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Geoffrey C. Hazard Jr.

UC Hastings College of the Law, hazardg@uchastings.edu

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A Tribute to Dean Robert A. Stein: Former Dean of the University of Minnesota Law School

Fred L. Morrison*

The Land-Grant mission of the University of Minnesota calls for "Teaching, Research, and Service." Robert A. Stein epitomizes all three. He has provided a generation of law students and lawyers with instruction, scholarship, and community service. But his major contribution to the Minnesota Law School community has been one of leadership. From the time he joined the faculty in 1964 until his departure on leave in 1994 to assume the office of Executive Director and Chief Operating Officer of the American Bar Association, his name has been closely associated with the Law School in various leadership roles. As dean, he personified the excellence that he has pursued for the Law School.

STEIN THE PROFESSOR

Robert Stein joined the faculty of the Law School in 1964. In his early years of service, his activities were primarily devoted to teaching and research. His classes in Property and Trusts and Estates, two of the more complex and technical subjects of the law, were so popular that the students in his first-year sections regularly scheduled Statute of Uses parties on the anniversary of its enactment. After taking on the duties of Vice President for Administration and later those of Dean, he had less opportunity for teaching large classes, but continued to offer a highly popular Estate Planning seminar. His interest in teaching and in the educational process continued unabated. He devoted a great deal of his energy to encouraging faculty to improve curriculum and teaching techniques.

* Oppenheimer Wolff & Donnelly Professor of Law, University of Minnesota Law School.
1. Inscription on the University of Minnesota’s Northrup Auditorium.
His scholarly endeavors are also well known. They include articles on estate planning, published in this journal and elsewhere, as well as the major treatise on Minnesota Probate. His writing includes special attention to the role of leaders in the evolution of the Law School. Shortly before his selection as dean, he published a six-part series on the history of the Law School, which later formed the basis of his book In Pursuit of Excellence. He has an abiding interest in the role of leaders in developing an institution.

A commitment to service to the community and bar has been a hallmark of his career here. He was one of the leading figures in the creation and administration of the Minnesota State Bar Association's Continuing Legal Education program. He was a frequent and popular lecturer in continuing legal education programs. He was also a frequent participant in the work of the MSBA Board of Governors. His duties as one of the Minnesota members of the National Conference of Commissioners on Uniform State Laws brought him into frequent contact with the bar and with the legislature on a host of issues in the private law areas. His role on the national scene in that organization, as well as in the American Bar Association (where he served as chair of the Section on Legal Education and Admission to the Bar) and the American Law Institute (where he is a member of the governing Council), is discussed by my fellow contributors.

2. See, for example, his article (co-written with Ian G. Fierstein) The Role of the Attorney in Estate Administration, 68 Minn. L. Rev. 1107 (1984).
STEIN THE LEADER

That service function bridged into leadership in the Law School, in the University, and in the community. His capabilities for leadership were recognized early in his faculty tenure. At a critical juncture in the campaign to build the new Law School building, he was picked to be chair of the Building Committee. As the Law School sought to extricate itself from the limiting confines of Fraser Hall, this committee had a double function. In cooperation with the architects, it had to design a structure suitable for the changes coming in legal education in the decades ahead. At the same time, it had to obtain the necessary political and professional support to finance the construction. Stein had an important role on both fronts. The building received legislative approval in 1975 and was finally completed in early 1978, winning national awards for its design.6

His leadership in the University was also significant. As Faculty Representative to the National Collegiate Athletic Association, he helped steer the University through some of its most difficult issues. As Vice President for Administration, he began the planning process and was a regular "troubleshooter" on many seemingly intractable problems.

It was in this period of University service that his long-held commitment to diversity in higher education acquired public notice. He worked to enhance equal opportunity for minorities and for women among students, faculty and staff alike. When he returned to the Law School he made significant efforts in this direction.

Two elements, generation of financial support for the school and leadership in confronting change, were the hallmarks of his fifteen years of service as dean from 1979 through 1994. As a result of his efforts to stimulate the generosity of countless donors, the Law School's endowment increased from $3.5 million to $35 million in less than a decade.7 This tenfold increase reflects the esteem in which he is held in the legal community and the confidence of donors that the income from these endowments would be spent wisely. Much of this endowment supports the twenty-eight professorial chairs that now exist in the Law

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6. The Law School received the 1978 Minnesota Society of Architects Honor Award and the 1980 American Institute of Architects Award of Excellence.

7. See A Tribute to Dean Robert A. Stein: Achievement of Excellence, U. MINN. L. ALUMNI NEWS, Fall 1994, at 6, 7 (describing Dean Stein's success in raising endowment funding).
School, an important financial supplement that has helped to ensure the excellence of the institution.\footnote{Id. at 6.}

His emphasis on leadership in legal education may be even more important. Within the Law School, he worked on a number of fronts. Diversity continued to be a major goal throughout his tenure. The proportion of female faculty increased from less than 10% to 28%, and the proportion of minority faculty increased from zero to 11%.\footnote{Id. at 8.}

The student learning experience was an important priority. Opportunities for writing and editing were enhanced with the creation of two new journals during his tenure as dean: \textit{Law and Inequality: A Journal of Theory and Practice} and the \textit{Minnesota Journal of Global Trade}. Both required the commitment of Law School resources. Competitive moot court programs were expanded, allowing students to focus their required writing and argument exercises in areas of interest to them.

The clinical programs increased from a handful to more than a dozen. By 1994, in addition to the Civil Clinic and the Legal Assistance for Minnesota Prisoners (LAMP) programs, there were misdemeanor prosecution and defense clinics, a federal tax clinic, a domestic abuse clinic, an immigration clinic, and others.

International exchange programs were established with Uppsala University in Uppsala, Sweden; the Université Jean Moulin in Lyon, France; the Esquela Libre de Derecho in Mexico City, Mexico; Gadansk University in Gadansk, Poland; and Christian-Albrechts University in Kiel, Germany.\footnote{Id. at 9.}

Robert Stein described many of these developments in his inaugural lecture as the William S. Pattee Professor.\footnote{Id. at 9.} Many of the "predictions" of that lecture were based on ideas that he already had instilled in the Law School community. His interests in legal education gradually acquired broader focus. He is now one of the recognized national leaders in the field, having served as chair of the American Bar Association's Section on Legal Education and Admission to the Bar. Striving for excellence in programs at Minnesota, he set a standard of achievement for the rest of the country.

\footnote{This lecture was adapted and published as an essay entitled \textit{The Future of Legal Education}, 75 \textit{Minn. L. Rev.} 945 (1991).}
Robert Stein’s leadership style is one of consensus-building. He seeks to empower individuals to move ahead in their own directions, but equally encourages them to consider the needs of the entire institution. While inviting a diversity of opinions and approaches, he worked to dampen antagonisms and build community. At a time when many other law schools in the United States were experiencing vicious infighting and controversy, Minnesota faculty maintained civility, even though their political and jurisprudential perspectives were quite varied. The record of retention of faculty under his leadership was almost unparalleled, and it was largely due to his own personal magnetism.

