having lived for a time in nearby Fall River, Massachusetts and having married a Rhode Islander. More important, I came away with the sense that the Weisberger Committee and the Roger Williams Board were very much attuned to both the need for careful planning and the awesome responsibility the college would assume if it were to establish Rhode Island's only law school. I had been involved with more than one institution that jumped into the decision to establish a law school only to discover that it seriously underestimated the costs associated with its formation or that they failed to understand the weight of the qualitative aspects of the ABA Standards. Roger Williams' approach seemed to me quite refreshing.

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3. The two schools were the University of Bridgeport (now Quinnipiac University) School of Law and Western New England College School of Law.

In any event, I accepted an invitation to visit on campus with the Board of Trustees, the Weisberger Committee and members of the administration. I was also asked to bring Dean James P. White with me, if possible. White was the ABA Consultant on Legal Education and Admissions to the Bar. As such, he was the person responsible for coordinating the ABA's accreditation activities and the legal educator most knowledgeable about the process that new law schools must undergo for accreditation. White was amenable to the visit and, I think, as impressed as I was that the college understood the need to involve the ABA even before the decision to start the law school was made.

White and I met in Philadelphia and flew to Providence together, arriving at the Bristol campus on June 13, 1991. During the course of the meeting Chairman Papitto, Chairman Weisberger and others explained their intentions and asked questions regarding the procedure and standards for accreditation by the American Bar Association. White commended the college on its planning process, emphasizing the importance of careful planning before committing to the establishment of a law school. He especially emphasized the need to include all prospective constituents in the planning process; the high cost of offering legal education; the need to evaluate the student market; and the large capital investment required to start a law school. I concurred with White, adding specific comments on the more practical aspects of starting a law school.

I was asked to comment particularly on the need for a facility. I suggested that, if the college were serious about establishing a law school, it should construct a facility designed specifically for a law school. I made the point that rarely is it possible to create an efficient law school facility by rehabilitating a building designed originally for other purposes. I also noted that the most difficult task in establishing a law school was to attract qualified faculty and students and that the best way to do so was to demonstrate unequivocally the college's commitment to obtaining approval from the ABA. Building a new facility, rather than renting or renovating an old one, would do exactly that.

Having been asked this sort of question before, both White and I braced for the standard response – "We cannot build a building until we are assured that the law school will be successful." Indeed, some at the meeting began to articulate precisely that sort



of response when Papitto interrupted. He agreed with me. While he knew that financing would present a problem that would have to be overcome, he recognized immediately that a new building would present very strong evidence of the college's commitment to the law school and that this would resonate with all constituencies, including the college community, Rhode Islanders generally and, most important, the bench and bar of Rhode Island and those who might be asked to join the law school as faculty or students.

Later, as we were returning to our respective homes, White and I agreed that the commitment and sentiment expressed at this meeting far surpassed the typical response at such meetings. We further agreed that if the college actually started a law school, it would probably do so in an organized and appropriate manner. The tone of the meeting with Roger Williams seemed to augur well for eminent success.

The next morning Dr. Forbes called to inform me that the Board of Trustees decided to move forward with the more detailed feasibility study recommended by the Weisberger Committee and to ask if I would prepare it. I agreed.

Three committees were established to help me. The first was a Law School Advisory Committee designed not only to assist me in preparing the feasibility study, but also to assist me in dealing with members of the bench and bar whose opinions we all agreed were important to the ultimate decision. The committee, chaired by Justice Weisberger, included leading members of the bench and bar.<sup>4</sup> The other two committees were also designed to assist with the feasibility study and comprised persons associated with Roger Williams. The first, chaired by Dr. Victoria Lederberg, included

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4. In addition to Weisberger, the committee included the Honorable Florence K. Murray, Associate Justice of the Rhode Island Supreme Court; Rhode Island State Senator Richard Allegría; the Honorable Francis J. Boyle, Chief Judge of the United States District Court for the District of Rhode Island; Ferdinand Bruno, a member of the Rhode Island bar; Dr. Patrick T. Conley, a member of the Rhode Island bar; Mrs. Marie D'Amico, a Roger Williams student; The Honorable Albert E. DeRobbio, Chief Judge of the Rhode Island District Court; Alan S. Flink, President of the Rhode Island Bar Association; the Honorable Anthony A. Giannini, Presiding Justice (Ret.) of the Rhode Island Superior Court; the Honorable Thomas F. Kelleher, Associate Justice of the Rhode Island Supreme Court; Ms. Lee Ellen O'Shea, a Roger Williams student; Gary R. St. Peter, a member of the Rhode Island bar; and the Honorable Donald F. Shea, Associate Justice of the Rhode Island Supreme Court.

