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UP FROM THESE ASHES . . .

ROBERT E. OLIPHANT†

Yesterday, while walking through the beautiful, new and almost completed Warren E. Burger Library, I watched painters brushing dark stain on the door trim while other workers finished assembling the impressive circulation desk. When I reached the new boardroom with its prominent gold trimmed chandelier, I paused and gazed out upon Summit Avenue. I was struck by the strength of my feelings; a mixture of pride, amazement and grief. Pride in playing a small role in building the badly needed modern library—a symbol that the college and its alumni have truly arrived in the legal world. Amazed that the library had become a reality, against great opposition and almost from the ashes of despair. And grief over the emotional price paid by many staff, faculty and administrators during the ten years it took to make the impossible dream of such a facility a reality.

My mind drifted back over the events of the past decade. Did it make sense to share with others the genesis of the library—the struggle to breathe life into the concept? Who would care? Would the telling dampen a great day in the lives of alumni and others who have worked so hard to make the new library a reality? Why tell a story if to do so opens old wounds and generates more controversy?

Well, maybe for historical purposes, came back the answer. After all, almost everyone cares at least a little bit about history. With that purpose in mind, I’m sharing my personal odyssey and perspective on the creation of this marvelous new addition to the college.

The story begins in 1976, when I was not yet a member of the college faculty.¹ That year the college moved from its badly overcrowded facility near the College of St. Thomas in St. Paul to 875 Summit Avenue, a spacious seven acre former Catholic girls school, which for several years had been vacant. Despite the hard work of its alumni to gather money to

† Professor of Law, William Mitchell College of Law.
1. I joined the William Mitchell College of Law faculty in 1978.
purchase the large campus, the college was pressed for operating funds and concerned over space from the outset of the move. According to the librarian, Carol Floren, the library was operating on a shoestring budget. Because of that, and for a number of other reasons, scant attention was paid to creating a long range plan for the library’s growth.² Upkeep of existing materials and the addition of 3,500 to 4,000 volumes a year created pressing needs for funds. And the college faced other serious problems.

For example, shortly after its move to the new campus, the college had launched a sustained effort to join the prestigious American Association of Law Schools (AALS). However, the college’s bid was rejected after a careful on-site inspection by AALS in 1978 and again in 1979. Accreditation by AALS was important to students, because recognition meant their law school credits could be more easily transferred to other law schools, should they be relocated to another state by their employers. Furthermore, accreditation meant increased prestige for the student body, faculty, staff and alums. No longer could its absence from AALS be used as an argument to support the view that the college was a second-rate institution, one sometimes shunned by law firm recruiters or one that because of its accreditation status had a hard time attracting highly qualified students and faculty. But AALS accreditation would not come easily.

In the fall of 1979, Dean Bruce Burton resigned his post and a nation-wide search was launched to find a replacement. A selection committee initially screened thirty applicants, and then reduced the number to six, who were intensively interviewed by faculty, staff and trustees. Geoffrey Peters was their unanimous choice.³ Professor Melvin Goldberg, chair of the Dean Search Committee, found Peters the “ideal choice for

². “We knew when we moved into this building in 1976 that we were operating on a shoestring budget, so we didn’t plan for a 10-year growth,” the head librarian is quoted as saying in the William Mitchell Opinion, May 3, 1982.

³. Peters received his juris doctorate from the University of Denver, where he was editor of the Denver Law Review. He also obtained a masters degree in sociology in 1974. He practiced in Denver, Colorado and was eventually hired as a faculty member at Creighton University Law School. He taught at Creighton for six years and then took a position at the National Center for State Courts, where he became its deputy director.
our law school."  

Professor Douglas Heidenreich characterized Peters as "thoughtful and careful; he is a good listener and makes his judgments on the basis of as many facts as he can gather. When he makes a decision he moves firmly to implement it." Professor Goldberg and I were asked to join the administration as associate deans, and with great pride we accepted.

