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# Dean David Wippman: Strong Leadership in a Challenging Time

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## Tribute

### Dean David Wippman: Strong Leadership in a Challenging Time

Fionnuala Ní Aoláin<sup>†</sup> & Brett McDonnell<sup>††</sup>

David Wippman became the tenth Dean of the University of Minnesota Law School in 2008.<sup>1</sup> He stepped down in 2016 to become the President of Hamilton College.<sup>2</sup> As his long tenure and prestigious subsequent position suggest, Dean Wippman did not throw away his shot when he became dean of the leading law school in the state where he grew up. Dean Wippman calmly and expertly navigated the Law School through the rough seas of contemporary American legal education, providing solid, incisive, and thoughtful governance throughout. Moreover, he provided a new model of long-term financial viability for the Law School, deepened and diversified the faculty, and brought a vision of excellence by sharpening the faculty's scholarly identity in key areas throughout his tenure.

Wippman became dean as the United States entered a major financial crisis.<sup>3</sup> At first, the financial crisis, if anything, had a positive effect on law schools, as many college graduates, unable

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<sup>††</sup> Dorsey & Whitney Chair in Law, University of Minnesota Law School. Copyright © 2018 by Fionnuala Ní Aoláin and Brett McDonnell.

1. *Dean Wippman to Step Down Effective July 1, Provost to Launch a National Search*, UNIV. MINN. LAW SCH. (Dec. 11, 2015), <https://www.law.umn.edu/news/2015-12-11-dean-wippman-step-down-effective-july-1-provost-launch-national-search>.

2. *Id.*

3. Franklin Crawford, *Vice Provost David Wippman Accepts Position as Dean of University of Minnesota Law School*, CORNELL CHRON. (Dec. 17, 2007), <http://test.news.cornell.edu/stories/2007/12/vice-provost-david-wippman-leave-cornell>; *Timeline: Key Events in Financial Crisis*, USA TODAY (Sept. 9, 2013), <https://www.usatoday.com/story/money/business/2013/09/08/chronology-2008-financial-crisis-lehman/2779515>.

to find jobs, decided to apply to law school as a way to ride out the storm.<sup>4</sup> As years passed, though, a slow economic recovery, combined with overlapping long-term legal employment trends, limited the number of high-paying entry-level law jobs, leading to a sustained decline in the number of persons applying to and enrolling in law schools nationally.<sup>5</sup> Few schools were exempt from the trend.<sup>6</sup> By the middle of his tenure as dean, Wippman's task had thus become quite different from when he started. His job was now to conserve the Law School's many strengths, rather than to aggressively expand. Throughout the periods of expansion and challenge during his time as dean, Wippman persevered and succeeded. His intelligence, competence, calmness, and low-key humorous-but-humble presence guided the Law School well.

Wippman became Dean of the Law School after a distinguished career at Cornell as an international law scholar and an academic administrator.<sup>7</sup> After arriving at Minnesota, he worked with the faculty and the Law School community to develop a strategic plan that reflected his own and the community's vision of what the Law School was and could be.<sup>8</sup> He worked tirelessly to promote that vision. He was a very successful fundraiser, raising over seventy-three million dollars with the Generations Campaign<sup>9</sup>—including shepherding through many generous gifts from the Robina Foundation, which became the most generous giver in the history of the Law School.<sup>10</sup> Dean

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4. Rebecca Ruiz, *Recession Spurs Interest in Graduate, Law Schools*, N.Y. TIMES (Jan. 9, 2010), <http://www.nytimes.com/2010/01/10/education/10grad.html>.

5. See Elizabeth Olson & David Segal, *A Steep Slide in Law School Enrollment Accelerates*, N.Y. TIMES: DEALBOOK, (Dec. 17, 2014), <https://dealbook.nytimes.com/2014/12/17/law-school-enrollment-falls-to-lowest-level-since-1987>.

6. *Id.*

7. Linda Myers, *David Wippman Is Named Cornell Law School Associate Dean*, CORNELL CHRON. (July 1, 2004), <http://news.cornell.edu/stories/2004/07/david-wippman-named-law-school-associate-dean>.

8. See *Dean Wippman to Step Down Effective July 1, Provost to Launch a National Search*, UNIV. MINN. L. SCH. (Dec. 11, 2015), <https://www.law.umn.edu/news/2015-12-11-dean-wippman-step-down-effective-july-1-provost-launch-national-search> (describing the pursuits that Dean Wippman and the faculty undertook, leaving the Law School “well-positioned for the future”).

9. *History*, UNIV. MINN. L. SCH., <https://www.law.umn.edu/about/history> (last visited Apr. 18, 2018) [hereinafter *History*, MINN. LAW].

10. *Id.*; Josh Verges, *\$25M Donation Boosts UMN Legal Services for Immigrants, Refugees*, PIONEER PRESS (Feb. 6, 2017), <https://www.twincities.com/2017/02/06/25m-donation-boosts-umn-legal-services-for-immigrants-refugees>.

Wippman took the lead in hiring a strong and diverse group of new faculty members.<sup>11</sup> He helped create a strong institutional environment in which faculty, students, alumni, staff, and others could thrive and contribute to the Law School's community.

