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IN APPRECIATION:
DEAN JACK BOGER*

ROBERT P. MOSTELLER**

Dean John Charles “Jack” Boger stepped down on June 30, 2015, as the University of North Carolina School of Law’s thirteenth dean, after serving nine years in that role. His deanship was marked by many challenges, including the Great Recession and fundamental changes in the legal job market. Jack met these challenges with confidence and innovation, substantially improving Carolina Law while remaining true to its core mission of being a great and truly public law school.

EDUCATION & CAREER

Jack grew up in Concord, North Carolina. He attended college at Duke University where he was an Angier B. Duke Scholar and member of Phi Beta Kappa, graduating in 1968. Jack continued his education at Yale Divinity School—part of his lifetime of study, scholarship, and teaching—and received his Masters of Divinity in 1971. He then came to Carolina Law, graduating in 1974 and earning recognition as a member of the Order of the Coif.

Upon graduation, Jack clerked for Judge Samuel Silverman on the New York Supreme Court Appellate Division. He then practiced law for three years in the litigation department of Paul, Weiss, Rifkin, Wharton & Garrison in New York City.

In 1978, Jack began work with the NAACP Legal Defense and Educational Fund (“LDF”), where he worked for twelve years. In 1983, after several years of litigating capital cases, Jack became director of LDF’s Capital Punishment Project. He was known throughout the death penalty litigation community as an extraordinarily effective and talented trial lawyer and skilled appellate advocate. He argued a number of cases in the United States Supreme Court.¹ In 1987, Jack became director of LDF’s Poverty and

** J. Dickson Phillips Distinguished Professor of Law. I wish to thank Professors Lissa Broome and Elizabeth Gibson for their insights and assistance.
¹ Among the cases Jack argued is McCleskey v. Kemp, 481 U.S. 279 (1987), where he challenged Warren McCleskey’s death sentence on the ground that it resulted from
Justice Program, which worked to enlarge the legal rights of the minority poor.

In 1990, Jack returned to Carolina Law as a law professor, teaching first-year courses in civil procedure and constitutional law and upper-class courses and seminars in education law; law, rights, and social change; and race and poverty law. The challenge of segregation and resegregation of schools remained one of his primary concerns, connecting his scholarship and teaching with his work protecting the rights of minorities at LDF.

Jack first showed his interest in and skill at law school administration when he served as the school’s Associate Dean for Academic Affairs from 1995 through 1998. Then, in 2002, he became the deputy director of the law school’s Center for Civil Rights, working with the center’s legendary director and Jack’s former LDF colleague, Julius L. Chambers.

**DEANSHIP: CHALLENGES & SUCCESSES**

Jack’s deanship began in June 2006 in the midst of a positive economic environment that witnessed a time of growth for the legal profession and for entry-level employment for graduating law students. Among Jack’s specific goals in making Carolina Law “a great public law school” were expanding the size of the law faculty to provide greater educational opportunities and a more favorable student-faculty ratio, increasing Carolina Law’s contribution to legal scholarship, and strengthening its reputation with the bench, the bar, and the larger community.


Achieving those specific goals and the overall quest to make the law school great, while keeping it “truly public,” would quickly become much more challenging. In 2008, only two years into Jack’s deanship, the Great Recession commenced and was accompanied by a related but more broadly based downturn in the market for legal services. While the prospects for substantial support from state funds for Jack’s hiring initiatives and for the construction of a new law school building were initially bright, the downturn in the economy and changes in the legislature’s budgetary priorities resulted in a series of reductions in state support generally and, specifically, for building construction. In this environment, Carolina Law needed strong, dedicated leadership, which Jack provided.

**SPECIFIC ACCOMPLISHMENTS**

Given the challenges, it is remarkable that, together with the faculty and staff, so much was accomplished under Jack’s leadership. The law school moved forward in several significant ways—improving key elements of students’ legal education, expanding the size of the faculty, adding resources to career services, initiating an international LL.M. program, increasing fundraising, and creating new avenues for outreach to alumni.5

**Improving Educational Opportunities**

With the guidance of a Curriculum Reform Committee, Carolina Law made two substantial improvements to legal education that make students more practice ready. First, in 2010, the legal writing instruction program for first-year students was revamped and expanded from four to six credit hours. These courses are offered by full-time faculty members committed solely to legal-writing instruction, replacing the use of adjunct faculty for Carolina Law’s legal-writing courses.

Second, also starting in 2010, the faculty began developing and expanding a group of transition-to-practice courses for second- and third-year students, which now number roughly two dozen.6 These

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4. John Charles Boger, *Dean’s Message*, 35 CAROLINA L., no. 1, 2011, at i. Jack recognized that this term, “truly public,” speaks to one of Carolina Law’s “dual aspirations—remaining accessible to students of all backgrounds even as we become the nation’s finest, truly public law school.” *Id.*

5. For a somewhat more extended discussion of the changes under Jack’s leadership, see Nancy E. Oates, *A Law School in Transition: Reflection on a Dean’s Tenure, Marked by Growth, Challenge and Optimism*, 39 CAROLINA L., no. 1, 2015, at 18.

6. *Id.* at 22.
courses are designed by individual faculty members in the areas of their scholarly interest and expertise and are either taught by the faculty member creating the course or by an adjunct working under the guidance of that faculty member. Together, the changes in the first-year writing course and the development of a score of transition-to-practice courses for second- and third-year students improved the legal education for our students, while maintaining the solid foundation in doctrinal instruction that has been the backbone of Carolina Law’s legal education for many years.