CELEBRATIONS OF STEIN’S LEADERSHIP

Robert Stein’s term as dean was marked by two great celebrations. The first was the Centennial event in 1988, in which hundreds of alumni, faculty, and friends joined in commemorating a century of excellence in legal education at Minnesota Law School. The second, and even more impressive, event was in 1994, when an even larger crowd of alumni, faculty, and friends joined in recognizing the excellence of his leadership as he left the deanship to assume his new responsibilities with the American Bar Association. In a striking testimonial to that leadership, the group raised nearly $1 million dollars to create a scholarship in his honor.

Excellence is a goal which can be pursued, but never really attained. Just as one reaches the crest of the hill, new and greater challenges appear. The opportunities and challenges presented by the Executive Directorship of the American Bar Association are the kinds of challenges that will permit Robert Stein to continue that relentless pursuit.

McKinley Boston, Jr.*

The history of Golden Gophers men’s athletics is reflected in stories highlighting the accomplishments of many former athletes, teams and coaches. Every now and then there is mention

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* Vice President for Student Development and Athletics, University of Minnesota.
of an administrator or faculty member who played a significant role in the stewardship of the overall intercollegiate athletic program. One such faculty member is Bob Stein, former Dean of the University of Minnesota Law School and Men's Athletic Faculty Representative to the Big Ten Conference and the National Collegiate Athletic Association (NCAA). Bob Stein currently serves as the Executive Director of the American Bar Association.

Bob Stein was the Dean of the University of Minnesota Law School from 1979 to 1994. Stein, a native of Minneapolis, Minnesota, received his Bachelor of Science in Law degree from the University of Minnesota and his Juris Doctor degree *summa cum laude* from the University of Minnesota Law School. In 1961, at the age of twenty-two, he began practicing law in Milwaukee. In 1964, Stein joined the law faculty at the University of Minnesota Law School, specializing in the areas of property law, trusts and estates, and estate planning. He is recognized as an authority in estate planning and trusts and is the author of numerous articles and several books, including *In Pursuit of Excellence: A History of the University of Minnesota Law School.*

Prior to becoming Dean in 1979, Stein served as the University of Minnesota's Vice President for Administration and Planning, with major responsibility for the development and direction of the University's athletic programs. In this role, Stein oversaw both men's and women's athletic programs and served as a staunch supporter of developing a well-rounded, comprehensive athletic program at the University. It was during this period that Bob Stein first displayed his passion for and support of athletics, as well as his commitment to rule-reform and program integrity.

Continually in the forefront, Stein advocated rule-reform at the conference and national level that would preserve the integrity of the game, enhance student-athlete graduation rates and maintain a high level of public trust. The Big Ten Conference has asserted a leadership role in college athletics since its inception, and Bob Stein has played a key role in ensuring the continuation of the conference's leadership.

During his tenure as Faculty Representative at the University, Stein placed the academic success of student athletes at the forefront of his agenda. Stein was an integral part of the athletic program's effort toward overall quality. During the time

that he was associated with the athletic department, Stein gained the respect and admiration of coaches, staff, administrators and student athletes. Bob Stein was and continues to be a friend and mentor of individual athletes and an ally to Minnesota's athletic program and national collegiate athletics. Paul Giel, University of Minnesota Men's Athletic Director from 1971 to 1988, once stated that the role of the Faculty Representative is critical to the success of the total athletic program and at Minnesota we were very fortunate to have an individual of Bob Stein's integrity and capabilities holding that position.

Over the past decade, Stein greatly influenced the overall management, growth and culture of the Western Collegiate Hockey Association (WCHA). He attended the first WCHA meeting in 1978 while serving as Vice President for Administration and Planning, chaired the WCHA Structure Committee for nine years, and served as WCHA chair during 1982-83 and 1988-89. His understanding of the sport of ice hockey and of the issues facing the sport, as well as his broadmindedness and overall thoughtful manner, have influenced and shaped the membership of the WCHA. His leadership of and dedication to the WCHA made him a national leader among faculty representatives at Division I institutions, not only in ice hockey, but in all collegiate sports. His impact will continue to be felt well into the future of men's intercollegiate athletics at the University of Minnesota and across the nation.

In college athletics, we tend to think in terms of the team. As an integral part of Minnesota's athletics team for more than ten years, Bob helped bring about many athletic-program successes. During his tenure, the Gopher baseball teams were either Big Ten regular-season champions or tournament champions five years running. In 1992 and 1993, they were conference champions, representing the Big Ten in the NCAA tournament. The gymnastics program posted six Big Ten championships during his years of service, and the men's basketball team won the National Invitational Tournament (NIT) in 1993. The hockey Gophers won six WCHA regular-season or tournament championships during this period, and the tennis program posted a record seven Big Ten tournament championships. Without the support, guidance and enthusiasm of Stein, these championships may well have not occurred.

In addition to the outstanding competitive successes the Gophers enjoyed under Stein's academic stewardship, Gopher athletes also consistently graduated at a higher rate than that of
the overall University of Minnesota student body. The Gophers academic support program for athletes, the best program of its kind in the country, was founded and developed during Stein's tenure as Faculty Representative. This program, including its life-skills development component, allows Minnesota to manage its athletic program in a comprehensive, holistic manner. The coaches enhance an athlete's character, the counselors help meet the player's academic needs, and the Center for Development works on the personal adjustment and growth of the student-athlete.

In my twenty-five years of working in higher education, I have had the privilege of being associated with outstanding, devoted scholars who identify with their students and with the University community. In my opinion, Bob Stein is one of these individuals. He is an outstanding legal scholar and an extremely loyal colleague, and he bleeds maroon and gold. Bob Stein served the University of Minnesota Athletic Department well during his eleven years of service as Faculty Representative and remains a friend of the State of Minnesota, the University and myself.

Trina Grillo*

I am pleased and honored to write a tribute to Bob Stein. I would be pleased at any time, but I am especially glad to do so today, when affirmative action programs are under attack and a disheartening meanness of spirit has overtaken much of public life. Bob Stein represents the very antithesis of that meanness. He was committed to diversity long before it became fashionable and remains so now that the fashion has passed. His commitment to diversity was never based upon the slogans of the moment but upon a deep understanding that life is enhanced by difference and that justice requires an open heart. Moreover, he has worked for these goals patiently, persistently and with an unflagging generosity of spirit.

In what follows, I will discuss three aspects of Bob's character that have made him an innovative and inspiring leader. First, his genuine and warm support of diversity; second, his

* Professor of Law, University of San Francisco.
ability to be at once visionary and pragmatic; and third, his superb interpersonal skills.

HIS SUPPORT FOR DIVERSITY

One of the most difficult struggles we face today is the struggle to overcome racism. Each person must confront not only his or her own racism but that which is manifested in the surrounding world. This struggle has many faces: It matters not just whether you are black or white or brown, but also whether you are old or young, rich or poor, male or female. But whatever the individual circumstances, the struggle against racism is, or should be, a struggle that involves us all. While there are many honorable ways to confront this struggle, the least honorable responses are also the most common: avoidance and denial. To my mind, one of the chief measures of a person is his or her willingness to accept the challenge of racism — not simply by adopting the face of "political correctness" but also by facing the internal struggle.