I remember clearly that first meeting ten years ago over the breakfast table in a small south Minneapolis frame house where the three of us shared ideas, dreams, and a powerful positive vision for the college. We were enthusiastic, excited, ambitious, but more than a little inexperienced. However, if hard work, dedication, and enthusiasm meant anything, we believed it could overcome any obstacle placed in our paths. But even before we had started down our ambitious administrative paths, storm clouds were gathering. In our youthful naivety and enthusiasm, we were blind to them.

We received our first dose of reality during that breakfast meeting, and it was a shocker! While we knew the college had been rejected by AALS, we were not aware of its probationary status with the American Bar Association (ABA). The ABA is the official law school accrediting body in the United States and as a result of its inspections, it had placed the college on probation. Although the library may have played some role in the ABA's action, it appeared there was much more concern over the college's high student-faculty ratio, approximately 44 to 1. The ABA wanted the 44 to 1 ratio reduced to about 29 to 1, the national law school standard. Therefore, the college was under the ABA accreditation gun to quickly add from six to ten full-time teachers to the faculty. The ABA viewed the student-faculty ratio problem to be so serious that it required a formal progress report showing the college was resolving the problem every six months.

Undaunted, we established priorities; priorities dictated, however, more by necessity of the situation than our own visions. The number-one priority, and the most costly, was to

5. Id.
6. The college's ratio was further complicated because some "full-time" faculty carried on significant outside-the-law-school employment activities.
get the college off ABA probation by adding many more full-time faculty. The second was to begin finding ways to substantially improve the library. The third was to vigorously and tenaciously pursue AALS accreditation.

Saying we were going to get the college off probation, add several new faculty at a direct and indirect cost of $50,000 to $75,000 each, and gain entry into AALS within the next year or so was one thing; achieving those goals was quite another. As administrators we desperately needed support from the Board of Trustees, patience from the faculty, and the understanding of the staff.

The trustees supported the new administration and its tub full of ideas but were reluctant to undertake new major fund raising chores after recently completing the campaign that provided the funds to move the college campus to 875 Summit. Persuading, encouraging and working with the trustees was Dean Peters’ job. As associate deans our tasks were to inform, encourage and stimulate the faculty, work out finances, staffing, development and public relations matters. With a faculty that had been relatively small, reasonably content with few demands and even fewer meetings, the new administrative structure caused more than a few eyeballs to roll. But most faculty reacted favorably to the challenge, rolled up their sleeves, and got to work on solving the many problems the college faced. Support staff also joined in, some with eagerness and enthusiasm, but a few with hesitation and uneasiness as a merit based pay structure was developed and personnel systems were implemented. Quite troubling to some support staff was the “out-placement” of the business manager and three or four others during the first year of the Peters administration.7

Money, as is so often the case, was a critical problem. The college didn’t have much available to it. One reason for the sparsity of funds was directly related to the college’s proud eighty year history of providing a window of opportunity for deserving people to obtain a law degree. Without the college and its flexible evening programs, hundreds, possibly thousands, would have been locked out of the legal profession and deprived of an opportunity to effectively serve the community as lawyers. Consequently, tuition was near the bottom

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7. The administration followed a policy of helping staff who were looking for other jobs with out-placement opportunities through employment agencies.
among United States private law schools. Tuition could be kept so low only if the college continued with its high student-faculty ratio, an impossibility. It was immediately clear that tuition would have to be increased dramatically.  

Dean Peters directed us to find whatever funds we could in the budget to help reduce the contemplated huge increase in tuition while also looking for ways to cut costs. As a result, I spent most of my time during the early days pouring over the college’s income statements, balance sheets, and audited financial records, which, unfortunately, were not in very good shape. In fact, it appeared that auditors had sometimes balanced and closed the college’s books and then audited them, an unusual practice. By the end of the third month, my worst fears were confirmed. The college’s operation budget was not breaking even but was running in the red by at least $100,000! In addition, its quasi-endowment funds, a reserve that could be used to carry it over an immediate cash crisis, had been depleted by the capital drive to obtain the seven-acre campus. A subsidiary concern was the fact that the college was more than 90% dependent on tuition income for its operating budget.