### I. PRIOR CAREER

David Wippman came to the Law School as an established and prolific international law scholar. His path to international law was unusual, combining a range of intellectual and practical pursuits. Dean Wippman grew up in Minnesota, attending Edina High School.<sup>12</sup> His father, Harold Wippman, was a graduate of the Law School, earning his J.D. in 1949.<sup>13</sup> Dean Wippman received his bachelor's degree, *summa cum laude*, from Princeton University in 1976.<sup>14</sup> He went on to pursue a master's degree through a fellowship in the graduate program in English literature at Yale University, and his law degree from Yale Law School in 1982.<sup>15</sup> Dean Wippman was elected Editor-in-Chief of the *Yale Law Journal*.<sup>16</sup> After graduation he clerked for the Honorable Wilfred Feinberg, then-Chief Judge of the U.S. Court of Appeals for the Second Circuit.<sup>17</sup>

Following his clerkship, Dean Wippman joined the Washington, D.C. firm Powell, Goldstein, Frazer and Murphy as an associate.<sup>18</sup> The firm was known for providing legal services to community organizations, charitable entities and to public-service legal organizations.<sup>19</sup> As an associate, Dean Wippman's initial work was on mundane, albeit important, pursuits including

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11. *See infra* Part III.

12. Joe Kimball, *U of M Law School Dean David Wippman Named President of Hamilton College*, MINNPOST (Dec. 14, 2015), <https://www.minnpost.com/political-agenda/2015/12/u-m-law-school-dean-david-wippman-named-president-hamilton-college>.

13. Frank Jossi, *A New Dean for a New Era*, PERSPECTIVES, Spring 2008, at 16, 18.

14. *Curriculum Vitae, David Wippman, 20th President*, HAMILTON COLL., <https://www.hamilton.edu/offices/president/presidents-curriculum-vitae> (last visited Apr. 18, 2018) [hereinafter *Wippman CV*].

15. *Id.*

16. *Volume 91 Masthead*, YALE L.J., <https://www.yalelawjournal.org/masthead/volume-91> (last visited Apr. 18, 2018).

17. *Wippman CV*, *supra* note 14.

18. *Id.*

19. Powell Goldstein LLP, LINKEDIN, <https://www.linkedin.com/company/powell-goldstein-llp> (last visited Apr. 18, 2018).

Fannie Mae bonds.<sup>20</sup> But his focus changed when one of the firm's litigation partners came into his office and talked about the work he was doing representing the government of Nicaragua suing the United States in the International Court of Justice at the Hague.<sup>21</sup> This work enabled Dean Wippman to gain early experience in international law practice, ultimately prompting full-time specialized practice and a life-long commitment to international law.

From this early point, it was clear that Dean Wippman was not on a traditional law-firm practice trajectory, which was confirmed by his decision in 1984 to join two colleagues in establishing a unique boutique law firm with a focus on international arbitration, political consulting on public and private international law issues, and representing developing countries in litigation.<sup>22</sup> Dean Wippman became co-managing partner of the merged boutique firm Reichler & Soble in 1991.<sup>23</sup> The unusual focus of the firm and Dean Wippman's work in private practice demonstrates his public service mission and commitment to a global vision of legal practice. His work in private practice underscored his desire to work outside the usual boundaries of U.S. legal practice as a global lawyer, with a scholarly dedication to global pursuits and challenges.

Despite his enjoyment of private practice, his interest in research and scholarly work drew him away from Washington, and he was enticed to join the Cornell Law School faculty as an associate professor in 1992.<sup>24</sup> Like his career in private practice, Dean Wippman's scholarly pursuits were also defined in global and international terms. His writings in his pretenure period

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20. Maureen Nolan, *An Educator at Heart*, HAMILTON COLL.: ALUMNI REV. (2016), <https://www.hamilton.edu/magazine/summer16/an-educator-at-heart>.

21. *Id.*

22. *Washington Talk: Nicaragua Peace Talks; American Sitting Opposite U.S.-Backed Rebels*, N.Y. TIMES (Feb. 19, 1988), <http://www.nytimes.com/1988/02/19/us/washington-talk-nicaragua-peace-talks-american-sitting-opposite-us-backed-rebels.html>.

23. *Wippman CV*, *supra* note 14.

24. *Id.*

demonstrate a wide variety of interests. They included peace enforcement;<sup>25</sup> ethnic conflict;<sup>26</sup> the rights and protections of minorities;<sup>27</sup> civil war;<sup>28</sup> and the role of international institutions regulating the use of force.<sup>29</sup> Dean Wippman became known as a leading scholar on issues of ethnic conflict and complex situations of intervention and international engagement. He continued to write in these areas as a tenured faculty member at Cornell, and was the editor of the leading academic commentary on power-sharing and ethnic conflict written in that post–Cold War period, as many states were struggling with the breakdown of territorial boundaries and accepted political forms.<sup>30</sup> Advancing his interest in situations of ethno-national conflict, Dean Wippman became a visiting scholar at the University of Ulster<sup>31</sup> to gain in-depth experience of living in a conflicted society experiencing the pains of transformation from conflict to peace, and he gained the experience of living in an ethnically divided society having written extensively on the subject matter of ethnic conflict.<sup>32</sup> In this period, Dean Wippman was also writing and thinking extensively about the emerging role of international criminal law—specifically, the role of accountability mechanisms to stem

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25. See, e.g., David Wippman, *Legal Aspects of Peace Enforcement in Africa*, AFR. NOTES, May 1995, at 1.

26. See, e.g., David Wippman, *The Evolution and Implementation of Minority Rights*, 66 *FORDHAM L. REV.* 597 (1997); David Wippman, *Hearing Voices Within the State: Internal Conflicts and the Claims of Ethno-National Groups*, 27 *N.Y.U. J. INT'L L. & POL.* 585 (1995); David Wippman, *International Law and Ethnic Conflict on Cyprus*, 31 *U. TEX. INT'L L.J.* 141 (1996); David Wippman, *International Law, Ethnic Conflict, and the Example of Cyprus*, 22 *CORNELL L.F.* 9 (1995).