By this measure, as by many others, Bob Stein has led an exemplary life. He has never wavered in his commitment to diversity, even when it became politically or personally difficult. As one of those who have benefited from this commitment, my gratitude to him is deepened by the recognition that Bob is in some ways an unlikely candidate to have extended himself so far in this direction. He is, after all, a white man — a white man who is an estate planning specialist, who was raised in Minnesota, and who is fairly conservative in many aspects of his life and views. On a superficial level, there is little in his background that would account for his ability to appreciate the lived reality of people of color, but appreciate it he does. At some very deep level, he understands — he must understand because he has never lost his enthusiasm for the effort, and he is endlessly supportive of those he thinks have a contribution to make.

My own sense is that Bob's commitment to diversity is not primarily based upon acknowledgement of a history of past wrongs or a desire to rectify injustices, though of course he would say those are important. Instead, his primary efforts are focused on building strong, contemporary institutions, and he understands that justice and strength are deeply related. He recognizes that excellence does not come from the avoidance and denial of problems. He has, moreover, a thirst for learning, and knows he has the most to learn from people who are very different from himself. He likes new challenges and new ways of look-
ing at the world. Bob values people in an open and genuine way: he is like a music lover who insists on the best while understanding that "the best" can be found in many different forms and contexts.

In a way, Bob's commitment to diversity is related to what might be called a streak of elitism. He is not an elitist in language or manners. He certainly does not care about wealth or social status. A pure Minnesotan, he never is impressed by people who put on airs. But, in his students, he values a roving and creative intelligence above all things. His best students are the students who challenge him and who have novel and interesting things to say. In the classroom, he likes it when a student answers his question correctly, but he likes it even better when the student calls into question Bob's own unexpressed assumptions about what makes an answer correct.

Professors of color are frequently solicited for names of people from their communities who might be interested in teaching. Through years of experience, many of us have developed a jaundiced eye for those institutions who interview people of color for what seems to be the sole purpose of finding a reason not to hire them. These institutions not only disregard the great personal and emotional cost to interviewees but also inevitably overlook many fine candidates of color. Indeed, Professor Michael Olivas declined at one point to give out names to institutions who could not demonstrate a real commitment to diverse appointments. But this has never been a concern with Bob while he headed the University of Minnesota Law School. Whenever I have suggested candidates to Bob, I have done so in full confidence that they would be treated seriously and with real respect.

PRAGMATIC VISIONARY

Writer Anne Lamott tells this story. At the age of ten, her older brother was trying to write a report on birds. He had had three months to write his report but it was now due the next day. He sat at the kitchen table close to tears, immobilized by the enormity of the task. Finally, their father sat down next to him, put his arm around his shoulder and said, "Bird by bird, buddy. Just take it bird by bird." 1

In Bob Stein's years with the University of Minnesota Law School he has accomplished many things. He has been an outstanding teacher. He has reached out to many of his former stu-

ROBERTA STEIN

dents, helping them and delighting in them. His leadership has brought a new building to the Law School; the faculty and students of the school have flourished with his support. Bob can accomplish so much because he has a boundless optimism and an extraordinarily expansive sense of future possibilities. But an equally important part of his success is the fact that he has been willing to achieve his vision bird by bird.

I remember one day twenty years ago when Bob said that he thought that intelligent people could accomplish anything. He believed in a kind of overall competence that could make one succeed at anything — at being a brain surgeon or a lawyer, an historian or a musicologist. In general, I disagree with this. I believe that there are several varieties of competence and that some of them do not easily coexist with one another. For example, it often seems that people who can inspire others, see the big picture and hold in their mind a vision of the future, are not the same people who can see that the trains run on time. Nevertheless I can see why Bob believes this, since he is one of the few people I have known who are able to hold a vision in their heart and mind and also, at the same time, to adeptly handle the practical measures to bring it to fruition. He is the rare person who can move between detail and overview with lightning speed and dexterity. Professor John Powell — one of those whom Bob brought to the Minnesota faculty — describes him as a “pragmatic visionary.”

Bob explicitly brings his values to his teaching and deaning, but he is never heavy handed. He does not expect all to share his goals or values. Still, while he accepts that others may have an agenda that differs from his, he does have an agenda. He is forthright in addressing issues that are important to him and to the institution he represents. In his first speech as Dean, he put forth diversity as one of the primary goals of his administration, and even in these times of increasing hostility to affirmative action, he has not wavered. Bob Stein is a man of principle; he seems to need no special courage to speak out. For him, it appears to be simple — a matter of knowing and acting on who he is and what he believes. In some senses, knowing Bob is a daily surprise. He constantly comes up with new approaches to meet his goals and reshapes his vision to accommodate new cir-

2. See Robert A. Stein, In Pursuit of Excellence: A History of the University of Minnesota Law School 395 (1980) (discussing “the highly desirable goal of diversity,” as described by Stein at a convocation marking his formal installation as dean).
cumstaces. But in other ways, there are never any surprises. What you see is, always, exactly what you get.

INTERPERSONAL SKILLS

On my first day in law school, I excitedly went through the registration lines, learned all the preliminaries, and then joined a group of second-year students for lunch. We were accompanied by my new property professor, Bob Stein. I did not know enough about law school to understand how unusual this was. I did not know enough about Bob Stein to know that "doing the unusual for law school" was usual for him.

Bob was more than approachable. Later, when I started jogging, Bob would often join me and other students in the cold Minnesota winter. As our feet hit the dirt, we talked about current events and school gossip. He was never out of touch with his students and, for this reason, he was an excellent teacher. He was able to push us without ever abusing his power. He could explain the most complex concepts in simple, straightforward language. He earned our full attention without ever becoming a showman. Today, I don't really understand how he did it. To keep student interest, I often find that I need to project a lot of energy. I raise and vary my voice. Sometimes I exaggerate. I walk around the class and gesticulate dramatically. Occasionally I phrase questions in a way that shatters student expectations. Bob did none of this. He stood quietly in the center of the room; he talked as he always talked—in a soft voice, understating all of his points. Yet somehow he captivated us all.

Despite his quiet manner, the substance of his teaching was often far ahead of its time. For example, at an early stage in his career, he involved a property class in drafting a new landlord-tenant law for the state of Minnesota and enlisted its help in lobbying the statute through the legislature. Several years later, I found myself in mid-March inspecting residential housing with city officials and sharing with the class what I had found.

Though Bob is understated in his choice of words and tone of voice, the enthusiasm and pleasure he feels for the process of learning are apparent in his phrasing, his smile, and his expressions. He rarely if ever expresses anger, hostility or disgust. Occasionally he would bring his eyebrows together to form the slightest wrinkle and describe something as "really unfortu-
nate.” For Bob, this was strong disapproval; had he aimed it at me, I would have been devastated.