Expanding the Faculty

When Jack began his term as dean, the full-time faculty engaged in legal instruction numbered approximately forty. Despite challenges posed by funding limitations, through Jack’s guidance, the size of the faculty grew to approximately sixty. As he envisioned, these faculty members create a better student-faculty ratio and also make it possible to offer a broader and richer array of doctrinal and skills-related courses, clinics, and externships.

Adding Resources to Career Services

The downturn in the legal employment market made finding jobs for Carolina Law graduates more challenging. In an effort to assist our students and with the guidance of a faculty committee, Jack directed additional resources to career services, substantially expanding both personnel and services for our students.

Establishing an International LL.M. Program

After years of internal planning and external negotiations, in the fall of 2010 the University and the UNC Board of Governors gave approval to the law school to begin an international LL.M. program for lawyers trained in foreign countries. The program began in 2011 and has enriched the school’s international program while providing additional resources to support Carolina Law.

Increasing Giving and Strengthening Outreach to Alumni

During Jack’s deanship, annual giving has increased by over one-third, placing the long-time goal of $1 million per year in unrestricted annual giving within sight. Also during this time, the law school’s endowment surpassed the major benchmark of $50 million and now

7. Id. at 20.
8. Id.
stands at more than $70 million. These increases in both annual giving and the endowment have increased the scholarship funds available to attract talented law students and have expanded the funding available to support faculty research. With the Law Alumni Association, Jack helped develop a plan for expanding alumni activities with students, community outreach, regional alumni programs, and philanthropy.9

MOTIVATING FORCES AND PERSONAL QUALITIES OF THE DEAN

The forces that move a leader and that person’s signature qualities are subject to differing perceptions and interpretations. For Jack, however, some of these are unmistakably clear. He loves North Carolina and, particularly, Carolina Law. When he speaks of the goal of making Carolina Law the finest truly public law school in the nation, he holds the words “truly public” as critically important and gives them clear meaning. He believes the calling of this public law school is to public service and leadership for the public good. Jack manifested his commitment to encouraging public service by pulling together financial resources to fund summer public service grants for students despite the harsh economic conditions during his tenure. Those public service grants encouraged and enabled students to pursue summer employment with government and nonprofit groups—employment that might otherwise be foreclosed to students without the means to forgo paid employment. In addition, he remained committed to assuring that a Carolina Law legal education remained broadly accessible.

The clash between accessibility, which requires affordability, and achieving excellence in all aspects of legal education presents a painful conflict. Jack made efforts to reconcile this conflict while dean. In order to improve first-year legal writing by appointing full-time faculty to provide instruction, a modest tuition increase was required. With reluctance and with the assent of students, he implemented that increase as part of his commitment to providing an excellent education for students at Carolina Law. The school’s loan forgiveness program began operating during his deanship and has provided aid to qualifying students following graduation. To help with affordability, Jack made fundraising for scholarships a top priority.

The nature of the job always presents the dean with sharp conflicts and difficult decisions. Such conflicts were sharper and more difficult in the type of challenging environment that Jack faced during

much of his deanship. Jack, however, had a personal confidence and willingness to make decisions, even tough ones, that sustained him.

Two elements of Jack’s leadership style aided him in maintaining civility and good will among the faculty through this time. First, he truly affirmed the faculty’s work. He recognized and honored the wide range of ways that faculty members with different strengths contributed to the law school. Although his personal recognition went much further, Jack instituted a set of yearly faculty awards to recognize excellence in scholarship, teaching, and service. Second, through mechanisms such as the Dean’s Advisory Committee and regular faculty socials, he worked to create an atmosphere of engagement and connection, even in times of disagreement.

THE RESULTS

One test of Carolina Law’s performance during this tumultuous period was our own self-evaluation completed for the American Bar Association accreditation process, which occurs every seven years. The self-evaluation completed in 2014 covered most of Jack’s deanship and spoke to the success of Carolina Law in weathering the challenges faced under his leadership.

The overall message was quite positive. The faculty provides high-quality instruction, produces first-rate scholarship, and has a committed culture of service. The curriculum is sound and growing in breadth, particularly in skills instruction. Students remain well-qualified, and job placement is generally strong.10

Of course, Carolina Law faces challenges, among them the impact of the Board of Governors’ decision to close the Poverty Center and to question the work of the Civil Rights Center. In this significant challenge to the work of the law school, Jack was in his finest hour. Although he did not sway the final outcome, he eloquently affirmed the important work done by each Center and united the faculty, who stood in solidarity with his message of academic freedom.11

11. “A Statement from Dean Boger: UNC Centers and University Values,” posted by Jack on the Law School’s website, challenged the wisdom of the Board of Governors’ action in closing the Poverty Center and its criticism of the advocacy work of the Civil Rights Center. John Charles Boger, A Statement from Dean Boger: UNC Centers and University Values, UNC SCH. OF LAW (Feb. 18, 2015), https://www.law.unc.edu/news/2015/02/18/a-statement-from-dean-boger-unc-centers/ (“Those who love UNC-Chapel Hill, who believe that free speech and open inquiry are indispensable tools in addressing society’s greatest problems, cannot fail to see in today’s recommendations made to the full
CONCLUSION

Jack led Carolina Law through a particularly difficult period in legal education with wisdom and grace, making the institution stronger. Challenges remain, but Carolina Law has weathered these storms well and moves forward as a confident and resilient institution, true to its principles of providing excellent legal education as a truly public law school. Jack, your work is deeply appreciated.