

UFLC 50

Interviewee: W. Scott Van Alstyne, Jr.

Interviewer: Rebecca Hoover

Date: March 1, 1990

W. Scott Van Alstyne, Jr., has been a member of the College of Law faculty since 1972. He has been designated Phi Beta Kappa and Order of the Coif. He is the treasurer of the University of Florida Law Center Association and has been selected three times as teacher of the year by the College of Law students. Van Alstyne is president of the Wisconsin Bar Association non-resident division and is listed in *Who's Who in America*. He is a co-author of *Goals and Missions of Law Schools*.

Van Alstyne was born September 21, 1922, in Syracuse, New York. His father was an engineer and a lawyer. Their family owned substantial real estate in upstate New York. His interest in history and law led him to legal history. He was executive editor of the *Wisconsin Law Review* during his senior year at the University of Wisconsin law school. He earned an S.J.D. from UW in 1954 and entered the corporate law firm of Shea & Hoyt in Milwaukee. After two years of teaching law at the University of Nebraska (1956-1958), he returned to Wisconsin, where he entered a commercial practice in Madison and was an adjunct faculty at UW. He also served as a special counsel to Governor Warren P. Knowles on the Commission on Education. Their task was to study the K-12 public school system and make recommendations.

Van Alstyne came to the University of Florida College of Law in 1972. He recounts his impressions of Gainesville and the college. He recalls his surprise at seeing law students involved in campus activities. Since he fought in the Pacific theater in World War II, Van Alstyne feels he is able to relate to students who are veterans. He notes that in general the women students work harder than the men students.

Van Alstyne summarizes the strengths of the deans of the law school during his tenure. Joseph Julin built a strong student body; increased the budget for faculty, facilities, and the library; raised academic standards; recruited strong faculty; and established the Center for Governmental Responsibility and the tax degree program. Frank Read built on this strong foundation, building Bruton-Geer Hall, endowing chairs, and expanding international programs. (Van Alstyne is a faculty member of the University of Leiden in the Netherlands.) Jeffrey Lewis works hard on affirmative action. In *Goals and Missions* Van Alstyne wrote that law schools should concentrate on providing a well-balanced curriculum that meets the needs of today's society, not on cloning Harvard. He feels that pre-law study should reflect a renaissance education, not a specialized one. He is especially interested in education and is active in continuing legal education (CLE) projects. Van Alstyne is currently preparing a book on international legal transaction.

H: This is Rebecca Hoover, associate editor in the College of Law Publications Office. I am interviewing Professor W. Scott Van Alstyne, Jr., for the University of Florida College of Law Oral History Project. Professor Van Alstyne has been

with the College of Law since 1973. Today's date is March 1, 1990. We are in Professor Van Alstyne's office on the third floor of Holland Hall. Professor Van Alstyne, please state your full name and your date of birth and place of birth.

V: My full name is Walter Scott Van Alstyne, Jr.; however, I have never used the Walter. I have always used the W. Scott as my normal signature. I might add that my last name is Holland-Dutch and is two distinct words with a space between the Van and the Alstyne. I was born on the 21st of September, 1922, in Syracuse, New York.

H: Professor Van Alstyne, can you tell me about your family, the size of your family, your parent's names, their occupations?

V: I am presently married to the former Marion Walker, by whom I have had no children. Prior to that marriage I was married to Margaret Reed Hudson, and we had two children, a daughter and a son, both of whom, obviously, are now adults. My daughter now is on the medical faculty as an M.D. at the Harvard Medical School, and my son operates a commercial agricultural operation in Wisconsin.

H: And your parents?

V: My father's name, obviously, was the same as mine. He was a descendent of colonial Dutch ancestors in the New Netherland period, as was my mother. My mother's name was Cecil, and while her maiden name was Folmsbee she actually was a descendent of the DeWitt family, another early colonial Dutch family. My father was both an engineer and a lawyer; however, he never practiced. He was born in 1895 and died in 1979. My mother was born in 1896 and died in 1989.

H: Was your mother a housekeeper and homemaker?

V: My mother, throughout her life, was in effect a housewife.

H: How about siblings – brothers, sisters?

V: I have one sister who is four years older than I am. Her name is Helen, and she married an individual named R. Courtney Owens. Her husband is retired. My sister is seventy-one years old at this time. They live in a small town in central New York state.

H: You mentioned that your father was a lawyer but that he never practiced.

V: That is correct.

H: And also an engineer. Was there a lot of emphasis on education in your family?

V: It was expected that I would pursue higher education, yes.

H: Can you describe your upbringing a little bit?

V: My father owned considerable real estate at one time. I was reared really in what amounts to, I guess, a country squire atmosphere in upstate New York.

H: In Syracuse?

V: Well, in the country in central New York, yes, where my father owned fairly substantial real estate. It was a touch before the automobile. I can remember, for instance, when electricity was first brought into that area. People still used horses extensively. So my own roots are, shall we say, influenced to some measure by the realities of an earlier era and lifestyle in America.

H: When did you become interested in the law?

V: Actually, I started out to be a historian. It was while pursuing a doctor's degree at the University of Wisconsin in history that I became interested in legal history. That led to matriculation at the law school, and I wound up with a law degree. Then I went back and finished a doctor's degree within the law school, but it really was in legal history.

H: I see. I was going to go right into education after that. You received your bachelor's from the University of Buffalo in 1948. What was your major there?

V: I majored in history. I completed my bachelor's degree at the University of Buffalo in 1948 where I was elected to Phi Beta Kappa. I pursued my history studies at the University of Wisconsin which had, and still has, a nationally recognized history program, particularly at the graduate level. I received a master's of arts degree from the University of Wisconsin in history in 1950 and was, as I mentioned earlier, pursuing a Ph.D.

Wisconsin at that time required doctoral candidates to take a semester in an allied but related discipline. Since I was in social and intellectual history and was somewhat interested in the legal system, I took a course in the law school. After I discovered I enjoyed it and I did rather well, I frankly abandoned the Ph.D. program and pursued a law degree. I was granted a bachelor of laws degree, now known as a J.D., in January 1953. Since I had already completed part of the requirements for a Ph.D., I then completed a doctor of juridical science degree at the University of Wisconsin. I was granted that degree in 1954. It was basically related to a thesis in legal history.

H: You were a very accomplished student. Not only were you inducted into Phi Beta Kappa but you were also elected –

V: Oh, yes, I was elected to Order of the Coif, which is an honorary society among law schools of stature.

H: As a student you were elected?

V: Yes, as a student I was elected to the Order of Coif. It is roughly the equivalent of Phi Beta Kappa. Also, at the end of my first year in law school I was invited to participate on the *Wisconsin Law Review* and ultimately became the executive editor during my senior year in law school.

H: How would you describe yourself as a student? What kind of student were you?

V: Hard working.

H: Did you put in a lot of hours?

V: Yes, as you can see from the dates of my degrees, 1948, 1950, 1953 and 1954. I had been in World War II, and I was probably typical of all veterans who returned to complete higher education following the war: we were all highly motivated. There was no undergraduate notion of fraternities or spending all your time drinking beer. We went to work. We had been in a war.

H: I wanted to ask you about that. Where did you serve in the army?

H: I was in the army of the United States, and I served in the Pacific theater for approximately two and a half years and participated in several campaigns. Ultimately, after the war, I continued to participate in the reserve and National Guard. I was retired, as I remember, in 1977, as a colonel of infantry.

H: What was your rank during World War II?

V: I started as a private and then received a direct commission as an officer.

H: Now, about the Order of the Coif, being elected as a student member is quite an achievement, is it not? There is a difference between that and being inducted following graduation.

V: That is true. Phi Beta Kappa, likewise, has honorary memberships which they grant to college graduates who have distinguished themselves in one way or another following their graduation from college. This is also true of Coif. They have honorary initiates and even a class of members called faculty members.

But in both organizations, arguably the more significant election is that of being elected on the basis of performance while a student.

H: What were your intentions? You knew you wanted to pursue these degrees, but what were your plans after you finished?

V: Well, frankly, they were somewhat indeterminate. I was obviously somewhat of a professional student. I enjoyed school and I worked at it. On the other hand, I saw that there were economic opportunities in law practice. So upon receiving my doctor's degree (S.J.D.) from the University of Wisconsin [Madison, Wisconsin] in 1954, I entered law practice in Milwaukee.

H: Right. That was your first job with Shea and Hoyt.

V: That is correct.

H: Can you tell me what type of firm that was?

V: It was a corporate firm. They did not engage in trial litigation. They were, shall we say, money lawyers. They represented commercial interests.

H: That is the area you practiced in?

V: Yes.

H: Then you went on to teach at the University of Nebraska [Lincoln, Nebraska] for two years, from 1956 to 1958.

V: Yes, I was an assistant professor at the College of Law of the University of Nebraska at Lincoln from 1956 to 1958, two academic years.

H: Why did you decide to teach?

V: Well, much to my surprise, my former teachers at the University of Wisconsin seemed to have some notion that I should be an academic. They began to circulate my name on an informal basis among various law schools, particularly in the Midwest. So I accepted an appointment finally at the University of Nebraska and stayed there for two years, whereupon the University of Wisconsin had asked me back permanently on its faculty. I went back as a visiting assistant professor and taught one summer. Again, however, the economic opportunities in law practice were such that they were greater than those of being an academic.

So what I did was I re-entered law practice in Madison in 1958 and continued to practice there until 1972. However, at the same time I performed in

the role of an adjunct professor at the University of Wisconsin Law School and lectured there during that same period.

H: What type of firm did you have?

V: I practiced in the commercial law area involving real estate and corporations, primarily.

H: Was it a solo practice?

V: At first. Later I associated myself and a few others. At the time I came to Florida I had a firm, Van Alstyne, Bakken & Feiferek, which ultimately was merged into a large law firm from Milwaukee that wanted to open a Madison office. That merger took place at the time I came to Florida in January 1973.

H: While you were practicing, you also did some other things besides teaching as a lecturer at Wisconsin. You also served as special counsel to the governor of Wisconsin. Who was the governor at that time?

V: Warren P. Knowles. I had the educational experience of being appointed special counsel involving some rather major appellate litigation in the state of Wisconsin. This came about because, in some instances, the attorney general, due to a series of complicated legal factors, was unable to represent the state in his normal role. In effect, I really acted as sort of a solicitor general, if I may analogize. The state has no permanent solicitor general, as does the federal government, but in that role I actually was, shall we say, sort of an off-and-on solicitor general on serious matters that were argued originally in the Wisconsin Supreme Court.

H: Okay. You also served on the governor's Commission on Education.

V: Yes, the governor appointed me because of my obvious academic background and interest in the University of Wisconsin Law School. The Commission on Education was a study group, not a permanent group. This commission existed for approximately three and a half years, during which we studied the entire educational structure of the state, K-12 and higher education. Then at the end of that commission's mission we submitted a report to the legislature on the status of education and what we thought the goals of the state should be, including difficulties with funding.

H: Why did you take on these responsibilities?