Bob has consummate personal skills; everyone he meets comes to feel, rightly, that he takes a genuine interest in them. Sometimes when I meet a person of such great charm, I am distrustful. I often feel they have a chameleon quality, a need to be all things to all people. Such people are often unreliable in terms of their willingness to act in accordance with their professed values. Bob is quite the opposite. He is reliable. Since he is clear and genuine in his aspirations, there is no disparity between his talk and his walk. Moreover, Bob cares about the work that others do; it is a source of excitement and fulfillment to him. His excitement is real, his support is sincere and effective. It is true he is a terrific fundraiser. But he is a terrific fundraiser not because he manipulates other people to give money, but because he does not need to. His enthusiasm is genuine, and because genuine, infectious.

I have several times been exposed to Bob's famous, low-key but nearly irresistible powers of persuasion. When I was asked to join The Minnesota Law Review, I thought I would decline to do so. Bob, however, took me out to dinner in order to change my mind. I knew that this was his agenda and I thought that he would not succeed; few of my friends were on Law Review, and I had no desire to join what I felt to be an elitist institution. Bob was respectful of my position; he did nothing but ask questions and make mild suggestions. And, by the end of the dinner, I had indeed changed my mind. Perhaps it was his foresight that made him so persuasive. He intervened in part because he knew — even back in the days of all-white, all-male teachers — that Law Review would be an important credential for someone who wanted to teach.

CONCLUSION

In the years since I graduated from the University of Minnesota Law School, I have seen Bob only occasionally, when he came to San Francisco to speak to alumni or at American Association of Law School meetings. Still, over more than twenty years, I have always felt his presence in my life, supporting me through hard times and delighting in my successes. If we think of leadership as the ability to make a difference in individual
lives, then Bob Stein is a true leader and mine is one of the lives in which he has made a loving difference.

Geoffrey C. Hazard, Jr.*

Bob Stein has been a member of the Council of the American Law Institute since 1987, and it is in that relationship I have come to know him best. However, I have known about Bob since he started his academic career and have had many occasional transactions with him over the years. His becoming Executive Director of the American Bar Association is the best thing that has happened to the Association in thirty years, no offense to the able people who have been leaders in the Association during that period.

As people who know him are well aware, Bob has been a leading academic in his field of estate planning and related subjects. He also has been involved over his professional lifetime in manifold ways with the organized bar, organizations for improvement of the law, and the practice of law. He has been ex officio a member of the Board of Governors of the Minnesota Bar during his long tenure as Dean of the Law School, a Commissioner for Minnesota in the National Conference of Commissioners on Uniform State Laws, a member of the board of directors of the American Bar Foundation, a member of “caring” organizations such as the National Legal Aid and Defender Association, and a practicing lawyer. In the latter capacity he has actually thought through legal problems in everyday life, worked out solutions to them as an adviser and draftsman, and helped other lawyers in the same kind of tasks. Yet he has maintained a high and respected place in the academic hierarchy. This combination of practice and academic pursuit is the focus of my comment.

The combination is relatively rare these days. Most legal academics today, particularly those under fifty, have had very limited experience in practice. Some have none beyond being a law clerk. The current pattern of academic recruitment typically brings young prospects into teaching about three to five

* Tunster Professor of Law, University of Pennsylvania; Director, American Law Institute.
years after graduation from law school, hence with at most three years of experience in a law office as distinct from a judge's chambers. The current pattern of academic progression depends primarily on writing, only secondarily on teaching and incidentally on "service." Only when law professors have passed beyond their years of potential intellectual productivity do many engage themselves in the concerns of practice.

The writing requirement as administered in the elite schools, and as emulated in other institutions, has become increasingly theoretical in orientation and nonlegal in content. It is notorious that the product of these endeavors—the articles appearing in the law reviews of leading law schools—are inaccessible to many practitioners and irrelevant to most all of them. The models of legal academic exposition have become the microeconomic regression curve and construal of legal texts in literary or anthropological fashion, as though the texts were Sumerian.

When this kind of nontraditional work is done well, it is extremely valuable and illuminating. That always has been true of good nontraditional work. Indeed, "good nontraditional work" is another name for work that permits us to see in a new way. I have in mind, for example, Shuldiner's use of economic analysis to explore the implications of "indexing" the federal income tax law, Mnookin and Gilson's economic analysis of law firm compensation and promotion systems, Amar's interpretations of the language of the Constitution, and some of the feminist analysis explaining how the fact that most judges and lawyers are men has significant influence on the way that many legal problems are framed and decided. As to such endeavors I think practitioner criticism is misdirected.

Nevertheless, I think most of the "new scholarship" is pretentious and often precious. The legal academic world's system

2. See Mary Ann Glendon, A Nation Under Lawyers 222-29 (1994) (discussing the "adverse effects" arising from "[t]he dwindling number of professors with background or interest in practice").
of nonjuried publication is a contributing cause: one would ex-
pect a low return where decisions to publish are made by young
people who do not yet have their technical certificate. Of course,
the low rate of return is also unfortunately true of most tradi-
tional scholarship as well, now and in the past. This only shows
that creativity is relatively rare in any intellectual mode or field.
Nevertheless, practitioner disdain for the new scholarship
seems more intense than in the past. It may result from the fact
that the nouvelle cuisine not only is perceived to be irrelevant
but also that it is unintelligible.

At all events, the typical disdain of legal practitioners for
some of the current product of the legal academy reflects the
growing distance between the mental worlds in which practi-
tioners and academics respectively function. Some of the dis-
tance results from the intensity of modern law practice. In days
past, at least some practitioners regularly addressed their
thought beyond the imperatives of pending matters. Some prac-
titioners still are able to do so, as has been my happy experience
in the American Law Institute. But it takes strong and persis-
tent effort to maintain that outlook. This is particularly true for
practitioners under, say, forty-five years of age in the conditions
of modern practice. And practitioners who do not become accus-
tomed to larger thinking in their formative years will find it a
difficult competence to achieve later on.

Yet a part of the distance between legal practitioner and
legal academic also results from the frame of reference that has
come to pervade legal academia. If modern law practice has nar-
rowed the practitioner's intellectual frame of reference, modern
legal academia has lifted many academicians' intellectual frame
of reference high above the world as encountered in practice.

The point can be expressed in the old aphorism, "The devil
is in the details." Detail is significant partly as a matter of view-
point, partly as a matter of the mental constructs in terms of
which experience is interpreted, and partly as a matter of re-
sponsibility. The position of the practitioner involves immediate
confrontation with a concrete situation; the position of the aca-
demic is several steps removed. The mental constructs of the
practitioner are visual, kinesthetic (involving the kinesis of per-
sonal interaction), and almost tactile; the mental constructs of
the academic are conceptual and verbal. The responsibility of
the practitioner is to do something, including making recom-
mendations of what clients should do; the responsibility of the
academic is to reflect at necessary leisure on what could be done.
It is worth considering also why the devil is in the details. Why, that is, isn't the devil in the selection of the principle that, in contemporary legal jargon, will sustain a "principled" legal position? To my mind the answer is that problems of legal significance—that is, significance in the real world a legal system must address—always involve at least two general principles, that is, two or more imperatives that can be stated in general form. Thus, for example, the principle that a person should not be required to give testimony against himself must somehow be coordinated with a principle that the guilty ought to be subject to punishment; the principle that a person should perform his promises even when in eventuality it is not advantageous to do so, must be coordinated with the principle that a person should not be held to an unconscionable bargain.