those members of the Board of Trustees who were lawyers.<sup>5</sup> The second, chaired by Dr. Forbes, included members of the faculty and administration.<sup>6</sup>

I spent from June to November preparing the study. During that period I managed, it seemed, to speak to virtually everyone in Rhode Island who had an opinion on the matter. I consulted with regularly constituted committees of the college, including the Deans Council, the College Planning Council and the College Assembly; and with various leaders of Rhode Island, including the Executive Committee of the Rhode Island Bar Association, members of the Rhode Island Judicial Council and representatives of the Rhode Island Legal Aid Society and Rhode Island Legal Services. Chief Justice Thomas Fay of the Rhode Island Supreme Court, Attorney General James O'Neill and Commissioner of Higher Education Americo Petrocelli also contributed their thoughts to the feasibility study.

What I discovered did not surprise me. Most people with whom I talked warmly embraced the idea of establishing the law school, for reasons ranging from a simple desire to keep children close to home to a more complex desire to use the law school as a vehicle to transform the Rhode Island legal system. One father with whom I spoke told me that his son attended a law school in Connecticut where I had been dean and that following graduation the son decided to remain in Connecticut, a disappointment the father felt he would not have had to face if there were a Rhode Island law school that his son could have attended. Others expressed the hope that a law school with independent faculty would keep the judicial system honest.

Not everyone warmly embraced the idea. Some questioned the need for a law school in light of the proximity of the Boston law schools. Some wondered whether there was truly a need for more

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5. Joseph R. DiStefano, President of Capital Properties; Malcolm M. Donahue, Associate Dean of Suffolk University School of Law; and Michael Silverstein, Managing Partner of Hinckley, Allen, Snyder and Comen were also on this committee.

6. This committee was comprised of Malcolm H. Forbes, Vice President for Academic Affairs; Carol DiPrete, Dean of Academic Services; John P. Pozzi, Director of the College's Center for Legal and Political Studies; Raj Saksena, Dean of the School of Architecture; John Stout, Dean of the Schools of Continuing Education and Social Services; and Thomas E. Wright of the Center for Legal and Political Studies.

lawyers in Rhode Island. Others were concerned that a law school would drain scarce resources from the undergraduate programs. Still others thought the cost prohibitive.

I had experienced a similar range of opinions on the issue of establishing a law school elsewhere in the country, but there was something very unusual about the degree to which Rhode Island opinions were polarized: extreme pessimism underscored the most negative opinions and extreme optimism the most positive opinions. The most negative comments came from those Rhode Islanders who were convinced that somehow the law school would become just another parochial Rhode Island institution, particularly in terms of the composition of the faculty. There was a profound, almost palpable fear that the law school would be established with Rhode Island lawyers and judges hired on a part-time basis simply to churn out lawyers. Having experienced a series of scandals concerning the legal establishment, many of those who expressed negative opinions seemed genuinely frightened that yet another Rhode Island institution would be established to cater to the interests of well-connected Rhode Island lawyers and for that reason fall prey to scandal.

On the other hand, those who were among the most enthusiastic supporters were hoping that the law school would be comprised of faculty who would speak out in ways that would transform the overall parochialism of the state. They were forthright in saying that they echoed the comments made by Alan Dershowitz, the highly regarded Harvard Law professor, who often expressed concerns about the state of the Rhode Island legal system, suggesting that a law school could change the poor state of affairs through comment from independent law faculty. It was hoped that an independent body of lawyers not practicing in the state would speak out when they saw imperfections in the legal system.

Both groups had experienced disillusion with regard to the problems faced by Rhode Islanders. One group wanted to stop the new institution from taking root for fear it would be susceptible to corruption. The other group wanted the new institution to take root to assist in mending the perceived ills of Rhode Island.

