

**TO THE MEMBERS OF THE ACADEMIC COUNCIL
THIRTY-SIXTH SENATE REPORT No. 9**

**Summary of Actions Taken by the Senate
April 15, 2004**

At its meeting on Thursday, April 15, 2004, the Thirty-sixth Senate of the Academic Council heard reports and took the following actions:

1. By unanimous voice vote, conferred baccalaureate degrees on the Winter Quarter degree candidates listed in SenD#5572, as recommended by the Committee on Undergraduate Standings and Policy.
2. By unanimous voice vote, also conferred the various advanced degrees on the Winter Quarter candidates listed in SenD#5573, as recommended by the committee on Graduate Studies.

**MINUTES OF THE THIRTY-SIXTH SENATE
OF THE ACADEMIC COUNCIL
April 15, 2004**

I. Call to Order

Senators, hurrying back from filing extensions for their income taxes, straggled in a bit late, but a quorum arrived at 3:20 and Chairman Wasow opened the meeting. "We have a short meeting today, because we will adjourn to go to the Academic Council meeting at 4:15.

II. Approval of Minutes <http://facultysenate.stanford.edu> SenD#5566

These were approved as submitted by the Academic Secretary.

III. Action Calendar

A. C-USP SenD#5572 - List of Candidates for Baccalaureate Degrees

Registrar Roger Printup reported no changes in the list presented to the Senate, and after close scrutiny of the names, the Senate unanimously approved to confer upon the recommended candidates their baccalaureate degrees.

B. C-GS SenD#5573 - List of Candidates for Advanced Degrees

The Registrar's review produced no changes, and this distinguished group of students had their degrees conferred by unanimous vote of the Senate.

IV. Standing Reports

The Chair announced that "We have two memorial resolutions today. I'm pleased to welcome Walter Vincenti, professor emeritus of Aeronautics and Astronautics, to present the memorial resolution of John Robert Spreiter (1921-2000). The full memorial resolution was included in the Senate packets and will be published in next week's Stanford Report."

Memorial Resolutions

Professor Vincenti began,

Mr. Chairman and members of the Senate, my longtime friend, John Robert Spreiter, Professor Emeritus in the Departments of Mechanical Engineering and Aeronautics and Astronautics at Stanford, died at his home on Maui, Hawaii, on February 26th, 2000, after a two-year struggle with cancer. He was 78 years old.

Spreiter is best remembered for his fundamental and pioneering work in aerodynamics, including contributions to transonic aerodynamic theory made from the mid-1940s through the 1970s. He is also well-known throughout the astronautics and space physics community for his seminal work from the 1960s to the 1990s on the interaction between the solar wind and the magneto ionospheres of planets.

Mr. Chairman, it is an honor on behalf of a committee consisting of Professor Charles Steele, chairman; Professor Holt Ashley; and myself to lay before the Senate of the Academic Council a resolution in memory of the late John Robert Spreiter, Professor of the departments of Mechanical Engineering and Aeronautics and Astronautics.

After the Senate stood for a moment of respectful silence, Chairman Wasow thanked Professor Vincenti and then welcomed George Thompson, Otto N. Miller Professor of Earth Sciences and Dean of the School of Earth Sciences, emeritus, to present a brief memorial statement in honor of Professor **Konrad Bates Krauskopf (1910-2003)**. The full memorial resolution was included in the Senate packets and published in last week's Stanford Report.

Professor Thompson read his brief summary, saying,

On May 4th, 2003, Professor Konrad B. Krauskopf, a distinguished geochemist and an important member of the Stanford faculty since 1939, died peacefully in his Stanford home. Following a Berkeley Ph.D. in chemistry, Konrad came to Stanford and exercised his love for the outdoors by completing a Ph.D. in geology with challenging field work in the northern Cascade Range. He served Stanford in many ways. He was also elected to the National Academy of Sciences and served society in a leading role on national academy committees, in particular, ones dealing with the difficult problems of nuclear waste disposal.

He authored several books, including the classic "Geochemistry." He received many honors and was elected president of the Geological Society of America, the Geochemical Society, and the American Geological Institute.

Mr. Chairman, it is an honor on behalf of a committee consisting of Professors Denis Berg, Gordon Brown, Gary Ernst, and myself, to lay before the Senate of the Academic Council a resolution in memory of the late Professor Konrad B. Krauskopf.

Chairman Wasow said, "Please stand for the traditional moment of silence." He then thanked Professor Thompson.

Steering Committee.