The difficult problem is not the selection of a principle, although there may be disagreement over what principles should be taken into account. The really difficult problem is the selection of the point in the real world where the principles ought to intersect, so to speak—that is, where one principle should yield to another. Can an accused be required to give a blood sample, for example? How onerous must a contract be to qualify as "unconscionable"? And so on. The point of intersection is the detail that the devil wants addressed.

These differences are revealed when the practitioner and legal academic undertake to remake the law. Such is the task, for example, in the Restatements and model legislation that are the work of the American Law Institute and the National Conference of Commissioners on Uniform State Laws; in the work of the organized bar in formulating proposed policy about law and the administration of justice; in ad hoc and standing advisory committees on law, procedure and administration; in the decisional responsibilities of courts and agencies; and in the judgment calls that practitioners make every moment.

For example, it is one thing to say that Article 2 of the Uniform Commercial Code should protect consumers against unfair overreaching by vendors of appliances and automobiles. It is another thing to formulate a rule that will not make every consumer transaction vulnerable to a credibility dispute. In the

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7. The origin of the concern for "principled" legal premises is, as far as I can tell, Professor Herbert Wechsler's celebrated lecture, Toward Neutral Principles of Constitutional Law in 73 Harv. L. Rev. 1 (1959). Whatever else he intended to imply, I do not think that Professor Wechsler meant to suggest that Constitutional law could be reduced to one principle, whatever the content of such a principle.
Restatement of the Law Governing Lawyers, it is one thing to recognize that a lawyer representing a trustee or other fiduciary has some greater responsibility to the beneficiaries than to other nonclient third parties. It is another thing to formulate a rule that does not make the lawyer an indemnitor for a trustee's malfeasance, or perhaps even misfeasance. In the law of negligence it is one thing to recognize the risk-utility test for liability. It is another to formulate that test in terms that can be understood by jurors. It is one thing to recognize the battered child syndrome. It is another to formulate rules for trial of battery cases where the only eyewitnesses can be children under the age of seven.

The possibility for ameliorative change in the law can be appreciated in encounters between practitioners capable of reflection on experience and academics concerned with how the law actually works. Bob Stein has spent his admirable career in such encounters. We may assume he will have opportunity for more in his undertaking with the American Bar Association.

Roberta Cooper Ramo*

It is an honor and marvelous privilege for me to join in honoring Robert A. Stein for his many years of service as Dean of the Law School. In this age of dynamic change and frequent career movement, Bob's service as Dean for fifteen years is remarkable not only for its longevity but also for the signal contributions he has made to the Law School, to its students and to the entire state of Minnesota. Because of Bob's great reputation throughout the entire legal profession and in light of his many accomplishments at the University of Minnesota Law School, it must be said that Minnesota Law School's loss is a notable gain for the American Bar Association and the entire legal profession. I speak for every member of the ABA Board of Governors in saying that we are extremely grateful and honored that Bob Stein has brought his talents, energy and reputation to the ABA as the new Executive Director.

* President, American Bar Association; Shareholder, Modrall, Sperling, Roehl, Harris & Sisk, Attorneys at Law, A Professional Corporation.
When the Association began its search for a new Executive Director, the changing environment facing the legal profession and the justice system was very much in our mind. Economic pressures of practice, the public's seeming disrespect for the work of lawyers, and the cynicism that too many members of the public express about the operation of the justice system are just some of the challenges facing the American Bar Association and the entire legal profession. The Executive Director must have the talent and intellect to address these challenges today and in the years ahead.

Because of these factors, the members of the Board of Governors and those involved in the day-to-day process of searching for a new Executive Director were looking for an extraordinary individual: a leader who would combine an understanding of the roles of lawyers and the justice system in today's America with the vision needed to set the ABA on a course leading to the twenty-first century. Many of us involved in that process felt we would be fortunate to find a person who met one or even two of these qualifications.

Robert A. Stein met and exceeded every single one of these expectations. He brings to the position of Executive Director qualities that have earned him the respect and admiration of the ABA's leadership, staff and members. It is my belief that his service to the Association will improve the ABA's ability to serve our members, as well as its ability to serve both as the national voice of the legal profession and as a voice for justice in the United States and internationally.

One of Bob's greatest attributes is his ability to lead and inspire people to do their very best in pursuit of a common goal. In his short time at the ABA, Bob has articulated a set of common goals to the ABA leadership and staff. This sense of common purpose has inspired the Association's staff to work in concert as never before. As importantly, he has been able to draw on the talents of all the staff as they work to achieve these goals.

Under Bob's leadership, and with the cooperation of the ABA's senior management, the Board of Governors was able to formulate and adopt a budget for this fiscal year that achieves two central goals. The budget maintains the ABA's commitment to the important work that the Association always has undertaken. At the same time, the new budget begins a critical planning process that prepares the Association to address issues that will confront the ABA, the legal profession and the justice
system in the years ahead. Moreover, thanks to Bob’s steady hand, the budget was formulated and adopted without the rancor and wrangling that too often have marred the Association’s budgetary process. In short, the budget was a tremendous accomplishment.

Bob’s ability to lead is a valued asset. But a greater gift still is his clear understanding of the role that lawyers and the justice system play in our evolving society. This understanding vitalizes and renews the ABA’s longstanding commitment both to building a stronger; better prepared profession and to making the law and the justice system work for the benefit of all persons—regardless of status, means, race, ethnic background, gender or sexual orientation.

Because he is so committed to making this profession work in a changing world, Bob Stein is unafraid of the silly “lawyer bashing” so prevalent today. He presents a calm counterbalance to those in our profession who would answer silly or petty criticisms of lawyers by taking steps that only further damage the reputation of our great profession. He is helping to reawaken the profession to the importance of serving clients more professionally and more completely. This is an effort that must be applauded.

At the same time, Bob’s commitment to the fundamental American principle of “justice for all” is most welcome. At a time when some politicians fail to see the basic need for all Americans to have access to their justice system and to effective legal representation as means of exercising their constitutional rights, Bob Stein speaks up for the very concept of “justice.” He has expressed time and again his solid commitment, for example, to the continuation and full funding of the federal Legal Services Corporation in order to provide all persons with meaningful access to their system of justice. In an association of many interests, many personalities and perhaps too many entities, we are fortunate to have Bob’s constant and consistent voice reminding each of us of the fundamental obligations we undertook with our license to practice law.

Perhaps Bob Stein’s greatest contribution to the American Bar Association is his ability to see beyond immediate needs and to formulate a vision for the future. Bob Stein sees tomorrow’s world, and he is preparing the ABA to help America’s lawyers meet the challenges that the new world will present.