V: I think because I was foolish. I found myself engaged in long, long hours of public service. My own practice, being involved at the university and in the role

sporadically as special counsel to the governor, [suffered somewhat]. A workaholic, perhaps.

H: In 1972 you came to the University of Florida College of Law as a visiting professor. Can you tell me how that invitation came about?

V: Well, I had reached a point [for change]. I had passed my fiftieth birthday, and, frankly, I had achieved enough interesting things that I looked ahead at my future and thought, it seems to me that with ten or fifteen years of professionally productive life left perhaps I should go back to teaching. At that time I was also becoming sensitive to the extreme winters in Wisconsin and obviously thought of the Sunbelt.

So I contacted the then-dean of the University of Wisconsin, Spencer Kimball, and queried him as to what law schools were in Florida, since I was unfamiliar with the law schools in this area. He indicated that the University of Florida College of Law was the most substantial law school in this state. In fact, he knew the then-new-dean, Joseph R. Julin [1971-1980]. They had been colleagues at the University of Michigan law school. He contacted Julin, and it happened, by coincidence, that a member of the Florida faculty [had just] died prematurely of a heart attack. It was in midstream, so to speak, so the Florida law school needed someone on rather short notice. It was in the middle of the hiring season.

H: Who had passed away?

V: I am trying to remember who it was. Was it Kenneth Black? I cannot recall the name of the specific individual. I may have that wrong. I cannot remember whether it was Black or someone else. In any event, it was a senior member of this faculty who died prematurely, and it was not in the appropriate time of the hiring season to engage someone for the following year. Dean Julin urged me to come here in September 1972. That was impossible when he called me in April of 1972. I did agree, however, to see if I could make it as of December or January. It turned out, with the assent of my associates in practice, that I was able to arrange that.

I came here actually as a visiting associate professor. After being exposed to this academic environment and the personalities here, I decided that this law school was an interesting challenge. It was in a state of development, and I figured this might be a very satisfying place to be for the next ten or fifteen years. The faculty extended an invitation to me as a full professor, and I accepted that invitation. I retired from active practice in the state of Wisconsin and moved to Gainesville, Florida.

H: How did you get here? Did you fly?

V: No, I drove. Well, actually, after making the arrangement to come in June, what I did was fly down here for an exploratory trip to see what I was getting into. Dean Julin entertained me at dinner. I met various members of the faculty, toured the law school and the University, and explored the city of Gainesville over a three- or four-day stay. Then I flew back to Wisconsin. When I came here at the end of December in 1972, I merely drove a station wagon down here with some clothing. I rented a furnished apartment until I saw what was going to develop. After I received a permanent appointment, I ultimately built a house here in Gainesville. That is the whole story.

H: How old were your children then?

V: My children were teenagers, and both were away at boarding school in New England. No, my daughter was already a student at Oberlin College [Oberlin, Ohio], and my son was at the boarding school that my daughter had also attended, Concord Academy in Concord, Massachusetts. They never lived here in effect, because they graduated and ultimately went on to their own [careers]. My daughter became an M.D. So neither of them have ever lived in Gainesville.

H: What were your impressions of Gainesville?

V: My impression was of a major state university in a rural environment. Gainesville was then, and to some measure largely still is, the county seat of basically an agricultural region with forestry and agriculture and whatnot. Thus there was no industrial aspect to the community at all. In some measure that can be a blessing. Many universities, of course, are located in metropolitan areas or in an industrial area, which makes the lifestyle, to me at least, less attractive.

H: What were your impressions of the College of Law? You mentioned it was in a state of development.

V: My impression was that of a law school which was, under Dean Julin's aegis, obviously about to undergo – and was undergoing – a tremendous expansion in faculty and in funding, with a goal of seeking true national recognition and excellence.

H: We will get into a lot of that when we talk about Dean Julin's era, but can you tell me, what was the atmosphere of the college?

V: It was in a state of transition. When I first came here, there was a tradition of, shall we say, personal socializing among the faculty members of the law faculty. That was, of course, possible, because the law faculty was relatively small. But under Dean Julin's leadership, it was expanding rapidly. From a relatively small

faculty, it was soon to reach fifty. Well, when you have a faculty that large, the intimacy of everyone getting together every couple weeks for some sort of a buffet supper at someone home becomes impractical. But I enjoyed the socializing when I first came here. It was a remnant from when the school had a very small faculty.

H: How long did that last?

V: A large [faculty] expansion took place very rapidly in the early years of Dean Julin's decanal tenure, really within two years after I came. The sort of family-like socializing began to disappear because it was just too impractical. Nobody had a home that could handle fifty people plus wives--one hundred people. So it was out of the question, and it just quietly passed into history.

H: How would you describe faculty relations today?

V: I would say this faculty has a very fine, collegial relationship. The faculty has not been divided as is the case frequently in many large law faculties. Occasionally someone dissents on one matter of policy or another, but the bitter divisiveness that characterizes many major law schools so far has not been present at this law school.

H: What about faculty/student relations? What were they like in 1972-1973?

V: From my perspective, I found that the students and the faculty were relatively close then. Despite our size now, I think they are still very good. I have a great deal of contact with my students. They come in and ask my opinion on where to go in terms of professional career patterns. I think we have had, on balance, a very fine student body. Now, in some law schools, particularly law schools of this size, the faculty and students have minimal contact with one another. But here the faculty basically exercises what might be described as an open-door policy. Despite the fact that we post formal office hours, students tend to drop in to faculty members' offices. That would not happen at a number of major law schools, which I decline to name but I know as a fact. You cannot get to see a faculty member at certain law schools without a formal appointment.

H: How would you describe the student body back then?

V: I think I have one or two comments there that might be of interest. When I came here I was mildly astonished to find law students running for president of the student government of the University. At the University of Wisconsin and other major universities, a law school is a professional school, and when one enters it, the student, he or she, casts aside what amounts to undergraduate activities. I was astonished to find law students participating in what I considered

undergraduate politics. That, incidentally, has just about disappeared now, which I feel professionally is a very good thing. When you were a child, you act as a child, and when you are an adult, you become an adult. When you are in law school, you are through with the undergraduate phase of your life.

H: We do have Ed Scales [Student Government president, 1989-1990].

V: There are still occasional individuals. When I came here, the students were in substantial numbers involved in undergraduate activities. One student, for example, was absent from class. I follow the American Bar Association [ABA] rules rather stringently, and I asked the student, "Why have you been absent?" "I was working on the committee on Gator Growl." I said, "That is no excuse. That is an undergraduate activity. That has no connection with a professional school. The medical school and the law school are not responsible for Gator Growl. You are responsible for becoming a professional." But that has died out. There is very little involvement in undergraduate activities anymore, except for an occasional individual. Of course, such individuals tend to be native Floridians who went here as undergraduates.

One thing that has changed is that we have more students who are graduates of other universities. I have forgotten the precise numbers now, but we have students here from practically every state in the Union and from over 100 different colleges and universities. Hence, their undergraduate roots are not in Florida, and they could care less about who is going to become president of the student body here. So that composition, which incidentally is professionally a very complementary thing, means that we are drawing students nationally, that this is not a parochial institution anymore.

H: Yes, we are attracting students nationally today. Did you notice if any world affairs and national affairs influenced the students in the 1970s and in the 1960s? There were a lot of things going on with the civil rights movement [in the 1960s], and in the 1970s we kind of went to political scandals, and the women's liberation movement began.

V: Oh, yes, Florida was, I think, typical of all universities and law schools in that the recognition of women's rights and a heavier emphasis in the law on civil rights surfaced here as it did at Wisconsin and Harvard and every other law school in the country. So the period of the 1970s was really a period in which we began to see student organizations oriented to those topics or themes and a great deal of law student activism in those areas.

H: How about the reputation of the law school in general when you first came here?

V: Well, I will be candid here. When I asked Dean Kimball at the University of Wisconsin how many law schools there were in Florida, at that time I think there

were five. I asked, "Which is the best one?" He said, "The University of Florida." I asked, "How do you know that?" He said, "Well, the new dean down there is a former colleague of mine from Michigan, a guy named Julin." I asked where the University of Florida was. I am not a parochial individual. I have traveled extensively in the United States, the Orient, Asia, and Europe, and I did not even know where this university was. I was tuned to the Big Ten universities, Berkeley, the northeastern schools, the Middle Atlantic states, but I had no knowledge of where the University of Florida was even sited. He said it was in Gainesville, and I asked, "Where is Gainesville?" He described it as being halfway between the two seacoasts and in the north central part of the state. So frankly you can accuse me of being uninformed and parochial. But really, at that time, in my opinion, the University and this law school did not enjoy any national reputation to speak of. It was not known as a great research university producing Nobel prize winners, as Wisconsin and Michigan have done.

H: I wanted to cover that, but I also wanted to ask a little bit more about the students. Can you tell me, how have they changed?

V: Well, I think we have a mixed set of facts there. First of all, when I came here another group of veterans had appeared, the Vietnam veterans. First there were World War II [veterans], then the Korean Conflict veterans, and finally the Vietnam veterans. Having had some considerable military experience myself, as I had been in a war and in combat, I found it very easy to communicate with those students. I was not pumping up tires in the air corps. I actually was in combat against the Japanese on the ground in Asia. I was in that area of the world. So I found it very easy to communicate with the veterans.

It was very helpful, oddly enough, in class. You get sort of an identity rapport with the students. They know that you made the trip, so to speak, and you have a certain credibility with them, even in non-military subjects. So that was sort of interesting to me, having the Vietnam veterans.

Now, of course, obviously they have long since disappeared from the student body, but I find the students still are somewhat of a mixed group. Today there are small groups of mature students – divorced women, say thirtyish, and white males coming back after working as engineers or something. We also have the injection of more black students into our student body. They were rather rare when I came here, but we have fortunately been able to recruit competent black students, both male and female, to attend this school. The other thing is the percentage of female students has risen from somewhere around 19 percent, if I remember correctly (I may be a little inaccurate on that figure) to above 40 percent now.

H: I think it is right at 39 [percent] now, but it has been above 40. It fluctuates.

V: It is around 40; it teeters around that 40 percent figure. When I came here it was half of that at most. Likewise, while we still do not have as many black students as we would ideally seek, we have increased the number, I think, rather substantially over the last eighteen years I have been here.

H: How has that affected the students? Have you been able to observe any changes with the influx of women and blacks?

V: No, I do not see any particular changes. They are still interested in grades, and they are still interested in jobs. I have developed a very comfortable relationship generally with black students. In fact, that Chicago Bears cap that is there [on my shelf] is sort of a souvenir given to me by some black students with whom I had had considerable contact in class. So students, despite racial and gender changes, are still law students. I do not see any marked change in that regard.

H: How about changes in attitudes toward their legal studies?

V: Interestingly enough, I find generally that women are more conscientious in class preparation than the male law students, and that goes regardless of race. I think the reason for that is historically the legal profession has been a masculine profession. Hence, I think women, perhaps even subconsciously realize, like Avis, they must try harder. So I suspect – this is just a guess, a speculation on my part – that is the reason why women students tend to work very hard. A few of them do not, but on balance they tend to work very hard.

H: Students today are very different from when you first came.