In any event, I completed my work by the end of October and presented my findings to the Law School Advisory Board at a meeting held in Providence on November 13, 1991. After testing

the assumptions made and the conclusions drawn in the preliminary feasibility study, I found them to be reasonable and recommended that the law school be established.<sup>7</sup>

After much discussion, the Advisory Board recommended to the Board of Trustees "that a law school be established by the College consistent with the Feasibility Study and the plan submitted by Dean Santoro." The Advisory Board felt that the need for the law school was "clearly demonstrated" by the feasibility study and that Roger Williams College was "uniquely positioned to fill this need in Rhode Island." The next day President Sicuro submitted the feasibility study and the recommendation of the Advisory Board to the Board of Trustees for its review.

On December 3, 1991, the Board of Trustees met to consider the feasibility study and the recommendation of the Advisory Board. The Trustees unanimously approved the establishment of the School of Law. They decided to locate the law school in Bristol, but that a law clinic should be established in Providence to give clinical students better access to the courts and other agencies. Although a Providence site for the main building was carefully considered, the Bristol campus was thought to afford the law school a better environment given its proximity to other campus resources, especially a newly completed library; the availability of affordable housing for law students; the availability of parking; the campus's accessibility for students coming from Newport, the East Bay, Southeastern Massachusetts and Providence; and the enhanced ability to integrate the law program with other campus disciplines.

At that point my job was finished and I returned home to Delaware. Roger Williams, however, was a beehive of activity.

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7. As part of my recommendation, I noted the following: (1) the state's only law school could become a partner with the bench, bar and community in the administration of justice and could rapidly become a major factor in raising the level of practice in Rhode Island because the desire to enhance the legal culture in the state was very strong within the legal profession; (2) many qualified students would be attracted to a law school in Rhode Island; (3) the visibility, diversity and academic standing of the College would be enhanced; (4) the cost in terms of dollars would be high, but a law school would provide a worthwhile benefit to the general public, especially to those members of the public prevented from obtaining a legal education for compelling family and occupational reasons; and (5) Roger Williams College should be the sponsoring agent because of its tradition of seeking ways to better serve the public.

Armed with a mandate from the Board of Trustees, it set about the difficult but critical task of finding a dean to establish the law school and the equally difficult and critical task of obtaining the necessary financing. Consistent with the conclusions drawn by the Board of Trustees, the college was determined to hire an experienced dean with extensive experience as a law school dean, close involvement with the approval process of the American Bar Association and the knowledge to design a facility specifically suited for the needs of a law school.

Dr. Forbes, who acted as liaison to the Executive Committee of the Board of Trustees, which functioned as the search committee, advertised the search for a dean in the *Chronicle of Higher Education* and sent requests for nominations to the dean of every ABA-accredited law school. The search yielded several well-qualified candidates including current and former law school deans with extensive experience in the ABA accreditation process.

However, Papitto proposed me for the position. He felt Roger Williams needed someone with as much experience in establishing law schools as possible and that, having started three other law schools of which two were in New England, I would be good for the job. Papitto thought it especially helpful that I was already familiar with most of the people who would be engaged in helping the law school. Accordingly, he asked me to meet with him in late January. He offered me the job and I enthusiastically accepted.

In the meantime, Papitto began the process of determining the most cost-effective means to finance the establishment of the law school. Various financial projections were prepared. After analyzing the reports, the Board of Trustees, upon the recommendation of the Chairman, approved floating a bond issue for \$43,000,000. We now had the money for the law school.<sup>8</sup>

On May 11, 1992, the college announced that the name of the institution would be changed to Roger Williams University to re-

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8. The bond issue was insured by Connie Lee, a corporation established by the federal government to assist educational institutions with their financing. At the time, the bond was the largest floated by any Rhode Island institution. On June 18, 1992, Roger Williams, with the assistance of Goldman Sachs, Carolan and Co., Fleet Securities and Roosevelt and Cross, closed on the bond issue. Some of the proceeds were used to defease two prior bond issues, saving Roger Williams approximately \$5,500,000 in debt service from 1992 to 2004. Thanks to Papitto's efforts, the savings helped to reduce the overall cost of establishing the law school.

flect the addition of the law school's doctoral level program to the array of programs already offered, and on May 12 ground was broken for the new law school facility. After much debate, the building was located near the main entrance of the university so as to be very visible. In addition to offices and classrooms, the law school would house the law library, a bookstore and a cafeteria, all designed to service the needs of law students in one building.