Bob has worked diligently at the ABA to embrace new technologies that will strengthen the Association’s ability to meet
ROBERT A. STEIN

the needs of our members. More importantly, he is working to see how new and emerging technologies can meet the needs of all lawyers in the years ahead. There can be no doubt that the transmission of information through computers, telephone lines, satellites and other means will greatly change the way we all practice law in the next century. If America's lawyers are to have access to that technology in a timely, cost-effective and reasonable fashion, the American Bar Association must lead the way. Bob Stein is showing that leadership.

Finally, Bob Stein brings to the American Bar Association his vision of a world community of lawyers. He knows that more unites lawyers across the globe than separates us. Bob is working with the ABA Section on International Law and Practice, the Central and Eastern European Law Initiative and other entities to forge stronger links between lawyers in America and in other nations. He also is working to see if the tools of democracy that are available in the United States can be extended to other parts of the globe, from the former Soviet bloc to Asia and even Africa.

As technologies and travel bring the peoples of our world closer together, Bob Stein believes that the American Bar Association can play an important role in assuring that respect for individual rights and adherence to the rule of law serve as common bonds among people of all continents, races, ages and religious affiliations. I believe he is right.

Beyond these traits of leadership, understanding and vision, Bob Stein brings to the American Bar Association a tireless devotion to his profession. His willingness to work long hours, to give of his personal time and to serve as a force for moderation and compromise is a tribute to Bob as an individual, to his family and to his work at the University of Minnesota. We are grateful that he has chosen to join us and look forward to his having a long, successful tenure as Executive Director.

Patricia M. Wald*

DEANING

Bob Stein represents that rare figure in today's legal landscape: a civilized warrior; a man of ideas able to advance them

* Judge, United States Court of Appeals for the District of Columbia.
without rancor or belittlement of others; and a gentleman who carries out his agendas purposefully but sensitively. He is above all a mature man of the law, to be compared favorably with so many of the *enfants terrible* that dominate the academic and litigative scene nowadays.

I first met Bob Stein in the 1970s when I was invited to lecture at the University of Minnesota Law School, where he was already an established member of the faculty and a nationally known expert in estate planning and probate law.¹ On successive visits in the 1980s and '90s, I found him ensconced as Dean of what struck me as one of the most congenial and intellectually vibrant law faculties in the country. I know from experience—good and bad—how critical and difficult is the role of the Dean in creating that kind of atmosphere. There certainly was no want of strong and distinctive opinions among Minnesota's law teachers. On many occasions I had the enjoyment of sparring with Bob Levy and Barry Feld over juvenile court procedures; of visiting with that beloved curmudgeon and Washington veteran Victor Kramer, who certainly would not have stayed long in any other kind of place; and of reminiscing with my old Yale '51 classmate Bob Morris, busy pursuing his formidable civil liberties causes. Minnesota was a sought-after plum for the best and the brightest of our law clerks, be they graduates of the chambers of Clarence Thomas or Bill Brennan. I was often reminded while there that it was largely attributable to the decency and good will of Bob Stein that so cold a place outside could be so warm and inviting inside. During his deanship, Bob raised a substantial endowment² and boosted the academics and popularity of his law school up into the highest tier.³

As a born and bred Eastern Seaboarder educated in New Haven who has pursued her entire professional career in Washington, I sometimes wonder why so many of my good friends and legal idols come from the Minnesota heartland. I have had wonderful law clerks from there, including one who has gone back to become Counsel to the University. I have good friends on several different faculties. A host of the federal and state judges I most admire have worked there: former Chief of the Eighth

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¹. Stein's scholarly work in these areas includes articles such as *The Role of the Attorney in Estate Administration*, 68 MINN. L. REV. 1107 (1984) and *Stein on Probate* (1st ed. 1976, 2d ed. 1986, & Supps. 1977-93) (2 vols), the major treatise on Minnesota probate. See also Stein Bibliography on page 31.
². *A Tribute to Dean Robert A. Stein: Achievement of Excellence*, U. MINN. L. ALUMN NEWS, Fall 1994, at 6, 7.
³. *Id.* at 6.
Circuit Don Lay, the present Circuit Chief Dick Arnold, Judge Diana Murphy, retired U.S. Supreme Court Justice Harry Blackmun, my former colleague George MacKinnon. Minnesota's Supreme Court—at one time the only state supreme court in the country with a majority of women members—has forged a remarkable and enviable progressive record in areas like domestic law, children's rights, prison conditions and sentencing reform. Maybe it is something in the water, or maybe it is the game plan for the kind of communitarianism we Easterners talk longingly about but never seem to know how to put into action.

At any rate, if the water it is, Bob Stein must have drunk lots of it, for the impression that most stays with me is his ability to get what he wants accomplished without making anyone mad. With a law faculty, that is saying a good deal. Henry Rosovsky, a former Dean of Harvard University, once described the deaning job as "a roller coaster, taking [him] from the sublime to the ridiculous five times a day." His cogent advice: "Administrators cannot afford to forget anything."

You may need a colleague to serve on an important committee or to support a controversial vote. If you notice a lack of cooperation, recall that eight years ago you—quite reasonably—turned down this person's request for better parking or additional leave with pay. In the eyes of your colleague, you had been unresponsive. Administrators cannot afford to forget anything.

Fourteen years at that kind of job has got to be a record of some kind.

Dean Stein's tenure was also notable for its successful attempts to diversify both the faculty and the student body. He was well known for his tolerance, his openness to new ways of doing things, and his affirmative efforts to attract talented women and minorities to the law school. He worked just as hard to support and assist other law schools in their attempts to do the same thing, consulting and even testifying on their behalf in legal challenges.

On a personal note, I remember that whenever I came to Minnesota as a lecturer or panelist, Bob always took the time not just to come to the program, but to come to the night-before

4. Gregor W. Pinney, A Colorful Career, MINNEAPOLIS STAR TRIB., Sept. 22, 1995, at 9A (describing the appointment of Sandra Gardebring to the Minnesota Supreme Court, "making it the nation's first state court with a majority of women").


6. Id. at 38.
dinners and even to tramp over to some other department on a
different campus across the city if that's where the happening
was. He cared about each of his "visitors;" to him they were
never just calendar events.

DRAFTING

For several years now, Bob Stein and I have been members
of the Council of the American Law Institute. This is, I believe,
a unique job; I know of very few institutions with significant in-
fluence on American law that still operate on a town-meeting
basis. A Council member (there are sixty-three of us) goes to
three, sometimes four, three-day meetings a year and critiques
word-for-word drafts of Restatements of the Law or occasionally
more visionary concepts of what the law ought to be. It is hard
work, and separates the adults from the adolescents. Candidly,
in my activist pre-judicial years, I would not have dreamed that
I would spend so much time at it, or think the time spent so
worthwhile. Perhaps my sixteen-going-on-seventeen years on
the bench have brought home how important well-thought-out
models, formulations, and reformulations of legal principles are
to beleaguered judges setting out the law of the circuit (or the
state) hundreds of times each year. The "green eye shade"
crowd, which seemed so far removed from the urgencies of
groundbreaking test case litigation in the heady '70s, now ap-
ppears much more relevant to me. Only as I watched over the
years so many good causes founder for lack of roots in accepted
legal principles or emergent theory did I recognize the overrid-
ing value of the kind of work ALI does. The mix of practition-
ers, jurists, academics, government and corporate lawyers the
ALI entices to devote to this off-stage endeavor is quite awe-
some.7 At the ALI Council meetings, no report or draft code ever
is adopted until legal sweat has permeated the walls, the most
erudite point has been argued to death, and in-and-out-of-Coun-
cil negotiations have been carried on to a degree that would
make congressional relations look anemic. Except that nobody
in the ALI finds it necessary to yell at or insult anyone else.