27. See, e.g., David Wippman, *Enforcing the Peace: ECOWAS and the Liberian Civil War*, in *ENFORCING RESTRAINT: COLLECTIVE INTERVENTION IN INTERNAL CONFLICTS* 157 (Lori Fisler Damrosch ed., 1994) [hereinafter Wippman, *Enforcing the Peace*]; David Wippman, *Change and Continuity in Legal Justifications for Military Intervention in Internal Conflict*, 27 *COLUM. HUM. RTS. L. REV.* 435 (1996).

28. See, e.g., Wippman, *Enforcing the Peace*, *supra* note 27.

29. See, e.g., Paul S. Reichler & David Wippman, *United States Armed Intervention in Nicaragua: A Rejoinder*, 11 *YALE J. INT'L L.* 462 (1986); David Wippman, *Treaty-Based Intervention: Who Can Say No?*, 62 *U. CHI. L. REV.* 607 (1995).

30. See, e.g., David Wippman, *Practical and Legal Constraints on Internal Powersharing*, in *INTERNATIONAL LAW AND ETHNIC CONFLICT* 211 (David Wippman ed., Cornell University Press 1998).

31. *Wippman CV*, *supra* note 14.

32. See generally Patrick Barkham, *Northern Ireland Timeline: January 1999–May 2000*, *GUARDIAN* (May 11, 2000), <https://www.theguardian.com/uk/2000/may/11/northernireland.patrickbarkham> (describing the conflicts in Northern Ireland immediately before Dean Wippman's arrival).

the tide of impunity that had hitherto dominated international approaches to the most serious crimes, including genocide, crimes against humanity and war crimes. His scholarly contributions in this period included two important books, *International Law Norms, Actors, Process: A Problem-Oriented Approach*<sup>33</sup> and *Can Might Make Rights?: Building the Rule of Law After Military Interventions*.<sup>34</sup>

Dean Wippman's scholarly and administrative roles were for a brief period set aside when he took a major public service position in the Clinton Administration.<sup>35</sup> In this role, he took a year away from Cornell to serve in the National Security Council's Office of Multilateral and Humanitarian Affairs.<sup>36</sup> His portfolio included war crimes, the International Criminal Court, economic sanctions and United Nations political issues.<sup>37</sup>

As Dean Wippman's scholarly vision consolidated and extended, he also took a keen interest in administrative work and accepted the role of Associate Dean at Cornell Law School in 2004.<sup>38</sup> He enjoyed the engagement with his colleagues and the capacity to shape a vision for the institution, and this ultimately took him to the role of Vice-Provost for International Relations at Cornell.<sup>39</sup> He had a natural flair for big-picture administrative organization, and these skills were much in evidence as he came to interview at Minnesota.

## II. STRATEGIC PLANNING, THE ROBINA INSTITUTE, AND FUNDRAISING

In his first years as dean, David Wippman presided over the creation of the Law School's new strategic plan.<sup>40</sup> Although reality raised some of its own priorities, the plan was still a useful

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33. JEFFREY L. DUNOFF, STEVEN R. RATNER & DAVID WIPPMAN, *INTERNATIONAL LAW NORMS, ACTORS, PROCESS: A PROBLEM-ORIENTED APPROACH* (3d ed. 2010).

34. JANE STROMSETH, DAVID WIPPMAN & ROSA BROOKS, *CAN MIGHT MAKE RIGHTS?: BUILDING THE RULE OF LAW AFTER MILITARY INTERVENTIONS* (2006).

35. Paul Walsh, *U Law School Dean Chosen President of Hamilton College*, STAR TRIB. (Dec. 14, 2015), <http://www.startribune.com/u-law-school-dean-chosen-president-of-203-year-old-new-york-college/361788851>.

36. *Id.*

37. *Id.*

38. *Wippman CV*, *supra* note 14.

39. *Id.*

40. See UNIV. OF MINN. LAW SCH., *SECURING THE LAW SCHOOL'S FUTURE: THE UNIVERSITY OF MINNESOTA LAW SCHOOL STRATEGIC PLAN 2010-2015* (2010) [hereinafter STRATEGIC PLAN] (on file with the authors).

tool and continued to guide Dean Wippman as he led the Law School on the highly successful Generations Campaign.<sup>41</sup> At the heart of much of the plan and the campaign was his stewardship of the years-long process of shaping the largest set of gifts in the Law School's history from the Robina Foundation, set up by alumnus James H. Binger.<sup>42</sup> The new strategic plan laid out a core vision:

The Law School will become widely recognized as a national and international leader in legal education and the production of high-impact, policy-relevant research, with particular emphasis through 2015 on growth in the areas of international and comparative law; law, science, and technology; criminal justice; and law and business.<sup>43</sup>

The strategic plan set five broad goals to achieve its core vision:

- 1) create a new model of legal education that combines an outstanding comprehensive legal education with the development of "arcs to excellence" to prepare students for legal careers in fields of their choosing;
- 2) emphasize growth in four strategic substantive areas of law while maintaining the Law School's commitment in those areas for which it has been, and continues to be, highly regarded;
- 3) recruit a truly diverse faculty and student body;
- 4) engage alumni and friends of the Law School as full partners in building the Law School's future; and
- 5) transition the Law School to financial independence.<sup>44</sup>

In pursuing the first goal, focused on the curriculum, the Law School expanded the number of concentrations it offers.<sup>45</sup> It now has eleven: Business Law, Civil Litigation, Criminal Law, Environmental & Energy Law, Family Law, Health Law & Bioethics, Human Rights Law, Immigration Law, Intellectual Property & Technology Law, International Law, and Labor & Employment Law.<sup>46</sup> The Law School also expanded the already large number of clinics<sup>47</sup>—it now has twenty-four.<sup>48</sup> Enrollment

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41. *Generations*, UNIV. MINN. LAW SCH. (2015), [https://www.law.umn.edu/sites/law.umn.edu/files/generations\\_success\\_brochure\\_10.16.15.pdf](https://www.law.umn.edu/sites/law.umn.edu/files/generations_success_brochure_10.16.15.pdf).