V: Well, there were not that many women students here at that time, so it is very difficult to make comparisons of 0, shall we say, to 100.

H: But the students in general.

V: Well, again, that is complicated, because when I came here there were a lot of Vietnam veterans. Veterans are always motivated. Mixed in with that group of veterans was the undergraduate mentality, which I mentioned earlier. These were young people who had been deferred from the draft because they had been students, and they were still playing games as undergraduates. That element has pretty much disappeared from the law school.

H: How would you describe teaching in 1972?

V: Well, I do not think I have changed. I have learned a great deal teaching. Perhaps my ability to convey information from one generation to the next and my ability to stimulate people may have been enhanced purely through experience.

But I still teach the same old way. The first thing I think in teaching, in law school at least, that you must recognize is that you are never teaching one class.

When you address a class, you are teaching several groups out there. You are teaching people with different levels of motivation; you are teaching people, despite the fact we have very good admission standards considered nationally or compared nationally, of different levels of ability. Among Phi Beta Kappas, some are more adroit mentally than others. So if you go too slowly in order to communicate with those that are obviously puzzled by what is going on, then you bore the super-bright students. If you address your remarks and discussions to the super-bright students, the others are frustrated. What I do is shift gears in a classroom, sometimes addressing what I think is one constituency out there in that class of 100 students, sometimes addressing another constituency. I hope to come out with some kind of a balance at the end of the semester.

H: Did you have academic freedom to teach?

V: There has never been any problem about that here.

H: And you have been free to pursue your interests.

V: Yes, but then, of course, I am not particularly a political activist. I teach law as law. I am not here seeking a podium or rostrum to expound some particular political philosophy. I have never been involved in that sort of difficulty.

H: Let us talk about Dean Joseph R. Julin. He was dean from 1971 to 1980. I read one article where you are quoted as saying, "A minor revolution occurred."

V: I think that is an accurate assessment of his tenure.

H: Can you expand on that?

V: Yes. He did upgrade the law school. I have been quoted before on that, as you recognize. There was one [published] article [quoting me on that]. I cannot recall where it was, whether it was in the University of Florida Alumni magazine or in the Law Center News, one or the other. I could go on for some time talking about Dick Julin.

But basically what he did was recognize that there are three elements to building a law school of excellence. One is a strong student body that is capable intellectually of handling advanced materials in the intellectual world – and a professional school is advanced. It does not present a memorized freshman college curriculum. So he recognized that we needed good students.

Two, he recognized that we needed funding for a number of reasons: to have an adequate physical facility, including a library, and to attract a strong faculty. The fact is that even in the academy there are differentials in salaries,

and, just like baseball players or football players can demand certain prices, nationally recognized legal academics are able to command greater salaries. He knew that to attract the stronger researchers and teachers here, not that they were bad before, but to enhance the school further toward a goal of ultimate excellence, he had to have money. He was very successful and vigorously and cleverly pursued all of those goals. He quadrupled the budget here. The law library, from being a very modest law library, now has the greatest collection in the southeastern region of the United States and is really ranked nationally. So that is money and leadership.

Another thing he did is to raise academic standards for admissions. He was able to do that despite somewhat of a tradition of admissions based upon political favoritism and so forth. To the credit of the native Floridians, they accepted this. He said, "If you want a good school, this has got to stop."

H: Do you remember what he raised them from?

V: Well, I cannot give you exact figures, but I made a study which was published by the American Bar Foundation, not the ABA. The Foundation is a separate research organization and is very heavily funded. I published a study in the *American Bar Foundation Research Journal* (I cannot remember if it was 1982 or 1983) in which I examined these three criteria – funding, admission standards, and faculty. By the time he had ended his tenure, it was apparent, because the data is available. This data is collected. All the law schools must report to the ABA their LSAT medians and so forth and their grade point average medians. By the time Dean Julin withdrew as dean, this school was clearly in the top, as to students. We were admitting the top 15 percent of those who took the LSAT, which meant that this law school, in that area alone, was in a group of about thirty-five law schools out of roughly one hundred seventy. So he had escalated the caliber of the student body into the top 15 to 20 percent of the law schools in this country.

Likewise, I have already mentioned the funding and the results in terms of the physical plant. He really started the second law building here, Bruton-Geer. I participated in that. He pursued outside money through the Law Center Association, of which I was treasurer, incidentally, for almost ten years, so I have some intimate knowledge of the fund-raising efforts in the private sector. From a few thousand dollars, let us say arbitrarily \$60,000 in a savings account, the Law Center Foundation has raised substantial money. The annual giving has escalated to very substantial figures. You cannot, as Dean Julin said, have a great law school without money. So both on the legislative side and from the private sector he raised the money.

The next thing he did, of course, was recruit people. In fact, I suppose it is somewhat of an ego trip, but he recruited me. One of the difficulties in faculty recruitment is that to this very day there is a strong element of personal contact. This is true in the corporate world, even in the military. Personal contacts are

very persuasive in inducing people, if, of course, you have the funding base with which to attract them.

Early in my tenure here at Florida I was chairman of the Appointments Committee, and I can assure you that our recruiting at that time was really not competitive with the major schools. It is still a difficult race, because the major schools keep upping their salaries, and we have to [to keep up]. One advantage that I had was I knew a great many people in, shall we say, the first-tier law schools. I had published a good deal and had taught at Wisconsin, albeit in an adjunct role, and through that I had made a great many contacts, including people at historic, major schools such as Cornell and so forth. In fact, after I came here, I went up to Cornell as a visiting professor. Candidly, that was due to personal contacts. The dean knew me. He knew who I was, what I had published, etc.

H: Who were some of the people that were recruited in those years?

V: One of the people we brought here during that period, for instance, was Professor [Stuart R.] Cohn, who has been a very productive scholar. He was a graduate not only of the University of Illinois but of Oxford University and the Yale law school. He had also been a partner in a substantial law firm in Chicago, so he had fine academic and professional experience. He has been very productive since he has been here and is an excellent teacher. He was invited to teach at Michigan, but he returned, thank goodness. Stu Cohn, I think, is a pretty typical example of the people we were able to bring on.

In fact, when Dean Julin retired, I wrote him a personal letter that is somewhat confidential in that it expressed some personal views. One of the things I pointed out in that letter was that I realized to take an accredited law school and raise it to the level of true national reputation, insofar as the faculty is concerned, is the most difficult of the three elements that make a great law school. It takes a long while for a school to develop a reputation so that people feel they are not going down but are moving laterally.

H: Sort of a Catch-22.

V: Yes. It takes a long while to build a strong law faculty. Birds of a feather flock together. If you could get, as the marines say, four good people, those four people, if they have contacts, can recruit the right kind of people, and you keep getting stronger and stronger, like in physics, a critical mass. But that is not easily done. In fact, even with competitive salaries, you still have to persuade people of that, Northerners in particular. Established academics frequently look upon the Southern universities as some sort of centers of bigotry. They do not want to be associated with them. So the recruiting process is not easy.

As to the other people I was able to get down here, shortly after I came here, the O'Connell chair was created, so for the first time we had some real

money to attract a serious visiting scholar. I do not mean to sound egotistical about this, but I was able to attract professor Delmar Karlen of New York University down here. Why? I had been in the army with him. He had been one of my teachers at Wisconsin and later a colleague. I called him, and he said, "Sure, Scott, I will come down for a semester." I do not mean that as an ego thing. I am just saying this is the way the structure works. I was also able to attract Willard Hurst, a very distinguished professor from Wisconsin. Well, nobody of the stature of those two individuals had ever visited this law school – ever. I am not demeaning the past accomplishments of the law school. I am just saying it was a different ball game, a different level.

So we made some strong beginnings under Julin's leadership in terms of the third leg, as I like to say, of a milking stool: strong students, funding, and faculty. Clearly [due to increased] funding from both the private sector and the public sector Julin played just a fantastic role in moving this place from just another law school into a position of prominence. He did the same thing with the students. We made, I think, substantial progress toward developing a much stronger and more diversified faculty than we had had.

H: He also is credited with establishing the Center for Governmental Responsibility and the tax [degree] program.

V: Oh, yes. As I said, Karen Long or somebody wrote one article. She interviewed me along the same line, and I asked her, "Look, how long do you want to talk?" He was instrumental in creating the Center for Government Responsibility. We also had strength among our tax professors, so we created, under his leadership, the LL.M. [degree] program in tax, which has become nationally known. It has been successful over the last twelve or thirteen years. As I say, I could go on and on with many things.

H: Okay. I have one more question [concerning Dean Julin]. His demeanor and his ability to lead, could you describe that.

V: The best description I could give you of that was given to me by Delmar Karlen. Delmar Karlen is dead now, but he was a very distinguished legal scholar. He taught at the University of Chicago and was a member of the Inns of Court in London. He was an internationally distinguished man, very perceptive and highly intelligent. He had been here about two months and observed Julin, and he said, "Scott, I agree with your assessment of this guy. He is very, very good." I asked him why, and he said, "Because he leads by indirection, not as an authoritarian. He sets things up in a framework where everybody else thinks it was their idea." He was really good at that. The second thing was – and I could elaborate on some other facets of his temperament – his objectivity and fairness. Everyone was treated the same.

H: So his relationship with the faculty, then, I would presume was –

V: Oh, it was marvelous. Well, you always get some individual on a faculty who does not like somebody else, but basically there was no divisiveness on this faculty whatsoever. Everyone was behind him.

H: How much did the faculty have on this decision?

V: He was very skillful at this. He seemed to sense – never mind the formal constitution that the faculty is supposed to vote on this and that – perceptually to seek input from the faculty on, shall I say, the right issues. There were times when the responsibility, the buck, had to stop with him. He had a rare ability to sense that. The net result was that the faculty sensed that, too. He educated them. They knew they were participating, but they knew there were times when they had to leave things stand.

H: Very good. While under Dean Julin, during those years, as you mentioned, you were treasurer.

V: Yes, I was treasurer of the University of Florida Law Center Association, which is a non-stock, non-profit corporation. Incidentally, that was actually created by Frank Maloney [dean, College of Law, 1958-1970]. He was Julin's immediate predecessor, although Roy Hunt had acted as an interim between Maloney and Julin. Frank started that and did a fine job. The idea was his and so forth. Actually, it was done at the end of Frank's tenure, and the thing had really not been developed into a full fund-raising program and so forth yet. So Julin picked up the baton in that relay race and moved out with it.

One of the reasons I was not as prolific in publication after I got here as I had been previously was because I was not only treasurer of the [Law Center] Foundation while it was in a growing period, requiring an immense amount of effort, but I was also chairman of the Appointments Committee and the Promotion Committee. The reason for that was not favoritism on Julin's part. The fact was I had a lot of experience in those areas, and he needed experienced people. I said "four good people." So it fell to me because I had had experience at a first-tier law school and a very good second-tier law school, I had been in practice, and I had been in politics in the sense of being special counsel to the governor. I understood what was going on. So to my lot fell a lot of labor, and I worked very hard here during those years. I still work very hard and have since he was dean. I have been able to write a book and do a few other things that I had put on a shelf. I was just so busy putting out brush fires and developing other things that I did not have time to do much writing those early years.