#### THE FIRST YEAR: 1992 TO 1993

On July 1, 1992, I took up residence at Roger Williams University and, though it lacked students and faculty, the concept of a law school slowly emerged as a reality as I began the task of formalizing its creation and preparing the way to receive faculty and students. My offices were four tiny study rooms on the second floor of the university's recently constructed library. I was joined by a trio of stalwarts who shared my vision for the law school. The first of the trio was Christel L. Ertel, who was appointed Associate Dean for Admissions and Associate Professor of Law. She was ideally suited for the task of recruiting an entering class because she had performed that very task when Widener opened its Harrisburg branch.<sup>9</sup>

Rounding out the trio were Craig Bennett, a 1992 graduate of Widener University, and Deborah Toupin, a temporary secretary. Bennett was a native of Rhode Island who would have attended law school in Rhode Island if one had existed. Instead, he chose to move to another small state to attend Widener University School of Law in Delaware. When he heard that I was moving to Rhode Island to establish a law school, he first chided me for not opening one in time for him to attend and then offered his services as a student recruiter until he received his duty orders from the Army Judge Advocate General. Accordingly, he worked with Ertel from the time he took the bar exam in Rhode Island until January of the following year when he received his orders to report to active duty. Ms. Toupin was a resident of Tiverton who previously

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9. Dean Ertel is a graduate of Penn State and a 1985 graduate of Widener University School of Law. She had previously served as a clerk to the Chief Judge of the Commonwealth Court of Pennsylvania, as an appellate lawyer with the Pennsylvania Department of Transportation and as Director of Admissions for the Harrisburg branch of Widener University School of Law.

worked for the Tiverton School Department. She eventually agreed to come on board full-time as my assistant.

While the establishment of any institution is a very daunting task, the establishment of a law school is especially so given the need to coordinate approvals from state agencies, regional accrediting agencies and the American Bar Association. Ertel and I divided our tasks. She assumed primary responsibility for establishing a functioning office with appropriate record-keeping mechanisms, coordinating the room layout of the building that was then under construction, writing the catalog and other needed materials and developing the plan for the establishment of the career counseling program. I concentrated on personnel, accreditation, curriculum, governance, law school policies and library acquisitions. Together we worked on the myriad other matters associated with starting a law school.

The first issue to be presented was that of incorporation. Should the law school operate under the umbrella of the university's incorporation or should it be separately incorporated? While ordinarily of little matter to a law school or a university, the issue became an important one for Roger Williams University. It related to the fact that the university's faculty members were governed by a union contract that did not then provide for a rank and tenure system and generally contained other rules unsuitable for a law school faculty. I felt that the law school's ability to attract and retain qualified law faculty would be seriously impeded if they were compelled to come under that contract. In fact, the ABA rules specified that law faculty should not be compelled to join a union and should be governed by established rank, promotion and tenure policies. Accordingly, the decision was made to separately incorporate the law school as the Roger Williams University School of Law. The Directors of the School of Law were drawn from the Board of Trustees of the university and included Ralph R. Papitto as Chairman, Victoria Lederberg and Malcolm Donahue. University President Sicuro and I served on the Board as *ex officio* members.

The separate incorporation provided a reasonable solution to a difficult problem. It avoided the need to integrate two faculties into one union with separate tracks or, alternatively, the need to create two faculty unions within one corporate structure. The separate incorporation also had the beneficial affect of preserving

the existing culture of the undergraduate program while enabling the law school to develop its own culture.

Shortly after the decision was made to incorporate the School of Law, it was realized that Roger Williams University is unique among Rhode Island's private colleges and universities. Private colleges and universities that are specially chartered by the Rhode Island state legislature are not under the authority of the Board of Governors for Rhode Island Higher Education. However, Roger Williams was chartered under the general incorporation statute and is consequently under the authority of the Board of Governors. The School of Law, therefore, had to submit a request for permission to offer the Juris Doctor degree before it could be incorporated. The request was reviewed and approved in record time thanks to the cooperation of Americo Petrocelli, the Commissioner of Higher Education, and Richard A. Licht, a former lieutenant governor and the Chairman of the Commission.