In late fall 1980, the Dean outlined the financial crisis to a skeptical, tough College Board of Trustees. He argued that the only immediate solution to the college’s financial plight was a dramatic tuition increase—in the neighborhood of 25%. He argued that for the college to survive, similar increases would have to be made annually over the next three years.

The trustees expressed alarm over his proposal, fearing that such enormous increases would close the window of opportunity on many deserving students. They rejected the Dean’s suggestions, telling him to return with a new plan before the spring board meeting. During the next several weeks options

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8. The tuition increases from 1980 to 1990 are shown in this chart.

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
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<tbody>
<tr>
<td>1979-80</td>
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<td>1983-84</td>
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<tr>
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<td>$5,770</td>
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<tr>
<td>1985-86</td>
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<td>1986-87</td>
<td>$6,640</td>
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<tr>
<td>1987-88</td>
<td>$7,180</td>
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<tr>
<td>1988-89</td>
<td>$8,040</td>
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<tr>
<td>1989-90</td>
<td>$9,500</td>
</tr>
</tbody>
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and alternatives were explored and weighed. But there were no unused pockets of cash to help the college out of its predicament. In the spring of 1981 the Dean returned to the trustees and again argued for a 25% tuition increase. Finding no alternative available, but refusing to raise tuition by 25%, the trustees grimly approved a whopping 21% increase for the 1981-82 school year.\(^9\)

While even a small tuition increase is usually met with grumbling among a college student body, a big increase like this was met with monumental resistance. A firestorm erupted among an unhappy student body when the increase was announced. However, after a great deal of explanation, it seemed to abate.

The Dean was a caldron of energy, a driving force, a tough guy whose bluntness took some getting used to—even if you thought you knew him well. He had contacts everywhere outside Minnesota and it was obvious that he intended to bring the college into the mainstream of American law schools. Twelve hour work days were the norm. Sometimes the administration worked around the clock without sleep.

The idea of a new library was the Dean's—sprung on us during his first few weeks in office. I thought he was mad—how could we even think about a new library when we were being threatened with loss of accreditation? No matter, he said, it was absolutely clear that a new facility was needed and I was directed to get going on laying the preliminary groundwork for it.

The Dean also made it absolutely clear that the college was to become a member of AALS within a year, if at all possible. That deadline seemed impossible given the fact AALS had already turned the college down cold on its two earlier requests. But that didn't matter. With enormous energy and enthusiasm all of us—administrators, faculty and support staff—turned to the task of gaining full accreditation. Faculty committees were created and directed to begin the process of screening and hiring new faculty. A serious self-study, an aggressive development program, and major curriculum reform were added to the already crowded faculty committee agendas. Among the support staff, departments were created, word processing insti-

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9. The following year the trustees would be asked to increase tuition by 18% but would allow only a 15% increase.
tuted, and systems begun. Push, push, push! Hurry! Hurry! Hurry!

The demands placed on the administrators and faculty were exhausting, and made worse by an absence of sufficient support staff to adequately assist with the multitude of tasks we became involved in. For the support staff, it must have been worse. It would be ten years before most college units would finally become fully staffed. For example, in 1980 the development office consisted of three persons and there was no alumni director. By 1985 there would be nine full-time staff in the unit; when the library is completed in 1990, there will be twelve. Publications were amateurish in appearance and content, because the college couldn't afford a public relations person or unit. There was no associate dean of admissions or an admissions department as we know it now. The accounting office was tiny and without a comptroller. There was, likewise, no administrative computer or word processing system, and no masters program in tax.

The college's total library staff had grown from one person in 1961 to eleven by 1980. However, its full-time professional staff, those with a masters degree in library science, numbered only three. Over the next ten years the professional staff would grow to seven full-time professionals, all with a masters degree in library science. Furthermore, by 1990 two of its professional staff would also have law degrees while two others were working on them.

After the Peters administration had been in office a few short months, it became obvious that some of the faculty were getting uneasy with it. Too much pressure! Too many ideas! Too many committee meetings! Too many demands!