Wasow drew Senators' attention "...to the bottom of today's agenda. Up-to-date versions are at your desk; they differ slightly from what was sent to you. Where the tentative agenda for the remaining spring-quarter Senate meetings are listed you will note that we have a very full agenda for the spring quarter. In fact, we had to bump some patient people, and we apologize to them for this. In an attempt to avoid scheduling an additional meeting, the meeting of May 27th may need to run beyond our regular adjournment time [erroneously listed as May 29th on the Agenda]. Sorry...but plan accordingly!

"Also, be sure to note on your calendars that following the April 29th Senate meeting, we will convene the spring quarter informal executive session, which is going to be in the Moot Courtroom downstairs, rather than in the Law Faculty Lounge upstairs where we usually convene our informal executive sessions.

“Finally, following the final Senate meeting on June 10th, the President will host the annual reception at the Faculty Club for the 36th and 37th, committee chairs, and the Board of Trustees.

“The roster of the 37th Senate is placed at your seats. The Academic Secretary is busy confirming members from that roster to stand for election for Chair and for Steering Committee members of the newly elected Senate. Ballots will be mailed to Senate 37 members in the next week or so.

“The second stage Advisory Board elections are also underway. Please fill out your yellow ballot and return it in the signed yellow envelope that is provided for you. The deadline for receiving your ballots for the Advisory Board members is April 30th. That is my report...are there questions?”

Questions and Discussion

Professor Greely wondered what the device in front of Professor Dutton was. Dutton explained that it is a video camera, “...set up for a test run, because at the meeting where Chris Handley will make the presentation about the IT (Oracle) systems, we will record that and post it on the Senate web site for anyone who wants to look at it.” It is anticipated that many staff, not invited to attend Senate meetings, will be eager to watch the proceedings to assay progress on having a smooth information system up and running efficiently. Professor Greely admired the apparatus, and appeared to wish that he had one himself.

Vice Provost Jones hoped that having the executive session in the Moot Courtroom did not reflect predictions about items to be discussed in that meeting, and also wondered whether the dean of the Law School would permit us to have our usual refreshments in that room.

Dean Sullivan was happy to answer that question. “Thank you for accommodating us. April 29th is the day that we will host 80 of our most faithful alumni who guide and support our school. We need the faculty lounge for our presentations to them. You will be pleased to know that the Moot Courtroom remains as the last unrenovated classroom...so you can eat or drink anything you want!”

Chairman Wasow mused about the unlikely but entertaining possibility that the Senate could have a food fight, and then noted that Professor Jones had a third point. She said, “One more serious but appropriate correction to the planned agenda.... The May 27th report from the Provost's Advisory Committee on the Status of Women Faculty will be given by its chair, Deborah Rhode, not by me.”

Committee on Committees.

Professor Ball, chair of CoC, was absent and had submitted no report. The Academic Secretary noted that the Senate Committees list for 2004-2005 is just one position short of having full rosters.

Reports from the President and the Provost.

President Hennessy allowed as how he was saving his words for the Academic Council meeting.

Provost Etchemendy said, "I don't know why... but I don't have a report!"

Taking the opportunity to ask questions, Professor Gardner said, "I was just curious about Stanford's response to the broad press coverage of the president of Harvard's announcement that his university would guarantee tuition scholarships for certain low-income students."

President Hennessy noted that, "We did have some questions about that. I have arranged for the dean of Admissions and Financial Aid to write a column in the Stanford Magazine describing our financial aid program. We believe that it is as good and comprehensive as Harvard's financial aid program, even after they make these commitments. In fact, our financial aid program already has had accommodations for low-income students and was more flexible than the Harvard program by allowing students to tailor the situation to their own particular family circumstances, whether by earning money in the summer, by taking loans, or doing whatever they wanted. We found this mode to be the best way to give students and their families maximum flexibility."

Vice Provost Jones voiced hope that this equality of Stanford to Harvard had been conveyed to high school students who, as of now, might be weighing decisions about whether to accept offers from Harvard or Stanford. The President assured her that "We usually describe to students in some detail the way the financial aid program is oriented." He went on to say that "...the bigger issue that President Summers is addressing, which is a real challenge for us as well, is to get the word out to families that are economically challenged and believe that they cannot ever send their bright kids to Stanford or Harvard or Princeton. We must make them know that the financial support from the universities is indeed available for them. We must penetrate this message into urban high schools and rural high schools where many college counselors don't know about the available resources for bright young people from families who are economically challenged. That's the group we really need to reach out to and make sure they understand!"

In a follow-up to this point, Professor Gardner noted that in addition to the benefit to society that "...I think Harvard garnered goodwill from the announcement and its attendant publicity. Of interest, the same thing is true for the School of Medicine at Stanford. We have the lowest debt-to-loan ratio of any private consortium school. We're better than UCSF. We just don't get the word out as much as we should that we really are very, very strong on outright monetary grants in contrast to loans, debt reduction and other schemes. You are right...we just have to get the word out!"