42. *See supra* note 10 and accompanying text.

43. STRATEGIC PLAN, *supra* note 40, at 1.

44. *Id.* at 1–2.

45. Fittingly, International Law was one of the concentrations added under Dean Wippman. *See id.* at 6 (describing "[o]ffering a concentration in international law" as a goal).

46. *Concentrations*, UNIV. MINN. LAW SCH., <https://www.law.umn.edu/academics/concentrations> (last visited Feb. 10, 2018).

47. *See New Course, Expanded Clinics on Environment*, PERSPECTIVES, Fall 2010, at 4, 4.

48. *Clinics*, UNIV. MINN. LAW SCH., <https://www.law.umn.edu/academics/experiential-learning/clinics> (last visited Feb. 10, 2018).

in the Law School's LL.M. program for students from other countries significantly increased,<sup>49</sup> and LL.M. degrees in Business Law<sup>50</sup> and Patent Law<sup>51</sup> were added. Finally, several other new degree options were added, including a Doctor of Judicial Science<sup>52</sup> and a Master of Science in Patent Law.<sup>53</sup>

As part of the arc of helping students prepare for and transition into legal careers, Dean Wippman focused significant attention on improving services offered by the Law School's Career Center.<sup>54</sup> As a result, a recent survey of law students about their experiences showed that career services had gone from being a point of serious concern to being a notable strength of the Law School. In 2016, the faculty approved a statement of the learning outcomes expected for graduates, reflecting the ongoing emphasis on improving the model of legal education.<sup>55</sup> The statement identified five core categories of learning outcomes, specifying that students will be able to:

1. Identify, research, and analyze legal issues;
2. Communicate orally and in writing;
3. Provide client-oriented legal service;
4. Collaborate; and
5. Conduct themselves professionally and ethically.<sup>56</sup>

Ongoing study will survey the curriculum and identify areas where it could better promote these outcomes.

Significant new resources for improving the program of legal education, with a particular focus on the four substantive areas identified in the strategic plan—international and comparative

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49. LL.M. enrollment increased from thirty-four students in 2009 to fifty-three in 2015. *2015 Commencement Exercises: Embracing the Future*, PERSPECTIVES, Fall 2015, at 6, 6; *Commencement of Life in Law for Class of 2009*, PERSPECTIVES, Fall 2010, at 6, 6.

50. *LL.M. Program*, UNIV. MINN. LAW SCH., <https://www.law.umn.edu/academics/degree-programs/llm-program> (last visited Feb. 10, 2018).

51. *History*, MINN. LAW, *supra* note 9; *LL.M. in Patent Law*, UNIV. MINN. LAW SCH., <https://www.law.umn.edu/academics/degree-programs/llm-patent-law> (last visited Feb. 10, 2018).

52. *See Doctor of Judicial Science (S.J.D.)*, UNIV. MINN. LAW SCH., <https://www.law.umn.edu/academics/degree-programs/doctor-juridical-science-sjd> (last visited Feb. 10, 2018).

53. *See M.S.P.L. Program*, UNIV. MINN. LAW SCH., <https://www.law.umn.edu/academics/degree-programs/mspl-program> (last visited Feb. 10, 2018).

54. *See STRATEGIC PLAN*, *supra* note 40, at 4 (making it a priority to “strengthen career counseling”).

55. *Learning Outcomes for the JD Program*, UNIV. MINN. LAW SCH. (May 5, 2016), [https://www.law.umn.edu/sites/law.umn.edu/files/learning\\_outcomes\\_as\\_approved\\_by\\_faculty\\_5.5.16.pdf](https://www.law.umn.edu/sites/law.umn.edu/files/learning_outcomes_as_approved_by_faculty_5.5.16.pdf).

56. *Id.*

law; law, science, and technology; criminal justice; and law and business—came through generous support from the Robina Foundation. The gift to the Law School from the Robina Foundation was extensive but also required a sustained engagement with the unusual trust established by Law School alumnus and supporter Jim Binger.<sup>57</sup> Mr. Binger graduated from St. Paul Academy in 1934, from Yale University in 1938, and completed his LL.B. from the University of Minnesota Law School in 1941.<sup>58</sup> He was a dedicated but quiet philanthropist whose commitments to a variety of social justice causes shaped the Twin Cities throughout his lifetime.<sup>59</sup> In 2004, he established the Robina Foundation<sup>60</sup> as a private grant-making foundation and named the Law School as one of the four named recipients.<sup>61</sup> The goal of the foundation is to “positively impact critical social issues by encouraging innovation and financially supporting transformative projects of its four institutional partners.”<sup>62</sup> The Robina Foundation and its work with the Law School is one of the abiding legacies of Dean Wippman’s tenure, thanks to the deep relationship of mutual respect and engagement between the Robina Foundation and the Dean. Dean Wippman’s capacity to engage precisely the range of social issues that were central to Jim Binger’s vision was extraordinarily fortuitous for the Law School at a critical juncture in its development of the strategic plan.

The Dean’s engagement with those social issues resulted in a number of major gifts furnished to the Law School. They included the establishment of the Robina Institute in 2011,<sup>63</sup> augmented by further support in 2013.<sup>64</sup> The gifts made it possible

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57. See generally *Founder: James H. Binger, 1916–2004*, ROBINA FOUND., <http://www.robinafoundation.org/founder.php> (last visited Apr. 18, 2018) (describing Jim Binger’s accomplishments and pursuits).