Permission to grant the law degree was also critical to the university's institutional accreditation from the New England Association of Schools and Colleges (NEASC). Without the right to grant the law degree, NEASC was powerless to acquiesce in the establishment of the law school as a substantive change in the operation of the university. When permission was granted, NEASC promptly put in motion a plan to inspect the law school after it opened to students.

Having successfully leaped the technical hurdles to starting the law school and continuing to work on policy matters, we were free to tackle the most difficult tasks – assembling the faculty, administration and students who would give life to the vision. I assumed primary responsibility for recruiting faculty and staff, and Ertel assumed primary responsibility for recruiting students.

Very important to the successful launching of the law school and to securing ABA approval was the creation of an administration capable of placing the law school in profile with more established, accredited law schools. It was decided quite early in the process that it was absolutely imperative to hire only experienced persons to fill the positions of associate deans and librarian. Accordingly, I called upon colleagues in legal education with whom I had previously worked or whose accomplishments I was able to observe while conducting site visits for the American Bar Association.



I appointed Gary L. Bahr of the University of Bridgeport (now Quinnipiac University) School of Law as Associate Dean for Academic Affairs. Bahr previously served with me on the faculty of the Marshall-Whyte School of Law at the College of William and Mary. Later, although we parted ways for a time – Bahr going to Capital University School of Law and me to Western New England College School of Law – we came together in 1980 when the University of Bridgeport School of Law was established and Bahr became my associate dean for academic affairs as Bridgeport sought and received its provisional approval from the ABA.<sup>10</sup>

For an Associate Dean for Skills Training, I looked in my own backyard. I asked long-time Widener Law School colleague Bruce I. Kogan to visit Bristol, hoping he would decide to stay. He did, and he agreed to be responsible primarily for establishing the law school's clinics, which were to be operated out of Providence, and any internships or clerkships the school established. Kogan was especially qualified for this position as he started and headed one of the country's few tax clinics and had collaborated with me in the establishment of Widener's Harrisburg branch.<sup>11</sup>

Finally, to fill the critical position of law librarian, I went all the way to the west coast. Just prior to coming to Roger Williams, I had chaired an inspection team for the American Bar Association at Hastings College of Law, which was seeking ABA acquiescence in the establishment of a Master of Law Degree in Taxation. As part of the inspection process, an analysis was made of the school's library operation. As a result of that analysis I was quite impressed with the efforts of Gail Winson, the associate director.

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10. Dean Bahr graduated from the University of South Dakota where he received his bachelor's and law degree and from New York University School of Law where he received his Master of Law degree. He had also served as a Visiting Professor of Law at Toledo and Widener. Regrettably the law school lost a faithful and valued colleague when Dean Bahr died unexpectedly five years ago. He died in Portugal while working to establish a Summer program in Lisbon for the law school he helped found. Thanks to his efforts, the program was approved by the ABA in its first year.

11. Kogan received his undergraduate degree from Syracuse University, his law degree from Dickinson School of Law and his Master of Laws in Taxation from Georgetown University Law Center. He has also been a Visiting Professor of Law at Villanova University School of Law. The law school owes much to Dean Kogan. In addition to helping in the founding of the law school as associate dean, he also has ably served the law school twice as interim dean.

When I cast about for a librarian for Roger Williams, I called Betty Taylor, then law librarian at the University of Florida, who recommended Professor Winson. Remembering Winson from my visit to Hastings, I invited her to visit Bristol to review the plans for the law school.

After reviewing the law school's feasibility study and plans for library facilities and development, Professor Winson decided she could easily substitute the views of Mt. Hope Bay for those of San Francisco Bay and agreed to join the law school as its head librarian.<sup>12</sup>

With the senior administrators locked in place, and with their help, I began the search for faculty. As important as the administration is to the success of a law school, especially one seeking approval from the American Bar Association, the faculty is even more important. Determined to obtain ABA approval at the very first moment possible, the law school, with the full support of the Board of Trustees, was committed to hiring the very best faculty available. Recognizing also the need for the faculty to coalesce quickly to prepare for approval, I was equally committed to hiring only faculty who had experience at ABA-approved law schools. I also believed that two or three of the faculty had to be super-experienced. Accordingly, for my first hires I sought out faculty who had several years of both administrative and teaching experience.