H: Dean [Frank T.] Read came after Dean Julin went back to full-time teaching in

1980, so Dean Read came on the scene in 1981 and served until 1988. He also was a big fund raiser.

V: I would say that using the solid, concrete base that Julin had prepared, the vehicle was there, the beginning of the fund raising. Julin knew at the end of his regime we had to have a full-time fund raiser on the staff. Read, of course, recognized this and implemented it. Also, Read recognized that private sources were going to become increasingly important, as there were other pressures on the [Florida] legislature for the use of taxpayers money. In my judgment, Tom Read is a first-class fund raiser. He devoted the bulk of his attention to that area. That was and is Tom's primary strength. He was very good with people and in persuading them to contribute annually. He was very important in completing the additional funds we needed for the second building we needed, now called Bruton-Geer Hall. In addition to that, Tom actually was also quite adroit in faculty recruitment.

H: We were talking about Dean Frank T. Read and his expertise in fund raising and faculty relations.

V: Yes. Tom, as I said, was a first-class fund raiser. Julin, of course, had raised the legislative money and started the new building and had enhanced the base for faculty salaries and the like. Read was very good at this. I am not demeaning Read, but because Julin had locked that budget in concrete, Read really got off to a running start based on Dick's efforts. So Frank was very good at the fund raising and continued to build on the base established by Dean Julin.

H: Frank Read also established or was instrumental in establishing several chairs.

V: Yes, that is part of the fund raising. The eminent scholar program created by the legislature was seized upon by Dean Read and was implemented very well. He raised the money.

Another thing he did, again, building on a Julin base, was expand international programs. By historical accident, I guess, we had some people on this faculty who were interested in private international law. That is international commerce. I am not talking about the World Court in the Hague. I am talking about corporations doing business [internationally]. This is becoming increasingly important in Florida.

The net result, through a combination of individual faculty interests, which Julin encouraged, was we established a trade law program with Cambridge University and the Legal Institute in Warsaw, Poland. Professor [Julian C.] Juergensmeyer was instrumental in that, as was Professor [Michael W.] Gordon.

Professor Gordon established a tie with the law school at the University of Mexico in Mexico City. It has a different name; it is *Escuela* something or other.

In any event, those programs, that international base, Julin recognized as important to Florida as the state pointed toward Latin America, since

multi-national corporations were increasingly making headquarters for their Latin American operations in Florida. This meant that the law school should produce lawyers trained in that area.

Thus, the international programs commenced under Julin and were continued and enhanced by Read, who was also sensitive to that and backed them. It is very important that a dean support faculty initiative and help develop it. Julin, of course, did this, and Read continued that pattern. Read enhanced it with exchange programs of professors with Monash University, a distinguished university in Melbourne, Australia, and the University of Leiden in the Netherlands. I have been over there as an exchange professor. We have brought Dutch professors and Australian professors here in international trade. This is not just an esoteric subject. There are lawyers practicing this stuff right now in Tampa and Coral Gables.

In fact, I would say one of the genuine strengths of this school right now is its international flavor, the courses offered, and the exchange programs. Under Read's leadership we even exchanged students with the University of Leiden. No longer does America live in self-sufficient isolation. It is very important that a certain percentage of our lawyers be exposed to other legal systems, particularly in Europe.

H: We also have the summer program.

V: The summer programs have been very successful here, bringing in law students and young lawyers from other nations and acquainting them with the fundamentals of the American legal system. Because [of Julin's interests] I have pretty much abandoned, though not completely, my traditional research interests in publication and substantive law. I became fascinated with what Julin was trying to do. This place was such an interesting opportunity to develop a law school that was different. We are doing things on the international scale that Harvard does not do.

H: Yes, I wanted to ask you about that, because I believe it was Professor [Fletcher N.] Baldwin who said there are very few schools [that have substantial international programs].

V: Oh, very few schools. A few have dabbled in it, but few have gone as far as we have with exchanging professors and students and the constant influx. We have a visiting professor here this semester from the University of Leiden teaching international commercial transactions. He is emphasizing the European perspective. When I taught at Leiden, I taught the same course but emphasized the American perspective for Dutch and European students. We have a visiting professor from the University of Frankfurt, Peter Gillis. We just had a professor from China, and we have Andre Brezinski here from Poland right now. These people are in-residence for a semester, at least a month, and they are teaching

regular courses. They are all high-quality people from distinguished universities.

H: What does this mean to the students and the faculty and to the college's reputation?

V: I just finished a book, which Dean Julin actually co-authored – in fact, the publisher called me yesterday, as I think I mentioned, [and told me that] the printer just delivered it in Europe – on the goals and missions of law schools. A substantial portion of that addresses the illusory question of prestige, how does it come about. I would say, given what the University of Florida College of Law has done in the international arena in the last fifteen to eighteen years, that already there is some national recognition, informal at first, among professors at the alleged first-tier law schools, that we are doing something different down here that is very credible and very important.

I know, for example, and this sounds, shall we say, "catty," that there are professors at Harvard who would give their right arm to do what I did at Leiden, to be a visiting professor at a European law school, teaching European students.

I had a conversation within the last ten months with a dean at an Ivy League school who is a friend of mine in which he told me he had just returned from Oxford. I asked him what he did. Well, in effect, he was not teaching English students. He was over there as a so-called Fulbright Scholar, which means that he had dining privileges at one of the colleges and a library card. That is different from teaching the students as a member of that faculty, which is what I was doing in Leiden.

Incidentally, I have been asked back. The Dutch have asked me back next year as a visiting professor. That has nothing to do with this exchange program. They just want me to come back and lecture for a semester over there next year again.

H: That is great. What did you learn from that experience?

V: Well, it was marvelous. I had been over in the Cambridge/Warsaw Trade Program and taught, of course, American students at Cambridge University in Cambridge one summer. That was an educational experience for me just to be in that environment with English colleagues. Of course, some of the English professors at Cambridge also taught our students over there.

But it was quite an escalation to go to Leiden where I was in a foreign-language-speaking country and teaching European students in a classroom. There were no Americans there. In fact, I had been in the Netherlands about three months when I suddenly realized I had not met a single American. I had met people from Japan and people from England, but I had not met a single American.

The northeastern law schools tend to identify solely with England because

of our Anglo-American legal tradition. They tend to overlook the fact that universities such as Leiden are clearly the equivalent of Oxford and Cambridge with their own Nobel Prize winners and centuries of tradition.

I got along very well over there because, first of all, I am of Dutch ancestry, and the Dutch kind of liked my name. Second, they were pleasantly surprised that I was an American who spoke another language. I speak French fluently. In addition to that, with luck, I picked up at least a street conversational ability in Dutch immediately, which they found very pleasant. [For instance,] I sat on a board over there, having been appointed [by the dean] to a committee, with two Dutch professors, and we were interviewing Dutch students. The interviews were conducted basically in English for my convenience, but at one point it was necessary to discuss things with one student in another language because his English was not quite as fluent. The senior Dutch professor began to converse with him in French, and he was pleasantly surprised to see that I joined in the conversation.

In other words, all Americans are not ignorant boors who speak only English. That is a very serious problem for Americans in a world that is a global village. The lack of language instruction in this country is incredible. In the Netherlands, English is taught from the first grade on, in addition to Dutch. It is common in the Netherlands, particularly among educated people at the university level, to find that they speak English fluently, and of course Dutch, French, Spanish, and German. That is just the norm. In fact, one has the feeling that our educational system is sort of inferior when you get back here.

H: I have always been a strong supporter of foreign languages.

V: It is marvelous, the social relationships which develop. I was at a dinner with some very interesting people, including one of the judges of the World Court. I was at Professor Schirmer's absolutely stunning *kanaal* house on the Herengracht in Leiden. It was a small and intimate dinner party. Judge Oda of the World Court, who is Japanese, was there with his wife, and Willem Van Gulik. My wife, incidentally, speaks fluent Spanish. She was raised in South America because her father was with the diplomatic service. She is bilingual and bicultural. She also speaks excellent French. It was quite a dinner, because Marion could shift to Spanish very rapidly. The Dutch, of course, speak three or four languages. It was an intellectually stimulating dinner. I would be astonished to be at Harvard, Yale, or even Berkeley and duplicate that dinner.

H: We just do not have the language [skills].

V: These are very sophisticated people. If you want to talk about Melanesian artifacts, [they can do so]. They are well educated.

H: Let me ask you, how did those contacts with these people in those intellectual

settings affect or impact your teaching here?

V: By intimate, daily contact with Dutch colleagues, who are people of world sophistication – the Dutch have been an outward-looking people for centuries – I think my knowledge core was enriched. There is a level of understanding that comes from people contact that is different from book contact. I cannot help but believe that that is reflected in my ability to convey information here.

H: You are obviously gung-ho for the international program. We kind of jumped over to that, and we did not really finish up Dean Read. I wanted to ask a couple other questions about him. What was his relationship with the faculty?

V: I think on balance he had an excellent relationship. His approach to leadership was somewhat different than Dick Julin's. Tom was more of a direct leader, I will not say authoritarian. He was not quite as subtle as Julin was about getting people to do things, but nonetheless he was not overbearing in that direction. He was a very effective dean in my opinion. He did a lot for the school.

H: Aside from the fund raising, what would you say [were his greatest accomplishments]?

V: Well, his understanding of the international programs and his pursuit of development of those programs. Of course, he did not have to tamper with student quality. Also, regarding the eminent scholar chairs, he followed through [by attracting] Professor [Francis A.] Allen [Huber Hurst Professor of Law], a really distinguished academic who came to this faculty [in 1986]. I must say, and I am not demeaning Tom, but Allen was also an old friend of Dick Julin's. There was a personal contact element. But nonetheless, Tom followed through and was very diplomatic in approaching Frank Allen. You do not approach people of that caliber and say, "Hey, we are offering you a job." They would laugh at you subtly. Tom Read was very good about following through on matters that had been set up for him.

H: How much input did faculty have on decision making under his leadership?

V: Still considerable, but Tom was a little more inclined to blur that line between "where do you get faculty input?" and "where do you do it administratively?" He would kind of go through the motions with the faculty, but he really was doing it himself, and that was perceived. There was no deep resentment about it, but it is a matter of degree. He was less perceptive, perhaps, I might say, in how to do that than Julin. Julin was the best dean I have ever seen.

H: He had a tough act to follow.

V: Oh, absolutely. The evidence of that was everybody in the country was after him [Julin]. Texas was after him, Northwestern was after him – he turned down some unbelievable offers from Northwestern and Texas.

H: We will have to ask him why.

V: Well, again, a lot of that is complicated personal factors. For example, he could speak for himself, but his family was established here in Florida by that time, and it became increasingly difficult to separate from them geographically. Those personal factors get involved. The same thing with me. I came down here not because this was frankly a great university or a great law school. I was looking for a challenge, and I was sick of the snow. It was that simple.

H: That is frequently the reason.

V: It was not a question of prestige that attracted me.

H: How about Dean Jeffrey E. Lewis, he came on in December 1988?

