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Recommended Citation

Jack M. Beermann, William Ryckman & Daniel Freehling, *In Appreciation: Ronald A. Cass - Dean, Boston University School of Law 1990-2004*, in 85 *Boston University Law Review* 663 (2005).

Available at: https://scholarship.law.bu.edu/faculty_scholarship/1865

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IN APPRECIATION

RONALD A. CASS

DEAN, BOSTON UNIVERSITY SCHOOL OF LAW
1990-2004

WILLIAM E. RYCKMAN*

When I came to Boston University as an associate professor in the fall of 1962, the School of Law was a regional school drawing students primarily from Maine, Vermont, New Hampshire, Rhode Island and Massachusetts. We had a full-time faculty of seventeen. Today we are a national Law School with more than fifty full-time faculty and draw students from all over the country and around the world. In the forty-three years I have taught at the Law School, I have served under six regularly appointed Deans and three interim Deans. All of them were able Deans and each furthered the transformation of the Law School from a New England institution to a national institution. But none of them oversaw or was as responsible for the current prominence of the Law School as was Dean Cass.

No law school can become great without a faculty of great teachers and scholars. Although I am obviously partisan, I believe that any objective observer would judge that to be a fair description of our faculty and no one has been more responsible for that than Dean Cass. He successfully retained the good teachers who were here when he became Dean and added more than twenty outstanding teachers and scholars during his tenure. He personally recruited many of them and, from personal experience, I know that his powers of persuasion were often the critical factor in getting these fine teachers to choose Boston University over counteroffers from other good schools. And, of course, he could not have achieved that if he had not been able to persuade the central administration of the University to be financially competitive in the national market for law scholars.

With occasional exceptions, teachers who come here stay here. That is in no

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small measure attributable to the high level of collegiality and mutual respect we at the Law School have for each other. Dean Cass deserves great credit for that happy fact. The academic policies of the Law School are the product of a deliberative process which Dean Cass respected and nurtured. Although the members of our faculty have diverse ideologies, when a potentially divisive issue had to be resolved, a consensus was usually achieved after rigorous debate and without the rancorous wrangling that is lamentably a common feature of modern academia. Again, Dean Cass's skillful and cheerful leadership made that possible. It is most remarkable that in addition to his exhausting administrative and fund-raising duties, Dean Cass remained, throughout his tenure as Dean, a prominent and productive scholar in his field. Few law school deans in the country have achieved this feat, and this extra dimension gave Dean Cass added credibility in his judgment about the quality of scholarship in the hiring and tenure process.

Finally, Dean Cass contributed to the Law School an asset which is the necessary compliment to the great faculty he has assembled – a great student body that is dramatically downsized from the ones that he inherited when he became dean. I have taught one of five sections of Property to an entering class of over five hundred and for many years a class of four hundred was the norm. The negative implications of such a large class size in terms of the overall quality of the student body and the quality of life in a building not designed to house so many are obvious. Dean Cass was not the only one who understood how imperative it was that we downsize our student body, but he was the force majeure that made it happen by persuading the central administration that the future of the law school demanded the financial sacrifices that would inevitably result. Our entering classes now are under three hundred. Not only are these students better academically qualified than before, they also have more esprit de corps because Dean Cass also made a commitment to improving the quality of student life, and he persuaded the faculty and staff to enthusiastically share that commitment. The result is that we train great lawyers who love their alma mater. That is Dean Cass's legacy.

JACK M. BEERMANN*

They say that first impressions are important, and Ron Cass was an important element of my first impression of Boston University School of Law.

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In December, 1983, fresh out of University of Chicago Law School and clerking for a federal judge, I attended the annual law school job fair, held at a hotel near O'Hare airport in Chicago. My appointment with Boston University was early on the first day, and the B.U. delegation consisted of Professors Ira (Chip) Lupu and Ron Cass, who was a relatively new member of the B.U. faculty. I was impressed immediately by the enthusiasm they exuded for the scholarly and teaching missions of the law school, and by the vision they charted for its future. I thought that even in that short half hour meeting I had established the basis for a long relationship with B.U., and that impression was confirmed when Ron chased me down at the elevator and invited me to lunch with Chip and him later that day. In my naïve confidence, I immediately began canceling interviews with schools I considered less desirable than B.U. Little did I know that for more than twenty years, I would observe and even participate in Ron Cass's efforts to realize the agenda he charted ever so briefly on that cold December morning in Chicago.