During those early days it's hard to say which idea created the most controversy among the faculty. One decision that met fierce resistance from some faculty involved co-location of all faculty on the third floor of the college. Co-location, we were told by those who seemed to know, would put natural peer pressure on faculty to become more productive, and greater faculty productivity meant a better reputation in the

10. The Honorable Ronald E. Hachey was appointed the college's first full-time Alumni Director in late 1980. Hachey was former Chief Judge for the Second Judicial District, former President and current member of the college's Board of Trustees.
community and increasing opportunities for graduates to get jobs. Opposition was particularly strong from faculty with hide-away offices scattered throughout the building who didn’t want to give them up. But we cajoled, encouraged, and in a few cases when nothing else worked, ordered, and co-location became a fact-of-life.

The co-location effort cost the administration in two ways. First, it had to build several new offices using what little money it could scrape up to pay for constructing them. Second, co-location exacted an emotional toll on the faculty. Regardless of the logic and reasonableness behind the co-location plan, some faculty refused to accept it and were very angry when it was accomplished despite their protestations.

Another matter that seemed to make some faculty uneasy involved teaching competence. Early on it became clear to all that higher professorial standards would have to be met by both the tenured and non-tenured members of the faculty. The standards and their application subsequently became another matter of substantial controversy.

Another AALS inspection of the College was scheduled for fall 1980. It was characterized as a “supplemental inspection,” meaning that only one person would be sent to check on the college’s progress since the full 1979 team had conducted its inspection. Everyone—the staff, faculty, and the administration—scurried to get the college into shape.

We worried about the state of the library, its small number of professional staff and a collection that was already outgrowing the space allotted to it. While we didn’t believe that AALS would necessarily fault us for the library, Dean Peters continued pushing for a realistic development plan for a new facility. He felt that plans were not moving ahead fast enough on the library and would remind me that one of the first things he did after he accepted the dean’s post was to get the development staff to provide a sketch of a library fund-raising plan.

Everyone thought the fall 1980 AALS inspection went well, although it may have come a little too soon to get everything in

11. Among projects designed to increase competency was a faculty review committee system that had a committee evaluate the teaching of full-time faculty members. This peer review system was abandoned in 1987 or 1988.

12. The first preliminary report on fund raising and development of a new WMCL library was delivered to Dean Peters in May 1980.
Despite all the effort, the college was turned down by AALS. We appealed the decision and argued on appeal that the college had already more than complied with AALS's demands. In response to our appeal, AALS agreed to set up another inspection for September 1981. An all star line-up consisting of then Dean Gordon Gee, Dean John Kramer, Professor Gary Palm, and Professor Millard Ruud were named to the 1981 AALS inspection team. In our winter 1980 administrative meetings we promised ourselves that we’d turn up all the burners to pass this inspection—this would be the last time!

During this period, many things were happening on several fronts. One of my pet projects, the creation of the Child Care Center, became a reality in October 1981, with a dedication ceremony hosted by a number of prominent persons, including the widow of former U.S. Supreme Court Justice William O. Douglas. The center was the first such service offered nationally in the legal community. While a large number of persons were responsible for its creation, Ms. Connie Otis, a member of the college’s Board of Trustees and Ms. Joan Lucas, the student leader of the project, were the keys to its success.

The Child Care Center opened in a Baptist church located two blocks from the college, but after a very short time, it became clear it was not an adequate facility. With a student body of over 1,000 and a growing number of faculty and support staff, the most logical place for the Center was on campus. After a tough battle over the use of precious library space, the Center moved into the southeast corner of the library in November 1982.

As we worried about the future of the library and the fall AALS inspection, other problems arrived on our plate, which diverted our attention. One of the most controversial started in late spring 1981 and involved the Teamsters Warehouse Employees Union No. 503. The college’s four-person maintenance staff had formed a union several years earlier and its contract with the college had expired. Justifying its position on a critical lack of operational funds, the college locked horns with the union during contract negotiations. The college

13. Dean Jerome Barron conducted a supplementary inspection of the college for the purposes of AALS accreditation on September 25–26, 1980.
sought to keep maintenance payroll costs down by obtaining the right to add part-time law students to the maintenance crew. Furthermore, and with the hope of increasing productivity, it sought to establish a merit based pay system for union employees. The union adamantly rejected the college's proposals and by the middle of June 1981, a Teamsters strike became a possibility. Internally, the administration pondered and weighed the various alternatives in the event of a strike.