This is all by way of emphasizing that the ALI Council is
not for resume-building. Nobody shows up without doing his or
her voluminous homework, often involving the most arcane legal
subjects. The ALI Council is a commitment; to fail at it is to risk

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7. See 1 THE GUIDE TO AMERICAN LAW American Law Institute (1983)
   (describing the history, organization, and accomplishments of the Institute).
supreme embarrassment in the eyes not only of one's peers but of historical legends like Learned Hand, Erwin Griswold, Carl McGowan and Lewis Powell. But it is also at times drone work without the seductive appeal of potential headlines or New York Times reporters waiting in the foyer to interview you. To devote the several hundred hours a year it takes to be in the Council loop, one has to have an abiding commitment to moving the law along, and above all, to making it accessible by explication, explanation and commentary to the practitioners, judges, legislators and ordinary people who must act on it every day of their lives.

Bob Stein has been a loyal and contributing member of the ALI Council for eight years. He comes faithfully to the drafting sessions, to the Council meetings, to the annual Institute gatherings. He reads the material, comments wisely, and acts consultatively in those areas in which he is particularly knowledgeable. His eye is always on how we go forward from where we have been, on where the law seems to be trending and whether that is good or needs some counterincentive. In his own field of trusts and estate planning, he is a treasury of practical as well as historical knowledge; to the others he brings a keen intellect, a sense of the importance of continuity, and a vision of what the law can and should try to accomplish. He has no clients, only the interests of justice, however ephemeral that concept. He is the quintessential ALI Council member.

DIRECTING

When I heard a year ago about Bob Stein's selection as the Executive Director of the 370,000-member American Bar Association, my immediate reaction was, "Of course. That's not only a terrific but an inevitable choice. He has led a lively law school into national prominence; he has paid lots of dues in the ABA as head of its Section on Legal Education and Admissions. Who better to lead an institution that is poised on the threshold of defining (and defending) the obligations and aspirations of the legal profession in the 21st century? Besides, how can a staff of 700 be daunting after you've negotiated the rapids of a major midwestern state law school faculty?" The then-President of the ABA called Bob "a versatile, visionary person with keen organizational sense, a strong commitment to diversity and proven leadership abilities."

The ABA is quite a different kettle of fish than the ALI. It is big, sprawling, a mansion of many rooms in which quite differ-
ent kinds of people reside, not always compatibly. The complex relationships between and among the state delegations and the increasingly powerful substance-oriented sections dominate decisionmaking. Despite sharp critics, the ABA does not eschew controversy; it takes positions on everything from human rights to affirmative action, abortion, and legal services for the poor. Its leadership has to worry about membership, revenues, continuing legal education, law school accreditation standards, and judicial nominee evaluations. To speak for the profession, it has to be as relevant to the solo practitioner and the part-time parent-practitioner as to the corporate counsel and the Department of Justice; to minority and gay and women lawyers as well as to the traditional elite of the profession. Nobody likes everything it does, but enough lawyers have to like enough of what it does for it to retain clout in its dealings with government officials, legislators, and citizen groups and coalitions. To lead the ABA and to contribute to ALI—a nice balancing act, eh? While the glory of the ALI is its dedication to finetuning the law, the ABA, in contrast, must seek those broad commitments and principles that can unite a profession of vocal and varied opinions.

In his first year on the job, Bob Stein has settled a lawsuit on accreditation; has guided the organization in a radical alteration of its governance procedures as well as in a renewal of its pledge to fight for access to legal services for all citizens, rich or poor, in a not-so-hospitable national atmosphere; and has taken on the Justice Department on the crucial issue of who makes the professional and ethical rules for prosecutors. He is on the big stage now and he knows his lines.

Last summer Bob and I were talking at a social function in Bratislava, the capital of the Slovakian Republic. The ABA-sponsored CEELI (Central and Eastern European Law Initiative) project for delivering volunteer American lawyer expertise and advice to the emerging democracies in that region is a vital priority for him; he has travelled to see its operation first-hand in several of the former Soviet satellite countries. Appropriately, one of the highest priorities of CEELI in the Slovakian Republic is to build organizations like the ABA to pressure the government for democratic reforms like an independent judiciary, an effective right to counsel, and fairer criminal procedures. There is no tradition of such professional groups in these countries, and many feel that without such professional unity and power, shaky coalition governments driven by conflicting demands for economic security and greater liberty will not find the
courage to move forward toward freedom. In that climate, I thought how lucky we are in America to have a powerful legal front to stand up for fundamental constitutional principles, and how especially lucky we are to have it headed up by a genuine humanitarian and savvy politician (in the best sense of the word) like Bob Stein.

James P. White*

Tribute: a gift, payment, declaration, or other acknowledgement of gratitude, respect, or admiration.1

This invitation to participate in the Minnesota Law Review is an opportunity to acknowledge the respect and admiration the legal educators of the United States have for Robert A. Stein. I have been privileged to be associated with Dean Stein in a variety of ways during his fifteen years as Dean of the University of Minnesota Law School, during his tenure as a member of the Council and as an Officer of the Section of Legal Education and Admissions to the Bar of the American Bar Association, and now in his capacity as Executive Director of the American Bar Association.

Dean Stein was often said to be the most successful dean in America as viewed by his fellow deans. When he assumed the deanship of the University of Minnesota School of Law, he became the academic leader of one of America’s leading law schools. During the ensuing fifteen and one-half years, Dean Stein’s leadership and inspiration further developed Minnesota into one of America’s premier legal education institutions. And this leadership was accomplished in the Stein manner, quiet and effective.

Soon after Dean Stein assumed his deanship, American legal educators began to notice the steady and quite spectacular growth in annual giving at the University of Minnesota Law School. “How does he do it? What are his secrets? How can we learn from him?” his fellow deans asked. The Section of Legal Education and Admissions to the Bar of the American Bar Association conducts an annual workshop for deans of ABA-approved

* Professor of Law, Indiana University School of Law—Indianapolis.

Law schools. Each year the deans’ planning committee surveys
deans about topics they wish to see presented at the workshop.
Law school fund raising was and is the most frequent sugges-
tion, and Dean Stein became the most sought-after speaker on
this subject. There are some twenty new deans appointed each
year to head ABA-approved law schools. Thus, over the years
Dean Stein has imparted to many new law school deans his
method of fund raising, of building and retaining an outstanding
faculty, and of increasing alumni support.