My first two appointments were made almost simultaneously. I invited Professor Richard G. Huber to join the founding faculty as a distinguished professor of law. At the time Professor Huber was on the faculty of Boston College after having served as Dean for approximately 15 years. He was hired to teach in the area of property law. I first met Dean Huber about two decades earlier when I was in the throes of establishing the University of Bridgeport School of Law. Huber had been engaged to assist the Connecticut Board of Higher Education in determining if it was

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12. Professor Winson received her bachelor's degree from Moravian University, her Masters in Library Science from Drexel University and her law degree from the University of Florida. She had held library positions at the Dade County Law Library in Florida, the University of Florida Law Library and the Law Library of Hastings College of Law, where she was the associate director and acting director. She also taught advanced legal research.

appropriate to license the school for the award of degrees. From that point on he became a friend and mentor.<sup>13</sup>

The second person invited to join the faculty was one of my professors at Georgetown – Raymond E. Gallagher. He had experience in establishing both Northeastern University School of Law and the Harrisburg branch of Widener University. This, of course, made him especially valuable to Roger Williams. His teaching areas were contracts, commercial law and remedies.<sup>14</sup>

These two men were extremely important to the establishment of Roger Williams University School of Law because they brought both experience and prestige to the school. Huber had labored hard in the field of accreditation and Gallagher had previously assisted in the establishment of two law schools. They were also expected to help bring a collection of faculty together at the law school's most critical juncture.

The remainder of the founding faculty were younger, but all had attained much success in legal education and, most important, all had experience teaching at ABA-accredited law schools. They included, in addition to Professors Gallagher and Huber, Professors Barbara Bernier,<sup>15</sup> Jonathan Mintz,<sup>16</sup> Linda Mischler,<sup>17</sup> Louise Teitz,<sup>18</sup> Robert Whorf<sup>19</sup> and Michael Yelnosky.<sup>20</sup>

13. A graduate of the United States Naval Academy, Huber received his law degree from the University of Iowa School of Law and his Master of Law degree from Harvard University School of Law. Dean Huber has participated in numerous state and national activities involving legal education. He served as President of the Association of American Law Schools, as a member of the American Bar Association Council of the Section on Legal Education and Admissions to the Bar, as President of the Council on Legal Education Opportunity, as Director of the American Judicature Society and as a member of the Board of Editors of the American Journal of Law and Medicine. He has also taught at Tulane University School of Law, the University of South Carolina School of Law and the University of Iowa School of Law. Prior to entering full-time teaching, Huber served in the United States Navy.

14. In addition to teaching at Georgetown, Professor Gallagher served on the faculties of Northeastern University School of Law, Catholic University School of Law, the University of South Carolina School of Law and, just prior to coming to Roger Williams, Widener University School of Law. He earned his Bachelor of Arts and Juris Doctor degrees from Fordham University. Prior to entering full-time teaching he was an associate with the law firm of White and Case. He has also served as an Associate Dean at Catholic and Northeastern and as Acting Dean at Catholic.

15. Barbara L. Bernier received her Bachelor of Arts from the State University of New York at Plattsburg, her Masters in Social Work from Adelphi University, her Juris Doctor from Howard University School of Law and her

The founding faculty came to the law school with prior full-time teaching experience at ABA-accredited schools. The number of years of full-time teaching ranged from a low of three years to a high of forty-four years. Four gave up tenure at other institutions. The faculty ranged in age from thirty-one to seventy-five. Five were women and one of the women was African-American. Combined, the faculty and administration had teaching experience at approximately twenty-six law schools. Juris Doctor or Masters degrees were earned from sixteen law schools.

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Master of Laws from Temple University School of Law. She came to Roger Williams after teaching at Howard University and the District of Columbia School of Law. She had also taught in the Criminal Justice Department at Temple University for three years.

16. Jonathan Mintz, who taught products liability, evidence and legal research and writing at Chicago-Kent College of Law, joined the faculty to teach Legal Methods. He received a Bachelor of Arts from Indiana University and a Juris Doctor from Cornell University School of Law. He practiced law in San Francisco with McCutchen, Doyle, Brown and Enerson.

17. Linda Fitts Mischler joined the Roger Williams faculty as the Director of the Legal Methods program after having directed the Legal Reasoning, Writing and Research Program at Albany Law School. Prior to entering the teaching profession, Professor Mischler practiced law in Albany, New York. She received a bachelor's degree from William Smith College and a law degree from Albany Law School.

