



GARY GILBERT

Introducing the New Dean

Interviewed by Vicki Sanders

On July 1, Notre Dame professor Vincent D. Rougeau became the eleventh dean of Boston College Law School. In a wide-ranging conversation in April, he discussed his upbringing, the forces that shaped him as a scholar, and his thoughts on the future of BC Law and the legal profession.

What were the forces that shaped your interest in social justice?

My interest in social justice and thinking closely about how the law affects people, particularly people who tend not to have a voice, goes directly back to my parents and their involvement with the Civil Rights movement and their constant reminder to us of the obligation to give back.

Part of that was because my father, and mother too, took risks at the time. My father took a risk [leading a Civil Rights sit-in in Baton Rouge] that got him jailed but [the notoriety of his case] led to a job with a Civil Rights organization called CORE and eventually to Harvard Law School. Also because they were devoted to changing social structures that they thought were inequitable. I see my responsibility as carrying that tradition forward.

Circumstances change but justice remains. And when I went into law practice it became clear to me that in my service to corporate clients...it was often easy to forget the other side of the equation in terms of who is affected by the decisions that we make for our large corporate clients. One of the things I was doing in practice was banking deregulation. That had a tremendous impact on the economy, in many ways a very beneficial impact on the economy. But it also meant we restructured the law in a way that took out a lot of consumer protection.

When I went into academia, I wanted to look more closely at the other side. I wanted to see how banking deregulation and free market economic activity were affecting consumers, in particular those who didn't have the range of choices people like us have. It became clear to me that the law was being affected in real negative ways. So I got involved in things like the Community Reinvestment Act, writing about that, and looking at efforts the law was making to level the playing field. I became interested in Catholic social teaching because it was one of the few things I could find that offered a response to the laissez-faire free market approach to regulation, which just let the market make determinations as to how much credit should be available, as to where banks should locate and let people make their own choices.

But what Catholic social teaching tells us is that people are situated in community; we don't act completely as autonomous individuals. Our choices, our development, our spiritual understandings are all affected by our relationships with others, so it's important for the law to take those relationships seriously, to take the community aspect of what we do seriously, and to take how we live seriously. What we're seeing right now in our public life is this dramatic tension between political interests and economic interests that want to focus on individual freedom and autonomy to one extreme and this concern

about what is going to happen to those structures and institutions that allow us to work together and work in common [on the other extreme]. Who is speaking for the common good in our public life?

You know how we have arguments about health care reform or whether or not public employees should be able to form unions. Why do we demonize attempts that people make to create coalitions to work together in favor of saying, “Well, it’s always better if you make your own choices if we do things independently and the government doesn’t tell us what to do”? There’s got to be a way to balance those two things and to speak of the importance of individual dignity...without forgetting that there is no one who operates completely autonomously. We need to pay attention to community and to how institutions and structures and communities affect us and enable us. There are a lot of very important positive outcomes from that. And that’s what Catholic social teaching tells us, that the person doesn’t exist without the community. A lot flows from that.

What does it mean for a student to get a Jesuit, Catholic education and how does that affect students graduating from the Law School?

I route that back to key aspects of Catholic social teaching. A Jesuit education looks at a whole student as a person who has a number of needs, but a person situated in something larger than him or herself. That famous Jesuit phrase, “men and women for others” says exactly that in a very few words. And what could be more important than keeping that message front and center as you are developing a young lawyer? Because a lawyer is often in a position, if focused on his or her own needs, to do a lot of harm. A good lawyer is behaving as a professional who understands commitments she or he has to the profession, to the client, to ethical principles.

If you educate a lawyer as a technician, as a pure advocate, or in a purely adversarial way, you are not only robbing the lawyer of an appropriate type of development situated in a professional and a community life, but you are also robbing the community of lawyers who understand how incredibly weighty their role is, who understand

the amount of power they wield, and who have a real understanding of justice in the broad sense.

Another important part of Jesuit and Catholic education is how it gives content to concepts like justice. Justice understood as justice between people, as social justice, economic justice. All these different understandings of justice that are so richly developed in the Catholic tradition can be more fully explored and expressed in the context of a place like Boston College Law School and in the context of a profession that’s supposed to be focused on justice. That full understanding of human beings and their place in communities, and that rich understanding of justice, provide a setting for learning about the law that’s incredibly rich and important.