Professor Goldsmith had a technical question for the Provost about a new policy relevant to TA's and RA's and their FICA taxes when employed in the summer. No one expects the Provost to know everything about everything, and he couldn't answer this one, but fortunately the Registrar could, more or less. He said, "I'm not the

expert, but I think you may want to contact the dean of Research office. Ann George has all of the details on that. There was a change in tax policy requiring students who are at 100 percent 'assistanceships' to pay the FICA tax. The TAs and RAs are now required to pay the FICA tax. So if they want to avoid paying FICA tax, they have to do something else. Ann George can provide you with probably more details than you want." And after it became clear that Professor Goldsmith had asked more than anyone present could answer completely, Roger Printup promised to "...get the message to Ann that more communication needs to take place. A lot has occurred. But apparently it hasn't gotten to everyone [including the Provost]."

Open Forum.

No issues were raised.

V. Other Reports

1. Report from the Dean of the Law School, Kathleen Sullivan (SenD#5536)

Right on schedule, Chairman Wasow turned "...to our one major agenda item today, the report from the dean of the Law School. Dean Sullivan will be giving a PowerPoint presentation. Guests present for today's report are the Law School's Senior Associate Dean Frank Brucato and Associate Dean Catherine Nardone."

Dean Sullivan thanked the "...chair and members of the Senate for indulging the dean of the Law School in a presentation on our very small school. I know that you meet here regularly. We represent fewer than three percent of Stanford's faculty, three percent of staff, three percent of students, and three percent of your budget. But as Daniel Webster once said in the Supreme Court while defending the right of Dartmouth College to remain a private institution, 'It may be a small college, sir, but there are those of us who love it!' And please bear in mind that we have produced a lot of very distinguished servants of the University, including four out of the last seven chairs of the Board of Trustees. We have produced chairs of this Senate from our faculty, including chair of Senate 35, Professor Hank Greely.

"So although we are small, we are very proud of our role in American legal education. Today I will give you a snapshot of us, do a brief comparative analysis of how we size up against our peer schools, and then give a short historical summary of what I think are some of our chief accomplishments in the last few years.

"We have, currently, 519 J.D. students. Our principal degree is the *juris doctorate* that requires three years. We have two forms of master's degrees for foreign lawyers, a research degree called a JSM, and a new degree initiated two years ago, the LLM, or master of laws, for foreign students who come to take courses with us. And we currently have 15 students working on doctorates.

"We have currently 42 professors including only 38 in the tenure line. We happily count a distinguished ex-president of Stanford as one of our own, Gerhard Casper. In that regard I want to thank president emeritus Richard Lyman, in addition to President Hennessy, for being here today." Where was President Casper, she wondered?

Dean Sullivan noted that Law School has recently created new clinical faculty positions on the University's teaching line. "We have three clinical professors of Law who train students to represent real clients, and two senior lecturers. We use 46 experienced lawyers as lecturers. They often teach small sections of two- or three-hour professional courses where their expertise is particularly valuable. 121 staff serve the Law School."

In her comparative analysis against eleven peer institutions she began with student: faculty ratios, clarifying that she was including all students, JD and graduate, but only tenure-line faculty FTEs, not including part-time, adjunct, or clinical faculty. In this analysis, Stanford (14.9) was second only to Yale (12.9). Harvard was ninth (24.0).

She then drew four financial comparisons with peer schools: endowment per student, endowment per faculty member, expenditures per student and expenditures per faculty member. She first noted Stanford Law School's exceptionally strong record of fundraising, which has created an endowment worth \$330 million at last year's close. She credited her predecessor, Paul Brest, and volunteers led by alumnus and former trustee Jim Gaither, for a successful \$120 million campaign in 1995-99, and noted that the law school had received \$60 million from 1999 to the present.

Calculated as endowment dollars per student, only Yale led Stanford, with Harvard, Chicago and Columbia following them. She noted "...we lag by a considerable degree Yale Law School, which has been around for a long time and has had the advantage of having many more wealthy New York legal practitioners among its alumni." An interesting number, she noted, is that Harvard Law School has four times as many alumni as Stanford but less than a three times greater endowment.

In terms of endowment dollars per faculty member, Harvard Law School is the leader, with Yale second and Stanford third. Because the Harvard tenure-line faculty has not grown in recent years (81, at present) it has a very high endowment per faculty member. The Dean pointed out that this is a threat, as Harvard is embarking on a serious campaign to recruit senior stars from other law schools such as Stanford.