V: Well, I think to date Jeffrey has done a commendable job as dean. He is very measured in his approach to the faculty. I think people have mentioned this in face-to-face conversations with Jeffrey. I am sure he understands that. You talk about a tough act to follow. He is not the flamboyant fund raiser that Tom Read was. That was a peculiar personal characteristic, an asset that Read had. He is not the all-American leader that Dick Julin was. But it is a little unfair to compare somebody with two guys like that, particularly Julin, who was one of the most sought-after academic administrators in the country.

But I think he is conducting himself in an even-handed manner. He has, obviously, excellent rapport with the central administration. Now we have a new president of the University about to enter on the stage this month [John Lombardi], and I suspect that Jeffrey will get along with him as well as he has with Marshall Criser and his predecessor [Robert Marston]. I expect that the [central administration's] relationship with the law school will continue to be good regarding funding decisions and support decisions. You have to be able to persuade central administration that your particular activity, whether you are dean of the engineering or the law school or whatever, serves [an important purpose].

H: The LL.M. program in comparative law has been a problem in that area.

V: Yes, it has. So Jeffrey is going to face hurdles; he is going to face problems [in that regard]. Fiscal constraints [can also] suddenly appear. The tax base or income from the tax base is reduced. Simultaneously, charitable contributions may change due to changes in the federal tax law. Well, that is part of being an administrator. You know you are going to face problems. The degree to which

Jeffrey will be able to cope with those problems and solve them is still a little bit unknown. You know he really has not been dean that long.

H: No, he has not. I do not want to put you on the spot, but just for the record, about the LL.M. program, they have been trying to establish that program in comparative law, and I know they have been facing some problems within the administration.

V: I am operating here on a great deal of, as we lawyers would say, hearsay evidence, but my perception is that the individual who is in a critical decision-making role in central administration does not have the background to appreciate what graduate law programs are, such as those offered at Chicago, Harvard, Wisconsin, Berkeley, and the like. This person lacks that administrative experience factor of interplay between separate graduate programs at professional schools, as contrasted with the general graduate school of the university. I gather – and this is, again, just a perception, an image – that this individual is hostile to any further development of master's degree programs.

However, in my new book I explore that theme considerably and point out the necessity for it. Graduate programs in professional schools, offering master's degrees and so forth, have a completely different social and economic need than a typical M.A./Ph.D. program, be it in science or whatever. They are geared toward a different set of societal demands. I have the perception that the individual in charge of this does not understand that and hence has exhibited, shall we say, a "dragging the feet" attitude toward further development of LL.M. programs.

H: I think that Dean Lewis hopes to be able to get that off the ground.

V: Yes, I know he is working very hard at it.

H: Dean Lewis also seems to be emphasizing the human resources, the student body and the faculty.

V: Yes, he is very interested in that.

H: Along with your research, do you think he is going in the right direction?

V: Yes, sure. Of course, he is very strong on continuing things that Julin started. [I am speaking now of] affirmative action programs and so forth to attract Hispanics, blacks, and women to the faculty. Julin started that, and I think, given the limitations of funding and our lack of prestige and everything, we were remarkably successful, all things considered. Read continued it, and Jeffrey will once he can rest easy on some of the other things. They have been set in concrete, and he can afford, if you will, the luxury of really devoting more time to

that kind of thing.

H: What is his relationship with the faculty?

V: I think Jeff's relationship with the faculty is basically good. Of late, I detect a little bit of question, perhaps, as to some of his decision making, particularly with regard to faculty appointments. For example, in his well-intentioned and desirable zeal to pursue affirmative action candidates, it is almost like being over-anxious. If you played your cards a little more adroitly, you could get a better black. You would have found they are out there. It takes salesmanship and a lot more effort. He is afraid that any black who is threshold qualified will escape. That is just sort of an attitudinal thing.

It might be his age. He did not come here as Julin did with the advantage of having been a dean before or as Read did of having been a dean before. Julin lived through the Vietnam battles with students at Michigan and whatnot, and he learned how to deal with a lot of analogous problems along that line. So, to some measure, I think if there is dissatisfaction among a certain element of the faculty here, it is attributable to unease about how he is going at this desirable goal.

H: How about input? How much input does the faculty have on the decisions that are made?

V: Well, he gets input, but how much of it he really uses is a question I cannot completely answer. One really never knows the answer to that. It is only after someone has been a dean that you can look back in retrospect and evaluate that. It is very difficult to do it now. I am not hedging for fear of offending Jeffrey or damaging my fine and cordial relationship. He has been marvelously understanding and a helpful source of support to me. For instance, at a personal level, one of the requirements of being on a law faculty is to perform a certain amount of public service. That is stated University policy. Well, it just happens that I was elected to the Board of Governors of the State Bar of Wisconsin, which is a very substantial recognition and honor. There is a tremendous amount of responsibility involving a lot of work. It was necessary to adjust my class schedule so that I could carry out [that task, and Jeffrey has allowed me to work that out].

I am still working sixty hours a week. Just because I am not in my office does not mean I am not doing anything. I may be on an airplane somewhere doing national bar business, which, incidentally, is bringing, in my judgment, a certain amount of prestige to this school. [There may be] people who have never heard of the University of Florida [present] at these meetings involving lawyers from all over the United States, and they know where the University of Florida College of Law is [when they leave]. They do not ask where the hell is Gainesville? anymore. So he has been very helpful in that regard. I carry a normal teaching load. It is just a matter of timing. I try and spring the end of

the week loose so I can get out of here on Thursday night and get to a meeting on Friday and Saturday, and then I get back on Sunday. In that sort of thing he has been very helpful.

He understands the significance of what I am doing, in other words. It is not a hobby. It is something that is enhancing this school, and I am discharging a lot of responsibility in that regard. He has put the mechanism in place so I can do that to bring some recognition to this school and do some public service.

H: He is flexible?

V: Yes. All deans have to be inflexible at a certain point or they are not in command. After all, they are supposed to be a leader without being a dictator. Again, it is difficult for me because when Dick hung it up I went back to research and writing and public service basically, in addition to my normal teaching, which I do not think has suffered. I was elected again this year the outstanding teacher of this law school, and that is the third time that has happened. Much to my astonishment, I found out there was money with it – a fairly substantial amount. [laughter] I have not neglected my classroom responsibilities, and I think the recent award is an indication of that. That did not come from the dean's office. That came from the student body. So I think I have tended to my knitting in the classroom, and I have tended to my knitting in publication. This is not an apology. I continued to research, write, and perform public service. It is just that I am not doing things for the Law Center Foundation anymore. I have substituted things.

H: I want to go into your article, "Ranking the Law Schools, the Reality of Illusion," which appeared in the *American Bar Foundation Research Journal*. Why did you write that?

V: It was, again, part of the challenge of being here when I was chairman of the Appointments Committee. I immediately sensed that people say, "Why should I come to Florida?" Obviously, I sensed right away that Florida had the same national name recognition as say Michigan, Wisconsin, Chicago, Yale, or Columbia. I wondered, Why does that name recognition come about? What must we do to achieve that stature? I became intellectually curious about that.

So I endeavored to isolate what we mean by prestige, particularly as applied to the legal academy, and it comes about. The book [*Goals and Missions of Law Schools* (1990) by W. Scott Van Alstyne, Joseph R. Jolin, and Larry D. Barnett] really was a spin-off of that article. I discussed in that article that you can measure a school by the student body, which can be done objectively with LSATs and grade points; funding, which can be done objectively because that data is all over the ABA, just as the students's scores are; and the quality of the faculty, as measured by a number of criteria, including publications.

I said, "There are about thirty-five schools out of roughly one hundred seventy,

in my judgment, using what I think are objective criteria, that are the same." But I also knew they were different. Why are they different? Prestige. That is an intangible.

So when I finished that article I was left with this unanswered question. That led to the book. I went into the prestige element. Our interview is too short for me to really summarize the book, but I can give you kind of a summary of it. Let me read this to you; it is not that long. This is the preface to my book, on the goals and missions of law schools:

The study ranking the law schools, "The Reality of Illusion," published by the American Bar Foundation in 1982, left this author with a number of troubling questions. If indeed a limited number of law schools enjoy a image of prestige, what factors bring about that result? Why does an additional group of schools with objectively comparable quality lack the prestige image? Once the factors leading to the prestige image are isolated, does pursuit of those factors constitute a desirable goal in society for all law schools? Searching for answers to these questions led to the collaboration of the present authors in the production of this study. Our thesis here is that all law schools, including the present prestige schools, should not pursue nor follow the current prestige image because it is fundamentally based upon a curriculum structure inadequate to produce professional competence and does not in any event fulfill public needs for legal services. The explosions of knowledge, population, and government regulation accelerating since 1900 have resulted in the creation of multiple public constituencies with substantially differing needs for legal services. That requires, if legal educators are to be socially responsible, the creation of multiple programs of legal education producing law-trained people prepared to meet those needs with professional competence and at an affordable cost. Pursuit of the single and unstructured curriculum, largely solidified over a half century ago and based on the Langdell Model, has led to public perceptions of incompetence, excessive lawyers fees, and a lawyer glut. The ultimate result is a production of a constraint on public access to the legal system. Finally, we offer suggestions to rectify what we find to be the errors in pursuit of the present prestige image. The suggestions are not refined in detail nor tendered as absolutes. They do, however, represent a recognition that law is still a profession, that lawyers must be educated to serve public needs competently yet at an affordable cost, and that legal educators have a most fundamental public responsibility to create the appropriate educational programs to achieve the delineated societal goals for law trained individuals. Basically, of course, the book is a critical examination of what has happened by what we call "cloning the Harvard model."

Now we have departed from that in one or two modest aspects which I think you will understand readily, for example, the international programs. Now not all lawyers need to be trained to carry out the difficulties of Harris Intertype in Melbourne with its product sales in Spain. But up until now, nobody has done [anything] along that line.

- H: And your premise is that the law schools in the nation need to meet the specialized needs.
- V: We need generalists and we need specialists. Look at the medical profession. I spent a lot of time on this. I went through the medical profession's history. This is what they did in medical education. Despite the explosions of knowledge, there still remain general practitioners. But there is also what? Specialists, specialists, specialists. For law schools that means an internal curriculum change. Just stop copy-cattin and cloning Harvard.
But it is difficult to be a new kid on the block. The minute you do not clone Harvard you are a second-rate school or you are a radical. Until Harvard wakes up and changes its attitude, we are in trouble in terms of the public, in my judgment.
- H: We have a long way to go.
- V: I do not have any complete solutions, as I suggested in the preface of this book. But, at least, I want people to be aware that there is a serious problem out there.
- H: But you believe this school has made some progress.
- V: Well, we are doing some things. The international program is one of them, and the LL.M. in taxation is another one. And here the central administration is frowning on another LL.M. program.
- H: So they are making progress. What else could we do to better meet the students' needs upon graduation?
- V: Well, one of the things that I have suggested – and I say "I" because Dean Julin agrees with me, obviously, or he would not be a co-author of this book – [is to rethink the undergraduate prerequisites for entering law school]. I think the endeavor in American law faculties to have interdisciplinary professors is quite apparent. You are really teaching economics in this course, and you are really teaching sociology in this course. Now, I do not disparage those elements. But one of the reasons that is done is because law schools have been grossly negligent. Not about abilities – LSATs and grade points – but what the student studied as pre-law requirements. I looked at every catalog of every law school in this country, and to a school they reflect a policy that the best pre-law study is a renaissance education. Okay. But who do they admit? Engineers, CPAs, journalism graduates – those are not renaissance-educated people. The net result, when I grapple with a problem that involves an economic problem, is I have to assume my students have had economics 1A and 1B. Many of them have not.