Rougeau at a Glance

AGE 47

FAMILY

Wife: Robin Kornegay-Rougeau, pediatrician
Children: Christian, 16;
Alexander, 15; Vincent Jr., 10

EDUCATION

BA: Brown University,
international relations
JD: Harvard Law School

PROFESSIONAL EXPERIENCE

Morrison & Foerster,
associate

ACADEMIC EXPERIENCE

Loyola University Chicago
School of Law, professor;
Notre Dame Law School,
professor

RESEARCH INTERESTS

Law and religion—the role
of moral, community, and
religious values in law-
making and public policy;
Catholic social thought;
theology; political philosophy

RECENT PUBLICATIONS

*Christians in the American
Empire: Faith and Citizenship
in the New World Order*,
Oxford University Press, 2008.

“Catholic Social Thought and
Global Migration: Bridging
the Paradox of Universal
Human Rights and Territorial
Self-Determination,” *Seattle
University Law Review*, 2009.

How are you going to clarify that understanding of BC Law as a Jesuit, Catholic school to the outside world?

You don’t come to BC and say, “I’m getting my law degree, getting out of here, and getting a job.” If that’s all that’s on your mind, then we’re not doing what we need to be doing to make this institution meaningful. I need to send a message to a student who wants to come to BC that they’re entering into a much richer and deeper experience: an experience of community, an experience of formation, and an experience that they’re not going to enter into alone. What I hope would distinguish Boston College as a Jesuit and Catholic institution is that we show students a range of things they can do that keeps them rooted in a sense of responsibility to the profession and to others, and particularly to those in need: the poor, the marginalized, those who suffer injustice. No matter what kind of law a student practices, I hope he or she knows that if they come from this law school, they have those obligations.

You’ve spoken about wanting to further diversify the Law School. How will you do that?

The Catholic church is a universal church; it reaches out to people around the world. We should be able to form communities in our institutions that send a message to all people who are interested in the learning we offer that they are welcome. As we look forward to what kind of institution we want to

(continued on page 46)

Law,” Massachusetts Continuing Legal Education seminar, “Unlocking Massachusetts Legal Research: Effective Use of Collections and Online Resources,” Boston in Feb.

Activities: Workshop participant, “Law.gov: Putting It All Together,” Harvard Law School in June 2010.

FRANCINE T. SHERMAN

Clinical Professor and Director of the Juvenile Rights Advocacy Project

Recent Publications: With Meda Chesney-Lind. “Gender Matters in Juvenile Justice.” *New York Law Journal*, December 07, 2010.

Activities: Panelist, “The Place of Young Women in the Juvenile Justice System,” 17th Annual Paul Robeson Conference, “Realizing Justice: Incarceration, Advocacy, and the Consequences of the Juvenile Justice System,” Columbia Law School, New York, NY, in April.

JUDITH B. TRACY

Associate Professor of Legal Reasoning, Research, and Writing

Works in Progress: With E. Joan Blum, Mary Ann Chirba, and Elisabeth A. Keller. “What Legal Employers Want...and Really Need.” *The Second Draft* (forthcoming 2011).

Activities: Conference planner and panel moderator, Biannual Conference of the New England Consortium on Legal Writing, BC Law in Dec.

PAUL R. TREMBLAY

Clinical Professor

Recent Publications: With Anna E. Dodson. “Transactional Legal Services under Model Rule 6.1.” Essay presented at the American Bar Association, 2011 Business Law Section, Spring Meeting, panel on Providing Legal Assistance to Low-Wealth Entrepreneurs and Very Small Businesses, Boston, MA, April 14–16, 2010.

Works in Progress: With Steven Blatt, Paula Galowitz, and Jerome Tichner Jr. “Professional Ethical Rules for Doctors and Lawyers in Interdisciplinary Practice.” In *Poverty, Health, and Law: Readings and Cases for Medical-Legal Partnership*, edited by Liz Tobin Tyler et al. Durham: Carolina Academic Press, 2011.

Presentations: Workshop on planning for incapacity and the benefits of advance directives, Boston College Faculty Staff Development Program in March.

Activities: Panelist, “Providing Legal Assistance to Low-Wealth Entrepreneurs and Very Small Businesses,” American Bar Association Business Law Section Spring Meeting, Boston in April.