As for operating budgets, Stanford's was \$32.5 million in FY 2003. Calculated as expenditures : student ratios, Yale leads at ~\$89 K per student, Columbia follows at \$65 K, Stanford is third at \$57.4K, followed by Harvard at \$56.6K. She added, wryly, thinking about problems with the Oracle implementation, that "We're looking forward to being able to find out soon, perhaps, how much we spent this year," a comment with which the Senators resonated.

"Now," she said, "this is the dramatic number." The Senate waited, expectantly. "This is where competitive pressures from other schools will come from. It is the ratio of expenditures : faculty members. Despite our strong endowment per faculty member, we are seventh among peer schools here in last year's expenditure per faculty numbers. Even the Penn and Cornell schools are ahead of us in terms of expenditures per faculty member. How can that be, you ask, when we have such endowment strength? The answer is that we share more of our tuition with the rest of the University than do the other schools. Expressed in another way, we're more of a net contributor to the University through our tuition than are any of the other law schools who are above us in

the expenditure : faculty ratio comparison. But you may ask again, if Stanford spends the same amount per student, why does it matter if you're spending less per faculty member? The answer is that faculty members come with a constellation of needs. Law schools don't have wet laboratories, but we do have research programs, clinical programs and other activities that are a part of faculty support systems. Thus, the schools that have the advantage in expenditures per faculty have a faculty recruitment or retention advantage.

“Now, I'll show you comparative data on admissions. We've done very well in admissions. We are the second most selective law school in the nation after Yale. We have done a lot of innovative things to try to increase our recruitment. I believe that I'm the only law school dean that writes personally to every admitted student. I have been writing lots of emails the last few weeks. We have made videos of our students that we put on our Web site. And it's paid off a great deal. We changed our admissions ratio from nine percent two years ago, to 7.5 percent last year. In other words, we only admitted 7.5 percent of the applicants to fill our class, as compared to nine percent of year before.”

But when considering those students accepted to both Stanford and Yale and Harvard, it remains perplexing why some choose “the law schools that are not in paradise.” For 2006 admissions, 6% accepted at both Stanford and Yale chose to attend Stanford, and 62% chose Yale. Against the same Harvard cohort, 24% chose Stanford, 44% Harvard. These numbers have not varied substantially over the past four years.

The Dean then turned to the accomplishments of the Stanford Law School in the past 5 years that she was privileged to serve as dean. “We appointed 11 new professors to our faculty. Two of them will be joining us this fall, the highly publicized and very exciting lateral appointments of Robert Daines from NYU, a corporate law specialist, and Mark Lemley, the country's leading patent specialist currently at Berkeley, adding strength in law and technology begun with our spectacular lateral acquisition four years ago of Larry Lessig from Harvard. We have hired a number of junior faculty and clinical faculty as well.”

“However, we are a little like those Eastern European countries with negative population growth. Our faculty is an aging faculty so that with the rate of retirements, eight over the past five years, and the occasional attrition to other schools - we have lost five faculty over the last five years - our total faculty has not grown. However, you must realize that our retention has been spectacular! Despite attempts to poach our faculty by other leading law schools, we have retained eight who received better offers in monetary terms from other schools in the last several years. But as I mentioned, we still have lost five, one to become the dean of the Berkeley business school; four others to leave principally for personal or spousal reasons. We still have to keep working very, very hard at appointments to stay at a steady state of faculty size. Fortunately, we have many visiting faculty in the pipeline.

“We have had an excellent record in receipt of gifts over the last five years, despite the economy. We have brought in \$60 million in receipts to the school over the last five years. We're hoping for one last big one during my tenure as dean, for our proposed

law school residence, if it can possibly be worked out. We have an extraordinary record in alumni giving measured by percent of alumni participation. Standard participation rates among top law schools generally range in the 20s in percentage terms. Our 40 percent participation rate, which we have hit several times, is extraordinary.

“Our generous alumni and friends have given us eight new endowed professorships so that we can give every member of the law school either an endowed professorship or endowed junior faculty scholarship. We have dramatically increased our international law faculty and course offerings over the last few years. I can finally look our distinguished alumnus Warren Christopher in the eye squarely again. He used to say to me, ‘We had more international courses in 1949 than you have today!’ I can safely say we’re now ahead of 1949 and moving.