So what can we do about it, to respond to your question, in short. Delineate and set up some requirements for entering law school. We cannot re-teach four years [of undergraduate education]. We are already cramped in the three-year [law] curriculum that is accepted as a norm. There is no way we can now teach seven years in three years simply by adding a gang of law professors who happen to have a law degree and a Ph.D. in economics or whatever it is.

I blame legal educators and the legal academy for not coming to grips with reality in that regard. There is a certain element in the legal academy that regards legal education as sort of an intellectual playpen. That, to me, is not being responsible. What we are here for is to turn out people who can [fulfill the needs for legal services]. Medical schools recognize they have to turn out doctors who can bandage up people and diagnose their ailments and whatnot. They are not worried about whether or not they are really teaching the sociology of medicine or things like that. I do not mean a trade school approach. These are still very stiff intellectual problems we are grappling with. But there is a certain group in the legal academy who are far removed from reality of what lawyers do and what the public needs are, or if they know it, they say the public be damned. I find that socially undesirable.

This book, needless to say, is a very controversial book. The next step, over the next six months, will be the marketing. It will be reviewed, and I am sure many of the reviews, particularly from the status school legal academy, will be very hostile. I do not care. I think I have a defensible thesis there. Besides, I am retiring. [laughter] Like Marie Antionette said, "Apres moi le deluge."

H: What areas would you recommend that a law school should specialize in?

V: There is another element of this thesis, but you will have to read the whole book. However, one of the points I think we make is that all law schools should not have the same goals nor the same missions. They can all be uniform at a threshold level of bar admission, but the emphasis of their programs after the first year could be markedly different. For example, LL.M. programs and a whole host of [suggested] things could be added. But the present uniformity is that all law schools should be clones of Harvard, and that is where the first mistake is made.

H: I wanted to ask you about the other article, also. We kind of skipped over that and went straight to the book.

V: Oh, the ranking business?

H: The ranking business. Now, in that article you presented a pretty strong case against the ability to rank law schools because it is too subjective.

V: The only objective breakdown is on the three legs of the milking stool. I even go through the criteria about faculty. The most critical in the long run is the quality of students. As Dean Rundell of Wisconsin (long since dead) once said in my presence, "If we had nothing but Phi Beta Kappas in this law school, we could turn them loose in the law library for three years and they would probably pass the bar exam." In other words, you could have the most distinguished faculty in the world, but if your students are intellectually weak, your graduates are not going out there and perform their professional role at any level of super competence. As the computer people say, it all depends on the programmer. If the programmer is intellectually weak, you are putting garbage into the system and the computer is going to respond with garbage. So if you have a strong student body, you can actually have a weak faculty. But if by a fluke you attracted the best young minds in the country, they might well turn out to be decent lawyers.

H: How is our student body?

V: It is the strongest right now that it has been since I have been here. At the time I carried out the earlier study, which is already starting to get a little bit dated, [the University of] Florida had strong students, but that has not changed dramatically, because the same schools are in pretty much the same brackets.

H: This was 1982, right?

V: Yes. Actually, just like my book was completed last year and took a year to get through the printer, the same thing [is true] with the article. It did not show up until 1983, in fact, even though it is dated in the volume as 1982. It is pretty clear that I think fundamentally if the same schools in the generic bracket are contrasted with the rest of the pack, starting with the students, they are pretty much the same schools right now. At that time the LSAT was graded differently. But basically, of all the students who take the LSAT, even under the new scale, we are still in the top 15 percent.

H: Are we gaining any prestige?

V: That is a very difficult question to answer. My own feeling is yes, and I can give you some objective justification with that. When I came here, members of this faculty, albeit qualified and competent, had never been invited to teach at a historic, prestige university, although Henry Fenn [dean, College of Law, 1948-1958] came here from Yale. But I was the first person ever on this faculty to be invited to an Ivy League school to teach. I pointed this out to Read in a little letter to him when he came on board.

Let me make a few points. When I came here in January 1973, only

three of the law faculty were listed in *Who's Who in America* at the time of that writing (1981). Under Julin's leadership, that increased in the 1982-1983 edition to at least ten of us being listed. I also note that in January 1973, which is when I landed here, (I actually got here December 29, 1972, or something like that), this school had an almost non-existent record of its faculty members being invited to visit traditionally prestigious law schools. Over the past eight years, in addition to my own visitation to Cornell, we have had faculty visiting in a number of other well-known schools, including Wisconsin, New York University, Illinois, [the University of] California [at] Davis, California Hastings. Visitations at lesser schools have become common, as well, which is also a recognition of our faculty strength. It is also a recognition of prestige. Without detailing publications in-depth, a few highlights include one case book of national prominence then, but there are four today. There are more than that now. This is already dated; this is eight years old. So you do not have professors being invited to historic schools that admittedly have a national prestige image unless you have begun to achieve a certain amount of prestige. In fact, we just lost a professor to Cornell, Winnie Taylor.

H: I had not heard yet. That is a shame.

V: At one time Cornell would never have looked to Florida to recruit anybody.

H: So it is definite.

V: She is leaving. She has accepted her appointment with tenure, a full professorship. They made a very good offer. I cannot disclose any details, because she called me in confidence for advice.

H: That is part of the game.

V: Of course, if you want to take some solace in it, it is an indication that our prestige level has been enhanced over the last eighteen years, since I have been here. They never would have recruited anybody here. The reason I was invited to Cornell was because several of the Cornell faculty had been visiting professors at Wisconsin, and they knew me and that I had come from a prestige school. They did not have any doubts about my ability and background. They had a need, and the dean called me one day, so I went up there. Frankly, it was somewhat of an inconvenience, but I knew at that time it was critical to the development of this school for me to go to a very prestigious school for a semester. I am not whining or saying it was that much of a sacrifice. I am just saying that teaching at a prestige school is not new to me. I had been at one for years. I had a marvelous experience with some old friends up there, and, of course, a very bright student body.

Anyhow, we are getting there. But I would add one caveat. The

academic world, like the world of corporations and every other organized group of human beings, is a competitive world. As I warned then-incoming Dean Read, "Do not rest on the money. You better keep on hustling money, because the other schools are hustling it." When I was at Cornell, they went out and raised \$250 million like that. When they needed \$5 million at the law school, they called one alumnus, and that was it. So you must stay even with these people in this prestige game. The prestige is important in that in the long run it attracts good students, good faculty, and superior graduates to serve the public. That is why it is important.

I gave a speech at the University of Connecticut law school. I do not remember how long ago it was – five or six years ago – on this topic. That is a very fine law school with very credible students and a very strong faculty. One of the members of that faculty asked me, "Who cares about the prestige image? We know we have good students." I said, "I think it is very important because it continues to attract good students, who in turn will be superior, quality lawyers who will go out and serve the public. If you lay back and say it is not important, the next thing you know your student body will become weaker and weaker, and you are not going to turn out the kind of people the public deserves." So you have to be aware of the reality of it.

H: That makes sense.

V: We cannot rest upon the fact that we have enhanced our government-subsidized base and our private giving. We cannot rest upon the fact that we have recruited some strong people on this faculty in the past. Winnie Taylor is a good example. We lost her to Cornell. That effort is an on-going effort. You never stay still. You are either moving forward or you are moving backward.

Now, when the historically prestigious schools, shall we say, a state-supported school such as Wisconsin, experience a downturn in the economy and tax base and the budget makes the legislature not as generous as is normal, because they are established they can weather the storm for two or three years. But when you are in the posture we have been at Florida of trying to move into that group, we cannot afford that. That is why a dean cannot be a holding caretaker dean. He has to be a leader and make sure all his bases are covered.

Now, Read recognized that. He continued Julin's policy of high admissions standards. He went after more money. He continued to enhance the international programs. He continued to follow Julin's policy of trying to attract people here like Frank Allen through the eminent scholar chairs. Now, a word of warning to Jeffrey. You cannot rest upon what Dick Julin and Tom Read did at this school. You have to keep hustling if you want quality in legal education. Professional education is critical in our society. We live in a high-tech society.

H: I thoroughly agree.

V: Well, you know everything about me, I guess.

H: Well, I do have a few more questions. You are currently teaching property, business organizations, and commercial paper. I was wondering what else you have taught here.

V: Of course, property is a bifurcated course; there is Property I and Property II. I have also taught corporate finance, and, of course, international business transactions. That is what I taught in the Netherlands, and that is what I will be teaching in the Netherlands next year as a true [faculty] member, not as an exchange professor. In fact, they are putting me in their catalog next year.

H: How would you describe your teaching style? Did we talk about that?

V: I joke about it sometimes and say I do not understand why the bulk of the students [respond favorably], because you always offend some people by being somewhat of a martinet and disciplinarian intellectually. But one time Julin commented on this to me, and Roy Hunt was baffled. He kept asking students, "What does that guy do in a classroom?" One kid said, "He is a ham actor." [laughter] "That is how he gets the points across." Julin asked me about it one time, and I said, "I do not understand the student response about me." I said, "I yell at them, I really do. I say, 'This is not kindergarten. If you want to go back to college, get out of here. We are here dealing with other people's lives and their money. This is very serious business what we are about. You do not want a surgeon bending over your abdomen with a scalpel who is busy playing undergraduate politics while he is in medical school.'" So I yell at them.

H: They seem to like it.

V: Well, the other side of the coin, as Dick says, is, "Yes, but you are organized and you are fair. You are mean as the dickens and a strict disciplinarian, but you treat everybody alike. You are fair. That is important. Secondly, they know you are prepared; you are organized. You do not go in there and just fling esoteric words around. You go at it."

H: And [you have been voted] teacher of the year again.

V: That is what other people say. I do not know how accurate all of that is.

H: Well, they must like it. Three times [the students have] voted [you] teacher of the year.

V: Well, I do not know. You can argue that students are often misled in their perceptions of what makes a great teacher.

H: How do you prepare for class?

V: Perpetually. Teaching law school is not the same as reading lecture notes that you have developed from research over the years. First of all, the law does change, and you have to stay on top of changes in the law. Number two, while there is a certain amount of lecture communication that goes on, you have to attempt to develop discourse to keep the students participating.

H: So you used the Socratic method.

V: Well, that is an abused phrase. I will read you something from something I wrote. This is a verity that can be documented. When one is looking for something, it is usually very difficult to find it.