58. *Id.*

59. *Id.*

60. *Id.*

61. *Mission Statement*, ROBINA FOUND., <http://www.robinafoundation.org/mission.php> (last visited Apr. 18, 2018). The recipients are: Abbott Northwestern Hospital, Minneapolis, MN; The Council on Foreign Relations, New York, NY; University of Minnesota Law School, Minneapolis, MN; and Yale University, New Haven, CT. *Id.*

62. *Id.*

63. *About*, UNIV. MINN. LAW SCH.: ROBINA INST. CRIMINAL LAW & CRIMINAL JUSTICE, <https://robainstitute.umn.edu/about> (last visited Apr. 18, 2018).

64. *Robina Foundation Pledges \$9 Million to University of Minnesota Law School*, ROBINA FOUND. (May 30, 2013), <http://www.robinafoundation.org/news/2013-05-30.php> [hereinafter *2013 Pledge*].

for the Law School faculty, who were collectively known nationally and internationally for their research on criminal sentencing in the United States, to expand the scope of their work to address the effects of sentencing policy on public safety, sentencing proportionality, racial and ethnic disparities, and imprisonment rates.<sup>65</sup> The creation of the Institute also made it possible to deepen and augment the faculty and to bring a new generation of scholars to the Law School. To that end, Dean Wippman was able to hire Professor Antony Duff, the world's leading theorist of criminal law to the faculty from his long-established academic home in Stirling, Scotland.<sup>66</sup> In addition, two younger faculty members were appointed to tenure track positions: Dr. Francis Shen, an expert on the intersection of criminal law with neurobiology and neuroscience,<sup>67</sup> and Dr. Neha Jain, an expert in international criminal law.<sup>68</sup>

Additionally, in May 2013, the Robina Institute pledged nine million dollars to support the creation of the University of Minnesota Law School Center for New Americans (CNA), as well as to provide further support for the Robina Institute.<sup>69</sup> The vision for CNA was crafted by Dean Wippman in close consultation with faculty, local law firms committed to justice and equality for new Americans, and a group of world-leading nongovernmental organizations based in the Twin Cities. The CNA is a hybrid entity of very unusual character and capacity, melding together the very best of academic and scholarly insights from immigration, asylum, and migration law—long a strength of the Law School—leveraging and bringing together the leading clinical practice of the Law School with the pro bono willingness of big firms and The Advocates for Human Rights to work toward

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65. See, e.g., *Our Faculty: Michael Tonry*, UNIV. MINN. LAW SCH., <https://www.law.umn.edu/profiles/michael-tonry> (last visited Apr. 18, 2018) (describing research regarding sentencing and race). Faculty already at the Law School as this program began included Michael Tonry, Richard Frase, Kevin Reitz, and Barry Feld. See *id.*; see also *Our Faculty: Richard Frase*, UNIV. MINN. LAW SCH., <https://www.law.umn.edu/profiles/richard-frase> (last visited Apr. 18, 2018); *Our Faculty: Kevin Reitz*, UNIV. MINN. LAW SCH., <https://www.law.umn.edu/profiles/kevin-reitz> (last visited Apr. 18, 2018); *Our Faculty: Barry Feld*, UNIV. MINN. LAW SCH., <https://www.law.umn.edu/profiles/barry-feld> (last visited Apr. 18, 2018).

66. See *infra* notes 90–91 and accompanying text.

67. See *infra* notes 98–100 and accompanying text.

68. See *infra* notes 96–97 and accompanying text.

69. *2013 Pledge*, *supra* note 64; UNIV. MINN. LAW SCH.: JAMES H. BINGER CTR. FOR NEW AMS., <https://www.law.umn.edu/james-h-binger-center-new-americans> (last visited Apr. 18, 2018).

shared goals.<sup>70</sup> Dean Wippman noted at the time of the gift announcement that “[t]he new immigration law center underscores the mission of the Law School’s clinics to address pressing societal needs.”<sup>71</sup>

In addition to working with the Robina Foundation, Dean Wippman had success building on existing fundraising structures and establishing new ones. Fundraising was an essential element in the goal of achieving financial independence. The national collapse in the number of students attending law schools set back that goal,<sup>72</sup> but the Dean’s success in fundraising helped limit the impact of that national trend. Upon his arrival at the Law School, the Dean was acutely aware that the model of fundraising at the Law School was in need of review and revision. As a public law school that is part of a large public land grant research university, there was a deepening awareness that public funds would be limited in the future by the Minnesota legislature’s public funding constraints, so a new approach was required.<sup>73</sup> In particular, engaging the Law School alumni, for whom the costs of law school had been significantly less than the current generation, was an urgent priority.<sup>74</sup> From the Dean’s insight into the need for financial self-sufficiency came the Generations Campaign.<sup>75</sup> The Campaign was an exceptional, multi-pronged endeavor that engaged students, faculty, alumni, and key stakeholders across the University and the state in the success of the Law School. The Campaign had three primary goals: “Build and sustain an excellent faculty, lead the field in curricular innovation and teaching, and attract and support the most talented students from across the country.”<sup>76</sup>

Dean Wippman was energetic and deeply committed to the success of the campaign. It was supported by a strong team that he had nurtured in the Law School’s Office of Advancement, and

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70. *People and Partners*, UNIV. MINN. LAW SCH.: JAMES H. BINGER CTR. FOR NEW AMS., <https://www.law.umn.edu/james-h-binger-center-new-americans/people-and-partners> (last visited Apr. 18, 2018).

71. *2013 Pledge*, *supra* note 64.

72. See Olson & Segal, *supra* note 5.

73. See Editorial, *Minnesota Legislature Skimps on Higher-Ed Funding*, STAR TRIB. (Apr. 12, 2017), <http://www.startribune.com/mn-legislature-skimps-on-higher-ed-funding/419316514>.