18. Louise Ellen Teitz, a native of Rhode Island, came to Roger Williams after having served on the faculties of the University of Illinois School of Law, Washington and Lee University School of Law and Rutgers-Camden School of Law. She earned a Bachelor of Arts from Yale College and a Juris Doctor from Southern Methodist School of Law. She had also clerked for the Honorable John R. Brown of the United States Court of Appeals for the Fifth Circuit. She practiced with the law firm of Akin, Gump, Strauss, Hauer and Feld prior to entering law teaching.

19. Robert Holloway Whorf decided to join the law school after having served as a staff attorney and lecturer with the Syracuse University College of Law Clinic. After receiving his undergraduate degree from Brown University he went to Syracuse University School of Law where he graduated with a Juris Doctor. His areas of expertise were skills training, evidence and criminal law. Prior to entering the teaching profession he spent thirteen years practicing law with a legal aid society in Syracuse.

20. Michael Yelnosky earned a Bachelor of Science from the University of Vermont and a Juris Doctor from the University of Pennsylvania. Prior to coming to Roger Williams University, he taught at Villanova University School of Law and Chicago-Kent College of Law. He practiced law with Morgan, Lewis and Bockius in Philadelphia and clerked for the Honorable Edmund E. Ludwig of the United States District Court for the Eastern District of Pennsylvania.

The story of the tiny band of faculty that came together to establish the law school would be incomplete without mentioning two faculty who would have joined the law school in the first year if their areas of expertise had been one of the subjects included in the first year curriculum. Instead, they agreed before the school was opened to join the faculty in its second year of operation. The first was Professor Esther F. Clark of Widener University School of Law. A graduate of Temple University and Rutgers-Camden School of Law, she taught criminal procedure and evidence. Oddly enough, despite the fact that Clark and I were close friends – she recruited me for the Widener deanship – I cannot claim credit for having hired her. The credit belongs to the Chairman of the Board of Trustees. While on a visit to Delaware, I was giving Papitto a tour of my law school when we encountered Professor Clark who was just returning from a class in criminal procedure. I asked Clark if she would show Papitto her office as an example of what a typical faculty office was like. Once there, Papitto noticed that she had received several “Teacher of the Year” awards from the Widener students. He offered her a job on the spot and, much to my surprise, she accepted. She originally intended to stay for one year as a visitor, but happily for us she chose to leave Widener and stayed with us for several years until her untimely death two years ago.

The second was Professor Edward J. Eberle, a graduate of Columbia University and Northwestern University School of Law. Prior to coming to Roger Williams, he taught at New England School of Law and Oklahoma University School of Law and had practiced law in Providence. Again, I cannot claim credit for hiring him. The honor this time goes to Professor Huber and to an old friend, Professor Victor Rosenblum, former president of Reed College and Professor of Law at Northwestern. Both independently recommended Eberle to me and I had the good sense to listen.

In the meantime, Ertel, Bennett and I traveled the country meeting with pre-law advisors and prospective students. We prepared over 4000 posters announcing the establishment of the law school and distributed them to colleges and universities throughout the country and to other sources of applicants. Under Ertel’s supervision, 14,000 comprehensive catalogues were also prepared and distributed across the country.

As the Dean of Admissions of a brand new law school, Ertel faced a tremendous problem, which she overcame by personally visiting approximately 100 colleges and universities, many more than once. The problem was that an unaccredited law school is denied access to the traditional recruiting programs such as the recruiting forums held by the Law School Admissions Council. These forums are held in major cities across the country from Boston to Los Angeles and have for many years provided an opportunity for law schools to tell their stories to thousands of prospective students. Also, many colleges will not allow unaccredited law schools the opportunity to attend career fairs or to generally recruit on their campuses.

Despite the need to overcome many obstacles, the recruiting effort also provided some light moments. I especially remember the day I was being interviewed on the Arlene Violet Show and Frank Romeo called in to talk to me. A resident of Connecticut, Romeo was visiting some friends in Rhode Island when he heard me on the radio talking about the law school. Intrigued about the possibility of going to law school, he called in to quiz me on the likelihood that ABA approval would be obtained in due course. Despite my assurances that the law school was being started in an appropriate manner and that we would endeavor to get the approval on our first try, he remained unconvinced. Accordingly, I invited him to visit me on campus where I went over our plans. I even took him for a stroll to the site of the law school building which at the time was simply a hole in the ground. Although still skeptical, Romeo decided he would attend the law school. He later told me that he could not believe that I actually took him to see a hole in the ground, but because I described the building with much enthusiasm he knew we would not fail. As it turned out, he was admitted and became the school's first president of the Student Bar Association.