CATHARINE P. WELLS

Professor

Recent Publications: “Langdell and the Invention of Legal Doctrine.” *Buffalo Law Review* 58 (2010): 551–618.

Between the Columns

(continued from page 4)

be, we should keep in mind that sense of openness and welcome, that we are seeking to learn from the myriad communities that exist beyond our walls. This is an incredibly vibrant and diverse city, and it would be very odd if the institution didn't reflect that. The only way we're going to achieve the kind of excellence we all aspire to is if on a human level we're really engaged in a conversation with all the communities that make up the applicant pool and the community of the bar.

The law profession is changing, and there's a growing emphasis on skills training. What impact will this have on how the law is taught?

We've got to come up with some serious plans about what is the appropriate way to incorporate skills-based or experienced-based learning into a legal education. That doesn't totally relieve the bar of its responsibility as well. The training of young lawyers should be a partnership between the law schools and the profession. Maybe this idea that you walk out of law school and directly into a job needs some refining. It's probably time for American legal education and the American legal profession to say, “Is there a way that we can do something similar to a medical residency, where a student gets a wage that can support him or her reasonably as they move toward proficiency?”

Where do you feel BC Law's real strengths are at the moment?

The strength of BC is the breadth that it offers. I know the Law School is rich in clinical opportunities. And in non-clinical areas we have strengths across the board. We have so much in place already. Maybe after I've spent some more time, I'll be able to say, “Well, there's this and that,” but right now it's more a question of tweaking, fine-tuning, talking to the faculty and [seeing if there are] certain programs we want to emphasize as markers of distinction, because you can't be great at everything, in terms of an external view. But you should be excellent across the board in what it takes to provide a rich educational experience.

What are your thoughts on rankings?

A big part of rankings is whether the

faculty are recognized by their peers. They need to be active scholars and part of scholarly conversations in their fields. That helps the rankings because then their colleagues say, “All the guys at BC are doing great stuff.”

Another big part of rankings is the quality of the student body in terms of their incoming statistics. Students are very focused on the rankings when it comes to choosing us, and, frankly, we're very focused on their scores and grades when it comes to choosing them. So what you seek is the broadest possible pool of strong students so you can shape the kind of community you want. That means getting out a message about what is unique about the experience here. I think a lot of what I was talking about in terms of the kind of community and formation experience in a diverse setting will be very compelling to students.

The other thing is promoting a more international outlook. I want to be able to say to students that the education they receive at Boston College will give them a sense of engagement with changes in the profession that are global, with training that they may need to respond to those changes. That might involve skills and learning strategies we may not have used in the past. Those kinds of things will mark us as distinct if we do them well and can demonstrate that they are actually having some effect.

Do you plan to work with the faculty to narrow the focus of the Strategic Plan and establish priorities?

Absolutely. That's not a decision that the dean can make top-down. I've offered some suggestions in the interview process and I'll want to emphasize those things, but there will be some interesting and critical thinking to do about teaching and learning to respond to changes in the market and the professional world. Global exposure is going to be critical. The public interest, public service, social justice dimension of the Jesuit, Catholic mission offers us tremendous opportunity. I'd love to be a school that attracts students who are really passionate about serving in those kinds of capacities, to say to a student, “Come to Boston College because we are really excited about training lawyers to go out and serve all of these unmet needs.”

We have up to ten spots for new faculty. Have you thought about the

kinds of people you want to hire?

I want to talk to the faculty more, but I can say we want to develop young scholars. There's a lot to be said for bringing in junior people and developing them. As I said, our Jesuit, Catholic mission is about community-building, about formation—and that's true about our faculty as well. So let's take that seriously and go into the market, identifying people with tremendous promise, who have done interesting things, and help them become great scholars here. Obviously, from time to time we want to bring in someone senior, maybe to provide the necessary leadership spark for a particular area, or just generally because it's helping the faculty to realize certain possibilities. Those are careful choices you make based on a more concrete understanding of where the faculty want to go.

How do you see your relationship to alumni?

I'm very anxious to meet the alumni. They are a critical part of this community. In particular, I need to know what our alumni are experiencing, what they're hearing, and what their sense is of the future of the practice. They're such a critical part of expanding opportunities for our students, but also for keeping our ear to the ground as an institution as to what's actually happening out there.

People have described you as a consensus builder. How will you use that skill here?