On September 9, 1981, Dean Peters formally advised the faculty and staff of the possibility of a Teamsters strike against the college. He noted that the college had located a private maintenance provider who would give the college similar maintenance service for $25,000 less than it now paid the union employees. He also made it clear that the college intended to hire replacements if a strike occurred.

The suggestion that the college might not only be struck by the Teamsters Union but would fight back by hiring replacements, sent tremors through the staff and faculty. Faculty who had solidly aligned themselves with labor their entire careers were infuriated over the thought of a strike, and I believe, what they perceived as the attendant embarrassment. Staff were uneasy about the unrest a strike would bring to the campus.

Almost simultaneously, we announced a new rule regarding class absence. Under the rule, three absences from any class could result in suspension. The policy was enacted to codify and tighten up an unwritten policy. Under the Burton administration students could miss up to 15% of their classes while during the Heidenreich era it was 20% for a particular class, or 20% for all classes. When the rule was announced, the student newspaper charged the administration with "using the coercive power of the school attendance policy . . . to prevent students from following their convictions and consciences." The inference was that the administration was using the policy to force students to cross picket lines, should they be set up, or be dismissed from the college.

The lights in the administrative offices at the college burned late into the night that early fall of 1981. Would some faculty refuse to cross Teamster picket lines if they were set up around the college and boycott teaching their classes? And what about

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15. Id.
students? Would pro-labor students risk not attending classes and suspension by refusing to cross Teamster picket lines? The pressure grew.

The Teamsters local struck back at the college by announcing on August 27, 1981 a formal campaign to establish a college Teamsters Clerical Union. Internally, the Teamsters' effort received support from a substantial portion of the library staff with the chief union organizer a secretary in the library unit. She campaigned among staff and received support and encouragement from some members of the faculty. The college hired a professional consultant to help it oppose the unionization efforts.

The prospects of a Teamsters strike, student pickets and faculty refusing to teach their classes was bad enough. Add to that a unionization campaign, and on top of that massive preparations for an AALS inspection which was bearing down on us, and you get a picture of the situation. To prevent chaos from reigning, we settled with the union September 14, thus averting a strike.

On November 12, 1981, the National Labor Relations Board (NLRB) conducted an election to determine whether the Teamsters should represent the college's clerical employees. By a 12-7 vote the Teamsters were rejected. However, immediately following the election, the main staff Teamster organizer announced that ten months from the vote new organizational efforts would begin and said a new election could be held within a year. She also stated that "the possibility exists that charges of unfair labor practices may be filed within the year." 16

The AALS inspectors had arrived while the college was still in the midst of the Teamster organizational activity. Despite the turmoil surrounding the unionization effort, everyone believed the inspection went extremely well and felt the chances for full acceptance by AALS were good.

As soon as the NLRB certification issue was laid to rest, the administrators were off to lobby the AALS executive committee at the November 20, 1981, meeting in San Diego, California. After a great deal of discussion, the AALS executive committee voted unanimously to recommend acceptance to

the full house of delegates. The full house voted at its annual meeting in early January 1982, to accept the college into its ranks. We celebrated!

Following the AALS acceptance, celebrations were short lived as one crisis after another faced the administration. We were moving too quickly, making too many waves, and losing too much support in too many quarters. The list of grievances held by faculty and staff against the administration was growing. Some faculty found abhorrent the college’s “new” insistence on a clear showing of substantial faculty productivity consistent with ABA and AALS standards before tenure was granted. The productivity issue crystallized in December 1981, when for the first time in history, the faculty rejected giving tenure to a member of the teaching staff. Productivity also played a role where in two or three instances the administration had frozen faculty salaries. Merit performance bonuses given to faculty who were published quickly became a source of controversy. Some faculty charged that bonuses were inappropriate in an academic environment. Others suggested they were given out as “favors” to friends of the administration. Still others argued that their non-publication work should receive the same kind of recognition and financial reward as written scholarship.

On other fronts the administration pushed hard to improve graduation programs by arranging nationally known speakers, raised expectations for fund drives, launched college-wide computerization, and vigorously pursued establishment of personnel policies and procedures. A proposal for a masters degree in taxation, created in part as a financial diversification measure, was greeted with lukewarm enthusiasm by the faculty. Efforts were also begun to substantially increase minority scholarships and to diversify the student body.

Smoldering personnel problems in the library erupted in the spring of 1982. A professional library consultant was hired to help deal with the library problems and shortly after her report was finished, the head librarian quit. She noted in her resignation the existence of serious personnel problems in the library.

By May 1982, morale and relations among the library staff

17. The consultant was Christine Anderson, former assistant dean and associate professor at Southwestern University College of Law.
were so bad that the college hired a group facilitator to meet privately with the library staff to help develop skills to more effectively communicate. The facilitation effort seemed to do some good, but the root problems seemed to remain.

By November 1982, the college was asking itself whether a conference center it was attempting to develop as part of a major gift had become an albatross around its neck. In 1981 Charles and Marjorie Pihl donated a beautiful 120 acre tract of land and several buildings, including a huge home to the college. The property was located about seventy miles west of Minneapolis near Litchfield, and was initially valued at about 1.2 million dollars. The college had turned the buildings into a conference center called Birdwing, leased most of the farmland to local farmers, and reserved twenty acres for outdoor recreation. The gift, which was subject to a $500,000 mortgage, had been accepted by the Board of Trustees "as long as it didn’t cost the college anything." Plummeting land prices, and a slow start in the conference business made the future of the facility uncertain. The college would struggle with the development of the center until 1985 when it was sold.

Other problems hit the administration in 1982. One member of the faculty sued the college over his salary, although that action was later dismissed on a finding of no probable cause.

A temporary librarian was hired to help direct the library while a nation-wide search was launched for a new library director. Meanwhile, there was a growing uneasiness with the administration as its demands continued to escalate. Criticism was also being expressed by a few students and trustees that the college was evolving into a day school, a claim the administration vigorously denied.

Several significant events that would have an impact on the future of the new library occurred in April 1983. The first was the dedication of the Chief Justice Warren E. Burger display case in the existing library. A marvelous display case had been built and paid for by close friends of the Chief Justice and he arranged for the college to receive some of the honorary academic regalia bestowed on him along with photographs and documents of significant historical interest.\footnote{18. Chief Justice Burger is a 1931 graduate of the college, whose sometimes unannounced visits to the college and obvious delight in the changes he saw both thrilled and moved the student body.} The second
event was the hiring of Professor Matt Downs as head librarian. The college had conducted a national search to find a person who could integrate the library with the overall educational process at the college and Downs was the unanimous choice. It was clear to the administration that if a new library were to be constructed, it should carry the name of the Chief Justice. It was also clear that the newly hired head librarian would be asked to build it.

By September 1983, the Board of Trustees had been persuaded that a much better library was needed and they allocated $50,000 to conduct a feasibility study examining building options for a new law school library. Dean Peters estimated that it would take four or five years before the new library was in place and outlined the process that would be followed. First, a preliminary feasibility study would be conducted. Second, the Board of Trustees would choose an architect to complete the study, and third, the Board of Trustees would decide whether to initiate a capital fund drive. Cost estimates were initially put in the 3 to 7 million dollar range. The consulting firm of Dober and Associates of Boston was retained and began to study the college's library, academic and administrative needs. Several months later, they concluded that retrofitting the library requirements into existing campus space was neither functionally, practically, nor economically prudent.