“We started a new clinical faculty line. This was an area where we had dramatically lagged behind our peer schools. Yale, Georgetown, NYU and others attracted many of the best and brightest students interested in public-interest law by offering them a chance to represent indigent clients in real cases or to do other kinds of real legal representation. Previously we never had faculty members doing that kind of work, only a series of *ad hoc* relationships with lecturers. We recently hired three spectacular young lawyers to teach our students how to manage real cases in real life. We have added a great many clinical course offerings. To support this initiative, we started a new Stanford Community Law Clinic in East Palo Alto. This is a working legal services office with three lawyers and a paralegal. It is a bilingual operation in which poor people can come with problems with housing claims, or benefits claims, or wages and hours claims. It was a great moment for town and gown relations.” She then showed a photograph of

President Hennessy, the mayor of Menlo Park, Nick Jellens, the then-mayor of East Palo Alto, Pat Foster, and herself, cutting the ribbon to signify the opening of the Stanford University Law Clinic on University Avenue housed in a remodeled store front on University Avenue just on the the east side of route 101. Several hundred people were present. For this the Law School was honored with an inaugural Community Partnership Award organized by the University. “Thank you for that!” she said, looking in the directions of the President and Provost.

Dean Sullivan continued with comments on facility renovations. “You are the one group familiar with the \$8 million classroom renovation because you are sitting in it! You remember the before and after. Before we had fixed, retro plastic chairs that were ergonomic disasters. And now you get to be the only senate in America that sits in Herman Miller Aeron chairs. The driver for the classroom renovations was not just that they were dark, dilapidated, dingy, and dysfunctional. It was also that they had no media and no Internet connection. And through the incredible genius of Frank Brucato, we were able to renovate and upgrade in the three months during the summer, on time and on budget with spectacular results for our students who really love these classrooms as much as I hope you do. It’s the kind of audacious move that one only would have thought of early in a deanship.

“Since then, we have renovated the first floor of our library creating a reading room that similarly has wireless connectivity and a similar kind of open, spacious, and entirely ergonomic study space. We blasted through a concrete wall to enable students, when they enter the Law School, to walk into a shrine to work, which is what we're all about. We found that you can store books more compactly below the reading space and leave a reading room that is open and is becoming a community center. We were the first law school, we believe, to go fully wireless.

“We have increased the diversity of the student body, and have been a leader in that field for a long time. Currently 36.4 percent minority students are enrolled, compared with numbers that are closer to 28 percent at our leading peer schools. And we're the only leading law school at which the majority of minority students are Hispanic.

“Faculty hires have similarly increased our faculty's diversity. Four of the new hires are minorities and five of them are women. In keeping with our effort to reach out to the substantial number of our alumni who are minorities, we started this year a Latino Alumni Association that was launched in November, and we'll start a black Alumni Association that will be launched in May.

“And now for Interdisciplinary programs. Our environmental and natural resources program will intersect with the new environmental law initiative through my colleague and Vice Dean, Buzz Thompson. The Stanford Center for Conflict and Negotiation (SCCN) is one of the most distinguished interdisciplinary ‘coming together of the minds’ that Stanford has developed. It was founded by such greats as Ross, Tversky and Arrow, and its mission is carried on today by our colleague and your Senate colleague Deborah Hensler.

“We have several programs on international law. We had a ‘rule of law program’ before the beginning of CDDRL, the Center for Democracy, Development, and the Rule of Law, which we work on together with SIIS. We started research programs for foreign lawyers and the coursework program for foreign lawyers that are represented by our JSM degrees in the Stanford program in international legal studies and the LLM degree program.

“The Law School has developed programs in law in economics, in business, and we have a program in law, science, and technology, which now has under its umbrella the Center for Internet and Society directed by Larry Lessig, the Center for e-Commerce that was started by our colleague Peggy Radin, and the Center for Bioethics was formed by our senate chair emeritus, Hank Greely. The point of all this is not to dazzle you with acronyms, but to illustrate how many programs we have developed in which we worked with biologists, earth scientists, engineers, computer scientists, people from the business school and economics departments, people from psychology, and people from biology and genetics.

“Similarly, every one of these programs has a research colloquium or workshop linked with it. We had them on law and economics, on the environment, and on distributive justice, which draws on faculty from philosophy and political theory. Property and Contract Go Hi-Tech has drawn on faculty from mathematics, computer science, and

engineering, as has the Center for Internet and Society. Last but not least, we have had interdisciplinary colloquia on Status and Subordination, Law and Humanities and Tax Policy.

“Our clinical programs are new to Stanford in the last several years. Other schools have had similar clinics for some time. We didn't. Our Stanford Community Law Clinic in East Palo Alto at which students can represent real indigent clients with problems in housing, benefits, or wages and hours law has been a great success. We have developed a Cyberlaw clinical course in which individual cases involving new issues of contract or intellectual property on the Internet are at the cutting edge of this new field. We offer our students a Civil Rights law clinic, a Criminal Prosecution clinic in which students go into Santa Clara County courts and actually help government prosecutions, an Education Advocacy clinical course, and an Environmental Law clinic where our students can go in and get an injunction to save even the habitat of the Santa Ana Sucker, that valuable but endangered fish that thrives in brackish water.” Without hearing immediate laughter, she noted, “You're a tough crowd!”