The first-year teacher's task is to impart not mere rote legal rules but the skill of legal reasoning. While a given teacher may have mastered the legal reasoning process, that does not guarantee that he or she can effectively impart to others. Concerning the Socratic method, how many teachers have read Plato's dialogues and actually take a case book and reduce the cases to organized and planned questions and hypotheticals that exemplify and transfer the skill? Recent writing by law students, books like *One L*, and law graduates' legends about some famous teachers suggest that some first-year law teachers confuse the true Socratic method with a reign of intellectual terror based on sarcasm and personal invective, neither which lends itself particularly well to the goals sought.

I had, in my experience at Wisconsin, some excellent teachers. I had one Socratic teacher who took a case book three inches thick and reduced it to ten cases, and he used a series of questions, which he never answered, but each question was geared. And if you have read the dialogues of Plato, you know how the conversations between Euthyphro and Socrates were played out. There are so-called intellectuals in the law school world, law professors, that have never even read Plato. So much for the renaissance education.

I found myself much more comfortable in Europe due to the renaissance education I had. With my European colleagues, we enjoy comfortable discourse. But when you really pin down many law professors in this country, they are bright, but they are not educated. You come to realize that the law school Socratic method really is not the Socratic method as conventionally defined in American legal education. However, the students are expected to answer questions.

H: And you subscribe to dialog in the class?

V: After the first year it becomes, cost/benefitwise, a waste of time. After the

students master that it is just more of the same, and they become bored. At that point, they really want to know more about the substance. That is another thing that I have brought up in my various writings, and other people have observed this. I am not the only person that has ever said that. There have been other legal educators. The third-year ennui, and even second year, is well known in distinguished law schools. The students have caught on to the legal reasoning process. Now they really want to know the details.

H: So then you just supply the details.

V: Well, not necessarily. For instance, I have a commercial paper course right now. I am not lecturing. I still interrogate the students, but I do not do it in the Socratic method. I do it more in a common-sense fashion. Now, what is really happening here, what policies, etc.? I frequently say to the students, "Do not clutter your minds with a legal education – just common sense. What does this tell you?" Finally they come up with the right answers, and then they get the point.

H: You mentioned in the conversation previously that you have been president of the Wisconsin Bar non-residents division.

V: Yes, I am president of the non-resident division of the Wisconsin Bar right now, which is roughly 30 percent of the Wisconsin Bar.

H: We were talking about why you have remained active with the Wisconsin Bar.

V: Well, I think the reasons for that are somewhat emotional. That is, while I am not a native of the state of Wisconsin, I did go to school there, my children were born and raised there, I practiced law there, I taught at the university of which I was a three-time alumnus, and I was equally involved in governmental affairs and community affairs of all sorts.

I think there are three critical periods in your life. That is sort of the first period, when you stay in one location from the time you are born until you are roughly eighteen or twenty. Then there comes another period when you complete your higher education. You perhaps then put down secondary roots, which I was able to do through the vehicle of going to school in Wisconsin and being involved in the National Guard. My wife said to me one day, "You are not from upstate New York anymore. You are from here."

Those roots and the many experiences I had and the many activities in which I participated left a deep imprint in my psyche and in my life. In fact, when I die, I plan to be buried in Madison, Wisconsin. I do not say that to demean Florida. In fact, I am somewhat analogous to the joke about Congressmen. They may serve in Congress thirty years and live in [Washington] DC for decades, but they all go home to be buried. Well, [there is] a little bit of that in

me. I have been down here in Florida, and I am a legal resident, a domiciliary, of Florida. I have friends here, but that second [period], more than a third of my life, is just too deep to walk away from. Hence, when some friends of mine, professional friends, asked me to run for the board of the non-resident division, there was sort of an emotional pull. I was elected. The next thing I knew I was more deeply involved. Then I began to recognize professionally the need for these non-resident activities, because the multi-state licensing of lawyers crossing a state boundary was diminimus thirty years ago. It is reality today. The Milwaukee firm of Foley & Lardner has four offices here in Florida.

H: There are more and more coming all the time.

V: White & Case of Manhattan has an office in Miami. I began to realize there were [educational] problems connected with this and bar licensing. So I felt, gee, here was an opportunity to do something in those areas. In fact, subsequently I was elected to the Board of Governors of the state bar and have participated in very serious interstate problems about continuing legal education and so forth.

So I feel that I am doing something valuable. But I am doing it through the vehicle of my roots. And a la Alex Haley and everybody else, there comes a point, particularly as one gets older – the elephant's graveyard – when you want to get back to your roots. You do not want to cut that cord.

Now, if one were transplanted to Florida, having come down with parents, and spent the last of their high school days here and went on to the university, they become Floridians, despite the fact that they spent their early years [elsewhere]. I do not have, despite my family's having left some mark on the history of New York, having helped frame the New York Constitution in the eighteenth century, that same feeling of roots, oddly enough, in New York state, with 300 years of family history, some of it rather prominent, that I do in the state of Wisconsin. That sounds paradoxical. My explanation is I put down deep roots that became larger than my childhood roots.

H: Your term as president of the non-resident division is from 1988 till this year?

V: Actually, I was president-elect. You really are president-elect for two years, then president for two years. That presidency will terminate June 30 this year. But I will still be on the Board of Directors of the non-resident division. In addition to all those responsibilities I had as president of the division, I was also a member of the Board of Governors.

H: What is involved in that?

V: CLE [Continuing Legal Education] study committees. They figure I am a law professor and do not have anything else to do, so I wound up with some very

serious study committee problems. But oddly enough, it is all connected with legal education. So I felt I was doing something valuable in a national sense.

I was just in Orlando a week ago Saturday night at the Citrus Club to deliver a short talk that involved continuing legal education and lawyers who are licensed in Florida and in Wisconsin. The president of the state bar of Wisconsin, Lane Ware, who incidentally had been a student of mine at Wisconsin, was there. I was somewhat touched, because several people came up afterwards [that had been students of mine], and it made me realize how old I was. These are very well-established lawyers here in Florida. Jack Maynard came up to me and said, "You do not remember me, but boy, do I remember you from school."

I have been here long enough now – eighteen years. I was invited as a guest to the Board of Governors meeting of the Florida Bar, and there were several lawyers who came up to me there. I suddenly realized these are mature lawyers now; they were on the Board of Governors of the Florida Bar. It turned out they had been students of mine here. But anyhow, that is the connection. It started out as a psychic link, and still continues, except that it also had professional value and reality both for the bar at large and this law school.

H: When your presidency is up, you will remain on the Board of Governors?

V: I will remain on the board for at least two more years. That is the way the thing is structured.

H: And you have been traveling weekly?

V: No. As a matter of fact, as soon as I terminate our soiree here, I have to go to Phoenix, Arizona, with the president of the State Bar of Wisconsin, because we have a large number of Wisconsin lawyers licensed in Arizona. We have set up non-resident chapters in an endeavor to facilitate surmounting the mutual [state] CLE requirements. They are not always synonymous. We are working toward reciprocity through the ABA right now on this. This is a very serious problem, because thirty of the fifty states have adopted compulsory continuing legal education requirements. Unfortunately, the states do not all require the same thing. For lawyers who must practice in two states, this starts to become onerous. So we are working to ameliorate that problem. We are doing it to some measure at different levels, one with the ABA and so forth.

One way is to set up these local chapters. The chapter in Phoenix has been organized. We have a director down there, Paul Forrest, who is a partner in a large law firm in Phoenix. Some of these people are very important people. John Frank is a practicing lawyer in Phoenix, and he is a very prominent man. He taught at Yale law school, was tenured there, clerked on the U.S. Supreme Court, has written several books on constitutional law, and is widely respected. He is not only a nationally prominent practicing lawyer, he was a nationally

prominent academic before he went back into practice. He was a tenured professor at Yale. He is a Wisconsin graduate and from Wisconsin. He keeps his Wisconsin license in addition to an Arizona license.

Anyhow, I have to go over and talk to these people in Phoenix with the president of the state bar. I will speak with this group on March 31. I guess I have got to go over there on Friday the 30th, and I will get back Sunday. I was just down in Orlando. I go to Wisconsin every six to eight weeks. I will be up there at a meeting of the Board of Governors in April. As soon as I get back from Phoenix, I have to go up there to a meeting. There are some very important issues before the Board of Governors, one of which is this report on CLE that is coming. Then I will go again in June. There will be another Board of Governors meeting and a meeting of the non-resident board.

As one gets to my age, you are tired of carrying an attache case and reading papers on an airplane, preparing to deliver a talk at the next meeting. In that sense, I am looking forward to a reduced obligation schedule.

H: Before we get to your retirement, what do you feel has been your most important contribution?

V: You will laugh when I tell you this, and I may be wrong because it is my own perception, but some of the younger (they are not so young now) people who are full professors that we recruited here seem to look to me as basically a very moderate person. I am not an extremist. I am not a radical right or radical left, and evidently this surfaced in the army and in law practice. People used to say, "You have given me a tremendous sense of confidence. Everything is going to be all right." Even the students reflect that. It sounds terrible to say this, but it is something of almost a father image, a very measured father. If there is anything I do not think I am, it is a very outstanding parent, but somehow maybe you do not do that so well with your own immediate family. Maybe it comes through with other people. My wife keeps saying that.

I get calls from people and students come in here, and they go out saying, "Boy, I feel better now." You know, they are having a difficult time with grades and attacking exams or whatever, or they are looking for a career decision and are puzzled, and they know I have had a broad spectrum of experience. The same thing [is true] with younger members of the faculty, not all of them, of course, because I do not have a parade of appointees coming in here holding a seance every hour. But from time to time, over many years, and at least recently, in view of my retirement [a few people] have said, "You have a steadying influence on things here. You do not go off half-cocked, and you are not so conservative that you are against everything or anything like that." I cannot quite explain that. I do not understand myself very well. I am not a very good Shakespearean about "know thyself." I really do not know myself, I guess.

H: But I can understand from your comments, just from knowing you as much as I do, why students and other people would feel that way, because there is that.

V: There must be something that I do not perceive in myself, evidently. Oh, I have done all of the things that I thought a conventional professor from a first-tier school ought to do: visit other first-tier schools, publish, do a thoroughly prepared job in the class room, help raise money, counsel students, encourage high-level faculty recruitment. I have tried to place all those little bricks in the wall in terms of this school. I have devoted eighteen years of my life to this institution, which is not a full lifetime, but it is not five minutes, and I have worked very hard here. I have not always been right about everything. But on the other hand, this other thing keeps surfacing in funny little ways from time to time. I do not know I project that image that, evidently, some people have. I do not understand that. I just do what I always do, every day. Mostly that is work hard.

H: I do not know if this will sound like the same question to you or not, but what has given you the most satisfaction?

V: Oh, I think there are two things that have given me [satisfaction]. In terms of pure academics, one is to complete a course and have a feeling, feedback from the students, that they learned something. That is hard to put a dollar value on. I get it because the students come in here and tell me to my face.

Right now I am teaching a course in business organization, and it is almost embarrassing. Again it sounds egotistical, but I had probably a dozen students out of that group of a hundred tell me, "This is one of the best courses I ever took in law school. I am really learning, and I am really enjoying it." I said, "Even after I yell at you all?" They said, "Yes, that is all right."