Indeed, not only did Mr. Romeo decide to join the fledgling law school, but so too did 184 other applicants. Given the law school's status as unaccredited and its inability to guarantee that its graduates would be able to sit for a bar exam if they successfully completed the program, the strength and diversity of the inaugural class was highly welcome and better than expected. Much credit goes to the farsightedness of the Board of Trustees and its Chairman, who funded the school properly and who realized the

practical consequences of constructing a building designed specifically for a law school. Much credit goes to the quality of the faculty hired. Students could have attended other law schools, but they came together at Roger Williams to join the arduous journey to ABA approval. They did so because the Trustees and other leaders at Roger Williams University understood the commitment they were making when they established the school. Nevertheless, the students demonstrated great courage and strong determination in coming.<sup>21</sup>

Of course, not everything went smoothly on opening day. Try as we all did, there was simply one obstacle that we could not overcome. We could not get the building finished in time for the start of classes. As orientation came along, the building still had not been completed. Bare wires peeped from holes in the walls, sidewalks remained unpaved and classroom seats were still being installed. Fortunately, the undergraduate side of the university was not scheduled to start classes for a few weeks, enabling us to utilize undergraduate classrooms until the law school building was completed. Eventually, students and faculty moved in to a state of the art building and our first year was underway.

By that time, however, a change had been made that would profoundly affect my involvement with the fledgling law school. I was appointed President of Roger Williams University and Roger Williams University School of Law, creating a vacancy in the position of dean. Fortunately for all, I was once again able to call upon a colleague who had for several years been involved in the accredi-

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21. The law school received 636 applications from across the country, 25% more than predicted in the feasibility study. Of this number, slightly more than half were deemed worthy of admission. The entering class numbered 185 students, of whom 111 were enrolled in the full-time division and 74 in the part-time division. This represented approximately 109% of the original projections. While the number of full-time students was pretty much as expected, 111 matriculated versus 109 projected, enrollment in the part-time division exceeded expectations, 74 enrolled versus 60 projected. The entering class was approximately 65% male and 35% female. Minorities accounted for 6% of the total. In the full-time division, 65 colleges and universities were represented and approximately 40% of the students came from Rhode Island. The remaining students came from 11 states, with Massachusetts, New Jersey and Pennsylvania accounting for most. In the part-time division, 33 colleges and universities were represented and virtually all came from Rhode Island. The median undergraduate grade point average was approximately 3.00. The Law School Admissions Test median was approximately 150.

tation of law schools – Dean John E. Ryan. At the time Dean Ryan was Executive Vice President of the University of the Pacific in Stockton, California, but had previously served as Associate Dean and Acting Dean of McGeorge School of Law in Sacramento, which was affiliated with the University of the Pacific.

Dean Ryan received his law degree from the McGeorge School of Law and Master of Laws degree from the University of Illinois. He had been very active with the ABA Section on Legal Education and Admission to the Bar, having served on several committees of the section and as a site evaluator. He had been a member of the Accreditation Committee from 1981 until he resigned to come to Roger Williams in 1993. He had served as chair of that committee on two occasions, 1986-88 and 1992-93. Indeed, he interrupted his second two-year term to come to Roger Williams. He was also a charter member of the Board of Directors of Law Access, a private non-profit corporation that provides loan sources for law students.

A more perfect candidate for the law school could not have been found. While I had been involved in the start-up of many law schools as a professor, dean or consultant, Ryan had been involved extensively in the ABA accreditation and evaluation process. He could be expected to lead the School of Law to accreditation in due course.

When I asked Ryan to assume the deanship he asked me one question – Does it snow in Bristol? I answered, “No, the warmth of the surrounding waters tends to keep the snow away from the coast.” Whereupon he agreed to come. He assumed the deanship over the Labor Day weekend, less than a week after I called him. Thus, my year ended and the Ryan years began, accompanied by ninety-nine inches of snow that winter.