Dean Sullivan continued. “And there is the Supreme Court Litigation clinic. Our colleague Pam Karlan has started a clinic in which students represent real clients in real Supreme Court cases in their third year of law school. The students write real cert. petitions and briefs in the Supreme Court. They actually had the heady experience of having their cert. petition granted by the Court in an age discrimination case involving whether disparate impact on the old is just as actionable as a law that's targeted against the elderly. The clinic also ‘moot courted’ the man who argued the ‘under God’ in the pledge of allegiance case, with students sitting with faculty as the mock Supreme Court. I'm very proud to say that we got him onto a better track for his argument.

“We have also just hired a new clinical law professor from the ACLU who will do immigration cases, and have engaged a lecturer to teach a human rights clinic next year.”

Dean Sullivan closed by describing future challenges for the Law School. “Ours are not different from the ones you confront in the other schools. I think that intellectually the biggest challenge is to figure out how to fit the interdisciplinary work that we do within the law school in a framework that will fit with projects and programs in other parts of the University. Why is it a challenge? It's a challenge for us because, for those of us who direct the professional schools, there's a connection to our alumni and our students which is focused upon our particular profession, which inevitably leads us to think of our profession at the same time that we consider our academic faculties. A quarter of our faculty have Ph.D.s in other disciplines as well as, or instead of, law. Much of the work done in law is analytic, interpretive, empirical, comparative or historical in a way that your work is. Thus for us it is a challenge to merge our professional mission with the academic, interpretive, and empirical missions of the rest of the University. That's one we all face and will be interwoven into the topic of the Academic Council meeting that follows this Senate meeting.

“The next big challenge, and this should be no surprise, is faculty recruitment and retention. We are the only school at the University that has a smaller tenure-line faculty than it did a decade ago. We were 45 tenure-line faculty in 1989; we’re 38 today. It’s an aging faculty. We have restocked ourselves principally by lateral hires, making us lumpy on the older end of the age distribution curve. We now face a faculty ‘arms race’ with peer schools. You saw the numbers Harvard has now in its endowment. If it can overcome some of its internal obstacles to faculty growth, Harvard is likely to become very aggressive about hiring. During the last three months, the Harvard Law School has made initial forays to entice away eight of my faculty members. I’m glad to say that none of them is going... at least not yet.

“A faculty ‘arms race’ among law schools is conducted not just with salary compensation, but with programmatic perks. The lures are a center, a program, postdocs, empirical researchers, summer research money, time off from teaching, and so forth. Stanford, of course, has a particularly large problem, the cost of living and housing in the Bay area. This last point, the cost of living, also affects recruitment of students. One of our hopes is that if we can get a gift under terms the University is happy with to build a graduate residence complex near the Law school in which we could guarantee housing for all three years of law school and have some left over to share with the rest of the University.

“To sum up...the Stanford Law School has never been stronger financially. It has never been in better shape physically. I think that it never has had the high quality of faculty or students that it has today. It is an intellectually rigorous school, and yet has a collegiality and cordial quality that makes us, I think, preferable to our peer law schools.”

Discussion: After the applause for her articulate presentation had subsided, Professor Roberts was first to speak. “Congratulations, Kathleen! It was a wonderful report. I just wanted to ask a question about a student whom I talked with who was interested in public interest law. She applied to both Yale and Stanford. She was leaning towards Yale. What could I have said to her, a student interested in public interest law, that would make her want to come to Stanford instead of Yale?”

Dean Sullivan had a prompt response. “I would say that you could put on your resume, ‘J.D., Stanford Law School, with an asterisk noting, *admitted to Yale!*’” Her serious answer, after admitting that Yale has done a great job was that, “First, we have an extraordinary public interest litigation faculty. You come to Stanford, you can actually work on real public interest cases with Pam Karlan, Larry Lessig, myself, and other members of the faculty. Second, we have started clinics that are better than Yale’s, because they’re more intensive and provide more opportunity for real practice.”

Professor Roberts admitted that he should have phoned Dean Sullivan before answering the student’s query.

Professor Linda Giudice said, “Kathleen, thank you for educating us about the Law School. The shrinking faculty is clearly a complex issue with a number of causative

factors. A related question: Is there a trend for graduating law students to go or not go into academic law?"