First as workshops chair and appointments chair, and then as Dean for nearly fifteen years, Ron pursued the dream of establishing B.U. as a law school second to none. Ron's vision included several elements. He wanted to continue to build the faculty so that B.U. could boast without exaggeration that it had the best teaching faculty among all law schools in the nation. He also worked to attract new faculty and create an environment that would firmly place B.U. among the premier schools in faculty scholarship. This included increasing material and spiritual support for scholarship, and working aggressively to recruit established faculty away from other top law schools.

Ron also wanted to create the best possible experience for our students. We had grown by leaps and bounds through the 1980s, and while this growth reflected (and supported) the progress B.U. law had made in terms of the quality of the educational experience our students enjoyed and the professional opportunities available to them upon graduation, it was not without costs. The building and the library were overcrowded and under physical strain, the faculty was sometimes overwhelmed, the student support bureaucracy had become somewhat impersonal, and there was always the danger each year that we would not be able to fill all of our seats with the quality of students we envisioned for the school.

Ron Cass's deanship, judged absolutely and against his goals, was a remarkable success. Before he became Dean, as workshops chair, he made our faculty workshop one of the best in the nation. As Dean, his continued support of the workshop and other aspects of faculty scholarly activity firmly established the centrality of the scholarly mission of the law school. The continuing legacy of this is realized each year in the scores of books and articles produced by the faculty. Recruiting of senior and junior faculty was also a great success. We hired (and retained) outstanding established scholars and teachers from law schools across the country, and we beat out other top schools for some of the finest junior faculty hires. Some people (myself included, especially when I was Associate Dean and needed to fill the

curriculum) complained that under Ron's leadership we were too picky and could have done even more hiring. Ron's view was that a year of no hiring was at least a partial success because we hadn't made any mistaken hires. If you look at the success of the faculty members we hired during Ron's deanship, it's hard to argue with that philosophy.

The recruitment and retention of top scholarly faculty was due to the execution of Ron's plans to support the faculty. He did this materially through increased salary and support for research activities. He raised funds to create numerous faculty scholar positions that provide extra support for research and travel. For me, this support was vital. It allowed me to travel to meetings of an ABA section that helped me get my scholarly footing in administrative law. Further, Ron led by example, remaining, while Dean, one of our most productive and successful scholars, publishing more than 30 books and articles during his deanship. His books include one of the leading casebooks on administrative law (on which I am a grateful co-author) and a major work on *The Rule of Law in America*. Ron also somehow always had the time to provide guidance and mentoring to young (and not so young) faculty members. Ron showed me how to do the work needed to revise the casebook we edited together, and his discussions of and comments on my draft articles have always been vitally important to bringing them up to the scholarly standards expected at B.U.

Ron also supported the teaching mission of the law school in many ways. Not every law school places as much of a value on teaching as B.U. does. In Ron's view, top quality teaching was vital to accomplishing the goals of the law school as a professional school in a university setting, and also to maintaining the success, satisfaction and loyalty of our students. Ron enhanced the teaching at the law school by making teaching important in the appointments process, the merit review process, the tenure process, and the formulation of the curriculum each year. When I was Associate Dean, Ron made it clear to me that he wanted only our most successful teachers to be assigned to required courses, especially in the first year, and he supported me when I adjusted teaching assignments in light of teaching success. He also rewarded successful teaching and encouraged faculty members who were having difficulty in the classroom to work on their teaching skills, which several have done with great results.