It is the quality of the faculty and the students that makes a
great law school. Increased private support for the University of
Minnesota Law School enabled Dean Stein to attract and retain
an outstanding faculty. The number of endowed chairs at Min-
nesota Law School increased greatly during his tenure. He was
also able to devote new resources to support additional faculty
and student-edited journals, to enhance the school’s clinical
skills program, to increase minority enrollment, to develop new,
innovative academic programs and to enhance many of the ex-
isting academic programs, and to provide additional financial
assistance for needy students. Dean Stein’s tenure saw the cre-
ation of the Wargo-Workman Audio-Visual Center, the Judicial
Trial Skills Training Program, and the Minnesota C.L.E. pro-
grams, to name only three. Again, Dean Stein accomplished all
these things in his usual quiet and effective way.

Dean Stein’s skills in cultivating alumni support are re-
markable. His use of an annual letter, sent to graduates to keep
them current on law school developments and activities, has
been emulated by a number of deans. His annual alumni study
trip abroad was another innovation that other deans have ap-
propriated. His great success in garnering gifts to support en-
dowed chairs is a feat that most deans would like to achieve.
And his many other outreaches to Minnesota alumni throughout
the nation all demonstrated both his commitment to and skill in
encouraging alumni to continue to participate in the Minnesota
Law School community.

The practice of law has become increasingly global, and
Minnesota’s programs and curriculum have been in the forefront
of this movement. Minnesota’s successful exchange programs
with Kiel, Lyon and Uppsala, its participation in the ABA Cen-
tral and Eastern Law Initiative Program, its sister law school
relationship with Gdansk, Poland, and its other developing in-
ternational activities have established Minnesota as a leader in
the internationalization of American legal education.\textsuperscript{2} Additionally, Minnesota began an LLM program for foreign lawyers and now has lawyers from all continents studying at the Law School. In May 1993, Dean Stein, as chair-elect of the Section of Legal Education and Admissions to the Bar, participated in a meeting in Moscow between American law school deans and deans of law schools in the newly independent states of the former Soviet Union. The meeting provided legal educators on both sides an opportunity to discuss specific problems and issues in the reform of legal education. Dean Stein began plans for a Minnesota summer program in Moscow and for visits of deans from the newly independent states to American law schools, including Minnesota. While effecting these more visible accomplishments, Dean Stein also encouraged Minnesota's faculty to engage directly in issues of international law and practice. Dean Stein's role in the internationalization of American legal education has been recognized by many, including the University of Uppsala, Sweden, which conferred upon him the honorary degree of Doctor of Laws.\textsuperscript{3}

Dean Stein has often expressed the view that a law school and the university of which it forms a part must work together as partners, to the benefit of each. He developed this thesis most fully in his keynote address at the March 1993 ABA conference on The Law School and the University: the Present and the Future.\textsuperscript{4} Dean Stein's remarks, addressed to an audience that included university presidents, provosts and law school deans, may be summarized as follows. A partnership is an association of two or more parties to carry on a business or activity for their mutual benefit. A law school benefits its university in many ways. It enhances the university's tradition and increases its visibility. It stimulates contributions to the university, financial and otherwise, as well as contributions to the community that reflect credit on the university. Conversely, a university benefits its law school in many ways, most notably by providing an intellectual setting that enhances legal education. Dean Stein further identified some ways to build a better partnership between the parent university and its law school. These included overcoming traditional law school insularity, building bridges between the law school and other programs in the university,

\textsuperscript{2} See A Tribute to Dean Robert A. Stein, U. Minn. L. Alumni News, Fall 1994, at 6, 9.
\textsuperscript{3} Id.
developing research support for law schools, initiating efforts at better understanding of quality legal scholarship, and developing additional budgetary support to improve legal instruction by reducing law schools' traditionally high student/teacher ratio, an impediment to every proposal for improvement in legal education. Dean Stein concluded by observing that the partnership between the law school and its parent university has the potential to grow even stronger in the next few years.

The Stein view of this law school/university partnership is one of cooperation, not confrontation. It invites law school administrators to use the negotiating rather than litigating skills of the lawyer to work toward a common understanding that will better both partners.

In the past several years, my relationship with Dean Stein has taken on a new dimension as he became chairperson of the Section of Legal Education and Admissions to the Bar of the American Bar Association and then Executive Director of the American Bar Association. During his year as chairperson of the Section, the MacCrate Report entitled *Legal Education and Professional Development: An Educational Continuum* was published. This seminal report of the Section's Commission on Law Schools and the Profession has been the focus of much attention in both the legal community and the practicing profession. In October 1993, the Section, the University of Minnesota Law School, and West Publishing Company sponsored a conference on the MacCrate Report. As Dean Stein observed:

> The Conference focused on the development of lawyering skills and professional values identified in the Task Force Report. I thought the conference was extremely successful in generating ideas, enthusiasm and new proposals for building the educational continuum in the legal profession. One of the principal ideas to emerge from the conference was to encourage each state to hold a 'mini-MacCrate Conference' examining the legal educational continuum in that state. I hope that law schools, courts, bar admission committees, continuing legal education directors and other bar association leaders in each state will cooperate to plan and hold such a conference.

Perhaps Dean Stein's greatest contribution during his year as Section Chairperson was his effort to bridge the gap between the practicing bar and the academy, an effort he believed must continue. As he stated, "[I]t is clear that the Section still has a major job to do to acquaint the bench and bar with the many

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developments that have occurred in legal education in the relatively recent past. We must work to explain legal education more fully to our colleagues in the practicing branch of our profession.”

Tensions both within and without the academic community were recognized by Chairperson Stein. At his recommendation, the Council of the Section established a Commission to Review the Substance and Process of the American Bar Association’s Accreditation of Law Schools. He persuaded his fellow Minnesotan Justice Rosalie E. Wahl to chair this important task. The Commission’s report recognizes the role of legal educators, practicing lawyers and judges in strengthening a legal education system which has become a model for the world.

Robert A. Stein is truly a man for all seasons. When one reflects on the many accomplishments of Dean Stein during his deanship, we must recognize that he was truly catholic in his activities. He served as a Commissioner and Vice President of the National Conference of Commissioners on State Laws, as a member of the Council of the American Law Institute, as a Director of the American Bar Foundation, as a Director of the American Judicature Society, and as a faculty representative for men’s intercollegiate athletics. He chaired a number of important committees of the Association of American Law Schools, particularly one concerned with the disabled law teacher and student. These are but a few of his many public service activities, all accomplished with quiet and effective skill during his years as law school dean.

Thus, this tribute to Robert A. Stein is made on behalf of American legal educators and deans as an acknowledgement of gratitude, respect and admiration for his remarkable service and contribution to his law school and to American legal education.

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Bibliography of Robert A. Stein

STEIN ON PROBATE (1st ed. 1976, 2d ed. 1986, & Supps. 1977-92) (2 vols.); THE PROBATE EXPLOSION OF 1985 (National Practice In-
