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SYMPOSIUM IN HONOR OF DEAN EMERITUS
HARRY H. WELLINGTON

RICHARD A. MATASAR*

Thank you Nadine, and thanks to the editors of the NYLS Law Review for inviting me to participate in these proceedings. It's my privilege to welcome you to the Law Review Symposium in honor of Dean Emeritus Harry H. Wellington. Deans at law schools have many official—and unofficial—duties. We sign letters. We set schedules. We even move furniture. But among the most delightful of our duties is to preside at important school events—to create an official presence at the ceremonies that mark critical community occasions. On behalf of the New York Law School community, I welcome you—the many students, colleagues, and friends that Harry has throughout legal education in the United States.

Fulfilling my official duties, however, does not end my role today. I have a deeper responsibility to set up our program. There are many ways one might do so—a lengthy discourse on a legal topic of relevance to Dean Wellington's scholarly specialties, a review of his illustrious career, a tribute to each of our speakers. I have chosen a different path: to go back to basics and ask the simple question of what participating in a symposium actually means.

Although it is tempting to look for deep spiritual inspiration in searching for meaning, I begin more fundamentally by looking to the dictionary—a book with lots of meanings, some neither spiritual nor deep. The word symposium derives from Greek sources—*symposion*, *sympinein*—which combine to mean “to drink together.”¹ Although drinking together sounds like a wonderful idea for later today, it hardly describes fully our planned activities. Reading further, however, Webster provides four more precise modern meanings for symposium:

- [1] a convivial party . . . with conversation . . . [; 2] a social gathering at which there is free interchange of ideas[; 3] a formal meeting at which several specialists deliver a short address on a topic or related topics[; and 4] a col-

* Dean and President, New York Law School.

1. Webster's New Collegiate Dictionary 1181 (G. & C. Merriam Co. 1976).

lection of opinions on a subject; *esp.*: one published by a periodical²

By these four definitions, and even their original ancestor, we are engaged in a classic symposium. We are together drinking at the well of knowledge. We are having a convivial party with conversation. We will have a free interchange of ideas during the day. Our specialists will speak presently. And, our Law Review is ready to publish the outstanding contributions generated by our speakers to continue their dialogue in perpetuity. However, just as Webster needs four definitions—and an original Greek source—to describe fully the meaning of symposium, one description of Harry Wellington's contributions to the law and legal education is inadequate. His many talents require multiple approaches.

I

So, let's start with our participants. Even at this basic level we must rely on several people with varied backgrounds to begin our appreciation of Harry. We have Harry's faculty colleagues—not just of one school, but of several institutions. We have his former students. We have faculty members hired by Harry. We even have search committee members who *hired* Harry. Together, we who have little in common have come to talk about Harry Wellington and his influence on our varied roles, careers, and positions.

Some of us are faculty members, making an honest buck in classrooms helping students learn. Others of us administer, and make our living in somewhat more mysterious ways. A few of us are practicing lawyers, from both private and public law offices. Several of us are judges both of state and federal courts. Yet even with our varied backgrounds, we join today in common enterprise: to celebrate how we have learned from Harry Wellington and grown from our friendship with him. We all proudly call Harry our mentor.

II

Today's symposium represents more than multiple participants from different perspectives chatting about their relationship with Harry Wellington. We also focus carefully on the extraordinary sweep of his scholarly career. We cannot be satisfied merely with one panel on constitutional law or constitutional theory. We must also have

2. *Id.*

panels on labor law, legal interpretation, federal regulation, and even our mere reminiscences of Harry as our colleague—as if a collegial relationship with him were a small thing.

My personal contributions today must be modest. Harry was not my teacher. He has not been my dean. Nor, until very recently, has he been my faculty colleague—although now that he is, I intend to pick his brain as often as he permits. Nonetheless, even as a freshly minted F.O.H.—Friend of Harry, for the presidentially impaired—I have been a beneficiary of Harry's influence in countless ways. Simply put, anyone educated by an American law school in the last twenty-five years has benefitted from Harry Wellington—the teacher, scholar, and dean.

Very few law professors or deans have any major impact on legal education, even at one school. Generations of academics come and go at every law school; few make lasting and significant contributions to their institutions. Certainly, a good faculty member will make an impression on his or her students. But similar impressions might have been made by anyone. True, good faculty members make at least incremental contributions to legal scholarship. In the long run, however, these contributions are somewhat marginal—and might easily have been made by others whose talents and impact are fungible with our own. Sadly, most of us will soon be forgotten by our schools or, at best, be relegated to hanging on the wall containing pictures of dead—or nearly dead—faculty members. Our relatively generic contributions have been fleeting. Harry Wellington's contributions, however, are anything but fleeting. Moreover, his powerful impact is not limited to a single place, but exists in two law schools and throughout legal education.

Harry's ten years as Dean of Yale Law School profoundly influenced legal education. The resumes of law faculties throughout the country suggest that Harry may be the "father" of modern legal education, since so many of his students now run our schools. Moreover, Yale's influence on legal education is more than numbers alone. Yalies have become our nation's leading scholars, theoreticians, politicians, and even practicing lawyers. I didn't go to Yale, but like most lawyers of this generation, I've been a beneficiary of a Yale legal education, taught by faculty who meld deep theory, concern about social justice, and an appreciation of the utility of law. Synthesizing these concepts now dominates law teaching.