Perhaps the most difficult task Ron took on as Dean was improving the overall student experience at the school. Enhancing the scholarly and teaching environments was a start, but more work was needed. Ron recognized early on that we needed major expansion and improvements to the facilities. He did not realize his goal of a new building, but extensive renovations to classrooms, lounges, and elevators in the existing building were major improvements. Ron also made the university administration understand the importance of a new building to maintaining the quality of the school. Through a series of retreats, breakfasts, and "town meetings" soliciting the views of current and graduating students, Ron gained the information necessary to make the law school work

for the hundreds of new students we welcome each year, and he insisted that the administration and staff carry out the needed reforms. By reducing the class size, Ron relieved pressure on the building and the support staff while increasing the requirements for admission to unprecedented levels. He further enriched student life by establishing and supporting an LLM program that attracts lawyers from across the globe to B.U. for a year of study along with the JD students. Ron led us through admissions reforms that have resulted in much higher minority representation in our student body. And by securing major increases in financial aid, Ron made it possible for students of modest financial means to attend the law school despite the substantial increases in tuition in recent decades.

One of Ron's greatest achievements has been building a sense of community among the various constituencies at the School of Law. Students, faculty, staff and alumni are united in the vision of B.U. School of Law as an outstanding educational institution, deserving of their loyalty. He worked tirelessly to maintain our alumni as members of the B.U. community, and his establishment of the Board of Visitors as an advisory committee and alumni liaison has been a wonderful success. As a faculty member, I place a great value on maintaining relations with my graduated students, and Ron's work greatly facilitated that element of the life of the school.

For nearly fifteen years Ron Cass built on the foundation laid by his predecessors, and left Boston University School of Law a truly great institution on a trajectory toward even greater achievements in both the near-term and the long-term. We will continue to build on Ron's achievements in the years to come, and we are indebted to him for all he did for us. As a personal matter, I miss him and will always value the professional and personal friendship we have enjoyed. I will be forever in debt to him for his guidance and help in realizing my goals here at B.U. I wish him every success in his future endeavors and know that he will be able to achieve whatever he sets his mind to.

DAN J. FREEHLING*

In order to understand the many contributions of Ron Cass, it is helpful to step back several years before he assumed the deanship in 1990 and take a look at what the law school was like at that time. My first experience with the

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Boston University School of Law came in the early 1980s when I was employed by the Cornell Law School. During those years Cornell siphoned off a number of B.U.'s faculty, including established teachers and scholars as well as young faculty with great promise. In fact, one of the young professors Cornell lured away from B.U. later went on to become Dean of the Cornell Law School and President of Grinnell College. This poaching of faculty was great for Cornell, not so for B.U.

I arrived at B.U. in the mid-1980s and found a law school with some first-rate scholars and many excellent teachers . . . as well as over 1200 J.D. students packed in the law tower. Rightly or wrongly, there was a perception among some law school constituents that the University was treating the law school as a revenue source by retaining significant amounts of law school generated tuition. Nevertheless, the law school was clearly moving toward being a scholarly force but it had not yet fully arrived. In the late 1980s, just when it seemed the school might move to the next level in its development, the school entered a period of significant turnover in the deanship. Dean William Schwartz resigned as Dean in 1988 and Colin Diver assumed the deanship but only for a year before leaving to become Dean of the University of Pennsylvania Law School. Fortunately, Joe Brodley ably stepped in as Dean *ad interim* when Colin left. This constant churning of the leadership made it very difficult for the school to gain any momentum and begin to tap its vast potential. Consistency in leadership was sorely needed if the school was going to reach the heights of which it was capable.

In 1990 Ron Cass assumed the deanship following an appointment as Vice-Chair of the International Trade Commission during the Reagan administration. At the time of Ron's arrival, the law school was literally bursting at the seams, with well over 400 students in each class housed in a facility that lacked both the space and the personnel infrastructure to accommodate this number of students appropriately. Many students were not happy and, not surprisingly, this was reflected when they graduated and became alumni. The school had a reputation of having one of the most cut-throat student bodies in the country. The crowded facility and the overall quality of student life were clearly affecting the school's ability to attract the best students, to place them in the best jobs, and to gain their support as alumni.