If I were going to describe what I hope to do as a leader, I would put it this way: I will be successful as a leader if I inspire leadership in others. I don't see being the dean as sitting up above the faculty and telling them what to do. I see the dean as being the central point of focus where the faculty can come and offer ideas and suggestions—a point of communication. Obviously, decisions will have to be made and I'll make those decisions. But I want to hear from my faculty what's important to them, what inspires them, what they find difficult. And I want to use my position as a means of stimulating them to be the best they can be. I know that sounds a little trite, so let me put it this way. What are you passionate about? How can I take your passion and connect it to our goals as a community for making the law school great? I'm going to give you what I think you need to do, and what are you going to give back to the community to help us achieve our goals? So, in a sense, we are

engaged in this process of the shared goal: building a great law school and achieving personal things.

Each of us wants to do great things—someone wants to write a book, someone wants to open a center. How can we bring that all together into something that will make us all proud and excited to be part of this institution and its direction? In a sense, what we're all trying to do is to say, "The future excites me." My role is to make sure we can keep that excitement moving the institution forward. I don't see accomplishing that by telling people what to do. I'm going to tell them to do some things, but I want to know how they seek to contribute to the vision. That's why it's important that we have conversation as a community and that everyone takes ownership of that conversation. You said you wanted BC to be this. Well, I'm not going to do it by myself. What are you doing? I'm hoping that that model will give everyone an investment in what we're doing and the excitement that will keep us moving forward.

After whom do you like to model yourself? Did you have a mentor?

I guess I go back to the people of the early Civil Rights movement. Not just Martin Luther King because there were so many other people who were probably less celebrated. What I saw there was a movement that galvanized people with a goal that to their parents would have seemed impossible. It drew people out of themselves and allowed them to see beyond what seemed possible. And it did it through making people act based on their best and highest selves. You say you believe in this, well then act like you believe in it. You say that this is what is right, well then do it—because it's right, because you know it's the right thing to do, and because it will be good for all of us.

At the end of the day the community is uplifted. Americans can always look back and say that one of our greatest modern achievements was ridding the society of racism and segregation nonviolently, by pushing ourselves to be better, to be the kind of people that we said we were. So I guess that would be my model.

Our 'Moral Architect' *(continued from page 11)*

Congress, Drinan responded, "Not much." For his part, Cornell thought of Drinan as "not a nice person. He never smiled."

Drinan had become a lawyer after his Jesuit training, earning both a bachelor's and master's in law from Georgetown Law School. He was ordained in 1953, studied in Florence, Italy, for the period of tertianship, and in 1955 began his career at Boston College Law School, becoming dean in 1956.

Father Drinan's fourteen-year deanship was a period of tremendous growth for Boston College Law School because of the initiatives he undertook. He strongly believed that lawyers were "the moral architects of the nation" and wanted to instill that message in his students. He took a small local law school and turned it into a nationally respected institution, one which is known to this day as "Father Drinan's law school."

It is said that "God works in mysterious ways," and perhaps that was the case with Drinan. In the late 1960s, he sought the presidency of Boston College but lost out to a safe choice, Father Seavey Joyce, SJ, the uncharismatic dean of the management school. The 1960s and 1970s were also the period of the Vietnam War, a war Drinan felt was immoral. So, when a group of peace activists in Newton approached him about running for Congress to represent the Third Congressional District, he was intrigued.

But the decision would not be his alone. He had to get permission from Father William Guindon, the New England provincial of the Society of Jesus, which he did. The Secretary General of the Society of Jesus, then Father Pedro Arrupe, was reluctant to give permission because of his belief, not uncommon in Rome, that clergy should not be involved in partisan politics. Father Guindon, however, wrote a seven-page letter to Father Arrupe arguing that for Rome to interfere with an American Jesuit running for Congress "would appear as ecclesiastical interference with the American democratic process." Father Guindon sought and received the support of other Jesuit provincials in the United States. At one point, the provincial rejected the idea coming from Rome that Drinan consider a "qualified exlaustration," meaning a temporary leave of absence from the priesthood, to run for office.

Drinan supporter Vincent O'Keefe, SJ, Arrupe's special assistant and former Fordham University president, invited Father Drinan to Rome to meet with Father Arrupe and explain, in person, the reason for his running. Father Arrupe conceded,