Great ideas came from Harry's Yale faculty colleagues; even greater contributions have come from the larger community of his students, exported from New Haven to become faculty members at other schools, wonderful practitioners, Supreme Court justices, and even presidents and senators. In each of these settings, these graduates epitomize education "Harry style": comfort with theory, the desire to utilize ideas from other disciplines to inform law, and an understanding of how to use these tools to improve our justice system. Today, looking to theory, multiple disciplines, and social justice is second nature to law teachers. Thanks Harry for helping us embrace this approach!

It would be a serious mistake, however, to think of Harry merely as a Yale theoretician. First, his own work is grounded in careful, technical appreciation of the nuances of legal doctrine, informed by process concerns, and deeply focused on real world problems. Second, Harry has a tough, pragmatic, gritty side; he cares about law on the ground. Thus, it is no great surprise that Harry—progenitor of legal theory and interdisciplinary study—moved from the cocoon of the Ivy League to New York Law School, the essence of an urban, stand-alone, lawyer's law school. The gentle guy from New Haven pulled it off—transforming New York Law School into a new model for legal education: theory with an edge; practice, with theory; a place where we "learn law" and "take action."

New York Law School faculty members are the next generation of legal theoreticians. They are scholars and teachers who embrace legal theory, but aren't satisfied merely to understand its finer points. They would rather utilize theory as a tool for actions that will have a profound and immediate impact in the communities of which they are a part. New York Law School has theorists with an insatiable commitment: to apply what they've learned to real problems through scholarship, activism, and teaching.

This approach attracts students who want to learn law, theory, and policy and make things happen in the world. For example, New York Law School's part-time division embodies an activist lawyer model. Students come to the program from a broad range of prior lives. Some have had careers in the private and public sector. Some are refugee academics from other disciplines. Some are returning students. And some are just late bloomers. All are bound together by a desire to use law to improve themselves and those around them. Their successes in school—and in life—reflect Harry's quiet leadership; he has been committed to the kinds of students that make legal education matter

and give New York Law School distinction. We're not Yale Law School; we're Yale Law School on a weight-lifting regime, using nutritional supplements, and impatiently leaping to make a difference in our community. So, Dean Wellington, you've led two law schools to glory.

III

As a new dean who came to New York Law School from another school, I've seen the wonderful programs created under Harry's leadership. My colleagues and I are the inheritors of New York Law School's legacy and the protectors of its future. Speaking in my "deanly" role at gatherings of students, alums and friends, I frequently stress my "fiduciary" responsibility to New York Law School. By this I mean that a dean, like any other fiduciary, bears the obligation of preserving institutional assets. Minimally, the dean must never damage the value of the enterprise. More importantly, however, the dean must manage the assets by growing them, substantially faster than the rate of inflation and making them larger than anyone might reasonably expect. The job is to add real value through our activities.

That's the challenge that Harry has left: to take the law school he guided so well and move it forward at an accelerated pace. We can—no, we must—do that and then do even more. We must talk about our law school in ways that emphasize its importance. We need to define ourselves and let the world know we're here, we do it our way, and we've only just begun.

Some people ask me the following question: "You represent which school? NY who?" This is a code language that New York Law School community members can quickly decipher. What we're being asked is if we are from N.Y.U. The answer is *NO*. We're not N.Y.U.; we're not in Greenwich Village. We're TriBeCa's New York Law School. That means something in its own right—a uniqueness in legal education, a special brand that others cannot match.

New York Law School proudly proclaims its heritage and special character. We stress that we are the school where students learn that law is action. New York Law School has true centers of excellence that bring our students directly into the real world of problem solving, multiple disciplines, and the need to work effectively to answer those problems with varied tools. Whether through our Center for New York City Law, our Communications Media Center, our Center for International Law, or one of our new centers—the Justice Action Center and the Center for Professional Values and Practice—New York Law

School is giving students action-focused education that will prepare them to pursue a social justice agenda.

Our philosophy captures the essence of New York Law School's faculty, students, and graduates. Law requires lawyers to work together in teams and to link to experts from other disciplines under the leadership of a mentor. Therefore, we must team our first year students with colleagues from the second year; second year students must learn from third year students who will supervise work on real-world problems. Together, these students must work with a faculty mentor, who will guide them in the process of applying law to ameliorate social problems. Moreover, this team of New York Law School faculty and students cannot operate in a void; they must find experts from other disciplines, graduates of the law school, and other professionals to be their guides and colleagues.

It is the law school's obligation to share our strengths with those around us. As lawyers, we can no longer maintain the conceit that we have exclusive expertise to solve any problem. At best we must learn to be the general contractors of problem-solving. It is our responsibility to put the team together, to bring in experts from other disciplines to help us, and to assure ourselves that issues are not merely being addressed, but are being solved. Our faculty must give students the tools to discover that law is the greatest collaborative enterprise. New York Law School must mold legal education to train students to understand that the problems we address are not merely problems of law, but are social and institutional problems that involve real people. Their problems require solutions that optimize the best of law and other disciplines. The collaborative enterprise that Harry began at Yale has now blossomed into New York Law School's determined remaking of legal education. Here, we thrive on action.

My task to begin this symposium has now come to its close. What remains is clear: we must drink together the intellectual refreshments of the day. We should converse well, publish our remarks, and celebrate the many meanings of Harry H. Wellington, our teacher, our dean, our colleague, our mentor, and our friend.