74. See Jenna Ross, *U Graduate Students in Line for Big Tuition Hike*, STAR TRIB., June 22, 2009, at A1; Jenna Ross, *Regents, Students Like University of Minnesota Tuition Relief*, STAR TRIB. (June 5, 2013), <http://www.startribune.com/regents-students-like-university-of-minnesota-tuition-relief/210339591>.

75. GENERATIONS, *supra* note 41, at 3.

76. *Id.* at 2.

ably partnered with the Campaign's cabinet, led by the Dean's former Edina High School classmate and friend Bruce Mooty.<sup>77</sup> In a climate that might not have been the most supportive, the Dean was effective in convincing many people and organizations that the success of the Law School was vital. The Generations Campaign exceeded its goals, and in the process built a stronger and deeper community at the Law School. The final amount raised was over seventy-three million dollars, reached in June 2015.<sup>78</sup> The Campaign netted nearly 4600 contributors, which included one hundred percent contribution by faculty, demonstrating the deep commitment of the scholars and teachers to the mission of the Law School.<sup>79</sup> These impressive numbers, though, do not fully capture the totality of the Campaign's achievement; it also prompted a deeper culture of philanthropy and engagement in the Law School, including the encouragement of giving from each graduating classes from the Law School.

### III. EXPANSION, THEN RETRENCHMENT, OF THE FACULTY

Dean Wippman not only strived to ensure the Law School thrived financially but also academically. When Dean Wippman arrived, the Law School was in the midst of a vigorous expansion of its faculty. As noted above, the third goal in the Law School's strategic plan was to recruit a diverse faculty and student body, and the second goal was to emphasize growth in four areas of the law.<sup>80</sup> Guided by the goals of the strategic plan, Dean Wippman continued the expansion of the faculty for the first part of his deanship, adding a number of highly distinguished faculty members. In 2009, the first year of hiring under the new dean, the Law School added four new faculty members:

Herbert Kritzer, with a Ph.D. in Political Science from the University of North Carolina at Chapel Hill, is one of the leading figures in Law and Society and empirical research.<sup>81</sup> He focuses on empirical studies of the legal profession.<sup>82</sup>

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77. *Id.* at 3.

78. *Id.* at 8.

79. *Id.* at 2, 8. The *Generations* Campaign resulted in \$13,456,496 for scholarships; \$21,165,664 for strategic initiatives; and \$38,595,250 for core support. *Id.* at 3.

80. STRATEGIC PLAN, *supra* note 40, at 1.

81. *Our Faculty: Herbert M. Kritzer*, UNIV. MINN. LAW SCH., <https://www.law.umn.edu/profiles/herbert-m-kritzer> (last visited Apr. 18, 2018).

82. *Id.*

Amy Monahan teaches and writes on taxation and employee benefits.<sup>83</sup> During the implementation of the Affordable Care Act, she became a member of the Institute of Medicine's Committee on the Determination of Essential Health Benefits, which helped develop guidelines for determining what benefits must be provided under the Act.<sup>84</sup>

Jennie Green was hired to create and run the Human Rights Litigation and International Advocacy Clinic.<sup>85</sup> She has worked on human rights cases in U.S. courts since 1990.<sup>86</sup>

John Borrows was hired as part of the Robina Foundation's set of initiatives, described above. He was the first holder of the Robina Chair in Law and Society. Borrows is Canadian, and a leading scholar on indigenous law.<sup>87</sup>

In 2010, the Law School brought in two new faculty members:

Hari Osofsky has a Ph.D. in Geography from the University of Oregon, an unusual background for a law professor.<sup>88</sup> Her research draws on concepts from geography to analyze topics in environmental and international law.<sup>89</sup>

Antony Duff is one of the world's leading experts on the philosophy of criminal law and punishment.<sup>90</sup> He joined the faculty after a distinguished career in the Department of Philosophy at the University of Stirling in Scotland.<sup>91</sup>

In 2011 and 2012, the Law School faculty brought in a wave of new young scholars, hiring four new professors from the entry-level market and a new clinical professor:

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83. *Our Faculty: Amy B. Monahan*, UNIV. MINN. LAW SCH., <https://www.law.umn.edu/profiles/amy-b-monahan> (last visited Apr. 18, 2018).

84. *Id.*

85. *Our Faculty: Jennie Green*, UNIV. MINN. LAW SCH., <https://www.law.umn.edu/profiles/jennie-green> (last visited Apr. 18, 2018).

86. *Id.*

87. *Faculty Directory: John Borrows*, UNIV. VICTORIA LAW SCH., <https://www.uvic.ca/law/facultystaff/facultydirectory/borrows.php> (last visited Apr. 18, 2018). Family circumstances have since forced Professor Borrows to return to Canada.

88. *Faculty: Hari M. Osofsky*, PA. STATE LAW SCH., <https://pennstatelaw.psu.edu/faculty/osofsky> (last visited Apr. 18, 2018).

89. *Id.* Professor Osofsky recently left Minnesota to become the Dean at the Pennsylvania State University School of Law and School of International Affairs. *Id.*

90. *Our Faculty: Antony Duff*, UNIV. MINN. LAW SCH., <https://www.law.umn.edu/profiles/antony-duff> (last visited Apr. 18, 2018). Professor Duff has since retired.

91. *Id.*

Jessica Clarke writes on topics of equity, diversity, and inclusion, and has already been published in many of the nation's leading law reviews.<sup>92</sup> She teaches Constitutional Law, Civil Procedure, and Employment Discrimination.<sup>93</sup>

Christopher Roberts writes on human rights, international law, and legal history.<sup>94</sup> He has a Ph.D. in Public Policy and Sociology from the University of Michigan, and his first book won the Gordon Hirabayashi Human Rights Book Award.<sup>95</sup>

Neha Jain writes on public international law, criminal law, and comparative law.<sup>96</sup> She has a D.Phil in Law from Oxford University and an LL.B. from the National Law School of India University.<sup>97</sup>

Francis Shen undertakes interdisciplinary empirical research in a wide variety of areas.<sup>98</sup> He is a particular expert in law and neuroscience, but also does research in political science and education.<sup>99</sup> He has a Ph.D. in Government and Social Policy from Harvard University and the Kennedy School of Government.<sup>100</sup>

Mark Kappelhoff was hired to run the Law School's Criminal Justice and Misdemeanor Prosecution Clinics.<sup>101</sup> Before that, he was Deputy Assistant Attorney General of the Civil Rights Division at the U.S. Department of Justice.<sup>102</sup>

Dean Wippman's final hires in 2013 and 2014 came as the financial environment for law schools around the country had tight-

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92. *Our Faculty: Jessica Clarke*, UNIV. MINN. LAW SCH., <https://www.law.umn.edu/profiles/jessica-clarke> (last visited Apr. 18, 2018). In April 2018, Professor Clarke announced she accepted an appointment at Vanderbilt University Law School.

93. *Id.*

94. *Our Faculty: Christopher Roberts*, UNIV. MINN. LAW SCH., <https://www.law.umn.edu/profiles/christopher-roberts> (last visited Apr. 18, 2018).

95. *Id.*

96. *Our Faculty: Neha Jain*, UNIV. MINN. LAW SCH., <https://www.law.umn.edu/profiles/neha-jain> (last visited Apr. 18, 2018).

97. *Id.*

98. *Our Faculty: Francis Shen*, UNIV. MINN. LAW SCH., <https://www.law.umn.edu/profiles/francis-shen> (last visited Apr. 18, 2018).

99. *Id.*

100. *Id.*

101. *Our Faculty: Mark Kappelhoff*, UNIV. MINN. LAW SCH., <https://www.law.umn.edu/profiles/mark-kappelhoff> (last visited Apr. 18, 2018).

102. *Judicial Directory: Judge Mark Kappelhoff*, MINN. JUDICIAL BRANCH, <http://www.mncourts.gov/About-The-Courts/Overview/JudicialDirectory/Bio.aspx?id=575> (last visited Apr. 18, 2018). Professor Kappelhoff was appointed as a trial court judge in Minnesota's Fourth Judicial District (Hennepin County) by Governor Mark Dayton in July 2016. *Id.*

ened severely, and were possible only because of the Dean's success in raising funds for two new endowed chairs.<sup>103</sup>

June Carbone was hired as the Robina Chair in Law, Science, and Technology, which as the name suggests, is another fruit of the Robina Foundation funding.<sup>104</sup> She is an expert in family, assisted reproduction, property, and bioethics.<sup>105</sup> Her two books with Naomi Cahn, *Red Families v. Blue Families: Legal Polarization and the Creation of Culture* and *Marriage Markets: How Inequality Is Remaking the American Family*, have been widely read and discussed.<sup>106</sup>

Paul Vaaler is the first holder of the John and Bruce Mooty Chair in Law and Business.<sup>107</sup> He has a Ph.D. in Strategic Management from the University of Minnesota.<sup>108</sup> Vaaler was already a professor at the University's Carlson School of Management before receiving the Mooty Chair; he now splits his time between the Carlson School and the Law School.<sup>109</sup>

This was a remarkably strong and diverse range of hires. These thirteen scholars covered a wide range of fields. Nine of them contributed significantly in one or more of the four substantive fields identified as priorities in the strategic plan: international law (Professors Green, Roberts and Jain); law, science, and technology (Professors Osofsky and Carbone); criminal law (Professors Duff, Jain and Kappelhoff); and business law (Professors Monahan and Vaaler). Some were entry-level scholars in their first tenure-track jobs, and others were senior scholars who already had illustrious careers before arriving at the Law School. Many are interdisciplinary researchers with serious training in fields other than law—six of them has earned a Ph.D. or D.Phil. degree, mostly in other fields. Six of the thirteen were women, and five were persons of color, thus addressing the critical strategic planning goal of increased faculty diversity.

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103. See generally Burl Gilyard, *The Legal Market Is Changing. Can Minnesota's Law Schools Adapt?*, MINNPOST (June 20, 2016), <https://www.minnpost.com/twin-cities-business/2016/06/legal-market-changing-can-minnesota-s-law-schools-adapt> (describing the financial environment for law schools and the Law School's efforts to raise funds).

104. *Our Faculty: June Carbone*, UNIV. MINN. LAW SCH., <https://www.law.umn.edu/profiles/june-carbone> (last visited Apr. 18, 2018).

105. *Id.*

106. *Id.*

107. *Our Faculty: Paul Vaaler*, UNIV. MINN. LAW SCH., <https://www.law.umn.edu/profiles/paul-vaaler> (last visited Apr. 18, 2018).

108. *Id.*

109. *Id.*

In the final few years of Dean Wippman's term, the declining enrollment in legal education caught up with Minnesota, and the Dean's task became finding an equilibrium level of staffing that preserved the scholarly and educational excellence of the Law School while facing up to the reality of a new financial environment.<sup>110</sup> That presented the Dean with a far less desirable task, but he handled the new realities with skill and prudence. He saw that the faculty could not continue to expand, and he resisted the natural tendency of the faculty to want to continue hiring. He found ways to reduce the size of the faculty to a more sustainable level, and maintained quality and morale through the worst of the general downturn.<sup>111</sup> Those efforts are less glamorous, but they present a harder challenge to genuine leadership. Dean Wippman met the challenge admirably.

#### IV. THE INSTITUTIONAL ENVIRONMENT

Finally, a law school is not just a combination of finances and academics; there are also the social and community dynamics of the school. A big part of a dean's job is to provide leadership for the various constituencies who must work together to make a great law school. During his time as dean, faculty, alumni, students, staff, and leaders across the University all looked to Dean Wippman to represent the Law School, articulate its values, and create an environment where all can contribute and thrive.

Dean Wippman excelled at this part of the job. He embodied an ethic of commitment and competence. He showed his Minnesota roots. A dean must make many speeches at public events, and in his talks, Dean Wippman was always calm, self-effacing, and strikingly funny, in a dry and understated but very witty way. To our knowledge no one ever called him Deadpan Wippman, but it would have been a fitting nickname. In person Dean Wippman was no different from that public persona. His quiet Minnesotan humility helped build ties with many alumni, students, and staff.

Dean Wippman was a responsive and considerate leader. When he arrived, Dean Wippman hired two strong women to play central roles in helping administer the Law School, Patrice Schaus as Associate Dean of Administration and Finance and

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110. See *supra* note 103 and accompanying text.

111. Josh Verges, *UMN Law School Losses Expected to Total \$16M by 2018*, PIONEER PRESS (Feb. 11, 2016), <https://www.twincities.com/2016/02/11/umn-law-school-losses-expected-to-total-16m-by-2018> (describing how Dean Wippman reduced the size of the faculty).

Nora Klaphake as Chief of Staff.<sup>112</sup> Nonetheless, during the early years of his administration, University surveys of staff showed some dissatisfaction. Dean Wippman worked hard with his leadership to identify and fix the causes, and within a few years, those surveys showed much improvement.<sup>113</sup>

A central but unheralded dimension of the Dean's success was his capacity for relationship building across the University. In a quiet and unassuming way, the Dean was a leader and provided a model for calm, determined management to his peers and to the University as a whole. The financial challenges of the Law School mandated close and engaged relationships with the central University, the Provost, the President, and the Board of Regents.<sup>114</sup> Dean Wippman developed important and close relationships with Provost Tom Sullivan<sup>115</sup> and Provost Karen Hanson.<sup>116</sup> The support of President Bruininks<sup>117</sup> and President Kaler<sup>118</sup> and the Board of Regents was crucial as the Law School faced the challenges of falling enrollment and the buffeting of the kinds of change for law schools across the country. The support of the central University, enabled by the kind of relationship building at which the Dean excelled, was absolutely necessary to enable the long-term sustainability vision that drove Dean Wippman to secure the present and the future of the Law School. The Dean was clear that the University of Minnesota Law School was a nationally and internationally recognized law school, and the maintenance of that vision was central to long-term success and security. It was also central to the identity of the Law School's alumni and incoming students. Sharing that vision across the University was an important and enduring success.

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112. *Orientation for the Class of 2014*, PERSPECTIVES, Fall 2011, at 8.

113. Faculty and student surveys are collected bi-yearly.

114. See Tim Post, *U of M Law School Prepares for Loss of All State Funding*, MPR NEWS (May 17, 2011), <https://www.mprnews.org/story/2011/05/16/law-school-independent>.

115. *Biography of President E. Thomas Sullivan*, UNIV. VT.: OFFICE OF THE PRESIDENT, [https://www.uvm.edu/president/?Page=about/biography\\_sullivan.html](https://www.uvm.edu/president/?Page=about/biography_sullivan.html) (last visited Apr. 18, 2018).

116. *Meet Karen Hanson*, UNIV. MINN.: OFFICE OF THE EXECUTIVE VICE PRESIDENT AND PROVOST, <https://provost.umn.edu/karen-hanson> (last visited Apr. 18, 2018).

117. *Robert H. Bruininks*, UNIV. MINN.: OFFICE OF THE PRESIDENT, <https://president.umn.edu/about/presidential-history/robert-h-bruininks> (last visited Apr. 18, 2018).

118. *About President Kaler*, UNIV. MINN.: OFFICE OF THE PRESIDENT, <https://president.umn.edu/about-president-kaler> (last visited Apr. 18, 2018).

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At the heart of Dean Wippman's time as dean was his commitment to students. Throughout his deanship Dean Wippman taught a 1L class: International Law.<sup>119</sup> He was admired and much appreciated as a teacher. His biting wit, his melding of real-life experience as a litigator and public servant, and his insightful scholarly approach were always a hit in the classroom. Students recognized him as accessible, articulate, and on their side. He continued to produce scholarly work as Dean<sup>120</sup> and had a number of close and mentoring relationships with research assistants. He pioneered a state of the law school address to students each year, bringing the student body into regular contact with his vision of the Law School. He encouraged students to express their point of view either face-to-face in his office or by articulating their ideas, worries, hopes, and fears in meetings and public forums.

#### CONCLUSION

Dean Wippman epitomizes the best of the scholar, teacher and public servant. His scholarly background illustrates his wide intellectual pursuits and interests. His career practicing law demonstrated a deep independent streak and a willingness to step outside the well-trod path to take risks and follow one's passion in law and in life. As an international law scholar, Dean Wippman was never narrow in his focus, and took on hard and challenging subjects in places where there were few obvious answers. His leadership style was an extraordinarily good fit for the Law School. His calm, thoughtful posture at a time of great challenge steadied students, faculty, and alumni alike. Dean Wippman provided the best kind of leadership in challenging times, and seemed to do so effortlessly and with steady resilience and good humor throughout. His colleagues, family, and friends in Minnesota miss him greatly, but we are confident that he exercises the same kind of thoughtful, steadfast, and integrated leadership in his new role at Hamilton College.

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119. *Our Faculty: David Wippman*, UNIV. MINN. LAW SCH., <https://www.law.umn.edu/profiles/david-wippman> (last visited Feb. 15, 2018).

120. *Id.*