Dean Sullivan replied, "That's a good question. The trend, actually, is up. The number of applications that are entered into the American Association of Law Schools registry has doubled over the last five to seven years. With the increase in the number of applicants we can be extraordinarily selective in faculty recruitment. Financial resources have been less of a constraint on us during the last few years than has a 'quality control' constraint. In the past three years we have started to hire more junior faculty. We now have five junior faculty and possibly will add one more this year. It is a bit of a risky strategy, because we have to wait years for them to produce."

Professor Peskin asked, "As for where your students get jobs after they graduate, is there truly a national market now among Stanford and its peer institutions, so that there's no advantage in graduating from an East Coast law school as opposed to one in California? I'm referring to both legal practice and academic employment."

Dean Sullivan answered that, "We import 25 percent of admitted students from California and export 50 percent to California. In other words, our graduates are seduced by California and want to stay here. We have an alumni network advantage that favors the west coast. Our largest alumni populations are centered out here. After San Francisco and Silicon Valley, the areas in and around Los Angeles, San Diego, Seattle, and Portland have most of our graduates. We send a lot of people to New York, Washington, Chicago, and Boston, but very few to southeast states. Despite this, regional bias is a big factor in self-selection. We try to convince students who want to go to East Coast that they are actually better off to attend Stanford, since if you're one of 20 Stanford students trying to get a certain job in New York, you have a better chance of success than do the 120 Harvard students competing for that job!

"It is much less of a problem in the academic market which has become a completely national market."

Professor Polhemus asked the big question. "If you could change something about the Law school, what would it be?"

After deep thinking, Dean Sullivan said, "Well, I've still got to renovate the moot courtroom!... But seriously, I feel like we've already achieved many of our goals. My chief goal would be that we become intellectually rigorous at every level, with everyone working at their hardest in all respects. I feel like we've done a good job over the last few years in instilling the quest for intellectual rigor into our students. We've changed a number of our academic policies and have created a vibrant public intellectual atmosphere for students. If you just walk down our halls and ignore the posters for the school musical that satirizes the dean and faculty, you'll see a lot of events happening over the next few days that confront important issues in our society. We have ramped up the intellectual life of the students in a way that compensates for the fact that we are not in a big urban area. I'd like to see this initiative carried forward so that our students work very intensively throughout all three years of law school. A goal would be to sequence things so that students who want to be professors are working on publishable

work, and those who want to be lawyers are working on the Supreme Court clinic at the end.

“And...of course, I'd want more money from the provost!”

Provost Etchemendy admitted, “I was waiting for that.”

Professor Greely had “...two comments, one small, one bigger. The small one is, I don't know whether the Senate understood the significance of your comment about certiorari petitions. The Supreme Court gets about 8,000 requests a year to hear cases through so-called petitions for certiorari. It grants 80 of them. So for our students to have one of these petitions granted is truly an amazing and remarkable feat and one that speaks very well of them, Professor Karlan, and the faculty. The broader comment I would make is that the Law school has a lot of pride in itself and what it does. We are one of the two greatest law schools in the world. I think we all believe that. And, actually, I would add that we're clearly the best teaching law school, because among the elite law schools, we're the one that takes teaching very seriously. Most of us have experience at other law schools and know this. Our professors care about teaching, they care about their students.

“I think we're stronger today than we were five years ago because of Kathleen Sullivan's efforts, along with those of her staff. But our success has a schizophrenic edge; we worry that our strength is vulnerable, particularly the faculty challenge. We fear that Harvard could, in the blink of an eye of a very aggressive new president, spend us into the ground and that Columbia, NYU, and other schools might use the same tactics. This is a concern widely shared by the law faculty and will be the most significant challenge to Kathleen's successor.”

VI. Unfinished Business - None

VII. Old and New Business - Nothing was raised.

VIII. Adjournment

The Senate departed in orderly fashion for the Academic Council meeting at 4:15.

Respectfully submitted,

Edward D. Harris, Jr., M.D.
George DeForest Barnett Professor, emeritus
Academic Secretary to the University