The college also completed preliminary negotiations in September 1983, with the Summit Avenue Assembly of God Church concerning a proposed parking lot on college property just off Victoria. While the lot would not be built until plans for locating the library on the college campus were completed, the congregation had approved funding for a parking lot to handle its growing numbers and were willing to pay, at least in part, to have the lot built on the college campus. However, it would take over seventy more meetings with neighborhood groups, city planning agencies and the St. Paul City Council before final approval for the lot was obtained. In 1988 the lot was built in anticipation of the new library and the Assem-

19. Professor Downs outlined the options of the feasibility study as: (1) Use the existing library and renovate extensively, possibly building two additional floors on to the existing facility; (2) Use the adjacent Legal Education Center for the new library after renovation; or (3) Add a completely new facility.

20. The estimated number of meetings was supplied by college vice president Bruce Hutchins.
bly of God Church ended up leasing space from the college for its Sunday service rather than providing funds for its construction.

May of 1983 is significant because it marked the beginning of the end for the Peters administration. It had survived faculty salary freezes, huge tuition increases, strike threats, Teamster elections, refusal to tenure two professors, faculty co-location, and repeated accreditation inspections by AALS. It had added more than a half dozen new faculty, a dozen or more professional staff, stiffened faculty tenure requirements, created a word processing system, developed a personnel system, and laid the foundation for the future library. It would not, however, survive the next crisis.

The story begins with a telephone call I made on May 3, 1983 to the lawyer representing the interim librarian, who was involved in a dispute over the termination of her contract. She, her lawyer and the Dean had met privately on April 29, 1983 to discuss her demands. After the meeting I was asked to step into the dispute and see if resolution could be reached. During the telephone conversation on May 3, 1983, sexual harassment was mentioned. I immediately notified the Dean who in turn notified the Board of Trustees. On May 6, 1983, I called the college's lawyers and indicated my concern over the sexual harassment claims. On May 9, the college's lawyer and I met with the interim librarian and her lawyer. Little came out of the meeting, however, the college's attorneys launched an immediate investigation into the harassment claim. On May 23, the Board of Trustees authorized a full investigation, noting that the investigative report was to go to the trustees alone; none of the deans, faculty or staff were to know its content.

Suffice it to say, for the next six months the administration was put under siege by the harassment claims that came from many quarters. Finally, on Sunday, November 6, 1983, the Peters administration ended. The sexual harassment charges had made it impossible for Peters to continue as dean and had created terrible pressures on his family. 22 Professor Melvin

21. The dispute apparently erupted immediately after Professor Downs was hired as the director.

22. In a subsequent disciplinary action, In re Peters, 428 N.W.2d 375 (Minn. 1988), the supreme court would impose a public reprimand on the dean. The referee assigned to hear the case found (1) Peters was a “tactile dean;” (2) there was no evidence establishing sexual intent or moral turpitude; (3) Peters never touched
Goldberg was appointed interim dean.

Despite the turmoil over the sexual harassment charges, plans for a new library had moved steadily ahead. The college went through its fourth overall accreditation inspection in 1983—labeled its “sabbatical inspection”—with inspectors from both the ABA and AALS taking another careful look at the progress it had made since 1979. The college received a very good accreditation report.

During Dean Goldberg’s tenure, plans for a new library progressed. Sometime in 1984, Goldberg, Downs and Trustee Tom Libera flew to Washington, D.C. to ask Chief Justice Burger for permission to formally name the new library the Warren E. Burger library. While honored at the suggestion, the Chief Justice was also concerned that nothing be done that would in any way involve him in fund raising activities or otherwise tarnish his office. The college contingent agreed to carefully work out the intricate details related to building and naming the library in his honor and carefully review them with him before making an announcement. Final details would not, however, be completed until after Jim Hogg was named dean.

The search for a new dean was completed in June 1985, when Jim Hogg accepted the position. Hogg, fifty-five, arrived with an exemplary background in education. He had spent fourteen years as a member of the University of Minnesota Law School faculty and as Vice President of the University of Minnesota. Moreover, he had been a partner in the St. Paul law firm of Oppenheimer, Wolff and Donnelly, and Vice President at Control Data. Within a very short time, it was clear that Dean Hogg was firmly committed to continue the plans toward building the new library, ensuring that the L.L.M. tax program came into being, and seeing to it that the flexible day-evening program of education did not change.

In December 1985, the Board of Trustees selected the St.

