

LOUIS AND HERMIONE BROWN PROFESSORSHIP[†]

THOMAS D. BARTON

INTRODUCTION BY STEVEN R. SMITH^{*}

Good lawyers help their clients efficiently and effectively solve their problems. Louis Brown recognized that great lawyers also help their clients avoid problems. Tom Barton is a fitting successor to the “preventive law” mantle of Professor Brown, and it is fitting that he is the inaugural Louis and Hermione Brown Professor of Law.

Thomas D. Barton received a B.A. from Tulane (Phi Beta Kappa), a J.D. from Cornell Law School, and a Ph.D. from Trinity Hall, Cambridge University. He was in private practice and then went into law school teaching at the West Virginia University College of Law where he became associate dean. He served as a visiting faculty member at Oxford University and the University of California San Diego. He has been a professor at California Western School of Law since 1990 and served as the Director of the Louis M. Brown Program in Preventive Law since 1999. He has published dozens of articles and chapters and has made many scholarly presentations. In addition to his own work, Tom constantly encourages and improves the work of others.

Tom Barton is a scholar and a gentleman and a wonderful colleague. He is, in the very best sense, a boy scout: trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean, and reverent.

[†] Accepted by Thomas D. Barton on April 3, 2008, at California Western School of Law.

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ACCEPTANCE BY THOMAS D. BARTON*

Thank you all for coming.

This is so very gratifying. I am deeply touched, even while I feel sheepish for having been singled out in this way among a talented, diverse, and hard-working group of supportive colleagues.

Perhaps more than the other professorships being awarded this year at California Western School of Law, I think of the Louis and Hermione Brown Professorship as recognition for a group project at the school, based on its problem solving and preventive law emphasis.

This mission is inspired by the work of Lou Brown and Ed Dauer, who prodded the legal community to understand, support, and train lawyers in the many roles they play beyond the stereotype of the trial advocate, including the roles of counselor; facilitator of human communication, understanding, and personal relationships; and planner, helping clients achieve their goals.

In the work I have done with their ideas, and for what California Western has achieved toward training its students in this broader way, many people deserve recognition and thanks. I cannot describe them all here, but I want to do what I can to briefly convey the combination of vision, creativity, skill, and humanity that furthered these efforts.

I begin with the person closest to me, my wife and best friend, Sharon Foster, who is a Distinguished Professor of Clinical Psychology at Alliant International University.

In groping toward an image for how lawyers could become better counselors, encourage dialogue and stronger personal relationships, and expand the contexts in which they understand people and help them toward their goals, I realized a long time ago that I had the best possible model and guide at my side. Sharon embodies the highest

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standards of professionalism, ethics, and rigorous analysis even while she projects her genuine concern for personal relationships. She believes deeply in the power of honest communication as a way to build relationships and resolve problems, and I know firsthand she is skilled at eliciting greater thoughtfulness and self-growth from even the most recalcitrant and obtuse individuals. I sometimes shudder to think what might have come of me had I not met and learned from her. I imagine myself alone in a dimly lit room with a frozen TV dinner that I wash down with powdered milk.

Next is California Western's Dean Steven Smith. It is a marvel to me, and the great blessing of higher education, that people of enormous talent and vision are willing to take on leadership and administrative roles. These positions inevitably demand a broad range of skills and are virtually all consuming of one's time and emotional energy. Dean Smith is just such a person, as was his predecessor Mike Dessent. Dean Smith devotes himself more thoroughly to the advancement of legal education than any person I have met. Through the countless days of worry and demands on his time, he always tries to build rather than criticize and blame. He is high minded and honest, always seeking principled, morally sensitive resolutions to problems. His constancy, integrity, and vision humble me.

Then there are the many people who have contributed to this approach at California Western and elsewhere, namely Lou Brown and Ed Dauer, who founded and developed the approach. I cannot begin to describe the intellectual debt I owe to them. Through their ideas I have found a way of talking about lawyers and their potential contributions in a way I can be passionate about.

The development of the problem solving and preventative law program at California Western is the result of contributions of many people over a long period of time. Thanks to Bob Bohrer for inserting the idea of problem solving into the mission statement of the school, and to Janeen Kerper, an original thinker whose work here and in Latin America reverberates long after her sad death. Without Janeen, I do not think we would have attracted Dean Smith to the school. Dean Smith saw the potential of these ideas in legal education, came here, and began putting together a program. He hired Jamie Cooper, whose creativity wildly surpasses that of conventional law professors. Jamie is a constant delight, always witty and kind even while he is the source

of never-ending surprises and adventures in methods for communicating and advancing ideas. His work in Latin America is astonishing. He has trained thousands of lawyers and judges in problem solving and advocacy, and his special media talents make the ideas of legal rights and justice more accessible and real to populations emerging from repressive regimes.

Janet Bowermaster became the original academic head of the program. Janet brought analytical rigor, candor, and great administrative talent to the enterprise. If ever one needs help thinking through the advisability of some matter, Janet can always see every side of the matter. I often think of Janet in the lawyer role that I envision for our students—a person you can trust and from whom you will receive honest, thoughtful advice.

Katharine Rosenberry succeeded Janet in this role when Janet became Associate Dean. Katharine is amazing. If you want something done, ask for Katharine's help. You could have been working on a matter for a year, plodding away as best you can. Mention to Katharine at lunch that you are struggling, and seemingly within a week she would have met the international experts on the topic, attended a conference, and read five books about it. Katharine supplied the tenacity and networking skills I so sorely lack.

I also want to thank Linda Morton and Janet Weinstein, both of whom have made immense contributions to problem solving. In addition to their strong scholarship in the area and connection with clinical teaching, theirs are the voices of community service and conscience for our efforts. Linda and Janet are always thinking of ways to involve others outside of California Western and how to bring this work to adults and children in need. I admire Linda's intellectual adventurousness, and Janet's forthright blending of emotion with reason.

A word of thanks to the students at California Western, without whose open-minded cooperation and optimism our message about lawyering could never flourish. The students attracted to California Western are so diversely talented and enterprising. I mention two graduates from the 1970s: first, Joel Junker, who traveled to this ceremony from Seattle. Thank you, Joel, for being such a supportive friend and helpful sounding board for ideas. The second is Mark Dennis, now living in Scotland, who created the portrait of John Jay I

am standing under. When I look at this work of art, the banner on the opposite wall, and the logo of the school—all designed by Mark—I think about the creative powers inside lawyers and how we all can help in some way to design environments that are rewarding rather than punishing, and uplifting rather than suspicious.

Finally, my heartfelt thanks to Ken Greenman and Harold Brown. Ken's dedication to the school and its faculty is felt in many ways. The professorship is just one such project. Ken is a highly skilled, compassionate, problem solving lawyer who contributes hundreds of unpaid hours toward helping others. I do not have the time to recount the inspiring examples of how Ken so dramatically surpasses the image of a detached, pay-by-the-quarter-hour lawyer. Harold, thank you for the stunning generosity you have shown to this institution and to me in particular. Your generosity exceeds your monetary donations, which are staggering, and extends to your generosity of spirit and patience. Your parents, Lou and Hermione, were giants in the legal profession and innovators far ahead of their times. In my efforts to further their work, I have often gotten it wrong, yet you have been so gracious. Although I can never fill the professional shoes of Lou or Hermione, I am indeed honored to fill their chair.