The other thing is, when you really finish something where you think for a long while, suddenly you see a new problem in society. Let us say in the legal sense, like I became interested in legal education. When you really finish it, even though people may disagree, you have a sense of accomplishment. It is an inner drive that forces you to publish, not the "publish or perish" mentality. You have an idea and you get a fixation that you want to say something about it. You are curious why it happened, and you go digging and digging and digging to get to the bottom of it. Well, I think ideally all academics, whether they are in the history department or science or whatever, have that instinct or they are not really top flight academics. If they are just here to look for a sinecure and an ivory tower, an intellectual playpen paid for by the taxpayers, they really should not be here. Like everything else, people with that [curiosity] instinct are fairly rare in the academic [world at large]. They tend to congregate at certain schools – critical mass.

When I went to Cornell I had been here about four years, or maybe five years. When I went up to Cornell, it was like going back to Wisconsin. It was a critical mass of those kind of people. They were researching and writing, but not

because they were threatened by salary increases or publish or perish. Look, I am sixty-seven. I just completed a book. I do not worry about tenure or salary increases. I wrote that damn book because I think there is something important that the public ought to know about.

So that gives you a lot of satisfaction. Of course, it is a fantastic surprise, an ego trip, when you discover that something you have written has suddenly been picked up and other people say, "Hey, that is a real provocative thought." It is fun. I guess that really is an ego trip.

H: That is great. I cannot wait to see what kind of impact or reaction you get.

V: Do not worry, the fireworks are coming out of this book. I am sure some of my colleagues here will not like it. I do not care. I am saying what I am saying.

H: Well, it needs to be said.

V: But I have had some amusing experiences along that line. One time, in fact, when I was teaching at Cornell, I went out to dinner with two members of the law faculty. It happened a professor of history, Clive Holmes, was there. He was a British-trained scholar from Oxford and Cambridge. He had been over to the law school on a little session, so all four of us went out to dinner. In this restaurant were two full professors of the history faculty and their wives having dinner. They sat at the very next table. We were introduced, but I did not quite get their names. You know how in a restaurant [conversation goes] in one ear and out the other. But one of them turned over to me and said, "Say, Clive says that you are very interested in colonial history." I said, "Yes, as a matter of fact I am." He said, "Well, if you are, you ought to read this article. I am using this in class." He went on to describe this article, and I said, "That is an interesting thesis. Who wrote it?" He said, "Some guy named Van Alstyne, University of Wisconsin." I said, "That is my article!"

We have a visitor from the University of Wisconsin history faculty down here [Stanley I. Kutler, professor of history and law, University of Wisconsin] who is giving a speech tonight. Fletcher [Baldwin, professor of law, University of Florida] had dinner with him I guess last night or the night before. Fletcher told me this morning that the first thing Professor Cutler asked him when he found out that Fletcher was a law professor was, "Is Scott Van Alstyne still here?" Fletcher said, "Yes." He said, "You know, he is a pretty competent historian," which was kind of nice. Frankly, I do not remember him very well. He knew me from the historians at Wisconsin.

That is why it is fun, in a way, to get old. You look back and say, well, I have had a hell of a time. My wife asked me the other day, "What about your fantasies?" I said, "Well, let's leave sex out of this." I said, "You know, Marion, I have really had a very fulfilling life. I have done things that most people go to the movies to see about. I have been an officer in the army. I went from a

private to a full colonel in the infantry." I have been an academic and have been around some very major institutions that were very exciting. I have been involved in state government. I have had the personal satisfaction of quietly doing things for people that I do not want on the front page, but I know what I did. I have traveled extensively and been to foreign universities, and I have been abroad as a practicing lawyer and in the military. I told her, "Golly, it is kind of a bizarre life, but, boy, it has been exciting." I have done a lot of things that a lot of people read about in books, I suddenly realized one day. You cannot knock that.

H: No, you sure cannot.

V: So I am going to retire.

H: So what is next?

V: I am scrubbing up another book. Jeffrey, the dean, has promised me some sort of office space and logistical support. I have a book in draft form that I used in Europe that I am going to scrub up and really polish. That will keep me busy for the first few months of 1991. I am retiring in December of this year. Then I have been invited to the University of Leiden as a regular visiting professor for the fall term. My wife and I will go over to Europe in August under the sponsorship of the Dutch government.

H: So is that every fall you will do that?

V: Well, I guess as long as I can stay here. I told them one term. I am getting to the age that I never know when the arthritis in my knee is going to set in. I will be sixty-eight, crowding sixty-nine, and you never know when your energies are going to be constrained by physical ailments. Right now I think I am in reasonably good health. In fact, I had a physical exam within the past ten months, and the doctor said, "You are in remarkable physical condition, despite your smoking." That is the one bad habit I have. I do not drink that much, and I am careful about what I eat. I said, "Why do I feel tired and ache?" He said, "That is because you are old." I said, "Thanks."

H: So what is the next book?

V: Well, it has to do with selected problems in international legal transactions. The reason I am redoing it is that there are a number of aspects that are going to change. The European community is going to become even more tightly integrated in 1992, and many of the aspects of international trade, insofar as a lawyer is concerned, are going to be modified. I will not bore you with details. But historically, for instance, there has never been anti-trust law in Europe because

each national state has had cartels for steel and this and that, whereas in this country, where we look inward to our big land mass, we have had to worry about combinations and restraint. Now, for the first time, there is one steel industry, and they are worried about German producers and French producers getting together in the [European] Common Market.

This in turn leads to some more international tensions. What about the coordination of those people with Americans and vice versa? Until now the litigation has been one sided. It has been largely the American legal system that has endeavored to attack Americans who have been in combination with Europeans. The European say, "We do not care. There is no anti-trust." But, boy, there is now. What I am saying is the legal framework is changing which is causing a revision of these materials considerably, and I want to take that revised version in much more polished form over with me to the Netherlands next year.

In the meantime, I am still on the board of the non-resident division. People are always asking me to do this or that, but my wife says, "You have to say no. How about going up to Charleston for the weekend and looking at the old houses?"

H: Are you going to teach here at all?

V: Well, that is up in the air. Technically there is no commitment at this time or any offer from the law school. But if I am good health and I suppose there were an emergency, I am enough of a workaholic I would stay on top of the materials and be prepared to lecture a course or teach a course occasionally.

H: What about that trip to Charleston? What else?

V: That is a kind of thing I really love to do, see old houses, go out on these little tours. You can tell from my describing my activities that I really have not had the time that most people have. I have not had any vacations, really, and I would like to be able to do that before I collapse and am put in the casket and sent to the Forest Hill Cemetery in Madison.

H: Anything special planned along those lines?

V: A couple of things. You know, this may sound incredible with all my interest in colonial history, but I have been in Canada a great deal and have always wanted to go up to Quebec City and stay in a pension. Not the Chateau de Frontenac. It is a marvelous little seventeenth or eighteenth century city, and I would like to see the plains of Montcalm where a major French and Indian War battle was fought. It is so easy to get up there. Everybody speaks French, and I speak French. It would be marvelous to go up there for a week. I have never had the time to do it. All you have to do is get in an automobile and drive up there. You are going to a foreign country. People are so anxious to go to Europe, but what

is the matter with Quebec or the maritime provinces? I would love to do that. I have foregone attending functions of things in which I have some family interests and deep [personal] interest because I have just been too busy working.

H: Now you will have some time to relax.

V: My wife said I do not know how to relax. She said I will be busier in retirement that you are now. She says we never will get to Charleston. I do not know. Maybe she is right.

H: Try to take out a minute or two. Is there anything you would like to add? I think I have covered all my questions.

V: One of the things that I discovered in researching my materials on the prestige image in law schools is that with perhaps one exception, the University of Virginia, the traditional prestige law schools are all part of traditional prestige universities. If Princeton were to establish a law school – by the way, it considered it back in the early 1920s but rejected the possibility – it would be a prestige school overnight. They would have the funding, they would not admit anyone but elite students intellectually, and they would have a first-class faculty. But they would also have the prestige of Princeton University with its fantastic tradition of productive scholarship and admission standards.

So how does that relate to Florida? I have been very encouraged by [John] Lombardi's selection as president [of the University of Florida]. I have discerned that this University is, and Marshall Criser [president, University of Florida, 1984-1989] helped on this, becoming one of those universities that became famous because of their research. I do not mean publish or perish, I mean real research that wins Nobel prizes.

I know when I was in England I met a professor from the Max Planck Institute. He wanted to know where I went to school. "Ah, yes," he said, "very strong in biochemistry." And that was not publish or perish. They have just turned out a prodigious amount of positive research, not garbage. So I think Florida, as a university, is heading in that direction. Criser's ability to maneuver this school into the research group, as you recall a couple of years ago, was a very important move, because as the University grows, [the law school will grow].

It is a symbiotic relationship, a mutually beneficial thing. We can work very hard in this law school, but to really achieve the prestige image, we have to have a lot of help from the University core.

You can make the argument that a university can develop into a prestigious one because the medical center, the law school, the professional schools around it individually become famous. So people remember the university not because of the history department but because they have heard the name of all the surrounding [schools].

H: How often does that happen?

V: It has not happened really, with one exception. Try to explain the University of Virginia. The University of Virginia historically has not been a great research university the way Michigan, Berkeley, Wisconsin, and Chicago have been by cracking the atom and whatnot. But there is a peculiar facet about Virginia. I say in my book, "The towering presence of a renaissance intellect such as Thomas Jefferson is so great that while the university has not produced Nobel Prize winners, that Jeffersonian presence, coupled with that architecture, means everybody knows the University of Virginia is at Charlottesville, Virginia.

Consider a simple test. If I say Ann Arbor, you know what I am talking about. If I say New Haven, you know what I am talking about. If I say Berkeley, you know what I am talking about. If you say Gainesville, people say, "Where is it?"

Now, I think we are overcoming that. If we can have some major breakthroughs in any of the departments of the core part of the university, people will begin to associate Gainesville with a major university here, the University of Florida. And when you have reached that, you have achieved national recognition. You have the prestige image, and that is not just a phony for prestige seeking. It means that there is real accomplishment.

So I think we are making progress. I think we have made substantial strides at the University of Florida at large since I have been here. I think the pace is accelerating. It particularly started with Criser. Despite the fact that Dr. [Robert Q.] Marston [president, University of Florida, 1974-1984] is a very nice guy and did some fine things for the University and headed in that direction, Criser was more of a pragmatic, politically effective person who was able to put it in focus. I am hopeful that Dr. Lombardi, with what appears to be just a solid reputation, both academically and in administration, will continue. He knows about great research universities. He is at one, Johns Hopkins, or was until this month. In that sense I think, again, it is symbiotic. The law school will benefit and the University will benefit from that kind of leadership at the central core.

H: And that is to be seen.

V: I have not given you my vision for the year 2010.

H: It sounds good.

V: That is more than enough material. Nobody is ever going to read that stuff, Becky, I am sure.

H: Oh, I do not know. Anything else?

V: I really do not have anything. I have said too much already.

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[End of the interview]