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Paul firm of Winsor/Faricy Architects to complete and refine the Dober firm's initial findings. Two nationally known library consultants as well as representatives of West Publishing and Mead Data/Lexis helped the college and the architects develop a library design that would accommodate emerging technology in information management and automated research. By early 1986, intensive planning for the library began as the Board of Trustees announced a 6.8 million dollar campaign to construct it.

The Hogg administration would not find itself free from internal strife as it moved ahead in its construction plans. Its major problem involved faculty personnel and salary disputes, which resulted in a series of lawsuits charging racial discrimination. On August 1, 1986, a tenured member of the faculty filed racial discrimination charges against the college with the Minnesota Department of Human Rights, claiming disparate treatment in compensation and racial harassment in the terms and conditions of employment. On February 18, 1987, the Minnesota State Department of Human Rights dismissed the charges. On February 25, 1987, the dismissal was appealed and on March 24, 1987, the Minnesota State Department of Human Rights sustained dismissal of the complaint. On June 5, 1987, the faculty member brought an action on the same basis in the United States Federal District Court against the college, the Dean and Associate Dean and a member of the faculty. For each of the next two years, the same faculty member would file lawsuits against the college and various members of the administration, staff and sometimes trustees in federal district court. On July 7, 1989, the same faculty member filed a complaint with the Minnesota Human Rights Department against the college and others.

During the late summer 1989, a committee consisting of five members of the tenured full-time faculty and five members of the College Board of Trustees unanimously voted to detenure the faculty member involved in these lawsuits although the reasons given for the detenure vote were not related to the faculty member's right to bring the various lawsuits against the col-

24. See Docket #CV 3-87-390, United States District Court, District of Minnesota; Docket #4-88-587, United States District Court, District of Minnesota; #4-89-687, United States District Court, District of Minnesota.
As the lawsuits moved toward trial in federal district court, an eleventh hour negotiation session conducted in January 1990 settled all of them. 

The Hogg administration continued to add professional staff and faculty to the college. Departments were brought up to capacity or near capacity by him. The student-faculty ratio was reduced well below the 29 to 1 minimum standard. Publications continued to blossom and Donn McLellan became public relations director in April 1987. He continued the progress made in this area by Angelo Gentile, the director from 1984-1987.

Debra Fish was lured away from Macalester College to head the Development/Alumni office. Ms. Fish became Vice President for Development and Alumni/ae Affairs. Library fund raising took a major upward turn when Vice President Fish came aboard.

In May 1988, the Minnesota Higher Education Facilities Authority approved issuance of tax-exempt bonds to serve as a bridge to finance the construction of the library. The Trustees approved a library construction starting date of April 1989, with an anticipated completion date of June 1990. On April 14, 1989, Chief Justice Burger broke ground for the library.

The official dedication of the library is set for Sunday, September 16, 1990.

CONCLUSION

The Warren E. Burger library is a magnificent tribute to the persistence and dedication of the college’s Board of Trustees, alumni, administration, staff and faculty. It is both fitting and proper that it carry the name of the college’s greatest and most honored alumnus. It is a dream come true, a place where gen-

25. Meanwhile, another member of the faculty, an untenured woman, had also filed a complaint with the Human Rights Department against the college and some faculty. When this essay was written, that action was still pending.
26. A joint statement was released to the media which read: “William Mitchell College of Law and Professor Andrew Haines announced today that they have settled the lawsuit filed by Professor Haines against the College and administrators. Haines, a tenured full professor, has been granted a two-year sabbatical. He will be doing research and writing and working with minority students at the College and with other groups in the community to encourage continued expansion of diversity objective of the College.”
27. The public relations department was originally created by Peter Dahlen, who operated it while he was a student attending the college from 1981-1984.
erations of students will study, debate, and learn about the law. It is a memorial to a law school that for almost ninety years has always provided an alternative legal education opportunity to minorities, immigrants, and working people. It has helped produce great leaders in industry, the bench, and the bar. However, for a few, the library will also be a reminder of an incredible decade of enormous progress and the price that was paid for that progress.