It was not long before Ron, in concert with the University's leadership, began initiatives which would transform the law school and achieve some of the aspirations we all had for the school. One of the first initiatives was to hire "senior laterals" or experienced scholars and teachers from other law schools, including some schools with stronger reputations than B.U.'s. This was a complete turnaround from what the law school had experienced in the early 1980s with Cornell. These new hires were noted on the national scene almost immediately, and these actions showed quite clearly that B.U. was a player and could take the field with anyone. At the same time B.U. went head-to-head with some of the top schools in the country and attracted some excellent young

teachers and scholars. One of these excellent new faculty, Maureen O'Rourke, went on to receive a Metcalf award for excellence in teaching and become Dean *ad interim* of the law school.

While there were many successes with faculty hiring, something still had to be done to improve the quality of life for students. Ron took two approaches to this. First, he made it clear that we had to develop a culture of "students first." It wasn't that the faculty and staff were somehow treating students badly; we just needed to do more for the students and do what we were already doing better. If a student needed help or had a question it was to be dealt with promptly and handled in house whenever possible. Ron's biggest legacy, however, was convincing the University to allow the law school to reduce the size of the entering J.D. class over a period of years. Ultimately, the entering class size dropped from numbers consistently north of 400 to the 270 it is today. This change has affected virtually every aspect of the school's operation. The quality of the student body has improved markedly as the "bottom quarter" was simply lopped off. This means fewer and better students in class, and fewer and better students to place. This change also allows for much better service to students, beginning the day they are admitted to the law school.

Hiring nationally known faculty from other institutions and reducing class size were not the only major initiatives that were realized during Ron's deanship. Again, working with the University, further efforts were made to improve the quality of the student body (as well as lessen law student debt at graduation) by markedly increasing our student aid budget. Today, the School of Law's scholarship budget is one of the largest among U.S. law schools and is nearly double the national average. Related to this increase in scholarship aid was the creation of "Dean's Scholars," which are full scholarships offered to students who would otherwise attend schools viewed as being higher up the ladder than B.U. Recruiting Dean's Scholars has enabled the school to attract more students with some of the highest predictors of law school success (LSAT scores and undergraduate grade point averages) from the 90,000-100,000 students who apply to law school each year.

Ron was also responsible for the creation of new academic programs in the school, and for reshaping some existing ones. These new programs appeal not only to the students applying to law school but also to current students selecting courses and to potential employers looking for students with special skills and knowledge. Ron proposed the creation of academic concentrations, which allow students to study areas of the law in depth while still meeting the overall goal of getting an excellent, broad-based legal education. In addition, during Ron's tenure, the School of Law developed study abroad programs that allow students to better understand the globalization of law practice and the legal systems used in other countries. Today, the law school offers nine study abroad programs at major universities around the world including Oxford, Tel Aviv University, Université Panthéon-Assas (Paris), University of Florence, and the University of Hong Kong. Our law students also receive increased

exposure to international legal systems through a new LL.M. program, the LL.M. in American Law. Instead of J.D. students traveling abroad, this program brings foreign law graduates to our law school to take the same classes as J.D. students. While B.U. was one of the early adopters of an LL.M. degree with this sort of emphasis, it has since been emulated by numerous law schools around the country.

In any given year several dozen deanships at law schools accredited by the American Bar Association are either open or filled on an interim basis. There are many reasons for this but the biggest reason, quite simply, is that the job of law school dean is not an easy one. The deanship brings with it many frustrations and difficult times, and Ron certainly experienced his share of these. Ron's dream for a new law school building never reached fruition, and this had to be among the most disappointing and frustrating aspects of his deanship. Given the inherent difficulties of the job, the fact that Ron served for fourteen years is, in itself, remarkable. The fact that he accomplished so much during this period in reshaping the law school and helping it reach its full potential is even more remarkable. I served as an associate dean under Ron's leadership for many years. During this time he afforded me opportunities that I never thought I would have and for this, and many other things, I'll always be immensely grateful and indebted.