April 15, 2004
Meeting of Senate XXXVI
RECORD OF ATTENDANCE

Name	Unit
A Arvin, Ann, <i>Pediatrics</i>	13
A Awakuni, Gene, <i>Vice Provost for Student Affairs</i>	<i>ex-officio</i>
A Ball, Arnetha, <i>School of Education</i>	03
A Beasley, Malcolm, <i>Applied Physics</i>	06
A Bienenstock, Arthur, <i>Vice Provost & Dean of Res & Grad.Policy</i>	<i>ex-officio</i>
A Blacker, Coit, <i>Stanford Institute for International Studies</i>	11
A Bravman, John, <i>Vice Provost for Undergraduate Education</i>	<i>ex-officio</i>
P Bresnahan, Timothy, <i>Economics</i>	07
P Burchat, Patricia, <i>Physics</i>	06
P Camarillo, Albert, <i>History</i>	07
A Carlsson, Gunnar, <i>Mathematics</i>	06
P Chang, Gordon, <i>History</i>	07
P Cohen, Harvey, <i>Pediatrics</i>	13
P Dutton, Robert, <i>Electrical Engineering</i>	04
A El-Gamal, Abbas, <i>Electrical Engineering</i>	04
P Etchemendy, John, <i>Provost</i>	<i>ex-officio</i>
A Falkow, Stanley, <i>Microbiology and Immunology</i>	12
A Fernald, Anne, <i>Psychology</i>	07
A Fortmann, Stephen, <i>Medicine (SCRDP)</i>	13
P Frank, Curtis, <i>Chemical Engineering</i>	04
A Freyberg, David, <i>Civil & Environmental Engineering</i>	04
A Galli, Stephen, <i>Pathology</i>	12
P Gardner, Phyllis, <i>Medicine/Molecular Pharmacology</i>	13
P Gelber, Hester, <i>Religious Studies</i>	08
P Giudice, Linda, <i>Medicine (Ob-Gyn)</i>	13
P Goldsmith, Andrea, <i>Electrical Engineering</i>	04
A Gordon, Deborah, <i>Biological Sciences</i>	06
A Graham, Stephan, <i>Geological & Environmental Sciences</i>	02
A Granovetter, Mark, <i>Sociology</i>	07
P Greely, Hank, <i>School of Law</i>	09
A Greene, Roland, <i>English/Comparative Literature</i>	08
A Greif, Avner, <i>Economics</i>	07
P Harris, Ted, <i>Academic Secretary to the University</i>	<i>ex-officio</i>
P Hennessy, John, <i>President of the University</i>	<i>ex-officio</i>
A Hensler, Deborah, <i>School of Law</i>	09

Name	Unit
P Hinton, Stephen, <i>Music</i>	08
A Hoffman, Andrew, <i>Medicine</i>	13
P Holloway, Charles, <i>Graduate School of Business</i>	01
A Horowitz, Mark, <i>Electrical Engineering</i>	04
A Huestis, Wray, <i>Chemistry</i>	06
A Inan, Umran, <i>Electrical Engineering</i>	04
P Jones, Patricia, <i>Biological Sciences</i>	06
P Joss, Robert, <i>Dean of the Graduate School of Business</i>	<i>ex-officio</i>
A Kaiser, Dale, <i>Biochemistry</i>	12
P Keller, Michael, <i>University Librarian & Dir. of Acad. Info.</i>	<i>ex-officio</i>
P Knight, Rosemary, <i>Geophysics</i>	02
A Kreps, David, <i>Graduate School of Business</i>	01
A Long, Sharon, <i>Dean of the School of Humanities & Sciences</i>	<i>ex-officio</i>
A Matson, Pamela, <i>Dean of the School Earth Sciences</i>	<i>ex-officio</i>
P Moya, Paula, <i>English</i>	08
P Mungal, Godfrey, <i>Mechanical Engineering</i>	04
P Naimark, Norman, <i>History</i>	07
P Osgood, Brad, <i>Electrical Engineering</i>	04
P Palumbo-Liu, David, <i>Comparative Literature</i>	08
P Peskin, Michael, <i>SLAC</i>	10
A Phillips, Denis, <i>Education</i>	03
A Pizzo, Philip, <i>Dean of the School of Medicine</i>	<i>ex-officio</i>
A Plummer, James, <i>Dean of the School of Engineering</i>	<i>ex-officio</i>
P Polhemus, Robert, <i>English</i>	08
P Roberts, Eric, <i>Computer Science</i>	04
A Roberts, John, <i>Graduate School of Business</i>	01
A Satz, Debra, <i>Philosophy</i>	08
P Sheehan, James, <i>History</i>	07
A Siegmund, David, <i>Statistics</i>	06
A Simoni, Robert, <i>Biological Sciences</i>	06
A Steele, Claude, <i>Psychology</i>	07
A Stipek, Deborah, <i>Dean of the School of Education</i>	<i>ex-officio</i>
P Sullivan, Kathleen, <i>Dean of the School of Law</i>	<i>ex-officio</i>
P Wasow, Tom, <i>Linguistics/Philosophy</i>	08

Present on Invitation or by Request:

Walter Vicenti, George Thompson, Dick Lyman, Katherine Nardone, Frank Brucato, Lindi Press

Present on Standing Invitation:

Roger Printup, Al Hastorf, James Mark, Ray Delgado, Diane Rogers, Alyssa Schwartz, Jessica Wang

Outside Press: