

DEAN TONI M. MASSARO—A TRIBUTE

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Toni Massaro came to the Arizona faculty as an accomplished scholar and a gifted teacher. Having become such a successful scholar and teacher—one of the most highly regarded members of the faculty—her colleagues were surprised when she announced that she hoped to become Dean Joel Seligman's successor. It was no surprise to us, however, when she received the appointment as dean. She began her deanship in May 1999 and, after ten years, is resigning to return to full-time teaching and research here at the James E. Rogers College of Law. In her time as dean, she has imaginatively led the school through a decade of intellectual growth and contributed to its rising reputation as one of the country's strong state law schools, long its ambitious goal. The school had been on an upward trajectory for some time, but it takes years for an institution such as this to gather the human and physical resources necessary to become truly distinguished. In particular, public law schools in smaller western states often have difficulty marshalling the money it takes to achieve real distinction. Fortunately, prior Deans Sullivan and Seligman had done the spade work for securing a very large gift from James E. Rogers, one of the school's spectacularly successful alumni and a noted philanthropist devoted to public education. Developing the school's structure and the difficult task of putting the gift to its highest and best uses fell to Dean Toni Massaro. It was a daunting but exhilarating task for this talented scholar and teacher in her first administrative venture.

In the ensuing years, it has become crystal clear that Toni's talents were not confined to the library and the classroom. She has led with imagination and tireless effort, with particular emphasis on increasing the intellectual strength of the faculty and student body. It is no exaggeration to say that, in the process, she has risen to the top rank of leaders in American legal education. She was appointed Regents Professor, the highest academic honor conferred by the Arizona Board of Regents. She also received the Learned Hand Public Service Award and was recognized for her efforts on behalf of minority students by the Arizona Minority Bar Association.

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Measured by the usual criteria for judging the success of a law school dean, Toni has had a spectacular tenure. Her time is marked by excellent fundraising, exciting faculty hires, consistently excellent teaching, and the attraction of high-quality students, who have not only contributed to the intellectual strength of the school but also prepared themselves to achieve high passage rates on bar exams. She has encouraged high-quality faculty research and publication, engagement in community service, the hosting of regional and national conferences, and the sponsoring of public lectures by outstanding lawyers, judges, and other important professionals.¹

1. Particular examples indicating the achievement of Toni's decanal tenure include:

a. Fundraising excellence. The alumni giving rate increased from 8% in 1999 to 12% in 2003; the class gift program has had an average of 70% of the graduating classes participating since 2001, with annual pledges and gifts increasing from an initial total of \$25,000 to a total of \$57,000 for the class of 2008, as compared to the highest pre-2001 recorded class gift of \$600.

b. Exciting faculty hires. Distinguished lateral hires include, among others, Carol Rose (Yale), Jim Anaya (Iowa), Marc Miller (Emory), Jack Chin (Cincinnati), Kirsten Engel (Tulane), and Graeme Austin (University of Auckland, New Zealand). All of our entry-level hires have likewise been excellent.

c. Consistently excellent teaching. Our full-time and adjunct faculty are known for their excellent teaching, and this is confirmed by the teacher-student evaluation system as well as the peer review system. In addition, Toni Massaro is a superb teacher herself, having won the teacher-of-the-year award six times. Not to belabor this last point, but we recall one dramatic instance when she "signed" to a deaf law student while simultaneously lecturing to the rest of her class. Two teaching awards were established during her decanal tenure, the John Strong Award (voted on by students) and a peer-initiated award for teaching and mentoring. In addition, since 1999, four law faculty members have won the University-wide Graduate & Professional Education Training & Mentoring Award—very unusual for a college with such a small faculty.

d. High quality law students. Out of approximately 2200 applicants annually for only 150 seats in our entering classes, we consistently have an entering class ranked in the top 15% of the national pool.

e. Graduation & high bar passage rates. Graduation rates consistently exceed 90% to 95%, and we regularly lead the bar passage rates for first-time takers in Arizona.

f. Law faculty research & scholarship. We are extraordinarily strong in this area as evidenced, for example, by the Leiter Report, which ranked our faculty twentieth in the nation in 2007 for per capita "scholarly influence" based on citations.

g. Engagement in community service. Our faculty has always had a substantial investment of time in community service, and our students likewise have a strong interest, performing some 1000 hours of it annually.

h. Regional & national conferences. We have had more than thirteen major conferences during Toni Massaro's decanal tenure on such topics as "Environmental Restoration: Challenges for the New Millennium," "Guns, Crime and Punishment in America," "The Future Structure and Regulation of Law Practice," "Youth, Voice and Power," "Economic Torts: The Dan B. Dobbs Conference on Tort Law," "Water Symposium," "Child Advocacy Clinic Conference," "Federalism and Climate Change," and "Adaptation to Climate Change in the Desert Southwest."

i. Excellent clinical programs. We have four very fine in-house clinical programs: the Child Advocacy Clinic, the Domestic Violence Clinic, the Immigration Law Clinic, and the Indigenous Peoples Law Clinic.

All these accomplishments are vitally important. But we want to emphasize three other contributions that have made Toni's deanship such a success. These are: (1) the rebuilding of the College's main building; (2) the flowering of the advanced degree programs, interdisciplinary studies, and the establishment of the William H. Rehnquist Center on the Constitutional Structures of Government ("Rehnquist Center"); and (3) the nurturing of an inclusive, welcoming, and warm atmosphere that prevails among students and faculty.

I. THE REBUILDING OF THE COLLEGE OF LAW MAIN BUILDING IN 2007–2008

Originally conceived as a new building with a state-of-the-art library and information center, the idea of a law commons as a separate structure was abandoned as beyond our financial resources. Instead, the plan became essentially one of reconstructing the interior of the main law building to provide additional space for the library, offices, and classrooms, as well as moving the most heavily used student spaces—including the student lounge, the *Arizona Law Review* office, and the *Arizona Journal of International & Comparative Law* office—from the basement to the main floor. The plan also called for incorporating the latest in information technology flexible enough to meet our needs for the foreseeable future.

Early in the planning it became obvious that the construction work could not be done while the College continued to carry on its normal operations in the building. Under Toni's leadership, the physical law school—books, furniture, students, staff, and faculty—were moved to temporary quarters owned by the University. A prefabricated-type classroom building was erected, the faculty and staff were dispersed in an empty apartment complex, and the former Corleone's Restaurant was converted to a student center.² The school continued uninterrupted

j. Visitorships & lectures. To mention but a few of these—the late Chief Justice Rehnquist taught a course entitled "The Supreme Court in the History of the United States" (1993–2004); Nobel Peace Prize winner Shirin Ebadi delivered an address in 2004; Associate Justice Sandra Day O'Connor co-taught a course (with Ronnell Andersen Jones) entitled "The Supreme Court" during the Spring Semesters 2006–2009; recent Marks Lecture speakers included Associate Justice Ruth Bader Ginsburg (2006), and Associate Justice Stephen Breyer (2008); Derrick Bell delivered the inaugural Deloria Lecture in 2008; Michael Chertoff, Secretary of Homeland Security, delivered the second Rehnquist Center lecture, and Chief Justice John Roberts presented the Rehnquist Center's third lecture, both in the 2008–2009 Academic Year; Associate Justice Antonin Scalia will visit in 2009 or 2010; Bernard Harcourt, a former member of our faculty and currently Kreeger Professor of Law & Criminology at the University of Chicago, presented the second Soll Lecture in Criminal Law & Justice in 2009. George Packer presented the 2009 McCormick Lecture on the topic "The New Liberalism."

2. Some of the College administrative staff moved into Rountree Hall. The faculty and its secretarial support, the *Arizona Law Review*, the *Arizona Journal of International & Comparative Law*, and other administrative staff all used the Corleone Apartments as offices. The former Corleone Restaurant property was converted into a place for meetings, law school events, eating facility with patio, book store, and an administrative office. Finally, a large prefabricated-type building was put in place just across Mabel Street, which held our classrooms, computer lab, partial law library, large study room for students,

for fifteen months while the reconstruction took place. Under the unrelenting eye of the dean, the project came in on time and under budget, and the move back to the “new” building was completed in time for the 2008 fall semester.³

The reconstructed Law Commons (and Rountree Hall) and its accompanying state-of-the-art technology (including compact shelving for the Daniel F. Cracchiolo Law Library) is beautiful, accessible, and well-designed to better meet our current and future needs. This is due in part to the organizational talent and high energy brought to this project by the dean, but also to her sense of humor and great patience in dealing with the individual requests by affected personnel. (The authors of this Tribute, however, are still unable to really grasp just how she managed to accomplish this herculean task!) The reconstruction of the main building required the almost complete gutting of the structure and virtually complete rebuilding from the inside out. Two main principles seem to have guided the planning. The architects were asked to bring inside as much natural lighting as possible. The result is a feeling of openness and light throughout the building. And Toni, in her student-oriented way, insisted that, so far as possible, the regimented seating of students at long tables among the library stacks be broken up and that small round tables surrounded by four to six comfortable chairs be placed in every nook, cranny, and open space in and out of the building. They constitute attractive places where single students or groups can gather to study together or simply relax and talk. There are also enclosed study rooms on the ground floor. Observations during the year confirm that students respond well to this break from tradition, as Toni predicted they would.

II. INTELLECTUAL DYNAMISM: THE FLOWERING OF THE ADVANCED DEGREE PROGRAMS, INTERDISCIPLINARY ACTIVITIES, AND THE ESTABLISHMENT OF THE REHNQUIST CENTER

One of the highlights of the Massaro decade is her fostering and nurturing of the advanced degree programs, interdisciplinary activities, and the establishment of the Rehnquist Center at the James E. Rogers College of Law.

The International Trade LL.M. Program commenced during the decanal tenure of E. Thomas Sullivan under the leadership of DeConcini Professor Boris Kozolchyk and Fegty Professor David Gantz. With Toni’s support, Sullivan Professor & Director Robert Williams, Lenoir Professor of Human Rights Law & Policy S. James Anaya, and Clinical Associate Professor James Hopkins established the Indigenous Peoples Law & Policy (IPLP) LL.M. Program (and, more recently its S.J.D.). Both of these programs are now world-class, attracting

a faculty meeting room, etc. The rest of the available law library (some books were in storage) with its staff were housed in the former Grace Episcopal Church on Speedway Boulevard a few blocks to the east of the main law building.

3. The actual operational move to and from the Corleone complex was headed up by the indefatigable, good-humored, and patient Associate Dean for Information Services Michael Chiorazzi. He was assisted by the tireless Associate Deans (for Academic Affairs Kay Kavanagh; for Curriculum & IT Jane Korn), the rest of the administrative staff, the law faculty, and some students.

students and scholars from around the globe, and they are expected to both grow and continue to flourish in the coming years.

In addition to the above degree programs, the Massaro decade saw the very great expansion of interdisciplinary programs. These include, for example, the Rogers Program in Law & Society (a consortium of the Departments of Anthropology, Philosophy, Psychology, and Sociology making small research grants available to scholars across the campus, promoting the cross-listing of courses within the consortium, and sponsoring interdisciplinary conferences) led by the College of Law and funded by annual gifts from James E. Rogers. In addition, other such programs are the Law and Entrepreneurship Program (College of Law & Eller College of Management); the Law, Criminal Justice & Security Program; the Program on Economics, Law, and the Environment; and the more recent Law & Health Policy initiative. Also, such things as Academic Enrichment Programs for our law faculty (which brings in UA faculty and other scholars from outside the UA, on a regular basis, to present and discuss their research) as well as student fora (which involve our law faculty making presentations about their current research projects to interested students) are important facets of this Massaro expansion.

Finally, the Rehnquist Center was established at the College of Law under Toni's leadership. The Center is dedicated to fostering scholarship and public awareness of the separation of power among the three branches of the federal government, the balance of powers between the federal and state governments, and the principle of judicial independence. It sponsors a visiting scholars program, a jurist in residence, important lectures, and it also organizes and takes part in international judicial exchanges between U.S. and foreign judges and lawyers, and sponsors conferences across the nation. The Director, Sally Rider, is one of our own alumna, and the Center's future looks bright, indeed.

Taken together, these programs have created a substantial aura of intellectual activity, which—coupled with our acquisition of both lateral and entry-level hires with expertise in these interdisciplinary areas—is exciting for our students, particularly those interested in some type of specialization as a career. Toni Massaro's nurturing has both developed and enhanced each of these programs.

III. THE WELCOMING ATMOSPHERE OF THE COLLEGE OF LAW

As essential as the prior two features of the Massaro decade undoubtedly are, probably the most important is this third aspect, which emphasizes the welcoming, inclusive, and encouraging nature of the law faculty, administrators, and staff in relation to our students. This truly does bind us together as a single community and is highlighted by such factors as our intellectual diversity and the substantial number of minority students in our classes. For example, we have been ranked in the top twenty-five most diverse law schools in the United States a number of times, and in 2006–2007 some 29% of the student body consisted of minorities. We have also been ranked in the top ten in the nation (and as high as number four) by Hispanic Magazine for being one of the most hospitable law schools for Hispanic students. In addition, during the last ten years the number of women in our entering classes has consistently ranged from 45–51%. Moreover,

70–80% of our students receive some form of financial aid. Coupled with a consistent 90–95% or higher graduation rate and the leading bar passage rate for first-time takers in Arizona, this law college has proved to be a great place for diversity of all kinds. That is certainly also true for our students in the International Trade and IPLP programs, which draw students from across the globe. To the authors of this Tribute, this is probably Toni Massaro's greatest achievement in her decade of service.

Those of us who have a long-standing attachment to the College can testify that Toni Massaro is an accessible, highly intelligent, and creative leader whose administration was transparent and accountable. She surrounded herself with a superb administrative staff sincerely devoted to supporting our students as well as the law faculty.

We have watched her course with admiration and awe. She can leave the deanship and return to full-time teaching confident that her outstanding service has indelibly become part of the history of the College of Law. We will miss her in the dean's role but we excitedly await her return to the faculty, with her piercing and broad-ranging intellect and her humor.⁴ She has been a blessing to this school.

4. For the day of the second Rehnquist Center Lecture by Michael Chertoff, Secretary of Homeland Security, Dean Massaro warned the law college by e-mail that a security team would be on the roof to help protect him. Knowing that the second floor law faculty office windows overlooked that roof, she entitled the e-mail "pay no attention to the man on your roof!"